

Tuesday  
May 19, 1992

# Federal Register

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### 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:** June 4, 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

### BOSTON, MA

- WHEN:** May 27, at 9:00 a.m.
- WHERE:** Room 419  
Barnes Federal Building  
495 Summer Street  
Boston, MA
- RESERVATIONS:** Call the Federal Information Center, 1-800-347-1997

### CHICAGO, IL

- WHEN:** June 16; 9:00 a.m.
- WHERE:** Room 328  
Ralph H. Metcalfe Federal Building  
77 W. Jackson  
Chicago, IL
- RESERVATIONS:** Call the Federal Information Center, 1-800-366-2998

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# U.S. Constitution

## Amendment 27

### ARCHIVIST OF THE UNITED STATES UNITED STATES OF AMERICA

#### CERTIFICATION OF AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATING TO COMPENSATION OF MEMBERS OF CONGRESS

*To All To Whom These Presents Shall Come, Greeting:*

KNOW YE, That the first Congress of the United States, at its first session, held in New York, New York, on the twenty-fifth day of September, in the year one thousand seven hundred and eighty-nine, passed the following resolution to amend the Constitution of the United States of America, in the following words and figures in part, to wit:

The Conventions of a number of the States having at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And as extending the ground of public confidence in the Government will best ensure the beneficent ends of its institution;

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following Articles be proposed to the Legislatures of the several States, as Amendments to the Constitution of the United States, all or any of which Articles, when ratified by three fourths of the said Legislatures, to be valid to all intents and purposes, as part of the said Constitution, viz.:

Articles in addition to, and amendment of, the  
 Constitution of the United States of America,  
 proposed by Congress and ratified by the  
 Legislatures of the several States, pursuant to the  
 fifth Article of the original Constitution.

\* \* \* \* \*

Article the Second . . . No law, varying the  
 compensation for the services of the Senators and  
 Representatives, shall take effect, until an  
 election of Representatives shall have intervened.

\* \* \* \* \*

And, further, that Section 106b, Title 1 of the United States Code provides that whenever official notice is received at the National Archives and Records Administration that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Archivist of the United States shall forthwith cause the amendment to be published, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

And, further, that it appears from official documents on file in the National Archives of the United States that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

And, further, that the States whose Legislatures have so ratified the said proposed Amendment constitute the requisite three fourths of the whole number of States in the United States.

NOW, Therefore, be it known that I, Don W. Wilson, Archivist of the United States, by virtue and in pursuance of Section 106b, Title 1 of the United States Code, do hereby certify that the aforesaid Amendment has become valid, to all intents and purposes, as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the National Archives and Records Administration to be affixed.

DONE at the City of Washington this 18th day of May in the year of our Lord one thousand nine hundred and ninety-two.

DON W. WILSON

The foregoing was signed in my presence on this 18 day of May, 1992.

MARTHA L. GIRARD

# Rules and Regulations

Federal Register

Vol. 57, No. 97

Tuesday, May 19, 1992

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

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

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 733

RIN 3206-AE98

### Political Activity of Federal Employees

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rule.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing a final regulation on the political activity of the federally employed residents of Calvert County, Maryland. The regulation grants these Federal employees a partial exemption from the political activity prohibitions of the Hatch Act.

**EFFECTIVE DATE:** June 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Vernon B. Parker at (202) 606-1700 [FTS 266-1700].

**SUPPLEMENTARY INFORMATION:** The Hatch Act, at 5 U.S.C. 7324 *et seq.*, controls the political activity of Federal employees, employees of the United States Postal Service, and individuals employed by the District of Columbia. Section 7324 of title 5, United States Code, generally prohibits Federal employees from taking an active part in partisan political management and partisan political campaigns.

However, section 7327 of title 5 authorizes OPM to prescribe regulations permitting certain Federal employees to be active politically to the extent OPM considers it to be in their domestic interest. Under the authority of 5 U.S.C. 7327, OPM may allow Federal employees to participate in political campaigns involving the municipality or political subdivision in which they reside when two conditions relevant to the current request for exemption exist. One condition is met if the municipality or political subdivision is in Maryland

or Virginia and is in the immediate vicinity of the District of Columbia. The second condition is met if OPM determines that, because of special or unusual circumstances, the domestic interest of the employees is served by permitting their political participation in accordance with regulations prescribed by OPM.

In regulations at 5 CFR 733.123(b), OPM has designated municipalities and political subdivisions in which Federal employees may participate in local partisan elections. At 5 CFR 733.124(c), OPM has established the following limitations on political participation by employees residing in these designated municipalities and subdivisions:

(1) Participation in politics shall be as an independent candidate or on behalf of, or in opposition to, an independent candidate.

(2) Candidacy for, and service in, a local elective office shall not result in neglect of, or interference with, the performance of the duties of the employee or create a conflict or apparent conflict of interest.

On August 7, 1991, OPM published a proposed regulation (56 FR 37480) to grant the federally employed residents of Calvert County, Maryland, a partial exemption from the Hatch Act. The comment period, which was 60 days from the date of publication, ended on October 7, 1991. In addition, OPM published the notice of proposed rulemaking in the September 25, 1991, editions of the Calvert Independent and the Calvert County Recorder.

No comments were submitted concerning this proposal.

OPM has concluded that there is no reason to withdraw its proposal to grant a partial exemption from the Hatch Act to the federally employed residents of Calvert County, Maryland. Therefore, OPM is amending 5 CFR 733.124(b) by adding Calvert County to the list of designated Maryland municipalities and political subdivisions in which Federal Government employees may participate in connection with independent candidates in local elections. The addition of Calvert County is listed after Brentwood and before Capitol Heights, Maryland.

A copy of this notice will be published in local newspapers serving Calvert County.

## Executive Order 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the change will affect only employees of the Federal Government.

### List of Subjects in 5 CFR Part 733

Political activities (Government employees).

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, the Office of Personnel Management is amending 5 CFR part 733 as follows:

## PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

1. The authority citation for Part 733 continues to read as follows:

**Authority:** 5 U.S.C. 3301, 3302, 7301, 7321, 7322, 7323, 7324, 7325, and 7327; Reorganization Plan No. 2 of 1978, 3 CFR 1978 Comp. p. 323; and E.O. 1217, 3 CFR 1978 Comp. p. 264, unless otherwise noted.

2. Section 733.124(b) is amended by adding "Calvert County" alphabetically to the list of designated Maryland municipalities and political subdivisions to read as follows:

**§ 733.124 Political management and political campaigning; exception of certain elections.**

\* \* \* \* \*

(b) \* \* \*

In Maryland

\* \* \* \* \*

Calvert County

\* \* \* \* \*

[FR Doc. 92-11629 Filed 5-18-92; 8:45 am]

BILLING CODE 6325-01-M

## 5 CFR Part 890

RIN 3206-AD55

### Federal Employees Health Benefits Program; Miscellaneous Changes

**AGENCY:** Office of Personnel Management.

**ACTION:** Final rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) is issuing final regulations which implement a number of miscellaneous changes to the Federal Employees Health Benefits (FEHB) Program regulations. The regulations will improve the administration of the FEHB Program and result in better service to enrollees.

**EFFECTIVE DATE:** June 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Abby L. Block, (202) 606-0191.

**SUPPLEMENTARY INFORMATION:** On March 27, 1991, OPM issued proposed regulations in the *Federal Register* (56 FR 12676) to establish an earlier effective date for health benefits coverage for former spouses entitled to health benefits under the Civil Service Retirement Spouse Equity Act; clarify the application timeframes for former spouses; and publish for the first time OPM's policy with regard to certain survivor eligibility requirements. We also proposed a number of other changes that will enhance the administration of the FEHB Program and result in better service to enrollees.

We received comments from one nurses' association and two private individuals in favor of the regulations. One offered two suggestions for OPM's consideration. The commenter recommended that OPM expand the opportunities to enroll in the FEHB Program to allow employees covered under CHAMPUS to enroll if the employee and the spouse on active duty move to an area where there are no military hospitals or clinics. The respondent cites problems of finding hospitals, doctors, and clinics that will process CHAMPUS claims or, in the alternative, paying for treatment received and waiting for reimbursement from CHAMPUS as reasons for offering an opportunity to enroll. We have decided against this suggestion because, while obtaining service and reimbursement from CHAMPUS may be inconvenient (a problem more appropriately addressed by CHAMPUS than the FEHB Program), the employees are not without health coverage. The primary purpose for offering opportunities to enroll in the FEHB Program outside of open season is to ensure continuation of health coverage for Federal enrollees and their family members who lose coverage and are left without any form of health insurance. For individuals who merely wish to change to a different type of coverage (i.e., from CHAMPUS to FEHB), the FEHB open season is available on an annual basis.

The commenter also recommended that OPM devise a method to inform a spouse when a Federal employee changes to self-only coverage. Such a practice would help dependents who are separated from the enrollee and have no way of knowing that they have been dropped from the FEHB coverage. We are aware of the problems dependents face in such situations. However, the Privacy Act prohibits Federal agencies from releasing enrollee information to any person without the enrollee's prior consent (for each disclosure), unless the information is for a "routine use" or is specifically authorized by the Privacy Act. Consequently, we are unable to adopt the commenter's suggestion.

We have made a clarifying change to the regulations that we believe will be helpful to the agencies. Section 890.301(h) of the proposed rule permits an enrollee in a comprehensive medical plan to register to change enrollment upon a pending move outside the plan's service area if he or she presents written notification to the employing office of the impending change of address for pay or annuity purposes. Previously, the individual could register for another plan only after the move. This resulted in a gap in coverage for non-emergency services because the effective date of the enrollment in the new plan is the first day of the first pay period that begins after the health benefits registration form is received by the employing office. Nevertheless, we recognize that an employee's or annuitant's check may be mailed to a financial institution and that the check address may not change. Therefore, we have amended the final rule to provide that the employee's or annuitant's written notification to the employing office of the new address in connection with pay or annuity functions (including tax withholding forms W-4 and W-4P and Thrift Savings Plan information) will be sufficient proof that the move is imminent. Accordingly, at the time the individual notifies the employing office of the desire to change plans because of an impending move, the employing office will obtain, in writing, the new address to which official tax information, Thrift Savings Plan, and other payroll or annuity-related information should be mailed.

The enrollee may also change plans if a family member moves out of, or further from, the service area of the plan. Because such a move cannot be linked to the Federal enrollee's pay or annuity, we are giving agencies the discretion to determine what constitutes sufficient evidence of the move. A copy of a child's letter of acceptance to a nonlocal college or a cancelled check

made out to the college for tuition or room and board are examples of acceptable evidence.

We have also made a technical change to the regulations that will: (1) Facilitate agency processing of enrollment forms for individuals who qualify for temporary continuation of FEHB coverage (TCC) under Section 8905a, title 5, United States Code, (2) enable enrollees to receive notice of eligibility to continue coverage at an earlier date, and (3) result in cost savings to government agencies. Section 8905a(c)(2) provides a 60-day time period following the agency's notification of eligibility to enroll in TCC for the individual to submit a written election. Previously, we required that the agency present the notice to the individual in person (the preferred method) or send written notice by certified mail. We had assumed that, to save effort and money, agencies would present the notice to the individual in person at the time he or she leaves the agency. Experience has proven, however, that many agencies are not choosing this option and are mailing the notice. While the certified mail requirement ensures a date of record from which to begin the 60-day countdown, the burden of using certified mail has also created agency delays in mailing the notice and has proven costly to administer. A delay in mailing, in turn, delays receipt and return of the election form by the individual, and submission of the enrollment notice to the carrier. Frequently, well beyond the effective date of the enrollment, the carrier has no record that the individual is enrolled. We have, therefore, amended § 890.1104(d) to eliminate the certified mail requirement. If the agency is unable to give the required notice directly to the eligible individual, it may now notify the individual by first class mail.

As an alternative method of establishing a date of receipt, we will deem the individual to have received the notice 5 days after the date of the notice. In other words, the individual will have 65 days from the date of the notice in which to submit the election form to the employing office. If the individual can show evidence that he or she did not receive the election form within 5 days and, as a result, failed to meet the specified timeframe, the employing office may accept the election as timely filed. The 5-day rule is frequently used in administrative procedure.

In addition to the above changes, we have made a number of minor technical and editorial changes to the regulations.

**Executive Order 12291, Federal Regulation**

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

**Regulatory Flexibility Act**

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they primarily affect Federal employees, annuitants, and former spouses.

**List of Subjects in 5 CFR Part 890**

Administrative practice and procedure, Government employees, Health insurance, Retirement.

U.S. Office of Personnel Management,  
Constance Berry Newman,  
Director.

Accordingly, OPM proposes to amend 5 CFR part 890 as follows:

1. The authority citation for part 890 continues to read as follows:

**Authority:** 5 U.S.C. 8913; § 890.803 also issued under 50 U.S.C. 403p, 22 U.S.C. 4069c and 4069c-1; Subpart L also issued under sec. 599C of Pub. L. 101-513, 104 Stat. 2064.

**PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM**

2. In § 890.301, paragraphs (h), (t) and (x) are revised to read as follows:

**§ 890.301 Opportunities to register to enroll and change enrollment.**

(h) *Move from area served by comprehensive medical plan.* An enrollee in a comprehensive plan who moves outside the service area, or, if already living outside the service area, moves further from the service area, may register to change enrollment upon presenting written notification to the employing office of the change of address in connection with pay or annuity functions (including tax withholding forms W-4 and W-4P and the Thrift Saving Plan). Similarly, if an enrollee's family member(s) move(s) out of the service area, or moves further from the service area, the enrollee may register to change enrollment upon presenting satisfactory evidence of the move to the employing office.

(t) *Loss of medicaid coverage.* An employee who is not enrolled, but is covered by medicaid (State program of medical assistance for the needy), may register to be enrolled within 31 days after termination of medicaid; and an employee who is enrolled for self only may change to a self and family enrollment within 31 days after an

eligible family member loses coverage under medicaid.

(x) *Change to position out of commuting area.* (1) An employee who moves out of the commuting area to accept another position and who loses coverage under a spouse's non-Federal enrollment because the non-federally employed spouse terminates his or her enrollment to accompany the Federal employee, may register to enroll within the period beginning 31 days before the date the Federal employee leaves employment in the old commuting area and ending 180 days after entry on duty at the place of employment in the new commuting area.

(2) An employee who moves out of the commuting area to accept another position and whose spouse loses non-Federal coverage when he or she terminates non-Federal employment to accompany the Federal employee, may change enrollment from self only to self and family within the period beginning 31 days before the date the Federal employee leaves employment in the old commuting area and ending 180 days after entry on duty at the place of employment in the new commuting area.

3. In § 890.303 paragraph (d) is redesignated as paragraph (d)(1) and paragraphs (d)(2) and (d)(3) are added to read as follows:

**§ 890.303 Continuation of enrollment.**

(d)(2) *Employee becomes a survivor annuitant.* (i) If an employee who is entitled to health benefits coverage as a survivor annuitant elects to enroll or to continue to be enrolled under his or her eligibility as an employee, and is thereafter separated without entitlement to continued enrollment based on his or her own service, the employee is entitled to reinstatement of the enrollment as a survivor annuitant on application to the retirement office. Reinstatement as a survivor annuitant is effective on the day after the termination date of the employee-acquired enrollment if the application is received by the retirement office within 60 days of separation; otherwise, reinstatement is effective on the first day of the first day period after receipt of the application. The retirement office shall withhold from the annuity that the former employee receives as a survivor annuitant the amounts necessary to pay the health benefits premium.

(ii) If the surviving spouse of a deceased employee or annuitant is enrolled as an employee with a self and family enrollment (or, if both the

decedent and the surviving spouse were enrolled in a self only enrollment) at the time the surviving spouse becomes a survivor annuitant and the surviving spouse is thereafter separated within entitlement to continued enrollment as a retiree, the surviving spouse is entitled to enroll as a survivor annuitant. The change from Coverage as an employee to coverage as a survivor annuitant must be made with 30 days of separation from service.

(iii) Except for an employee who meets the definition of former spouse under 5 U.S.C. 8901(10) based on an individual's deferred annuity under 5 U.S.C. 8341(h) or 8445(f), the employee survivor of an annuitant receiving deferred retirement benefits is not eligible for FEHB Program enrollment as a survivor annuitant and therefore may not enroll as a survivor annuitant based on coverage obtained as an employee.

(3) *Insurance interest survivor annuity.* A current spouse who is an insurable interest beneficiary under § 831.606(b) or § 842.605(b) of this title is eligible to continue health benefits enrollment as an insurable interest survivor annuitant so long as he or she was covered as a family member at the time of the annuitant's death. This entitlement applies even if the spouse is eligible for continued enrollment as a survivor annuitant under another section of 5 CFR Parts 831 or 843. To prevent dual coverage, the spouse must be covered under only one health benefits enrollment under this part.

4. In § 890.306, a new paragraph (l) is added to read as follows:

**§ 890.306 Effective dates.**

(l) *Move from area served by comprehensive medical plan.* The effective date of an enrollment under § 890.301(h) is the first day of the pay period that begins after the health benefits registration form is received by the employing office

5. In § 890.401, paragraph (b)(2) is revised to read as follows:

**§ 890.401 Temporary extension of coverage and conversion.**

(b) (2) Except when a plan is discontinued in whole or in part or the Associate Director for Retirement and Insurance orders an enrollment change, a person whose enrollment has been changed from one plan to another, or from one option of a plan to the other option of that plan, and who is confined to a hospital or other institution for care

or treatment on the last day of enrollment under the prior plan or option, is entitled to continuation of the benefits of the prior plan or option during the continuance of the confinement. Continuation of benefits shall not extend beyond the 91st day after the last day of enrollment in the prior plan or option. The plan or option to which enrollment has been changed shall not pay benefits with respect to that person while he or she is entitled to any inpatient benefits under the prior plan or option. The gaining plan or option shall begin coverage according to the limits of its FEHB Program contract on the day after the day all inpatient benefits have been exhausted under the prior plan or option or the 92nd day after the last day of enrollment in the prior plan or option, whichever is earlier. For the purposes of this paragraph, "exhausted" means paid or provided to the maximum benefit available under the contract.

6. In § 890.803, paragraph (a)(3)(i)(C) is revised to read as follows:

**§ 890.803 Who may enroll.**

(a) \* \* \*

(3)(i) \* \* \* (C) a survivor annuity elected by the employee under 5 U.S.C. 8339(j)(3) or 5 U.S.C. 8417(b), including a former spouse who is designated as an insurable interest pursuant to 5 CFR 831.606(a) and (b) and 842.605(a) and (b) (or benefits similar to those under this paragraph under another retirement system for Government employees); or

7. In § 890.805, the introductory text and paragraphs (a) and (c) are removed, paragraph (b) is redesignated as paragraph (a) and is revised, and paragraphs (d) and (e) are redesignated as paragraphs (b) and (c) respectively, to read as follows:

**§ 890.805 Application time limitations.**

(a) Except for former spouses meeting the requirements in § 890.803(a)(3) (iv) and (v) of this part, former spouses must apply for health benefits coverage—

(1) Within 60 days after dissolution of the marriage to the Federal employee; or

(2) Within 60 days after the date of OPM's notice of eligibility to enroll based on entitlement to one of the following:

(i) A former spouse annuity elected under 5 U.S.C. 8339(j)(3), 5 U.S.C. 8417(b), or 5 CFR 831.621;

(ii) A former spouse annuity under § 831.622;

(iii) A former spouse insurable interest annuity under 5 U.S.C. 8339(k)(1) or 8420(a);

(iv) A former spouse annuity under 5 U.S.C. 8341(h) or 8445(f);

(v) An appointment under 5 U.S.C. 8345(j) or 8467; or

(3) Within 60 days after the date of the notice of eligibility to enroll based on entitlement to a former spouse annuity under another retirement system for Government employees.

8. In § 890.806, paragraph (a) is revised to read as follows:

**§ 890.806 Effective dates of coverage.**

(a) *Generally.* The effective date of enrollment or change of enrollment is the first day of the first pay period after the date the employing office receives the properly completed Standard Form 2809 or an appropriate substitute (i.e., a signed statement with sufficient information to execute enrollment) and satisfactory proof of eligibility.

9. In § 890.808, paragraphs (b)(3) and (d)(1) are revised to read as follows:

**§ 890.808 Employing office responsibilities.**

(b) \* \* \*

(3) The agency employing office will maintain a health benefits file for the former spouse as a file separate from the personnel records of the employee or former employee. The retirement system acting as employing office for the former spouse may file the former spouse health benefits records in with the annuitant's retirement records.

(d) *Premium payments.* (1) The former spouse must remit to the employing office the full subscription charge for the enrollment for every pay period during which the enrollment continues, exclusive of the 31-day temporary extension of coverage for conversion provided in §§ 890.401 and 890.807(a)(2). Payment must be made after the pay period in which the former spouse is covered in accordance with a schedule established by the employing office (see definition of "pay period" under § 890.101(a)). If the employing office does not receive payment by the due date, the employing office will notify the former spouse by certified mail return receipt requested that continuation of coverage rests upon payment being made within 15 days (45 days for former spouses residing overseas) after receipt of the notice. The enrollment of an individual who fails to remit payment within the specified timeframe will be terminated. Termination for nonpayment of premium is considered a voluntary cancellation under § 890.807(d). A former spouse whose enrollment is

terminated because of nonpayment of premium may not reenroll or reinstate coverage, except as provided in paragraph (d)(2) of this section.

10. In § 890.1104, paragraph (d) is revised to read as follows:

**§ 890.1104 Notification by agency.**

(d) If the employing office cannot give the notice required by this section to the employee, child, or former spouse directly, it must send the notice by first class mail. A notice that is mailed is deemed to be received 5 days after the date of the notice.

[FR Doc. 92-11628 Filed 5-18-92; 8:45 am]

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**DEPARTMENT OF AGRICULTURE**

**Farmers Home Administration**

**7 CFR Part 1942, 1951, 1980**

**Community Facility Loans and Grants**

**AGENCY:** Farmers Home Administration, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Farmers Home Administration (FmHA) amends its regulations on Community Facility Loans and Grants. This action is necessary to implement sections 2328 and 2383, title XXIII of Public Law 101-624 and to make other minor revisions. Section 2328 modifies the eligibility for FmHA's water and waste disposal and essential community facility programs to give rural businesses the same status as rural residents. Section 2383 provides that the interest rate on loans for health care and related facilities be based solely on the income of the area to be served. Other editorial revisions are being made for clarification and to remove unnecessary language.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Jerry W. Cooper, Loan Specialist, Water and Waste Disposal Division, Farmers Home Administration, USDA, South Agriculture Building, room 6328, 14th and Independence Avenue, SW., Washington, DC, 20250, telephone: (202) 720-9589.

**SUPPLEMENTARY INFORMATION:**

**Classification**

This action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be non-major.

The annual effect on the economy will be less than \$100 million. There will be no significant increase in costs or prices for consumers, individual industries, organizations, governmental agencies, or geographic regions. There will be no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete in domestic or export markets.

#### Intergovernmental Review

These programs are listed in the Catalog of Federal Domestic Assistance under numbers 10.423, Community Facilities Loans, and 10.418, Water and Waste Disposal Systems for Rural Communities, and are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

#### Environmental Impact Statement

This action has been reviewed in accordance with FmHA Instruction 1940-G, "Environmental Program." FmHA has determined that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

#### Regulatory Flexibility Act

The Administrator of Farmers Home Administration has determined that this action will not have a significant economic impact on a substantial number of small entities because it contains normal business recordkeeping requirements and minimal essential reporting requirements.

#### Background

Section 2328 of Public Law 101-624 authorizes the financing of water and waste disposal and essential community facility projects in rural areas that serve rural businesses in addition to farmers, ranchers, farm laborers, farm tenants, and other rural residents. This action amends FmHA's regulations to allow rural businesses to be the beneficiaries of services provided by water and waste disposal and essential community facility projects.

Section 2383 of Public Law 101-624 provides for loan rates to be established for health care and related facilities based solely on the income of the area to be served. This action will exempt health care and related facilities from the poverty line interest rate requirement that the primary purpose of the FmHA loan is to upgrade or

construct facilities required to meet applicable health or sanitary standards. The action amends FmHA's regulations to allow for the interest rates on loans made for health care and related facilities to be based solely on the income of the area to be served.

The action also eliminates certain obsolete sections, amends other sections to provide clarification, and makes conforming changes in other regulations.

A proposed rule was published in the **Federal Register** (50 FR 31548) on July 11, 1991, for a 30-day review and comment period. Four comments were received from the public review process. Two respondents requested a definition of a rural business and if the terms "rural businesses and other rural users" included schools, other educational facilities, hospitals, and other such institutions. It is the intent of the regulations that educational facilities and other public facilities be synonymous with the term "rural businesses." Therefore, the agency has defined "rural businesses" in the regulation to include these types of entities.

One respondent also suggested that § 1942.361 be revised to prohibit use of grant funds to provide water and/or waste disposal service to facilities owned by the State or Federal government. The Agency did not adopt this suggestion. These facilities provide employment to rural areas and this is in keeping with the purpose of the revisions to the regulations. The revisions will assist rural communities in their efforts to keep and attract employment to their areas.

One respondent had several comments on part 1942, subpart H. One comment concerned the usage of "reasonable user cost," "similar system cost," "a reasonable level," and "reasonable average annual cost." The respondent stated that these terms are confusing and can be subject to varying interpretations. The Agency agrees and has replaced these terms with "similar system cost." The use of similar system cost in determining the amount of grant funds a recipient can receive allows the Agency to serve more rural communities with the limited amount of grant funds available. The respondent also suggested that the Agency's county offices be left out of the process of receiving preapplications from rural communities. The Agency agrees with this comment and has left out the county offices in the process. Two comments concerned requirements that eliminate grants to projects that will not likely decline in population below that for which it was designed and is consistent with a comprehensive plan. The

respondent stated that these two requirements were implementing ideas that have not been approved by Congress. These two requirements were approved by Congress in section 306(a)(3) of the Consolidated Farm and Rural Development Act, as amended; therefore, no change in the regulation was made.

#### List of Subjects

##### 7 CFR Part 1942

Community development, Community facilities, Grant programs—housing and community development, Loan programs—housing and community development, Loan security, Rural areas, Waste treatment and disposal—domestic, Water supply—domestic.

##### 7 CFR Part 1951

Accounting servicing, Grant programs—Housing and community development, Reporting requirements, Rural areas.

##### 7 CFR Part 1980

Loan programs—community programs—rural development assistance.

Therefore, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

#### PART 1942—ASSOCIATIONS

1. The authority citation for part 1942 continues to read as follows:

Authority: 7 U.S.C. 1989; 16 U.S.C. 1005; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

##### Subpart A—Community Facility Loans

2. Section 1942.1 is amended by revising paragraph (d) to read as follows:

##### § 1942.1 General.

\* \* \* \* \*

(d) The District Office will normally be the entry point for preapplications and serve as a local point. Applications will be filed with the District Office and loans will be processed to the maximum extent possible by the District Office staff. The applicant's governing body should designate one person to coordinate the activities of its engineer, architect, attorney, and any other professional employees and to act as contact person during loan processing. FmHA personnel should make every effort to involve the applicant's contact person when meeting with the applicant's professional consultants and/or agents. The State Office staff will monitor community programs loanmaking and servicing, and will provide assistance to District Office

personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations.

3. Section 1942.2 is amended by revising paragraphs (a)(1) and (a)(2)(ii) to read as follows:

§ 1942.2 Processing applications.

(a) \* \* \* (1) The District Office may handle initial inquires and provide basic information about the program. They are to provide the preapplication, SF 424.2, "Application for Federal Assistance (For Construction)." The District Director will assist applicants as needed in completing SF 424.2, and in filing written notice of intent and request for priority recommendation with the appropriate clearinghouse (except Federally recognized Indian tribes which will be dealt with in accordance with § 1901.352(b) of subpart H of part 1901 of this chapter). The District Director will inform the applicant that it may be necessary to apply for credit from commercial sources. It will be explained that if credit for the project is available from commercial sources at reasonable rates and terms the applicant is not eligible for FmHA financing. The District Director will meet with the applicant, whenever appropriate to discuss FmHA preapplication processing. Guidance and assistance will be provided by the State Director, as needed, for orderly application processing. The District Director will determine that the preapplication is property completed and fully reviewed. The District Director will then forward to the State Director:

(2) \* \* \* (ii) The State Director shall maintain a working relationship with the State Office or official that has been designated as the single point of contact for the intergovernmental review process and give full consideration to their comments when selecting preapplications to be processed.

4. Section 1942.17 is amended by removing paragraph (s), by redesignating paragraphs (b)(2), (3), and (4) as (b)(3), (4), and (5) respectively; by adding new paragraphs (b)(2), and (d)(2)(ix); by revising paragraph (a), introductory text of paragraph (b), (b)(1), introductory text of paragraphs (d)(1)(i) and (e), (e)(3)(ii), introductory text of paragraphs (f)(2), (g)(2)(i)(D), (g)(3)(i)(E), and the introductory text of paragraphs (h) and (p)(6)(i) to read as follows:

§ 1942.17 Community facilities.

(a) General. This section includes information and procedures specifically

designed for use by applicants, including their professional consultants and/or agents who provide such assistance and services as architectural, engineering, financial, legal, or other services related to application processing and facility planning and development. This section is made available as needed for such use. It includes FmHA policies and requirements pertaining to loans for community facilities. It provides applicants with guidance for use in proceeding with their application. FmHA shall cooperate fully with appropriate State agencies to give maximum support of the State's strategies for development of rural areas.

(b) Eligibility. Financial assistance to areas or communities adjacent to, or closely associated with, nonrural areas is limited by § 1942.17(c) of this subpart.

(1) Applicant. (i) A public body, such as a municipality, county, district, authority, or other political subdivision of a state.

(A) Loans for water or waste disposal facilities will not be made to a city or town with a population in excess of 10,000 inhabitants, according to the latest decennial Census of the United States.

(B) Loans for essential community facilities will not be made to a city or town with a population in excess of 20,000 inhabitants according to the latest decennial Census of the United States.

(ii) An organization operated on a not-for-profit basis, such as an association, cooperative, and private corporation. Applicants organized under the general profit corporation laws may be eligible if they actually will be operated on a not-for-profit basis under their charter, bylaws, mortgage, or supplemental agreement provisions as may be required as a condition of loan approval. Essential community facility applicants other than utility-type must have significant ties with the local rural community. Such ties are necessary to ensure to the greatest extent possible that a facility under private control will carry out a public purpose and continue to primarily serve rural areas. Ties may be evidenced by items such as:

(A) Association with or controlled by a local public body or bodies, or broadly based ownership and controlled by members of the community.

(B) Substantial public funding through taxes, revenue bonds, or other local Government sources, and/or substantial voluntary community funding, such as would be obtained through a community-wide funding campaign.

(iii) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes.

(2) Facility. (i) Facilities must be located in rural areas, except for utility-type services such as water, sewer, natural gas, or hydroelectric, serving both rural and non-rural areas. In such cases, FmHA funds may be used to finance only that portion serving rural areas, regardless of facility location.

(ii) Essential community facilities must primarily serve rural areas.

(iii) For water or waste disposal facilities, the terms "rural" and "rural area" will not include any area in any city or town with a population in excess of 10,000 inhabitants, according to the latest decennial Census of the United States.

(iv) For essential community facilities, the terms "rural" and "rural area" will not include any area in any city or town with a population in excess of 20,000 inhabitants, according to the latest decennial Census of the United States.

(d) \* \* \* (1) \* \* \*

(i) To construct, enlarge, extend, or otherwise improve water or waste disposal and other essential community facilities providing essential service primarily to rural residents and rural businesses. Rural businesses would include facilities such as educational and other publicly owned facilities.

(2) \* \* \*

(ix) That portion of a water and/or waste disposal facility normally provided by a business or industrial user.

(e) Facilities for public use. All facilities financed under the provisions of this subpart shall be for public use.

(3) \* \* \*

(ii) Financing or constructing facilities where it is not economically feasible to serve the entire area, provided economic feasibility is determined on the basis of the entire system and not by considering the cost of separate extensions to or parts thereof; the applicant publicly announces a plan for extending service to areas not initially receiving service from the system; and potential users located in the areas not to be initially served receive written notice from the applicant that service will not be provided until such time as it is economically feasible to do so, and

(f) \* \* \*

(2) Poverty line rate. The poverty line interest rate will not exceed 5 per centum per annum. The provisions of paragraph (f)(2)(i) of this section do not apply to health care and related



facilities that provide direct health care to the public. Otherwise, all loans must comply with the following conditions:

- (g) \* \* \*
- (2) \* \* \*
- (i) \* \* \*

(D) In those cases involving water and waste disposal projects where there is a substantial number of other than full-time users and facility costs result in a higher than reasonable rate for such full-time users, the loan will be secured by the full faith and credit of the borrower or by an assignment or pledge of taxes or assessments from public bodies or other organizations having the authority to issue bonds or pledge such taxes or assessments.

- (3) \* \* \*
- (i) \* \* \*

(E) In those cases where there is a substantial number of other than full-time users and facility costs result in a higher than reasonable rate for such full-time users, the loan will be secured by an assignment or pledge of general obligation bonds, taxes, or assessments from public bodies or other organizations having the authority to issue bonds or pledge such taxes, or assessments.

(h) *Economic feasibility requirements.* All projects financed under the provisions of this section must be based on taxes, assessments, revenues, fees, or other satisfactory sources of revenues in an amount sufficient to provide for facility operation and maintenance, a reasonable reserve, and debt payment. An overall review of the applicant's financial status, including a review of all assets and liabilities, will be a part of the docket review process by the FmHA staff and approval official. If the primary use of the facility is by business and the success or failure of the facility is dependent on the business, then the economic viability of that business must be assessed. The number of users for a rural business will be based on equivalent dwelling units, which is the level of service provided to a typical rural residential dwelling.

- (p) \* \* \*
- (6) \* \* \*

(i) *FmHA loan and/or grant funds.* Remaining funds may be used for purposes authorized by paragraph (d) of this section and § 1942.359 of subpart H of part 1942 of this chapter, provided the use will not result in major changes to the facility design or project and that the

purpose of the loan and/or grant remains the same.

**Subpart C—Fire and Rescue**

5. Section 1942.112 is amended by revising the introductory text of paragraph (a)(1) to read as follows:

**§ 1942.112 Eligible loan purposes.**

(a) \* \* \*  
 (1) To construct, enlarge, extend, or otherwise improve essential community facilities primarily providing fire or rescue services primarily to rural residents and rural business. Rural businesses would include facilities such as educational and other publicly owned facilities. "Otherwise improve" includes but is not limited to the following:

**Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems**

6. Sections 1942.351 through 1942.400 of subpart H to part 1942 are revised to read as follows:

**PART 1942—ASSOCIATIONS**

**Subpart H—Development Grants for Community Domestic Water and Waste Disposal Systems**

**§ 1942.351 General.**

(a) This subpart outlines the policies and authorizations and sets forth the procedures for making and processing grants to assist in financing the development cost of domestic water and waste disposal systems for rural communities. Farmers Home Administration (FmHA) will maintain continuous liaison and coordination with State and substate planning district officials. FmHA shall cooperate fully with appropriate State agencies in making grants in a manner which will assure maximum support of the State's strategies for development of rural areas.

(b) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes are eligible to apply and are encouraged to participate in this program. Such tribes might not be subject to State and local laws or jurisdiction. However, any requirements of this subpart that affect applicant eligibility, the adequacy of FmHA's security or the adequacy of service to users of the facility, and all other requirements of this subpart, must be met. FmHA State Directors are reminded that funds allocated for use as prescribed in this subpart are to be considered for use by Indian tribes

within the state regardless of whether State development strategies include Indian reservations within the State's boundaries. It is essential that Indians residing on such reservations have equal opportunity to participate in the benefits of this program on an equal basis with other residents of the state. This is intended to include an equal application of the outreach activities of FmHA District Offices.

(c) The District Office will normally be the entry point for preapplications and serve as the local contact point. Applications will be filed and grants will be processed to the maximum extent possible by the District Office staff. The State Office staff will monitor grant making and servicing and will provide assistance to District Office personnel to the extent necessary to assure that the activities are being accomplished in an orderly manner consistent with FmHA regulations.

(d) Federal statutes provide for extending FmHA financial programs without regard to race, color, religion, sex, national origin, marital status, age, or physical/mental handicap (provided the participant possesses the capacity to enter into legal contracts).

**§ 1942.352 Purpose.**

Provide grant funds for water and waste disposal projects serving the most financially needy communities to reduce user costs to a reasonable level for farmers, ranchers, farm tenants, farm laborers, rural businesses, and other rural users.

**§ 1942.353 Definitions.**

*Poverty line.* Income for a family of four, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

*Service area.* The area reasonably expected to be served by the facility financed by FmHA.

*Similar system cost.* System cost of a community having similar economic conditions, being served by the same type of established system, constructed at similar cost per user. Similar system cost shall include all charges, taxes, and assessments attributable to the system.

**§ 1942.354 [Reserved]**

**§ 1942.355 Processing applications and docket preparation.**

(a) Preapplications and applications for grants will be processed in accordance with § 1942.2 of subpart A of part 1942 of this chapter.

(b) Grant dockets will be prepared in accordance with this subpart and applicable portions of subpart A of part 1942 of this chapter.

(c) Financial feasibility information contained in preliminary engineering reports will be prepared assuming all FmHA funds will be loan funds and without considering the impact of FmHA grant funds.

**§ 1942.356 Applicant eligibility and priority.**

(a) *Eligibility.* Applicant eligibility shall be determined in accordance with § 1942.17 (b), (b)(1), (b)(2) and (b)(4) of subpart A of part 1942 of this chapter. Grants shall not be made in connection with any project unless the project:

- (1) Will serve a rural area which, if such project is carried out, is not likely to decline in population below that for which the project was designed.
- (2) Is designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area to the extent practicable. Water systems should have sufficient capacity to provide for reasonable fire protection to the extent practicable.

(3) Is necessary for orderly community development and consistent with a comprehensive community water, waste disposal, or other development plan of the rural area.

(b) Applicant priorities. Priority for grant funds will be given to applicants and projects in accordance with § 1942.17(c) of subpart A of part 1942 of this chapter.

**§§ 1942.357–1942.358 [Reserved]**

**§ 1942.359 Use of grant funds.**

Funds may be used only for the following purposes:

(a) To construct, enlarge, extend, or otherwise improve community water, sanitary sewage, solid waste disposal, and storm wastewater disposal facilities.

(b) To construct or relocate public buildings, roads, bridges, fences, utilities, and to make such other public improvements necessary to the successful operation or protection of facilities authorized in paragraph (a) of this section.

(c) To relocate private buildings, roads, bridges, fences, utilities, and to make such other private improvements necessary for the successful operation or protection of facilities authorized in paragraph (a) of this section.

(d) When a necessary part of the project relates to those facilities in paragraphs (a), (b), and (c) of this section, the following costs may be considered:

(1) Reasonable fees and costs, such as legal, engineering, architectural, fiscal

advisory, recording, environmental impact analyses, archaeological surveys, possible salvage or other mitigation measures, planning, and establishing or acquiring rights.

(2) Costs of acquired interest in land, rights such as water rights, leases, permits, rights-of-way, and other evidence of land or water control which are necessary for development of the facility.

(3) Purchase or rent equipment necessary to install, maintain, extend, protect, operate or utilize facilities (subject to limitations contained in § 1942.361(a) of this subpart).

(4) Payment of tap fees and other utility connection charges as provided in utility purchase contracts prepared in accordance with § 1942.18(f) of subpart A of part 1942 of this chapter.

(e) To use FmHA grant funds on projects when the applicant's share of the project cost will be available prior to the start of construction. When all or a portion of the funds will come from other agencies, the maximum percentages allowed under other agencies' authorities will apply to their participation in the project. However, the FmHA grant may not exceed applicable percentages in § 1942.361(b) of this subpart. The need for FmHA grant funds must meet the requirements of § 1942.364 of this subpart after considering all project financing.

(f) To restore FmHA loan funds used in accordance with § 1942.17(d)(1)(iv)(G) of subpart A of part 1942 of this chapter.

**§ 1942.360 [Reserved]**

**§ 1942.361 Grant limitations.**

(a) Grant funds may not be used to:

- (1) Finance facilities which are not modest in size, design, and cost.
- (2) Pay loan or grant finder's fees.
- (3) Pay for the construction of any new combined storm and sanitary sewer facilities.
- (4) Pay any annual recurring costs, including purchases or rentals that are generally considered to be operating and maintenance expenses.
- (5) Reduce user costs to a level not less than similar system user cost.
- (6) Construct or repair electric generating plants, electric transmission lines, or gas distribution lines to provide services for commercial sale.
- (7) Purchase fire trucks, hoses, and other fire fighting equipment, or construct housing for such equipment.

(8) Pay rental for the use of equipment or machinery owned by the grantee.

(9) Pay for salesrooms or other purposes not directly related to operating and maintenance of the facility being installed or improved.

(10) Purchase existing systems.

(11) Refinance existing indebtedness.

(12) Pay interest.

(13) Pay any portion of the cost of a facility which is not located in a rural area.

(14) Pay any costs of a project when the median household income of the service area is above the poverty line and more than 100 percent of the nonmetropolitan median household income of the State.

(15) Pay project costs when other funding is not at reasonable rates and terms.

(16) Pay project costs when other funding is a guaranteed loan obtained in accordance with subpart I of part 1980 of this chapter.

(17) To pay that portion of project costs normally provided by a business or industrial user, such as wastewater pretreatment, etc.

(b) Grants may not be made in excess of the following percentages (whichever is higher) of the eligible project development costs. Facilities previously installed will not be considered in determining the development costs.

(1) 75 percent when the median household income of the service area is below the poverty line or below 80 percent (whichever is higher) of the statewide nonmetropolitan median household income.

(2) 55 percent when the median household income of the service area exceeds the 75 percent requirements described in paragraph (b)(1) of this section but is not more than 100 percent of the statewide nonmetropolitan median household income.

**§§ 1942.362–1942.363 [Reserved]**

**§ 1942.364 Determining the need for development grants.**

(a) *Responsibility.* FmHA District Directors are responsible for determining applicant's eligibility for grants and the amount of such grants. The amount of grant assistance shall be based on the FmHA interest rate in effect at the time of grant approval. If an FmHA loan is associated with the grant, and the loan is closed at a lower rate, no change will be made in the amount of grant assistance. Form FmHA 1942-51, "Water and Waste Disposal Grant Determination," will be used to determine the amount of FmHA grant assistance for which the applicant qualifies. A separate form will be used to record the determination of FmHA grant assistance for each water, sewer collection and/or treatment, solid waste, and storm drainage project.

(b) *Grant determination.* Grants will be determined in accordance with the following provisions and will not result in user costs below the similar system user cost. Paragraph (b)(2) of this section will not be used in determining the amount of grant in (b)(5) of this section.

(1) *Maximum grant.* Grants may not exceed the percentages in § 1942.361(b) of this subpart of the eligible project development costs listed in § 1942.359 of this subpart.

(2) *Debt service.* Applicants will be considered for grant assistance when the debt service portion of the average annual user cost, for users in the applicant's service area, exceeds the following percentages of median household income:

(i) *0.5 percent* when the median household income of the service area is below the poverty line or below 80 percent (whichever is higher) of the statewide nonmetropolitan median household income.

(ii) *1.0 percent* when the median household income of the service area exceeds the 0.5 percent requirement but is not more than 100 percent the statewide nonmetropolitan household income.

(3) *Similar system cost.* In cases where FmHA determines that more grant funds, than authorized by paragraph (b)(2) of this section, are needed to achieve reasonable user rates, similar system cost can be used to determine the amount of the grant.

(4) *Average annual cost.* If FmHA determines that a similar system average annual cost to the applicant for delivery of service has not been achieved, FmHA may proceed with a grant in an amount necessary to reduce such cost to not below similar system user cost. This option is only available to an applicant when:

(i) The annual cost to the applicant for delivery of service is subsidized by either the state, commonwealth, or territory, and

(ii) Uniform user charges are imposed for similar classes of service throughout the service area.

(5) *Bulk service.* When an applicant provides bulk sales or services on a contract basis to another system(s) (entity), prepare one Form FmHA 1942-51. Similar system cost will be used in determining the amount of grant needed to achieve a reasonable bulk user cost. For purposes of determining income and number of individual users, the service area would be the entire area served by all the other system(s).

(c) *Income data.* The income data used to determine median household income should be that which most

accurately reflects the income of the service area. The median household income of the service area and the nonmetropolitan median household income for the state will be determined using income data from the most recent decennial Census of the United States. If there is reason to believe that the census data is not an accurate representation of the median household income within the area to be served, the reasons will be documented on Form FmHA 1942-51, and the applicant may furnish, or FmHA may obtain, additional information regarding such median household income. Information will consist of reliable data from local, regional, State or Federal sources or from a survey conducted by a reliable impartial source. The nonmetropolitan median household income of the state may be updated on a national basis by the FmHA National Office. This will be done only when median household income data for the same year for all Bureau of the Census areas is available from the Bureau of the Census, or other reliable sources. Bureau of the Census areas would include areas such as counties, county subdivisions, cities, towns, townships, boroughs, and other places.

(d) *User costs.* The user costs should be reasonable and produce enough revenue to provide for all costs of the facility after the grant is closed. The planned revenue should be sufficient to provide for all debt service, reserve, operation and maintenance and, if appropriate, additional revenue for facility replacement of short lived assets without building a substantial surplus. Ordinarily, the total reserve will be equal to one average annual loan installment which will accumulate at the rate of one-tenth of the total each year.

§§ 1942.365-1942.366 [Reserved]

§ 1942.367 **Application review, approval, and obligation of funds.**

(a) When a grant only (no FmHA loan) is being made, only those applicable provisions of review and approval procedures outlined in § 1942.5 of Subpart A of part 1942 of this chapter will apply which are necessary to assure that:

(1) The proposed development is completed in accordance with approved plans and specifications.

(2) Grant funds are expended for authorized purposes.

(3) The applicant can comply with the terms of the grant agreement.

(4) If the primary use of the facility is by business and the success or failure of the facility is dependent on the business,

then the economic viability of that business must be assessed.

(b) When the grant approval official requires an appraisal, Form FmHA 442-10, "Appraisal Report—Water and Waste Disposal Systems," with appropriate supplements, may be used. Appraisal reports may be prepared by the FmHA engineer or, if desired by the grant approval official, another qualified appraiser.

(c) The application review and approval procedures outlined in § 1942.5 of subpart A of part 1942 of this chapter will be followed.

(d) Grants will be approved in accordance with this subpart and Exhibit B of subpart A of part 1901 of this chapter, which is available in any FmHA office.

(e) Grants requiring National Office review will be submitted in accordance with § 1942.5(b)(1) of subpart A of part 1942 of this chapter.

(f) Each letter of conditions involving a grant will contain the following:

(1) Paragraphs which read:

(i) "Attached is a copy of Form FmHA 1942-31, 'Association Water or Sewer System Grant Agreement,' for your review. You will be required to execute a completed form at the time of grant closing."

(ii) "The applicant contribution shall be considered as the first funds expended except (insert appropriate exceptions if funds from other sources make an exception necessary). After providing for all authorized costs, any remaining FmHA project funds will be considered FmHA grant funds and refunded to FmHA. If the amount of unused FmHA project funds exceeds the FmHA grant, that part would be FmHA loan funds."

(2) All items contained in § 1942.5(a)(1) of subpart A of part 1942 of this chapter applicable to the grant funding.

(3) Environmental mitigation measures and other relative requirements.

(g) A copy of Form FmHA 1942-51, along with the letter of conditions and Form FmHA 1942-45, "Project Summary—Water and Waste Disposal and Other Utility-Type Projects," (including the required copy of Forms FmHA 1942-14, "Association Project Fund Analysis," and FmHA 442-7, "Operating Budget,") will be submitted to the National Office, Attention: Water and Waste Disposal Division, by the State Director not later than the time the letter of conditions is issued.

**§ 1942.368 [Reserved]****§ 1942.369 Grantee contracts.**

The requirements of §§ 1942.4, 1942.17(1), and 1942.18 of subpart A of part 1942 of this chapter will be followed when concurring in agreements between grantees and third parties.

**§ 1942.370 Planning and performing development.**

Planning and performing development will be handled in accordance with §§ 1942.9 and 1942.18 of subpart A of part 1942 of this chapter.

**§ 1942.371 Preparation for grant closing.**

(a) Section 1942.6 of subpart A of part 1942 of this chapter will be followed when preparing for grant closing.

(b) The requirements of § 1942.17(n)(1) of subpart A of part 1942 of this chapter will be followed for Water and Waste Disposal Development grants.

**§§ 1942.372-1942.373 [Reserved]****§ 1942.374 Grant closing and delivery of funds.**

(a) Grants will be closed in accordance with instructions received from the Office of the General Counsel (OGC). FmHA policy is not to disburse grant funds from the Treasury until they are actually needed by the applicant. Borrower funds will be disbursed before the disbursement of any FmHA grant funds.

(1) FmHA or other loan funds will be disbursed before the disbursement of any FmHA grant funds except when:

(i) Interim financing of the total estimated amount of loan funds needed during construction is arranged, and

(ii) All interim funds have been disbursed, and

(iii) FmHA grant funds are needed before the FmHA or other loan can be closed.

(2) If grant funds are available from other agencies and are transferred to the Finance Office for disbursement by FmHA, these grant funds shall be disbursed in accordance with the agreement governing such agencies' participation in the project.

(3) Any grant funds remaining will be handled in accordance with § 1942.17(p)(6) of subpart A of part 1942 of this chapter.

(b) FmHA grant funds will be disbursed using multiple advances in accordance with § 1942.17(p)(2) of subpart A of part 1942 of this chapter.

(c) Payment for construction will be made in accordance with § 1942.17(p)(5) of subpart A of part 1942 of this chapter.

(d) Form FmHA 1942-31 will be completed and executed in accordance with the requirements of grant approval and closing instructions. District

Directors or State Directors are authorized to sign the grant agreement on behalf of FmHA. For grants that supplement FmHA loan funds, the grant should be closed simultaneously with the closing of the loan. However, when grant funds will be disbursed before loan closing, as provided in paragraph (a)(1) of this section, the grant will be closed not later than the delivery date of the first advance of grant funds. The grant will be considered closed when Form FmHA 1942-31 has been properly executed. Incorporated as a part of this subpart is Form FmHA 1942-31, which appears as Exhibit C to this subpart.

**§ 1942.375 [Reserved]****§ 1942.376 Actions subsequent to grant closing.**

Section 1942.8 (f) and (g) of subpart A of part 1942 of this chapter will be followed for Water and Waste Disposal Development grants.

**§ 1942.377 Grant servicing.**

Grants will be serviced in accordance with § 1951.215 of subpart E and subpart O of part 1951 of this chapter.

**§ 1942.378 Grant cancellation.**

The District Director or State Director may prepare and execute Form FmHA 1940-10, "Cancellation of U.S. Treasury Check and/or Obligation," in accordance with the Forms Manual Insert. If the docket has been forwarded to OGC, that office will be notified of the cancellation by a copy of Form FmHA 1940-10. The grantee's attorney and engineer, if any, should be notified of the cancellation. The grantee's attorney and engineer may be provided a copy of the notification to the grantee.

**§ 1942.379 [Reserved]****§ 1942.380 Subsequent grants.**

Subsequent grants will be processed in accordance with this subpart.

**§ 1942.381 Regional commission grants.**

Grants are sometimes made by regional commissions for projects eligible for FmHA assistance. FmHA has agreed to administer such funds in a manner similar to administering FmHA assistance.

(a) When FmHA has funds in the project, no charge will be made for administering regional commission funds.

(b) When FmHA has no loan or grant funds in the project, an administrative charge will be made pursuant to the Economy Act of 1932, as amended (31 U.S.C. 1535). A fee of 5 percent of the first \$50,000 of a regional commission grant and 1 percent of any amount over

\$50,000 will be paid FmHA by the commission.

(1) *Appalachian Regional Commission (ARC)*. Exhibit A of this subpart will be followed in determining the responsibilities of FmHA. The ARC Federal Cochairman and the FmHA State Director will provide each other with the necessary notification and certification.

(2) *Other regional commissions*. Title V of the Public Works and Economic Development Act of 1965 authorizes other commissions similar to ARC. Exhibit B of this subpart will be used to develop a separate project management agreement between FmHA and the commission for each project. The agreement should be prepared by the FmHA State Director as soon as notification is received that a commission grant will be made and the amount is confirmed.

(c) Regional commission grants should be obligated as soon as possible in accordance with § 1942.5(d) of subpart A of part 1942 of this chapter, except that the announcement procedure referred to in § 1942.5(d)(6) is not applicable. Regional commission grants will be obtained from the Finance Office in the same manner as FmHA funds are obtained.

**§ 1942.382 Audits.**

Audits will be handled in accordance with § 1942.17(q)(4) of subpart A of part 1942 of this chapter.

**§ 1942.383 Management assistance.**

Grant recipients will be supervised to the extent necessary to assure that facilities are constructed in accordance with approved plans and specifications and to assure that funds are expended for approved purposes.

**§ 1942.384 State supplements and guides.**

This subpart may be supplemented by state supplements and guides in accordance with § 1942.16 of subpart A of part 1942 of this chapter.

**§ 1942.385 Delegation of authority.**

The State Director is responsible for the overall implementation of the authorities contained in this subpart and may redelegate any such authority to appropriate FmHA employees.

**§§ 1942.386-1942.400 [Reserved]****Subpart H—[Amended]**

7. Subpart H to part 1942 is amended by removing Exhibit D.

**Subpart K—Emergency Community Water Assistance Grants**

**§ 1942.521 [Amended]**

8. Section 1942.521(f) is amended by changing the phrase “§§ 1942.5 of subpart A and 1942.366 of subpart H of part 1942 of this chapter” to read “§§ 1942.5 of subpart A and 1942.367 of subpart H of part 1942 of this chapter.”

**PART 1951—SERVICING AND COLLECTIONS**

9. The authority citation for part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 7 CFR 2.70.

**Subpart E—Servicing of Community and Insured Business Program Loans and Grants**

10. Subpart E is amended by changing the phrase “§ 1942.17(b)(3) of subpart A of part 1942 of this chapter” to read “§ 1942.17(b) (4) of subpart A of part 1942 of this chapter” in the following places:

- (a) § 1951.220(e)(1)(ii).
- (b) § 1951.224(a)(1) (i) and (ii) and (d).

**§ 1951.232 [Amended]**

11. Section 1951.232 is amended in the introductory text by changing the phrase “§ 1942.17(b) of subpart A” to read “§ 1942.17(b)(2)(iii) and (iv) of subpart A.”

**PART 1980—GENERAL**

12. The authority citation for part 1980 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

**Subpart I—Community Programs Guaranteed Loans**

13. Section 1980.813 is amended by revising the introductory text of paragraph (a) to read as follows:

**§ 1980.813 Eligible loan purposes.**

(a) Funds may be used to construct, enlarge, extend, or otherwise improve water or waste disposal, and other essential community facilities providing essential service primarily to rural residents and rural businesses. Rural businesses would include facilities such as educational and other publicly owned facilities.

\* \* \* \* \*

**Editorial Note:** This document was received at the Office of the Federal Register on May 11, 1992.

Dated: December 23, 1991.  
 La Verne Ausman,  
*Administrator, Farmers Home Administration.*  
 [FR Doc. 92-11447 Filed 5-18-92; 8:45 am]  
**BILLING CODE 3410-07-M**

**FEDERAL RESERVE SYSTEM**

**12 CFR Parts 215 and 225**

[Regulations O and Y; Docket No. R-0747]

**Loans to Executive Officers, Directors, and Principal Shareholders of Member Banks; Bank Holding Companies and Change in Bank Control**

**AGENCY:** Board of Governors of the Federal Reserve System.  
**ACTION:** Final rule.

**SUMMARY:** The Board is adopting revisions to Regulations O and Y to conform the regulations to the amendments to section 22(h) of the Federal Reserve Act made by section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (FDICIA). As amended by section 306, section 22(h) establishes a limit on the total amount a bank may lend to its executive officers, directors, and principal shareholders, and the related interests of those persons. Section 22(h), as amended, also subjects extensions of credit to directors and their related interests to the same lending limit that applies currently to executive officers and principal shareholders and their related interests under section 22(h). The final rule amends Regulation O to implement these amendments.

The final rule also amends Regulations O and Y to implement a reporting requirement required by section 306 that relates to certain credit extended to executive officers and principal shareholders of certain banks and bank holding companies. In addition, the final rule makes limited technical revisions to Regulation O to conform the regulation to section 306 and to correct existing ambiguities.

**EFFECTIVE DATE:** Effective June 18, 1992.

**FOR FURTHER INFORMATION CONTACT:** Andrew Karp, Attorney (202/452-3554), Legal Division; Stephen M. Lovette, Manager (202/452-3622), or William G. Spaniel, Senior Financial Analyst (202/452-3469), Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System. For the hearing impaired *only*, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202/452-3544), Board of Governors of the Federal

Reserve System, 20th and C Streets, NW., Washington, DC 20551.

**SUPPLEMENTARY INFORMATION:** Section 22(h) of the Federal Reserve Act (12 U.S.C. 375b) restricts the amount and terms of extensions of credit from a bank to its executive officers, directors and principal shareholders (collectively, “insiders”) and to any company or political campaign controlled by an insider (“related interests”). The Board promulgated Regulation O in 1978 to implement this statute. In general, section 22(h):

1. Requires a bank's board of directors to approve any extension of credit to an insider or a related interest in excess of a threshold amount (generally the higher of \$25,000 or five percent of the bank's capital and unimpaired surplus, up to \$500,000);
2. Prohibits any extension of credit on preferential terms;
3. Limits the amount a bank may lend to each of its executive officers and principal shareholders and their related interests;<sup>1</sup> and
4. Prohibits the payment by a bank of an overdraft of an executive officer or director on an account at the bank.<sup>2</sup>

On December 19, 1991, the President signed into law the Federal Deposit Insurance Corporation Improvement Act of 1991 (“FDICIA”).<sup>3</sup> Section 306 of the FDICIA amends section 22(h) of the Federal Reserve Act. On February 20, 1992, the Board published for comment proposed revisions to Regulation O to implement the amendments of section 22(h) of the Federal Reserve Act made by FDICIA. The comment period expired on March 23, 1992. The FDICIA amendments take effect May 18, 1992.

Section 306 of FDICIA replaces the language of section 22(h) with the provisions of the Board's Regulation O. Section 306 also makes a number of substantive modifications to section

<sup>1</sup> This amount is 15 percent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are not fully secured and an additional 10 percent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are fully secured. In calculating this limit, all of the bank's loans to the insider and the insider's related interests are aggregated. This lending limit is subject to the exceptions set forth in section 5200 of the Revised Statutes (12 U.S.C. 84). These exceptions generally provide higher or no lending limits for loans secured by various kinds of obligations. Thus, for example, loans secured by obligations fully guaranteed by the United States are not subject to a lending limit.

<sup>2</sup> The overdraft prohibition does not apply to principal shareholders, unless the principal shareholder is also an executive officer or director. The prohibition also does not apply to the related interests of an executive officer or director. In addition, the prohibition does not apply to inadvertent overdrafts, as defined in Regulation O.

<sup>3</sup> Pub. L. No. 102-242, 105 Stat. 2236 (1991).

22(h). The most significant changes required by the provisions of FDICIA are as follows:

1. *New Aggregate Lending Limit.* Section 306 establishes a limit on the total amount a bank may lend in the aggregate to its insiders and their related interests as a class. In general, this limit is equal to the bank's unimpaired capital and unimpaired surplus.

2. *Lending Limit for Directors and Related Interests.* Section 306 extends to loans to directors (and their related interests) the same lending limit currently applicable to executive officers and principal shareholders (and their related interests) under section 22(h).<sup>4</sup> Previously, section 22(h) did not limit the amount directors and their related interests could borrow from their banks.

3. *Credit Standards.* Section 306 adds a requirement that, when lending to an insider, a bank must follow credit underwriting procedures that are "not less stringent than those applicable to comparable transactions by the bank with [persons outside the bank]."

4. *Definition of Principal Shareholder.* Section 306 tightens the definition of principal shareholder for banks located in small communities. Formerly, section 22(h) defined a principal shareholder as a person who owned or controlled more than 10 percent of a class of the voting shares of a bank, except for banks located in communities with populations of less than 30,000, in which case the amount was 18 percent. The 10 percent definition now applies to all banks, regardless of the size of the community where the bank is located.

5. *Definition of Member Bank.* Section 306 redefines the term "member bank" for the purposes of section 22(h) to include any subsidiary of the member bank, clarifying that an extension of credit from a subsidiary of a member bank is subject to the same insider restrictions as an extension of credit from the member bank itself.

6. *Coverage of All Companies That Own Banks.* Section 306 amends section 22(h) to cover all companies that own banks, regardless of whether the company is technically a bank holding company.

7. *Prohibition on Knowing Receipt of Unauthorized Extensions of Credit.* Section 306 amends section 22(h) to prohibit insiders from knowingly receiving (or knowingly permitting their related interests to receive) any extension of credit not authorized by section 22(h).

8. *Reporting Requirement for Certain Credit.* Section 306 requires executive officers and directors of member banks and bank holding companies without publicly traded stock to report to their institutions annually the outstanding amount of any credit that is secured by shares of the insider's institution.

9. *Definitions.* Section 306 defines the terms "company," "control," "executive officer," "extension of credit," "related interest," and "subsidiary." Each definition is consistent with the corresponding definitions in current Regulation O.

The final rule adopted by the Board implements these statutory requirements and contains several technical revisions, discussed below, to conform Regulation O with section 306 and to correct existing ambiguities.

The proposal the Board published for comment sought only to implement the FDICIA amendments. The proposal did not modify the regulation where the statutory amendments track the present regulatory language.<sup>5</sup> The Board did not request comment on existing features of Regulation O, except as necessary to implement the FDICIA amendments.<sup>6</sup>

The Board received 268 written comments in response to notice of the proposal. Community or independent banks submitted the majority of comments. Other commenters included several large banks and bank holding companies, individual bank directors, numerous state and national banking trade associations, several state banking superintendents, and four Federal Reserve Banks.

#### Discussion of Issues

##### 1. Lending Limit Applicable to Individual Directors

The preponderance of the commenters, including community banks, state and national independent bankers' trade associations, and certain state banking supervisors, objected to the FDICIA requirement that the Regulation O individual lending limit be applied to loans to directors. These commenters observed that directors of community banks frequently control substantial local business enterprises, especially in small or rural communities. In this regard, the commenters stated, such directors provide to bank

management important expertise and valuable credit and deposit relationships. The commenters asserted nearly unanimously that application of the Regulation O lending limit to directors would curtail the ability of banks to serve the credit needs of their directors (and the directors' related interests). The commenters concluded that the limit will force directors or prospective directors to choose between retaining or accepting a directorship and maintaining a customer relationship with the bank, thereby in turn depriving banks of either informed leadership or valuable customer relationships.

The final rule implements the director lending limit as proposed. FDICIA requires that the Board apply this limit to extensions of credit to directors and their related interests and gives the Board no discretion in applying this aspect of the statute. It should be noted, however, that directors and their related interests generally have long been subject to similar borrowing constraints by reason of the concentration of credit rules under the National Bank Act and state laws. See, e.g., 12 U.S.C. 84; 12 CFR part 32. The section 22(h) lending limit incorporates the limits and exceptions of the concentration of credit rules under the National Bank Act. Thus, the section 22(h) lending limit generally permits each individual director and his or her related interests to borrow in aggregate amounts the equivalent of up to 15 percent of the bank's unimpaired capital and unimpaired surplus on an unsecured basis and an additional 10 percent on a secured basis. The exceptions provide higher limits for, or exclude from limitation altogether, various credit transactions, such as extensions of credit secured by obligations of the United States or guaranteed by a Federal agency, extensions of credit secured by bills of lading or warehouse receipts covering readily marketable staples, and extensions of credit secured by livestock or dairy cattle.

##### 2. Limit on Aggregate Lending to Insiders

As amended by FDICIA, section 22(h) establishes a limit on the total amount a member bank may lend to its insiders and their related interests as a class. The statute generally restricts that amount to an amount that is no greater than the bank's unimpaired capital and unimpaired surplus. The Board is authorized, however, to set a more stringent general limit. The statute permits the Board to make an exception to this limit only for banks with deposits of less than \$100 million and only if the Board determines that the exception

<sup>5</sup> Thus, for example, the existing regulatory definitions of "control," "executive officer," "extension of credit," "overdraft" and "related interest" remain unchanged, as the new statutory definitions are fully consistent with the present regulatory definitions.

<sup>6</sup> The final rule amends the Board's Regulation Y to implement a loan reporting requirement created by the FDICIA that applies to executive officers and directors of certain bank holding companies.

<sup>4</sup> See note 1, *supra*.

would be "important to avoid constricting the availability of credit in small communities or to attract directors to such banks."<sup>7</sup> The statute provides that the higher limit for banks with deposits of less than \$100 million may not exceed 200 percent of the bank's unimpaired capital and unimpaired surplus.

The legislative history of FDICIA indicates that the aggregate limit was adopted in response to the significant insider lending at Madison National Bank and other failed institutions.<sup>8</sup> In this respect, the aggregate limit was designed as a prophylactic measure to limit the risks to the deposit insurance system of large concentrations of credit to institution insiders.

The final rule's general limit—100 percent of the member bank's unimpaired capital and unimpaired surplus—is the same as provided in the statute.<sup>9</sup> The Board requested specific comment regarding whether to provide an exception to the general limit for banks with deposits of under \$100 million. The Board also requested comment on whether a 100 percent limit as applied to small banks would unduly restrict credit or limit the availability of directors. In connection with these requests, the Board requested that commenters supply specific data as to the effect of the aggregate limit.

The great preponderance of commenters, including community banks and bank trade associations, opposed the aggregate limit in principle. Every commenter that referred to the Board's discretion to make exceptions to the general limit for small banks urged the Board to raise that limit to 200 percent of unimpaired capital and unimpaired surplus for small banks. These commenters included community banks, larger banks, the American Bankers Association, and the Independent Bankers Association of America.

The commenters argued the same points discussed above with respect to the director lending limit. Commenters argued nearly unanimously that the aggregate limit, like the application of the director lending limit, would inhibit

unduly the ability of community banks to serve the credit needs of their directors and the related interests of the directors. As a result, commenters contended, directors will be forced to choose between retaining a directorship or maintaining a customer relationship with the bank, thereby depriving the bank of either informed leadership or valuable customer relationships. Apart from anecdotal evidence, commenters did not provide specific information regarding the amount of lending by banks to their directors and related interests, or other specific information that would allow the Board to determine the effect of the aggregate limit on the availability of credit and directors.<sup>10</sup>

In light of the great concern evidenced by the comments of small banks, the Board has determined that an exception to the general aggregate lending limit for small banks is important to avoid constricting the availability of credit or directors in small communities. Accordingly, the Board has determined to exercise its discretion under FDICIA to permit small banks (*i.e.*, banks with total deposits under \$100 million) to establish a higher aggregate lending limit for loans to executive officers, directors, and principal shareholders, and their related interests, where the board of directors of the bank has determined, based on its experience with loans to such persons and related interests, that a higher aggregate lending limit is consistent with prudent, safe, and sound banking practices. This higher limit must be considered and established by the bank's board of directors by resolution, and may not exceed a maximum amount of 200 percent of the bank's unimpaired capital and unimpaired surplus.

The Board has determined to permit small banks to establish this higher aggregate limit for a one-year period that will expire May 18, 1993. This one-year period will enable the Board, in consultation with the other federal banking agencies, to collect specific data on the lending practices of banks to insiders, including directors, in order to analyze the effect of a limitation on this lending on the ability of banks to attract qualified directors and to serve the credit needs of local communities. The Board will then revisit the issue of an appropriate limit for small banks.

<sup>10</sup> Two community bank commenters submitted data regarding the percentage of capital and surplus represented by loans to directors or to other insiders. One demonstrated that loans to insiders, including directors, exceeded 100 percent of unimpaired capital and surplus. The second questioned the necessity of any limit, on the basis that its loans to insiders, including directors, fell far short of 100 percent.

### 3. Bank Holding Company Indebtedness Under the Aggregate Limit

#### A. Section 23A

Three larger holding companies commented that the application of the aggregate lending limit to transactions with holding company affiliates that are also covered by section 23A of the Federal Reserve Act<sup>11</sup> may produce inconsistent results. Under section 23A, a member bank's transactions with any one affiliate are limited to 10 percent of the bank's capital and surplus; an aggregate 20 percent limit applies to transactions with all affiliates.<sup>12</sup> However, several types of transactions that present little or no risk to the bank are excluded from the quantitative limits of section 23A. These transactions include loans that are fully secured by (i) the obligations of the United States or certain Federal agencies or (ii) segregated, earmarked deposit accounts.

The FDICIA aggregate lending limit does not provide for any exemptions. Three commenters observed that inclusion under the aggregate lending limit of holding company indebtedness, including indebtedness exempt from the quantitative limits of section 23A, could render unavailable a significant portion of the aggregate lending limit.

The commenters suggested that the Board address this problem by excluding from the FDICIA aggregate lending limit extensions of credit to parent holding companies and their non-bank subsidiaries.<sup>13</sup> These transactions would continue to be subject to the requirements of section 23A.

The Board declined to adopt this suggestion. The FDICIA aggregate lending limit by its terms applies to all extensions of credit by a bank to principal shareholders and their related interests, thereby covering extensions of credit to parent holding companies and the companies they control. The FDICIA aggregate limit provides no exclusion for loans to a parent holding company or its non-bank affiliates. In addition, unlike section 23A, section 22(h) does not provide the Board general exemptive authority. Thus, the statute requires that bank extensions of credit to parent holding companies and non-bank

<sup>7</sup> Federal Deposit Insurance Corporation Improvement Act of 1991, Pub. L. No. 102-242, sec. 306(d), 105 Stat. 2236, 2358 (1991).

<sup>8</sup> See S. Rep. No. 167, 102nd Cong., 1st Sess. 55 (1991).

<sup>9</sup> Under Regulation O, unimpaired capital and unimpaired surplus is the sum of (1) total equity capital as reported on the bank's most recent report of condition; (2) any subordinated notes and debentures approved as an addition to the bank's capital structure by the appropriate federal banking agency; and (3) any valuation reserves created by charges to the bank's income. Total equity capital includes retained earnings. See 12 CFR 215.2(h).

<sup>11</sup> 12 U.S.C. 371c.

<sup>12</sup> Section 23A also applies qualitative restrictions to such transactions. For example, the transactions must be on terms and conditions that are consistent with safe and sound banking practices, and the member bank may not purchase low-quality assets from its affiliates.

<sup>13</sup> Under existing law and regulations, member bank extensions of credit to affiliated banks are exempt in many respects from the coverage of both Regulation O and section 23A.

affiliates count toward the aggregate lending limit.

The Board intends to propose legislation to cure the inconsistent treatment of certain transactions under section 22(h) (as amended by section 306) and section 23A. In this respect, the Board believes that the best approach would be to exclude extensions of credit to parent holding companies and their non-bank affiliates from section 22(h) altogether on the basis that such transactions are controlled adequately by section 23A, which regulates comprehensively inter-affiliate transactions.

#### B. National Bank Act

One commenter requested that the Board exclude from the aggregate lending limit any extension of credit subject to the exceptions provided under the concentration of credit rules of the National Bank Act.<sup>14</sup> For the reasons discussed with respect to section 23A, the Board declined to implement such an exemption. To address the problem of inconsistent treatment, the Board intends to propose legislation to grant to the Board specific authority to define exclusions from the section 22(h) definition of extension of credit. On the basis of such authority, the Board could revise Regulation O to exclude from the aggregate lending limit certain transactions that present little or no risk to the bank, including transactions that are exempt under the National Bank Act or section 23A.

#### 4. Definition of the Term "Member Bank" to Include Any Subsidiary of the Member Bank

As amended by section 306, section 22(h) defines the term "member bank" specifically to include any subsidiary of the member bank. The definition is designed to codify Board policy that an extension of credit made by a subsidiary of a bank is considered to have been made by the bank itself. The purpose of the policy is to ensure that an extension of credit from a subsidiary of a member bank is subject to the same insider restrictions as an extension credit from the member bank itself.<sup>15</sup>

Two commenters asserted that the definition would have the additional effect of constituting executive officers and directors of subsidiaries of banks as executive officers and directors of the parent bank. As a result, the commenters contended, extensions of credit to insiders of the subsidiaries of banks would become subject to

requirements of Regulation O, including the aggregate lending limit.<sup>16</sup>

The commenters argued that the statutory amendment of the term member bank to include subsidiaries of the bank nullifies the regulatory distinction between insiders of subsidiaries of the bank and insiders of a bank or its parent and non-bank affiliates. The commenters urged the Board to clarify that Regulation O does not cover insiders of subsidiaries of banks (unless they are also insiders of the bank or its parent or non-bank affiliates).

The final rule retains the proposed definition of member bank, which specifically includes any subsidiary of the member bank. Prior to the enactment of FDICIA, Regulation O did not reach the insiders of such subsidiaries, unless an insider actually participated in the major policy-making functions of the bank.<sup>17</sup> Accordingly, the Board believes that the inclusion of subsidiary in the term member bank is not intended to modify the existing policy that Regulation O does not reach the insiders of subsidiaries of banks (unless an insider is a bank director or actually participates in major policy-making functions at the bank).

#### 5. Elimination of Higher Control Threshold for Principal Shareholders of Banks Located in Small Communities

Prior to the enactment of FDICIA, section 22(h) defined a principal shareholder as a person who owns or controls more than 10 percent of a class of the voting shares of a bank, except for banks located in communities with populations of less than 30,000, in which case the amount was 18 percent. FDICIA eliminated the exception for banks located in small communities. As a result, the 10 percent definition now applies to all banks, regardless of the size of the community where the bank is located.

Several commenters objected to this statutory modification and urged the Board to preserve the exception. Because the Board has no discretion in the application of this statutory provision, the final rule eliminates the 18 percent exception.

<sup>16</sup> The commenters observed that such a result appears to conflict with an existing provision of Regulation O, which excludes subsidiaries of banks from the definition of subsidiary. See 12 CFR 215.2(n). An effect of this exclusion has been to remove the insiders of subsidiaries of banks from the requirements of Regulation O.

<sup>17</sup> This is so because under § 215.2(n) of Regulation O subsidiaries of banks are not considered to be parent holding company subsidiaries.

#### 6. Coverage of All Companies That Own Banks

Prior to the enactment of FDICIA, section 22(h) deemed insiders of bank holding companies to be insiders of the bank holding companies' subsidiary banks. This provision reflected the statutory presumption that insiders of the parent holding company are involved necessarily in the major decisions of bank subsidiaries. Section 306 amended section 22(h) in several places by replacing the term bank holding company with the term company. This change was intended to ensure that insiders of holding companies that are not technical bank holding companies are treated in the same manner as insiders of bank holding companies.<sup>18</sup>

One commenter, a law firm representing diversified financial holding companies, argued that this revision would work an especial hardship on such companies. The commenter asserted that, in contrast to the insiders of bank holding companies, many insiders of diversified financial holding companies have no responsibility for, or influence over, the operations of subsidiary banks. Instead, responsibility for subsidiary banks typically devolves to a small, readily identifiable group, with most insiders responsible for the company's primary business lines, such as manufacturing, retail sales, or insurance. Therefore, the commenter contended, the regulation as proposed would serve no purpose to the extent it would constitute as insiders persons who have no ability to influence the operations of subsidiary banks. The commenter suggested that Board revise Regulation O to implement a method to exclude from coverage insiders of diversified parent holding companies who do not supervise subsidiary banks.

The final rule does not include such an exclusion. As amended by section 306, section 22(h) presumes that insiders of parent holding companies exercise sufficient influence over subsidiary banks to be deemed bank insiders. In addition, FDICIA amended section 22(h) specifically to treat in the same fashion insiders of all companies that own banks—whether or not the company is technically a bank holding company. As noted above, the Board has no discretion to exclude such insiders from the coverage of section 22(h). Accordingly, the Board believes that implementation of the suggested

<sup>18</sup> See 138 Cong. Rec. S2059, S2077 (daily ed. February 21, 1992) (Statement of Sen. Riegle).

<sup>14</sup> 12 U.S.C. 84; 12 CFR part 22.

<sup>15</sup> See 138 Cong. Record S2059, S2077 (daily ed. February 21, 1992) (Statement of Sen. Riegle).



exclusion would not be consistent with the terms of section 306.

*7. Prohibition on Knowing Receipt of Any Extension of Credit Not Authorized by section 22(h)*

Section 306 amended section 22(h) to prohibit an insider from knowingly receiving an extension of credit not authorized by section 22(h). Several commenters requested that the Board refine the prohibition by including in Regulation O a provision permitting insiders to rely in good faith on a bank's statement that an extension of credit is authorized by section 22(h).

This prohibition applies only to knowing receipt of unauthorized extensions of credit. The Board believes that the reference to knowing receipt adequately protects insiders in the circumstances cited by the proponents of the good faith reliance safe-harbor.

*8. Grandfathering Provision*

FDICIA provides that amendments made by section 306 do not affect the validity of any extension of credit or other transaction lawfully entered into on or before the effective date of the FDICIA amendments. The effective date of the amendments relating to section 22(h) is the earlier of (i) the date on which the required revisions to Regulation O become effective or (ii) 150 days after the date of enactment of the FDICIA. Accordingly, May 18, 1992 is the effective date of the statutory provisions.

Several commenters sought guidance as to the effect of this statutory provision. The provision applies to the newly limited loans to directors and the aggregated loans to insiders. As applied to both categories, the provision requires that banks and insiders comply prospectively after the effective date of the statute (May 18, 1992). Extensions of credit made before the effective date are not required to comply with the single borrower limit made applicable to directors and their related interests or with the aggregate limit on loans to insiders and their related interests contained in Regulation O. All extensions of credit made after the effective date (*i.e.*, made after May 18, 1992) must comply with all of the provisions of the statute and Regulation O. Banks would not be authorized to extend further credit in amounts that, when aggregated with outstanding loans to insiders, would exceed either limit.

*9. General Review of Regulation O*

The Independent Bankers Association of America requested that, within a year of the promulgation of this final rule, the Board review Regulation O in its

entirety, including aspects of the regulation on which the Board did not seek comment in connection with the amendments discussed above. FDICIA mandates that the federal banking agencies conduct general reviews of the regulations implemented under the statutes they administer.<sup>19</sup> Accordingly, the Board will review Regulation O in its entirety and the effect of the regulation on bank operations and consider any modifications that are shown by experience to be necessary or appropriate to carry out the intent of Congress in this area or to prevent evasions of sections 22(g) and 22(h).

*10. Technical Revisions*

The final rule also contains several technical revisions to conform the Regulation O with section 306 and to correct existing ambiguities. In this respect, for example, the final rule:

(1) Modifies the requirement that member bank loans to executive officers be "made subject to the condition that the extension of credit will, at the option of the member bank, become due and payable" to clarify that the condition must be in writing.

(2) Replaces the term "bank" with the term "insured depository institution" where appropriate to reflect statutory usage.

(3) Provides a dedicated definition of the term "foreign bank" that is the same as the existing definition that is provided in the definition of "member bank."

(4) Replaces the term "capital stock" with the term "unimpaired capital" where appropriate to reflect statutory usage.

(5) Adds a date specification to the calculation of valuation reserves for purposes of determining a member bank's unimpaired capital and unimpaired surplus under Regulation O.

(6) Clarifies the definition of extension of credit on which a party may be liable.

**Section-By-Section Analysis**

The following describes the final rule's amendments of Regulation O.

*Section 215.1(a)*

The final rule adds a reference to FDICIA.

*Section 215.2(a)*

The final rule replaces the term "bank" with the term "depository institution" to reflect statutory usage.

*Sections 215.2(c) and (d) and 215.4(c); and Redesignated section 215.2(b)*

The final rule replaces the term "bank holding company" with the term "company" and removes the reference to the statutory definition of bank holding company.

*Sections 215.2(e) through (l)*

The final rule redesignates these paragraphs as paragraphs (g) through (n) to accommodate new paragraphs (e) and (f) of § 215.2.

*Section 215.2(e)*

The final rule creates a new paragraph (e) that relocates the existing Regulation O definition of the term "foreign bank." The definition, which remains unchanged, was previously a parenthetical part of the Regulation O definition of "member bank."

*Section 215.2(f):* The final rule creates a new paragraph (f) that defines the term "insider."

*Redesignated section 215.2(h)*

The final rule replaces the regulatory term "capital stock" with the statutory term "unimpaired capital" and adds a date specification to the definition of valuation reserves for the purposes of calculating a member bank's capital.

*Redesignated section 215.2(i)*

The final rule defines the term "member bank" to include any subsidiary of the member bank.

*Redesignated section 215.2(l)*

The final rule replaces the phrase "an individual or company" with the term "person" to reflect statutory usage. The final rule also strikes the sentence that implemented the control standard for determining "principal shareholder" of member banks located in communities with populations of less than 30,000 persons.

*Redesignated section 215.2(m)*

The final rule adds the phrase "of a person" to the definition of "related interest" to reflect statutory usage.

*Section 215.3(a)(4)*

The final rule replaces the term "person" with the term "insider" to clarify that the definition applies when the party liable is a bank insider.

*Section 215.3(a)(8)*

The final rule adds the term "similar" to reflect statutory usage.

<sup>19</sup> Federal Deposit Insurance Corporation Improvement Act of 1991, section 221, 105 Stat. 2236, 2305 (1991).

*Section 215.3(b)(2) and (b)(5)*

The final rule modifies the regulatory references to conform with the reorganized regulation.

*Section 215.4(a)(1)*

The final rule adds to the existing qualitative requirements the new requirement that, in extending credit to an insider, a member bank follow credit underwriting procedures no less stringent than those prevailing for comparable transactions with non-insiders. In addition, the proposal proposed to replace the term "repayment" with the term "default." The final rule retains the term "repayment."

*Sections 215.4(b)(2) and (3)*

The final rule reorganizes § 215.4 by redesignating existing paragraphs (b)(2) and (b)(3) of § 215.4 as paragraphs (b)(3) and (b)(4) to accommodate new paragraph (b)(2).

*Section 215.4(b)(2)*

The final rule reorganizes § 215.4 by creating a new paragraph (b)(2) to contain the existing \$500,000 limitation. The limitation provision is not modified substantively.

*Section 215.4(c)*

The final rule adds the term "directors" to the list of persons subject to the lending limit. This reflects the FDICIA amendment of section 22(h) that extends to loans to directors the section 22(h) lending limit.

*Section 215.4(d)*

The final rule redesignates existing paragraph (d) as paragraph (e) to accommodate new paragraph (d). New paragraph (d) implements the aggregate limit on extensions of credit to all insiders as a class mandated by FDICIA.

*Section 215.5(a), Footnote 4*

The final rule strikes the first sentence to reflect the FDICIA revisions that amend section 22(g) of the Federal Reserve Act to cover non-member insured banks. The final rule also modifies regulatory references to conform them with the reorganized regulation.

*Section 215.5(c)(2)*

The proposal proposed to add the phrase "the primary" to clarify that the amount limit under this paragraph applies only to an executive officer's primary residence. The final rule does not add the term "primary."

*Section 215.5(d)*

The final rule adds the phrase "in writing" after the term "condition" to clarify that the condition required by this paragraph must be in writing. The proposed rule also proposed to add the term "corresponding" before the phrase "category of credit." The final rule does not add the term "corresponding."

*Sections 215.6 through 215.10*

The final rule redesignates these sections as § § 215.7 through 215.11 to accommodate new § 215.6.

*Section 215.6*

The final rule creates a new § 215.6 that implements FDICIA revisions to section 22(h) that prohibit an insider from knowingly receiving (or knowingly permitting the insider's related interest from receiving) an extension of credit that is not authorized under Regulation O.

*Section 215.11*

The final rule redesignates § 215.11 as § 215.13 and adds a new § 215.12 to implement the FDICIA requirement that executive officers and directors of certain member banks report certain credits to the board of directors of the executive officer's or director's member bank.

*Redesignated section 215.9*

The proposal proposed to add the term "corresponding" before the phrase "category of credit" in redesignated § 215.9. The final rule does not add term "corresponding."

*Redesignated section 215.13*

The final rule amends this section to refer to the appropriate civil penalty provisions of the Federal Reserve Act.

The following describes the final rule's amendment of Regulation Y.

*Section 225.4(f)*

The final rule adds a new paragraph (f) to implement the FDICIA requirement that executive officers and directors of certain bank holding companies report certain credits to the board of directors of the executive officer's or director's bank holding company.

**Regulatory Flexibility Act Analysis**

The final rule implements additional restrictions on member banks' lending to their executive officers, directors, and principal shareholders that are required by section 306 of the FDICIA. The final rule also adds reporting requirements mandated by FDICIA that relate to certain credit to executive officers and

directors of certain banks and bank holding companies.

The Board expects that these statutorily mandated requirements, such as the aggregate lending limit, will impose costs on banking organizations, including small banking organizations. As authorized by FDICIA, however, the Board has determined to permit banks with total deposits of less than \$100 million to establish a higher aggregate lending limit (not to exceed two times the bank's unimpaired capital and unimpaired surplus) under certain circumstances. The Board has determined to permit the higher limit for a one-year period in order to enable the Board to collect data for the purpose of assessing the effect of the aggregate lending limit on the ability of small banks to attract directors and to lend.

The final rule does not establish any new substantive, procedural, or reporting requirements that are not required by FDICIA, with the exception of a submission required of small banks that establish higher aggregate lending limits authorized by the regulation. The final rule requires that such small banks submit to the appropriate federal banking agency and to the Board of Governors the resolution that records the board of directors' decision, including a statement of the bank's lending to its insiders as a percentage of the bank's unimpaired capital and unimpaired surplus.

**List of Subjects***12 CFR Part 215*

Credit, Federal Reserve System, Reporting and recordkeeping requirements, Security measures.

*12 CFR Part 225*

Administrative practice and procedure, Appraisals, Banks, Banking, Capital adequacy, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities, State member banks.

For the reasons set forth in this rule, and pursuant to the Board's authority under sections 22(g) and 22(h) of the Federal Reserve Act (12 U.S.C. 375a and 375b), section 5(b) of the Bank Holding Company Act (12 U.S.C. 1844(b)), and section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No. 102-242, 105 Stat. 2236 (1991)), the Board is amending 12 CFR part 215, subpart A, and 12 CFR part 225, subpart A as follows:

**PART 215—LOANS TO EXECUTIVE OFFICERS, DIRECTORS, AND PRINCIPAL SHAREHOLDERS OF MEMBER BANKS**

1. The authority citation for part 215 is revised to read as follows:

**Authority:** Secs. 11(i), 22(g) and 22(h), Federal Reserve Act (12 U.S.C. 240(i), 375a, 375(b)(7)), 12 U.S.C. 1817(k)(3) and 1972(2)(F)(vi), and sec. 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No 102-242, 105 Stat. 2236 (1991)).

**Subpart A—Loans by Member Banks to Their Executive Officers, Directors, and Principal Shareholders**

2. In part 215, the footnotes are removed or redesignated as shown in the following table:

Section and paragraph	Current Number	New number
§ 215.4(c).....	3	removed
§ 215.4(d).....	4	3
§ 215.5(a).....	5	4
§ 215.8.....	6	5
§ 215.9.....	7	6
§ 215.10(a).....	8	7
§ 215.10(b).....	9	8

3. 12 CFR 215.1 is amended by revising paragraph (a) to read as follows:

**§ 215.1 Authority, purpose, and scope.**

(a) *Authority.* This subpart is issued pursuant to sections 11(i), 22(g), and 22(h) of the Federal Reserve Act (12 U.S.C. 248(i), 375a, and 375b), 12 U.S.C. 1817(k)(3), and section 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No. 102-242, 105 Stat. 2236 (1991)).

4. 12 CFR 215.2 is amended by revising paragraphs (a), (c), and (d), redesignating paragraphs (e) through (l) as paragraphs (g) through (n), adding new paragraphs (e) and (f), and revising newly designated paragraphs (h), (i), (l), and (m) to read as follows:

**§ 215.2 Definitions.**

(a) *Company* means any corporation, partnership, trust (business or otherwise), association, joint venture, pool syndicate, sole proprietorship, unincorporated organization, or any other form of business entity not specifically listed herein. However, the term does not include:

- (1) An insured depository institution (as defined in 12 U.S.C. 1813); or
- (2) A corporation the majority of the shares of which are owned by the United States or by any State.

(c) *Director of a member bank* includes:

- (1) Any director of a member bank, whether or not receiving compensation;
- (2) Any director of a company of which the member bank is a subsidiary; and
- (3) Any director of any other subsidiary of that company. An advisory director is not considered a director if the advisory director—
  - (i) Is not elected by the shareholders of the company or bank;
  - (ii) Is not authorized to vote on matters before the board of directors; and
  - (iii) Provides solely general policy advice to the board of directors.

(d)(1) *Executive officer* of a company or bank means a person who participates or has authority to participate (other than in the capacity of a director) in major policymaking functions of the company or bank, whether or not: the officer has an official title; the title designates the officer an assistant; or the officer is serving without salary or other compensation.<sup>1</sup> The chairman of the board, the president, every vice president, the cashier, the secretary, and the treasurer of a company or bank are considered executive officers, unless: the officer is excluded, by resolution of the board of directors or by the bylaws of the bank or company, from participation (other than in the capacity of a director) in major policymaking functions of the bank or company; and the officer does not actually participate therein.

(2) For the purpose of §§ 215.4 and 215.8 of this part, an executive officer of a member bank includes an executive officer of: a company of which the member bank is a subsidiary; and any other subsidiary of that company, unless the executive officer of the subsidiary is excluded (by name or by title) from participation in major policymaking functions of the member bank by resolutions of the boards of directors of

<sup>1</sup> The term is not intended to include persons who may have official titles and may exercise a certain measure of discretion in the performance of their duties, including discretion in the making of loans, but who do not participate in the determination of major policies of the bank or company and whose decisions are limited by policy standards fixed by the senior management of the bank or company. For example, the term does not include a manager or assistant manager of a branch of a bank unless that individual participates, or is authorized to participate, in major policymaking functions of the bank or company.

both the subsidiary and the member bank and does not actually participate in such major policymaking functions.

(e) *Foreign bank* has the meaning given in 12 U.S.C. 3101(7).

(f) *Insider* means an executive officer, director, or principal shareholder, and includes any related interest of such a person.

(h) The *lending limit* for a member bank is an amount equal to the limit of loans to a single borrower established by section 5200 of the Revised Statutes,<sup>2</sup> 12 U.S.C. 84. This amount is 15 percent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are not fully secured, and an additional 10 percent of the bank's unimpaired capital and unimpaired surplus in the case of loans that are fully secured by readily marketable collateral having a market value, as determined by reliable and continuously available price quotations, at least equal to the amount of the loan. The lending limit also includes any higher amounts that are permitted by section 5200 of the Revised Statutes for the types of obligations listed therein as exceptions to the limit. A member bank's unimpaired capital and unimpaired surplus equals the sum of:

(1) The "total equity capital" of the member bank reported on its most recent consolidated report of condition filed under 12 U.S.C. 1817(a)(3);

(2) Any subordinated notes and debentures approved as an addition to the member bank's capital structure by the appropriate federal banking agency; and

(3) Any valuation reserves created by charges to the member bank's income reported on its most recent consolidated report of condition filed under 12 U.S.C. 1817(a)(3).

(i) *Member bank* means any banking institution that is a member of the Federal Reserve System, including any subsidiary of a member bank. The term does not include any foreign bank that maintains a branch in the United States, whether or not the branch is insured (within the meaning of 12 U.S.C. 1813(s)) and regardless of the operation of 12 U.S.C. 1813(h) and 12 U.S.C. 1828(j)(2).

(l) *Principal shareholder* means a person (other than an insured bank) that directly or indirectly, or acting through

<sup>2</sup> Where State law establishes a lending limit for a state member bank that is lower than the amount permitted in section 5200 of the Revised Statutes, the lending limit established by applicable State laws shall be the lending limit for the state member bank.

or in concert with one or more persons, owns, controls, or has the power to vote more than 10 percent of any class of voting securities of a member bank or company. Shares owned or controlled by a member of an individual's immediate family are considered to be held by the individual. A principal shareholder of a member bank includes:

(1) A principal shareholder of a company of which the member bank is a subsidiary; and

(2) A principal shareholder of any other subsidiary of that company.

(m) *Related interest* of a person means:

(1) A company that is controlled by that person; or

(2) A political or campaign committee that is controlled by that person or the funds or services of which will benefit that person.

\* \* \* \* \*

5. 12 CFR 215.3 is amended by revising paragraphs (a)(4), (a)(8), (b)(2) and (b)(5) to read as follows:

**§ 215.3 Extension of credit.**

(a) \* \* \*

(4) An acquisition by discount, purchase, exchange, or otherwise of any note, draft, bill of exchange, or other evidence of indebtedness upon which an insider may be liable as maker, drawer, endorser, guarantor, or surety;

\* \* \* \* \*

(8) Any other similar transaction as a result of which a person becomes obligated to pay money (or its equivalent) to a bank, whether the obligation arises directly or indirectly, or because of an endorsement on an obligation or otherwise, or by any means whatsoever.

(b) \* \* \*

(2) A receipt by a bank of a check deposited in or delivered to the bank in the usual course of business unless it results in the carrying of a cash item for or the granting of an overdraft (other than an inadvertent overdraft in a limited amount that is promptly repaid, as described in section 215(4)(e) of this part);

\* \* \* \* \*

(5) Indebtedness of \$5,000 or less arising by reason of any general arrangement by which a bank:

(i) Acquires charge or time credit accounts; or

(ii) Makes payments to or on behalf of participants in a bank credit card plan, check credit plan, interest bearing overdraft credit plan of the type specified in § 215.4(e) of this part, or similar open end credit plan: Provided:

(A) The indebtedness does not involve prior individual clearance or approval

by the bank other than for the purposes of determining authority to participate in the arrangement and compliance with any dollar limit under the arrangement; and

(B) The indebtedness is incurred under terms that are not more favorable than those offered to the general public.

\* \* \* \* \*

6. 12 CFR 215.4 is amended by revising paragraphs (a)(1), (b)(1) and (c), redesignating paragraphs (b)(2) and (b)(3) as paragraphs (b)(3) and (b)(4), respectively, adding a new paragraph (b)(2), redesignating paragraph (d) as paragraph (e), and adding a new paragraph (d) to read as follows:

**§ 215.4 General prohibitions.**

(a) \* \* \*

(1) Is made on substantially the same terms (including interest rates and collateral) as, and following credit underwriting procedures that are not less stringent than, those prevailing at the time for comparable transactions by the bank with other persons that are not covered by this part and who are not employed by the bank; and

\* \* \* \* \*

(b) *Prior approval.* (1) No member bank may extend credit (which term includes granting a line of credit) to any of its executive officers, directors, or principal shareholders or to any related interest of that person in an amount that, when aggregated with the amount of all other extensions of credit to that person, exceeds the higher of \$25,000 or 5 percent of the member bank's unimpaired capital and unimpaired surplus, unless:

(i) The extension of credit has been approved in advance by a majority of the entire board of directors of that bank; and

(ii) The interested party has abstained from participating directly or indirectly in the voting.

(2) In no event may a member bank extend credit to any one of its executive officers, directors, or principal shareholders, or to any related interest of that person, in an amount that, when aggregated with all other extensions of credit to that person, and all related interests of that person, exceeds \$500,000, except by complying with the requirements of this paragraph.

\* \* \* \* \*

(c) *Lending limit.* No member bank may extend credit to any of its executive officers, directors, or principal shareholders or to any related interest of that person in an amount that, when aggregated with the amount of all other extensions of credit by the member

bank to that person and to all related interests of that person, exceeds the lending limit of the member bank specified in § 215.2(h) of this part. This prohibition does not apply to an extension of credit by a member bank to a company of which the member bank is a subsidiary or to any other subsidiary of that company.

(d) *Aggregate lending limit—(1)*

*General limit.* A member bank may not extend credit to any insider unless the extension of credit is in an amount that, when aggregated with the amount of all outstanding extensions of credit by that bank to all of its insiders, does not exceed the bank's unimpaired capital and unimpaired surplus (as defined in § 215.2(h) of this part).

(2) *Member banks with deposits of less than \$100,000,000.* A member bank with deposits of less than \$100,000,000 may by resolution of its board of directors increase the general limit specified in paragraph (d)(1) of this section for the one-year period ending May 18, 1993, to a level not to exceed two times the bank's unimpaired capital and unimpaired surplus, if:

(i) The board of directors determines that such higher limit is consistent with prudent, safe, and sound banking practices in light of the bank's experience in lending to its insiders and is necessary to attract or retain directors or to prevent restricting the availability of credit in small communities;

(ii) The resolution sets forth the facts and reasoning on which the board of directors bases the finding, including the amount of the bank's lending to its insiders as a percentage of the bank's unimpaired capital and unimpaired surplus as of the date of the resolution;

(iii) The bank has submitted the resolution to the appropriate Federal banking agency (as defined in 12 U.S.C. 1813(q)) with a copy to the Board of Governors; and

(iv) The bank meets or exceeds, on a fully-phased in basis, all applicable capital requirements established by the appropriate Federal banking agency.

\* \* \* \* \*

7. 12 CFR 215.5 is amended by revising newly designated footnote 4 in paragraph (a) and by revising paragraph (d) to read as follows:

**§ 215.5 Additional restrictions on loans to executive officers of member banks.**

(a) \* \* \* \* \*

\* \* \* \* \*

\* Sections 215.5, 215.9, and 215.10 of this part implement section 22(g) of the Federal Reserve Act. For the purposes of those sections, an executive

(d) Any extension of credit by a member bank to any of its executive officers shall be:

(1) Promptly reported to the member bank's board of directors;

(2) In compliance with the requirements of § 215.4(a) of this part;

(3) Preceded by the submission of a detailed current financial statement of the executive officer; and

(4) Made subject to the condition in writing that the extension of credit will, at the option of the member bank, become due and payable at any time that the officer is indebted to any other bank or banks in an aggregate amount greater than the amount specified for a category of credit in paragraph (c) of this section.

8. 12 CFR 215.11 is redesignated as § 215.13, §§ 215.6 through 215.10 are redesignated as §§ 215.7 through 215.11, respectively, and a new § 215.6 is added to read as follows:

**§ 215.6 Prohibition on knowingly receiving unauthorized extension of credit.**

No executive officer, director, or principal shareholder of a member bank shall knowingly receive (or knowingly permit any of that person's related interests to receive) from a member bank, directly or indirectly, any extension of credit not authorized under this part.

9. A new 12 CFR 215.12 is added to read as follows:

**§ 215.12 Reporting requirement for credit secured by certain bank stock.**

Each executive officer or director of a member bank the shares of which are not publicly traded shall report annually to the board of directors of the member bank the outstanding amount of any credit that was extended to the executive officer or director and that is secured by shares of the member bank.

10. Newly designated 12 CFR 215.13 is revised to read as follows:

**§ 215.13 Civil penalties.**

Any member bank, or any officer, director, employee, agent, or other person participating in the conduct of the affairs of the bank, that violates any provision of this subpart (other than § 215.11) is subject to civil penalties as specified in section 29 of the Federal Reserve Act (12 U.S.C. 504).

officer of a member bank does not include an executive officer of a bank holding company of which the member bank is a subsidiary or any other subsidiary of that bank holding company.

**PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL**

1. The authority for part 225 is revised to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831(i), 1843(c)(8), 1844(b), 3106, 3108, 3907, 3909, 3310, and 3331-3351, and sec. 306 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Pub. L. No. 102-242, 105 Stat. 2236 (1991)).

2. 12 CFR 225.4 is amended by adding paragraph (f) to read as follows:

**§ 225.4 Corporate practices.**

\* \* \* \* \*

(f) *Reporting requirement for credit secured by certain bank holding company stock.* Each executive officer or director of a bank holding company the shares of which are not publicly traded shall report annually to the board of directors of the bank holding company the outstanding amount of any credit that was extended to the executive officer or director and that is secured by shares of the bank holding company. For purposes of this paragraph, the terms "executive officer" and "director" shall have the meaning given in § 215.2 of Regulation O, 12 CFR 215.2.

Board of Governors of the Federal Reserve System, May 7, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board

[FR Doc. 92-11897 Filed 5-18-92; 8:45 am]

BILLING CODE 6210-01-F

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 91-NM-249-AD; Amendment 39-8216; AD 92-08-05]

**Airworthiness Directives; Boeing Model 767 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, that requires the replacement of the tie rods for certain aft galley installations. This amendment is prompted by a determination that certain aft galley installations do not meet the requirements for emergency landing conditions. The actions specified by this AD are intended to prevent the galley from becoming loose

during an emergency landing and causing injury to passengers or cabin crew members.

**DATES:** Effective June 23, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 23, 1992.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the Federal Aviation Administration (FAA), Northwest Mountain Region, Transport Airplane Directorate, Rules Docket, 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. Pliny Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 277-2783; fax (206) 227-1181.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive (AD) that is applicable to certain Boeing Model 767 series airplanes was published in the **Federal Register** on January 15, 1992 (57 FR 1692). That action proposed to require the replacement of the tie rods for certain aft galley installations. The tie rods serve to provide more support to keep the galley complex in place.

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

Both commenters support the proposed rule.

Since issuance of the proposal, Boeing has issued Revision 1 of Service Bulletin 767-25-0160, dated February 13, 1992, which relates to the replacement of the aft galley tie rod assemblies with stronger rod assemblies, in order to keep the galley complex in place. This revised service bulletin "formally" adds airplane VF093 (variable number) to the effectivity section of the service bulletin. This specific airplane was listed in the applicability statement of the notice, however. Accordingly, the FAA has revised the final rule to cite Revision 1 of that service bulletin as an additional source for service information.

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 with the change

described previously. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 22 Model 767 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 9 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required actions, and that the average labor rate is \$55 per work hour. Modification parts will be provided by the manufacturer at no charge to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$990.

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 it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption "ADDRESSES."

#### 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—AIRWORTHINESS DIRECTIVES

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:

**92-08-05. BOEING:** Amendment 39-8216. Docket 91-NM-249-AD.

*Applicability:* Model 767 series airplanes listed in Boeing Service Bulletin 767-25-0160, dated July 18, 1991; and airplane having variable number VF093; certificated in any category.

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

To prevent the galley from coming loose during an emergency landing, accomplish the following:

(a) Replace the aft galley tie rods in accordance with Boeing Service Bulletin 767-25-0160, dated July 18, 1991; or Revision 1, dated February 13, 1992.

(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. The request shall 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 modification shall be done in accordance with Boeing Service Bulletin 767-25-0160, dated July 18, 1991; or Revision 1, dated February 13, 1992; which include the following list of effective pages:

Service bulletin	Page No.	Revision level	Date
767-25-0160 original.	1-9.....	Original...	July 18, 1991.
767-25-0160 revision 1.	1, 3, 4, and 5.	1.....	Feb 13, 1992.
	2, 6, 7, 8, and 9.	Original...	July 18, 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 becomes effective on June 23, 1992.

Issued in Renton, Washington, on March 26, 1992.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc 92-11725 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 522

[Docket No. 92N-0188]

#### Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Technical Amendment

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations that provide for the use of selenium, vitamin E injection for the prevention and treatment of selenium-tocopherol deficiency syndrome in horses. The preservative thimerosal which is currently specified in the regulation is incorrect. This document amends the regulation to indicate the correct preservative.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Henry E. Schmaus, Center for Veterinary Medicine (HFV-140), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8701.

**SUPPLEMENTARY INFORMATION:** Section 522.2100 *Selenium, vitamin E injection* (21 CFR 522.2100) provides for the use of selenium, vitamin E injection for the prevention and treatment of selenium-tocopherol deficiency syndrome in horses. Section 522.2100(a)(1) currently specifies thimerosal as the preservative. However, the agency has previously approved a supplement to new animal drug application 30-315, filed by Schering-Plough Animal Health Corp., P.O. Box 529, Kenilworth, NJ 07033, that provides for the replacement of thimerosal with benzyl alcohol. At that time, the agency inadvertently failed to amend the regulation to reflect the approved change of preservative. Accordingly, this document amends § 522.2100(a)(1) by replacing thimerosal with benzyl alcohol as the preservative.

#### List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

**PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION**

1. The authority citation for 21 CFR part 522 continues to read as follows:

**Authority:** Sec. 512 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b).

**§ 522.2100 [Amended]**

2. Section 522.2100 *Selenium, vitamin E injection* is amended in paragraph (a)(1) by removing "0.1 milligram thimerosal" and adding in its place "2.0 percent benzyl alcohol".

Dated: May 12, 1992.

Robert C. Livingston,

*Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.*

[FR Doc. 92-11668 Filed 5-18-92; 8:45 am]

BILLING CODE 4160-01-M

**21 CFR Part 556**

**Tolerances for Residues of New Animal Drugs In Food; Halofuginone Hydrobromide**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Roussel Uclaf, Div. Agro-Veterinarie. The supplement provides for revising the tolerance for safe residues of halofuginone hydrobromide in edible turkey tissue by changing the marker residue concentration in liver from 0.1 to 0.13 part per million (ppm).

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Steven D. Vaughn, Center for Veterinary Medicine (HFV-135), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301-295-8643.

**SUPPLEMENTARY INFORMATION:** Hoechst-Roussel Agri-Vet Co., Route 202-206 North, Somerville, NJ 08876, is the U.S. agent for Roussel Uclaf, Div. Agro-Veterinarie, 163 Avenue Gambetta, 75020 Paris, France, the sponsor of NADA 140-824. The NADA provides for the use of Stenorol® (halofuginone hydrobromide) Type A medicated article to make Type C medicated turkey

feed for the prevention of coccidiosis. The sponsor filed a supplement which provides for revising the tolerance for safe residues of halofuginone hydrobromide in edible turkey tissues by changing the marker residue concentration from 0.1 to 0.13 ppm in liver for parent halofuginone hydrobromide. FDA's approval of this supplemental application involved a re-evaluation of the residue and metabolism data originally submitted in the parent NADA as well as an evaluation of a metabolism study newly submitted with this supplemental application. The safe concentrations for total halofuginone hydrobromide residues in uncooked edible turkey tissues remain 0.1 ppm in muscle, 0.3 ppm in liver, and 0.2 ppm in skin with adhering fat. The supplemental NADA is approved and 21 CFR 556.308 is amended to reflect the approval. The basis for approval is discussed in the revised freedom of information summary.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), approval of this supplemental application does not qualify for marketing exclusivity under the Generic Animal Drug and Patent Term Restoration Act of 1988 because no new clinical or field investigations or human food safety studies (other than residue studies) conducted or sponsored by the firm were essential to the approval. Exclusivity is not granted for an increase in a tolerance.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of residue and metabolism data and information submitted to support approval of this supplemental application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 1-23, 12420 Parklawn Dr., Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.24(d)(1)(i) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

**List of Subjects in 21 CFR Part 556**

Animal drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to

the Center for Veterinary Medicine, 21 CFR part 556 is amended as follows:

**PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD**

1. The authority citation for 21 CFR part 556 continues to read as follows:

**Authority:** Secs. 402, 512, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342, 360b, 371).

**§ 556.308 [Amended]**

2. Section 556.308 *Halofuginone hydrobromide* is amended in the second sentence by removing the number "0.1" and adding in its place "0.13."

Dated: May 12, 1992.

Robert C. Livingston,

*Director, Office of New Animal Drug Evaluation, Center for Veterinary Medicine.*

[FR Doc. 92-11669 Filed 5-18-92; 8:45 am]

BILLING CODE 4160-01-M

**DEPARTMENT OF JUSTICE**

**Parole Commission**

**28 CFR Part 2**

**Paroling, Recommitting and Supervising Effect of a Conspiracy Conviction on a Prisoner's Parole Guidelines**

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Interim rule with request for public comment.

**SUMMARY:** The Commission is revising its guidelines to clarify its policy that a prisoner who is convicted on a conspiracy charge is rated according to the offense carried out, or intended, by the entire conspiracy. The guidelines already provide for joint accountability among co-conspirators if the criminal activities of the prisoner's associates were either under his control or reasonably foreseeable. The guidelines do not, however, state that a conspiracy conviction itself provides the basis for such a finding by the Commission. A recent court decision holding that proof of control or foreseeability is required under the Commission's guidelines, notwithstanding a plea of guilty to a conspiracy count, makes it necessary for the Commission to make clear the effect of a conspiracy conviction.

**DATES:** The interim rule takes effect May 19, 1992. Comments must be submitted by June 18, 1992, in order to be received by the Commission prior to consideration of the rule.

**ADDRESSEES:** Send comments to Richard Preston, Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, MD 20815.

**FOR FURTHER INFORMATION CONTACT:** Richard Preston, Office of General Counsel, U.S. Parole Commission, Telephone (301) 492-5959.

**SUPPLEMENTARY INFORMATION:** In *U.S. ex rel John Farese v. Dennis Luther*, \_\_\_ F.2d \_\_\_ (3d Cir. 1992), it was held that the Commission may not hold a drug conspirator responsible for the total amount of cocaine distributed by his conspiracy in the absence of proof that he either controlled, or could foresee, the activities of his associates, notwithstanding the fact that the prisoner had pleaded guilty to a conspiracy count naming each of the associates whose drug distributions were included by the Commission in the prisoner's offense severity rating. The Court's decision interprets 28 CFR 2.20, chapter 13, subchapter A, General Note 4. General Note 4 states that a prisoner may be held accountable for activities committed by his associates in a joint venture, provided that he either controlled, or could foresee, those activities. The effect of a conspiracy conviction upon the Commission's requirement for evidence of control or foreseeability is not stated in General Note 4.

The Commission therefore finds it necessary to clarify the intended meaning of General Note 4 and to make its clarification effective without delay in order to prevent the release of any prisoner contrary to 18 U.S.C. 4206(a)(1), which requires that release on parole shall not depreciate the seriousness of the prisoner's offense.

The Commission agrees with *Cerullo v. Gunnell*, 586 F. Supp. 211 (D.Conn. 1983), and the dissenting opinion in *Farese v. Luther*, that a conviction of conspiracy establishes, as a matter of law, criminal liability for the activities of the co-conspirators named in the indictment. As stated by the dissent in *Farese v. Luther*, a defendant should not be allowed to "bypass the proof stage" of a criminal trial by pleading guilty to a conspiracy charge, and then be allowed to demand that the Parole Commission "carve out" his role in the conspiracy on the ground that the Commission lacks proof that a conspiracy existed. A conspiracy conviction presupposes the element of knowing participation in a joint criminal venture with the co-conspirators named in the indictment.

The interim rule does not change the need for specific supporting information, and a finding of fact by the Commission if that information is disputed by the

prisoner, in any case wherein the prisoner is not convicted of conspiracy, and it is proposed to hold the prisoner liable for the criminal activities of codefendants in a joint venture. The Commission recognizes that establishing joint liability in a "spoke and wheel" drug distribution ring, when the prisoner claims to have been acting as an independent supplier or distributor, requires a careful evaluation of the facts in the absence of a conspiracy conviction. The Commission must decide as to which version of the facts " \* \* \* best accords with reason and probability." 28 CFR 2.19(c).

The Commission also recognizes that, even in the case of a conspiracy conviction, a prisoner must not be held accountable for the activities of his co-conspirators prior to his participation in the conspiracy, or which were not in furtherance of the conspiracy. The parameters of conspiratorial liability are well explained in *Campbell v. U.S. Parole Commission*, 704 F.2d 106 (3d Cir. 1983).

#### REGULATORY FLEXIBILITY STATEMENT

This rule change will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### List of Subjects in 28 CFR Part 2

Administrative practice and procedure, prisoners, probation and parole.

28 CFR part 2 is amended as follows:

#### PART 2—[AMENDED]

1. The authority citation for 28 CFR part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

2. The following sentence is added to § 2.20, Chapter 13, Subchapter A, General Note 4:

\* \* \* \* \*

4. \* \* \* However, if the prisoner has been convicted of a conspiracy, he must be held accountable for the criminal activities committed by his co-conspirators, provided such activities were committed in furtherance of the conspiracy and subsequent to the date the prisoner joined the conspiracy.

\* \* \* \* \*

Dated: February 21, 1992.

Jasper R. Clay,

Vice Chairman, U.S. Parole Commission.  
[FR Doc. 92-11598 Filed 5-18-92; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 100

[CGD2-92-03]

#### Special Local Regulations: Annual Marine Events Within the Second Coast Guard District

**AGENCY:** Coast Guard, DOT.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is revising its list of annual marine events which occur within the Second Coast Guard District. The revised list reflects the most current dates, times, and locations of each annual marine event in 1992. Because of the recurring nature of these events, a permanent amendment to part 100 of title 33 of the Code of Federal Regulations will preclude the necessity of publishing separate special local regulations for each event.

**EFFECTIVE DATE:** These regulations become effective on May 19, 1992.

**ADDRESSES:** To be placed on a mailing list for notices about marine events, write to Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832.

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

**SUPPLEMENTARY INFORMATION:** The revised Table One gives exact dates, times, and locations for those events listed in 33 CFR 100.201. The revised Table also deletes events which are no longer being held. Mariners should always check the Local Notice to Mariners whenever possible for announcements related to these events. To be placed on the mailing list for such notices, contact Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri 63103-2832.

#### Drafting Information

The drafters of these regulations are ENS Dale R. Dean, project officer, Second Coast Guard District (bb), and LCDR A. O. Denny, project attorney, Second Coast Guard District Legal Office.

#### Discussion of Regulations

Each year various public and private organizations sponsor marine events on navigable waters within the Second Coast Guard District. These events



include slow-moving boat parades, raft races, high-speed hydroplane races, steamboat races, fireworks displays, and other water-related events. The listed events are annual events, held in approximately the same location and during the same general period of time each year. The nature of each event is such that special local regulations are deemed necessary to ensure the safety of life and property on and adjacent to navigable waters during the events.

Because of the recurring nature of these events, the Commander of the Second Coast Guard District is promulgating a permanent amendment to part 100 of title 33 of the Code of Federal Regulations. This precludes the necessity of publishing separate special local regulations for each event.

It should be noted that Table One in the regulation is not a complete list of all annual marine events which occur in the Second Coast Guard District. It only includes those which have been determined by the District Commander to require publication of permanent regulations in order to ensure the safety of life and property on or adjacent to navigable waters.

To better advise the public of each event, Table One has been revised to include more specific information on dates, locations, and times for each event which will be held in 1992. In addition, a new address for the Aids to Navigation Office has been provided.

#### Economic Assessment and Certification

The regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant under the guidelines of DOT Order 2100.5 of May 22, 1980, Policies and Procedures for Simplification, Analysis, and Review of Regulations. An economic evaluation has not been conducted as the impact of these regulations is expected to be minimal. The above conclusions follow from the temporary duration of the anticipated regulated areas. If issued separately, the impact of each temporary regatta regulation would be deemed minimal. There is no reason to believe that compiling the anticipated events and the attendant regulations into a consolidated list would increase the otherwise minimal economic impact. Further, this rule merely provides current information to update an existing regulation without changing the impact of the regulation on the public. Pursuant to 5 U.S.C. 601, et seq., the Regulatory Flexibility Act, it is certified that the regulations will not have a

significant economic impact on a substantial number of small entities.

#### Federalism Assessment

This section has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant preparation of a Federalism Assessment. As noted above, this rulemaking merely updates an existing list of anticipated annual events. Although some events have been deleted, none have been added.

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Section 100.201 is amended by revising paragraph (a) and by revising Table One immediately following the section to read as follows:

#### § 100.201 Annual marine events within the Second Coast Guard District.

(a) Permanent special local regulations are hereby established for the marine events listed in Table 1. These regulations will be effective annually within the zones and on the dates and times indicated in Table One. Additional information concerning each event; including dates, times, locations, event descriptions, and the number of participants and types of vessels involved; will be published in Local Notices to Mariners. To be placed on the mailing list for such notices, contact: Commander (oan), Second Coast Guard District, 1222 Spruce Street, St. Louis, Missouri, 63102-2832.

\* \* \* \* \*

#### Table One

Memphis in May Canoe & Kayak Race:

Sponsor: Outdoors, Inc.

Date: May 9, 9:30 a.m. to 11:30 a.m.

Location: Lower Mississippi River, mile 738.5-735.5, near Memphis, TN

Cape Girardeau Riverfest:

Sponsor: Cape Girardeau Riverfest Association

Date: June 12, 3 p.m. to 11 p.m.—June 13, 11 a.m. to 11 p.m.

Location: Upper Mississippi River, mile 52.0, near Cape Girardeau, IL

Steamboat Days:

Sponsor: Peoria Convention & Visitors Bureau

Date: June 18, 5 p.m. to 5:45 p.m., June 19, 8 a.m. to 8 p.m., June 20, 9 a.m. to 11 p.m., June 21, 1 p.m. to 3 p.m.

Location: Illinois River, mile 161.0-163.0, near Peoria, IL

Budweiser Indiana Governor's Cup:

Sponsor: Madison Regatta, Inc.

Date: July 3-5, 9 a.m. to 6 p.m. (each day)

Location: Ohio River, mile 557.0-558.0, near Madison, IN

Riverfest:

Sponsor: Riverfest, Inc.

Date: July 1, 9 a.m. to 2 p.m.

Location: Upper Mississippi River, mile 698.0-699.0, near LaCrosse, WI

Chattanooga Riverbend Festival:

Sponsor: Friends of the Festival, Inc.

Date: June 19-27, 9:45 p.m. to 11 p.m. (each day)

Location: Tennessee River, mile 463.5-

464.6, near Chattanooga, TN

Great Tennessee River Raft Race:

Sponsor: Tennessee Jaycee Foundation.

Date: June 6, 11 a.m. to 5 p.m.

Location: Tennessee River, mile 469.0-464.0, near Chattanooga, TN

V. P. Fair:

Sponsor: V. P. Fair Foundation

Date: July 2-6, 12 p.m. to 9:30 p.m. (each day)

Location: Upper Mississippi River, mile 179.0-181.0, near St. Louis, MO

Freedom Festival's Thunder on the Ohio:

Sponsor: Evansville Freedom Festival

Date: June 26-28, 8 a.m. to 6 p.m. (each day)

Location: Ohio River, mile 792.0-793.0, near Evansville, OH

Steubenville Regatta:

Sponsor: Steubenville Regatta and Racing Association

Date: July 10-12, 11 a.m. to 10 p.m. (each day)

Location: Ohio River, mile 65.0-67.0, near Steubenville, OH

Hastings Flotilla Frolic and Rivertown Days:

Sponsor: Hastings Flotilla Frolic Association

Date: July 18-21, 7:30 p.m. to 11 p.m. (each day)

Location: Upper Mississippi River, mile 813.0-815.0, near Hastings, MN

Minneapolis Aquatennial Formula I Grand Prix:

Sponsor: Minneapolis Aquatennial Association

Date: July 20, 21, 25, 26, 8 a.m. to 10 p.m. (each day)

Location: Upper Mississippi River, mile 854.8-855.8, near Minneapolis, MN

Huntington-Miller Classic:

Sponsor: Tri-State Fair and Regatta

Date: July 18-28, 8 a.m. to 10:30 p.m. (each day)

Location: Ohio River, mile 307.5-308.8, near Huntington, WV

Pittsburgh Three Rivers Regatta:

Sponsor: Pittsburgh Three Rivers Regatta

Date: August 6-9, 1992, sunrise to sunset (each day)

Location: Confluence of the Ohio, Allegheny & Monongahela Rivers, miles 1.0-0.0, near Pittsburgh, PA

Beaver County River Regatta:

Sponsor: Beaver County River Regatta, Inc.  
Date: August 21-23, 6 p.m. to 12 a.m. (each day)

Location: Beaver River, mile 0.0-2.0, near Bridgewater, PA

Annual Charleston Sternwheel Regatta:

Sponsor: Charleston Festival Commission, Inc.

Date: August 28, 8 a.m. to 10 p.m.

Location: Great Kanawha River, mile 58.0-60.5, near Charleston, WV

Armstrong County Chamber of Commerce:

Sponsor: Armstrong County Chamber of Commerce

Date: August 24-26, 9 a.m. to 5 p.m. (each day)

Location: Allegheny River, mile 44.0-45.0, near Kittanning, PA

New Richmond Riverfest:

Sponsor: New Richmond Riverfest, Inc.

Date: August 30, 12 p.m. to 6 p.m.

Location: Ohio River, mile 449.0-450.6, near New Richmond, OH

The Great Missouri River Raft Regatta:

Sponsor: The Great Missouri River Raft Regatta

Date: September 6, 8 a.m. to 10 p.m.

Location: Missouri River, mile 601.0-627.5, near Omaha, NE

Ohio River Sternwheel Festival:

Sponsor: Ohio River Sternwheel Festival

Date: September 11, 7 p.m. to 11 p.m.,

September 12, 1 p.m. to 2:40 p.m.,

September 13, 7 p.m. to 11 p.m.

Location: Ohio River, mile 170.8-171.9, near Marietta, OH

Toyota/WEBN Fireworks:

Sponsor: WEBN Radio

Date: September 7, 6:30 p.m. to 9:30 p.m.

Location: Ohio River, mile 469.0-471.0, near Cincinnati, OH

Dated: May 7, 1992.

N.T. Saunders,

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

[FR Doc. 92-11719 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 100

[CGD 09-92-06]

#### Special Local Regulations; NY State Hydroplane Championships, Niagara River, Tonawanda, NY

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** Special Local Regulations are being adopted for the N.Y. State Hydroplane Championships. This event will be held on the Niagara River on the 25th and 26th of July 1992 from 11 a.m. (E.D.S.T.) until 6 p.m. (E.D.S.T.), each day. This event will have approximately 50 to 80 hydroplane boats racing in a closed course, which could pose hazards to navigation in the area. The regulations are needed to provide for the safety of life and property on navigable waters during the event.

**EFFECTIVE DATE:** These regulations become effective at 11 a.m. (E.D.S.T.) and terminate at 6 p.m. (E.D.S.T.), each day, on the 25th and 26th of July 1992.

**FOR FURTHER INFORMATION CONTACT:** William A. Thibodeau, Marine Science Technician Third Class, U.S. Coast Guard, Aids to Navigation & Waterways Management Branch, Ninth Coast Guard District, 1240 East 9th Street, Cleveland, Ohio 44199-2060, (216) 522-4420.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold this event was not received by the Commander, Ninth Coast Guard District, until 20 April 1992, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

#### Drafting Information

The drafters of this regulation are William A. Thibodeau, Marine Science Technician Third Class, U.S. Coast Guard, project officer, Aids to Navigation & Waterways Management Branch and M. Eric Reeves, Commander, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

#### Discussion of Regulations

The NY State Hydroplane Championship will be conducted on the Niagara River on 25 and 26 July 1992. This event will have approximately 50 to 80, fifteen to twenty-four foot hydroplane boats, racing in a closed course, which could pose hazards to navigation in the area. Any vessel desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (Officer in Charge, U.S. Coast Guard Station Buffalo, NY). There will be periodic breaks throughout the day to allow marine traffic to transit the area. Commercial vessel traffic will have priority passage.

#### Economic Assessment and Certification

This regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. This event will draw a large number of

spectator craft into the area for the duration of the event. This should have a favorable impact on commercial facilities providing services to the spectators. Any impact on commercial traffic in the area will be negligible.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

#### Federalism

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

#### List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

#### Final Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations, is amended as follows:

#### PART 100—[AMENDED]

1. The authority citation for part 100 continues to read as follows:

**Authority:** 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. Part 100 is amended to add a temporary § 100.35-T0906 to read as follows:

#### § 100.35-T0906 NY State Hydroplane Championships, Niagara River, Tonawanda, NY.

(a) *Regulated area:* That portion of the east branch of Niagara River, Tonawanda Channel, from the overhead cables, 1800 yards northeast of the South Grand Island Bridge, to an east-west line, shore to shore, through Tonawanda Channel Buoy 35 (LLP 37) (3075).

(b) *Special Local Regulations:*

(1) The above area will be closed to navigation and anchorage, except when expressly authorized by the Coast Guard Patrol Commander, from 11 a.m. (E.D.S.T.) until 6 p.m. (E.D.S.T.), each day, on 25 and 26 July 1992.

(2) The Coast Guard will patrol the regulated area under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on channel 16 (156.8 MHz) by the call sign "Coast Guard Patrol Commander". Any vessel, not authorized to participate in the event, desiring to transit the regulated area may do so only with prior approval of

the Patrol Commander and when so directed by that officer. Transiting vessels will be operated at bare steerageway, and will exercise a high degree of caution in the area.

(3) The Patrol Commander may direct the anchoring, mooring, or movement of any boat or vessel within the regulated area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Any vessel so signaled shall stop and shall comply with the orders of the Patrol Commander. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(4) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(5) The Patrol Commander may restrict vessel operation within the regulated area to vessels having particular operating characteristics.

(6) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(7) This section is effective from 11 a.m. (E.D.S.T.) until 6 p.m. (E.D.S.T.), each day, on the 25th and 26th of July 1992.

Dated: May 6, 1992.

G.A. Penington,

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

[FR Doc. 92-11723 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[COTP Paducah, KY; Regulation 92-08]

#### Safety Zone Regulations; Tennessee River, Mile 155.0 to 158.0

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Tennessee River from mile 155.0 to 158.0, in the vicinity of Clifton, Tennessee. The safety zone is needed to protect racing participants and spectators from the safety hazard that heavy commercial traffic will produce during a small craft race. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation becomes effective at 11:30 a.m. on 4 July 1992. It terminates at 4:30 p.m. on 4 July 1992.

**FOR FURTHER INFORMATION CONTACT:** ENS Robert Coller, c/o Commanding

Officer, U.S. Coast Guard, Marine Safety Office, P.O. Box 7509, Paducah, KY 42002-7509, (502) 422-1621.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation. Publishing an NPRM would be contrary to the public interest as immediate action is needed to control the potential hazards to the vessels involved.

#### Drafting Information

The drafter of this regulation is ENS Robert Coller, project officer for the Captain of the Port, Paducah, KY.

#### Discussion of Regulation

The event requiring this regulation will begin on 4 July 1992. This safety zone is necessary due to the hazards that heavy commercial traffic will produce to the participants and spectators of a power boat race. The race will consist of an oval course that utilizes the entire width of the navigation channel.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

#### List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

#### Regulation

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

#### PART 165—[AMENDED]

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T02016 is added to read as follows:

#### § 165.T02016 Safety Zone: Tennessee River.

(a) *Location.* The following area is a safety zone: Tennessee River, Mile 155.0 to 158.0.

(b) *Effective date.* This regulation becomes effective at 11:30 a.m. on 4 July 1992. It terminates at 4:30 p.m. on 4 July 1992.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 28, 1992.

Jack L. Buri,

Commander, U.S. Coast Guard, Captain of the Port, Paducah, KY.

[FR Doc. 92-11722 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-14-M

### 33 CFR Part 165

[COTP Paducah, KY; Regulation 92-07]

#### Safety Zone Regulations; Upper Mississippi River, Mile 051.5 to 052.5

**AGENCY:** Coast Guard, DOT.

**ACTION:** Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone on the Upper Mississippi River from mile 051.5 to 052.5, in the vicinity of Cape Girardeau, Missouri. The safety zone is needed to protect vessels from safety hazards associated with a fireworks display. Entry into this zone is prohibited unless authorized by the Captain of the Port.

**EFFECTIVE DATE:** This regulation becomes effective at 8:45 p.m. on 13 June 1992. It terminates at 10:15 p.m. on 13 June 1992.

**FOR FURTHER INFORMATION CONTACT:** ENS Robert Coller, c/o Commanding Officer, U.S. Coast Guard, Marine Safety Office, P.O. Box 7509, Paducah, KY 42002-7509, (502) 442-1621.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after *Federal Register* publication. Publishing a NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to protect vessels from the possible danger involved.

#### Drafting Information

The drafter of this regulation is ENS Robert Coller, project officer for the Captain of the Port, Paducah, KY.

#### Discussion of Regulation

The event requiring this regulation will occur on 13 June 1992. This safety zone is necessary due to the hazards involved with the location of the staging area and the flammable nature of the pyrotechnics used in the fireworks display. The Captain of the Port, Paducah will be providing a vessel to enforce the safety zone. This action will prevent possible damage to watercraft and their occupants in the event of a stray pyrotechnic projectile.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

**List of Subjects in 33 CFR Part 165**

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

**Regulation**

In consideration of the foregoing, subpart C of part 165 of title 33, Code of Federal Regulations, is amended as follows:

**PART 165—[AMENDED]**

1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1225 and 1231; 50 U.S.C. 191; 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

2. A new § 165.T02015 is added to read as follows:

**§ 165.T02015 Safety Zone: Upper Mississippi River.**

(a) *Location.* The following area is a safety zone: Upper Mississippi River, Mile 051.5 to 052.5.

(b) *Effective date.* This regulation becomes effective at 8:45 p.m. on 13 June

1992. It terminates at 10:15 p.m. on 13 June 1992.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 28, 1992.

Jack L. Buri,  
*Commander, U.S. Coast Guard, Captain of the Port, Paducah, KY.*

[FR Doc. 92-11721 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-14-M

**FEDERAL COMMUNICATIONS COMMISSION**

**47 CFR Part 25**

**Satellite Communications; Maximum Permissible Interference Power**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; technical amendment.

**SUMMARY:** These technical amendments are being made to clarify the entries for Reference bandwidth, B (Hz) and Lw(dB) in the table on maximum

permissible interference power for satellite communications.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Eric Muller, (202) 634-1859.

**List of Subjects in 47 CFR Part 25**

Communications common carriers, Communications equipment, Radio, Reporting and recordkeeping requirements, Satellites, Securities.

Part 25 of title 47 of the Code of Federal Regulations is amended as follows:

**PART 25—[AMENDED]**

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

**Authority:** Sections 101-404, 76 Stat. 419-427; 47 U.S.C. 701-744, Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154, Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.

2. Section 25.252(c), Table 1, is amended by revising the entries for Reference bandwidth, B (Hz) and Lw(dB) to read as follows:

**§ 25.252 Maximum permissible interference power.**

\* \* \* \* \*

SECTION 25.252 TABLE 1.—PARAMETERS TO BE USED IN THE CALCULATION OF THE MAXIMUM PERMISSIBLE INTERFERENCE POWER LEVEL AND MINIMUM PERMISSIBLE BASIC TRANSMISSION LOSS

Reference bandwidth, B (Hz) .....	10 <sup>6</sup>	4 × 10 <sup>3</sup>	10 <sup>6</sup>	10 <sup>6</sup>	10 <sup>6</sup>	4 × 10 <sup>3</sup>	4 × 10 <sup>3</sup>
L <sub>w</sub> (dB) .....	0	<sup>4</sup> L <sub>w</sub>	0	0	0	<sup>4</sup> L <sub>w</sub>	<sup>4</sup> L <sub>w</sub>

Federal Communications Commission.  
Donna R. Searcy,  
Secretary.  
[FR Doc. 92-11683 Filed 5-18-92; 8:45 am]  
BILLING CODE 6712-01-M

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 509**

[Docket No. 83-17; Notice 4]

**OMB Control Number Display for Information Collection Requirements**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Technical amendment.

**SUMMARY:** The Office of Management and Budget (OMB) has promulgated a regulation requiring all agencies to display the OMB control number

assigned to collections of information published in regulations, by publishing those control numbers in the **Federal Register** and Code of Federal Regulations (CFR). In compliance with this regulation, NHTSA established part 509 in title 49 of the CFR. Part 509 was last updated in 1987. This amendment updates Part 509 to reflect the changes that have occurred since 1987. This update is intended to ensure that the public will be informed of the current OMB control numbers assigned to NHTSA regulations.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Dorothy Nakama, Office of Chief Counsel, NHTSA, room 5219, 400 Seventh Street, SW., Washington, DC 20590 (202) 366-2992.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget (OMB) is authorized by the Paperwork Reduction Act of 1980 (44 U.S.C. 3516) to promulgate rules, regulations and

procedures necessary to carry out the purposes of the Paperwork Reduction Act. Pursuant to this authority, OMB promulgated 5 CFR part 1320, *Control of Paperwork Burdens on the Public*. 5 CFR 1320.7(e)(2) requires all agencies to display the OMB control number assigned to collections of information published in regulations, by publishing those control numbers in the **Federal Register**, and to ensure that the number is included in the Code of Federal Regulations (CFR).

In response to this OMB regulation, NHTSA established 49 CFR part 509. Part 509 sets forth all the OMB control numbers that have been assigned to NHTSA's regulations. The agency last updated the regulation on August 12, 1987 (52 FR 29857). Since that date, there have been certain changes to the OMB control numbers assigned to NHTSA's regulations. This technical amendment updates part 509 to reflect those changes, so that the public will be

accurately informed of the OMB control numbers currently assigned to NHTSA's regulations.

Publication of this technical amendment updating part 509 simply satisfies the requirements of 5 CFR part 1320. It imposes no obligations or responsibilities on any party, nor does it alter any existing obligations. Accordingly, NHTSA finds for good cause that notice and opportunity for public comment are unnecessary, and that this technical amendment is effective on the date this notice is published.

NHTSA has analyzed the impacts of this action and determined that it is neither "major" within the meaning of Executive Order 12291 nor "significant" within the meaning of the Department of Transportation regulatory policies and procedures. This update does not affect any existing duties or obligations under NHTSA regulations, and will have no cost impacts. Therefore, a full regulatory evaluation has not been prepared.

For the same reasons, NHTSA has determined that this update will not significantly affect the human environment, after considerations in accordance with the National Environmental Policy Act. As required by the Regulatory Flexibility Act, I hereby certify that this technical amendment will not have a significant economic impact on a substantial number of small entities. The rationale for this certification is that this amendment imposes no additional obligations on small entities and serves only to inform the public of OMB control numbers assigned to collections of information published in NHTSA regulations.

**List of Subjects in 49 CFR Part 509**

Reporting and recordkeeping requirements.

In consideration of the foregoing, 49 CFR part 509 is amended as follows:

**PART 509—[AMENDED]**

1. The authority citation for part 509 continues to read as follows:

Authority: 44 U.S.C. 3507.

2. Section 509.2 is revised to read as follows:

**§ 509.2 Display.**

49 CFR part or section containing information collection requirement	OMB control No.
Part 512.....	2127-0025
Part 537.....	2127-0019

49 CFR part or section containing information collection requirement	OMB control No.
Part 538.....	2127-0554
Part 541.....	2127-0510
Part 542.....	2127-0539
Part 543.....	2127-0542
Part 544.....	2127-0547
Section 551.45.....	2127-0040
Part 552 and Part 527.....	2127-0046
Part 556.....	2127-0045
Part 557.....	2127-0039
Part 566.....	2127-0043
Consolidated owners' manual requirements for vehicles and equipment (§§ 571.126, 571.205, 571.208, 571.210, and 575.105).....	2127-0541
Consolidated labeling requirements for tires and rims (parts 569 and 574, §§ 571.109, 571.110, 571.117, 571.119, and 571.120).....	2127-0503
Consolidated VIN and Theft Prevention Standard and Labeling Requirements (parts 541, 565, 567 and § 571.115).....	2127-0510
Consolidated lighting requirements (part 564 and § 571.108).....	2127-0563
Section 571.106.....	2127-0052
Section 571.116.....	2127-0521
Section 571.125.....	2127-0506
Section 571.205.....	2127-0038
Section 571.209.....	2127-0512
Section 571.213.....	2127-0511
Section 571.214.....	2127-0558
Section 571.217.....	2127-0505
Section 571.218.....	2127-0518
Part 573.....	2127-0004
Part 574.....	2127-0050
Part 575 excluding UTQGS.....	2127-0049
Section 575.104 (UTQGS).....	2127-0519
Part 576.....	2127-0042
Part 580.....	2127-0047
Part 585.....	2127-0535
Parts 591 and 592.....	2127-0002

Issued on: May 13, 1992.

**Jerry Ralph Curry,**  
*Administrator.*

[FR Doc. 92-11684 Filed 5-18-92; 8:45 am]

**BILLING CODE 4910-59-M**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 672**

[Docket No. 911176-2018]

**Groundfish of the Gulf of Alaska**

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

**ACTION:** Prohibition of retention.

**SUMMARY:** NMFS is prohibiting retention of groundfish in the "other species" category in the Gulf of Alaska (GOA) and is requiring that incidental catches of "other species" be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because

the total allowable catch (TAC) for the "other species" category in the GOA has been reached. The intent of this action is to conserve groundfish stocks.

**DATES:** Effective 12 noon, Alaska local time (A.l.t.), May 13, 1992, through 12 midnight, A.l.t., December 31, 1992.

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

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the exclusive economic zone of the GOA is managed by the Secretary of Commerce according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR 611.92 and parts 620 and 672.

The "other species" category in the GOA is comprised of Atka mackerel, sculpins, sharks, skates, eulachon, smelts, capelin, squid, and octopus. The 1992 TAC for the "other species" category is established by the final notice of specifications (57 FR 2844, January 24, 1992) as 13,432 metric tons.

Under § 672.20(c)(3), the Director of the Alaska Region, NMFS, has determined that the TAC for "other species" in the GOA has been reached. Therefore, NMFS is declaring that groundfish in the "other species" category must be treated as prohibited species. Under § 672.20(e), NMFS is prohibiting retention of groundfish in the "other species" category in the GOA effective from 12 noon, Alaska local time (A.l.t.), May 13, 1992, through 12 midnight, A.l.t., December 31, 1992. Incidental catches of "other species" must be returned immediately to the sea with a minimum of injury.

**Classification**

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

**List of Subjects in 50 CFR Part 672**

Fisheries, Reporting and recordkeeping requirements.

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

Dated: May 13, 1992.

**Joe P. Clem,**  
*Acting Director of Office Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 92-11648 Filed 5-13-92; 5:03 pm]

**BILLING CODE 3510-22-M**

# Proposed Rules

Federal Register

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

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Parts 19 and 20

RIN 3150-AE21

### Standards for Protection Against Radiation; Extension of Implementation Date

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Proposed rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is proposing to extend the implementation date for its revised standards for protection against radiation (10 CFR 20.1001-20.2401 and the accompanying appendices) and make a conforming change to part 19. The proposed rule would extend the date by which NRC licensees are required to implement the revised standards for protection against radiation to January 1, 1994. The proposed rule would provide licensees additional time to examine and implement the regulatory guidance which is being developed to support the rule. It would also establish a concurrent implementation date for NRC licensees and Agreement State licensees by eliminating the 1-year period during which Agreement States could continue to enforce the existing part 20 while the NRC would be enforcing the revised standards.

**DATES:** Comment period expires June 18, 1992. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

**ADDRESSES:** Mail written comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Deliver comments to: 11555 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. Federal workdays.

Copies of the regulatory analysis, the environmental assessment and finding of no significant impact, the supporting statement submitted to OMB, and comments received may be examined at: the NRC Public Document Room at 2120 L Street, NW. (Lower Level), Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Dr. Donald A. Cool, Chief, Radiation Protection and Health Effects Branch, Division of Regulatory Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone (301) 492-3785.

#### SUPPLEMENTARY INFORMATION:

##### Background

On December 13, 1990, the Commission approved the final revision of 10 CFR part 20, "Standards for Protection Against Radiation," which incorporated the recommendations of the International Commission on Radiological Protection (ICRP) issued in 1977 and implemented the recommendations contained in the Guidance to Federal Agencies for Occupational Exposure signed by the President in 1987. With the approval of the final rule, the Commission specified its desire to have the rule become effective 30 days following publication in the **Federal Register** with a provision that licensees would be permitted until January 1, 1993, to implement the revision. The Commission also stated that Agreement States should require that all Agreement State licensees comply with compatible State regulations on or before January 1, 1994, with early implementation encouraged.

When the Commission approved the revision to 10 CFR part 20, the Commission and the NRC staff expected that the revised standards for protection against radiation would be published in the **Federal Register** in early January 1991, giving licensees 2 full years to meet the required implementation date. The Commission also expected that the related draft regulatory guides would be published for public comment early in 1991 and published in final form by December 31, 1991. Unfortunately, difficulties arose with the publication of the final rule because of the need to satisfy the legal and procedural requirements necessary to accommodate concurrent enforcement of both the existing requirements contained in 10

CFR part 20, as well as the new standards for protection against radiation contained in § 20.1001-20.2401. Because of these problems and the need to revise the numbering system and implementation sections accordingly, the final rule was not published until May 21, 1991 (56 FR 23360). Consequently, there was a corresponding delay in the development and publication of the regulatory guides.

On October 16, 1991, the Nuclear Management and Resources Council (NUMARC) requested that the Commission extend the date for implementation of the revised 10 CFR part 20 from January 1, 1993, to January 1, 1994. NUMARC's basis for this request was that the regulatory guides associated with the rulemaking had not been completed as indicated at the time the final rule was published. On October 24, 1991, and November 22, 1991, similar requests were filed by the Yankee Atomic Electric Company (YAEC) and the National Organization of Test, Research and Training Reactors (TRTR). In a letter dated December 12, 1991, NUMARC provided additional information regarding its position on the availability and importance of certain regulatory guidance documents to the implementation process of the final rule.

The Commission's discussion of the need for regulatory guidance, published as part of the Statement of Considerations, Section IV, "Need for Additional Regulatory Guides" in the final rule, recognized that the incorporation of many new concepts into part 20 would require additional guidance and explanation of their application to practical problems in radiation protection. The discussion also included a listing of some of the guides that were being developed or revised, although no measure of importance or priority was provided with the listing. The December 12, 1991, letter stated NUMARC's position on the availability and importance of certain regulatory guides to the implementation process for the revision of 10 CFR part 20.

In response to the additional information provided by NUMARC and in consideration of the topics to be addressed, the NRC has evaluated and prioritized the regulatory guides which are currently under development and determined which guides would be especially useful for implementation of the revision. The NRC believes that a

guide would be especially useful if it provides practical applications for any new concepts which were not previously contained in the regulations, or where a significant change in approach is needed by licensees in order to implement the requirements of the new standards. Regulatory guides, covering new requirements or new concepts in the revised standards for protection against radiation, have been made available to the public in draft form and after consideration of public comments, will be issued in final form.

It is the Commission's goal to have a firm and consistent basis for enforcement at the time the final rule is fully implemented. In support of this goal, the Commission has considered and is proposing, granting a delay in the published January 1, 1993, implementation date, as requested by NUMARC, TRTR, and YAEC based on the following considerations. First, a delay in the implementation date would provide licensees with the opportunity to further study the rule and regulatory guides and, therefore, could result in a more orderly and efficient implementation. A delay would also provide additional time to obtain adequate resources for implementation actions and contracted assistance. Second, extending the implementation date for NRC licensees 1 year to January 1, 1994, would provide a uniform, concurrent implementation date for NRC licensees and Agreement States, thereby eliminating the period during which Agreement States could still be enforcing the existing part 20 while NRC would be requiring adherence to the revised part 20.

#### Environmental Impact: Categorical Exclusion

The NRC has determined that this proposed rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2): An administrative action that will not result in any hardship. Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this proposed rule.

#### Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Existing requirements, including requirements contained in §§ 20.1001–20.2401, published on May 21, 1991, were approved by the Office of Management and Budget approval number 3150–0014.

#### Regulatory Analysis

The proposed amendment is administrative and will not have a significant impact; therefore, the Commission has not prepared a regulatory analysis on this proposed regulation. The final regulatory analysis for the final rule that was published on May 1, 1991, examined the costs and benefits of the alternative considered by the Commission and is available for inspection in the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

#### Regulatory Flexibility Analysis

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(B), the Commission certifies that this is an administrative action that will not have a significant impact upon a substantive number of small entities. This action will apply to all NRC licensees. The proposed rule affects approximately 7,500 licensees, approximately one-quarter of which are classified as small entities under 10 CFR part 20.

**Note:** Agreement States, which implement comparable regulations under Section 274 of the Atomic Energy Act of 1954, as amended, have about 16,000 licensees of which a comparable fraction are assumed to be small entities.

The types of small entities that would be affected by this proposed rule include physicians, small hospitals, small laboratories, industrial applications in small industries, radiographers, and well loggers.

This proposed administrative action, will result in no increase in the burden on NRC licensees. Rather, it will provide licensees an additional year to implement the revisions to 10 CFR part 20. It will also reduce the Commission's administrative burden by providing a concurrent implementation date for all licensees and by facilitating publication of regulatory guidance.

#### Backfit Analysis

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

#### List of Subjects

##### 10 CFR Part 19

Criminal penalties, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Radiation protection,

Reporting and recordkeeping requirements, and Sex discrimination.

##### 10 CFR Part 20

Byproduct material, Criminal penalties, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

For reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is proposing to adopt the following amendments to 10 CFR parts 19 and 20.

#### PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS: INSPECTION AND INVESTIGATIONS

1. The authority citation for part 19 continues to read as follows:

**Authority:** Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841) \* \* \*

2. In § 19.13, paragraph (b) is revised to read as follows:

##### § 19.13 Notifications and reports to individuals.

\* \* \* \* \*

(b) Each licensee shall advise each worker annually of the worker's dose as shown in records maintained by the licensee pursuant to part 20 (§ 20.401 and § 20.601 or, for licensees implementing the provisions of §§ 20.1001–20.2401, § 20.2106. Prior to January 1, 1994, licensees operating under §§ 20.1–20.601 are required to provide this information only upon request of the worker.

\* \* \* \* \*

#### PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

3. The authority citation for Part 20 continues to read as follows:

**Authority:** Secs. 53, 63, 65, 81, 103, 104, 161, 182, 186, 68 Stat. 930, 933, 935, 936, 937, 946, 953, 955, as amended (42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201, 2232, 2236), secs. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846).

Section 20.408 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161).

For the purposes of sec. 233, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 20.101, 20.102, 20.103(a), (b), and (f), 20.104(a) and (b), 20.105(b), 20.106(a), 20.201, 20.202(a), 20.205, 20.207, 20.301, 20.303, 20.304, 20.305, 20.1102,

20.1201-20.1204, 20.1206, 20.1207, 20.1208, 20.1301, 20.1302, 20.1501, 20.1502, 20.1601(a) and (d), 20.1602, 20.1603, 20.1701, 20.1704, 20.1801, 20.1802, 20.1901(a), 20.1902, 20.1904, 20.1906, 20.2001, 20.2002, 20.2003, 20.2004, 20.2005(b) and (c), 20.2006, 20.2101-20.2110, 20.2201-20.2206, and 20.2301 are issued under sec. 161b, 68 Stat. 948, as amended (42 U.S.C. 2201(b)); § 20.2106(d) is issued under the Privacy Act of 1974, Pub. L. 93-579, 5 U.S.C. 552a; and §§ 20.102, 20.103(e), 20.401-20.407, 20.408(b), 20.409, 20.1102(a) (2) and (4), 20.1204(c), 20.1206(g) and (h), 20.1904(c)(4), 20.1905(c) and (d), 20.2005(c), 20.2006(b)-(d), 20.2105-20.2108, and 20.2201-20.2207 are issued under sec. 161o, 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

4. In § 20.1008, paragraph (a) is revised to read as follows:

**§ 20.1008 Implementation.**

(a) Licensees shall implement the provisions of §§ 20.1001-20.2401 on or before January 1, 1994. If a licensee chooses to implement the provisions of §§ 20.1001-20.2401 prior to January 1, 1994, the licensee shall implement all provisions of these sections not otherwise exempted by paragraph (d) of this section, and shall provide written notification to either the Director of the Office of Nuclear Materials Safety and Safeguards or the Director of the Office of Nuclear Reactor Regulation, as appropriate, that the licensee is adopting early implementation of §§ 20.1001-20.2401 and associated appendices. Until January 1, 1994, or until the licensee notifies the Commission of early implementation, compliance will be required with §§ 20.1-20.601 of this part.

\* \* \* \* \*

Dated at Rockville, Maryland, this 13th day of May 1992.

For the Nuclear Regulatory Commission,  
Samuel J. Chilk,  
Secretary of the Commission.

[FR Doc. 92-11712 Filed 5-18-92; 8:45 am]

BILLING CODE 7590-01-M

**10 CFR Parts 30, 35, 40, 50, 51, 70, and 72**

**Rulemaking Meeting**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) has planned a public meeting with representatives of the Agreement States, the Non-Agreement States, and the licensed community to discuss the development of guidelines for preparing regulatory analyses, notification of incidents/accidents, financial assurance requirements for low-level radioactive waste sites,

independent power producers, and the petition on a 40-mile zone. Also to be discussed are: (1) The status of the radiopharmaceutical petition from the American College of Nuclear Physicians (PRM-35-9); and the Society of Nuclear Medicine; (2) the reporting of defects and non-compliance under 10 CFR part 21; (3) a status report on the pregnancy and nursing patient issue. NRC is considering publishing proposed rules covering these topics in the near future.

**DATES:** The meeting will be held on Wednesday afternoon, May 20, 1992. The meeting will begin at 3 p.m. and end at 5 p.m.

**ADDRESSES:** The meeting will be held at the Clarion Plaza Hotel, 9700 International Drive, Orlando, Florida 32819-8114 (phone: 407-352-9700). The meeting room location will be posted in the hotel lobby.

**FOR FURTHER INFORMATION CONTACT:** Vandy L. Miller, Office of State Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (telephone: 301-504-2650); or John Telford, Office of Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555 (telephone: 301-492-3796).

**SUPPLEMENTARY INFORMATION:** The NRC is considering a revision of its guidelines for preparing regulatory analysis. The need for this revision became apparent through lessons learned from experience, the implementation of safety goals, and industry and government reports on regulatory impact.

**The Principle Revisions Include NRC Policy On:**

(1) The definition of regulatory actions requiring regulatory analyses;

(2) The treatment of uncertainties and use of sensitive analysis; and (3) the monetary value of a Person-Rem averted. Revision of the guidelines is underway. Proposed guidelines will be published for public comments by Mid-Fiscal Year 1992.

The notification of incidents/accidents is a proposed revision to 10 CFR part 72. This revision was proposed when it became evident that there are no clear requirements for reporting certain significant events (except for criticality). 10 CFR part 72 is inconsistent with parts 30, 40, and 70, which were recently amended to better describe the reportable events having significant implications for public health and safety. Public comments also suggested the need for a revision of 10 CFR part 72. The staff is planning to amend 10 CFR part 72 with language that is similar to that used in amending parts 30, 40, and 70. The proposed rule

for public comment is expected by December 1992.

Financial Assurance Requirements for Low-Level Radioactive Waste Sites (10 CFR part 61). This initiative is being undertaken because part 61 presently lacks financial assurance requirements for post-closure maintenance and monitoring of Low-Level Radioactive Waste Disposal Sites. The Nuclear Waste Policy Act of 1982 gives NRC authority to establish these requirements. Amendments to part 61 would ensure that Low-level Radioactive Waste Disposal Site licensees make adequate financial arrangements for long-term maintenance and monitoring. A proposed rule for public comment is expected by the beginning of 1993.

The NRC was petitioned by Public Citizen to promulgate a rule concerning the licensing of Independent Power Producers and to include specific criteria for their financial qualifications (PRM-50-54). NRC published the petition on March 12, 1990; we received 17 comments—13 against and 4 in favor. Among those favoring this rulemaking were 2 States and 2 public citizen groups. Neither the petitioner nor the public supporting the petition could identify areas where the regulations were deficient. The staff believes that the existing regulations are sufficient to accommodate an Independent Power Producer should such an application be received. The staff will recommend denial of the petition. The schedule for completing this action is June 15, 1992.

The petition on a 40-mile zone from major population centers for reactor siting criteria was submitted by Free Environment, Inc. (PRM-50-20). The NRC published the petition on May 19, 1977, and received three comments—all opposed to the petition. The staff believes that this would unnecessarily restrict NRC siting policies with no substantial increase in protecting the public health and safety. In a parallel effort, the NRC is revising siting criteria to reflect advancements in Earth Sciences and Earthquake Emergency. The staff is planning to either deny the petition or subsume it in the ongoing effort.

Enhanced Participatory Rulemaking for Residual Radioactivity Criteria will be discussed (10 CFR parts 30, 40, and 70).

This meeting will also cover the status of the following ongoing items:

- (1) Radiation exposure to pregnant and nursing patients.
- (2) The radiopharmaceutical petition.
- (3) Reporting defects and noncompliance under 10 CFR Part



21.

Conduct of the Meeting: The meeting will be co-chaired by Mr. Vandy L. Miller, Assistant Director for State Agreement Program, Office of State Programs, and Dr. Sher Bahadur, Office of Research. The meeting will be conducted in a manner that will facilitate the orderly conduct of business.

The following procedures apply to public participation in the meeting:

(1) At the meeting, questions or statements from attendees other than participants (i.e., State representatives, affected licensees, and NRC staff) will be entertained as time permits.

(2) Seating for the public will be on a first-come, first-served basis.

Dated at Rockville, Maryland, this 13th day of May 1992.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, Office of State Programs.

[FR Doc. 92-11713 Filed 5-18-92; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 91-NM-171-AD]

#### Airworthiness Directives; Boeing Model 737 and 757 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

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

**SUMMARY:** This document revises an earlier proposed airworthiness directive (AD), applicable to certain Boeing Model 737 and Model 757 series airplanes, that would have required the reinforcement of the overhead stowage bins, and the replacement of certain drag link and tie rod assemblies. That proposal was prompted by testing which demonstrated that the bins are not able to withstand ultimate load at the current maximum allowable weight levels. This action revises the proposed rule by expanding the applicability to include additional airplanes. Also, additional modifications would be required. The actions specified by this proposed AD are intended to prevent overhead stowage bins from separating from their attachments and injuring passengers in the event of an accident or emergency landing.

**DATES:** Comments must be received by June 19, 1992.

**ADDRESSES:** Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-171-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

**FOR FURTHER INFORMATION CONTACT:** Mr. Pliny C. Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (206) 227-2783; fax (206) 227-1181.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-NM-171-AD." The postcard will be date stamped and returned to the commenter.

##### Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the

FAA, Transport Airplane Directorate, ANM-103, Attention: Rules Docket No. 91-NM-171-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

#### Discussion

A proposal to amend part 39 of the Federal Aviation Regulations to add an airworthiness directive (AD), applicable to certain Boeing Model 737 and Model 757 series airplanes, was published as a notice of proposed rulemaking (NPRM) in the *Federal Register* on November 20, 1991 (56 FR 58526). That NPRM would have required the reinforcement of the overhead stowage bins, and the replacement of certain drag link and tie rod assemblies. That NPRM was prompted by testing which demonstrated that the bins are not able to withstand ultimate load at the current maximum allowable weight levels. That condition, if not corrected, could cause overhead stowage bins to separate from their attachments and injure passengers in the event of an accident or emergency landing.

Since the issuance of that NPRM, the FAA has reviewed and approved the following service bulletins:

a. Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992, which describes procedures for reinforcing the bins using a reinforced bin design for the drag link fitting attachment. This revision of this service bulletin adds airplanes to the effectivity listing.

b. Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992, which describes procedures for reinforcing the bins using a reinforced bin design for the drag link fitting attachment. This revision of this service bulletin adds airplanes to the effectivity listing.

c. Boeing Service Bulletin 737-25-1291, dated December 18, 1991, which describes procedures for modification of the drag link and the tie rod assemblies using redesigned components.

d. Boeing Service Bulletin 757-25-0130, dated December 18, 1991, which describes procedures for modification of the drag link and the tie rod assemblies using redesigned components.

e. Boeing Service Bulletin 737-25-1294, dated February 20, 1992, which describes procedures for installing a doubler on the specified forty-five inch stowage compartment. None of the airplanes listed in the effectivity of this service bulletin are currently of U.S. registry.

f. Boeing Service Bulletin 757-53-0056, dated September 27, 1990, which describes procedures for installing a diagonal strut assembly where a large

overhead stowage bin is installed. This service bulletin also describes procedures for installing a doubler on the forward galley intercostal. None of the airplanes listed in the effectivity of this service bulletin are currently of U.S. registry.

Based on information provided by the manufacturer through these service bulletins, the FAA has determined that additional airplanes must be added to the applicability of the proposed rule, since those airplanes are subject to the same unsafe condition addressed by this AD action.

Additionally, the FAA has determined that additional modifications, specified in the service bulletins described above, must be installed in order to positively address the unsafe condition and ensure the continued airworthiness of these airplanes.

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

There are approximately 1,067 Model 737 series airplanes of the affected design in the worldwide fleet; this number includes 21 airplanes added by this supplemental NPRM action. The FAA estimates that 518 airplanes of U.S. registry would be affected by this AD; this number represents a decrease of 1 airplane from the number indicated in the original NPRM. It would take approximately 97 work hours per airplane to accomplish the required actions, at an average labor cost of \$55 per work hour. Based on these figures, the cost impact of the AD on U.S. operators of Boeing Model 737 series airplanes is estimated to be \$2,763,530.

There are approximately 381 Model 757 series airplanes of the affected design in the worldwide fleet; this number includes 20 airplanes added by this supplemental NPRM action. The FAA estimates that 236 airplanes of U.S. registry would be affected by this AD; this number includes 14 airplanes added by this supplemental NPRM action. It would take approximately 128 work hours per airplane to accomplish the required actions, at an average labor cost of \$55 per work hour. Based on these figures, the cost impact of the AD on U.S. operators of Boeing Model 757 series airplanes is estimated to be \$1,681,440.

Based on the figures discussed above, the total cost impact of the AD on U.S. operators is estimated to be \$4,424,970.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and

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

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

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### The Proposed Amendment

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

#### **PART 39—AIRWORTHINESS DIRECTIVES**

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

**Authority:** 49 U.S.C. 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:

#### **Boeing: Docket 91-NM-171-AD.**

**Applicability:** Model 737 series airplanes listed in Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992; and Boeing Service Bulletin 737-25-1291, dated December 18, 1991; and Boeing Service Bulletin 737-25-1294, dated February 20, 1992; and Model 757 series airplanes listed in Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992; Boeing Service Bulletin 757-25-0130, dated December 18, 1991; and Boeing Service Bulletin 757-53-0056, dated September 27, 1990; certificated in any category.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent overhead stowage bins from separating from their attachments and injuring passengers in the event of an accident or emergency landing, accomplish the following:

(a) For Boeing Model 737 airplanes, listed in Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992, and Model 757 airplanes listed in Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992; accomplish paragraph (a)(1), (a)(2), or (a)(3) of this AD, as applicable.

(1) For overhead stowage bins defined as Phase I in Section III, Note 5.a. of the applicable alert service bulletin, or any other stowage bin that contains a life raft or video equipment: Within 8 months after the effective date of this AD, modify those bins in accordance with Section III of Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992, or Boeing Alert Service Bulletin 757-25A0121, dated March 19, 1992, as applicable.

(2) For overhead stowage bins defined as Phase II, III, or IV in Section III, Notes 5.b., 5.c., and 5.d., of the applicable alert service bulletin: Within 31 months after the effective date of this AD, modify those bins in accordance with Section III of Boeing Alert Service Bulletin 737-25A1283, Revision 1, dated March 19, 1992, or Boeing Alert Service Bulletin 757-25A0121, Revision 1, dated March 19, 1992, as applicable.

(3) For overhead stowage bins greater than 67 inches long: Within 31 months after the effective date of this AD, replace the applicable drag link and tie rod assemblies in accordance with Boeing Service Bulletin 737-25-1291, dated December 18, 1991, or Boeing Service Bulletin 757-25-0130, dated December 18, 1991, as applicable.

(b) For Boeing Model 737 airplanes, listed in Boeing Service Bulletin 737-25-1294, dated February 20, 1992: Within 8 months after the effective date of this AD, install a doubler on the specified forty-five inch stowage compartment, in accordance with that service bulletin.

(c) For Boeing Model 757 series airplanes listed in Boeing Service Bulletin 757-53-0056, dated September 27, 1990: Within 8 months after the effective date of this AD, install a doubler/diagonal strut assembly in accordance with that service bulletin.

(d) 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. The request shall be forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

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

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

Darrell M. Pederson,

Acting Manager Transportation Airplane  
Directorate Aircraft Certification Service.

[FR Doc. 92-11586 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF JUSTICE

### Parole Commission

#### 28 CFR Part 2

#### Paroling, Recommitting and Supervising Federal Prisoners: Defining Value of the Property in the Parole Guidelines for Theft, Forgery, and Frauds

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Parole Commission is proposing to amend its guidelines to improve upon the definition of the term "value of the property," which is used in the guidelines for cases of theft, forgery, and fraud. The purpose of the proposal is to clarify how these offenses are to be rated on the guidelines when the victim has recovered his money or property following detection of the crime, and when the victim was unlawfully exposed to risk of loss without actual loss having been sustained.

**DATES:** Comments must be received by June 18, 1992.

**ADDRESSES:** Send comments to Office of General Counsel, U.S. Parole Commission, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

**FOR FURTHER INFORMATION CONTACT:** Richard Preston, Office of General Counsel, Telephone (301) 492-5959.

**SUPPLEMENTARY INFORMATION:** For offenses involving theft, forgery, and fraud, the parole guidelines at 28 CFR 2.20 assign an offense severity rating based upon the "value of the property." The term "value of the property" is defined in the guidelines as "the estimated replacement cost to the victim." See 28 CFR 2.20, chapter 13, subchapter B, Definition No. 14.

The Commission has recently experienced an upsurge of litigation from white collar offenders seeking to minimize the "value of the property" involved in their offenses. These individuals have framed legal arguments tending toward a narrow interpretation of the concept of "estimated replacement cost to the victim." Such arguments are often made without reference to the guidelines for attempts and conspiracies, and without reference

to the financial risk to which the victim was unlawfully exposed, as in the case of a fraudulent loan application where the bank is ultimately repaid. See 28 CFR 2.20, chapter 3, subchapter D, paragraph 333 (fraudulent loan applications graded according to the amount of the loan). Some of these arguments are also inconsistent with the basic elements of the offense in question, as in fraud offenses where a *bona fide* intent to repay does not negate the fraudulent nature of a transfer of money or property by the victim to the offender.

Although the guidelines already address many of these arguments, the Commission has decided to ensure the proper valuation of property offenses through an expanded definition of the term "value of the property." It is the Commission's intention that this expanded definition will reflect its current practices with respect to the rating of theft, forgery, and fraud offenses.

In the Commission's current practice, the "estimated replacement cost to the victim" is the value or property over which the offender gains control through theft, forgery, or fraud. It is not reduced by subsequent recovery by the victim through such means as law enforcement intervention, restitution, or insurance payments, for these constitute the "replacement" necessitated by the crime.

The Commission also interprets the "estimated replacement cost" as encompassing the amount of money or property unlawfully put at risk by the offender (e.g., through a fraudulent scheme), regardless of whether the victim suffered any actual loss. The concept of unlawfully-created risk is a difficult question, because it treats a dollar amount that was only put at risk (e.g. fraudulent solicitation of deposits by a bank) as if it were an actual loss. In the case of a fraudulent scheme in which the victim recovers his money, the actual degree of risk to which the victim was exposed during the life of the scheme is frequently impossible to determine. The victim may have been faced with a realistic possibility of losing the entire dollar amount (e.g., through a fraudulent investment scheme), but in other cases the victim may not have been exposed to serious risk of loss, short of major unforeseen circumstances that did not take place. For example, investors may be fraudulently induced to purchase securities on the basis of purported FDIC insurance. Rather than absconding with the proceeds outright (as in a confidence game), the offender may invest the proceeds (with intent to repay

the victim) in ways that may or may not create a substantial risk of loss.

Nonetheless, in each case the offender has unlawfully gained the use of the entire dollar amount invested, while requiring the victim to assume all risk of loss due to such unforeseen consequences as a sudden collapse in real estate values, stock prices, or other market conditions, that may affect the offender's ability to repay. Such events do occur, and play an important role in investment decisions. Even though the victim may subsequently recover his investment, the essential element of the crime is that the victim was fraudulently deprived of the financial security for which he bargained. The Commission will not minimize the economic and psychological importance of that loss of financial security, whether the victim is a commercial bank that has made a questionable loan upon a fraudulent application, or a retired person who has placed his life savings at risk through a fraudulent investment scheme or certificate of deposit.

The Commission therefore believes that the best approach is to rate such offenses according to the total dollar amount unlawfully placed at risk. However, the Commission will consider arguments for a decision below the guidelines, based upon factors such as an unusual degree of precaution taken by the offender to ensure intended repayment (e.g., from some other source), or the victim's own willingness to accept a high degree of risk in the first instance (e.g., if the victim knowingly invested in a high-risk mutual fund and the fraudulent misrepresentation concerned a matter that would not have changed the speculative nature of that investment).

#### Regulatory Flexibility Statement

This proposed rule, if adopted, will not have a significant economic impact upon a substantial number of small entities, within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b).

#### List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Crime, Juvenile delinquency, Prisoners, Privacy, Probation and parole, Youth.

Dated: February 21, 1992.

Jasper R. Clay,  
Vice Chairman, U.S. Parole Commission.

#### The Proposed Rule

Accordingly, the Parole Commission proposes to amend 28 CFR part 2 as follows:

(1) The authority citation for 28 CFR part 2 continues to read:

Authority: 18 U.S.C. 4203(a)(1) and 4204(a)(6).

(2) Section 2.20 is amended by revising the definition of the term "value of the property" contained in chapter 13, subchapter B, Definition 20 of the guidelines, to read as follows:

**§ 2.20 Paroling policy guidelines: Statement of general policy.**

**CHAPTER THIRTEEN—GENERAL NOTES AND DEFINITIONS**

**Subchapter B—Definitions**

20. The "value of the property" is determined by estimating the actual or potential replacement cost to the victim. The "actual replacement cost" is the value or money permanently lost to the victim through theft/forgery/fraud. The "potential replacement cost" refers to the total loss the offender specifically intended to cause by theft/forgery/fraud, or the total amount of the victim's money or property unlawfully exposed to risk of loss through theft/forgery/fraud notwithstanding subsequent recovery by the victim. The highest of these three values is the value to be used in rating the offense on the guidelines.

[FR Doc. 92-11599 Filed 5-18-92; 8:45 am]  
BILLING CODE 4410-01-M

**DEPARTMENT OF LABOR**

**Occupational Safety and Health Administration**

**29 CFR Part 1904**

[Docket No. R-01]

**Reporting of Fatality or Multiple Hospitalization Accidents**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.  
**ACTION:** Proposed rule.

**SUMMARY:** The Occupational Safety and Health Administration proposes to revise 29 CFR 1904.8, Reporting of Fatality or Multiple Hospitalization Accidents. The proposal would make four changes to the current reporting requirements: First, whereas the present rule only applies to employment accidents which result in one or more fatalities or hospitalizations of five or more employees, the proposed rule would expand this reporting

requirement to cover accidents resulting in hospitalizations of three or more employees. Second, the proposal would require the employer to report accidents within 8 hours of their occurrence, instead of the current 48-hour time frame. Third, if the employer does not learn of the reportable accident at the time the accident occurs, the employer would then be required to report it within 8 hours after learning of the fatality or hospitalizations. Fourth, whether or not an accident is immediately reportable, if it results in the death of an employee within 6 months after the accident, OSHA proposes that the employer report that death within 8 hours after learning of it.

**DATES:** Written comments on the proposed rule must be postmarked by August 17, 1992.

**ADDRESSES:** Comments should be sent in quadruplicate to the Docket Officer, Docket No. R-01, Occupational Safety and Health Administration, room N-2625, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Mr. Stephen Newell, Occupational Safety and Health Administration, room N-3507, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, phone (202) 523-1463.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The requirements in 29 CFR 1904.8, Reporting of fatality or multiple hospitalization accidents, have remained essentially unchanged since they were initially adopted in 1971. The requirements read as follows:

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of five or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

OSHA investigates such accidents to determine whether there was a violation of OSHA standards, and, if so, whether the violation may have contributed to the accident. In addition, the Agency determines whether OSHA standards adequately cover the hazards which led to the accident. Accident investigations provide the Agency with information on the causes of employment accidents

which can be used to identify serious hazards and prevent accidents in the future, and which can be the source of support of new and revised employment standards. Such investigations must be prompt and thorough if they are to provide valid data and achieve their intended purpose.

For many years, OSHA has considered whether changes are needed in §1904.8 to enable the Agency to conduct more thorough workplace investigations. In October, 1979 (44 FR 59560), OSHA published a notice of proposed rulemaking which would have made several changes in the current requirements of § 1904.8. The reporting changes included in the proposal were the following: A reduction in reporting time from 48 hours to 8 hours; the establishment of a toll-free phone number for OSHA, to be used in reporting accidents which occur on evenings and weekends; and a requirement for employers to report fatalities which occur within 6 months of an employment accident. A 30-day written comment period was established, which was later extended to December 17, 1979. OSHA received 258 written comments during the comment period. During the review of the comments OSHA's priorities changed and work on the final rule was suspended. Consequently, no final rule was issued as a result of the 1979 rulemaking action.

In the eleven years since that proposal was published, OSHA has determined that there are many provisions in part 1904 which should be considered for amendment or revision, in order to improve the quality of the data provided to the Agency and enhance OSHA's ability to gather useful information on the causes of employment accidents. Accordingly, the Agency has decided to undertake a complete revision of part 1904, to be accomplished in two steps: The first step is to propose changes in § 1904.8 alone, dealing only with reporting of fatalities and multiple hospitalizations. The second step will involve the issuance of a proposal covering the rest of part 1904. Separating the § 1904.8 proposal from the overall revision of part 1904 will enable OSHA to expedite the completion of rulemaking on several elements which the Agency considers to be critical to the improvement of the reporting process, and to make the necessary changes in § 1904.8 as soon as possible.

Because so much time has elapsed since the previous proposal was published, the Agency is concerned that the record may be stale, and new information is needed. Accordingly,

OSHA is withdrawing the 1979 proposed rule in favor of the present proposal. Most of the elements of the 1979 proposed rule are carried forward in the present proposal.

One component of the 1979 proposal that has not been included in the current proposal is the establishment of a toll-free telephone number for employers to use when reporting fatalities or multiple hospitalization accidents. OSHA solicits comments on the need for a toll-free number, and whether or not the benefits of a toll-free number would outweigh the costs of administering a toll free reporting system. It should be noted that most OSHA Area Offices are equipped to receive reports of fatalities or multiple hospitalization accidents 24 hours a day. Other government agencies, including MSHA, have used toll free reporting systems. Their experience will be evaluated before a decision is made whether or not to establish a toll free reporting system.

## II. Summary and Explanation of the Proposed Rule

This proposed rule would make four significant changes in the requirements of § 1904.8:

1. Employers would be required to report accidents which result in a fatality or multiple hospitalizations within 8 hours after the accident. The current rule allows 48 hours to elapse before the accident must be reported. The proposal would also note that reporting be done by telephone or in person at the area office.

Reducing the reporting period after an accident from 48 to 8 hours will enable OSHA to inspect the site of the accident and interview personnel while their recollections are more immediate, fresh and untainted by other events, thus providing more timely and accurate information pertaining to possible causes of the accident. The shorter reporting time will also make it more likely that the accident site will be undisturbed, affording the investigating compliance officer a better view of the worksite as it appeared at the time of the accident. OSHA has received previous suggestions for shorter time limitations, including a 4 hour reporting requirement. OSHA solicits comments on the proposed 8-hour time period, the feasibility of a 4 hour time period, and other possible reporting periods which might be of equal or greater effectiveness in improving the Agency's information gathering capabilities.

The current 48 hour reporting requirement which allows employers to report orally or in writing occasionally results in delays of up to a week in actual receipt by the Area Office, when

the mails are used as the means of reporting. During the delay in receipt, circumstances at the accident site may change. Projects may be completed and the site shut down, critical parts of a project may change although the site itself remains intact, and witnesses' recollections of the accident may fade. These factors greatly reduce OSHA'S effectiveness at investigating the causes of reported workplace accidents, and at identifying and controlling the hazards which caused the fatalities or injuries. Prompt investigation of accidents is a key element in OSHA's ability to enforce existing standards and to evaluate the need for new standards.

2. Accidents which result in three or more hospitalized employees would have to be reported. The current rule requires reporting if there are five or more hospitalized employees. The proposal would also clarify that an employee is "hospitalized" when that employee is admitted to the hospital on an "in-patient" basis. This clarification is compatible with the existing interpretation of "hospitalized" used by OSHA and the courts. Additionally, the use of "in-patient hospitalizations" for reporting purposes assures that only more serious accidents are reported.

Reduction of the reportable number of hospitalizations from five to three will provide OSHA with more accurate information on the causes of workplace accidents by broadening the range of accidents which the Agency will investigate, and will assist OSHA in evaluating the effectiveness of present regulations and the need for revised or new requirements.

3. If the employer does not learn of a reportable accident at the time the accident occurs, the proposal would clarify that the allotted time begins as soon as the employer does obtain this information. The current rule does not contain specific language to address this type of situation, which can occur, for example, when an employee is traveling on company business and is not in contact with the employer.

4. Whether or not an employment accident is immediately reportable, if such an accident results in a fatality within 6 months after the accident occurs, the employer would be required to report such fatality to the Area Office within 8 hours after learning of the fatality. This would clarify the existing rule, which states only that fatalities must be reported, but sets no explicit outside time limit for the employer as to reporting of fatalities which occur at some time after the employment accident takes place. OSHA solicits comment on whether the proposed six-month time frame for reporting fatalities

is appropriate. Should fatalities which occur after the injury be reported at all? If yes, should the time frame be shorter than six months? What criteria should be used to determine if the fatality is the result of the workplace injury? Should the requirement be limited to injured workers who continue to be employed by the employer where they were injured?

## III. Regulatory Impact Assessment

The proposed rule would apply to all employers within OSHA's jurisdiction, including general industry, construction, shipyard employment, longshoring, marine terminals, and agriculture. The scope of coverage of the proposed rule is unchanged from that of the current rule.

OSHA has determined that this is not a "major" regulatory action under Executive Order 12291. At the present time OSHA receives approximately 2,500 reports of fatalities or multiple hospitalization accidents per year. Because employers are already required to report fatalities to OSHA, the change in reporting time is not expected to have a significant economic impact. The effort necessary to comply with the reporting requirement would be essentially the same as at present, but the initial report would need to be expedited in accordance with the new time frame. There would be some additional cost to employers as a result of the proposed expansion of reporting requirements to cover accidents resulting in three or more hospitalizations. The expanded reporting requirement is expected to generate less than 200 additional reports per year.

The benefits of the proposed rule are not readily quantifiable, but the availability of more complete and timely information about employment accidents can be expected to assist OSHA in determining the causes of these accidents and developing methods to prevent them in the future.

## IV. Regulatory Flexibility Certification

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), the Assistant Secretary certifies that the proposed rule will not have a significant adverse impact on a substantial number of small entities. The proposed rule would apply uniformly to all employment covered by the OSH Act, and would not have a differential impact on small businesses.

## V. Environmental Impact Assessment

In accordance with the requirements of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), Council on Environmental Quality NEPA regulations (40 CFR part 1500 et seq.),

and the Department of Labor's NEPA regulations (29 CFR part 11), the Assistant Secretary has determined that this proposed rule will not have a significant impact on the external environment.

#### VI. Federalism

This proposed rule has been reviewed in accordance with Executive Order 12612 (52 FR 41685), regarding Federalism. This Order requires that agencies, to the extent possible, refrain from listing State policy options, consult with States prior to taking any actions which would restrict State policy options, and take such actions only when there is clear constitutional authority and the presence of a problem of national scope. The Order provides for preemption of State law only if there is a clear Congressional intent for the Agency to do so. Any such preemption is to be limited to the extent possible.

The Agency certifies that this proposed rule has been assessed in accordance with the principles, criteria and requirements set forth in sections 2 through 5 of Executive Order 12612. Because this rulemaking action involves a "regulation" issued under § 8 of the OSH Act, and not a "standard" issued under § 6 of the Act, the proposed rule would not preempt State law. For States with approved State plans under section 18 of the OSH Act (29 U.S.C. 677), 29 CFR 1952.4 requires that such States must adopt recordkeeping and reporting regulations which are "substantially identical" to those set forth in 29 CFR part 1904. Further, in order to assure uniformity of reporting, § 1952.4 also provides that employer variances or exceptions to State recordkeeping or reporting requirements in a State plan State must be approved by the Bureau of Labor Statistics.<sup>1</sup> Similarly, a State is permitted to require supplemental reporting or recordkeeping data, but that State must obtain approval from the Bureau of Labor Statistics to insure that the additional data will not interfere with "the primary uniform reporting objectives."

In accordance with § 1952.4, the States have been allowed to vary from the "substantially identical" requirement (as long as the State requirements were at least as stringent as the Federal requirements) as it relates to fatality and multiple hospitalization reports, based on the concept that this requirement does not

impact the injury and illness statistical system. This policy is expected to continue in the future.

#### VII. State Plans

There are currently 25 States and Territories with OSHA approved occupational safety and health plans. These 25 States are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Virgin Islands, Washington, and Wyoming; and Connecticut and New York (for state and local Government employees only).

At the present time, all of the State plan States have regulations identical to the Federal regulations except the following:

(1) Alaska: Employers must report a fatality or overnight hospitalization of one or more employees within 24 hours of receiving information that an accident has occurred.

(2) California: Employers must immediately report every case involving a serious injury or illness (medical treatment beyond first aid) or death.

(3) Hawaii: Employers must report each accident requiring three or more inpatient hospitalizations, or one or more injuries having the potential of major amputation or fatal consequences, or property damage in excess of 5,000 dollars within 48 hours.

(4) Oregon: Employers must report fatalities or hospitalization of five or more employees within 24 hours or on the first available workday following a weekend or holiday after the accident or death.

(5) Utah: Employers must report all fatalities within one hour and serious injury (amputations, fractures of major bones or hospitalization with medical treatment other than first aid) within eight hours.

(6) Washington: Employers must report every employment accident resulting in a fatality or hospitalization of two or more employees within 24 hours.

(7) Wyoming: Employers must report every employment accident resulting in a fatality or hospitalization of three or more employees within 48 hours.

The 25 States and Territories with their own OSHA-approved occupational safety and health plans must adopt a regulation at least as effective as the Federal regulations within six months of the publication date of the final regulation.

#### VIII. Public Participation

Interested persons are invited to submit comments, views and arguments on any issue raised by this proposed rule. These comments must be submitted on or before August 17, 1992, in quadruplicate, to the Docket Officer, Docket No. R-01, U. S. Department of Labor, room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210. Comments will be available for public inspection and copying at the above address between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday. All comments will be carefully evaluated and considered by OSHA in developing the final rule.

#### IX. Paperwork Reduction Act

This proposed rule contains a "collection of information" requirement pertaining to the procedures for employers to report employment fatalities and multiple hospitalizations. This requirement has been submitted to the Office of Management and Budget for approval under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., and 5 CFR part 1320.

The current regulations in § 1904.8 require employers to provide these reports to OSHA, and to record them on the OSHA Form 200 log of injuries and illnesses. The proposed rule would extend the reporting requirements to hospitalizations of three or more employees. The current rule requires reporting of hospitalizations of five or more employees. As does the current rule, the proposed rule would require reporting of all fatalities resulting from employment accidents, but the proposal would reduce the time frame from 48 hours to 8 hours after the accident.

Reporting by employers under this collection of information requirement is estimated to average 15 minutes per report. The time involved is for calling the OSHA Area Office and reporting the fatality or multiple hospitalizations.

Interested persons may submit comments regarding this burden estimate or other aspect of this collection of information to the OSHA Docket Office, Docket No. R-01, Occupational Safety and Health Administration, room N-2625, 200 Constitution Avenue, NW., Washington, DC 20210, and to the OSHA Desk Officer (RIN 1218-AB28), Office of Management and Budget, Washington, DC 20503.

#### X. List of Subjects in 29 CFR Part 1904

Fatality, Catastrophe, Multiple hospitalization, Notification of fatality, Occupational safety and health, reporting and recordkeeping.

<sup>1</sup> The functions of the Bureau of Labor Statistics for the reporting requirements covered by this proposed rule were recently transferred to OSHA under a memorandum of understanding between BLS and OSHA.

**XI. Authority**

This document was prepared under the direction of Dorothy L. Strunk, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Accordingly, pursuant to sections 8(c), 8(g) and 24 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 5 U.S.C. 553, it is proposed to amend 29 CFR part 1904 by revising § 1904.8 as set forth below.

Signed in Washington, DC, this 14th day of May 1992.

Dorothy L. Strunk,

*Acting Assistant Secretary of Labor.*

It is hereby proposed to amend 29 CFR part 1904 as follows:

**PART 1904—[AMENDED]**

1. The authority citation for 29 CFR part 1904 would be revised to read as follows:

**Authority:** Secs. 8, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), or 1-90 (55 FR 9033), as applicable.

Sections 1904.7 and 1904.8 also issued under 5 U.S.C. 553.

2. Section 1904.8 would be revised to read as follows:

**1904.8 Reporting of fatality or multiple hospitalization accidents.**

(a) Within 8 hours after the occurrence of an employment accident which is fatal to one (1) or more employees or which results in hospitalization as in-patients of three (3) or more employees, the employer of any employees so affected shall report the accident to the Area Director of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

(b) If the employer does not learn of a reportable accident at the time it occurs (for example, an employment accident involving workers traveling on company business) and the accident would otherwise be reportable under paragraph (a) of this section, the employer shall report to the OSHA Area Office within 8 hours of learning of such accident.

(c) Whether or not an accident is immediately reportable, if a worker dies of the effects of an employment accident within 6 months of that accident, the employer shall report to the OSHA Area Office within 8 hours after learning of such death.

(d) Reports required by this section shall be submitted by telephone or in person at the OSHA Area Offices.

(e) Each report required by this section shall relate the circumstances of the accident, the number of fatalities or hospitalizations, and the extent of any injuries. The OSHA Area Director may require additional reports, in writing or otherwise, as deemed necessary, concerning the accident.

[FR Doc. 92-11686 Filed 5-18-92; 8:45 am]  
BILLING CODE 4510-26-M

**DEPARTMENT OF TRANSPORTATION****Coast Guard****33 CFR Part 117**

[CGD8-92-12]

**Drawbridge Operation Regulations; Industrial Seaway Canal, MS**

**AGENCY:** Coast Guard, DOT.

**ACTION:** Proposed rule.

**SUMMARY:** At the request of the Harrison County Board of Supervisors, Gulfport, Mississippi, the Coast Guard is considering a change to the regulation governing the operation of the double leaf bascule span drawbridge on Lorraine-Cowan Road, across the Industrial Seaway Canal, mile 11.3, near Handsboro, Harrison County, Mississippi. The proposed change would permit the draw to remain closed to navigation from 7 a.m. to 8 a.m., from 12 noon to 1 p.m. and from 5 p.m. to 6 p.m., on weekdays only, except holidays. The draw would open on demand at all other times. Presently, the draw is required to open on signal at all times. This proposal is being made because opening the draw during these peak vehicular traffic periods has created unreasonable delays to overland traffic. This action will provide relief for congested vehicular traffic during these periods and still provide for the reasonable needs of navigation.

**DATES:** Comments must be received on or before July 6, 1992.

**ADDRESSES:** Comments should be mailed to Commander (ob), Eighth Coast Guard District, 501 Magazine Street, New Orleans, Louisiana 70130-3396. The Comments and other materials referenced in this notice will be available for inspection and copying in room 1313 at this address. Normal office hours are between 8 a.m. and 3:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Wachter, Bridge

Administration Branch, at the address given above, telephone (504) 589-2965.

**SUPPLEMENTARY INFORMATION:** Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope.

The Commander, Eighth Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulation may be changed in the light of comments received.

**Drafting Information**

The drafters of this regulation are Mr. John Wachter, project officer, and LT J.A. Wilson, project attorney.

**Discussion of Proposed Regulation**

Vertical clearance of the Lorraine-Cowan Road bridge across the Industrial Seaway Canal in the closed to navigation position is 29 feet above mean high water and 31 feet above mean low water. Navigation through the bridge consists of barge tows, commercial fishing vessels and recreational craft. Data submitted by the bridge owner show that from 1 January 1991, through January 1992, 108 vessels passed the bridge during the proposed closure periods. This is an average of less than 1 vessel every three days.

Considering the few vessels that pass the bridge during the proposed regulated periods, the Coast Guard feels that vessel operators should be able to adjust their arrival times at the bridge to avoid the temporary closure periods with very little inconvenience or added expense to them.

**Federalism Implications**

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

**Economic Assessment and Certification**

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory

policies and procedures (44 FR 11034: February 26, 1979).

The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. The basis for this conclusion is that during the proposed regulated periods there will be very little inconvenience to vessels using the waterway. In addition, mariners requiring the bridge openings are repeat users of the waterway and scheduling their arrivals to avoid the proposed regulated periods should involve little or no additional expense to them. Since the economic impact of this proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant economic impact on a substantial number of small entities.

#### Environmental Impact

This rulemaking has been thoroughly reviewed by the Coast Guard and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.g.5 of Commandant Instruction M16475.1B. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking document.

#### List of Subjects in 33 CFR Part 117

Bridges.

#### Proposed Regulations

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

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.680 is added to read as follows:

##### § 117.680 Industrial Seaway Canal.

The draw of the Lorraine-Cowan Road Bridge across the Industrial Seaway Canal, mile 11.3, shall open on signal; except that, the draw need not be opened from 7 a.m. to 8 a.m., from 12 noon to 1 p.m. and from 5 p.m. to 6 p.m., Monday through Friday, except holidays. The draw shall open on signal at any time for a vessel in distress.

Dated: May 4, 1992.

J.M. Loy,

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

[FR Doc. 92-11718 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-14-M

#### FEDERAL COMMUNICATIONS COMMISSION

#### 47 CFR Part 1

[GC Docket No. 92-52; FCC 92-032]

#### Reexamination of the Policy Statement on Comparative Broadcast Hearings

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule; extension of comment period.

**SUMMARY:** The Commission previously adopted a notice of proposed rulemaking (57 FR 14683, April 22, 1992) to reexamine the criteria used to select among mutually exclusive applicants for broadcast facilities. By order of the General Counsel, proposals by the National Association for the Advancement of Colored People and other civil rights organizations, which were inadvertently omitted from the notice of proposed rulemaking, have been included in the docket of this proceeding. Commenters have been invited to file comments and reply comments on these proposals, and, accordingly, the comment and reply dates have been extended one week.

**DATES:** Comments must be filed on or before June 2, 1992; reply comments must be filed on or before June 22, 1992.

**ADDRESSES:** Federal Communications Commission, 1919 M Street NW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** David S. Senzel, Office of General Counsel (202) 632-7220.

#### SUPPLEMENTARY INFORMATION:

##### Order

RM-7739; RM-7740; RM-7741

*Adopted:* May 8, 1992; *Released:* May 11, 1992.

By the General Counsel:

1. On April 10, 1992, the Commission initiated a rulemaking proceeding to reexamine its Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965). Reexamination of the Policy Statement on Comparative Broadcast Hearings, FCC 92-98 (Apr. 10, 1992) (GC Docket No. 92-52). As part of this rulemaking, the Commission invited comment on a proposal by Jeffrey Rochlis (RM-7740) that it adopt a "finder's preference" in comparative hearings to those applicants who successfully request the allotment of a new frequency through rulemaking. FCC 92-98 at ¶ 29. Rochlis' proposal was

originally made in Gen Docket No. 90-264, in which the Commission considered procedural reform of the comparative hearing process. Because Rochlis' proposal was beyond the scope of Gen Docket No. 90-264, the Commission directed that it be assigned a new rulemaking number. Proposals to Reform the Commission's Comparative Hearing Process, 6 FCC Rcd 3403, 3405-06 ¶¶ 24-28, 33 (1991). At the same time, the Commission also ordered that a petition for reconsideration and alternative petition for rulemaking filed by the NAACP, the League of United Latin American Citizens, and the National Black Media Coalition that proposed several other substantive changes to the comparative criteria designed to enhance minority ownership would similarly be treated as a rulemaking petition. *Id.*

2. It appears that although the Rochlis proposal was assigned a rulemaking number, the proposal of NAACP *et al.* inadvertently was not. On May 1, 1992, the NAACP *et al.* filed pleadings related to this matter: (1) a Time-Sensitive Motion for Stay, and (2) a Motion to Amend Notice of Proposed Rulemaking and Reschedule Procedural Dates.

3. Consistent with the Commission's order, *supra*, the pleadings relevant to the NAACP *et al.*'s proposal have been included in GC Docket No. 92-52, and commenters are hereby expressly invited to file comments and reply comments on them. To give commenters an opportunity to examine the NAACP *et al.*'s proposal, the existing comment and reply dates will be extended one week.

4. Accordingly, it is ordered, that pursuant to the authority delegated under 47 CFR 0.251 the Time-Sensitive Motion for Stay and the Motion to Amend Notice of Proposed Rulemaking and Reschedule Procedural Dates, both filed May 1, 1992 by the National Association for the Advancement of Colored People, the League of United Latin American Citizens, and the National Black Media Coalition are granted to the extent indicated above and otherwise are denied.

5. It is further ordered, that the comment date in this proceeding is extended to June 2, 1992, and the reply date is extended to June 22, 1992.

Robert L. Pettit,  
General Counsel.

[FR Doc. 92-11735 Filed 5-18-92; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 57, No. 97

Tuesday, May 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

### Agricultural Stabilization and Conservation Service

#### Feed Grain Donations for the Three Affiliated Tribes of the Fort Berthold Indian Reservation of North Dakota

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Three Affiliated Tribes of the Fort Berthold Indian Reservation of North Dakota (the "Tribes") has been materially increased and become acute because of severe and prolonged drought, thereby creating a serious shortage of feed and causing increased economic distress. This reservation is designated for Indian use and is utilized by members of the Tribes for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation (CCC) for livestock feed for such needy members of the Tribes will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing land of the Tribes to be acute distress areas and authorize the donation of feed grain owned by the CCC to livestock owners who are determined by the Bureau of Indian Affairs, United States Department of the Interior, to be needy members of the Tribes utilizing such lands. These donations by the CCC may commence upon April 20 and shall be made available through June 15, or such other date as may be stated in a notice issued by the Administrator, Agricultural Stabilization and Conservation Service.

Signed at Washington, DC, on May 14, 1992.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc 92-11707 Filed 5-18-92; 8:45 am]

BILLING CODE 3410-05-M

### Animal and Plant Health Inspection Service

[Docket No 92-043-1]

#### Availability of Environmental Assessment and Finding of No Significant Impact for the Asian Gypsy Moth Eradication Project

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

**SUMMARY:** We are advising public that the Animal and Plant Health Inspection service has prepared and is making available an environmental assessment and finding of no significant impact for the Asian gypsy moth eradication project in the States of Washington and Oregon. The environmental assessment provides a basis for our conclusion that the methods employed to eradicate the plant pest will not have a significant impact on the environment.

**ADDRESSES:** Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. In addition, copies of the environmental assessment and finding of no significant impact may be obtained upon request from:

(1) Charles L. Divan, Project Leader—Asian Gypsy Moth, Environmental Protection Officer, EAD, BBEP, APHIS, USDA, room 828, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8565;

(2) Director, Western Regional Office, PPQ, APHIS, USDA, 9580 Micron Avenue, Sacramento, CA 95827;

(3) Daniel Hilburn, Oregon Department of Agriculture, Plant Division, 635 Capitol Street, NE, Salem, OR, 97310-0110; or

(4) Candice Jacobs, Washington State

Department of Agriculture, P.O. Box 42560, Olympia, WA, 98504-2560.

**FOR FURTHER INFORMATION CONTACT:** Milton C. Holmes, Senior Operations Officer, Domestic and Emergency Operations, Plant Protection and Quarantine, APHIS, USDA, room 642, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

### SUPPLEMENTARY INFORMATION:

#### Background

In accordance with 7 U.S.C. 147a, 148, and 450, the Secretary of Agriculture is authorized to cooperate with the States and certain other organizations and individuals to control and eradicate plant pests.

The Asian gypsy moth, which is present in the States of Washington and Oregon, is a destructive pest of forest trees.

The U.S. Department of Agriculture (USDA), in cooperation with the Departments of Agriculture in Washington and Oregon, has initiated a project to eradicate the Asian gypsy moth in Washington and Oregon.

The Animal and Plant Health Inspection Service (APHIS), USDA, has prepared an environmental assessment (EA) to evaluate the effects of this eradication project on the environment. Based on the environmental assessment, APHIS has determined that the eradication project in the States of Washington and Oregon will not have a significant impact on the environment. The EA for this cooperative Asian gypsy moth eradication project is supported by and tiered to the Gypsy Moth Suppression and Eradication Projects, Final Environmental Impact Statement (FEIS) as Supplemented, 1985.

The environmental assessment and finding of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321 *et seq.* ), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 14th day of May 1992.

Robert Melland,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc 92-11709 Filed 5-18-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No 92-048-1]

**National Boll Weevil Cooperative Control Program: Availability of the Record of Decision Based Upon the Final Environmental Impact Statement**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Animal and Plant Health Inspection Service has prepared and is making available the Agency record of decision that was based upon the National Boll Weevil Cooperative Control Program final environmental impact statement. This action is necessary to let the public know where it may obtain copies of this decision regarding control of the boll weevil throughout the Cotton Belt.

**ADDRESSES:** Requests for copies of the record of decision should be addressed to: Sid Cousins, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 644, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

Copies of the record of decision also may be obtained at any of the following locations:

1. Southeastern Regional Office: A. S. Elder, Regional Director, 3505 25th Avenue, Building 1 North, Gulfport, MS 39501, (601) 863-1813.

2. South Central Regional Office: Robert L. Williamson, Regional Director, 3505 Boca Chica Boulevard, Suite 360, Brownsville, TX 78521-4065, (512) 548-2750.

3. Western Regional Office: James Reynolds, Regional Director, 9580 Micron Avenue, Suite 1, Sacramento, CA 95827, (916) 551-3220.

A copy of the record of decision may be reviewed at the APHIS Reading Room, USDA (reference copy only): Room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC 20250, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

**FOR FURTHER INFORMATION CONTACT:** Sid Cousins, Senior Operations Officer, Domestic and Emergency Operations, PPQ, APHIS, USDA, room 644, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8247.

**SUPPLEMENTARY INFORMATION:**

**Background**

The boll weevil is a destructive pest of cotton. Introduced into the United States in 1892 near Brownsville, Texas, the boll weevil spread quickly. By 1922, it had infested a 17-State area known as the Cotton Belt. This area now involves approximately 10 to 15 million acres of cotton, with about 7 million acres still infested with the boll weevil. Currently one of the most important agricultural pests in the United States, the boll weevil causes more than \$300 million in annual losses and control costs for cotton.

To control this plant pest, the Animal and Plant Health Inspection Service (APHIS) cooperates with State agriculture departments, the cotton industry, and other State and Federal agencies. APHIS provides technical advice and varying levels of supervision in three major regional boll weevil control programs. In recent years, we have examined ways to implement a coordinated national program that covers regional boll weevil eradication activities across the Cotton Belt. The scope of this program, and the multi-year nature of this endeavor, resulted in the need to prepare a comprehensive environmental impact statement (EIS).

On December 24, 1991, we published a notice in the *Federal Register* (56 FR 66615-66616, Docket No. 91-173), announcing the availability of a final EIS for the National Boll Weevil Cooperative Control Program. The final EIS includes a comprehensive analysis of all feasible methods for controlling the boll weevil. The final EIS was made available, and locations were provided where interested persons could obtain a copy.

**Record of Decision**

The record of decision identifies the beltwide eradication of the boll weevil (with full Federal involvement) as the preferred alternative for controlling the boll weevil. The beltwide eradication alternative will use an integrated approach to boll weevil control, including, in varying degrees, cultural, mechanical, sterile insect, and chemical control methods.

We will implement all the standard operational procedures and mitigation measures discussed in the final EIS. Use of these procedures and measures will minimize any potential impact to nontarget organisms. Also, site-specific protection measures will be undertaken as needed to ensure that species that are endangered or threatened, and proposed for listing under the Endangered Species Act, are protected. Based upon the

findings in the final EIS, we expect no significant primary or secondary effects, negligible long-term effects, and no significant unavoidable effects on the environment as a consequence of this decision.

This record of decision has been prepared in accordance with: (1) The National Environmental Policy Act (NEPA) (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC, this 14th day of May 1992.

Robert Melland,

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 92-11708 Filed 5-18-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No 92-062-1]

**Availability of List of U.S. Veterinary Biological Product and Establishment Licenses and U.S. Veterinary Biological Product Permits, Issued, Suspended, Revoked, or Terminated**

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Notice.

**SUMMARY:** This notice is to advise the public of veterinary biological product and establishment licenses and veterinary biological product permits that were issued, suspended, revoked, or terminated by the Animal and Plant Health Inspection Service, during the months of December 1991 and January, February, and March 1992. These actions have been taken in accordance with the regulations issued pursuant to the Virus-Serum-Toxin Act. The purpose of this notice is to inform interested persons of the availability of a list of these actions and advise interested persons that they may request to be placed on a mailing list to receive the listing.

**FOR FURTHER INFORMATION CONTACT:** Joan Montgomery, Program Assistant, Veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, APHIS, USDA, room 838, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-8245. For copies of the list or to be placed on the mailing list, write to Ms. Montgomery at the above address.

**SUPPLEMENTARY INFORMATION:** The regulations in 9 CFR part 102, "Licenses For Biological Products," require that every person who prepares certain biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

The regulations in 9 CFR part 102 also require that each person who prepares biological products that are subject to the Virus-Serum-Toxin Act (21 U.S.C. 151 *et seq.*) shall hold a U.S. Veterinary Biologics Establishment License. The regulations set forth the procedures for applying for a license, the criteria for determining whether a license shall be issued, and the form of the license.

The regulations in 9 CFR part 104, "Permits for Biological Products," require that each person importing biological products shall hold an unexpired, unsuspended, and unrevoked U.S. Veterinary Biological Product Permit. The regulations set forth the procedures for applying for a permit, the criteria for determining whether a permit shall be issued, and the form of the permit.

The regulations in 9 CFR parts 102 and 105 also contain provisions concerning the suspension, revocation, and termination of U.S. Veterinary Biological Product Licenses, U.S. Veterinary Biologics Establishment Licenses, and U.S. Veterinary Biological Product Permits.

Each month the Veterinary Biologics section of Biotechnology, Biologics, and Environmental Protection prepares a list of licenses and permits that have been issued, suspended, revoked, or terminated. This notice announces the availability of the lists for the months of December 1991 and January, February, and March 1992. The monthly lists are also mailed on a regular basis to interested persons. To be placed on the mailing list you may call or write the person designated under "**FOR FURTHER INFORMATION CONTACT.**"

Done in Washington, DC, this 14th day of May 1992.

**Robert Melland,**

*Administrator, Animal and Plant Health Inspection Service.*

[FR Doc 92-11710 Filed 5-18-92; 8:45 am]

BILLING CODE 3410-34-M

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Telecommunications Equipment Technical Advisory Committee Partially Closed Meeting

A meeting of the Telecommunications Equipment Technical Advisory Committee will be held June 3, 1992, 9:30 a.m., in the Herbert C. Hoover Building, room 1617M(2), 14th & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to telecommunications and related equipment and technology.

#### Agenda

##### General Session

1. Opening remarks by the Chairman.
2. Approval of minutes.
3. Election of Chairman.
4. Presentation of papers or comments by the public.
5. Report on status of U.S. implementation of Core List.
6. Discussion and recommendations for changes to Category 5 (Telecommunications & Information Security) for submission to COCOM in fall of 1992.

##### Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, ODAS/EA/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 5, 1992, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees

thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: May 11, 1992.

**Betty Anne Ferrell,**

*Director, Technical Advisory Committee Unit.*

[FR Doc. 92-11728 Filed 5-18-92; 8:45 am]

BILLING CODE 3510-DT-M

## International Trade Administration

[A-570-003]

### Cotton Shop Towels From the People's Republic of China; Preliminary Results of Antidumping Duty Administrative Review

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

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**SUMMARY:** In response to a request by Milliken & Company (the petitioner), the Department of Commerce is conducting an administrative review of the antidumping duty order on cotton shop towels from the People's Republic of China (PRC). The review covers three producers/resellers of this merchandise to the United States during the period October 1, 1990 through September 30, 1991. We preliminarily determine the dumping margins for this period to be 78.38 percent for Tianjin Arts & Crafts Import and Export Corporation (TAC), due to no shipments during the period of review, and 122.81 percent for Chinatex and China National Arts and Crafts Import and Export Corporation (CNART), based on best information available. We invite interested parties to comment on these preliminary results.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Cameron Cardozo, Eliabeth Levy or Michael Rollin, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street

and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-2786.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 2, 1991, the Department of Commerce (the Department) published in the *Federal Register* a notice of "Opportunity to Request Administrative Review" (56 FR 49878) of the antidumping duty order on cotton shop towels from the PRC for the period October 1, 1990 through September 30, 1991. On October 10, 1991, the petitioner, Milliken & Company, requested an administrative review of the entries of Chinatex, CNART, and TAC for the period October 1, 1990 through September 30, 1991. The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

On January 27, 1992, questionnaires were issued to the producers/resellers listed above. TAC, which until January 1, 1989, was named China National Arts and Crafts Import and Export Corporation, Tianjin Branch (CNART), was the only company that responded to the Department's questionnaire. In its response, TAC stated that it had made no sales or shipments of subject merchandise that entered the United States during the period review.

##### Use of Best Information Available

We have assigned to all other PRC firms for which a review was requested a deposit rate based on the best information available (BIA), in accordance with section 776(c) of the Act, because no other named PRC exporter responded to our questionnaire. In deciding what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party refused to provide requested information. Thus, the Department determines on a case-by-case basis what is BIA. When a company refuses to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department will assign to that company the higher of: (1) The highest margin calculated for any company in any previous review or the original investigation; or (2) the highest calculated margin for any respondent that supplied adequate responses for the current review. See, e.g., Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany: Final Results of Antidumping Duty Administrative Review (56 FR 31692, 31704, July 11, 1991). In this case, the

highest margin is from a previous review.

##### Scope of the Review

Imports covered by this review are shipments of cotton shop towels from the PRC. This merchandise is classifiable under item number 6307.10.2005 of the Harmonized Tariff Schedule (HTS) item. The HTS item number is provided for convenience and customs purposes. The written description remains dispositive.

The review covers three producer/resellers of cotton shop towels from the PRC and the period October 1, 1990 through September 30, 1991. TAC reported no shipments during the period of review. The Department requested all entry documentation for subject merchandise during the period of review from the United States Customs Service. Based on the information provided, we have confirmed that there were no entries of the subject merchandise into the United States by TAC during the review period. Therefore, for this review period, the Department is assigning TAC the deposit rate from the most recent final results of the review in which TAC had shipments. This was for the fourth administrative review covering the period October 1, 1988 through September 30, 1989 (56 FR 60969, November 29, 1991).

The Department is currently conducting the fifth administrative review of this order, which covers the period October 1, 1989 through September 30, 1990. The preliminary results of the fifth administrative review were issued on March 31, 1992 (57 FR 10881). The dumping margins for the final results of the fifth administrative review may differ from those preliminarily determined in this sixth administrative review. If this is the case, the final results from the fifth administrative review will be used in the final results of this, the sixth, administrative review, since they will be the most recent final results determined for this order.

##### Preliminary Results of the Review

As a result of this review, we preliminarily determine the dumping margins to be:

Producer/exporter	Margin (percent)
TAC.....	78.38
Chinatex.....	122.81
CNART.....	122.81

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days

after 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 353.38(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 are due.

The Department will publish the final results of the administrative review including the results of its analysis of issues raised in any case or rebuttal briefs.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisal instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate(s) for the reviewed company(ies) will be that(those) established in the final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the "all other" rate established in the final results of this administrative review. This rate represents the highest rate for any firm with shipments in this administrative review, other than those firms receiving a rate based entirely on best information

available. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and subsequent assessment of double antidumping duties.

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 353.22.

Dated: May 12, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-11727 Filed 5-18-92; 8:45 am]

BILLING CODE 3510-05-M

[A-580-812]

**Initiation of Antidumping Duty Investigation: Dynamic Random Access Memory Semiconductors of One Megabit and Above From the Republic of Korea**

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

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** John Beck, 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) 377-3464.

**INITIATION OF INVESTIGATION:**

**The Petition**

On April 22, 1992, we received a petition filed in proper form by Micron Technology, Inc. (petitioner). A supplement to the petition was received on May 11, 1992. In accordance with 19 CFR 353.12, the petitioner alleges that dynamic random access memory semiconductors of one megabit and above (DRAMs) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), the that these imports are materially injuring, or threaten material injury to, a U.S. industry.

The petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because the petition was filed on behalf of the U.S. industry producing the product subject to this investigation. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, it should file a written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements are contained in 19 CFR 353.14.

**Scope of Investigation**

For purposes of this investigation, DRAMs are all one megabit and above dynamic random access memory semiconductors, whether assembled or unassembled. Assembled DRAMs include all package types. Unassembled DRAMs include processed wafers, uncut die and cut die. Processed wafers produced in Korea but packaged in a third country are included in the scope; however, wafers produced in a third country and assembled or packaged in Korea are not included in the scope. The scope includes memory modules, such as Single In-Line Processing Modules (SIPs) and Single In-Line Memory Modules (SIMMs), that contain one megabit or above dynamic random access memory semiconductors that are assembled together and function as memory. Modules that contain other parts that are needed to support the function of memory are considered to be covered memory modules. Only those modules which contain additional items which alter the function of the module to something other than memory are not-covered modules. The scope also includes video dynamic random access memory (VRAMs), as well as any future packaging and assembling of DRAMs. During this investigation, we will continue to consider this definition of the scope and will refine it if necessary. The DRAMs subject to this investigation are classifiable under subheadings 8473.30.4000, 8542.11.0001, 8542.11.0024, 8542.11.0026 and 8542.11.0034 of the Harmonized Tariff Schedule of the United States (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this investigation is dispositive.

**United States Price and Foreign Market Value**

Petitioner based United States price (USP) on observed price quotes of DRAMs by distributors in the United States. Petitioner made deductions from USP for the distributors' markup and movement expenses.

To demonstrate home market price, petitioner supplied: (1) Average home market prices obtained by Dataquest; and (2) company-specific home market price quotes obtained by an unidentified firm. Petitioner also calculated the cost of production (COP) and constructed value (CV) of one megabit and four megabit DRAMs for each Korean manufacturer.

Petitioner alleges that Hyundai, Goldstar and Samsung, potential respondents in this investigation, are selling DRAMs in Korea at prices below their COP. Therefore, petitioner claims that such sales are inadequate bases for calculating the foreign market value (FMV). Petitioner thus calculated FMV on the basis of CV. COP and CV for each company was based on a cost model developed by VLSI Research using company-specific data for die size, number of masking steps, and yields. The cost model was correlated to petitioner's actual costs and determined to be reasonable. Petitioner was unable to include in its estimates of COP respondent-specific amounts for selling, general and administrative expenses (SG&A), because the cost model did not separately report such expenses. However, Samsung's financial statements report SG&A which is reasonable in comparison to petitioner's SG&A. Financial statements for Hyundai and Goldstar were not available. In developing CVs, petitioner added the statutory eight percent for profit.

Based on the information presented, we have reason to believe or suspect that the home market sales of Hyundai, Goldstar and Samsung are being made at less than COP. Accordingly, pursuant to section 773(b) of the Act and 19 CFR 353.51, we are initiating COP investigations for the home market sales of Hyundai, Goldstar and Samsung.

The range of dumping margins of DRAMs based on a comparison of USP to CV alleged by petitioner is 94.29%—170.89% (one meg) and 278.63%—282.51% (four meg) for Hyundai, 132.11%—165.29% (one meg) and 273.25% (four meg) for Goldstar, and 0.62%—3.83% (one meg) and 93.18%—97.39% (four meg) for Samsung.

### Initiation of Investigation

We have examined the petition on DRAMs from Korea and have found that the petition meets the requirements of section 732(b) of the Act. Therefore, we are initiating an antidumping duty investigation to determine whether imports of DRAMs from Korea are being, or are likely to be, sold in the United States at less than fair value.

### Preliminary Determination by the International Trade Commission

The International Trade Commission (ITC) will determine by June 8, 1992, whether there is a reasonable indication that imports of DRAMs from Korea are materially injuring, or threaten material injury to, a U.S. industry. A negative ITC determination will result in the investigation being terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act and 19 CFR 353.13(b).

Dated: May 12, 1992.

Francis J. Sailer,  
*Acting Assistant Secretary for Import Administration.*

[FR Doc. 92-11728 Filed 5-18-92; 8:45 am]

BILLING CODE 3510-DS-M

### National Oceanic and Atmospheric Administration

#### Marine Mammals; Permit Modification

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

**ACTION:** Modification No. 1 to Permit No. 679 (P77#34). Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Scientific Research Permit No. 679, issued to the Southwest Fisheries Science Center, NMFS, La Jolla, CA 92038, on August 4, 1989, is hereby modified to extend the effective date through December 31, 1992.

All other conditions currently contained in the permit shall remain in effect.

This modification is effective on the date signed by the Assistant Administrator.

Documents submitted in connection with the above modification are available for review by appointment in the following offices by appointment: Permits Division, Office of Protected Resources, NMFS, 1335 East-West Highway, SSMC#1, room 7324, Silver Spring, MD 20910 (310/713-2289);

Southwest Region, NMFS, NOAA, 501 West Ocean Blvd., suite 4200, Long Beach, CA 90802-4213 (210/980-4016).

Dated: May 12, 1992.

Nancy Foster,  
*Director, Office of Protected Resources,  
National Marine Fisheries Service.*  
[FR Doc. 92-11619 Filed 5-18-92; 8:45 am]  
BILLING CODE 3510-22-M

### COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

#### Amendment, Establishment and Elimination of Import Restraint Limits and Guaranteed Access Levels and Amendment of Restraint Periods for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

May 14, 1992.

**AGENCY:** Committee for the Implementation of Textile Agreements (CITA).

**ACTION:** Issuing a directive to the Commissioner of Customs amending, establishing and eliminating restraint limits and guaranteed access levels and amending restraint periods.

**EFFECTIVE DATE:** May 21, 1992 and November 2, 1992.

**FOR FURTHER INFORMATION CONTACT:** Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

#### SUPPLEMENTARY INFORMATION:

**Authority:** Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a Memorandum of Understanding (MOU) dated April 24, 1992, the Governments of the United States and the Dominican Republic agreed to amend and extend their current bilateral textile agreement. The agreement was converted to a calendar year agreement covering the periods June 1, 1991 through December 31, 1991; January 1, 1992 through December 31, 1992; and January 1, 1993 through December 31, 1993. Also during these consultations, the two governments reached a settlement on the U.S. Government's April 24, 1992

request for consultations on Category 433.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to eliminate the current limit and guaranteed access level (GAL) for Category 644 and amend the current restraint periods for certain categories to begin on June 1, 1991 and extend through December 31, 1991 at amended levels. Also, import limits and guaranteed access levels are being established for the periods January 1, 1992 through December 31, 1992 and May 1, 1992 through December 31, 1992.

As a result of the amendments being made, the limit for Categories 339/639, which is currently filled, will re-open.

Beginning on November 2, 1992, the U.S. Customs Service will start signing the first section of the form ITA-370P for shipments of U.S. formed and cut parts in Category 433 that are destined for the Dominican Republic and subject to the GAL established for Category 433 for the period beginning on January 1, 1993 and extending through December 31, 1993. These products are governed by Harmonized Tariff item number 9802.00.8010 and chapter 61 Statistical Note 5 and chapter 62 Statistical Note 3 of the Harmonized Tariff Schedule. Interested parties should be aware that shipments of cut parts in Category 433 must be accompanied by a form ITA-370P, signed by a U.S. Customs officer, prior to export from the United States for assembly in the Dominican Republic in order to qualify for entry under the Special Access Program.

A description of the textile and apparel categories in terms of HTS numbers is available in the **CORRELATION:** Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 56 FR 60101, published on November 27, 1991). Also see 56 FR 22402, published on May 15, 1991; 56 FR 54841, published on October 23, 1991; and 56 FR 57516, published on November 12, 1991.

Requirements for participation in the Special Access Program are available in **Federal Register** notices 51 FR 21208, published on June 11, 1986; 52 FR 6594, published on March 4, 1987; 52 FR 26057, published on July 10, 1987; and 54 FR 50425, published on December 6, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the MOU, but are designed to assist only in the

implementation of certain of its provisions.

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 14, 1992.

Commissioner of Customs,  
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 9, 1991, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the periods June 1, 1991 through May 31, 1992.

Also, this directive amends, but does not cancel, the directives dated October 18, 1991 and November 6, 1991 concerning import limits for Category 448, produced or manufactured in the Dominican Republic and exported during the periods March 28, 1991 through November 30, 1991; and December 1, 1991 through May 31, 1992, respectively.

Effective on May 21, 1992, for Category 448, you are directed to amend the March 28, 1991 through November 30, 1991 period to end on May 31, 1991; the December 1, 1991 through May 31, 1992 period shall be amended to begin on June 1, 1991 and extend through December 31, 1991 at a reduced level of 20,417 dozen<sup>1</sup>.

Also, you are directed to reduce the current limits for the following categories and amend the restraint period for the new period beginning on June 1, 1991 and extending through December 31, 1991:

Category	Amended restraint limit <sup>1</sup>
338/638 .....	336,522 dozen.
339/639 .....	334,527 dozen.
340/640 .....	327,753 dozen.
342/642 .....	153,056 dozen.
347/348/647/648 .....	686,348 dozen of which not more than 465,319 dozen shall be in Categories 347/348 and not more than 416,856 dozen shall be in Categories 647/648.
351/651 .....	385,840 dozen.
633 .....	45,936 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after May 31, 1991.

Further, you are directed to eliminate the current limit and guaranteed access level (GAL) for Category 644. Also, the charges applied to the current import limit and GAL for Category 644 shall be eliminated.

Effective on May 21, 1992, you are directed to reduce the current guaranteed access levels for the following categories for the new period beginning on June 1, 1991 and extending through December 31, 1991:

<sup>1</sup> The limit has not been adjusted to account for any imports exported after May 31, 1991.

Category	Guaranteed access level
338/638 .....	583,333 dozen.
339/639 .....	583,333 dozen.
340/640 .....	583,333 dozen.
342/642 .....	583,333 dozen.
347/348/647/648 .....	2,963,333 dozen.
351/651 .....	583,333 dozen.
448 .....	23,333 dozen.
633 .....	23,333 dozen.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further extended on July 31, 1991; pursuant to the Memorandum of Understanding dated April 24, 1992 between the Governments of the United States and the Dominican Republic; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 21, 1992, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in the Dominican Republic and exported during the periods May 1, 1992 through December 31, 1992 for Category 433; and January 1, 1992 through December 31, 1992 for the remaining categories, in excess of the following levels of restraint:

Category	Restraint limit <sup>1</sup>
338/638 .....	554,715 dozen.
339/639 .....	618,307 dozen.
340/640 .....	552,067 dozen.
342/642 .....	401,860 dozen.
347/348/647/648 .....	1,443,542 dozen of which not more than 1,093,542 dozen shall be in Categories 347/348 and not more than 739,621 dozen shall be in Categories 647/648.
351/651 .....	673,990 dozen.
433 .....	27,474 dozen.
448 .....	35,204 dozen.
633 .....	80,723 dozen.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after April 30, 1992, in the case of Category 433; and December 31, 1991, in the case of the remaining categories.

Imports charged to these category limits for the period beginning on June 1, 1991 and extending through December 31, 1991 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels established for the periods beginning on January 1, 1992 and May 1, 1992 and extending through December 31, 1992.

You are directed to deduct 28,236 dozen from the charges made to Category 448 for the period March 28, 1991 through May 31, 1991. This same amount shall be charged to Category 448 for the period June 1, 1991 through December 31, 1991.

You are directed to deduct the following amounts from the charges made to the following categories for the period beginning on June 1, 1991 and extending through December 31, 1991. These same amounts shall be charged to the corresponding categories for the period beginning on January 1, 1992 extending through December 31, 1992.

Category	Amount to be deducted/charged
338 .....	74,545 dozen
339 .....	66,950 dozen.
340 .....	96,734 dozen.
342 .....	30,752 dozen.
347 .....	130,323 dozen.
348 .....	99,333 dozen.
351 .....	75,468 dozen.
448 .....	200 dozen.
633 .....	13,064 dozen.
638 .....	10,370 dozen.
639 .....	4,660 dozen.
640 .....	14,329 dozen.
642 .....	36,917 dozen.
647 .....	22,826 dozen.
648 .....	43,456 dozen.
651 .....	65,951 dozen.

Additional charges will be provided as data become available.

Additionally, pursuant to the Memorandum of Understanding dated April 24, 1992; and under the terms of the Special Access Program, as set forth in 51 FR 21208 (June 11, 1986), 52 FR 26057 (July 10, 1986) and 54 FR 50425 (December 6, 1989), effective on May 21, 1992, guaranteed access levels are being established for properly certified textile products assembled in the Dominican Republic from fabric formed and cut in the United States in cotton, wool and man-made fiber textile products in the following categories for the period January 1, 1992 through December 31, 1992:

Category	Guaranteed access level
338/638 .....	1,000,000 dozen.
339/639 .....	1,000,000 dozen.
340/640 .....	1,000,000 dozen.
342/642 .....	1,000,000 dozen.
347/348/647/648 .....	7,000,000 dozen.
351/651 .....	1,000,000 dozen.
448 .....	40,000 dozen.
633 .....	40,000 dozen.

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification and Export Declaration in accordance with the provisions of the certification requirements established in the directive of February 25, 1987, as amended, shall be denied entry unless the Government of the Dominican Republic authorizes the entry and any charges to the appropriate specific limits. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

Beginning on November 2, 1992, the U.S. Customs Service is directed to start signing the first section of the form ITA-370P for shipments of U.S. formed and cut parts in Category 433 that are destined for the Dominican Republic and re-exported to the United States on and after January 1, 1993.

You are directed to deduct the following charges made to the guaranteed access levels for the period June 1, 1991 through December 31, 1991. These same amounts shall be charged to the corresponding categories for the new period beginning on January 1, 1992 and extending through December 31, 1992:

Category	Amount to be deducted/ charged
338.....	80,041 dozen.
339.....	74,040 dozen.
340.....	49,552 dozen.
342.....	13,892 dozen.
347.....	763,923 dozen.
348.....	237,535 dozen.
351.....	9,554 dozen.
448.....	-0-
633.....	11,692 dozen.
638.....	78,403 dozen.
639.....	175,181 dozen.
640.....	4,668 dozen.
642.....	27,722 dozen.
647.....	223,306 dozen.
648.....	90,898 dozen.
651.....	104,192 dozen.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Ronald I. Levin,

*Acting Chairman, Committee for the Implementation of Textile Agreements.*

[FR Doc. 92-11729 Filed 5-18-92; 8:45 am]

BILLING CODE 3510-DR-F

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0088; FAR Case 86-29]

### OMB Clearance Request for Travel Costs

**AGENCIES:** Department of Defense (DOD), General Services Administration

(GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0088).

**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 extension of a currently approved information collection requirement concerning Travel Costs.

**DATES:** Comments may be submitted on or before June 18, 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

FAR 31.205-46, Travel Costs, requires that, except in extraordinary and temporary situations, costs incurred by a contractor for lodging, meals, and incidental expenses shall be considered to be reasonable and allowable only to the extent that they do not exceed on a daily basis the per diem rates in effect as of the time of travel as set forth in the Federal Travel Regulation for travel in the conterminous 48 United States, the Joint Travel Regulations, Volume 2, appendix A, for travel in Alaska, Hawaii, the Commonwealth of Puerto Rico, and territories and possessions of the United States, and the Department of State Standardized Regulations, section 925, "Maximum Travel Per Diem Allowances for Foreign Areas." The burden generated by this coverage is in the form of the contractor preparing a justification whenever a higher actual expense reimbursement method is used. This information is required for an adequate implementation of Public Law 99-234.

##### B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 16,000; responses per respondent, 10; total annual responses, 160,000; hours per response, .25; and total response burden hours, 40,000.

**OBTAINING COPIES OF PROPOSALS:** Requester may obtain copies of OMB applications or justifications from the

General Services Administration, FAR Secretariat (VRS), room 4037, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0088, FAR case 86-29, Travel Costs, in all correspondence.

Dated: May 7, 1992.

Beverly Fayson,

*FAR Secretariat.*

[FR Doc. 92-11622 Filed 5-18-92; 8:45 am]

BILLING CODE 6820-JC-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board Task Force on Simulation, Readiness and Prototyping; Meeting

**ACTION:** Notice of advisory committee meeting.

**SUMMARY:** The Defense Science Board Task Force on Simulation, Readiness and Prototyping will meet in closed session on 4 and 5 June, 1992, at the Institute for Defense Analyses, Alexandria, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Task Force will receive briefings on current technologies and potential technology advancements in the field of advanced distributed simulation. The briefings will disclose information technology deficiencies for current training and combat requirements of the individual Services, their requirements for connectivity in Joint Operations, and future capability requirements needing to be resourced.

In accordance with section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (5 U.S.C. app. II, (1988)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly this meeting will be closed to the public.

Dated: May 13, 1992.

Linda M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 92-11627 Filed 5-18-92; 8:45 am]

BILLING CODE 3810-01-M



**Department of the Army****Availability for Exclusive or Partially Exclusive Licensing of U.S. Patent Concerning Device for Measuring Reflectance and Fluorescence of In-Situ Soil**

**SUMMARY:** In accordance with 37 CFR 404.7(a)(1)(i) announcement is made of the availability of applied for patent, COE Case No. 235 for licensing. This patent will be assigned to the United States of America as represented by the Secretary of the Army, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Mrs. Norma E. Logue, United States Army, Corps of Engineers, Waterways Experiment Station, ATTN: CEWES-CT-C, Vicksburg, MS 39180-6199, (601) 634-3076.

**SUPPLEMENTARY INFORMATION:** This patent application concerns a soil penetrometer system which can make in-situ measurements of fluorescence and reflectance to detect contaminants in the soil media. The system includes a soil probe, fiber optic links (2), and a spectrometer system. The probe is fitted with a light transparent window and a light source disposed internally of the probe. Light from internally of the probe passes through the window and is reflected back through the window from the soil as the probe passes through the soil. The light reflected from the soil back through the window is collected by a fiber optic link within the probe. The collected light is then transmitted through the fiber optic link to the surface for measurement and recordation of spectral distribution and intensity. Determination of the type and amount of contaminant is possible by comparison of the spectral signature of the soil to standards prepared by adding known concentrations of specific contaminant to soil similar to the soil found on the test site. The invention thus allows rapid on-site determination of the location, depth, and quantity of contaminant in soils and particularly soils in waste disposal sites. A prototype unit has been built and used successfully to detect soil contaminated with fuels and waste lubricating oil.

Under the authority of section 11(a)(2) of the Federal Technology Transfer Act of 11986 (Pub. L. 99-502) and section 207 of title 35, United States Code, the Department of the Army as represented by the U.S. Army Engineer Waterways Experiment Station wishes to license the above-mentioned technology in a exclusive, or partially exclusive manner to any party interested in manufacturing

and selling devices covered by the above-mentioned patent in progress.

Each interested party is requested to submit a proposal for an exclusive or a partially exclusive license. The proposals for manufacturing and selling the equipment covered by the above mentioned patent will be evaluated using the following criteria:

1. Demonstrated ability to manufacture and market truck mounted cone penetrometer.
2. Presentation of applicants plan to manufacture and market trucks employing patent applied for technology and with capabilities of the Waterways Experiment Station Site Characterization and Analysis Penetrometer System.
3. Capability to manufacture and market truck mounted cone penetrometer.
4. Extent to which WES truck capabilities will be duplicated.
5. Time required to bring item to market and production rate.
6. Royalty.
7. Technical capability.
8. Small business.

**Kenneth L. Denton,**  
*Army Federal Register Liaison Officer.*  
[FR Doc. 92-11620 Filed 5-18-92; 8:45 am]  
**BILLING CODE 3710-08-M**

**DEFENSE NUCLEAR FACILITIES SAFETY BOARD****FOIA Fee Schedule**

**AGENCY:** Defense Nuclear Facilities Safety Board.

**ACTION:** Update of FOIA Fee Schedule.

**SUMMARY:** The Defense Nuclear Facilities Safety Board is publishing its annual update to the Freedom of Information Act (FOIA) Fee Schedule pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations.

**EFFECTIVE DATE:** May 19, 1992.

**FOR FURTHER INFORMATION CONTACT:** Kenneth M. Pusateri, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., suite 700, Washington, DC 20004, (202) 208-6447.

**SUPPLEMENTARY INFORMATION:** The FOIA requires each federal agency covered by the act to specify a schedule of fees applicable to processing of requests for agency records. 5 U.S.C. 552(a)(4)(i). On March 15, 1991 the Board published for comment in the *Federal Register* its proposed FOIA fee schedule. 56 FR 11114. No comments were received in response to that notice and the Board issued a final fee schedule on May 6, 1991.

Pursuant to 10 CFR 1703.107(b)(6) of the Board's regulations, the Board's General Manager will update the FOIA Fee Schedule once every 12 months.

**Board Action**

Accordingly, the Board issues the following schedule of updated fees for services performed in response to FOIA requests:

**Schedule of Fees for FOIA Services**

(Implementing 10 CFR 1703.107(b)(6))

Search or review charge—\$34.76 per hour<sup>1</sup>

Copy charge (paper) (8.5" × 11")—\$0.09 per page or generally available commercial rate<sup>2</sup>

Copy Charge (3.5" diskette)—\$5.00 per diskette

Copy charge (audio cassette)—\$3.00 per cassette

Copying large documents (e.g., maps, diagrams)—Actual commercial rates

Dated: May 14, 1992.

**Kenneth M. Pusateri,**  
*General Manager.*

[FR Doc. 92-11685 Filed 5-18-92; 8:45 am]

**BILLING CODE 6820-KD-M**

**DEPARTMENT OF EDUCATION**

[CFDA No. 84.117J].

**Office of Educational Research and Improvement Fellows Program**

**ACTION:** Notice of cancellation of competition.

The Secretary published a notice in the *Federal Register* on February 7, 1992 (57 FR 4795), inviting applications for new awards for fiscal year 1992 under the Office of Educational Research and Improvement Fellows Program. The Fellows Program enables individuals to make contributions to the improvement of education by engaging in educational research at the Office of Educational Research and Improvement (OERI) in

<sup>1</sup> Includes Government contribution to the following: Three retirement systems (Civil Service Retirement, Federal Employees Retirement, and CSRS Offset and their components: OASDI—to Social Security, MED—of the Medicare portion of the Social Security Tax and TSP—to the Thrift Savings Plan); FEGLI—to the Federal Employees Group Life Insurance; FEHB—to the Federal Employees Health Benefits program. A benefits rate of 29.55% of salaries is recommended for financial planning by the Office of Management and Budget.

<sup>2</sup> The Board will have records commercially copied when other Board business does not permit timely copying by Board personnel. The Board does not expect the generally available commercial rate to be higher than \$.10 per page. However, that rate is not within the Board's control and may change during the course of coverage of this fee schedule.

Washington, DC. That notice is hereby withdrawn, and the competition is hereby canceled.

**FOR FURTHER INFORMATION CONTACT:**

Dr. Jeffrey Gilmore, U.S. Department of Education, Office of Educational Research and Improvement, Office of Research, room 615, 555 New Jersey Avenue, NW., Washington, DC 20208-5647. Telephone: (202) 219-2243. 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.

Dated: May 13, 1992.

Diane Ravitch,

*Assistant Secretary and Counselor to the Secretary.*

[FR Doc 92-11649 Filed 5-18-92; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Office of Hearings and Appeals

#### Issuance of Decisions and Orders During the Week of March 30 Through April 3, 1992

During the week of March 30 through April 3, 1992, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

#### Appeal

*Hanford Education Action League, 3/31/91, LFA-0193*

The Hanford Education Action League filed an Appeal from a determination issued by the Acting Director of the Executive Secretariat of the Department of Energy (DOE) of a Request for Information submitted under the Freedom of Information Act (FOIA). In considering the Appeal, the DOE determined that because of the way in which these records, which were generated by the Atomic Energy Commission, are arranged, the requester submitted insufficient information for the DOE to perform a reasonable search. The DOE also found that consultation between the requester and the DOE could possibly produce sufficient information for the DOE to perform a reasonable and adequate search. Accordingly, the Appeal was granted in part, and the case remanded with instructions to consult with the requester and perform a new search if

adequate information is obtained from the requester.

#### Interlocutory Order

*Economic Regulatory Administration, 4/1/92, LRZ-0018*

The Economic Regulatory Administration requested that the DOE issued subpoenas to three individuals to serve as witnesses at the evidentiary hearing to be convened in connection with a Proposed Remedial Order proceeding involving Robert J. Martin. The DOE determined that the testimony of the named individuals would serve to illuminate the issue to be addressed at the hearing, the extent of Mr. Martin's involvement in the transactions subject to the PRO. The DOE concluded that it was therefore proper to compel their testimony by subpoena. Accordingly, the ERA's Request was approved.

#### Supplemental Order

*The 341 Tract Unit of the Citronelle Field, 4/3/92, LFX-0006*

The DOE issued a Decision and Order providing for the disbursement of approximately \$121 million obtained as a result of the termination of exception relief granted to The 341 Tract Unit of the Citronelle Field. The DOE determined that the refiners and other participants in the DOE crude oil Entitlements Program will be eligible to receive a portion of those funds. Those participants were provided with an opportunity to file briefs and participate in a hearing on the issue of the level of their absorption of Citronelle recertification costs. The DOE further decided that a portion of the Citronelle funds should be disbursed to end-users of refined petroleum products. The DOE determined that it would decide at a later date how any remaining funds would be disbursed.

#### Implementation of Special Refund Procedures

*Anchor Gasoline Corp., 4/2/92, KEF-0120*

The DOE issued a Decision and Order implementing procedures for the disbursement of \$9,000,000, plus accrued interest, obtained by the DOE under the terms of a Consent Order entered into with the Anchor Gasoline Corporation. The DOE determined that the Anchor funds should be distributed pursuant to Subpart V. The DOE also determined that 60% of the Consent Order funds, relating to Anchor's alleged crude oil violations, should be disbursed in accordance with the DOE's Modified Statement of Restitutionary Policy, and the remaining 40% should be used to pay claims of Anchor's purchasers of refined products during the Consent Order

period. Applications for Refund must be postmarked by October 10, 1992. Instructions for the completion of refund applications are set forth in the Decision.

#### Refund Applications

*Marathon Petroleum Co./Oasis Petroleum Corp., 4/1/92, RF250-2518*

The DOE issued a Decision and Order concerning a refund application that Oasis Petroleum Corporation (Oasis) submitted in the Marathon Petroleum Company (Marathon) special refund proceeding. Oasis requested a refund based on purchases of Marathon product during the period November 1978 through January 27, 1981. In considering the application, the DOE found that, when Oasis' purchases of Marathon product were viewed in their totality, it was unlikely that Oasis was injured. Accordingly, the DOE found that it was inappropriate to apply an injury presumption to Oasis' claim and that Oasis would have to demonstrate injury in order to receive a refund. Because Oasis declined to make an injury showing, its application was denied.

*Texaco Inc./Stewart's Texaco, 4/1/92, RF321-18243, RF321-18499*

The DOE issued a Decision and Order concerning two Applications for Refund in the Texaco Inc. refund proceeding that were filed on behalf of Stewart's Texaco by Edward Stewart and his former wife. Mr. Stewart claimed that the entire refund should be granted to him because he was the sole owner of Stewart's Texaco. Ms. Stewart claimed that because the service station was acquired during the course of their marriage, it was jointly-held property and the refund should be divided evenly between the two of them. The DOE determined that the refund should be equally divided between the two applicants, because Texas is a community property state, the service station was the property of both Mr. and Mrs. Stewart, and both applicants were presumably injured as a result of Texaco's pricing practices. Accordingly, the applicants each received a refund of \$668 including interest.

#### Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Blue Circle Atlantic Inc.....	RF272-53025	03/31/92
Blue Circle Atlantic Inc.....	RF272-53025	
City of New York.....	RC272-156	04/01/92
Clark Oil & Refining Corp./Doug & James Clark 100.....	RF342-31	04/2/92
Doug & James Clark 100.....	RF342-106	
Clark Oil & Refining Corp./Rutherford William Stockman.....	RF342-51	04/02/92
Larry's Valley Clark.....	RF342-129	
Gulf Oil Corporation/Friend's Gulf Service.....	RF300-12779	04/03/92
Robison's Gulf.....	RF300-12958	
Gulf Oil Corporation/Keeble's Gulf Service Center <i>et al.</i> .....	RF300-13133	03/31/92
Gulf Oil Corporation/Nitzschke Oil Company.....	RF300-129	04/01/92
Gulf Oil Corporation/Wellman Oil Co., Inc. <i>et al.</i> .....	RF300-61	04/01/92
Shell Oil Company/4-County Oil Co., Inc.....	RF315-1156	04/01/92
Texaco Inc./Casey's Texaco <i>et al.</i> .....	RF321-3065	04/02/92
Texaco Inc./Maywood Auto Body Towing Service <i>et al.</i> .....	RF321-7095	04/02/92
Texaco Inc./Ripley Texaco on Main <i>et al.</i> .....	RF321-7695	03/31/92
Texaco Inc./Salathe Oil Co., Inc. <i>et al.</i> .....	RF321-13903	04/02/92
Texaco Inc./Saturn Airways, Inc.....	RF321-9718	03/31/92
Atlas Powder Company.....	RF321-9730	
Witco Corporation.....	RF321-9764	
Texaco Inc./Stadium Drive Texaco <i>et al.</i> .....	RF321-10205	03/31/92
Thomas P. Reidy, Inc./Amoco Oil Company.....	RF322-3	03/31/92

### Dismissals

The following submissions were dismissed:

Name	Case No.
Audrain County, MO.....	RF272-85261
Ballejo Gulf.....	RF300-13575
Cleo Cooper.....	RF300-19710
Cookie Caloia's Texaco.....	RF321-10313
Daniel's Gulf in Seadrift.....	RF300-13594
Danny R. Holton.....	RF300-19558
Don P. Meister.....	RF300-19559
Entenmann's, Inc.....	RF304-12494
Frank Bittner Gulf.....	RF300-13534
Ginger's Service Station, Inc.....	RF323-32
Gulfmain Service Center.....	RF300-13532
Highland Park Texaco.....	RF321-13257
J&K Texaco.....	RF321-10306
Merritt's Texaco.....	RF321-3195
Mountain Top Service Station.....	RF300-13520
Muzzy's Texaco.....	RF321-10305
Parkway Gulf Service.....	RF300-13559
Porter Atlantic Richfield.....	RF304-10571
Sanders Gulf.....	RF300-13589
Tomlinson Petroleum, Inc. & Tomlinson Interests, Inc.....	HRO-0260
Tuscarawas County, OH.....	RF272-85245
Twin State Oil Company.....	RF300-13519

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in Energy Management: Federal Energy Guidelines, a commercially published loose leaf reporter system.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

[FR Doc. 92-11715 Filed 5-18-92; 8:45 am]

BILLING CODE 6450-01-M

### Office of Hearings and Appeals

#### Issuance of Proposed Decision and Order During the Week of May 4 Through May 8, 1992

During the week of May 4 through May 8, 1992, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR part 205, subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact or law that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these proposed decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals,

room 1E-234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays.

Dated: May 13, 1992.

**George B. Breznay,**

*Director, Office of Hearings and Appeals.*

*Jim Woods Marketing Picher, Oklahoma, Lee-0039, Reporting Requirements*

Jim Woods Marketing (Woods) filed an Application for Exception from the provision of filing Forms EIA-782B and EIA-821, entitled "Reseller/Retailers' Monthly Petroleum Product Sales Report," and "annual Fuel Oil and Kerosene Sales Report," respectively. The exception request, if granted, would permit Woods to be temporarily exempted from filing Forms EIA-782B and EIA-821. On May 8, 1992, the Department of Energy issued a Proposed Decision and Order which determined that the exception request be denied.

[FR Doc. 92-11716 Filed 5-18-92; 8:45 am]

BILLING CODE 6450-01-M

#### Invitation for Proposals From Northeastern Organizations for Projects Designed To Foster the Expanded Adoption of Energy-Efficient Industrialized Housing

**AGENCY:** Department of Energy.

**ACTION:** Notice of program interest.

**SUMMARY:** The U.S. Department of Energy (DOE) is interested in obtaining unsolicited proposals from an unrestricted range of organizations located in the Northeastern United States under 10 CFR 600.15.

Organizations can include but not be limited to for-profit and non-profit corporations as well as colleges and universities, state and local units of government, partnerships, the Indian Nations and individuals. DOE may award grants or cooperative agreements to one or more organizations to promote development of designs, manufacturing processes, and technology demonstrations that foster the expanded adoption of energy-efficient industrialized housing. Organizations that propose projects in response to this notice should include all parties essential to the project proposed. Proposers must provide at least 20 percent of the required total project funding.

This program emanates from Congressional guidance in the Fiscal Year 1992 Appropriations Bill, Amendment No. 181, page 81 of Conference Report 102-256, appropriating "\$250,000 for an industrialized housing program in the Northeast."

**DATES:** To guarantee consideration, proposals must be received by DOE no later than July 3, 1992. Proposals shall be considered as meeting this deadline if they are either: (1) Received on or before the deadline date or (2) postmarked on or before the deadline date and received in time for submission to the review panel. Applications which do not meet the deadline will be considered late applications and will not be considered.

**ADDRESSES:** Proposals should be submitted to: Unsolicited Proposals Management Section, Reports and Analysis Branch (MA-942), Procurement and Assistance Management Directorate, Department of Energy, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585. Reference: Notice of Program Interest, OBT/IH/1992.

**FOR FURTHER INFORMATION CONTACT:** Mr. George James, Program Manager, Office of Building Technologies, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, Telephone: (202) 586-9472.

**SUPPLEMENTARY INFORMATION:** The "Northeastern U.S." covers the Northeast Census Region as defined by the U.S. Census Bureau. The Northeast Census Region consists of the following nine states: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, and New Jersey.

"Industrialized Housing" includes both components and assemblies of housing products that are fabricated

either entirely or in-part using industrialized techniques.

The U.S. Department of Energy (DOE) Energy Efficient Industrialized Housing (EEIH) Program was born of the perceived need to positively influence the form and substance of newly built single-and-multi-family housing. In the U.S., as in many other countries, the design, material components, and construction of new homes is becoming increasingly mechanized. In theory, and in practice, this mechanization may be more economical and efficient than traditional building practices. DOE's program was established to promote energy efficiency within the U.S. housing industry.

As presently configured, the DOE Energy Efficient Industrialized Housing program acts as a catalyst for varying types of research and technology transfer efforts by using available resources to establish or support near-term, mid-term, and long-term projects in the following areas: Residential building design; manufacturing processes; and evaluation and testing of structures, components, and sub-assemblies. R&D currently focuses on the development of cost-effective design and construction procedures, and new materials, that industry generally would not be expected to undertake independently for a variety of reasons.

While much of the research is near-term and mid-term oriented, the program also supports the development of longer term design and construction concepts through the development of advanced computer design software and the support of industry projects that are aimed at advancing technology and the fundamentals of residential building practice. In conducting the research aspect of the program, DOE has sought industry and university partners to participate on a project-by-project basis. This has lent credibility to the program and helped improve the energy efficiency of those research partners' products. Because residential builders often learn from the success of competitors, the elements of improvement for one company can also translate into improvements for others.

R&D efforts are supported by a program of research utilization structured to provide more general information through a host of mediums. Unlike the research component where industry involvement tends to be on a company-by-company basis, research utilization projects are designed to pass on the information derived through program research to a wide segment of the industry.

## A. Purpose

The primary purpose of this Notice Of Program Interest is to promote innovation in the design, manufacture and demonstration of energy efficient industrialized housing techniques, especially as they may be applied within the Northeastern United States.

## B. Areas of Interest

DOE has identified the following two broad areas as those in which it currently is most interested in receiving proposals from Northeastern organizations:

### 1. Residential Building Design

This area is composed of two major elements. First, Design for Energy Efficiency will examine advanced design and construction concepts to encourage builders to design housing with alternate designs that incorporate energy efficiency as a key design component in industrialized housing. Energy efficiency can be improved through design in a number of ways including utilization of new materials and materials optimization, considerations for automation, integration of structural and mechanical systems, and development of performance specifications. The second element is the development of energy design software that can be integrated with existing computer-aided design (CAD) software for industrialized housing manufacturers. Improved methods for designing energy efficiency into housing components and systems, as well as computerized systems that provide consumers with improved flexibility in the configuration of industrialized housing designs and energy efficiency enhancements, are important to the adoption of energy-efficient industrialized housing.

### 2. Manufacturing Processes

This area of interest is comprised of three elements, each pertaining to the improvement of techniques and processes that industrialized housing manufacturers employ in fabricating homes. The first element, manufacturing process simulation and data base development, seeks to provide industry with simulation tools that will help in re-configuring and optimizing, from an energy perspective, the manufacturing process. The second element focuses on creating new designs, materials, and manufacturing methods for energy-efficient exterior wall panels. The objective is to develop closed-wall panel systems with provisions for build-in electricity, plumbing, and other services. The third element, prototype

industrialized housing manufacturing facilities, is interested in creating improvements to the conceptual framework of U.S. industrialized housing manufacturing facilities through the development of new manufacturing methods, equipment, and related facilities.

### C. Availability of Funds

Funds in the amount of \$250,000 are currently available for awards under this notice. All applications must include cost-sharing (through cost, labor or facilities participation) in the amount of at least twenty percent of the requested DOE share of the cost of the project to ensure that this requirement is met.

### D. Schedule

All proposals submitted by the published deadline will be reviewed by August 3, 1992. Budget and project periods may be negotiated to fit the needs of particular projects.

### E. Eligible Applicants

Any individual, for-profit or non-profit corporation, college, university, state and local unit of government, partnership, or Indian tribe. In addition to the preceding list, any entity not named is still eligible to be a perspective proposer. The sole qualifier is that the prospective proposer place of performance must be located in the Northwestern United States to be eligible to apply.

### F. Evaluation and Selection

All proposals submitted in response to this notice will be evaluated in accordance with 10 CFR 600.14. Selections will be based on criteria set forth in 10 CFR 600.14 including: Overall merit; stated objectives and probability of achieving them; proposers' facilities; and qualifications of critical project personnel. In addition, proposals will be evaluated for their uniqueness or innovation of concept, replicability, level of cost-sharing provided by the proposing entity, and potential for increasing energy technology market penetration.

DOE reserves the right to fund, in whole or in part, any, all, or none of the proposals submitted in response to this notice.

#### 1. Evaluation

##### a. Preliminary Review

Prior to a comprehensive evaluation, applications will undergo a preliminary review to determine whether (1) the information required by the solicitation has been submitted and is properly completed and (2) whether the application addresses one/and or more

of the areas of interest set forth in Section C. AREAS OF INTEREST, of this solicitation. Only those applications meeting these requirements shall receive further consideration.

##### b. Comprehensive Evaluation

After the preliminary review, qualifying applicants will be evaluated in accordance with 10 CFR 600.14. Selection will be based on criteria set forth in 10 CFR 600.14, including: overall merit, objectives and probability of achieving them, proposers facilities, and qualifications of critical project personnel. In addition proposals will be evaluated for their uniqueness or innovation of concept; replicability; funding or other resources either provided by the proposer or leveraged from non-governmental sources (proposers will be expected to provide at least 20 percent of a project's funding); and potential for increasing energy efficient industrialized housing market penetration.

Dated: May 12, 1992.

Issued in Washington, DC.

J. Michael Davis,

*Assistant Secretary, Conservation and Renewable Energy.*

[FR Doc. 92-11764 Filed 5-18-92; 8:45 am]

BILLING CODE 6450-01-M

## Federal Energy Regulatory Commission

[Docket Nos. CP92-466-000, et al.]

### El Paso Natural Gas Company et al; Natural Gas Certificate Filings

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

#### 1. El Paso Natural Gas Company

[Docket No. CP92-466-000]

May 8, 1992.

Take notice that on April 27, 1992, El Paso Natural Gas Company (El Paso), Post Office Box 1492, El Paso, Texas 79978, filed in Docket No. CP92-466-000 according to section 7(c) of the Natural Gas Act (NGA) for a certificate of public convenience and necessity to authorize El Paso to construct and operate compression and pipeline facilities, with appurtenances, on the eastern portion of its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso is presently able to move up to approximately 437 MMcf/d of gas to the Plains Station from the Permian-San Juan Crossover System in an east flow mode of operation. The Plains Station

can also receive up to approximately 321 MMcf/d from El Paso's Dumas to Plains Line, 200 MMcf/d from Northern's Hobbs line and 400 MMcf/d from Northern's Spraberry line. El Paso expects to continue to receive the Hobbs gas but believes that the Spraberry line will begin to take gas from El Paso's system in lieu of continuing to deliver gas to the system. Additionally, El Paso discharges up to 144 MMcf/d from its Plains Stations south towards Eunice Station because of downstream constraints in that area.

In order to director additional volumes to the South System and to maximize system operations, El Paso proposes to construct and operate the Eunice "B" Compressor Station consisting of 6,500 horsepower. In addition, El Paso will install approximately 3.30 miles of 30-inch loop pipeline and approximately 0.24 miles of 24-inch discharge pipeline at the Eunice "B" Compressor Station. The construction of these facilities will permit the compression and discharge of an additional 305 MMcf/d of gas south to the suction side of El Paso's Keystone Stations and to the South Low Pressure System for delivery to western markets. The total estimated cost for the proposed facilities including overhead, contingency and required filing fees is \$10,939,550 which will be financed by internally generated funds.

El Paso emphasizes that this proposal is a system enhancement project that will result in increased operational flexibility. The project is not an incremental firm expansion of the East-End System. The addition of the proposed facilities will increase El Paso's capability to move Anadarko, north Permian and San Juan gas to the South System increasing the flexibility and reliability of the entire system. El Paso's interstate pipeline system will acquire a "backup" in case of weather-induced problems or required maintenance. The "backup" system could shift or divert gas from the North System to the South System for delivery into Southern California.

*Comment date:* May 26, 1992, in accordance with Standard Paragraph F at the end of this notice.

#### 2. Northern Illinois Gas Company

[Docket No. CP92-481-000]

May 8, 1992.

Take notice that on May 5, 1992, Northern Illinois Gas Company (NI-Gas), Post Office Box 190, Aurora, Illinois 60507, filed in Docket No. CP92-481-000 an application pursuant to § 284.224 of the Commission's Regulations for a blanket certificate of

public convenience and necessity authorizing the application on file with the Commission and open to public inspection.

It is stated that NI-Gas agrees to comply with the conditions set forth in § 284.224(e) and understands that any transaction authorized under a blanket certificate shall be subject to the same rates and charges, terms, conditions and reporting requirements that would apply if the transactions were authorized for an intrastate pipeline by subparts C, D and E of part 284 of the Commission's Regulations.

*Comment date:* May 29, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 3. Northern Natural Gas Company

[Docket No. CP92-480-000]

May 8, 1992.

Take notice that on May 5, 1992, Northern Natural Gas Company (Northern), 1111 South 103d Street, Omaha, Nebraska 68124-1000, filed in Docket No. CP92-480-000 a request pursuant to § 157.205 of the Commission's Regulations to install and operate two new delivery points for natural gas deliveries to Interstate Power Company (Interstate) for redelivery to several communities in Freeborn County, Minnesota and Mitchell County, Iowa and to add these new delivery points to Northern's and Interstate's service agreements under Northern's blanket certificate issued in Docket No. CP82-401-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northern proposes to install and operate two new delivery points to accommodate natural gas deliveries to Interstate under Northern's CD-1, SS-1, WPS-1, FT-1 and IT-1 Rate Schedules for use in the communities of Lyle, Hollandale and Maple Island, Minnesota and Stacyville and Toeterville, Iowa. Northern states that these communities do not currently have natural gas service. Northern states that the communities of Lyle, Minnesota and Stacyville and Toeterville, Iowa would be served through the proposed Stacyville town border station (TBS) located in Mitchell County, Iowa and Hollandale and Maple Island, Minnesota would be served through the proposed Hollandale TBS located in Freeborn County, Minnesota. Northern states that Interstate has requested the installation of these delivery points due to the expansion of its distribution system into new areas. The natural gas volumes to be delivered to Interstate at

the Stacyville TBS and the Hollandale TBS are within Interstate's currently authorized entitlements from Northern and would be served from the firm sales entitlements currently assigned to Mason City, Iowa and Albert Lea, Minnesota, respectively, it is indicated. The increased peak day and annual volumes to be delivered at the proposed delivery points would be 521 Mcf and 49,570 Mcf, respectively, it is indicated. Northern states that the estimated cost to install the proposed delivery points is \$71,000 which would be financed in accordance with paragraph 2 of the General Terms and Conditions of Northern's FERC Gas Tariff, Third Revised Volume No. 1.

*Comment date:* June 22, 1992, in accordance with Standard Paragraph G at the end of this notice.

### 4. Southern Natural Gas Company, United Gas Pipe Line Company, Sea Robin Pipeline Company

[Docket No. CP92-478-000]

May 11, 1992.

Take notice that on May 4, 1992, Southern Natural Gas Company (Southern), P.O. Box 2563, Birmingham, Alabama 35202-2563; United Gas Pipe Line Company (United), P.O. Box 1478, Houston, Texas 77251-1478; and Sea Robin Pipeline Company (Sea Robin), P.O. Box 2563, Birmingham, Alabama 35202-2563, filed a joint application with the Commission in Docket No. CP92-478-000 pursuant to section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon a natural gas transportation and exchange service, all as more fully set forth in the application which is open to the public for inspection.

Southern and United propose to abandon a natural gas exchange service pursuant to Rate Schedules X-18 and X-27 of their respective FERC Gas Tariffs. The Commission order issued March 14, 1969, in Docket No. CP69-48 (41 FPC 257) authorized Sea Robin to construct and operate approximately 169.5 miles of pipeline facilities in offshore and onshore Louisiana. The Commission further authorized Sea Robin to contract for natural gas supplies to be developed by various producers in the offshore Federal waters for resale in equal portions to United and Southern, with such gas to be delivered by Sea Robin to United near Erath, Vermillion Parish, Louisiana.

The Commission orders issued August 9, 1969, in Docket Nos. CP69-305 (42 FPC 556) and CP73-87, *et al.* (51 FPC 1221), *inter alia*, authorized Southern and United to exchange up to 556,300 Mcf of natural gas per day that Southern either

purchased from Sea Robin or had transported by Sea Robin. Since Southern could not receive its gas directly from Sea Robin, United delivered equivalent natural gas volumes to Southern at a Bayou Sale, St. Mary Parish, Louisiana, delivery point.

Southern constructed, under the prior notice procedure in Docket No. CP89-1610-000, two meter stations, a pipeline, and related facilities which interconnected its pipeline system with Sea Robin's pipeline system. Upon placing this interconnection in service on November 30, 1990, Southern could receive gas directly from Sea Robin, thus eliminating the need for the exchange of gas between Southern and United. Accordingly, Southern, United, and Sea Robin have agreed to terminate the transportation exchange service pursuant to Southern's Rate Schedule X-18 and United's Rate Schedule X-27, effective June 1, 1992.

*Comment date:* June 1, 1992, in accordance with Standard Paragraph F at the end of this notice.

### 5. Northern Natural Gas Company

[Docket No. CP92-476-000]

May 11, 1992.

Take notice that on April 30, 1992, Northern Natural Gas Company (Northern), 1111 South 103d Street, Omaha, Nebraska 68124, filed in Docket No. CP92-476-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a transportation service for Natural Gas Pipeline Company of America (NGPL), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Northern proposes to abandon the firm transportation service for NGPL, which was authorized by the Commission in Docket No. CP83-350 and carried out pursuant to the provisions of a Gas Transportation Agreement between Northern and NGPL dated September 13, 1982, as amended, on file with the Commission as Northern's Rate Schedule T-35. Northern states that in a letter dated February 21, 1992, NGPL informed Northern of its intention to terminate the transportation service with an effective date of August 27, 1992. It is asserted that the proposal involves no abandonment of facilities. It is stated that the abandonment would not impair Northern's remaining service obligations.

*Comment date:* June 1, 1992, in accordance with Standard Paragraph F at the end of this notice.

**Standard Paragraphs**

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

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for

authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11638 Filed 5-18-92; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS92-5-000]

**Dorothy Riddell Thatcher, et al.;  
Application for Small Producer  
Certificate**

May 12, 1992.

Take notice that on May 6, 1992, Dorothy Riddell Thatcher, *et al.*<sup>1</sup> (Thatcher) c/o Nations Bank of Texas, N.A., P.O. Box 830308, Dallas Texas 75283-0308, filed an application requesting a small producer certificate of public convenience and necessity. Thatcher requests authorization to make sale for resale of natural gas in interstate commerce, as set forth in the application which is on file with the Commission and open to public inspection.

To be heard or to protest these applications a person must file a petition to intervene or a protest on or before May 27, 1992. A person filing a petition to intervene or a protest must follow the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All petitions to intervene or protests must be filed with the Federal Energy Regulatory Commission, Washington, DC 20426.

The Commission will consider all filed protests in deciding the appropriate action to take but filing a protest does not make a protestant a party to a proceeding. A person wanting to be a party to a proceeding or to participate as a party in a hearing must file a petition to intervene.

Under the procedure provided for here, unless otherwise advised, Thatcher will not have to appear or be represented at any hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11635 Filed 5-18-92; 8:45 am]

BILLING CODE 6717-01-M

<sup>1</sup> The other parties are Dorothy Riddell Thatcher and U.S. Trustee Company of New York as Trustee of the John F. Riddell Estate Trust and Trustees U/A dated 12-31-76 for the benefit of the issue of Dorothy Riddell Thatcher.

[Docket No. JD92-06389T Louisiana-11]

**Louisiana; NGPA Determination by  
Jurisdictional Agency Designating  
Tight Formation**

May 12, 1992

Take notice that on May 8, 1992, the Office of Conservation of the Department of Natural Resources for the State of Louisiana (Louisiana) submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a part of the Haynesville Formation in Claiborne Parish, Louisiana, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The area of application is described as:

T23N-R7W—Sections 13-17, 21-23, E/2 of  
Section 18, S/2 of Section 11, S/2 of  
Section 12 and E/2 of Section 24  
T23N-R6W—SW/4 of Section 7.

The notice of determination also contains Louisiana's findings that the referenced part of the Haynesville Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92-11634 Filed 5-18-92; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-4134]

**Superfund; Kassouf-Kimerling Site  
Settlement**

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of settlement.

**SUMMARY:** Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Environmental Protection Agency (EPA) has agreed to settle claims for a portion of response costs incurred by EPA at the Kassouf-Kimerling Site (EPA ID# FLD980727820),

Hillsborough County, Tampa, Florida with the *de minimis* landowners parties. EPA published a notice in the **Federal Register** on November 12, 1991, advising the public of a proposed Administrative Consent Order (Docket No. 90-58-C). The Consent Order was between EPA, Region IV, and L. Paul Kassouf, Charles Kimerling, the Charles Kimerling trust and beneficiaries of the trust, who met the criteria for *de minimis* landowners pursuant to section 122(g)(4) of CERCLA, 42 U.S.C. 9622(G)(4), and pertains to the Kassouf-Kimerling Battery Disposal Site (EPA ID# FLD980727820) in Hillsborough County, Tampa, Florida. The notice also solicited public comment on the proposed settlement. See 56 FR 57523. EPA received one (1) comment during the public comment period.

Pursuant to section 122(i)(3) of CERCLA, 42 U.S.C. 9622(i)(3), EPA has considered the public comment and has determined that such comment does not disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper or inadequate. Therefore, this notice is to inform the public that EPA has finalized the Administrative Consent Order.

Copies of the Administrative Consent Order, the public comment and EPA's response thereto are available from: Ms. Carolyn McCall, U.S. Environmental Protection Agency, Region IV, Waste Program Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404-347-5059.

Dated: May 1, 1992.

Joseph R. Franzmathes,

Waste Management Division.

[FR Doc. 92-11590 Filed 5-18-92; 8:45 am]

BILLING CODE 6580-60-M

[OPPTS-59939; FRL 4067-8]

### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). In the **Federal Register** of November 11, 1984, (49 FR 46066) (40 CFR 723.250), EPA published a rule

which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21 days of receipt. This notice announces receipt of 3 such PMN(s) and provides a summary of each.

**DATES:** Close of review periods:

Y 92-135, May 17, 1992.

Y 92-136, 92-137, May 24, 1992.

**FOR FURTHER INFORMATION CONTACT:**

David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC, 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 92-135

**Manufacturer.** Dow Corning Corporation.

**Chemical.** (G) Crosslinked blood serum albumin.

**Use/Production.** (G) Surface coating. Prod. range: Confidential.

Y 92-136

**Manufacturer.** Confidential.

**Chemical.** (G) Polyester urethane.

**Use/Production.** (G) Coating. Prod. range: Confidential.

Y 92-137

**Manufacturer.** Confidential.

**Chemical.** (G) Polyester urethane.

**Use/Production.** (G) Coating. Prod. range: Confidential.

Dated: May 14, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-11702 Filed 5-18-92; 8:45 am]

BILLING CODE 6580-60-F

[OPPTS-51794; FRL 4067-9]

### Certain Chemicals; Premanufacture Notices

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires

any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 26 such PMNs and provides a summary of each.

**DATES:** Close of review periods:

P 92-647, May 11, 1992.

P 92-651, 92-652, 92-653, 92-654, 92-655, 92-656, June 13, 1992.

P 92-658, July 10, 1992.

P 92-770, 92-771, 92-772, 92-773, 92-775, July 18, 1992.

P 92-776, 92-777, July 19, 1992.

P 92-778, 92-779, 92-780, July 20, 1992.

P 92-781, 92-782, 92-783, July 21, 1992.

P 92-784, 92-785, 92-786, 92-787, 92-788, July 22, 1992.

Written comments by:

P 92-647, April 11, 1992.

P 92-651, 92-652, 92-653, 92-654, 92-655, 92-656, May 14, 1992.

P 92-658, June 10, 1992.

P 92-770, 92-771, 92-772, 92-773, 92-775, June 18, 1992.

P 92-776, 92-777, June 19, 1992.

P 92-778, 92-779, 92-780, June 20, 1992.

P 92-781, 92-782, 92-783, June 21, 1992.

P 92-784, 92-785, 92-786, 92-787, 92-788, June 22, 1992.

**ADDRESSES:** Written comments, identified by the document control number "(OPPTS-51794)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. 210ET, Washington, DC, 20460, (202) 260-3532.

**FOR FURTHER INFORMATION CONTACT:** David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon



and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

**P 92-647**

*Manufacturer.* Confidential.  
*Chemical.* (G) Urethane modified polyester.  
*Use/Production.* (G) Open, nondispersive. Prod. range: Confidential.

**P 92-651**

*Manufacturer.* Confidential.  
*Chemical.* (G) Rosin, fumerated, polymer with pentaerythritol, a polyol and a polymer.  
*Use/Production.* (S) Aqueous flexographic printing inks. Prod. range: Confidential.

**P 92-652**

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted phenyl azo substituted benzene diazonium, salt.  
*Use/Production.* (G) Isolated intermediate. Prod. range: Confidential.

**P 92-653**

*Manufacturer.* Confidential.  
*Chemical.* (G) Substituted phenyl azo substituted phenyl azo substituted carbopolycycle.  
*Use/Production.* (G) Isolated intermediate. Prod. range: Confidential.

**P 92-654**

*Manufacturer.* Confidential.  
*Chemical.* (G) Triaque, metal complex of substituted naphthalene azo substituted naphthalene.  
*Use/Production.* (G) Isolated intermediate. Prod. range: Confidential.

**P 92-655**

*Manufacturer.* Confidential.  
*Chemical.* (G) Metal complex of substituted naphthyl azo substituted naphthalene and substituted phenyl azo substituted naphthalene, salt.  
*Use/Production.* (G) Dye for fibers with an open, nondispersive use. Prod. range: Confidential.

**P 92-656**

*Manufacturer.* Confidential.  
*Chemical.* (G) Metal complex of substituted naphthyl azo substituted naphthalene and substituted phenyl azo substituted naphthalene, salt.  
*Use/Production.* (G) Dye for fibers with an open, nondispersive use. Prod. range: Confidential.

**P 92-658**

*Manufacturer.* Confidential.  
*Chemical.* (G) Metal complex of substituted naphthyl azo substituted naphthalene and substituted phenyl azo substituted naphthalene, salt.  
*Use/Production.* (G) Dye for fibers with an open, nondispersive use. Prod. range: Confidential.

**P 92-770**

*Manufacturer.* Amoco Chemical Company.  
*Chemical.* (G) Aromatic polyimide.  
*Use/Production.* (G) Protective coating. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 7,080 mg/kg species (rat). Acute dermal toxicity: LD50 8,000 mg/kg species (rabbit). Skin irritation: moderate species (rabbit).

**P 92-771**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyether silane.  
*Use/Production.* (G) Silane modified polyether agent. Prod. range: Confidential.

**P 92-772**

*Manufacturer.* PCR, Inc.  
*Chemical.* (S) 1H,1H,1H-Eicosafuoroundecyl acrylate.  
*Use/Production.* (S) Fiber optic ladding. Prod. range: Confidential.

**P 92-773**

*Manufacturer.* Confidential.  
*Chemical.* (G) Aluminum organometallic compound.  
*Use/Production.* (G) Polymer production catalyst. Prod. range: Confidential.

**P 92-775**

*Importer.* Atochem North America.  
*Chemical.* (G) Modified hydroxyl terminated polybutadiene polymer.  
*Use/Import.* (S) Binder for propellants. Import range: Confidential.

**P 92-776**

*Importer.* Ciba-Geigy Corporation.  
*Chemical.* (G) Carboxylic acid glycidyl ester.  
*Use/Import.* (S) Curing agent for polyester powder coatings. Import range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5g/kg species (rat). Acute dermal toxicity: LD50 1.25g/kg species (rabbit). Eye irritation: strong species (rabbit). Mutagenicity: positive. Skin irritation: slight species (rabbit).

**P 92-777**

*Importer.* Ciba-Geigy Corporation.  
*Chemical.* (G) Carboxylic acid glycidyl ester.  
*Use/Import.* (S) Curing agent for polyester powder coatings. Import range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5g/kg species (rat). Acute dermal toxicity: LD50 1.25g/kg species (rabbit). Eye irritation: strong species (rabbit). Mutagenicity: positive. Skin irritation: slight species (rabbit).

**P 92-778**

*Importer.* Confidential.

*Chemical.* (G) Acrylic polymer.  
*Use/Import.* (G) Thickener. Import range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit).

**P 92-779**

*Importer.* Confidential.  
*Chemical.* (G) Acrylic polymer.  
*Use/Import.* (G) Thickener. Import range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 5g/kg species (rat). Acute dermal toxicity: LD50 1.25g/kg species (rabbit). Eye irritation: strong species (rabbit). Mutagenicity: positive. Skin irritation: slight species (rabbit).

**P 92-780**

*Manufacturer.* Confidential.  
*Chemical.* (G) Polyester resin.  
*Use/Production.* (G) Dispersively applied coating. Prod. range: 15,000-225,000 kg/yr.

**P 92-781**

*Importer.* Confidential.  
*Chemical.* (G) Acrylic resin.  
*Use/Import.* (G) Binder for coating. Import range: Confidential.

**P 92-782**

*Importer.* Confidential.  
*Chemical.* (G) Crosslinked acrylic polymer.  
*Use/Import.* (G) Oil absorbent. Import range: Confidential.

*Toxicity Data.* Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2000 mg/kg species (rabbit). Eye irritation: slight species (rabbit). Mutagenicity: negative. Skin irritation: negligible species (rabbit).

**P 92-783**

*Importer.* Confidential.  
*Chemical.* (G) Isocyanate-terminated polyether urethane.  
*Use/Import.* (G) Adhesive component. Import range: Confidential.

**P 92-784**

*Manufacturer.* Confidential.  
*Chemical.* (G) Acrylic resin dispersion.  
*Use/Production.* (S) Coatings for wood and metal. Prod. range: Confidential.

**P 92-785**

*Importer.* Confidential.  
*Chemical.* (G) Alkylarylethoxylate derivative.  
*Use/Import.* (G) Chemical intermediate. Import range: Confidential.

**P 92-786**

*Manufacturer.* Confidential.  
*Chemical.* (G) Aryl alkyl alcohol.  
*Use/Production.* (G) Chemical intermediate. Prod. range: Confidential.

**P 92-787**

*Manufacturer.* Confidential.  
*Chemical.* (G) Alkylaryl ethoxylate.  
*Use/Production.* (G) Chemical intermediate and surfactant. Prod. range: Confidential.

**P 92-788**

*Manufacturer.* Confidential.  
*Chemical.* (G) Siloxanes and silicones, dime, polyester modified.  
*Use/Production.* (G) Additive, open, nondispersive. Prod. range: Confidential.  
*Toxicity Data.* Acute oral toxicity: LD50 > 4,000 mg/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: none species (rabbit).

Dated: May 14, 1992.

Steven Newburg-Rinn,  
*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 92-11704 Filed 5-18-92; 8:45 am]

BILLING CODE 6560-50-F

**[OPPTS-59308; FRL 4067-7]****Certain Chemical; Test Market Exemption Application**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA may upon application exempt any person from the premanufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA's final rule published in the *Federal Register* of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of 3 applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

**DATES:**

*Written comments by:*

T 92-10, June 3, 1992.

T 92-11, June 7, 1992.

T 92-12, June 10, 1992.

**ADDRESSES:** Written comments, identified by the document control number "(OPPTS-59308)" and the

specific TME number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW, Rm. 201ET, Washington, DC 20460, (202) 260-1532.

**FOR FURTHER INFORMATION CONTACT:** David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW, Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

**SUPPLEMENTARY INFORMATION:** The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

**T 92-10**

*Close of Review Period.* June 17, 1992.

*Manufacturer.* Confidential.

*Chemical.* (G) Fatty acid esters of trimethylolpropane.

*Use/Production.* (G) Metal working fluid. Prod. range: Confidential.

**T 92-11**

*Close of Review Period.* June 21, 1992.

*Importer.* Confidential.

*Chemical.* (G) Benzotriazole.

*Use/Import.* (G) Open, nondispersive. Import range: Confidential.

**T 92-12**

*Close of Review Period.* June 24, 1992.

*Importer.* Confidential.

*Chemical.* (G) Arylphenols polycondensate.

*Use/Import.* (G) Antifowling agent in polymerization process. Import range: Confidential.

Dated: May 14, 1992.

Steven Newburg-Rinn,  
*Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.*

[FR Doc. 92-11705 Filed 5-18-92 8:45 am]

BILLING CODE 6560-50-F

**[FRL-4135-3]****Administrator's Point/Point Source Pollutant Trading Project**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice and request for comments.

**SUMMARY:** EPA is announcing the initiation of a Point/Point Source Pollutant Trading Project, the forthcoming publication of a report on Point/Point Trading, and is requesting public comment.

**DATES:** Comments must be received on or before July 20, 1992.

**ADDRESSES:** Comments should be submitted in writing to: Thomas O'Farrell, Director, Engineering and Analysis Division (WH-552), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. A report entitled "Incentive Analysis for Clean Water Act Reauthorization: Point/Point Source Trading for Effluent Discharge Reductions" will be available after May 29, 1992 from Ms. Lina Stallard, Publications Officer, Engineering and Analysis Division (WH-552), EPA, 401 M Street, SW., Washington, DC 20460, or call 202-260-7120.

**FOR FURTHER INFORMATION CONTACT:** Thomas O'Farrell, Director, Engineering and Analysis Division (address above), telephone 202-260-7120.

**SUPPLEMENTARY INFORMATION:** On January 28, 1992, President Bush requested the Administrator of the Environmental Protection Agency, along with the heads of other Federal regulatory departments and agencies to "set aside a 90-day period \* \* \* to evaluate existing regulations and programs and to identify and accelerate action on initiatives that will eliminate any unnecessary regulatory burden or otherwise promote economic growth."

In response to this directive, EPA has initiated a review of its regulations and related activities. In a memorandum to key Agency staff, EPA Administrator William K. Reilly stated that the President's request "presents EPA with an opportunity to accelerate the use of innovative, cost-minimizing regulatory approaches and to speed pro-growth activities. It also provides an opportunity to reconsider regulations that unnecessarily impede economic growth."

In order to make this 90-day review as meaningful as possible, EPA has selected a limited number of specific regulations and related activities which may present special opportunities to promote the President's goals and to focus analysis on them.

On such activity is point/point source pollutant trading, a market-based approach to water quality improvement. In a typical point/point trading transaction, a point source discharger, currently regulated with an NPDES permit under the Clean Water Act,

would avoid a costly treatment upgrade by paying for or otherwise arranging equivalent or greater reductions in discharges from other facilities that discharge into the same receiving waters. The facility would continue to treat its discharge to a level consistent with the existing technology-based standards. Facilities subject to treatment requirements more stringent than the technology-based limitations could, under a trading program, enter into binding agreements with other dischargers to treat an equal or greater amount of pollutants. Again, water quality standards would have to be maintained.

The Agency is interested in identifying candidates for demonstration projects involving point/point trading. The candidates would be selected from those facilities subject to CWA technology standards and water quality based limitations.

EPA believes that the focus of point/point source trading activity should be on conventional pollutants. Some nonconventional pollutants may also be good parameters to consider for inclusion in trading programs. EPA believes that trading of toxic pollutants should be avoided since the Agency is concerned that toxics trading might lead to "hot spots" in the water column or in sediment. A permitting authority (State or EPA Region) would set the overall quantity of pollutant loading reductions required to meet water quality standards for the particular receiving waters. The authority would allocate reductions among dischargers, and offer them the opportunity to develop an alternative reduction strategy before new permits are finalized. The participating facilities would decide who will further reduce their discharges, by what amount, and finalize trades according to associated cost savings, efficiencies, and other criteria.

Finally, EPA is preparing a report entitled "Incentive Analysis for Clean Water Act Reauthorization: Point/Point Source Trading for Effluent Discharge Reductions," which will be available for public review and comment on May 29, 1991. This report will describe the principles of trading, applications to date, and the many implementation issues associated with trading programs. To obtain a copy of the report, see the ADDRESSES section of this notice.

EPA invites comments on the concept and application of Point/Point Trading. The Agency is particularly interested in the following issues:

1. What categories of pollutants should be covered by trading programs? Should any categories of pollutants or

individual pollutants be specifically excluded from trading programs?

2. What is the potential scope of point/point trading of effluent discharges in the United States?

3. Should trading be disallowed in particular circumstances? For example, should trading be prohibited in specified water bodies or in certain categories of water bodies?

4. Should trading be limited to arrangements between dischargers in the same industrial category or should it be open to all dischargers (industrial and municipal)?

5. Is trading dependent upon changes in the NPDES permitting process? For example, would dischargers participate in trading programs only if the permit were extended or otherwise altered? Are there other specific technical, legal and/or administrative barriers that inhibit or prevent trading?

Dated: May 11, 1992.

Tudor T. Davies,

Director, Office of Science and Technology.

[FR Doc. 92-11701 Filed 5-18-92; 8:45 am]

BILLING CODE 6560-50-M

## FEDERAL COMMUNICATIONS COMMISSION

[DA 92-575]

### Comments Invited on Northern California Area Public Safety Plan Amendment

May 12, 1992.

On November 20, 1990, the Commission accepted the Public Safety Plan for the Northern California area (Region 6). On March 16, 1992, Region 6 submitted a proposed amendment to its plan that would revise the current channel allotments and add criteria to ensure appropriate use of vacated channels. Because the proposed amendment is a major change to the Region 6 plan, the Commission is soliciting comments from the public before taking action. (See Report and Order, General Docket No. 87-112, 3 FCC Rcd 905 (1987), at paragraph 57.)

Interested parties may file comments to the proposed amendment on or before June 17, 1992 and reply comments on or before July 2, 1992. Commenters should send an original and five copies of comments to the Secretary, Federal Communications Commission, Washington, DC 20554 and should clearly identify them as submissions to Gen. Docket 90-287 Northern California Area-Public Safety Region 6.

Questions regarding this public notice may be directed to Betty Woolford, Private Radio Bureau, (202) 632-6497 or

Ray LaForge, Office of Engineering and Technology, (202) 653-8112.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-11733 Filed 5-18-92; 8:45 am]

BILLING CODE 6712-01-M

### Travel Reimbursement Program, January 1, 1992-March 31, 1992; Summary Report

Total Number of Sponsored Events: 13

Total Number of Sponsoring Organizations: 13

Total Number of Different Commissioners/Employees Attending: 27

Total Amount of Reimbursement Expected:

Transportation: \$16,749.30

Subsistence: 11,352.77

Other Expenses: 1,505.51

Total: \$29,607.58

### Federal Communications Commission Travel Reimbursement Program Individual Event Report

*Sponsoring Organization:* Cardiff Publishing Company, 6300 S. Syracuse Way, suite 650, Englewood, Colorado 80111.

*Date of the Event:* February 17-19, 1992.

*Description of the Event:* International Mobile Communications Exposition, Las Vegas, Nevada.

*Commissioners Attending:* None.

*Other Employees Attending:* Ralph A. Haller, Chief, Private Radio Bureau; W. Riley Hollingsworth, Deputy Chief, Private Radio Bureau, Gettysburg, Pennsylvania; Joseph A. Levin, Chief, Policy and Planning Branch, Private Radio Bureau; Richard J. Shiben, Chief, Land Mobile and Microwave Division, Private Radio Bureau; Richard M. Smith, Chief, Field Operations Bureau; James R. Zoulek, Engineer in Charge, Los Angeles Office, Field Operations Bureau.

*Amount of Reimbursement*

Transportation: \$2,351.00

Subsistence: 955.20

Other Expenses: 274.84

Total: \$3,581.04

*Sponsoring Organization:* American Mobile Telecommunications Association, 1835 K Street NW., suite 203, Washington, DC 20006.

*Date of the Event:* March 9-10, 1992.

*Description of the Event:* AMTA 1992 Conference, Tampa, Florida.

*Commissioners Attending:* None.

*Other Employees Attending:* Beverly G. Baker, Deputy Chief, Private Radio Bureau.

*Amount of Reimbursement*

Transportation: \$302.00  
 Subsistence: 93.00  
 Other Expenses: 61.50  
 Total: \$456.50

*Sponsoring Organization:*

Communications Week International,  
 CMP Publishing International  
 Corporation, 6, Avenue Marceaux,  
 75008, Paris, France.

*Date of the Event:* March 4-5, 1992.

*Description of the Event:* The  
 Networked Economy Conference,  
 Paris, France.

*Commissioners Attending:* Chairman  
 Alfred C. Sikes.

*Other Employees Attending:* None.

*Amount of Reimbursement*

Transportation: \$3,218.70  
 Subsistence: 343.00  
 Other Expenses: 44.38  
 Total: \$3,606.08

*Sponsoring Organization:* AT & T

Federal Regulatory Affairs, 1120 20th  
 Street NW., suite 1000, Washington,  
 DC 20036.

*Date of the Event:* January 23, 1992.

*Description of the Event:* AT & T  
 Federal Regulatory Conference,  
 Parsippany, New Jersey.

*Commissioners Attending:* None.

*Other Employees Attending:* Terry L.  
 Haines, Chief of Staff, Chairman  
 Sikes.

*Amount of Reimbursement*

Transportation: \$224.00  
 Subsistence: .00  
 Other Expenses: .00  
 Total: \$224.00

*Sponsoring Organization:* France

Telecom, Mr. Jean Poufet, Adeia, 3A  
 Terrasse du General Koenig, 33065  
 Bordeaux Cedex, France.

*Date of the Event:* March 5-6, 1992.

*Description of the Event:* International  
 Conference on Intelligence in  
 Networks, Bordeaux, France.

*Commissioners Attending:* None.

*Other Employees Attending:* Cheryl A.  
 Tritt, Legal Advisor to Chairman  
 Sikes.

*Amount of Reimbursement*

Transportation: \$280.60  
 Subsistence: 185.50  
 Other Expenses: 44.44  
 Total: \$510.54

*Sponsoring Organization:* Institute of

International Research Group of  
 Conferences, PTY Ltd., Level 9, 33  
 Berry Street, North Sydney, NSW 2060  
 Australia.

*Date of the Event:* February 21-26, 1992.

*Description of the Event:* Broadcasting  
 Reform Conference, Sydney,  
 Australia.

*Commissioners Attending:*

Commissioner Ervin S. Duggan.

*Other Employees Attending:* None.

*Amount of Reimbursement*

Transportation: \$1,318.00  
 Subsistence: 856.00  
 Other Expenses: 50.00  
 Total: \$2,224.00

*Sponsoring Organization:* Energy

Telecommunications and Electrical  
 Association, 1001 G Street NW., suite  
 500 West, Washington, DC 20001.

*Date of the Event:* March 30, 1992.

*Description of the Event:* Technical  
 Symposium and Equipment  
 Exposition, Dallas, Texas.

*Commissioners Attending:* None.

*Other Employees Attending:* Thomas P.  
 Stanley, Chief Engineer, Office of  
 Engineering and Technology.

*Amount of Reimbursement*

Transportation: \$332.00  
 Subsistence: 432.00  
 Other Expenses: 60.00  
 Total: \$824.00

*Sponsoring Organization:* INTV

Association of Independent Television  
 Stations, Inc., 1200 18th Street, NW.,  
 suite 502, Washington, DC 20036.

*Date of the Event:* January 8-10, 1992.

*Description of the Event:* INTV's 1992  
 Annual Convention, San Francisco,  
 California.

*Commissioners Attending:*

Commissioner Ervin S. Duggan;  
 Commissioner Sherrie P. Marshall;  
 Commissioner James H. Quello.

*Other Employees Attending:* Robert E.

Branson, Senior Advisor to  
 Commissioner Barrett; Robert Corn-  
 Revere, Legal Advisor to  
 Commissioner Quello; Michele C.  
 Farquhar, Legal Advisor to  
 Commissioner Duggan; Brian F.  
 Fontes, Special Advisor to  
 Commissioner Quello; Terry L.  
 Haines, Chief of Staff to Chairman  
 Sikes; Charles W. Kelley, Chief,  
 Enforcement Division, Mass Media  
 Bureau; Robert M. Pepper, Chief,  
 Office of Plans and Policy; Robert L.  
 Pettit, General Counsel; Linda  
 Townsend Solheim, Director, Office of  
 Legislative Affairs; Roy J. Stewart,  
 Chief, Mass Media Bureau; Alexandra  
 Wilson, Legal Advisor to Chairman  
 Sikes.

*Amount of Reimbursement*

Transportation: \$5,945.00  
 Subsistence: 5,207.78  
 Other Expenses: 719.40  
 Total: \$11,872.16

*Sponsoring Organization:* NATPE

International, 10100 Santa Monica  
 Blvd., suite 300, Los Angeles,  
 California 90067.

*Date of the Event:* January 22-24, 1992.

*Description of the Event:* NATPE  
 Annual Convention, New Orleans,  
 Louisiana.

*Commissioners Attending:* Chairman  
 Alfred C. Sikes; Commissioner Ervin

S. Duggan; Commissioner Sherrie P.  
 Marshall; Commissioner James H.  
 Quello.

*Other Employees Attending:* Robert L.  
 Pettit, General Counsel; Alexandra  
 Wilson, Legal Advisor to Chairman  
 Sikes.

*Amount of Reimbursement*

Transportation: \$2,104.00  
 Subsistence: 1,260.90  
 Other Expenses: 214.70  
 Total: \$3,579.60

*Sponsoring Organization:* Oklahoma  
 Association of Broadcasters, 6520 N.  
 Wester, suite 104, Oklahoma City,  
 Oklahoma 73116.

*Date of the Event:* February 7, 1992.

*Description of the Event:* OAB Winter  
 Convention, Oklahoma City,  
 Oklahoma.

*Commissioners Attending:* None.

*Other Employees Attending:* Roy J.  
 Stewart, Chief, Mass Media Bureau.

*Amount of Reimbursement*

Transportation: \$416.00  
 Subsistence: 96.91  
 Other Expenses: 28.50  
 Total: \$541.41

*Sponsoring Organization:* Satellite  
 Broadcasting and Communications  
 Association, 225 Reinekers Lane, suite  
 600, Alexandria, Virginia 22314.

*Date of the Event:* February 12-15, 1992.

*Description of the Event:* SBCA Trade  
 Show, Reno, Nevada.

*Commissioners Attending:* None.

*Other Employees Attending:* Jonathan D.  
 Levy, Economist, Office of Plans and  
 Policy.

*Amount of Reimbursement*

Transportation: \$00  
 Subsistence: 294.00  
 Other Expenses: .00  
 Total: \$294.00

*Sponsoring Organization:* United States  
 Telephone Association, 900 19th  
 Street, NW., suite 800, Washington,  
 DC 20006.

*Date of the Event:* March 10-11, 1992.

*Description of the Event:* Three-way  
 meeting with State of Wisconsin,  
 Wisconsin Bell Telephone Company  
 and Commission Staff, Milwaukee,  
 Wisconsin.

*Commissioners Attending:* None.

*Other Employees Attending:* Edward B.  
 Clopton, Depreciation Analyst,  
 Common Carrier Bureau.

*Amount of Reimbursement*

Transportation: \$258.00  
 Subsistence: 108.50  
 Other Expense: 7.75  
 Total: \$374.25

*Sponsoring Organization:* World  
 Economic Forum, 53 Chemin Des  
 Hauts-Crets, CH-1223 Cologny,  
 Geneva, Switzerland.

*Date of the Event:* February 3-4, 1992.

*Description of the Event:* Media and Communication Leader's Meeting, Geneva, Switzerland.

*Commissioners Attending:* Chairman Alfred C. Sikes.

*Other Employees Attending:* None.  
*Amount of Reimbursement*

Transportation: \$.00

Subsistence: 1,520.00

Other Expense: .00

Total: \$1,520.00

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 92-11732 Filed 5-18-92; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### The National Board Plan for Carrying Out the Emergency Food and Shelter Program (EFSP)

**AGENCY:** Emergency Food and Shelter Program National Board, FEMA.

**ACTION:** Notice.

**SUMMARY:** This notice sets out the plan by which the Emergency Food and Shelter Program National Board (National Board) will conduct a program during Fiscal Year 1992 to distribute \$134,000,000 to private voluntary organizations and local governments for delivering emergency food and shelter to needy individuals. The distribution formula for selecting organizations and localities, and the award amount for each, follow the Plan text.

**DATES:** The award to the National Board was made October 29, 1991.

**FOR FURTHER INFORMATION CONTACT:** Fran McCarthy, Disaster Assistance Programs, Federal Emergency Management Agency, (202) 646-3652, or Robert G. Chappell, Chair, EFSP National Board, (202) 646-3615.

**SUPPLEMENTARY INFORMATION:** Title III of the Stewart B. McKinney Homeless Assistance Act, 42 U.S.C. 11301 *et seq.*, authorizes use of funds appropriated by the Congress to supplement and expand ongoing efforts to provide shelter, food, and supportive services to homeless, needy individuals. As in past phases, grant awards from this program are provided to address emergency needs. This program is not intended to address or correct structural poverty or long-standing problems. Rather, this appropriation is intended for the purchase of food and shelter to supplement and expand current available resources and not to substitute

or reimburse ongoing programs and services.

The National Board has once again adopted the following operating principles:

- Speedy administration and funding.
- Awards to areas of greatest need.
- Local decision-making.
- Public/private sector cooperation.
- Minimum, but accountable

reporting.

The National Board expects Local Boards, Local Recipient Organizations (LROs), and State Set-Aside (SSA) Committees to abide by the stated rules of this Plan and to focus on the following concerns and principles mandated by the National Board:

- Serve individuals in need without discrimination and avoid duplication of benefits by supplementing food and shelter services individuals might currently be receiving, as well as by aiding those who are receiving no assistance.

- Refuse to authorize the spending of funds on costs that differ from those allowed by the National Board, unless a written request is made in advance and approved by the National Board.

- Restrict shelter repairs to minimum work required to bring the facility into compliance with local building codes and for emergency repairs only to keep the facility open during the program year (\$5,000 limit). Avoid decorative or non-essential repairs and purchases as this is outside the intent of this program. The benefit of rehabilitation to provide service should be carefully weighed against the response to needs that exist at the time. Emphasis should be placed on currently existing needs.

The National Board is mandated, as are Local Boards, Local Recipient Organizations (LROs), State Set-Aside (SSA) Committees, and the Federal Emergency Management Agency (FEMA), to carry out the intent of the law. We must all ensure that as decisions are made, we not only question if a specific expenditure falls within the guidelines for eligible costs, but also if making this expenditure would fulfill the intent of the program and the law.

The National Board based its determination of high-need jurisdictions on four factors:

1. Most current twelve-month national unemployment rates;
2. Total number of unemployed within a civil jurisdiction;
3. Total number of individuals below the poverty level within a civil jurisdiction; and,
4. The total population of the civil jurisdiction.

In addition to unemployment, poverty was used to qualify a jurisdiction for receipt of an award.

Jurisdictions were selected under Phase X (Pub. L. 102-139) according to the following criteria:

- Jurisdictions, including balance of counties, with 18,000+ unemployed and a 5.3% rate of unemployment.
- Jurisdictions, including balance of counties, with 500 to 17,999 unemployed and a 7.9% rate of unemployment.
- Jurisdictions, including balance of counties, with 500 or more unemployed and an 11% rate of poverty.

Accordingly, the National Board's plan for FY 1992 follows.

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- 1.0 Background and introduction.
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- 2.4 Eligibility of costs.
- 3.0 Appeals process for participation/funding.
- 4.0 Variances and Waivers.
- 5.0 Reporting requirements.
- 6.0 Amendments to plan.

### Section 1.0 Background and Introduction

The Emergency Food and Shelter Program (EFSP) was established on March 24, 1983, when the President signed the "Jobs Stimulus Bill," Public Law 98-8. The Bill provided \$50 million for emergency food and shelter to FEMA for allocation by a National Board between March 1983 and March 1984. The Board, chaired by FEMA, consisted of representatives of United Way of America, The Salvation Army, the National Council of Churches of Christ in the U.S.A., Catholic Charities, U.S.A., the Council of Jewish Federations, Inc., and the American Red Cross. Funding was provided to address emergency needs which had become evident in recent years.

Due to the continuing high need for emergency food and shelter services, an additional \$829 million in funds was appropriated from November 1983 through September 1991. The Phase X (Fiscal Year 1992) program continues this record.

The EFSP was authorized on July 22, 1987, when the President signed the Stewart B. McKinney Homeless Assistance Act. Appropriations for the EFSP were reauthorized in the 100th Congress and, most recently, the 101st Congress for fiscal years 1991 and 1992 (see 42 U.S.C. 11352).

### Section 1.1 Purpose

This publication is developed by the National Board to outline the roles, responsibilities, and implementation procedures which shall be followed by the Local Boards, LROs, SSA Committees, National Board, and FEMA in the distribution and use of these funds. National in scope, this program will provide food and shelter assistance to individuals in need through local private voluntary organizations and local governments in areas designated by the National Board as being in highest need. The intent of EFSP is to meet emergency needs by supplementing and expanding food and shelter assistance individuals might currently be receiving, as well as to help those who are receiving no assistance. Individuals who received assistance under previous programs may again be recipients, providing they meet local eligibility requirements.

### Section 2.0 Concept of Operations

(a) *Secretariat of National Board.* United Way of America will act as the National Board's Secretariat and fiscal agent and perform the necessary administrative duties that the Board must accomplish.

(b) *Funds distribution.* Funds distributed by the National Board will be to areas of greatest need (refer to section 2.3(a) and Supplementary Information, above, for jurisdiction distribution formula and funding requirements).

(c) *Distribution to LROs.* National Board funds will be distributed to LROs and Fiscal Agents certified eligible by Local Boards. (Refer to section 2.2(b) for selection of LROs and section 2.2(c) for the Fiscal Agent/Fiscal Conduit Agency Relationship).

(d) *Administrative allowance limitation.* There is an administrative allowance limitation of two percent (2%) for local jurisdictions, one-half of one percent (0.5%) for SSA Committees (when in operation), and one percent (1%) for the National Board. Local administrative funds are intended for use by LROs and not for reimbursement of program or administrative costs which any recipient's parent organization (its State or regional offices) might incur as a result of this additional funding.

(e) *Notification of award eligibility.* The National Board will notify qualifying jurisdictions of award eligibility within 60 days following allocation by FEMA. Unused or recaptured funds will be reallocated by the National Board, except in the case of SSA counties whose funds may be

reallocated by the respective SSA Committees.

(f) *Funds end-date.* All funds shall be paid out by LROs and spending shall cease by their jurisdiction's selected end date. Local Boards have until one month following their end date to submit final reports and complete documentation of expenses (for specified LROs only) to the National Board.

Those LROs not required to submit documentation to the National Board must satisfy the Local Board that all funds have been expended in accordance with National Board guidelines.

**Note:** Local Boards and LROs are reminded that although documentation may not be required to be submitted with their final report, they are subject to random audits which may require the submission of documentation at a later date

### Section 2.1 Financial Terms and Conditions

(a) *Definitions.* "Local Recipient Organization" refers to the local private or public organizations that will receive any award of funds from the National Board.

"Award" refers to the award of funds made by the National Board to a local private or public organization on the recommendation of a Local Board.

"End-of-program date" refers to the date, as agreed by Local and National Board, by which all monies in a given jurisdiction must be spent or returned.

(b) *Amendments.* An award may be amended at any time by a written modification. Amendments which reflect the rights and obligations of either party shall be executed by both the National Board and the recipient organization. Administrative amendments such as changes in accounting data may be issued unilaterally by the National Board.

(c) *Local Board Authority Related to Recipient Organizations.* (1) The Local Board is responsible for monitoring expenditures of recipient organizations providing food, services, or both, authorizing the adjustment of funds between food and shelter programs, and reallocating funds from one recipient organization to another.

(2) Local Boards may not alter or change National Board cost eligibility or approve expenditures outside of the National Board's criteria without National Board permission. (Refer to Section 4.0 on Variances and Waivers.)

(3) A Local Board can call back funds from an LRO and reallocate to another LRO in the case of gross negligence inadequate use of funds, failure to use funds for purposes intended, for any other violation of the National Board

guidelines, or in cases of critical need in the community. The Local Board must advise, in writing, all concerned recipient organizations of any reduction or reallocation of their original award.

(4) If the Local Board discovers ineligible expenditures by a recipient organization, the Local Board must send to the organization a written request for reimbursement of the amount The National Board must also be notified. If the recipient organization is unwilling or unable to reimburse the National Board for the ineligible expenditures, the Local Board must refer the matter to the National Board. The National Board may ask the Local Board to take further action to see that reimbursement of ineligible expenditures is made to the National Board, or the National Board may refer the matter to FEMA.

If the Local Board suspects that fraud has been committed by a recipient organization, the Local Board must contact the Office of the Inspector General, FEMA, in writing or by telephone at 1-800-323-8603 with details of suspected fraud or misuse of Federal funds.

(5) If a recipient organization received an award under previous phases, it must not include those funds in any reporting for the present awards. Reports should be confined to the amount granted by the National Board under the new appropriations legislation.

(d) *Cash Depositories.* (1) Any money advanced to the recipient organization under the terms of this award must be deposited in a bank with Federal Deposit Insurance Corporation (FDIC) or Federal Savings & Loan Insurance Corporation (FSLIC) insurance coverage, and the balance exceeding the FDIC or FSLIC coverage must be collaterally secured. Interest income earned on these monies must be put back into program costs.

(2) Recipient organizations are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). This is consistent with the national goal of expanding the opportunities for minority business enterprises. A list of minority-owned banks can be obtained from the Office of Minority Business Enterprises, Department of Commerce, Washington, DC 20203.

(e) *Retention and Custodial Requirements for Records.* (1) Financial records, supporting documentation, statistical records, and all other records pertinent to the award shall be retained for a period of three years, with the following exceptions:

(i) If any litigation, claim or audit is started before the expiration of the

three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

(ii) Records for nonexpendable property, if any, acquired in part with Federal funds shall be retained for three years after submission of a final report. Nonexpendable property is defined as tangible property having a useful life of more than one year and an acquisition cost of more than \$300 per unit.

(2) The retention period starts from the date of the submission by the recipient organization of the final expenditure report.

(3) The National Board may request transfer of certain records to its custody from the recipient organization when it determines that the records possess long-term retention value. The recipient organization shall make such transfers as requested.

(4) The Director of FEMA, the Comptroller General of the United States, and the National Board, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient organization, and its subgrantees to make audits, examinations, excerpts and transcripts.

(f) *Financial management systems.* (1) The recipient organization/fiscal agent or fiscal conduit shall maintain a financial management system that provides for the following:

(i) Accurate, current and complete disclosures of the financial results of this program.

(ii) Records that identify adequately the source and application of funds for federally supported activities. These records shall contain information pertaining to Federal awards, authorizations, obligations, unobligated balances, assets, outlays, and incomes.

(iii) Effective control over and accountability for all funds, property, and other assets.

(iv) Procedures for determining eligibility of costs in accordance with the provisions of the EFSP manual.

(v) Accounting records that are supported by source documentation. The recipient organization must maintain and retain a register of cash receipts and disbursements and original supporting documentation such as purchase orders, invoices, canceled checks, and whatever other documentation is necessary to support its cost under the program.

(vi) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(vii) In cases where more than one civil jurisdiction (e.g., a city and a balance of county, or several counties) recommends awards to the same

recipient organization, the organization can combine these funds in a single account. However, separate program records for each civil jurisdiction award must be kept.

(g) *Audit requirements.* The LRO will be eligible to receive funds if it arranges for an audit of funds to coincide with the next scheduled annual audit of its financial affairs. An original and two copies of this audit will be provided to the National Board on request. It is not necessary to have a separate, independent audit for this award so long as program funds are treated as a separate element in the recipient organization's regular annual audit. If the recipient organization does not have a certified annual audit, that audit must be provided by a Local Board designated fiscal agent for the recipient organization willing to account for the funds.

All National Board-funded agencies (both governmental and not-for-profit) that receive \$100,000 or more in Federal funds must comply with the Single Audit Act. This \$100,000 could be exclusively EFSP funds or a combination of EFSP funds and other Federal funds which an agency might be receiving. In addition to compliance with the Single Audit Act, the National Board requires all EFSP-funded agencies to meet the requirements stated in this plan regarding program compliance, reporting, documentation and submission of documentation.

(h) *Payment.* A first payment shall be made to the LRO by the Secretariat upon recommendation of the Local Board and approval by the National Board. An interim report will be mailed with the second and third check requests to be completed by each agency and mailed to the National Board. Second/third installments will be held until the jurisdiction's final Local Board report and documentation for the previous year has been reviewed and found to be clear.

(i) *Financial reporting requirements.* Recipient organizations shall submit a financial status report to the Local Board which will forward it to the National Board by one month after the jurisdiction's program ending date.

The National Board shall provide the recipient organization, through the Local Board, with the necessary report forms well in advance of report deadlines.

(j) *Closeout procedures.* (1) The following definitions shall apply to closeout procedures:

"Close-out" is the process by which the National Board determines that all applicable administrative actions and all required work pertaining to the award have been completed.

"Disallowed costs" are those charges that the National Board determined to be unallowable in accordance with the legislation, National Board requirements, applicable Federal cost principles, or other conditions contained in the award. The applicable cost principles for Private Voluntary Organizations are contained in OMB Circular A-122, "Cost Principles Applicable for Non-Profit Agencies," and OMB Circular A-110, "Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations." The applicable cost principles for Public Organizations are contained in OMB Circular A-87, "Cost Principles for State Agencies and Units of Local Governments." If you are unsure of where to find these circulars, check with your local Congressional Representative.

(k) *Lobbying.* The recipient organization shall not use EFSP or any Federal appropriated grant funds for lobbying activities. This condition bars the use of Federal money for political activities, but does not in any way restrict lobbying or political activities paid for with non-Federal funds. This condition prohibits the use of Federal grant funds for the following activities:

(1) Federal, State or local electioneering and support of such entities as campaign organizations and political action committees;

(2) Direct lobbying of the Congress and State Legislatures to influence legislation;

(3) Grassroots lobbying concerning either Federal or State legislation;

(4) Lobbying of the Executive Branch in connection with decisions to sign or veto enrolled legislation; and,

(5) Efforts to utilize State or local officials to lobby the Congressional or State Legislatures.

#### *Section 2.2 Organization, Roles, and Responsibilities*

(a) *Local Board.* (1) Each area designated by the National Board to receive funds shall constitute a Local Board. Where, in a local community, there are affiliates of the United Way of America, The Salvation Army, the National Council of Churches of Christ in the U.S.A., Catholic Charities, U.S.A., Council of Jewish Federations, and the American Red Cross, which are represented on the National Board, they must be invited to serve on the Local Board. The National Board mandates that if a jurisdiction is located within or encompasses a Federally recognized Indian reservation, a Native American

representative must be invited to serve on the Local Board. The County Executive/Mayor, appropriate head of local government or his/her designee will replace the FEMA member. An agency's own governing board is not an acceptable substitute for a Local Board. Local Boards are encouraged to expand participation/membership by inviting or notifying minority populations, other private non-profit organizations and government organizations; the jurisdiction should be geographically represented as well.

The members of each Local Board will elect a chair. Local Board membership is not honorary; there are specific duties the board must perform. If a member cannot regularly attend meetings, that member should be replaced by the member's designated agency. If a member must be absent from a meeting, the member's organization may designate an alternate.

(2) If a locality has not previously received funding and is now designated as being in high need, the National Board has designated the local United Way to constitute and convene a Local Board as described above. If there is no local United Way, or it does not convene the board, the local American Red Cross, the local Salvation Army, or a local government official will be responsible for convening the initial meeting of the Local Board.

If a locality has previously received National Board funding, the former chairman of the Local Board will be contacted regarding any new funding the locality is designated to receive.

Each award phase is new; therefore, the Local Board is a new entity in every phase. The convener of the Local Board must ask each agency to designate or redesignate a representative every program year.

(3) The Local Board must establish and follow regular procedures. The National Board encourages Local Boards to hold regularly scheduled meetings, to assure that a majority of members be present for the meeting to be official, and to require that attendance and decision-making minutes be kept. Meeting minutes must be approved by the Local Board at the next meeting. They must also be available to the National Board, Federal authorities, and the public on request.

(4) The Local Board will have 25 working days after notification of award selection by the National Board in which to advertise and promote the program and consider all private voluntary and public organizations for participation, including those on Indian reservations. Consideration must be given to any agency providing or

capable of providing emergency food and shelter services, not only those represented on the Local Board or affiliates of State or national organizations.

(5) The Local Board selects and recommends which local organizations should receive grants and the amounts of the grants. Since member agencies of the Local Board may also apply for funding, care must be taken that every applicant is judged by common, consistent criteria. Local Board members should strive to use sound judgement and fairness in their approach. The Local Board should be prepared to justify an allocation of one-third ( $\frac{1}{3}$ ) or more of its total award to a single recipient organization.

Note: The minimum grant per LRO is \$300 and only whole dollar amounts may be allocated.

(6) Local Boards must complete and return all required forms to the National Board. (Local Board Plan, Local Board Certification Form, and Local Board Roster).

(7) Local Boards shall secure and retain signed forms from each LAO certifying that program guidelines have been read and understood, and that the LAOs will comply with cost eligibility and reporting requirements.

(8) Local Boards must notify the National Board of changes in Local Board chair, staff contact, or LRO contacts, including complete addresses and phone numbers.

(9) Local Boards that determine that they can better utilize their resources by merging with neighboring boards may do so. The head of government or his/her designee for each jurisdiction must sit on the merged board, along with agency representatives from each jurisdiction. The merged Local Board must ensure that the award amount designated for each civil jurisdiction is used to provide assistance to individuals within that jurisdiction.

(10) Local Boards are required to be familiar with current guidelines and to provide technical assistance to service providers. Advice and counsel can be provided by National Board staff.

(11) An appeals process shall be established to address participation or funding including, where deemed appropriate, the involvement of individuals not a part of the dispute in the decision, to hear and resolve appeals made by funded or non-funded organizations, and to investigate complaints made by individuals or organizations. Appeals should be handled promptly. Those cases that cannot be handled locally should be referred in writing to the National Board

and include details on action that has been taken. Cases involving fraud or other misuse of Federal funds should be reported to the Office of the Inspector General, FEMA, in writing or by telephone at 1-800-323-8603.

(12) The chair of the Local Board or his/her designated staff will be the central coordination point of contact between the National Board and the LRO selected to receive assistance from EFSP. To facilitate program coordination, the chair of the Local Board will contact the State agencies through which surplus food and other Federal assistance is provided.

(13) Local Boards will be responsible for monitoring programs carried out by the organizations they have selected to receive funds. Local Boards should work with LROs to ensure that funds are being used to meet immediate food and shelter needs on an ongoing basis. Local Boards may not alter or change National Board cost eligibility or approve expenditures outside the National Board's criteria without National Board permission.

(14) The Local Board should reallocate funds whenever it determines that the original allocation plan does not reflect the actual need for services or if an LRO is unable to use its full award effectively. Funds must be recovered and may be reallocated if an LRO makes ineligible expenditures or uses funds for items which have clearly not been approved by the Local Board. Funds held in escrow for LROs which have unresolved compliance problems can be reallocated or may be reclaimed by the National Board.

The Local Board may approve reallocation of funds between LROs that are already participating in the program. However, the National Board must be notified in writing. The Local Board may also return funds to the National Board for reissuance to another LRO or request reallocation of remaining funds before they are released by the National Board (e.g., second/third payments).

If the Local Board wishes to reallocate funds to an agency which was not approved on the original board plan, a written request for approval must be made to the National Board. An LRO must be approved by the National Board prior to receipt of funds.

If a Local Board is unable to satisfy the National Board that it can utilize funds in accordance with this plan, the National Board may reallocate the funds to other jurisdictions.

(15) Should anyone have reason to suspect that EFSP funds are being used for purposes contrary to the law and guidelines governing this program, the



National Board recommends taking action to assist in bringing such practices to a halt.

The National Board requires that the Office of the Inspector General, FEMA, be contacted immediately when fraud, theft, or other criminal activity is suspected in connection with the use of EFS funds, or the operation of a facility receiving EFS funds. This notification can be made by calling the Inspector General's Hotline at 1-800-323-8603, or in writing to: Office of the Inspector General, FEMA, 500 C Street SW., Washington, DC 20472. The complainant should include as much information as possible to support the allegation and preferably furnish his/her name and telephone number so that the Special Agents assigned to that office may make a follow-up contact. The confidentiality of any communication made with the Office Inspector General is protected by Federal law.

A complainant desiring to remain totally anonymous should make a follow-up phone call to the Office of the Inspector General within 30 days from the date of the original complaint so that any follow-up questions may be asked. Follow-up calls should be made to 1-202-646-3694 during normal business hours, Eastern Standard Time (charges may be reversed). The caller should advise that he/she is making a follow-up call regarding a prior anonymous complaint. The Office of the Inspector General, FEMA, will appropriately notify both local law enforcement authorities and the National Board concerning the substance of the allegations and the results of the investigation.

(16) Reports to the National Board on LROs expenditures shall be submitted as the date each LRO's second/third check is requested and a final report should be submitted one month after the jurisdiction's end-of-program date.

(17) After the close of the program, the accuracy of all LROs's reports and documentation shall be reviewed. Documentation for specified LROs should be forwarded to the National Board as requested. In the event of expenditures violating the eligible costs under this award, the Local Board must require reimbursement to the National Board.

Local Boards are required to remain in operation until all program and compliance requirements of the National Board have been satisfied. All records related to the program must be retained for three (3) years from the end-of-program date.

(b) *Local recipient organization.*

(1) In selecting LROs to receive funds, the Local Board must consider the

demonstrated ability of an organization to provide food and shelter assistance. LROs should be selected to receive funds to supplement and extend eligible on-going services. Not be funded in anticipation of a needed service (i.e., fire, flood, or tornado victims); neither should agencies be selected for funding due to budget shortfalls nor for cuts in other funding sources. Local participation in the program is not limited to organizations that are part of any State or national organization. Agencies on Indian reservations are eligible to receive EFSP funds if they meet LRO requirements as set forth in the program manual. Organizations that received awards from previous legislation may again be eligible provided that the organization still meets eligibility requirements.

(2) For a local organization to be eligible for funding it must:

- (i) Be nonprofit or an agency of government;
- (ii) Have an accounting system; conduct an annual audit;
- (iii) Practice nondiscrimination. Those agencies with a religious affiliation wishing to participate in the program must agree not to refuse services to an applicant based on religion or require attendance at religious services as a condition of assistance, nor will such groups engage in any religious proselytizing in any program receiving EFSP funds; and

(iv) For private voluntary organizations, have a voluntary board.

Each LRO will be responsible for certifying in writing to the Local Board that it has read and agrees to abide by the cost eligibility and reporting standards of this publication and any other requirements made by the Local Board.

(3) LROs selected for funding must: (i) Maintain records according to the guidelines set forth in the manual. Consult the Local Board chair/staff on matters requiring interpretation or clarification prior to incurring an expense or entering into a contract. It is important to have a thorough understanding of these guidelines to avoid ineligible expenditures and consequent repayment of funds. LROs questions can be answered by National Board staff at (703) 983-1166.

(ii) Provide services within the intent of the program. Funds are to be used to supplement and extend or initiate food and shelter services, not as a substitute for other program funds. LROs should take the most cost-effective approach in buying or leasing eligible items/services, and should limit purchases to essential items within the \$300.00 limit for

equipment, unless prior approval has been granted by the National Board.

(iii) Deposit funds for this program in a Federally insured bank account. Proper documentation must be maintained for all expenditures under this program according to the guidelines. Agencies should ensure that selected banks will return canceled checks. LROs expenditures and documentation will be subject to review for program compliance by the Local Board, National Board or Federal authorities. Records must be maintained for three years and any interest income must be put back into program expenditures.

(iv) Reports to the Local Board must be submitted by their due date. Interim report/second and third check request forms will be enclosed in the LROs first check package. When the LRO is ready to request its second/third check it must complete and sign the interim report and forward it to the Local Board for its review and approval. The reverse side (second/third check request) should be completed by the Local Board chair and mailed to the National Board. LROs must complete all portions of the final report form, return two copies to the Local Board, including one copy of documentation if requested, and retain a copy for its records.

(v) The LRO must work with the Local Board to quickly clear up any problems related to compliance exception(s) at the end of the program.

(vi) The LRO shall contact the Local Board regarding technical assistance, interpretation of guidelines, and resources from other Federal programs, such as U.S. Department of Agriculture (USDA) surplus food.

(c) *Fiscal agent/fiscal conduit relationship.* (1) For National Board purposes, a fiscal agent/fiscal conduit is an agency that is serving as the mechanism for other agencies to benefit from EFSP funds.

(2) The fiscal agent/fiscal conduit is the organization responsible for the receipt of funds, disbursement of funds to vendors, and documentation of funds received. The fiscal agent/fiscal conduit must meet all of the requirements of an LRO.

(3) Local Boards may wish to use a fiscal agent/fiscal conduit when they desire to fund an agency not having an adequate accounting system or not conducting an annual audit.

(4) Any agency benefitting from funds received by a fiscal agent/fiscal conduit must meet all of the criteria to be an LRO except the accounting system and annual audit requirements and sign the Fiscal Agent/Fiscal Conduit Relationship Certification Form.

(5) Fiscal agents/fiscal conduits may cut checks to vendors only. They may not cut checks to the agencies on whose behalf they are acting or to agencies/sites under their "umbrella." The exception to this is when an agency is using the per diem allowance.

(6) Fiscal agents will be required to submit individual interim and final reports for each agency. Fiscal conduits will file a single interim report on their awards along with a breakdown of agencies and spending with the final report.

(7) Fiscal agents will be reviewed independently for each agency's award. Only an agency with a compliance problem will have funds held. Fiscal conduits will be audited as a single award. If any agency under the fiscal conduit's "umbrella" has a compliance problem, it will hold up the entire fiscal conduit's next award and therefore the amount designated for any agency under the "umbrella."

(8) If any one agency in a jurisdiction is making bulk purchases for other agencies not funded directly, it must serve as a fiscal conduit and follow all rules noted in this section.

(d) *State set-aside (SSA)*. (1) In addition to the awards made to qualifying jurisdictions, an award shall be made to each State.

(2) The SSA process has been adopted to allow greater flexibility in selection of jurisdictions and is intended to target pockets of homelessness or poverty in non-qualifying jurisdictions (refer to Supplementary Information, above, on qualifying criteria) areas experiencing drastic economic changes such as plant closings, areas with high levels of unemployment or poverty which do not meet the minimum 500 unemployed, or jurisdictions that have documented measures of need which are not adequately reflected in unemployment and poverty data.

(3) The distribution of funds to SSA Committees will be based on a ratio calculated as follows: the State's average number of unemployed in non-funded jurisdictions divided by the average number of unemployed in non-funded jurisdictions nationwide equals the State's percentage of the total amount available for SSA awards.

(4) An SSA Committee in each State will recommend high-need jurisdictions and award amounts to the National Board. Priority consideration is to be given to jurisdictions otherwise not meeting criteria for funding, although funded jurisdictions are not exempt from receiving additional funding. SSA Committees should also consider the special circumstances of jurisdictions that qualified in previous funding phases

but are not eligible in the current phase. The State Committees may wish to provide these jurisdictions with an allocation so that the abrupt change in funding status is not disruptive to local providers. SSA Committees are encouraged to consider current and significant State or local data in their deliberations. Although, the National Board staff provides national data to the SSA Committees, it does not mandate any particular formula. These committees are free to act independently in choosing eligible jurisdictions.

(5) In each State, the State United Way (or United Way in the capital city) will be notified of the award amount available to the SSA Committee. Where, in a State, there are affiliates of the voluntary organizations represented on the National Board, they must be invited to serve on the State Committee. If no single State affiliate exists, an appropriate representative should be invited. The Governor or his/her representative will replace the FEMA member. State Committees are encouraged to expand participation by inviting or notifying other private non-profit organizations on the State level. The National Board encourages the inclusion of Native American representation on the State Committee.

(6) Members of the SSA Committee shall elect a person to chair the committee.

(7) The SSA Committees are responsible for the following:

(i) SSA Committees are charged with recommending high-need jurisdictions and award amounts within the State. When selecting jurisdictions with demonstrated need, the National Board encourages the consideration of counties incorporating or adjoining Indian reservations. The SSA Committee has 25 working days to notify the National Board in writing of its selections and the appropriate contact person for each area.

**Note:** The minimum award amount for a single jurisdiction is \$1,000 and only whole dollar amounts can be allocated.

(ii) Notification of the National Board of selection criteria used to determine jurisdictions to receive funds.

(iii) The National Board will then notify these jurisdictions directly.

(iv) In the event that funds are not claimed by SSA jurisdictions, SSA Committees may recommend that other jurisdictions receive the reallocated funds.

(e) *National Board*. The National Board will:

(1) Select jurisdictions of highest need for food and shelter assistance and

determine amount to be distributed to each.

(2) Notify national organizations interested in emergency food and shelter to publicize the availability of funds.

(3) Develop the operational manual for distributing funds and establish criteria for expenditure of funds.

(4) In jurisdictions that received previous awards, notify the former Local Board chair that new funds are available. In areas newly selected for funding, notify the local United Way, American Red Cross, Salvation Army, or local government official.

(5) Provide copies of award notification materials to National Board member affiliates and other interested parties.

(6) Secure certification forms and board rosters from Local Boards that funds will be used in accordance with established criteria.

(7) Distribute funds to selected LROs.

(8) Hear appeals and grant waivers.

(9) Establish an equitable system to accomplish the reallocation of unclaimed or unused funds.

(10) Ensure that funds are properly accounted for, and that funds due are collected.

(11) Provide consultation and technical assistance to local jurisdictions as necessary to monitor program compliance.

(12) Submit end-of-program report on jurisdictions' use of funds to FEMA.

(13) Conduct a compliance review of food and shelter expenditures made under this program for specified LROs. The National Board, FEMA, the independent accounting firm selected by the National Board, and/or the Inspector General's office may also conduct an audit of these funds.

(f) *Federal Emergency Management Agency (FEMA)*. FEMA will perform the following EFSP activities:

(1) Constitute a National Board consisting of individuals affiliated with United Way of America, The Salvation Army, the National Council of Churches of Christ in the USA, Catholic Charities, USA, the Council of Jewish Federations, Inc., the American Red Cross, and FEMA.

(2) Chair the National Board, using parliamentary procedures and consensus by the National Board as the mode of operation.

(3) Provide policy guidance, management oversight, Federal coordination, and staff assistance to the National Board.

(4) Award the grant to the National Board.

(5) Assist the Secretariat in implementing the National Board Program.

(6) Report to Congress on the year's program activities through the Interagency Council on the Homeless Annual Report.

(7) Conduct audits of the program.

(8) Initiate Federal collection procedures to collect funds due when the efforts of the National Board have not been successful.

### Section § 2.3 General Guidelines

(a) *Designation of Target Areas.* Local jurisdictions will be selected to receive funds from the National Board based on average unemployment statistics from the U.S. Department of Labor for the most current 12-month period available. Also used are poverty statistics from the 1980 Census. The Board adopted this combined approach in order to target funds for high-need areas more effectively. Funds designated for a particular jurisdiction must be used to provide services within that jurisdiction.

Jurisdictions with a minimum of 500 unemployed may qualify for an award based upon their rate of unemployment or their rate of poverty. Once a jurisdiction's eligibility is established, the National Board will determine its fund distribution based on a ratio calculated as follows: the average number of unemployed within an eligible area divided by the average number of unemployed covered by the national program equals the area's portion of the award (less National Board administrative costs, and less that portion of program funds required to fulfill designated awards).

$$\frac{\text{Area's avg. No. unemployed}}{\text{Avg. No. unemployed in all eligible areas}} =$$

Avg. No. unemployed in all eligible areas

Area's percent of the award (less National Board's administrative costs and designated awards)

(b) *Grant Award Process.* (1) United Way of America has been designated as the fiscal agent for the National Board and as such will process all Local Board plans. Payments will be made to organizations recommended by Local Boards for funding. Local Boards have

the right to reallocate funds throughout the program period, as they determine necessary. When a Local Board reallocation between two or more LROs occurs, the Local Board must promptly notify the National Board in writing so that the National Board's records can be updated accordingly.

(2) The National Board offers two methods of payment to LROs. The two methods are either direct deposit (electronic funds transfer) or checks. The National Board encourages LROs to take advantage of direct deposit where possible.

(3) To ensure greater accountability and reporting, awards totaling less than \$100,000 are paid in two equal installments. Awards totaling \$100,000 or more will be paid in three equal installments.

(4) The National Board will distribute second/third payments once the jurisdiction's compliance review is completed for the previous program period. Second/third payments will be held in escrow until all compliance exceptions are satisfied by the LRO.

All payments will be mailed directly to the LRO. Second and third payments will be mailed to the LRO only upon the written request of the Local Board Chair which encloses the LROs interim report. The Local Board will authorize second/third payments once it is assured that the organization is implementing the current program as intended and according to the guidelines in the Plan.

(c) *Client Eligibility.* The National Board does not set client eligibility criteria. Local Boards may choose to set such criteria. If the Local Board does not set eligibility criteria, the LRO may use its existing criteria or set criteria for assistance under this award. However, the LROs criteria must provide for assistance to needy individuals without discrimination (age, race, sex, religion, national origin, or handicap).

Note: Funds allocated to a jurisdiction are intended for use within that jurisdiction. Residents of or transients in a specific jurisdiction should seek service within that jurisdiction.

Citizenship is not an eligibility requirement to receive assistance from the EFSP. The National Board does not mandate nor recommend the use of any particular existing criteria (i.e., food stamp guidelines, welfare guidelines, or income guidelines).

### Section § 2.4 Eligibility of Costs

The intent of this appropriation is for the purchase of food and shelter to supplement and extend current available resources and not to substitute or reimburse ongoing programs and services. Questions regarding interpretation of the program's guidelines should be cleared by the recipient organization with the Local Board prior to action. Local Boards unsure of the meaning of these guidelines should contact the National Board at (703) 683-1166 for clarification prior to advising the LRO.

Note: If an expenditure requested by an LRO is not listed below as eligible, the Local Board has the option of requesting a waiver from the National Board for consideration.

(a) *Eligible Program Costs.* Eligible program costs include, but are not limited to:

(1) Food (hot meals, groceries, food vouchers). Limited amounts of dessert items (e.g., cookies, ice cream, candy) used as a part of a daily diet plan may be purchased. Also allowable are vegetable seeds and vegetable plants either cultivated in an agency's garden on-site or at an individual's home.

(2) An allowance for maintenance fees charged by food banks can be granted by a Local Board at the prevailing rate. EFSP funds cannot be used to pay such a maintenance fee twice: by a food bank and by the food pantry/agency that it is serving.

(3) Transportation expenses related to the provision of food and/or shelter; limited to actual fuel costs, a mileage log at the current Federal rate (27.5 cents per mile), contracted services, or public transportation.

(4) Purchase of consumable supplies essential to mass feeding (e.g., plastic cups, utensils, detergent) and/or mass shelters of five or more beds (e.g., soap, toothbrushes, toothpaste, cleaning supplies).

(5) Purchase of small equipment not exceeding \$300 per item and essential for mass feeding (e.g., pots, pans, toasters, blenders, etc.) or for mass shelters (e.g., cots, blankets, linens).

(6) Leasing, only for the program period, of capital equipment associated with mass feeding or mass shelter (e.g., stoves, freezers, or vans with costs over

\$300 per item) only if approved in advance by the Local Board.

(7) Direct expenses associated with new or expanded services or to prevent closings of mass shelters or feeding operations only during program period (e.g., rent, cleaning, pest control, utilities, garbage pickup).

**Note:** This can be done for one program period only.

(8) Increased utility costs due to expanded services for mass shelters and mass feeding centers.

**Note:** This is not intended for reimbursement of normal operating costs nor should it include rate increases.

(9) Limited emergency rent or mortgage assistance for individuals or families, provided that:

(i) Payment is in arrears; and  
(ii) All other resources have been exhausted; and  
(iii) The client is the primary resident of home in which rent/mortgage is being paid; and

(iv) Payment is limited to one month's cost for each individual or family; and

(v) Assistance is provided only once in each award phase for each individual or family.

(vi) An additional 30 days service for the above listed items (i)—(v) is guaranteed.

**Note:** Late fees, but not deposits, are eligible.

(10) The first month's rent may be paid when an individual or family:

(i) Is transient and plans to stay in the area for an extended period of time; or

(ii) Is moving from a temporary shelter to a more permanent living arrangement; or

(iii) Is being evicted because one month payment will not forestall eviction.

The first month's rent cannot be provided in addition to emergency rent/mortgage payment under Item 9 above. It can be provided in addition to assistance provided in Items 11 and 12 that follow.

(11) Off-site emergency lodging in a hotel or motel, provided that:

(i) No appropriate on-site shelter is available; and

(ii) It is limited to 30-days' assistance per individual or family during the program period.

**Note:** Assistance may be extended in extreme cases with prior Local Board written approval. A copy of this approval should accompany LRO's's documentation.

(12) Per diem allowance of exactly \$5 per person or exactly \$10 per person per night for mass shelter (five beds or more) providers, only if:

(i) Approved in advance by the Local Board; and

(ii) LRO's's total mass shelter award is expended in this manner.

The \$5/\$10 per diem, if elected, may be expended by the LRO for any related cost; it is not limited to otherwise eligible items.

**Note:** It is the decision of the Local Board to choose between the \$5/\$10 rate. This rate must apply to all agencies funded in that jurisdiction that utilize the per diem allowance.

(13) Limited utility assistance (includes gas, coal, electricity, oil, water, firewood) for individuals or families, provided that:

(i) Payment is in arrears; and

(ii) All other resources have been exhausted (i.e., State's Low Income Home Energy Assistance Program); and

(iii) Payment is limited to one month's cost for each utility for each individual or family.

Each utility can be paid only once in each award phase to any individual or family.

**Note:** Reconnect fees, but not deposits, are eligible, but again only a one-month payment for each utility for each individual or family in each award phase.

(14) Limited amounts of basic first-aid supplies (e.g. aspirin, band-aids, cough syrup) for mass shelter providers and mass feeding sites only.

(15) Emergency repairs/building code of a mass feeding facility or mass shelter, provided that:

(i) The facility is owned by a not-for-profit organization (profit-making facilities- leased facilities, government facilities, and individual residences are not eligible); and

(ii) The emergency repair/building code plan and the contract detailing work to be done and material and equipment to be used or purchased are approved by the Local Board prior to the start of the emergency repair/building code project; and

(iii) The emergency repair/building code is limited to:

(A) Bring facility into compliance with local building codes; or

(B) Keep the facility open for the current program phase.

(C) \$5,000.00 is the maximum expenditure. Expenditures over that amount must be approved by the National Board along with extension of time.

(D) No award funds are used for decorative or non-essential purposes or routine maintenance/repairs.

(E) Rehabilitation for expansion of service is no longer eligible.

(F) All emergency repair work is completed and paid for by the end of the

'jurisdiction's award phase. (Expenses which occur after that date will not be accepted as eligible costs.)

(16) To provide accessibility for the handicapped is eligible for mass feeding or mass shelter facilities and is limited to the \$5,000 cap.

**Note:** Refer to the Preamble of this plan for further detail on the National Board's intent with regard to shelter repairs.

Local Boards may further restrict the allowable costs mentioned above as they deem necessary.

(b) *Ineligible Program Costs.* Purposes for which funds CANNOT BE USED include, but are not limited to:

(1) Rental security; deposits; revolving loan accounts.

(2) Deposits of any kind.

(3) Payment of more than one month's rent.

(4) Payment of more than one month's mortgage.

(5) Transportation to another town or agency not related to food or shelter or to a relative's home.

(6) Payment of more than one month's portion of an accumulated utility bill.

(7) Payments made directly to a client.

(8) Cash payments of any kind including checks made out to cash.

(9) Real property (land or buildings) costing more than \$300.

(10) Property taxes of any kind.

(11) Equipment costing more than \$300 per item (e.g., vehicles, freezers, washers).

(12) Emergency repairs/building code or rehabilitation to government-owned or profit-making facilities or leased facilities.

(13) Any rehabilitation for expansion of service.

(14) Repairs of any kind to an individual's house or apartment.

(15) Purchase of supplies or equipment for an individual's home or private use.

(16) Lease-purchase agreements.

(17) Administrative cost reimbursement to State or regional offices of governmental or voluntary organizations.

(18) Lobbying efforts.

(19) Expenditures made prior to beginning of jurisdiction's program.

(20) Expenditures made after end of jurisdiction's program.

(21) Expenditures for client-owned transportation (i.e., repairs or gasoline).

(22) Purchase of prescription medication or related medical supplies.

(23) Purchase of clothing (except underwear/diapers for clients of mass shelters, if necessary).

(24) Payments for expenses not incurred (i.e., where no goods or

services have been provided during new program period).

(25)(i) Emergency assistance for natural disaster victims.

(ii) Supplies bought for and in anticipation of a natural disaster.

(26) Telephone costs, except as administrative allowance and limited to the total allowance (2 percent).

(27) Salaries, except as administrative allowance and limited to the total allowance (2 percent).

(28) Office equipment, except as administrative allowance and limited to the total allowance (2 percent).

(29) LRO may not operate as a vendor for itself or other LROs, except for shared maintenance fee for food banks.

(30) Encumbrance of funds for shelter, emergency repairs, utilities, that is, payments for goods or services which are purchased and are to be delivered at a later date; unless it is intended that these goods or services are received on or before the end of the jurisdiction's program.

(c) *Administrative allowance.* (1) There is an administrative allowance limitation of two percent (2%) of total funds received by the Local Board excluding any interest earned. This allowance is a part of the total award, not in addition to the award. The local administrative allowance is intended for use by LROs and not for reimbursement of the program or administrative costs that a recipient's parent organization (its State or regional offices) might incur as a result of this additional funding.

(2) The Local Board may elect to use, for its own administrative costs, all or any portion of the 2 percent allowance. The decision on distribution of the allowance among LROs rests with the Local Board. No LRO may receive an allowance greater than 2 percent of that LRO's award amount unless the LRO is providing the administrative support for the Local Board and it is approved by the National Board.

(3) The SSA Committee, when in operation, may utilize a maximum of one-half of one percent (0.5%) for its administrative costs in allocating the SSA grant. As with Local Board awards, this administrative allowance is part of the total award, not in addition to the award.

(4) Any of the administrative allowance not used must be put back into program funds for additional services.

Note: The administrative allowance may only be allocated in whole dollar amounts.

### Section 3.0 Appeals Process for Participation/Funding

(a) *Fairness and openness.* An appeals process is a statement to

eligible agencies and to the community at large that the Local Board is interested in fairness and openness.

A good appeals process begins with prevention. If the Local Board includes both representatives of affiliates of the National Board and representatives of other groups involved with assisting hungry and homeless people, it is less likely to experience an appeal. Similarly, if the Local Board's decision-making process is open, thorough, and even-handed, appeals are less likely.

It is the responsibility of the Local Board to establish a written appeals process. That process may be quite simple or very elaborate, depending on the needs of the community.

(b) *Appeals guidelines.* All appeals processes should meet the following guidelines:

(1) It should be available to agencies and to the public upon request;

(2) It should be timely, without undue delay;

(3) It should include the basis for appeal (Provision of information not previously available to the group making the appeal or to the Local Board; correction of erroneous information; violation of Federal or National Board guidelines; or allegation of bias, fraud, or misuse of Federal funds on the part of the Local Board may be cause for appeal);

(4) The decision should be communicated to the organization making the appeal in a timely manner. In the case of an appeal on the basis of fraud or other abuse of Federal funds, the agency making the appeal must be informed of the right of referral to the National Board;

(c) *Primary decision maker.* Except for cost and LRO eligibility, the Local Board is the primary decision maker. Only when there is significant question of misapplication of guidelines, fraud, or other abuse on the part of the Local Board will the National Board consider action.

(d) *Common appeals practices.* The National Board does not mandate any particular appeals process. However, some Local Boards have developed processes which work well for them and may offer some help to other communities. Common practices include the following:

(1) Set a time period of not more than 30 days for agencies or organizations to appeal a funding decision;

(2) Require written notice of appeal, signed by the Chief Volunteer Officer of the organization making the appeal;

(3) The first level of appeal is usually to the Local Board, or to an executive committee of the board;

(e) *Appeals boards; delegations.* Some boards appoint one or more members to act as a liaison with the organization making the appeal:

(1) In the case of an appeal for the purpose of providing previously unavailable information or correction of erroneous information, the process usually ends with prompt notification of decision (within ten working days of appeal).

(2) In the case of appeals for the purpose of contesting alleged prejudice, violation of law or National Board guidelines, fraud, or misuse of Federal funds, some boards have allowed appeals to a group other than the board itself. This practice is not mandated but is permitted by the National Board. Such groups vary. They may simply be composed of different individuals representing the same organizations that make up the Local Board. They may also include an entirely different group of persons who have knowledge of the program and are deemed by the board to be both responsible and unbiased, and to hold the trust of the community at large.

(3) If the board chooses to delegate authority to any third party in an appeals process, the power and authority of that body should be clear. Is it simply advisory to the Local Board? Will the board abide by the decisions of this body as long as they are consistent with the law and the National Board guidelines?

(4) The disposition of appeals is often communicated to the chief professional and volunteer officers of the organization appealing by telephone immediately after a decision is made. In such cases, a written communication is sent as soon as possible confirming the action taken. The written communication is, of course, the official notification.

(f) *National Board role.* It is important to reaffirm that no single appeals process is mandated or advised by the National Board.

### Section 4.0 Variances and Waivers

(a) *Variances.* Local Boards may receive requests for variances in the budgets they have approved for LROs. Local Boards may allow such changes provided that the requested items are eligible under this program. If there is any doubt on the part of the Local Board as to eligibility, it should contact the National Board for clarification.

If an expenditure requested by an LRO falls outside the program guidelines, the Local Board, if in accord, should request in writing a waiver from

the National Board in advance of the expenditure.

(b) *Waivers.* Waivers requested because of a compliance exception must be submitted to the National Board with a copy to the Local Board chair. A waiver to release the LRO from submitting canceled checks must be submitted before any expenditures are made.

The waiver request from the Local Board should clearly state the need for this exception, approximate costs, timeliness or any other pertinent information it deems necessary for the National Board to make their decision.

*Section 5.0 Reporting Requirements*

Local Boards must monitor LROs expenditures and eligible cost compliance throughout the program period. An interim report of expenditures is due to the National Board with each LROs second/third check request. A final report (accompanied by financial documentation for specified LROs) is due one month after the end of each jurisdiction's program. The National Board will provide forms for all required reports. The National Board advises Local Boards to request at least one other report from their LROs at a time deemed appropriate by each Local Board.

LROs which successfully completed previous program compliance reviews and are receiving funds under this program may not be required to submit documentation with their final reports unless specifically asked to do so by the National Board; successful completion does not mean automatic exemption from submission. Documentation will be required for LROs not funded in the previous phase of the program.

Failure of an LRO to comply with the National Board's reporting requirements may result in its funds being held in escrow. Funds will be held until all reporting requirements have been satisfied. If an LRO does not comply in a timely manner, the Local Board or National Board may reclaim and reallocate the funds being held in escrow.

The National Board will compile the reports it receives from the Local Boards and submit a detailed accounting of use of all program monies in the form of a report to FEMA.

If the Local Board discovers lack of documentation, ineligible expenditures or any other problem in an LRO report, it should contact the LRO and attempt to correct the problem before submitting the report to the National Board. If the National Board discovers a problem, it will inform the Local Board and LRO and advise them of the action to be

taken. It is the responsibility of the Local Board to continue working with LROs which have compliance problems until they have been cleared by the Secretariat.

To avoid compliance-related problems, the Local Board should ensure that LROs have a thorough understanding of the types of documentation (e. g., canceled checks [both sides], invoices, contracts, lease agreements, utility bills) they must retain to meet cost eligibility guidelines. Items not listed as eligible or ineligible should not be assumed to be eligible. Local Boards are advised to contact National Board staff for clarification on items subject to interpretation.

LROs failing to clear the National Board compliance review after a reasonable amount of time will be referred to FEMA and will remain ineligible to receive funds until audit problems are resolved with FEMA.

*Section 6.0 Amendments to Plan*

The National Board reserves the right to amend this Plan at any time.

Dated: May 7, 1992.

Grant C. Peterson,  
Associate Director, State and Local Programs and Support.

The following is a list of all Phase X (Fiscal Year 1992) funded jurisdictions:

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
Alabama:			
0030-00 Autauga County .....	21,040.00		21,040.00
0032-00 Baldwin County .....	46,743.00		46,743.00
0034-00 Barbour County .....	18,112.00		18,112.00
0036-00 Bibb County .....	14,822.00		14,822.00
0038-00 Blount County .....	22,016.00		22,016.00
0040-00 Bullock County .....	11,821.00		11,821.00
0042-00 Butler County .....	18,310.00		18,310.00
0044-00 Calhoun County .....	67,638.00		67,638.00
0046-00 Chambers County .....	28,252.00		28,252.00
0048-00 Cherokee County .....	13,918.00		13,918.00
0050-00 Chilton County .....	25,685.00		25,685.00
0052-00 Choctaw County .....	11,659.00		11,659.00
0054-00 Clarke County .....	18,075.00		18,075.00
0056-00 Clay County .....	9,688.00		9,688.00
0058-00 Cleburne County .....		2,188.00	2,188.00
0060-00 Coffee County .....	22,323.00		22,323.00
0062-00 Colbert County .....	38,573.00		38,573.00
0064-00 Conecuh County .....	11,406.00		11,406.00
0066-00 Coosa County .....		2,648.00	2,648.00
0068-00 Covington County .....	25,974.00		25,974.00
0070-00 Crenshaw County .....		3,977.00	3,977.00
0072-00 Cullman County .....	46,906.00		46,906.00
0074-00 Dale County .....	24,203.00		24,203.00
0076-00 Dallas County .....	40,959.00		40,959.00
0078-00 De Kalb County .....	40,670.00		40,670.00
0080-00 Elmore County .....	26,535.00		26,535.00
0082-00 Escambia County .....	23,968.00		23,968.00
0084-00 Etowah County .....	83,002.00		83,002.00
0086-00 Fayette County .....	13,683.00		13,683.00
0088-00 Franklin County .....	24,836.00		24,836.00
0090-00 Geneva County .....	11,641.00		11,641.00
0092-00 Greene County .....		4,588.00	4,588.00
0094-00 Hale County .....	9,399.00		9,399.00
0096-00 Henry County .....	10,158.00		10,158.00
0098-00 Houston County .....	40,145.00		40,145.00
0102-00 Jackson County .....	42,929.00		42,929.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
0104-00 Jefferson County.....	310,644.00		310,644.00
0108-00 Lamar County.....	13,014.00		13,014.00
0110-00 Lauderdale County.....	49,888.00		49,888.00
0112-00 Lawrence County.....	24,836.00		24,836.00
0114-00 Lee County.....	42,423.00		42,423.00
0116-00 Limestone County.....	37,217.00		37,217.00
0118-00 Lowndes County.....	13,014.00		13,014.00
0120-00 Macon County.....	13,430.00		13,430.00
0122-00 Madison County.....	127,414.00		127,414.00
0126-00 Marengo County.....	12,779.00		12,779.00
0128-00 Marion County.....	28,288.00		28,288.00
0130-00 Marshall County.....	61,077.00		61,077.00
0132-00 Mobile County.....	224,497.00		224,497.00
0136-00 Monroe County.....	18,672.00		18,672.00
0138-00 Montgomery County.....	110,387.00		110,387.00
0142-00 Morgan County.....	62,523.00		62,523.00
0144-00 Perry County.....	11,026.00		11,026.00
0146-00 Pickens County.....	13,882.00		13,882.00
0148-00 Pike County.....	15,906.00		15,906.00
0150-00 Randolph County.....	16,304.00		16,304.00
0152-00 Russell County.....	33,928.00		33,928.00
0154-00 St. Clair County.....	26,444.00		26,444.00
0156-00 Shelby County.....	35,753.00		35,753.00
0158-00 Sumter County.....	10,267.00		10,267.00
0160-00 Talladega County.....	53,865.00		53,865.00
0162-00 Tallapoosa County.....	20,570.00		20,570.00
0164-00 Tuscaloosa County.....	70,096.00		70,096.00
0168-00 Walker County.....	56,431.00		56,431.00
0170-00 Washington County.....	13,032.00		13,032.00
0172-00 Wilcox County.....	8,743.00		8,743.00
0174-00 Winston County.....	22,793.00		22,793.00
0176-00 State Set-Aside Committee, AL.....			0.00
State Total.....	2,425,232.00	13,401.00	2,438,633.00
Alaska:			
0185-00 Southeast Alaska.....			0.00
0185-01 Southwest AK (Bethel/Kuskokwim/Bris. Bay).....		6,600.00	6,600.00
0188-00 Anchorage Borough.....		100,000.00	100,000.00
0196-00 Fairbanks North Star Boro.....	51,027.00		51,027.00
0199-00 Interior Alaska.....		2,000.00	2,000.00
0202-00 Kenai Peninsula Borough.....	37,778.00		37,778.00
0204-00 Ketchikan Gateway Borough.....	10,664.00		10,664.00
0208-00 Kodiak Island Borough.....		3,000.00	3,000.00
0210-00 Matanuska-Susitna Census.....	34,470.00		34,470.00
0213-00 Nome & Kotzebue.....		2,000.00	2,000.00
0224-00 Valdez-Cordova Census Are.....		2,461.00	2,461.00
0232-00 State Set-Aside Committee, AK.....			0.00
State Total.....	133,939.00	116,061.00	250,000.00
Arizona:			
0242-00 Apache County.....	36,169.00		36,169.00
0244-00 Cochise County.....	42,730.00		42,730.00
0246-00 Coconino County.....	51,985.00		51,985.00
0248-00 Gila County.....	19,033.00		19,033.00
0250-00 Graham County.....	9,508.00		9,508.00
0252-00 Greenlee County.....		2,432.00	2,432.00
0254-00 La Paz County.....		2,431.00	2,431.00
0256-00 Maricopa County.....	828,053.00		828,053.00
0268-00 Mohave County.....	43,508.00		43,508.00
0270-00 Navajo County.....	52,220.00		52,220.00
0272-00 Pima County.....	209,837.00		209,837.00
0276-00 Pinal County.....	49,780.00		49,780.00
0278-00 Santa Cruz County.....	28,288.00		28,288.00
0280-00 Yavapai County.....	35,572.00		35,572.00
0282-00 Yuma County.....	175,386.00		175,386.00
0284-00 State Set-Aside Committee, AZ.....			0.00
State total.....	1,582,069.00	4,863.00	1,586,932.00
Arkansas:			
0304-00 Arkansas County.....	10,683.00		10,683.00
0306-00 Ashley County.....	13,954.00		13,954.00
0308-00 Baxter County.....	12,346.00		12,346.00
0310-00 Benton County.....	33,656.00		33,656.00
0312-00 Boone County.....	15,888.00		15,888.00
0314-00 Bradley County.....	9,941.00		9,941.00
0318-00 Carroll County.....	11,333.00		11,333.00
0320-00 Chicot County.....	11,116.00		11,116.00
0322-00 Clark County.....	11,333.00		11,333.00
0324-00 Clay County.....	13,394.00		13,394.00
0326-00 Cleburne County.....	12,924.00		12,924.00
0328-00 Cleveland County.....		2,000.00	2,000.00
0330-00 Columbia County.....	14,894.00		14,894.00
0332-00 Conway County.....	10,719.00		10,719.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
0334-00 Craighead County.....	42,080.00		42,080.00
0336-00 Crawford County.....	33,367.00		33,367.00
0338-00 Crittenden County.....	34,886.00		34,886.00
0340-00 Cross County.....	12,960.00		12,960.00
0342-00 Dallas County.....		7,000.00	7,000.00
0344-00 Desha County.....	13,683.00		13,683.00
0346-00 Drew County.....	13,900.00		13,900.00
0348-00 Faulkner County.....	39,730.00		39,730.00
0350-00 Franklin County.....	9,435.00		9,435.00
0352-00 Fulton County.....		5,000.00	5,000.00
0354-00 Garland County.....	41,519.00		41,519.00
0356-00 Grant County.....		2,000.00	2,000.00
0358-00 Greene County.....	22,233.00		22,233.00
0360-00 Hempstead County.....	16,015.00		16,015.00
0362-00 Hot Spring County.....	19,991.00	3,129.00	23,120.00
0364-00 Howard County.....		3,000.00	3,000.00
0366-00 Independence County.....	23,498.00	4,000.00	27,498.00
0368-00 IZard County.....		1,000.00	1,000.00
0370-00 Jackson County.....	19,286.00		19,286.00
0372-00 Jefferson County.....	66,264.00		66,264.00
0376-00 Johnson County.....	12,599.00		12,599.00
0380-00 Lawrence County.....	15,093.00		15,093.00
0382-00 Lee County.....	10,502.00		10,502.00
0386-00 Little River County.....	9,092.00		9,092.00
0388-00 Logan County.....	13,249.00		13,249.00
0390-00 Lonoke County.....	21,492.00		21,492.00
0394-00 Marion County.....		4,000.00	4,000.00
0396-00 Miller County.....	23,390.00		23,390.00
0398-00 Mississippi County.....	42,983.00	3,000.00	45,983.00
0400-00 Monroe County.....		5,000.00	5,000.00
0402-00 Montgomery County.....		4,000.00	4,000.00
0408-00 Ouachita County.....	35,247.00		35,247.00
0410-00 Perry County.....		3,200.00	3,200.00
0412-00 Phillips County.....	19,847.00	5,000.00	24,847.00
0414-00 Pike County.....	9,074.00		9,074.00
0416-00 Poinsett County.....	19,648.00		19,648.00
0418-00 Polk County.....		5,000.00	5,000.00
0420-00 Pope County.....	27,059.00		27,059.00
0422-00 Prairie County.....		3,000.00	3,000.00
0424-00 Pulaski County.....	195,088.00		195,088.00
0430-00 Randolph County.....	14,948.00		14,948.00
0432-00 St. Francis County.....	25,902.00		25,902.00
0434-00 Saline County.....		5,000.00	5,000.00
0436-00 Scott County.....		3,000.00	3,000.00
0438-00 Searcy County.....		4,000.00	4,000.00
0440-00 Sebastian County.....	72,211.00		72,211.00
0446-00 Sharp County.....		5,000.00	5,000.00
0448-00 Stone County.....		8,000.00	8,000.00
0450-00 Union County.....	26,752.00	2,000.00	28,752.00
0452-00 Van Buren County.....	11,189.00		11,189.00
0454-00 Washington County.....	41,122.00		41,122.00
0456-00 White County.....	43,634.00		43,634.00
0458-00 Woodruff County.....	9,508.00		9,508.00
0462-00 State Set-Aside Committee, AR.....		433.00	433.00
State Total.....	1,290,657.00	86,762.00	1,377,419.00
California:			
0464-00 Fresno City/County.....	696,554.00	7,008.30	703,562.30
0634-00 Alameda County.....	376,475.00	6,344.92	382,819.92
0646-00 Oakland City.....	241,813.00		241,813.00
0652-00 Amador County.....		4,057.71	4,057.71
0654-00 Butte County.....	122,009.00		122,009.00
0656-00 Calaveras County.....	20,967.00		20,967.00
0658-00 Colusa County.....	23,408.00		23,408.00
0660-00 Contra Costa County.....	404,365.00	3,348.12	407,713.12
0668-00 Del Norte County.....	20,009.00		20,009.00
0670-00 El Dorado County.....		23,719.84	23,719.84
0676-00 Glenn County.....	28,469.00		28,469.00
0678-00 Humboldt County.....	78,899.00		78,899.00
0680-00 Imperial County.....	170,668.00	35,000.00	205,668.00
0682-00 Inyo County.....		21,497.70	21,497.70
0684-00 Kern County.....	499,912.00	4,329.92	504,241.92
0688-00 Kings County.....	81,396.00		81,396.00
0690-00 Lake County.....	35,428.00		35,428.00
0692-00 Lassen County.....	18,401.00		18,401.00
0695-00 Los Angeles City/County.....	5,657,604.00	52,885.76	5,710,489.76
0760-00 Madera County.....	98,023.00		98,023.00
0766-00 Mariposa County.....		19,726.42	19,726.42
0768-00 Mendocino County.....	68,777.00		68,777.00
0770-00 Merced County.....	186,430.00		186,430.00
0774-00 Mono County.....	10,881.00		10,881.00
0776-00 Monterey County.....	310,391.00		310,391.00



Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
0780-00 Napa County .....		16,583.70	16,583.70
0784-00 Nevada County .....		13,659.13	13,659.13
0786-00 Orange County .....	1,103,161.00	8,160.65	1,111,321.65
0816-00 Placer County .....		33,037.92	33,037.92
0818-00 Plumas County .....	19,088.00		19,088.00
0820-00 Riverside County .....	849,472.00	6,515.47	855,987.47
0824-00 Sacramento County .....	570,858.00	6,676.57	577,534.57
0828-00 San Benito County .....	52,328.00		52,328.00
0830-00 San Bernardino County .....	845,767.00	9,043.07	854,810.07
0840-00 San Diego County .....	1,243,209.00	11,104.92	1,254,313.92
0858-00 San Francisco City/County .....	341,951.00	3,332.64	354,283.64
0860-00 San Joaquin County .....	420,796.00	3,766.65	424,562.65
0864-00 San Luis Obispo County .....	93,432.00		93,432.00
0876-00 Santa Barbara County .....	181,278.00		181,278.00
0880-00 Santa Clara County .....	762,041.00	6,169.37	768,210.37
0892-00 Santa Cruz County .....	191,093.00		191,093.00
0896-00 Shasta County .....	115,755.00		115,755.00
0900-00 Siskiyou County .....	44,538.00		44,538.00
0902-00 Solano County .....	182,688.00		182,688.00
0908-00 Sonoma County .....		67,717.59	67,717.59
0912-00 Stanislaus County .....	415,337.00		415,337.00
0916-00 Sutter County .....	91,172.00		91,172.00
0918-00 Tehama County .....	42,170.00		42,170.00
0920-00 Trinity County .....	13,575.00		13,575.00
0922-00 Tulare County .....	399,015.00	3,500.63	402,515.63
0926-00 Tuolumne County .....	28,758.00		28,758.00
0928-00 Ventura County .....	454,597.00		454,597.00
0938-00 Yolo County .....	94,444.00		94,444.00
0940-00 Yuba County .....	48,207.00		48,207.00
0942-00 State Set-Aside Committee, CA .....		1,845.00	1,845.00
<b>State Total .....</b>	<b>17,756,149.00</b>	<b>368,032.00</b>	<b>18,125,181.00</b>
<b>Colorado:</b>			
0968-00 Adams County .....		89,760.00	89,760.00
0980-00 Arapahoe County .....		44,600.00	44,600.00
0985-00 Arkansas Valley .....		15,347.00	15,347.00
0990-00 Boulder County .....	91,172.00		91,172.00
0995-00 Central Rockies .....		6,050.00	6,050.00
1010-00 Delta County .....	14,731.00		14,731.00
1012-00 Denver City/County .....	265,853.00		265,853.00
1016-00 Douglas County .....		5,451.00	5,451.00
1019-00 Eastern Plains .....		11,412.00	11,412.00
1022-00 El Paso County .....		102,116.00	102,116.00
1026-00 Fremont County .....	14,930.00		14,930.00
1028-00 Garfield County .....		9,418.00	9,418.00
1039-00 Huerfano-Las Animas .....		5,609.00	5,609.00
1042-00 Jefferson County .....		52,000.00	52,000.00
1056-00 La Plata County .....	15,924.00		15,924.00
1058-00 Larimer County .....	81,141.00		81,141.00
1068-00 Mesa County .....	51,641.00		51,641.00
1074-00 Montezuma County .....	13,665.00		13,665.00
1076-00 Montrose County .....		6,403.00	6,403.00
1078-00 Morgan County .....	10,954.00		10,954.00
1079-00 Northern Rockies .....		12,500.00	12,500.00
1080-00 Otero County .....	10,755.00		10,755.00
1092-00 Pueblo County .....	68,072.00		68,072.00
1103-00 San Juan Forest .....		2,525.00	2,525.00
1105-00 San Luis Valley .....		34,598.00	34,598.00
1113-00 Uncompahgre Forest .....		2,426.00	2,426.00
1116-00 Weld County .....	60,932.00		60,932.00
1119-00 White River Forest .....		3,516.00	3,516.00
1122-00 State Set-Aside Committee, CO .....			0.00
<b>State Total .....</b>	<b>699,770.00</b>	<b>403,731.00</b>	<b>1,103,501.00</b>
<b>Connecticut:</b>			
1422-01 Fairfield Census/Bridgeport .....	187,729.00		187,729.00
1422-02 Fairfield Census/Danbury .....	57,135.00		57,135.00
1422-03 Fairfield Census/Norwalk .....	69,378.00		69,378.00
1422-04 Fairfield Census/Stamford .....	93,865.00		93,865.00
1438-00 Hartford Census County .....	459,911.00		459,911.00
1458-00 New Haven Census County .....	452,644.00		452,644.00
1472-00 New London Census County .....	130,270.00		130,270.00
1478-00 State Set-Aside Committee, CT .....		173,108.00	173,108.00
<b>State Total .....</b>	<b>1,450,932.00</b>	<b>173,108.00</b>	<b>1,624,040.00</b>
0938-00 Yolo County .....	94,444.00		94,444.00
0940-00 Yuba County .....	48,207.00		48,207.00
0942-00 State Set-Aside Committee, CA .....		1,845.00	1,845.00
<b>State Total .....</b>	<b>17,756,149.00</b>	<b>368,032.00</b>	<b>18,125,181.00</b>
<b>Colorado:</b>			
0968-00 Adams County .....		89,760.00	89,760.00
0980-00 Arapahoe County .....		44,600.00	44,600.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
0985-00 Arkansas Valley .....		15,347.00	15,347.00
0990-00 Boulder County .....	91,172.00		91,172.00
0995-00 Central Rockies .....		6,050.00	6,050.00
1010-00 Delta County .....	14,731.00		14,731.00
1012-00 Denver City/County .....	265,853.00		265,853.00
1016-00 Douglas County .....		5,451.00	5,451.00
1019-00 Eastern Plains .....		11,412.00	11,412.00
1022-00 El Paso County .....		102,116.00	102,116.00
1026-00 Fremont County .....	14,930.00		14,930.00
1028-00 Garfield County .....		9,418.00	9,418.00
1039-00 Huerfano-Las Animas .....		5,609.00	5,609.00
1042-00 Jefferson County .....		52,000.00	52,000.00
1056-00 La Plata County .....	15,924.00		15,924.00
1058-00 Larimer County .....	81,141.00		81,141.00
1068-00 Mesa County .....	51,641.00		51,641.00
1074-00 Montezuma County .....	13,665.00		13,665.00
1076-00 Montrose County .....		6,403.00	6,403.00
1078-00 Morgan County .....	10,954.00		10,954.00
1079-00 Northern Rockies .....		12,500.00	12,500.00
1080-00 Otero County .....	10,755.00		10,755.00
1092-00 Pueblo County .....	68,072.00		68,072.00
1103-00 San Juan Forest .....		2,525.00	2,525.00
1105-00 San Luis Valley .....		34,598.00	34,598.00
1113-00 Uncompahgre Forest .....		2,426.00	2,426.00
1116-00 Weld County .....	60,932.00		60,932.00
1119-00 White River Forest .....		3,516.00	3,516.00
1122-00 State Set-Aside Committee, CO .....			0.00
State Total .....	699,770.00	403,731.00	1,103,501.00
Connecticut:			
1422-01 Fairfield Census/Bridgeport .....	187,729.00		187,729.00
1422-02 Fairfield Census/Danbury .....	57,135.00		57,135.00
1422-03 Fairfield Census/Norwalk .....	69,378.00		69,378.00
1422-04 Fairfield Census/Stamford .....	93,865.00		93,865.00
1348-00 Hartford Census County .....	459,911.00		459,911.00
1458-00 New Haven Census County .....	452,644.00		452,644.00
1472-00 New London Census County .....	130,270.00		130,270.00
1478-00 State Set-Aside Committee, CT .....		173,108.00	173,108.00
State Total .....	1,450,932.00	173,108.00	1,624,040.00
Delaware:			
1480-00 Kent County .....	72,862.00		72,862.00
1482-00 New Castle County .....	283,007.00		283,007.00
1486-00 Sussex County .....	69,392.00		69,392.00
State Total .....	425,261.00	0.00	425,261.00
District of Columbia:			
1492-00 District of Columbia .....	377,397.00		377,397.00
State Total .....	377,397.00	0.00	377,397.00
Florida:			
1556-00 Alachua County .....	70,042.00		70,042.00
1560-00 Baker County .....	11,857.00	6,982.00	18,839.00
1562-00 Bay County .....	93,215.00	6,982.00	100,197.00
1564-00 Bradford County .....	9,435.00		9,435.00
1566-00 Brevard County .....	231,112.00		231,112.00
1570-00 Broward County .....	791,179.00		791,179.00
1582-00 Calhoun County .....		13,000.00	13,000.00
1586-00 Citrus County .....	54,299.00		54,299.00
1590-00 Collier County .....	89,256.00		89,256.00
1592-00 Columbia County .....	32,771.00	10,000.00	42,771.00
1594-00 Dade County .....	991,744.00	10,000.00	1,001,744.00
1598-00 Miami City .....	365,774.00	10,000.00	375,774.00
1604-00 De Soto County .....	12,002.00	10,000.00	22,002.00
1606-00 Dixie County .....		13,000.00	13,000.00
1608-00 Duval County .....	395,761.00		395,761.00
1612-00 Escambia County .....	130,161.00		130,161.00
1616-00 Flagler County .....	18,292.00	6,982.00	25,274.00
1620-00 Gadsden County .....	24,275.00		24,275.00
1624-00 Glades County .....		13,000.00	13,000.00
1626-00 Gulf County .....		13,000.00	13,000.00
1628-00 Hamilton County .....		13,000.00	13,000.00
1630-00 Hardee County .....	17,099.00	10,000.00	27,099.00
1632-00 Hendry County .....	27,041.00	10,000.00	37,041.00
1634-00 Hernando County .....	56,178.00	6,982.00	63,160.00
1636-00 Highlands County .....	37,163.00	6,981.00	44,144.00
1638-00 Hillborough County .....	462,351.00		462,351.00
1644-00 Indian River County .....	76,007.00	6,981.00	82,988.00
1646-00 Jackson County .....	24,854.00		24,854.00
1652-00 Lake County .....	91,769.00	6,981.00	98,750.00
1654-00 Lee County .....	154,472.00		154,472.00
1656-00 Leon County .....	85,931.00		85,931.00
1660-00 Levy County .....	12,707.00		12,707.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
1664-00 Madison County.....	11,279.00		11,279.00
1666-00 Manatee County.....	89,997.00		89,997.00
1668-00 Marion County.....	122,859.00	6,981.00	129,840.00
1670-00 Martin County.....	68,217.00	6,981.00	75,198.00
1672-00 Monroe County.....	31,740.00		31,740.00
1674-00 Nassau County.....	26,788.00		26,788.00
1678-00 Okeechobee County.....	22,070.00	6,981.00	29,051.00
1680-00 Orange County.....	458,573.00		458,573.00
1684-00 Osceola County.....	62,107.00		62,107.00
1686-00 Palm Beach County.....	577,600.00	6,981.00	584,581.00
1692-00 Pasco County.....		6,981.00	6,981.00
1694-00 Pinellas County.....	427,393.00		427,393.00
1702-00 Polk County.....	321,833.00	6,981.00	328,814.00
1706-00 Putnam County.....	34,542.00		34,542.00
1708-00 St. Johns County.....	45,134.00		45,134.00
1710-00 St. Lucie County.....	152,538.00	6,981.00	159,519.00
1712-00 Santa Rosa County.....	38,934.00		38,934.00
1714-00 Sarasota County.....	107,784.00		107,784.00
1720-00 Sumter County.....	19,413.00	10,000.00	29,413.00
1722-00 Suwannee County.....	19,196.00	10,000.00	29,196.00
1724-00 Taylor County.....	20,281.00	10,000.00	30,281.00
1728-00 Volusia County.....	187,894.00		187,894.00
1734-00 Walton County.....	16,991.00		16,991.00
1736-00 Washington County.....	9,146.00		9,146.00
1738-00 State Set-Aside Committee, FL.....		203.00	203.00
State Total.....	7,239,056.00	252,941.00	7,491,997.00
Georgia:			
1740-00 Atlanta/Dekalb, Fulton Counties.....	700,314.00		700,314.00
1742-00 Macon/Bibb, Jones Counties.....	76,079.00		76,079.00
1772-00 Appling County.....	13,394.00		13,394.00
1774-00 Atkinson County.....		4,167.00	4,167.00
1776-00 Bacon County.....		4,347.00	4,347.00
1778-00 Baker County.....		3,621.00	3,621.00
1780-00 Baldwin County.....	14,171.00		14,171.00
1782-00 Banks County.....		3,731.00	3,731.00
1784-00 Barrow County.....	20,516.00		20,516.00
1786-00 Bartow County.....	44,140.00		44,140.00
1788-00 Ben Hill County.....	9,038.00		9,038.00
1790-00 Berrien County.....		4,733.00	4,733.00
1796-00 Bleckley County.....		4,140.00	4,140.00
1798-00 Brantley County.....		4,090.00	4,090.00
1800-00 Brooks County.....		5,802.00	5,802.00
1802-00 Bryan County.....		4,320.00	4,320.00
1804-00 Bulloch County.....	14,894.00		14,894.00
1806-00 Burke County.....	18,328.00		18,328.00
1808-00 Butts County.....	10,899.00		10,899.00
1810-00 Calhoun County.....		3,967.00	3,967.00
1812-00 Camden County.....	12,201.00		12,201.00
1814-00 Candler County.....		4,233.00	4,233.00
1816-00 Carroll County.....	43,001.00		43,001.00
1818-00 Catoosa County.....	19,286.00		19,286.00
1820-00 Charlton County.....		3,944.00	3,944.00
1822-00 Chatham County.....	96,957.00		96,957.00
1826-00 Chattahoochee County.....		3,829.00	3,829.00
1828-00 Chattooga County.....	14,677.00		14,677.00
1830-00 Cherokee County.....		7,115.00	7,115.00
1832-00 Clarke County.....	29,933.00		29,933.00
1834-00 Clay County.....		3,815.00	3,815.00
1836-00 Clayton County.....		13,302.00	13,302.00
1838-00 Clinch County.....		4,025.00	4,025.00
1840-00 Cobb County.....	215,296.00		215,296.00
1842-00 Coffee County.....	17,389.00		17,389.00
1844-00 Colquitt County.....	18,654.00		18,654.00
1846-00 Columbia County.....		5,991.00	5,991.00
1848-00 Cook County.....	9,218.00		9,218.00
1850-00 Coweta County.....	35,699.00		35,699.00
1852-00 Crawford County.....		3,933.00	3,933.00
1854-00 Crisp County.....	12,273.00		12,273.00
1856-00 Dade County.....		4,312.00	4,312.00
1858-00 Dawson County.....		3,662.00	3,662.00
1860-00 Decatur County.....	12,960.00		12,960.00
1866-00 Dodge County.....	9,616.00		9,616.00
1868-00 Dooly County.....		5,133.00	5,133.00
1870-00 Dougherty County.....	58,149.00		58,149.00
1874-00 Douglas County.....		6,478.00	6,478.00
1876-00 Early County.....		5,455.00	5,455.00
1878-00 Echols County.....		3,349.00	3,349.00
1880-00 Effingham County.....	11,948.00		11,948.00
1882-00 Elbert County.....	12,707.00		12,707.00
1884-00 Emanuel County.....	16,412.00		16,412.00
1886-00 Evans County.....		4,264.00	4,264.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
1888-00 Fannin County.....	10,411.00		10,411.00
1890-00 Fayette County.....		4,551.00	4,551.00
1892-00 Floyd County.....	50,304.00		50,304.00
1894-00 Forsyth County.....		5,295.00	5,295.00
1896-00 Franklin County.....	11,532.00		11,532.00
1902-00 Gilmer County.....	9,309.00		9,309.00
1904-00 Glascock County.....		3,296.00	3,296.00
1906-00 Glynn County.....	29,553.00		29,553.00
1908-00 Gordon County.....	28,517.00		28,517.00
1910-00 Grady County.....	9,960.00		9,960.00
1912-00 Greene County.....		4,892.00	4,892.00
1914-00 Gwinnett Co.....		12,811.00	12,811.00
1916-00 Habersham County.....	12,924.00		12,924.00
1918-00 Hall County.....		8,993.00	8,993.00
1920-00 Hancock County.....		5,177.00	5,177.00
1922-00 Haralson County.....	16,919.00		16,919.00
1924-00 Harris County.....		4,685.00	4,685.00
1926-00 Hart County.....	12,183.00		12,183.00
1928-00 Heard County.....		5,538.00	5,538.00
1930-00 Henry County.....		6,035.00	6,035.00
1932-00 Houston County.....	32,970.00		32,970.00
1934-00 Irwin County.....		4,317.00	4,317.00
1936-00 Jackson County.....	18,582.00		18,582.00
1938-00 Jasper County.....		4,006.00	4,006.00
1940-00 Jeff Davis County.....		4,325.00	4,325.00
1942-00 Jefferson County.....	10,213.00		10,213.00
1944-00 Jenkins County.....		4,743.00	4,743.00
1946-00 Johnson County.....		4,332.00	4,332.00
1948-00 Jones County.....		4,585.00	4,585.00
1952-00 Lamar County.....		4,247.00	4,247.00
1954-00 Lanier County.....		3,945.00	3,945.00
1956-00 Laurens County.....	18,780.00		18,780.00
1958-00 Lee County.....		4,239.00	4,239.00
1960-00 Liberty County.....	15,364.00		15,364.00
1962-00 Lincoln County.....		3,776.00	3,776.00
1964-00 Long County.....		3,655.00	3,655.00
1966-00 Lowndes County.....	31,704.00		31,704.00
1968-00 Lumpkin County.....		4,078.00	4,078.00
1970-00 McDuffie County.....	11,406.00		11,406.00
1972-00 McIntosh County.....		4,508.00	4,508.00
1974-00 Macon County.....	9,417.00		9,417.00
1976-00 Madison County.....	12,996.00		12,996.00
1978-00 Marion County.....		3,962.00	3,962.00
1980-00 Meriwether County.....	12,364.00		12,364.00
1982-00 Miller County.....		4,135.00	4,135.00
1984-00 Mitchell County.....	15,039.00		15,039.00
1986-00 Monroe County.....	9,923.00		9,923.00
1988-00 Montgomery County.....		3,941.00	3,941.00
1990-00 Morgan County.....		4,612.00	4,612.00
1992-00 Murray County.....	22,016.00		22,016.00
1994-00 Muskogee County.....	75,953.00		75,953.00
1998-00 Newton County.....	28,125.00		28,125.00
2000-00 Oconee County.....		3,865.00	3,865.00
2002-00 Oglethorpe County.....		4,097.00	4,097.00
2004-00 Paulding County.....	23,440.00		23,440.00
2006-00 Peach County.....	10,990.00		10,990.00
2008-00 Pickens County.....	10,881.00		10,881.00
2010-00 Pierce County.....		4,698.00	4,698.00
2012-00 Pike County.....		3,878.00	3,878.00
2014-00 Polk County.....	28,451.00		28,451.00
2016-00 Pulaski County.....		4,313.00	4,313.00
2018-00 Putnam County.....		4,308.00	4,308.00
2020-00 Quitman County.....	3,562.00		3,562.00
2022-00 Rabun County.....		4,184.00	4,184.00
2024-00 Randolph County.....		4,821.00	4,821.00
2026-00 Richmond County.....	91,751.00		91,751.00
2028-00 Rockdale County.....		5,393.00	5,393.00
2030-00 Schley County.....		3,564.00	3,564.00
2032-00 Screven County.....	11,821.00		11,821.00
2034-00 Seminole County.....		4,288.00	4,288.00
2036-00 Spalding County.....	34,958.00		34,958.00
2038-00 Stephens County.....	13,340.00		13,340.00
2040-00 Stewart County.....		4,344.00	4,344.00
2042-00 Sumter County.....	18,798.00		18,798.00
2044-00 Talbot County.....		3,841.00	3,841.00
2046-00 Taliaferro County.....		3,386.00	3,386.00
2048-00 Tattnall County.....		5,644.00	5,644.00
2050-00 Taylor County.....		4,347.00	4,347.00
2052-00 Telfair County.....		4,839.00	4,839.00
2054-00 Terrell County.....		5,208.00	5,208.00
2056-00 Thomas County.....	18,582.00		18,582.00
2058-00 Tift County.....	21,130.00		21,130.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
2060-00 Toombs County.....	13,538.00		13,538.00
2062-00 Towns County.....		3,726.00	3,726.00
2064-00 Treutlen County.....		4,072.00	4,072.00
2066-00 Troup County.....	38,754.00		38,754.00
2068-00 Turner County.....		4,774.00	4,774.00
2070-00 Twiggs County.....		4,067.00	4,067.00
2072-00 Union County.....		4,489.00	4,489.00
2074-00 Upson County.....	15,418.00		15,418.00
2076-00 Walker County.....	35,807.00		35,807.00
2078-00 Walton County.....	24,637.00		24,637.00
2080-00 Ware County.....	17,316.00		17,316.00
2082-00 Warren County.....		4,150.00	4,150.00
2084-00 Washington County.....	10,592.00		10,592.00
2086-00 Wayne County.....	13,575.00		13,575.00
2088-00 Webster-00 County.....		3,443.00	3,443.00
2090-00 Wheeler County.....		3,922.00	3,922.00
2092-00 White County.....		4,072.00	4,072.00
2094-00 Whitfield County.....	47,556.00		47,556.00
2096-00 Wilcox County.....		4,328.00	4,328.00
2098-00 Wilkes County.....		4,387.00	4,387.00
2100-00 Wilkinson County.....		4,112.00	4,112.00
2102-00 Worth County.....		5,578.00	5,578.00
2104-000 State Set-Aside Committee, GA.....		1,990.00	1,990.00
State Total.....	2,583,952.00	398,127.00	2,982,079.00
Hawaii:			
2106-00 Honolulu City/County.....		148,948.00	148,948.00
2108-00 Hawaii County.....	43,417.00		43,417.00
2112-00 Kauai County.....		17,765.00	17,765.00
2114-00 Maui County.....		28,300.00	28,300.00
2115-00 Molokai, HI.....		11,570.00	11,570.00
2116-00 State Set-Aside Committee, HI.....			0.00
State Total.....	43,417.00	206,583.00	250,000.00
Idaho:			
2128-00 Ada County.....		32,387.45	32,387.45
2132-00 Adams County.....		1,000.00	1,000.00
2134-00 Bannock County.....		12,268.33	12,268.33
2136-00 Bear Lake County.....		1,206.91	1,206.91
2138-00 Benewah County.....		1,968.56	1,968.56
2140-00 Bingham County.....	19,106.00		19,106.00
2142-00 Blaine County.....		3,620.74	3,620.74
2144-00 Boise County.....		1,000.00	1,000.00
2146-00 Bonner County.....	21,998.00		21,998.00
2148-00 Bonneville County.....		11,858.21	11,858.21
2150-00 Boundary County.....		2,378.67	2,378.67
2152-00 Butte County.....		1,000.00	1,000.00
2154-00 Camas County.....		1,000.00	1,000.00
2156-00 Canyon County.....	59,757.00		59,757.00
2158-00 Caribou County.....		1,382.68	1,382.68
2160-00 Cassia County.....	10,231.00		10,231.00
2162-00 Clark County.....		1,000.00	1,000.00
2164-00 Clearwater County.....	10,538.00		10,538.00
2166-00 Custer County.....		1,335.80	1,335.80
2168-00 Elmore County.....		6,257.20	6,257.20
2170-00 Franklin County.....		2,027.14	2,027.14
2172-00 Fremont County.....		3,116.88	3,116.88
2174-00 Gem County.....		3,140.32	3,140.32
2176-00 Gooding County.....		3,198.90	3,198.90
2178-00 Idaho County.....	11,460.00		11,460.00
2180-00 Jefferson County.....		4,452.69	4,452.69
2182-00 Jerome County.....		3,620.74	3,620.74
2184-00 Kootenai County.....	46,056.00		46,056.00
2186-00 Latah County.....	11,225.00		11,225.00
2188-00 Lemhi County.....		1,722.49	1,722.49
2190-00 Lewis County.....		1,000.00	1,000.00
2192-00 Lincoln County.....		1,042.87	1,042.87
2194-00 Madison County.....		8,600.72	8,600.72
2196-00 Minidoka County.....	12,147.00		12,147.00
2198-00 Nez Perce County.....	16,937.00		16,937.00
2200-00 Oneida County.....		1,019.43	1,019.43
2202-00 Owyhee County.....		3,597.30	3,597.30
2204-00 Payette County.....	11,785.00		11,785.00
2206-00 Power County.....		1,675.62	1,675.62
2208-00 Shoshone County.....	14,930.00		14,930.00
2210-00 Teton County.....		1,054.58	1,054.58
2212-00 Twin Falls County.....	27,710.00		27,710.00
2214-00 Washington County.....		2,788.79	2,788.79
2218-00 State Set-Aside Committee, ID.....		619.00	619.00
State Total.....	273,880.00	123,795.00	397,675.00
Illinois:			
2220-00 Aurora/Dupage, Kane Counties.....	541,268.00		541,268.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
2342-00 Adams County.....	35,988.00		35,988.00
2344-00 Alexander County.....	10,484.00		10,484.00
2346-00 Bond County.....	11,604.00		11,604.00
2348-00 Boone County.....	26,643.00		26,643.00
2352-00 Bureau County.....		6,395.00	6,395.00
2354-00 Calhoun County.....		2,583.00	2,583.00
2356-00 Carroll County.....		3,731.00	3,731.00
2358-00 Cass County.....	10,484.00		10,484.00
2360-00 Champaign County.....	68,144.00		68,144.00
2364-00 Christian County.....		14,383.00	14,383.00
2366-00 Clark County.....	11,930.00		11,930.00
2368-00 Clay County.....	12,870.00		12,870.00
2370-00 Clinton County.....		6,579.00	6,579.00
2372-00 Coles County.....	25,974.00		25,974.00
2374-00 Cook County.....	1,247,312.00		1,247,312.00
2378-00 Chicago City.....	2,014,451.00		2,014,451.00
2398-00 Crawford County.....	15,400.00		15,400.00
2400-00 Cumberland County.....	10,086.00		10,086.00
2402-00 DeKalb County.....	34,307.00		34,307.00
2404-00 De Witt County.....		7,045.00	7,045.00
2414-00 Edgar County.....	13,719.00		13,719.00
2416-00 Edwards County.....		3,450.00	3,450.00
2418-00 Effingham County.....	28,198.00		28,198.00
2420-00 Fayette County.....	16,882.00		16,882.00
2424-00 Franklin County.....	40,579.00		40,579.00
2426-00 Fulton County.....	27,529.00		27,529.00
2428-00 Gallatin County.....		5,526.00	5,526.00
2430-00 Greene County.....	9,526.00		9,526.00
2432-00 Grundy County.....	30,114.00		30,114.00
2434-00 Hamilton County.....		5,639.00	5,639.00
2436-00 Hancock County.....	11,912.00		11,912.00
2438-00 Hardin County.....		4,342.00	4,342.00
2440-00 Henderson County.....		3,699.00	3,699.00
2442-00 Henry County.....	35,572.00		35,572.00
2444-00 Iroquois County.....		6,335.00	6,335.00
2446-00 Jackson County.....	31,650.00		31,650.00
2448-00 Jasper County.....		4,432.00	4,432.00
2450-00 Jefferson County.....	35,482.00		35,482.00
2452-00 Jersey County.....		4,005.00	4,005.00
2454-00 Jo Daviess County.....		3,904.00	3,904.00
2458-00 Johnson County.....		6,904.00	6,904.00
2464-00 Kankakee County.....	64,312.00		64,312.00
2468-00 Kendall County.....		4,409.00	4,409.00
2468-00 Knox County.....		25,819.00	25,819.00
2470-00 Lake County.....		84,353.00	84,353.00
2474-00 La Salle County.....	82,008.00		82,008.00
2476-00 Lawrence County.....	12,273.00		12,273.00
2478-00 Lee County.....		5,516.00	5,516.00
2480-00 Livingston County.....		6,604.00	6,604.00
2484-00 McDonough County.....	16,123.00		16,123.00
2488-00 McHenry County.....		16,469.00	16,469.00
2488-00 McLean County.....	56,594.00		56,594.00
2490-00 Macon County.....	84,792.00		84,792.00
2494-00 Macoupin County.....		22,180.00	22,180.00
2496-00 Madison County.....	154,509.00		154,509.00
2498-00 Marion County.....	40,326.00		40,326.00
2500-00 Marshall County.....		2,140.00	2,140.00
2502-00 Mason County.....	14,262.00		14,262.00
2504-00 Massac County.....		10,359.00	10,359.00
2508-00 Menard County.....		3,964.00	3,964.00
2508-00 Mercer County.....		7,326.00	7,326.00
2512-00 Montgomery County.....	22,233.00		22,233.00
2514-00 Morgan County.....		15,008.00	15,008.00
2516-00 Moutrie County.....		2,765.00	2,765.00
2518-00 Ogle County.....		7,137.00	7,137.00
2520-00 Peoria County.....	103,301.00		103,301.00
2524-00 Perry County.....	22,450.00		22,450.00
2528-00 Pike County.....	11,315.00		11,315.00
2530-00 Pope County.....		3,280.00	3,280.00
2532-00 Putaski County.....		10,045.00	10,045.00
2534-00 Putnam County.....		1,000.00	1,000.00
2538-00 Randolph County.....	22,757.00		22,757.00
2538-00 Richland County.....	11,622.00		11,622.00
2540-00 Rock Island County.....	89,979.00		89,979.00
2542-00 St. Clair County.....	162,968.00		162,968.00
2546-00 Saline County.....	18,220.00		18,220.00
2548-00 Sangamon County.....		77,118.00	77,118.00
2552-00 Schuyler County.....		3,228.00	3,228.00
2556-00 Shelby County.....		9,058.00	9,058.00
2558-00 Stark County.....		1,628.00	1,628.00
2560-00 Stephenson County.....	33,331.00		33,331.00
2562-00 Tazewell County.....	70,440.00		70,440.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
2564-00 Union County.....	16,069.00		16,069.00
2566-00 Vermilion County.....	72,031.00		72,031.00
2568-00 Wabash County.....	12,056.00		12,056.00
2570-00 Warren County.....	12,599.00		12,599.00
2572-00 Washington County.....	12,147.00		12,147.00
2574-00 Wayne County.....	14,768.00		14,768.00
2576-00 White County.....	12,815.00		12,815.00
2578-00 Whiteside County.....		21,639.00	21,639.00
2580-00 Will County.....	233,498.00		233,498.00
2586-00 Williamson County.....	44,791.00		44,791.00
2588-00 Winnebago County.....	169,565.00		169,565.00
2592-00 Woodford County.....		4,497.00	4,497.00
2594-00 State Set-Aside Committee, IL.....			0.00
State Total.....	6,052,262.00	434,494.00	6,486,756.00
Indiana:			
2620-00 Adams County.....	20,841.00		20,841.00
2622-00 Allen County.....	176,036.00		176,036.00
2626-00 Bartholomew County.....		14,378.00	14,378.00
2628-00 Benton County.....		1,664.00	1,664.00
2630-00 Blackford County.....	12,960.00		12,960.00
2632-00 Boone County.....		5,280.00	5,280.00
2634-00 Brown County.....		2,507.00	2,507.00
2636-00 Carroll County.....		3,785.00	3,785.00
2638-00 Cass County.....		11,083.00	11,083.00
2640-00 Clark County.....		24,094.00	24,094.00
2642-00 Clay County.....		5,409.00	5,409.00
2644-00 Clinton County.....		7,707.00	7,707.00
2646-00 Crawford County.....		3,536.00	3,536.00
2648-00 Daviess County.....	12,291.00		12,291.00
2650-00 Dearborn County.....	29,824.00		29,824.00
2652-00 Decatur County.....	11,279.00		11,279.00
2654-00 De Kalb County.....		11,637.00	11,637.00
2656-00 Delaware County.....	65,831.00		65,831.00
2660-00 Dubois County.....		7,217.00	7,217.00
2662-00 Elkhart County.....	112,881.00		112,881.00
2666-00 Fayette County.....	26,047.00		26,047.00
2668-00 Floyd County.....	31,054.00		31,054.00
2670-00 Fountain County.....		3,946.00	3,946.00
2672-00 Franklin County.....	15,653.00		15,653.00
2674-00 Fulton County.....		5,047.00	5,047.00
2676-00 Gibson County.....		8,037.00	8,037.00
2678-00 Grant County.....	50,195.00		50,195.00
2680-00 Greene County.....	19,359.00		19,359.00
2682-00 Hamilton County.....		13,341.00	13,341.00
2684-00 Hancock County.....		9,395.00	9,395.00
2686-00 Harrison County.....		7,137.00	7,137.00
2688-00 Hendricks County.....		9,764.00	9,764.00
2690-00 Henry County.....	36,946.00		36,946.00
2692-00 Howard County.....	65,415.00		65,415.00
2694-00 Huntington County.....		12,031.00	12,031.00
2696-00 Jackson County.....		11,074.00	11,074.00
2698-00 Jasper County.....		6,172.00	6,172.00
2700-00 Jay County.....	16,105.00		16,105.00
2702-00 Jefferson County.....	18,798.00		18,798.00
2704-00 Jennings County.....	14,063.00		14,063.00
2706-00 Johnson County.....		15,278.00	15,278.00
2708-00 Knox County.....	16,575.00		16,575.00
2710-00 Kosciusko County.....		15,599.00	15,599.00
2712-00 Lagrange County.....	21,329.00		21,329.00
2714-00 Lake County.....	151,183.00		151,183.00
2716-00 Gary City.....	102,813.00		102,813.00
2720-00 La Porte County.....	50,882.00		50,882.00
2722-00 Lawrence County.....	32,861.00		32,861.00
2724-00 Madison County.....	81,864.00		81,864.00
2728-00 Marion County.....	400,840.00		400,840.00
2732-00 Marshall County.....		10,938.00	10,938.00
2734-00 Martin County.....		2,917.00	2,917.00
2736-00 Miami County.....	24,203.00		24,203.00
2738-00 Monroe County.....	35,681.00		35,681.00
2742-00 Montgomery County.....		6,269.00	6,269.00
2744-00 Morgan County.....		12,963.00	12,963.00
2746-00 Newton County.....		2,789.00	2,789.00
2748-00 Noble County.....	35,102.00		35,102.00
2750-00 Ohio County.....		1,294.00	1,294.00
2752-00 Orange County.....	15,563.00		15,563.00
2754-00 Owen County.....	9,291.00		9,291.00
2756-00 Parke County.....		3,199.00	3,199.00
2758-00 Perry County.....	14,171.00		14,171.00
2760-00 Pike County.....		3,351.00	3,351.00
2762-00 Porter County.....		18,854.00	18,854.00
2764-00 Posey County.....		5,007.00	5,007.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
2766-00 Pulaski County.....		3,311.00	3,311.00
2768-00 Putnam County.....		4,147.00	4,147.00
2770-00 Randolph County.....	22,667.00		22,667.00
2772-00 Ripley County.....		7,876.00	7,876.00
2774-00 Rush County.....	10,881.00		10,881.00
2776-00 St. Joseph County.....	128,962.00		129,962.00
2780-00 Scott County.....	16,123.00		16,123.00
2782-00 Shelby County.....		13,043.00	13,043.00
2784-00 Spencer County.....		5,433.00	5,433.00
2786-00 Starke County.....	13,990.00		13,990.00
2788-00 Steuben County.....		7,836.00	7,836.00
2790-00 Sullivan County.....	11,333.00		11,333.00
2792-00 Switzerland County.....		2,475.00	2,475.00
2794-00 Tippecanoe County.....	36,910.00		36,910.00
2796-00 Tipton County.....		4,838.00	4,838.00
2798-00 Union County.....		2,162.00	2,162.00
2800-00 Vanderburgh County.....	87,123.00		87,123.00
2804-00 Vermillion County.....		3,922.00	3,922.00
2806-00 Vigo County.....	43,254.00		43,254.00
2810-00 Wabash County.....	24,293.00		24,293.00
2812-00 Warren County.....		1,551.00	1,551.00
2814-00 Warrick County.....		8,205.00	8,205.00
2816-00 Washington County.....	15,924.00		15,924.00
2818-00 Wayne County.....	55,383.00		55,383.00
2820-00 Wells County.....		6,662.00	6,662.00
2822-00 White County.....		6,011.00	6,011.00
2824-00 Whitley County.....		8,704.00	8,704.00
2826-00 State Set-Aside Committee, IN.....		98.00	98.00
State Total.....	2,195,779.00	368,973.00	2,564,752.00
Iowa:			
2846-00 Adair County.....		1,637.00	1,637.00
2848-00 Adams County.....		1,500.00	1,500.00
2850-00 Allamakee County.....		3,867.00	3,867.00
2852-00 Appanoose County.....		3,934.00	3,934.00
2854-00 Audubon County.....		1,546.00	1,546.00
2856-00 Benton County.....	11,695.00		11,695.00
2858-00 Blackhawk County.....		23,878.00	23,878.00
2862-00 Boone County.....		4,102.00	4,102.00
2864-00 Bremer County.....		4,429.00	4,429.00
2866-00 Buchanan County.....	10,755.00		10,755.00
2868-00 Buena Vista County.....		3,099.00	3,099.00
2870-00 Butler County.....		3,514.00	3,514.00
2872-00 Calhoun County.....		2,114.00	2,114.00
2874-00 Carroll County.....		4,904.00	4,904.00
2876-00 Cass County.....		3,910.00	3,910.00
2878-00 Cedar County.....		3,236.00	3,236.00
2880-00 Cerro Gordo County.....		9,760.00	9,760.00
2882-00 Cherokee County.....		2,766.00	2,766.00
2884-00 Chickasaw County.....		3,559.00	3,559.00
2886-00 Clarke County.....		2,444.00	2,444.00
2888-00 Clay County.....		3,274.00	3,274.00
2890-00 Clayton County.....	10,773.00		10,773.00
2892-00 Clinton County.....	29,589.00		29,589.00
2894-00 Crawford County.....		3,967.00	3,967.00
2896-00 Dallas County.....		5,161.00	5,161.00
2898-00 Davis County.....		2,399.00	2,399.00
2900-00 Decatur County.....		2,272.00	2,272.00
2902-00 Delaware County.....		4,863.00	4,863.00
2904-00 Des Moines County.....		9,373.00	9,373.00
2906-00 Dickinson County.....		3,170.00	3,170.00
2908-00 Dubuque County.....		20,309.00	20,309.00
2912-00 Emmet County.....		2,713.00	2,713.00
2914-00 Fayette County.....		5,361.00	5,361.00
2916-00 Floyd County.....		4,056.00	4,056.00
2918-00 Franklin County.....		2,482.00	2,482.00
2920-00 Fremont County.....		1,789.00	1,789.00
2922-00 Greene County.....		2,520.00	2,520.00
2924-00 Grundy County.....		1,910.00	1,910.00
2926-00 Guthrie County.....		2,586.00	2,586.00
2928-00 Hamilton County.....		3,434.00	3,434.00
2930-00 Hancock County.....		3,043.00	3,043.00
2932-00 Hardin County.....		3,827.00	3,827.00
2934-00 Harrison County.....		3,345.00	3,345.00
2936-00 Henry County.....		3,615.00	3,615.00
2938-00 Howard County.....		2,462.00	2,462.00
2940-00 Humboldt County.....		1,846.00	1,846.00
2942-00 Ida County.....		1,717.00	1,717.00
2944-00 Iowa County.....		2,608.00	2,608.00
2946-00 Jackson County.....	12,309.00		12,309.00
2948-00 Jasper County.....		6,386.00	6,386.00
2950-00 Jefferson County.....		3,639.00	3,639.00
2952-00 Johnson County.....	20,100.00		20,100.00



Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
2956-00 Jones County		4,530.00	4,530.00
2956-00 Keokuk County		3,029.00	3,029.00
2960-00 Kossuth County	9,815.00		9,815.00
2962-00 Lee County	27,131.00		27,131.00
2964-00 Linn County		31,402.00	31,402.00
2968-00 Louisa County		2,694.00	2,694.00
2970-00 Lucas County		2,318.00	2,318.00
2972-00 Lyon County		2,357.00	2,357.00
2974-00 Madison County		2,682.00	2,682.00
2976-00 Mahaska County	9,923.00		9,923.00
2978-00 Marion County		5,234.00	5,234.00
2980-00 Marshall County		6,839.00	6,839.00
2982-00 Mills County		2,339.00	2,339.00
2984-00 Mitchell County		2,253.00	2,253.00
2986-00 Monona County		2,380.00	2,380.00
2988-00 Monroe County		2,201.00	2,201.00
2990-00 Montgomery County		2,591.00	2,591.00
2992-00 Muscatine County		8,840.00	8,840.00
2994-00 O'Brien County		2,651.00	2,651.00
2996-00 Osceola County		1,500.00	1,500.00
2998-00 Page County	9,616.00		9,616.00
3000-00 Palo Alto County		2,253.00	2,253.00
3002-00 Plymouth County		4,610.00	4,610.00
3004-00 Pocahontas County		1,733.00	1,733.00
3006-00 Polk County		55,790.00	55,790.00
3010-00 Pottawattamie County		17,992.00	17,992.00
3014-00 Poweshiek County		3,317.00	3,317.00
3016-00 Ringgold County		1,534.00	1,534.00
3018-00 Sac County		2,864.00	2,864.00
3020-00 Scott County		30,082.00	30,082.00
3024-00 Shelby County		3,120.00	3,120.00
3026-00 Sioux County		4,423.00	4,423.00
3028-00 Story County	17,370.00		17,370.00
3030-00 Tama County		3,796.00	3,796.00
3032-00 Taylor County		1,860.00	1,860.00
3034-00 Union County		3,175.00	3,175.00
3036-00 Van Buren County		2,090.00	2,090.00
3038-00 Wapello County		8,746.00	8,746.00
3040-00 Warren County		5,629.00	5,629.00
3042-00 Washington County		3,966.00	3,966.00
3044-00 Wayne County		1,740.00	1,740.00
3046-00 Webster County		8,936.00	8,936.00
3048-00 Winnebago County		3,050.00	3,050.00
3050-00 Winneshiek County	9,128.00		9,128.00
3052-00 Woodbury County	44,176.00		44,176.00
3056-00 Worth County		1,955.00	1,955.00
3058-00 Wright County		2,616.00	2,616.00
3060-00 State Set-Aside Committee, IA		2,309.00	2,309.00
State Total	222,380.00	461,754.00	684,134.00
Kansas:			
3061-00 Manhattan/Pottawattamie, Riley Counties	31,560.00		31,560.00
3060-00 Allen County		6,008.00	6,008.00
3062-00 Anderson County		1,943.00	1,943.00
3064-00 Atchison County		6,612.00	6,612.00
3068-00 Barton County		11,460.00	11,460.00
3090-00 Bourbon County		7,426.00	7,426.00
3092-00 Brown County		5,656.00	5,656.00
3098-00 Chautauqua County		2,310.00	2,310.00
3100-00 Cherokee County	13,014.00		13,014.00
3114-00 Cowley County		10,570.00	10,570.00
3116-00 Crawford County	17,714.00		17,714.00
3122-00 Doniphan County		3,579.00	3,579.00
3124-00 Douglas County	31,017.00		31,017.00
3126-00 Edwards County		1,221.00	1,221.00
3130-00 Elk County		1,052.00	1,052.00
3140-00 Franklin County		6,393.00	6,393.00
3142-00 Geary County	14,641.00		14,641.00
3154-00 Greenwood County		2,987.00	2,987.00
3166-00 Jackson County		3,384.00	3,384.00
3168-00 Jefferson County		3,566.00	3,566.00
3162-00 Labette County	13,972.00		13,972.00
3166-00 Leavenworth County	25,794.00		25,794.00
3190-00 Linn County		3,080.00	3,080.00
3194-00 Lyon County	16,087.00		16,087.00
3208-00 Montgomery County	21,709.00		21,709.00
3210-00 Morris County		2,175.00	2,175.00
3216-00 Neosho County		7,106.00	7,106.00
3222-00 Osage County		3,825.00	3,825.00
3226-00 Pawnee County		1,221.00	1,221.00
3234-00 Pratt County		1,807.00	1,807.00
3236-00 Reno County		21,818.00	21,818.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
3242-00 Rice County.....		3,776.00	3,776.00
3246-00 Rooks County.....		1,107.00	1,107.00
3250-00 Russell County.....		1,925.00	1,925.00
3256-00 Sedgwick County.....		146,794.00	146,794.00
3260-00 Seward County.....		8,445.00	8,445.00
3262-00 Shawnee County.....		60,646.00	60,646.00
3268-00 Sherman County.....		2,350.00	2,350.00
3272-00 Stafford County.....		1,282.00	1,282.00
3284-00 Wabaunsee County.....		1,392.00	1,392.00
3292-00 Wilson County.....		4,477.00	4,477.00
3294-00 Woodson County.....		1,313.00	1,313.00
3296-00 Wyandotte County.....	133,776.00		133,776.00
3300-00 State Set-Aside Committee, KS.....		1,777.00	1,777.00
State Total.....	319,284.00	355,328.00	674,612.00
Kentucky:			
3316-00 Adair County.....	12,562.00		12,562.00
3318-00 Allen County.....	12,852.00		12,852.00
3324-00 Barron County.....	23,390.00		23,390.00
3326-00 Bath County.....	11,406.00		11,406.00
3328-00 Bell County.....	18,889.00	3,303.00	22,192.00
3334-00 Boyd County.....	30,547.00		30,547.00
3336-00 Boyle County.....	15,888.00		15,888.00
3340-00 Breathitt County.....	12,490.00		12,490.00
3342-00 Breckinridge County.....	10,122.00		10,122.00
3344-00 Bullitt County.....		9,549.00	9,549.00
3346-00 Butler County.....	9,580.00		9,580.00
3350-00 Calloway County.....	13,032.00		13,032.00
3352-00 Campbell County.....		2,206.00	2,206.00
3358-00 Carter County.....	24,763.00		24,763.00
3360-00 Casey County.....	10,285.00		10,285.00
3362-00 Christian County.....	30,077.00		30,077.00
3364-00 Clark County.....	20,064.00		20,064.00
3366-00 Clay County.....		21,139.00	21,139.00
3368-00 Clinton County.....		7,917.00	7,917.00
3372-00 Cumberland County.....		4,807.00	4,807.00
3374-00 Daviess County.....	48,713.00		48,713.00
3380-00 Elliot County.....		4,980.00	4,980.00
3382-00 Estill County.....	11,044.00		11,044.00
3384-00 Fayette County.....	81,122.00		81,122.00
3388-00 Floyd County.....	23,353.00		23,353.00
3390-00 Franklin County.....	20,263.00		20,263.00
3392-00 Fulton County.....		4,328.00	4,328.00
3398-00 Grant County.....	9,182.00		9,182.00
3400-00 Graves County.....	26,571.00		26,571.00
3402-00 Grayson County.....	15,111.00		15,111.00
3404-00 Green County.....		5,788.00	5,788.00
3406-00 Greenup County.....	19,901.00		19,901.00
3410-00 Hardin County.....	34,325.00		34,325.00
3412-00 Harlan County.....	21,456.00	3,540.00	24,996.00
3416-00 Hart County.....	11,279.00		11,279.00
3418-00 Henderson County.....	27,945.00		27,945.00
3424-00 Hopkins County.....	25,089.00		25,089.00
3426-00 Jackson County.....		10,511.00	10,511.00
3428-00 Jefferson County.....	366,569.00		366,569.00
3432-00 Jessamine County.....	12,653.00		12,653.00
3434-00 Johnson County.....	13,050.00		13,050.00
3436-00 Kenton County.....	58,366.00		58,366.00
3440-00 Knott County.....	9,652.00	3,073.00	12,725.00
3442-00 Knox County.....	13,267.00	10,468.00	23,735.00
3446-00 Laurel County.....	22,395.00		22,395.00
3448-00 Lawrence County.....		9,289.00	9,289.00
3450-00 Lee County.....		5,504.00	5,504.00
3452-00 Leslie County.....		10,963.00	10,963.00
3454-00 Letcher County.....	20,046.00		20,046.00
3456-00 Lewis County.....	14,370.00		14,370.00
3458-00 Lincoln County.....	14,189.00		14,189.00
3462-00 Logan County.....	17,244.00		17,244.00
3466-00 McCracken County.....	28,342.00		28,342.00
3468-00 Mc Creary County.....	11,333.00	3,146.00	14,479.00
3472-00 Madison County.....	25,414.00		25,414.00
3474-00 Magoffin County.....	10,176.00		10,176.00
3476-00 Marion County.....	14,442.00		14,442.00
3478-00 Marshall County.....		6,068.00	6,068.00
3480-00 Martin County.....		10,048.00	10,048.00
3484-00 Meade County.....	11,541.00		11,541.00
3486-00 Menifee County.....		3,407.00	3,407.00
3488-00 Mercer County.....	10,972.00		10,972.00
3490-00 Metcalfe County.....		7,072.00	7,072.00
3492-00 Monroe County.....		6,911.00	6,911.00
3494-00 Montgomery County.....	22,468.00		22,468.00
3496-00 Morgan County.....		9,690.00	9,690.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
3498-00 Muhlenberg County	19,720.00		19,720.00
3500-00 Nelson County	19,883.00		19,883.00
3504-00 Ohio County	13,846.00		13,846.00
3510-00 Owsley County		5,806.00	5,806.00
3514-00 Perry County	17,786.00	2,325.00	20,111.00
3516-00 Pike County	38,464.00		38,464.00
3518-00 Powell County	10,195.00		10,195.00
3520-00 Pulaski County	35,952.00		35,952.00
3522-00 Robertson County		1,147.00	1,147.00
3524-00 Rockcastle County	10,954.00		10,954.00
3526-00 Rowan County	9,869.00		9,869.00
3528-00 Russell County	21,510.00		21,510.00
3530-00 Scott County	10,466.00		10,466.00
3532-00 Shelby County	9,508.00		9,508.00
3534-00 Simpson County	10,195.00		10,195.00
3538-00 Taylor County	15,473.00		15,473.00
3548-00 Warren County	48,960.00		48,960.00
3550-00 Washington County		4,598.00	4,598.00
3552-00 Wayne County	10,393.00	2,547.00	12,940.00
3556-00 Whitley County	15,436.00	4,492.00	19,928.00
3558-00 Wolfe County		5,558.00	5,558.00
3562-00 State Set-Aside Committee, KY			0.00
State Total	1,647,373.00	180,188.00	1,827,571.00
<b>Louisiana</b>			
3564-00 Shreveport/Bossier, Caddo Parishes	191,889.00		191,889.00
3574-00 Acadia Parish	29,680.00		29,680.00
3576-00 Allen Parish	18,636.00		18,636.00
3578-00 Ascension Parish	35,121.00		35,121.00
3580-00 Assumption Parish	12,273.00		12,273.00
3582-00 Avoyelles Parish	32,138.00		32,138.00
3584-00 Beauregard Parish	16,340.00		16,340.00
3586-00 Bienville Parish	9,779.00		9,779.00
3598-00 Calcasieu Parish	101,801.00		101,801.00
3602-00 Caldwell Parish		1,979.00	1,979.00
3604-00 Cameron Parish		1,854.00	1,854.00
3606-00 Catahoula Parish		2,782.00	2,782.00
3608-00 Claiborne Parish		3,631.00	3,631.00
3610-00 Concordia Parish	21,528.00		21,528.00
3612-00 De Soto Parish	17,370.00		17,370.00
3614-00 East Baton Rouge Parish	191,545.00		191,545.00
3618-00 East Carroll Parish		3,087.00	3,087.00
3620-00 East Feliciana Parish		3,387.00	3,387.00
3622-00 Evangeline Parish	18,563.00		18,563.00
3624-00 Franklin Parish	16,196.00		16,196.00
3626-00 Grant Parish	10,773.00		10,773.00
3628-00 Iberia Parish	30,584.00		30,584.00
3630-00 Iberville Parish	20,534.00		20,534.00
3632-00 Jackson Parish		2,444.00	2,444.00
3634-00 Jefferson Parish		89,826.00	89,826.00
3638-00 Jefferson Davis Parish	17,587.00		17,587.00
3640-00 Lafayette Parish	71,687.00		71,687.00
3644-00 Lafourche Parish	33,421.00		33,421.00
3648-00 Lincoln Parish	12,695.00		12,695.00
3650-00 Livingston Parish	50,955.00		50,955.00
3652-00 Madison Parish	16,836.00		16,836.00
3654-00 Morehouse Parish	22,974.00		22,974.00
3656-00 Natchitoches Parish	21,221.00		21,221.00
3658-00 New Orleans City/Orleans	239,897.00		239,897.00
3660-00 Ouachita Parish	78,447.00		78,447.00
3664-00 Plaquemines Parish	10,032.00		10,032.00
3668-00 Pointe Coupee Parish	16,214.00		16,214.00
3669-00 Rapides Parish	70,187.00		70,187.00
3674-00 Richland Parish	16,539.00		16,539.00
3678-00 Sabine Parish	10,701.00		10,701.00
3679-00 St Bernard Parish		32,081.00	32,081.00
3680-00 St Charles Parish	20,642.00		20,642.00
3682-00 St Helena Parish		2,048.00	2,048.00
3684-00 St James Parish	14,384.00		14,384.00
3686-00 St John Baptist Parish	26,300.00		26,300.00
3688-00 St Landry Parish	51,587.00		51,587.00
3690-00 St Martin Parish	23,552.00		23,552.00
3692-00 St Mary Parish	31,216.00		31,216.00
3694-00 St Tammany Parish	68,397.00		68,397.00
3696-00 Tangipahoa Parish	61,149.00		61,149.00
3698-00 Tensas Parish		1,987.00	1,987.00
3700-00 Terrebonne Parish	41,917.00		41,917.00
3702-00 Union Parish	11,749.00		11,749.00
3704-00 Vermilion Parish	24,789.00		24,789.00
3706-00 Vernon Parish	21,853.00		21,853.00
3708-00 Washington Parish	28,957.00		28,957.00
3710-00 Webster Parish	29,246.00		29,246.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
3712-00 West Baton Rouge Parish.....	12,273.00		12,273.00
3714-00 West Carroll Parish.....	14,804.00		14,804.00
3716-00 West Feliciana Parish.....		2,579.00	2,579.00
3718-00 Winn Parish.....		2,840.00	2,840.00
3720-00 State Set-Aside Committee, LA.....		756.00	756.00
State Total.....	1,940,885.00	151,191.00	2,092,076.00
Maine:			
3726-00 Androscoggin County.....	87,087.00		87,087.00
3728-00 Aroostook County.....	65,162.00		65,162.00
3730-00 Cumberland County.....	137,825.00		137,825.00
3734-00 Franklin County.....	20,461.00		20,461.00
3736-00 Hancock County.....	33,078.00		33,078.00
3738-00 Kennebec County.....	70,530.00		70,530.00
3740-00 Knox County.....	23,335.00		23,335.00
3742-00 Lincoln County.....	16,123.00		16,123.00
3744-00 Oxford County.....	43,634.00		43,634.00
3746-00 Penobscot County.....	96,017.00		96,017.00
3748-00 Piscataquis County.....	13,755.00		13,755.00
3750-00 Sagadahoc County.....	15,924.00		15,924.00
3752-00 Somerset County.....	43,815.00		43,815.00
3754-00 Waldo County.....	28,053.00		28,053.00
3756-00 Washington County.....	28,794.00		28,794.00
3760-00 State Set-Aside Committee, ME.....		47,535.00	47,535.00
State Total.....	723,593.00	47,535.00	771,128.00
Maryland:			
3774-00 Allegany County.....	59,830.00		59,830.00
3776-00 Anne Arundel County.....	179,145.00		179,145.00
3778-00 Baltimore County.....	386,254.00		386,254.00
3780-00 Calvert County.....		11,519.00	11,519.00
3782-00 Caroline County.....	17,407.00		17,407.00
3784-00 Carroll County.....		20,074.00	20,074.00
3786-00 Cecil County.....	58,600.00		58,600.00
3788-00 Charles County.....		23,791.00	23,791.00
3790-00 Dorchester County.....	28,161.00		28,161.00
3792-00 Frederick County.....		39,454.00	39,454.00
3794-00 Garrett County.....	26,499.00		26,499.00
3796-00 Harford County.....		34,356.00	34,356.00
3798-00 Howard County.....		23,242.00	23,242.00
3800-00 Kent County.....	11,622.00		11,622.00
3802-00 Montgomery County.....		117,577.00	117,577.00
3806-00 Prince Georges County.....		160,698.00	160,698.00
3808-00 Queen Annes County.....		6,728.00	6,728.00
3810-00 St. Marys County.....		22,877.00	22,877.00
3812-00 Somerset County.....	26,932.00		26,932.00
3814-00 Talbot County.....		8,576.00	8,576.00
3816-00 Washington County.....	93,269.00		93,269.00
3818-00 Wicomico County.....	52,798.00		52,798.00
3820-00 Worcester County.....	36,295.00		36,295.00
3822-00 Baltimore City.....	566,447.00		566,447.00
3824-00 State Set-Aside Committee, MD.....		2,356.00	2,356.00
State Total.....	1,543,259.00	471,248.00	2,014,507.00
Massachusetts:			
3826-00 Barnstable, Dukes, Nantucket Counties.....			0.00
4476-00 Barnstable County.....	178,133.00		178,133.00
4478-00 Berkshire County.....	122,732.00		122,732.00
4482-00 Bristol County.....	514,029.00		514,029.00
4488-00 Dukes County.....	10,827.00		10,827.00
4490-00 Essex County.....	535,918.00		535,918.00
4500-00 Franklin County.....		24,637.00	24,637.00
4502-00 Hampden County.....	331,340.00		331,340.00
4508-00 Hampshire County.....	96,179.00		96,179.00
4510-00 Middlesex County.....	923,798.00		923,798.00
4530-00 Nantucket County/Town.....		1,000.00	1,000.00
4532-00 Norfolk County.....	408,613.00		408,613.00
4540-00 Plymouth County.....	376,113.00		376,113.00
4550-00 Suffolk County.....	487,385.00		487,385.00
4554-00 Worcester County.....	569,538.00		569,538.00
4558-00 State Set-Aside Committee, MA.....		128.00	128.00
State Total.....	4,554,605.00	25,765.00	4,580,370.00
Michigan:			
4560-00 Lansing/Eaton, Ingham Counties.....	245,952.00		245,952.00
4632-00 Alcona County.....	10,773.00		10,773.00
4634-00 Alger County.....		3,073.00	3,073.00
4636-00 Allegan County.....		34,912.00	34,912.00
4638-00 Alpena County.....	29,409.00		29,409.00
4640-00 Antrim County.....	18,726.00		18,726.00
4642-00 Arenac County.....	11,351.00		11,351.00
4644-00 Baraga County.....		4,773.00	4,773.00
4646-00 Barry County.....	35,139.00		35,139.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
4648-00 Bay County	83,635.00		83,635.00
4650-00 Benzie County	14,334.00		14,334.00
4652-00 Berrien County	115,719.00		115,719.00
4654-00 Branch County	26,782.00		27,782.00
4656-00 Calhoun County	92,474.00		92,474.00
4660-00 Cass County	36,693.00		36,693.00
4662-00 Charlevoix County	19,214.00		19,214.00
4664-00 Cheboygan County	27,290.00		37,290.00
4666-00 Chippewa County	30,312.00		30,312.00
4668-00 Clare County	20,769.00		20,769.00
4670-00 Clinton County		15,337.00	15,337.00
4672-00 Crawford County		6,830.00	6,830.00
4674-00 Delta County	34,470.00		34,470.00
4676-00 Dickinson County	21,094.00		21,094.00
4682-00 Emmet County	27,710.00		27,710.00
4684-00 Genesee County	380,524.00		380,524.00
4688-00 Gladwin County	16,593.00		16,593.00
4690-00 Gogebic County	10,737.00		10,737.00
4692-00 Grand Traverse County		21,281.00	21,281.00
4694-00 Gratiot County	33,819.00		33,819.00
4696-00 Hillsdale County	37,760.00		37,760.00
4698-00 Houghton County	19,937.00		19,937.00
4700-00 Huron County	35,283.00		35,283.00
4708-00 Ionia County	51,388.00		51,388.00
4710-00 Iosco County	19,576.00		19,576.00
4712-00 Iron County	9,761.00		9,761.00
4714-00 Isabella County	31,180.00		31,180.00
4716-00 Jackson County	106,753.00		106,753.00
4718-00 Kalamazoo County	116,839.00		116,839.00
4722-00 Kalkaska County	12,870.00		12,870.00
4724-00 Kent County	339,727.00		339,727.00
4730-00 Keweenaw County		691.00	691.00
4732-00 Lake County		8,418.00	8,418.00
4734-00 Lapeer County	74,850.00		74,850.00
4736-00 Leelanau County		5,252.00	5,252.00
4738-00 Lenawee County	79,966.00		79,966.00
4740-00 Livingston County		25,753.00	25,753.00
4742-00 Luce County		3,615.00	3,615.00
4744-00 Mackinac County	24,546.00		24,546.00
4746-00 Macomb County	571,906.00		571,906.00
4758-00 Mainstee County	19,485.00		19,485.00
4760-00 Marquette County	49,707.00		49,707.00
4762-00 Mason County	21,510.00		21,510.00
4764-00 Mecosta County	25,486.00		25,486.00
4766-00 Menominee County	18,148.00		18,148.00
4768-00 Midland County	40,453.00		40,453.00
4770-00 Missaukee County	11,026.00		11,026.00
4772-00 Monroe County	121,431.00		121,431.00
4774-00 Montcalm County	60,661.00		60,661.00
4776-00 Montmorency County	10,231.00		10,231.00
4778-00 Muskegon County	132,077.00		132,077.00
4780-00 Newaygo County	37,217.00		37,217.00
4782-00 Oakland County	671,520.00		671,520.00
4796-00 Oceana County	23,679.00		23,679.00
4798-00 Ogemaw County	13,773.00		13,773.00
4800-00 Ontonagon County		3,480.00	3,480.00
4802-00 Osceola County	20,353.00		20,353.00
4804-00 Oscoda County		4,836.00	4,836.00
4806-00 Otsego County	14,099.00		14,099.00
4808-00 Ottawa County		41,060.00	41,060.00
4810-00 Presque Isle County	14,804.00		14,804.00
4812-00 Roscommon County	12,436.00		12,436.00
4814-00 Saginaw County	149,917.00		149,917.00
4818-00 St. Clair County	131,372.00		131,372.00
4820-00 St. Joseph County	54,696.00		54,696.00
4822-00 Sanilac County	43,544.00		43,544.00
4824-00 Schoolcraft County	9,688.00		9,688.00
4826-00 Shiawassee County	70,476.00		70,476.00
4828-00 Tuscola County	52,527.00		52,527.00
4830-00 Van Buren County	61,872.00		61,872.00
4832-00 Washtenaw County	157,455.00		157,455.00
4836-00 Wayne County	645,003.00		645,003.00
4844-00 Detroit City	1,000,727.00		1,000,727.00
4854-00 Wexford County	29,047.00		29,047.00
4856-00 State Set-Aside Committee, MI		901.00	901.00
State Total	6,611,281.00	180,212.00	6,791,493.00
Minnesota			
4857-00 St. Cloud City/Benton, Sherburne, Stearns	109,862.00		109,862.00
4858-00 Dakota, Ramsey, Washington Cos.		183,197.00	183,197.00
4859-02 Goodhue, Rice		16,800.00	16,800.00
4859-09 Prairie Five Area		14,729.00	14,729.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
4859-10 Scott, Carver .....		14,093.00	14,093.00
4859-11 Southwestern Minnesota .....		12,519.00	12,519.00
4859-15 Cottonwood/Lincoln/Jackson/Redwood .....		12,677.00	12,677.00
4859-17 Minnesota Valley II .....		33,826.00	33,826.00
4859-18 Mower/Houston/Dodge/Steele .....		20,129.00	20,129.00
4559-20 West Central Minnesota II .....		10,766.00	10,766.00
4898-00 Aitkin County .....	10,231.00		10,231.00
4900-00 Anoka County .....		43,347.00	43,347.00
4902-00 Becker County .....	18,744.00		18,744.00
4904-00 Beltrami County .....	20,136.00		20,136.00
4910-00 Blue Earth County .....	18,383.00		18,383.00
4914-00 Carlton County .....		7,616.00	7,616.00
4918-00 Cass County .....	16,901.00		16,901.00
4922-00 Chisago County .....		6,074.00	6,074.00
4924-00 Clay County .....	21,962.00		21,962.00
4926-00 Clearwater County .....	10,791.00		10,791.00
4928-00 Cook County .....		1,033.00	1,033.00
4932-00 Crow Wing County .....	26,807.00		26,807.00
4938-00 Douglas County .....	14,587.00		14,587.00
4942-00 Fillmore County .....	10,664.00		10,664.00
4944-00 Freeborn County .....		7,690.00	7,690.00
4950-00 Hennepin County .....	479,053.00		479,053.00
4964-00 Hubbard County .....	11,243.00		11,243.00
4966-00 Isanti County .....		5,134.00	5,134.00
4968-00 Itasca County .....	29,824.00		29,824.00
4972-00 Kanabec County .....	11,659.00		11,659.00
4974-00 Kandiyohi County .....	16,864.00		16,864.00
4976-00 Kittson County .....		1,730.00	1,730.00
4978-00 Koochiching County .....	14,442.00		14,442.00
4982-00 Lake County .....		2,670.00	2,670.00
4984-00 Lake of the Woods County .....		1,223.00	1,223.00
4990-00 Lyon County .....	9,743.00		9,743.00
4992-00 McLeod County .....		5,150.00	5,150.00
4994-00 Mahnomon County .....		2,854.00	2,854.00
4996-00 Marshall County .....	12,960.00		12,960.00
5000-00 Meeker County .....	15,238.00		15,238.00
5002-00 Mille Lacs County .....	13,213.00		13,213.00
5004-00 Morrison County .....	25,830.00		25,830.00
5014-00 Norman County .....		2,686.00	2,686.00
5016-00 Olmsted County .....		26,267.00	26,267.00
5020-00 Otter Tail County .....	29,969.00		29,969.00
5022-00 Pennington County .....	11,749.00		11,749.00
5024-00 Pine County .....	17,877.00		17,877.00
5026-00 Polk County .....	20,281.00		20,281.00
5036-00 Red Lake County .....		1,910.00	1,910.00
5040-00 Renville County .....	9,291.00		9,291.00
5046-00 Roseau County .....	9,652.00		9,652.00
5048-00 St. Louis County .....	106,500.00		106,500.00
5066-00 Todd County .....	16,557.00		16,557.00
5070-00 Wabasha County .....	9,544.00		9,544.00
5072-00 Wadena County .....		5,205.00	5,205.00
5080-00 Wilkin County .....		3,511	3,511.00
5082-00 Winona County .....	24,257.00		24,257.00
5084-00 Wright County .....		12,920.00	12,920.00
5088-00 State Set-Aside Committee, MN .....		2,290.00	2,290.00
<b>State Total .....</b>	<b>1,174,614.00</b>	<b>458,046.00</b>	<b>1,632,660.00</b>
<b>Mississippi:</b>			
5089-00 Hattiesburg/Forrest, Lamar Counties .....	53,503.00		53,503.00
5090-00 Adams County .....	25,685.00		25,685.00
5092-00 Alcorn County .....	30,096.00		30,096.00
5096-00 Attala County .....	17,913.00		17,913.00
5100-00 Bolivar County .....	27,059.00		27,059.00
5102-00 Calhoun County .....	11,876.00		11,876.00
5106-00 Chickasaw County .....	23,263.00		23,263.00
5110-00 Claiborne County .....	10,430.00		10,430.00
5112-00 Clarke County .....	11,062.00		11,062.00
5114-00 Clay County .....	18,997.00		18,997.00
5116-00 Coahoma County .....	24,239.00		24,239.00
5118-00 Copiah County .....	20,642.00		20,642.00
5120-00 Covington County .....	13,087.00		13,087.00
5122-00 De Soto County .....	38,681.00		38,681.00
5128-00 George County .....	14,207.00		14,207.00
5130-00 Greene County .....	9,164.00		9,164.00
5132-00 Grenada County .....	19,738.00		19,738.00
5134-00 Hancock County .....	16,901.00		16,901.00
5136-00 Harrison County .....	90,576.00		90,576.00
5138-00 Hinds County .....	150,586.00	50,371.00	200,957.00
5142-00 Holmes County .....	17,804		17,804.00
5148-00 Itawamba County .....	16,756.00		16,756.00
5150-00 Jackson County .....	76,405.00		76,405.00
5152-00 Jasper County .....	13,575.00		13,575.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
5152-00 Jefferson County.....	13,792.00		13,792.00
5156-00 Jefferson Davis County.....	15,003.00		15,003.00
5158-00 Jones County.....	37,163.00		37,163.00
5162-00 Lafayette County.....	10,954.00		10,954.00
5166-00 Lauderdale County.....	48,135.00		48,135.00
5168-00 Lawrence County.....	9,779.00		9,779.00
5170-00 Leake County.....	13,792.00		13,792.00
5172-00 Lee County.....	52,889.00		52,889.00
5174-00 Leflore County.....	37,217.00		37,217.00
5176-00 Lincoln County.....	22,793.00		22,793.00
5178-00 Lowndes County.....	40,127.00		40,127.00
5180-00 Madison County.....	32,409.00		32,409.00
5182-00 Marion County.....	17,624.00		17,624.00
5184-00 Marshall County.....	30,909.00		30,909.00
5186-00 Monroe County.....	32,192.00		32,192.00
5188-00 Montgomery County.....	9,815.00		9,815.00
5190-00 Neshoba County.....	18,365.00		18,365.00
5192-00 Newton County.....	10,809.00		10,809.00
5194-00 Noxubee County.....	12,147.00		12,147.00
5196-00 Oktibbeha County.....	17,135.00		17,135.00
5198-00 Panola County.....	22,829.00		22,829.00
5200-00 Pearl River County.....	27,818.00		27,818.00
5204-00 Pike County.....	25,288.00		25,288.00
5206-00 Pontotoc County.....	15,744.00		15,744.00
5208-00 Prentiss County.....	25,360.00		25,360.00
5210-00 Quitman County.....	9,381.00		9,381.00
5212-00 Rankin County.....	38,302.00		38,302.00
5214-00 Scott County.....	14,858.00		14,858.00
5218-00 Simpson County.....	13,014.00		13,014.00
5220-00 Smith County.....	9,128.00		9,128.00
5224-00 Sunflower County.....	30,367.00		30,367.00
5226-00 Tallahatchie County.....	14,442.00		14,442.00
5228-00 Tate County.....	16,593.00		16,593.00
5230-00 Tippah County.....	19,088.00		19,088.00
5232-00 Tishomingo County.....	20,335.00		20,335.00
5236-00 Union County.....	17,461.00		17,461.00
5240-00 Warren County.....	32,445.00		32,445.00
5242-00 Washington County.....	57,371.00		57,371.00
5244-00 Wayne County.....	18,383.00		18,383.00
5250-00 Winston County.....	16,919.00		16,919.00
5254-00 Yazoo County.....	14,262.00		14,262.00
5256-00 State Set-Aside Committee, MS.....		253.00	253.00
State Total.....	1,694,682.00	50,624.00	1,745,306.00
Missouri:			
5257-00 Joplin/Jasper, Newton Counties.....	74,597.00		74,597.00
5258-00 Kansas City/Clay, Jackson, Platte Cos.....	495,266.00		495,266.00
5269-01 District 1, MO.....		33,705.00	33,705.00
5269-02 District 2, MO.....		16,205.00	16,205.00
5269-04 District 4, MO.....		12,054.00	12,054.00
5269-05 District 5, MO.....		10,763.00	10,763.00
5269-07 District 7.....		29,975.00	29,975.00
5269-10 District 10, MO.....		148,841.00	148,841.00
5269-11 District 11, MO.....		2,937.00	2,937.00
5269-12 District 12, MO.....		17,895.00	17,895.00
5269-13 District 13, MO.....		40,463.00	40,463.00
5269-14 District 14, MO.....		18,607.00	18,607.00
5269-15 District 15, MO.....		19,747.00	19,747.00
5269-16 District 16, MO.....		9,098.00	9,098.00
5269-17 District 17, MO.....		34,116.00	34,116.00
5269-19 District 19, MO.....		41,573.00	41,573.00
5278-00 Audrain County.....	12,418.00		12,418.00
5280-00 Barry County.....	13,466.00		13,466.00
5282-00 Barton County.....		4,130.00	4,130.00
5286-00 Benton County.....	9,218.00		9,218.00
5290-00 Boone County.....	38,031.00		38,031.00
5294-00 Buchanan County.....	56,558.00		56,558.00
5298-00 Butler County.....	25,667.00		25,667.00
5304-00 Camden County.....	20,823.00		20,823.00
5306-00 Cape Girardeau County.....	30,927.00		30,927.00
5318-00 Christian County.....	19,666.00		19,666.00
5332-00 Crawford County.....	17,967.00		17,967.00
5346-00 Dunklin County.....	22,215.00		22,215.00
5348-00 Franklin County.....	76,170.00		76,170.00
5350-00 Gasconade County.....	9,598.00		9,598.00
5354-00 Greene County.....	97,535.00		97,535.00
5362-00 Henry County.....	12,346.00		12,346.00
5370-00 Howell County.....	17,931.00		17,931.00
5382-00 Jefferson County.....	139,343.00		139,343.00
5384-00 Johnson County.....	17,262.00		17,262.00
5388-00 Laclede County.....	27,619.00		27,619.00
5392-00 Lawrence County.....	14,912.00		14,912.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
5396-00 Lincoln County .....	21,618.00		21,618.00
5398-00 Linn County .....	90,797.00		9,797.00
5402-00 McDonald County .....		9,296.00	9,296.00
5404-00 Macon County .....	9,110.00		9,110.00
5406-00 Madison County .....	9,092.00		9,092.00
5410-00 Marion County .....	15,997.00		15,997.00
5414-00 Miller County .....	20,335.00		20,335.00
5416-00 Mississippi County .....	12,129.00		12,129.00
5424-00 Morgan County .....	10,411.00		10,411.00
5428-00 New Madrid County .....	16,684.00		16,684.00
5438-00 Pemiscot County .....	15,545.00		15,545.00
5440-00 Perry County .....	9,761.00		9,761.00
5442-00 Pettis County .....	23,606.00		23,606.00
5444-00 Phelps County .....	17,027.00		17,027.00
5446-00 Pike County .....	10,231.00		10,231.00
5452-00 Polk County .....	11,153.00		11,153.00
5454-00 Pulaski County .....	15,527.00		15,527.00
5460-00 Randolph County .....	14,985.00		14,985.00
5462-00 Ray County .....	15,671.00		15,671.00
5472-00 Ste. Genevieve County .....	9,941.00		9,941.00
5474-00 St. Francois County .....	39,187.00		39,187.00
5480-00 Saline County .....	15,129.00		15,129.00
5486-00 Scott County .....	28,433.00		28,433.00
5492-00 Stoddard County .....	21,745.00		21,745.00
5494-00 Stone County .....	17,768.00		17,768.00
5496-00 Taney County .....	28,577.00		28,577.00
5500-00 Texas County .....	15,057.00		15,057.00
5504-00 Warren County .....	15,364.00		15,364.00
5506-00 Washington County .....	22,088.00		22,088.00
5508-00 Wayne County .....	11,532.00		11,532.00
5510-00 Webster County .....	17,117.00		17,117.00
5514-00 Wright County .....	14,388.00		14,388.00
5516-00 St. Louis City .....	296,834.00		296,834.00
5518-00 State Set-Aside Committee, MO .....			0.00
<b>State Total .....</b>	<b>2,061,374.00</b>	<b>449,405.00</b>	<b>2,510,779.00</b>
<b>Montana:</b>			
5524-00 Anaconda/Deer Lodge Co .....		2,224.84	2,224.84
5528-00 Beaverhead County .....		1,473.57	1,473.57
5530-00 Big Horn County .....	9,544.00		9,544.00
5532-00 Blaine County .....		2,432.83	2,432.83
5534-00 Broadwater County .....		1,000.00	1,000.00
5536-00 Carbon County .....		1,541.63	1,541.63
5538-00 Carter County .....		1,000.00	1,000.00
5540-00 Cascade County .....	39,639.00		39,639.00
5544-00 Chouteau County .....		1,063.89	1,063.89
5546-00 Custer County .....		2,447.96	2,447.96
5548-00 Daniels County .....		1,000.00	1,000.00
5550-00 Dawson County .....		1,368.94	1,368.94
5554-00 Fallon County .....		1,000.00	1,000.00
5556-00 Fergus County .....		3,399.66	3,399.66
5558-00 Flathead County .....	49,183.00		49,183.00
5560-00 Gallatin County .....	19,540.00		19,540.00
5562-00 Garfield County .....		1,000.00	1,000.00
5564-00 Glacier County .....	10,303.00		10,303.00
5566-00 Golden Valley County .....		1,000.00	1,000.00
5568-00 Granite County .....		1,000.00	1,000.00
5570-00 Hill County .....	9,815.00		9,815.00
5572-00 Jefferson County .....		1,000.00	1,000.00
5574-00 Judith Basin County .....		1,000.00	1,000.00
5576-00 Lake County .....	16,431.00		16,431.00
5578-00 Lewis and Clark County .....		6,374.52	6,374.52
5580-00 Liberty County .....		1,000.00	1,000.00
5582-00 Lincoln County .....	23,605.00		23,605.00
5584-00 McCone County .....		1,053.80	1,053.80
5586-00 Madison County .....		1,000.00	1,000.00
5588-00 Meagher County .....		1,000.00	1,000.00
5590-00 Mineral County .....		1,000.00	1,000.00
5592-00 Missoula County .....	47,340.00		43,340.00
5594-00 Musselshell County .....		1,142.04	1,142.04
5596-00 Park County .....	9,363.00		9,363.00
5598-00 Petroleum County .....		1,000.00	1,000.00
5600-00 Phillips County .....		1,319.78	1,319.78
5602-00 Pondera County .....		1,321.04	1,321.04
5604-00 Powder River County .....		1,000.00	1,000.00
5606-00 Powell County .....		1,118.09	1,118.09
5608-00 Prairie County .....		1,000.00	1,000.00
5610-00 Ravalli County .....	21,419.00		21,419.00
5612-00 Richland County .....		2,008.03	2,008.03
5614-00 Roosevelt County .....		2,718.97	2,718.97
5616-00 Rosebud County .....		2,710.15	2,710.15
5618-00 Sanders County .....		1,934.92	1,934.92



Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
5620-00 Sheridan County .....		1,000.00	1,000.00
5622-00 Silver Bow County .....	20,769.00		20,769.00
5624-00 Stillwater County .....		1,260.53	1,260.53
5626-00 Sweet Grass County .....		1,000.00	1,000.00
5628-00 Teton County .....		1,350.03	1,350.03
5630-00 Toole County .....		1,167.26	1,167.26
5632-00 Treasure County .....		1,000.00	1,000.00
5634-00 Valley County .....		2,049.63	2,049.63
5636-00 Wheatland County .....		1,000.00	1,000.00
5638-00 Wibaux County .....		1,000.00	1,000.00
5640-00 Yellowstone County .....		6,409.82	6,409.82
5642-00 Billings City .....		10,970.43	10,970.43
5644-00 State Set-Aside Committee, MT .....		9,456.64	9,456.64
State Total .....	277,151.00	91,319.00	368,470.00
Nebraska:			
5646-00 Central Nebraska Region .....		17,344.00	17,344.00
5648-00 Greater Lincoln/Saunders Co. Area .....		10,357.00	10,357.00
5650-00 Greater Omaha Area .....		9,418.00	9,418.00
5652-00 Mid-Nebraska Region .....		14,931.00	14,931.00
5654-00 Northeast Nebraska Region .....		17,354.00	17,354.00
5656-00 Northwest Nebraska Region .....		13,186.00	13,186.00
5658-00 Panhandle Region .....		15,464.00	15,464.00
5660-00 Southeast Region A .....		15,832.00	15,832.00
5662-00 Southeast Region B .....		12,366.00	12,366.00
5722-00 Douglas County .....	111,995.00		111,995.00
5828-00 Scotts Bluff County .....	11,098.00		11,098.00
5958-00 State Set-Aside Committee, NE .....		635.00	635.00
State Total .....	123,093.00	126,907.00	250,000.00
Nevada:			
5659-01 East Slope, NV .....		78,859.00	78,859.00
5665-00 North Rural Nevada .....		13,916.00	13,916.00
5666-00 Churchill County .....	9,237.00		9,237.00
5668-00 Clark County .....	419,422.00		419,422.00
5674-00 Elko County .....	13,755.00		13,755.00
5906-00 State Set-Aside Committee, NV .....			0.00
State Total .....	442,414.00	92,775.00	535,189.00
New Hampshire:			
5906-00 Belknap, Merrimack Cos. ....		61,672.00	61,672.00
5918-00 Carroll County .....	23,769.00		23,769.00
5921-00 Cheshire & Sullivan Counties .....		55,118.00	55,118.00
5922-00 Coos County .....	27,005.00		27,005.00
5924-00 Grafton County .....	48,135.00		48,135.00
5926-00 Hillsborough County .....		84,010.00	84,010.00
5936-00 Rockingham County .....		58,990.00	58,990.00
5938-00 Strafford County .....		38,136.00	38,136.00
5942-00 State Set-Aside Committee, NH .....		0.00	0.00
State Total .....	98,909.00	297,931.00	396,840.00
New Jersey:			
5948-00 Atlantic County .....	189,141.00		189,141.00
5950-00 Bergen County .....	381,482.00		381,482.00
5952-00 Burlington County .....	175,368.00		175,368.00
5954-00 Camden County .....	268,854.00		268,854.00
5960-00 Cape May County .....	77,074.00		77,074.00
5962-00 Cumberland County .....	109,049.00		109,049.00
5966-00 Essex County .....	253,779.00		253,779.00
5974-00 Newark City .....	271,149.00		271,149.00
5976-00 Gloucester County .....		38,915.00	38,915.00
5978-00 Hudson County .....	418,319.00		418,319.00
5986-00 Hunterdon County .....		38,915.00	38,915.00
5988-00 Mercer County .....	161,068.00		161,068.00
5994-00 Middlesex County .....	363,967.00		363,967.00
6004-00 Monmouth County .....	292,858.00		292,858.00
6008-00 Morris County .....		38,915.00	38,915.00
6012-00 Ocean County .....	233,607.00		233,607.00
6018-00 Passaic County .....	316,844.00		316,844.00
6028-00 Salem County .....	29,969.00	10,041.00	40,010.00
6030-00 Somerset County .....		38,915.00	38,915.00
6032-00 Sussex County .....		38,915.00	38,915.00
6034-00 Union County .....	304,661.00		304,661.00
6040-00 Warren County .....		38,915.00	38,915.00
6042-00 State Set-Aside Committee, NJ .....			0.00
State Total .....	3,847,209.00	243,531.00	4,090,740.00
New Mexico:			
6044-00 Bernalillo County .....	263,178.00		263,178.00
6048-00 Catron County .....		5,170.00	5,170.00
6050-00 Chaves County .....	28,686.00		28,686.00
6052-00 Cibola County .....	20,751.00		20,751.00
6054-00 Colfax County .....	9,291.00		9,291.00
6056-00 Curry County .....	20,425.00		20,425.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
6060-00 Dona Ana County .....	81,339.00		81,339.00
6064-00 Eddy County .....	25,504.00		25,504.00
6066-00 Grant County .....	15,852.00		15,852.00
6068-00 Guadalupe County .....		1,715.00	1,715.00
6074-00 Lea County .....	20,407.00		20,407.00
6080-00 Luna County .....	17,913.00		17,913.00
6082-00 McKinley County .....	35,337.00		35,337.00
6084-00 Mora County .....		13,515.00	13,515.00
6086-00 Otero County .....	28,017.00		28,017.00
6090-00 Rio Arriba County .....	36,675.00		36,675.00
6094-00 Sandoval County .....	37,525.00		37,525.00
6096-00 San Juan County .....	62,342.00		62,342.00
6098-00 San Miguel County .....	18,817.00		18,817.00
6100-00 Santa Fe County .....	46,363.00		46,363.00
6106-00 Socorro County .....		3,050.00	3,050.00
6108-00 Taos County .....	31,704.00		31,704.00
6114-00 Valencia County .....	27,240.00		27,240.00
6116-00 State Set-Aside Committee, NM .....			0.00
State Total .....	827,366.00	26,890.00	854,256.00
New York:			
6120-00 Albany County .....	105,705.00		105,705.00
6126-00 Allegany County .....	26,029.00		26,029.00
6130-00 Broome County .....	92,004.00		92,004.00
6136-00 Cattaraugus County .....	52,274.00		52,274.00
6138-00 Cayuga County .....	53,720.00		53,720.00
6140-00 Chautauqua County .....	77,489.00		77,489.00
6142-00 Chemung County .....	45,432.00		45,532.00
6144-00 Chenango County .....	28,270.00		28,270.00
6146-00 Clinton County .....	46,309.00		46,309.00
6148-00 Columbia County .....		10,652.00	10,652.00
6150-00 Cortland County .....	27,746.00		27,746.00
6152-00 Delaware County .....	22,088.00	1,699.00	23,787.00
6154-00 Dutchess County .....	100,752.00		100,752.00
6156-00 Erie County .....	497,688.00		497,688.00
6168-00 Essex County .....	31,126.00		31,126.00
6170-00 Franklin County .....	36,585.00	3,301.00	39,886.00
6172-00 Fulton County .....	45,098.00	3,056.00	48,154.00
6174-00 Genesee County .....		9,279.00	9,279.00
6176-00 Greene County .....	24,438.00		24,438.00
6178-00 Hamilton County .....		4,423.00	4,423.00
6180-00 Herkimer County .....	41,501.00		41,501.00
6182-00 Jefferson County .....	78,773.00	1,747.00	80,520.00
6186-00 Lewis County .....	18,835.00		18,835.00
6188-00 Livingston County .....		10,432.00	10,432.00
6190-00 Madison County .....	37,344.00	2,159.00	39,503.00
6192-00 Monroe County .....	261,262.00		261,262.00
6200-00 Montgomery County .....		43,414.00	43,414.00
6202-00 Nassau County .....	563,320.00		563,320.00
6212-00 Niagara County .....	128,426.00		128,426.00
6216-00 Oneida County .....	109,302.00		109,302.00
6220-00 Onondaga County .....	206,710.00	36,259.00	242,969.00
6226-00 Ontario County .....		12,434.00	12,434.00
6228-00 Orange County .....		48,283.00	48,283.00
6230-00 Orleans County .....		26,969.00	26,969.00
6232-00 Oswego County .....	83,996.00	9,306.00	93,302.00
6234-00 Otsego County .....	26,083.00		26,083.00
6236-00 Putnam County .....		5,422.00	5,422.00
6240-00 Rensselaer County .....	72,772.00		72,772.00
6246-00 Rockland County .....		25,911.00	25,911.00
6254-00 St. Lawrence County .....	75,230.00	1,000.00	76,230.00
6256-00 Saratoga County .....		20,991.00	20,991.00
6258-00 Schenectady County .....	65,993.00		65,993.00
6262-00 Schoharie County .....	17,190.00		17,190.00
6264-00 Schuyler County .....		3,081.00	3,081.00
6266-00 Seneca County .....		4,552.00	4,552.00
6268-00 Steuben County .....	51,515.00		51,515.00
6270-00 Suffolk County .....	694,927.00		694,927.00
6282-00 Sullivan County .....	40,001.00		40,001.00
6284-00 Tioga County .....		7,518.00	7,518.00
6286-00 Tompkins County .....	30,132.00		30,132.00
6288-00 Ulster County .....	76,802.00		76,802.00
6290-00 Warren County .....	41,194.00		41,194.00
6292-00 Washington County .....	33,656.00		33,656.00
6294-00 Wayne County .....		13,226.00	13,226.00
6296-00 Westchester County .....	384,356.00		384,356.00
6308-00 Wyoming County .....	25,794.00		25,794.00
6310-00 Yates County .....	12,562.00		12,562.00
6312-00 State Set-Aside Committee, NY .....		1,531.00	1,531.00
6314-00 New York City .....	4,686,051.00		4,686,051.00
State Total .....	9,176,580.00	306,645.00	9,483,225.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
North Carolina:			
6316-00 High Point City/Davidson, Guilford Cos.....	230,281.00		230,281.00
6317-00 Rocky Mount/Edgecombe, Nash Counties.....	76,694.00		76,694.00
6320-00 Alamance County.....	49,129.00		49,129.00
6324-00 Alleghany County.....		3,210.00	3,210.00
6326-00 Anson County.....	13,123.00		13,123.00
6328-00 Ashe County.....	16,250.00		16,250.00
6330-00 Avery County.....	9,074.00		9,074.00
6332-00 Beaufort County.....	23,950.00		23,950.00
6334-00 Bertie County.....		22,203.00	22,203.00
6336-00 Bladen County.....	21,329.00		21,329.00
6338-00 Brunswick County.....	33,241.00		33,241.00
6340-00 Buncombe County.....	71,452.00		71,452.00
6344-00 Burke County.....		6,221.00	6,221.00
6346-00 Cabarrus County.....		49,143.00	49,143.00
6348-00 Caldwell County.....		19,742.00	19,742.00
6350-00 Camden County.....		8,882.00	8,882.00
6352-00 Carteret County.....	22,359.00		22,359.00
6354-00 Caswell County.....	10,791.00		10,791.00
6356-00 Catawba County.....		3,739.00	3,739.00
6358-00 Chatham County.....		29,758.00	29,758.00
6360-00 Cherokee County.....	15,762.00		15,762.00
6362-00 Chowan County.....		11,101.00	11,101.00
6364-00 Clay County.....		1,000.00	1,000.00
6366-00 Cleveland County.....	52,473.00		52,473.00
6368-00 Columbus County.....	29,373.00		29,373.00
6370-00 Craven County.....	34,795.00		34,795.00
6372-00 Cumberland County.....	103,229.00		103,229.00
6376-00 Currituck County.....		10,362.00	10,362.00
6378-00 Dare County.....	16,828.00		16,828.00
6384-00 Davie County.....		13,054.00	13,054.00
6386-00 Duplin County.....	26,842.00		26,842.00
6388-00 Durham County.....	55,003.00		55,003.00
6394-00 Forsyth County.....	109,356.00		109,356.00
6398-00 Franklin County.....	25,143.00		25,143.00
6400-00 Gaston County.....	105,289.00		105,289.00
6404-00 Gates County.....		8,882.00	8,882.00
6408-00 Graham County.....	10,520.00		10,520.00
6408-00 Granville County.....	18,473.00		18,473.00
6418-00 Halifax County.....	33,566.00		33,566.00
6420-00 Harnett County.....	29,336.00		29,336.00
6422-00 Haywood County.....	22,504.00		22,504.00
6424-00 Henderson County.....	25,288.00		25,288.00
6426-00 Hertford County.....	12,129.00		12,129.00
6428-00 Hoke County.....	12,707.00		12,707.00
6430-00 Hyde County.....		3,739.00	3,739.00
6432-00 Iredell County.....		6,500.00	6,500.00
6434-00 Jackson County.....	12,219.00		12,219.00
6436-00 Johnston County.....	45,895.00		45,895.00
6440-00 Lee County.....	25,016.00		25,016.00
6442-00 Lenoir County.....	32,355.00		32,355.00
6448-00 Mc Dowell County.....	25,053.00		25,053.00
6448-00 Macon County.....	10,809.00		10,809.00
6452-00 Martin County.....	12,201.00		12,201.00
6454-00 Mecklenburg County.....	205,011.00		205,011.00
6458-00 Mitchell County.....	10,845.00		10,845.00
6460-00 Montgomery County.....	16,955.00		16,955.00
6462-00 Moore County.....	26,444.00		26,444.00
6466-00 New Hanover County.....	60,914.00		60,914.00
6468-00 Northampton County.....	9,870.00		9,870.00
6470-00 Onslow County.....	37,091.00		37,091.00
6472-00 Orange County.....	22,956.00		22,956.00
6474-00 Pamlico County.....		6,918.00	6,918.00
6476-00 Pasquotank County.....	12,999.00		12,999.00
6478-00 Pender County.....	17,714.00		17,714.00
6480-00 Perquimans County.....		8,882.00	8,882.00
6482-00 Person County.....	22,395.00		22,395.00
6484-00 Pitt County.....	53,812.00		53,812.00
6486-00 Polk County.....		7,401.00	7,401.00
6490-00 Richmond County.....	30,620.00		30,620.00
6492-00 Robeson County.....	72,880.00		72,880.00
6494-00 Rockingham County.....	57,498.00		57,498.00
6496-00 Rowan County.....		27,186.00	27,186.00
6498-00 Rutherford County.....	37,687.00		37,687.00
6500-00 Sampson County.....	27,710.00		27,710.00
6502-00 Scotland County.....	26,119.00		26,119.00
6506-00 Stokes County.....	17,370.00		17,370.00
6508-00 Surry County.....	35,263.00		35,263.00
6510-00 Swain County.....	12,526.00		12,526.00
6512-00 Transylvania County.....		4,440.00	4,440.00
6514-00 Tyrrell County.....		7,401.00	7,401.00
6518-00 Vance County.....	31,831.00		31,831.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
6520-00 Wake County.....	135,096.00		135,096.00
6524-00 Warren County.....	12,580.00		12,580.00
6526-00 Washington County.....		4,690.00	4,690.00
6528-00 Watauga County.....	12,237.00		12,237.00
6530-00 Wayne County.....	56,648.00		56,648.00
6532-00 Wilkes County.....	29,499.00		29,499.00
6534-00 Wilson County.....	56,431.00		56,431.00
6536-00 Yadkin County.....	14,008.00		14,008.00
6538-00 Yancey County.....	9,652.00		9,652.00
6540-00 State Set-Aside Committee, NC.....		1,328.00	1,328.00
State Total.....	2,651,518.00	265,784.00	2,917,302.00
North Dakota:			
6542-00 North Central North Dakota.....		36,039.00	36,039.00
6544-00 Northeastern North Dakota.....		13,196.00	13,196.00
6546-00 Northern North Dakota.....		14,813.00	14,813.00
6548-00 South Central North Dakota.....		27,746.00	27,746.00
6550-00 South North Dakota.....		55,234.00	55,234.00
6552-00 Southeast North Dakota.....		40,056.00	40,056.00
6554-00 Western North Dakota.....		21,540.00	21,540.00
6596-00 Grand Forks County.....	21,275.00		21,275.00
6642-00 Rolette County.....	10,646.00		10,646.00
6652-00 Stark County.....	9,200.00		9,200.00
6670-00 State Set-Aside Committee, ND.....		255.00	255.00
State Total.....	41,121.00	208,879.00	250,000.00
Ohio:			
6672-00 Columbus/Fairfield, Franklin Cos.....	449,156.00	10,533.00	459,689.00
6678-00 Adams County.....	20,949.00		20,949.00
6680-00 Allen County.....	73,296.00		73,296.00
6682-00 Ashland County.....		7,000.00	7,000.00
6684-00 Ashtabula County.....	73,838.00	1,331.00	75,169.00
6686-00 Athens County.....	27,222.00		27,222.00
6688-00 Auglaize County.....		7,000.00	7,000.00
6690-00 Belmont County.....		29,486.00	29,486.00
6692-00 Brown County.....	23,697.00		23,697.00
6694-00 Butler County.....	148,435.00	2,021.00	150,456.00
6698-00 Carroll County.....		7,000.00	7,000.00
6700-00 Champaign County.....		7,000.00	7,000.00
6702-00 Clark County.....	78,122.00	1,786.00	79,908.00
6706-00 Clermont County.....		27,172.00	27,172.00
6708-00 Clinton County.....	20,949.00		20,949.00
6710-00 Columbiana County.....		38,307.00	38,307.00
6712-00 Coshocton County.....		10,660.00	10,660.00
6714-00 Crawford County.....	44,610.00		44,610.00
6716-00 Cuyahoga County.....	686,107.00	20,503.00	706,610.00
6728-00 Darke County.....		8,313.00	8,313.00
6730-00 Defiance County.....	31,252.00		31,252.00
6732-00 Delaware County.....		8,171.00	8,171.00
6734-00 Erie County.....	53,051.00		53,051.00
6740-00 Fayette County.....	16,647.00		16,647.00
6746-00 Fulton County.....	31,524.00		31,524.00
6748-00 Gallia County.....	18,112.00		18,112.00
6750-00 Geauga County.....		7,000.00	7,000.00
6752-00 Greene County.....	60,119.00		60,119.00
6754-00 Guernsey County.....	27,258.00		27,258.00
6756-00 Hamilton County.....	365,775.00	9,217.00	374,991.00
6760-00 Hancock County.....		11,506.00	11,506.00
6762-00 Hardin County.....	23,606.00		23,606.00
6764-00 Harrison County.....		7,225.00	7,225.00
6766-00 Henry County.....	20,859.00		20,859.00
6768-00 Highland County.....	24,330.00		24,330.00
6770-00 Hocking County.....	18,563.00		18,563.00
6772-00 Holmes County.....	16,810.00		16,810.00
6774-00 Huron County.....	59,631.00		59,631.00
6776-00 Jackson County.....	17,642.00		17,642.00
6778-00 Jefferson County.....		33,065.00	33,065.00
6780-00 Knox County.....	25,143.00		25,143.00
6782-00 Lake County.....		21,784.00	21,784.00
6784-00 Lawrence County.....	31,469.00	1,383.00	32,852.00
6786-00 Licking County.....	77,055.00		77,055.00
6788-00 Logan County.....	24,854.00		24,854.00
6790-00 Lorain County.....	207,307.00	2,590.00	209,897.00
6796-00 Lucas County.....	371,450.00	6,754.00	378,204.00
6800-00 Madison County.....		7,114.00	7,114.00
6802-00 Mahoning County.....	143,681.00	3,597.00	147,278.00
6806-00 Marion County.....	44,502.00		44,502.00
6808-00 Medina County.....		13,024.00	13,024.00
6810-00 Meigs County.....	12,635.00		12,635.00
6812-00 Mercer County.....		7,000.00	7,000.00
6814-00 Miami County.....		17,625.00	17,625.00
6816-00 Monroe County.....		7,000.00	7,000.00
6818-00 Montgomery County.....	295,804.00	5,638.00	301,442.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
6824-00 Morgan County.....	9,688.00		9,688.00
6826-00 Morrow County.....		7,000.00	7,000.00
6828-00 Muskingum County.....	66,283.00	66,283.00	
6830-00 Noble County.....		7,000.00	7,000.00
6832-00 Ottawa County.....	34,849.00		34,849.00
6834-00 Paulding County.....	14,551.00		14,551.00
6836-00 Perry County.....	32,933.00		32,933.00
6838-00 Pickaway County.....		12,070.00	12,070.00
6840-00 Pike County.....	17,027.00		17,027.00
6842-00 Portage County.....	75,013.00		75,013.00
6844-00 Preble County.....		7,000.00	7,000.00
6846-00 Putnam County.....	23,372.00		23,372.00
6848-00 Richland County.....	105,199.00		105,199.00
6852-00 Ross County.....	43,471.00		43,471.00
6854-00 Sandusky County.....		18,759.00	18,759.00
6856-00 Scioto County.....	46,255.00	1,885.00	48,140.00
6858-00 Seneca County.....	43,923.00		43,923.00
6860-00 Shelby County.....		7,000.00	7,000.00
6862-00 Stark County.....	219,399.00	3,660.00	233,059.00
686600 Summit County.....	266,739.00	5,691.00	272,430.00
6870-00 Trumbull County.....	149,701.00	2,528.00	152,229.00
6874-00 Tuscarawas County.....		21,218.00	21,218.00
6876-00 Union County.....		7,000.00	7,000.00
6878-00 Van Wert County.....		7,000.00	7,000.00
6880-00 Vinton County.....		7,000.00	7,000.00
6882-00 Warren County.....		13,671.00	13,671.00
6884-00 Washington County.....		17,877.00	17,877.00
6886-00 Wayne County.....		16,221.00	16,221.00
6888-00 Williams County.....	30,150.00		30,150.00
6890-00 Wood County.....		17,070.00	17,070.00
6892-00 Wyandot County.....	19,594.00		19,594.00
6894-00 State Set-Aside Committee, OH.....		2,651.00	2,651.00
<b>State Total.....</b>	<b>4,863,606.00</b>	<b>530,106.00</b>	<b>5,393,712.00</b>
<b>Oklahoma:</b>			
6896-00 Oklahoma City/Canadian, McLain, Oklahoma.....	403,100.00		403,100.00
6910-00 Beckham County.....	9,399.00		9,399.00
6914-00 Bryan County.....	14,786.00		14,786.00
6916-00 Caddo County.....	16,431.00		16,431.00
6922-00 Carter County.....	24,637.00		24,637.00
6924-00 Cherokee County.....	21,546.00		21,546.00
6926-00 Choctaw County.....	10,014.00		10,014.00
6930-00 Cleveland County.....	71,940.00		71,940.00
693600 Coal County.....		4,182.00	4,182.00
6938-00 Comanche County.....	52,328.00		52,328.00
6942-00 Cotton County.....		4,182.00	4,182.00
6946-00 Creek County.....	36,097.00		36,097.00
66948-00 Custer County.....	14,948.00		14,948.00
6950-00 Delaware County.....	13,466.00		13,466.00
6960-00 Garvin County.....	15,924.00		15,924.00
6962-00 Grady County.....	24,456.00		24,456.00
6972-00 Haskell County.....	12,834.00		12,834.00
6974-00 Hughes County.....	10,430.00		10,430.00
6976-00 Jackson County.....	14,442.00		14,442.00
6980-00 Johnston County.....		2,091.00	2,091.00
6982-00 Kay County.....	23,535.00		23,535.00
6988-00 Latimer County.....		4,182.00	4,182.00
6990-00 Le Flore County.....	39,459.00		39,459.00
6992-00 Lincoln County.....	15,997.00		15,997.00
6994-00 Logan County.....	10,628.00		10,628.00
7002-00 McCurtain County.....	26,173.00		26,173.00
7004-00 McIntosh County.....	9,200.00		9,200.00
7010-00 Mayes County.....	22,757.00		22,757.00
7012-00 Murray County.....		4,182.00	4,182.00
7014-00 Muskogee County.....	42,947.000		42,947.00
7018-00 Nowata County.....		4,182.00	4,182.00
7020-00 Okfuskee County.....		4,281.00	4,182.00
7028-00 Okmulgee County.....	23,986.00		23,986.00
7030-00 Osage County.....		10,456.00	10,456.00
7034-00 Ottawa County.....	18,347.00		18,347.00
7036-00 Pawnee County.....	9,941.00		9,941.00
7038-00 Payne County.....	31,270.00		31,270.00
7040-00 Pittsburg County.....	29,246.00		29,246.00
7042-00 Pontotoc County.....	20,751.00		20,751.00
7044-00 Pottawatomie County.....	35,952.00		35,952.00
7048-00 Pushmataha County.....		4,182.00	4,182.00
7050-00 Roger Mills County.....		2,091.00	2,091.00
7052-00 Rogers County.....	36,476.00		36,476.00
7054-00 Seminole County.....	16,412.00		16,412.00
7056-00 Sequoyah County.....	29,987.00		29,987.00
7058-00 Stephens County.....	19,341.00		19,341.00
7062-00 Tillman County.....		4,182.00	4,182.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
7064-00 Tulsa County.....		154,744.00	154,744.00
7066-00 Wagoner County.....	23,625.00		23,625.00
7076-00 Woodward County.....		6,273.00	6,273.00
7078-00 State Set-Aside Committee, OK.....			0.00
State Total.....	1,252,626.00	209,111.00	1,461,737.00
<b>Oregon:</b>			
7080-00 Portland/Clackamas, Multnomah, Washington.....	531,706.00		531,706.00
7082-00 Salem/Marion, Polk Cos.....	142,235.00		142,235.00
7088-00 Baker County.....	10,628.00		10,628.00
7090-00 Benton County.....	27,203.00		27,203.00
7098-00 Clatsop County.....	21,221.00		21,221.00
7098-00 Columbia County.....		12,000.00	12,000.00
7100-00 Coos County.....	45,568.00		45,568.00
7102-00 Crook County.....		4,000.00	4,000.00
7104-00 Curry County.....	10,430.00		10,430.00
7106-00 Deschutes County.....		21,986.00	21,986.00
7108-00 Douglas County.....	80,906.00		80,906.00
7110-00 Gilliam County.....		2,000.00	2,000.00
7112-00 Grant County.....		3,000.00	3,000.00
7118-00 Jackson County.....	101,530.00		101,530.00
7120-00 Jefferson County.....		3,500.00	3,500.00
7122-00 Josephine County.....	40,796.00		40,796.00
7124-00 Klamath County.....	44,935.00		44,935.00
7126-00 Lake County.....		2,000.00	2,000.00
7128-00 Lane County.....	173,235.00		173,235.00
7132-00 Lincoln County.....	20,281.00		20,281.00
7134-00 Linn County.....	67,421.00		67,421.00
7136-00 Malheur County.....	15,924.00		15,924.00
7142-00 Morrow County.....		3,000.00	3,000.00
7154-00 Tillamook County.....		9,000.00	9,000.00
7156-00 Umatilla County.....	45,749.00		45,749.00
7158-00 Union County.....	14,569.00		14,569.00
7160-00 Wallowa County.....		3,750.00	3,750.00
7162-00 Wasco County.....	15,147.00		15,147.00
7168-00 Wheeler County.....		2,000.00	2,000.00
7170-00 Yamhill County.....		14,000.00	14,000.00
7172-00 State Set-Aside Committee, OR.....			0.00
State Total.....	1,409,484.00	80,236.00	1,489,720.00
<b>Pennsylvania:</b>			
7174-00 Bethlehem/Lehigh Northampton Cos.....	309,469.00		309,469.00
7178-00 Adams County.....		9,000.00	9,000.00
7180-00 Allegheny County.....	580,402.00	40,000.00	620,402.00
7184-00 Armstrong County.....	48,653.00		48,653.00
7186-00 Beaver County.....	96,595.00		96,595.00
7188-00 Bedford County.....	42,170.00		42,170.00
7190-00 Berks County.....	202,445.00		202,445.00
7194-00 Blair County.....	97,262.00		97,262.00
7198-00 Bradford County.....	36,693.00		36,693.00
7200-00 Bucks County.....	321,272.00		321,272.00
7206-00 Butler County.....		34,678.00	34,678.00
7208-00 Cambria County.....	104,729.00		104,729.00
7210-00 Cameron County.....		1,923.00	1,923.00
7212-00 Carbon County.....	43,164.00		43,164.00
7214-00 Centre County.....	72,320.00		72,320.00
7218-00 Clarion County.....	30,547.00		30,547.00
7220-00 Clearfield County.....	68,343.00		68,343.00
7222-00 Clinton County.....	32,771.00		32,771.00
7224-00 Columbia County.....	45,767.00		45,767.00
7226-00 Crawford County.....	61,384.00		61,384.00
7230-00 Dauphin County.....	128,896.00		128,896.00
7234-00 Delaware County.....	248,483.00		248,483.00
7240-00 Elk County.....	27,005.00		27,005.00
7242-00 Erie County.....	155,195.00		155,195.00
7246-00 Fayette County.....	94,372.00		94,372.00
7248-00 Forest County.....		1,823.00	1,823.00
7250-00 Franklin County.....		7,000.00	7,000.00
7252-00 Fulton County.....	11,225.00		11,225.00
7254-00 Greene County.....	24,944.00		24,944.00
7256-00 Huntingdon County.....	40,471.00		40,471.00
7258-00 Indiana County.....	64,782.00		64,782.00
7260-00 Jefferson County.....	30,710.00		30,710.00
7262-00 Juniata County.....	19,377.00		19,377.00
7264-00 Lackawanna County.....	149,755.00		149,755.00
7268-00 Lancaster County.....	206,638.00		206,638.00
7272-00 Lawrence County.....	57,697.00		57,697.00
7274-00 Lebanon County.....	66,228.00		66,228.00
7282-00 Luzerne County.....	238,794.00		238,794.00
7284-00 Lycoming County.....	89,202.00		89,202.00
7286-00 McKean County.....		16,252.00	16,252.00
7288-00 Mercer County.....		33,049.00	33,049.00
7290-00 Mifflin County.....	39,206.00		39,206.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
7292-00 Monroe County .....	77,580.00		77,580.00
7294-00 Montgomery County .....	318,901.00		318,091.00
7300-00 Montour County .....		3,340.00	3,340.00
7306-00 Northumberland County .....	85,063.00		85,063.00
7308-00 Perry County .....		5,000.00	5,000.00
7310-00 Philadelphia City/County .....	970,921.00		970,21.00
7314-00 Potter County .....	12,002.00		12,002.00
7316-00 Schuylkill County .....	123,780.00		123,780.00
7318-00 Snyder County .....	29,788.00		29,788.00
7320-00 Somerset County .....	51,099.00		51,099.00
7322-00 Sullivan County .....		2,586.00	2,586.00
7324-00 Susquehanna County .....	38,324.00		38,324.00
7326-00 Tioga County .....	27,710.00		27,710.00
7328-00 Union County .....		3,000.00	3,000.00
7330-00 Venango County .....		17,657.00	17,657.00
7332-00 Warren County .....		7,000.00	7,000.00
7334-00 Washington County .....		66,144.00	66,144.00
7336-00 Wayne County .....	32,482.00		32,482.00
7338-00 Westmoreland County .....		123,692.00	123,692.00
7340-00 Wyoming County .....		7,800.00	7,800.00
7342-00 York County .....	197,420.00		197,420.00
7344-00 State Set-Aside Committee, PA .....		68,527.00	68,527.00
State Total .....	5,842,246.00	448,471.00	6,290,717.00
Rhode Island:			
7354-00 Providence Census County .....	425,784.00		425,784.00
7368-00 State Set-Aside Committee, RI .....		234,921.00	234,921.00
State Total .....	425,784.00	234,921.00	660,705.00
South Carolina			
7370-00 Abbeville County .....	15,527.00		15,527.00
7372-00 Aiken County .....	57,769.00		57,769.00
7374-00 Allendale County .....		6,407.00	6,407.00
7376-00 Anderson County .....	82,424.00		82,424.00
7378-00 Bamberg County .....	11,749.00		11,749.00
7380-00 Barnwell County .....	21,202.00		21,202.00
7382-00 Beaufort County .....	26,607.00		26,607.00
7384-00 Berkeley County .....	40,814.00		40,814.00
7388-00 Calhoun County .....		5,344.00	5,344.00
7388-00 Charleston County .....	111,345.00		111,345.00
7394-00 Cherokee County .....	27,348.00		27,348.00
7396-00 Chester County .....	33,078.00		33,078.00
7398-00 Chesterfield County .....	21,130.00		21,130.00
7400-00 Clarendon County .....	19,413.00		19,413.00
7402-00 Colleton County .....	23,118.00		23,118.00
7404-00 Darlington County .....	36,060.00		36,060.00
7406-00 Dillon County .....	22,504.00		22,504.00
7408-00 Dorchester County .....	28,469.00		28,469.00
7410-00 Edgefield County .....		7,875.00	7,875.00
7412-00 Fairfield County .....	21,329.00		21,329.00
7414-00 Florence County .....	55,961.00		55,961.00
7416-00 Georgetown County .....	34,614.00		34,614.00
7418-00 Greenville County .....	140,844.00		140,844.00
7422-00 Greenwood County .....	35,356.00		34,356.00
7424-00 Hampton County .....	9,490.00		9,490.00
7426-00 Horry County .....	98,891.00		98,891.00
7428-00 Jasper County .....		7,279.00	7,279.00
7430-00 Kershaw County .....	29,029.00		29,029.00
7432-00 Lancaster County .....	33,548.00		33,548.00
7434-00 Laurens County .....	28,234.00		28,234.00
7436-00 Lee County .....	9,652.00		9,652.00
7348-00 Lexington County .....		16,071.00	16,071.00
7440-00 McCormick County .....		4,431.00	4,431.00
7442-00 Marion County .....	30,566.00		30,566.00
7444-00 Marlboro County .....	23,046.00		23,046.00
7446-00 Newberry County .....	15,075.00		15,075.00
7448-00 Oconee County .....	38,211.00		38,211.00
7450-00 Orangeburg County .....	53,973.00		53,973.00
7452-00 Pickens County .....		15,145.00	15,145.00
7454-00 Richland County .....	109,917.00		109,917.00
7458-00 Saluda County .....		6,532.00	6,532.00
7460-00 Spartanburg County .....	112,574.00		112,574.00
7462-00 Sumter County .....	57,642.00		57,642.00
7464-00 Union County .....	21,582.00		21,582.00
7466-00 Williamsburg County .....	28,161.00		28,161.00
7468-00 York County .....	60,661.00		60,661.00
7470-00 State Set-Aside Committee, SC .....		347.00	347.00
State Total .....	1,626,913.00	69,431.00	1,696,344.00
South Dakota:			
7486-00 Brown County .....	14,966.00		14,966.00
7580-00 Pennington County .....	26,535.00		26,535.00
7614-00 State Set-Aside Committee, SD .....		208,499.00	208,499.00
State Total .....	41,501.00	208,499.00	250,000.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
Tennessee:			
7616-00 Anderson County	26,480.00		26,480.00
7618-00 Bedford County	21,600.00		21,600.00
7620-00 Benton County	11,568.00		11,568.00
7622-00 Bledsoe County		3,407.21	3,407.21
7624-00 Blount County	38,965.00		38,965.00
7626-00 Bradley County	41,357.00		41,357.00
7628-00 Campbell County	35,030.00		35,030.00
7630-00 Cannon County		2,878.40	2,878.40
7632-00 Carroll County	18,455.00		18,455.00
7634-00 Carter County	24,944.00		24,944.00
7636-00 Cheatham County		4,019.51	4,019.51
7638-00 Chester County		2,934.50	2,934.50
7640-00 Claiborne County	16,611.00		16,611.00
7642-00 Clay County		2,411.19	2,411.19
7644-00 Cocke County	31,867.00		31,867.00
7646-00 Coffee County	21,727.00		21,727.00
7648-00 Crocket County		4,062.52	4,062.52
7650-00 Cumberland County	24,908.00		24,908.00
7652-00 Davidson County	209,747.00		209,747.00
7656-00 Decatur County		3,525.58	3,525.58
7658-00 De Kalb County	9,435.00		9,435.00
7660-00 Dickson County	18,798.00		18,798.00
7662-00 Dyer County	21,672.00		21,672.00
7664-00 Fayette County	15,708.00		15,708.00
7666-00 Fentress County	11,496.00		11,496.00
7668-00 Franklin County	17,624.00		17,624.00
7670-00 Gibson County	33,656.00		33,656.00
7672-00 Giles County	15,183.00		15,183.00
7674-00 Grainger County	11,550.00		11,550.00
7676-00 Greene County	58,528.00		58,528.00
7678-00 Grundy County	10,737.00		10,737.00
7680-00 Hamblen County	38,681.00		38,681.00
7682-00 Hamilton County	131,951.00		131,951.00
7686-00 Hancock County		2,481.89	2,481.89
7688-00 Hardeman County	13,340.00		13,340.00
7690-00 Hardin County	16,521.00		16,521.00
7692-00 Hawkins County	20,443.00		20,443.00
7694-00 Haywood County	16,810.00		16,810.00
7696-00 Henderson County	19,702.00		19,702.00
7698-00 Henry County	16,177.00		16,177.00
7700-00 Hickman County	11,478.00		11,478.00
7702-00 Houston County		2,516.71	2,516.71
7704-00 Humphreys County	13,629.00		13,629.00
7706-00 Jackson County		2,954.37	2,954.37
7708-00 Jefferson County	23,805.00		23,805.00
7710-00 Johnson County		4,540.10	4,540.10
7712-00 Knox County	123,039.00		123,039.00
7716-00 Lake County		2,305.86	2,305.86
7718-00 Lauderdale County	17,407.00		17,407.00
7720-00 Lawrence County	28,288.00		28,288.00
7722-00 Lewis County		3,371.69	3,371.69
7724-00 Lincoln County	19,503.00		19,503.00
7726-00 Loudon County	18,075.00		18,075.00
7728-00 McMinn County	36,946.00		36,946.00
7730-00 McNairy County	15,382.00		15,382.00
7732-00 Macon County	12,490.00		12,490.00
7734-00 Madison County	36,639.00		36,639.00
7738-00 Marion County	15,906.00		15,906.00
7740-00 Marshall County	15,780.00		15,780.00
7742-00 Maury County	44,990.00		44,990.00
7744-00 Meigs County		2,825.18	2,825.18
7746-00 Monroe County	34,379.00		34,379.00
7748-00 Montgomery County	48,189.00		48,189.00
7752-00 Moore County		1,000.00	1,000.00
7754-00 Morgan County	9,218.00		9,218.00
7756-00 Obion County	23,444.00		23,444.00
7758-00 Overton County	15,021.00		15,021.00
7760-00 Perry County		1,589.17	1,589.17
7762-00 Pickett County		1,510.64	1,510.64
7764-00 Polk County	10,954.00		10,954.00
7766-00 Putnam County	31,813.00		31,813.00
7768-00 Rhea County	19,648.00		19,648.00
7770-00 Roane County	28,740.00		28,740.00
7772-00 Robertson County	27,493.00		27,493.00
7774-00 Rutherford County	56,576.00		56,576.00
7776-00 Scott County	16,720.00		16,720.00
7778-00 Sequatchie County		2,164.15	2,164.15
7780-00 Sevier County	44,158.00		44,158.00
7782-00 Shelby County	351,458.00		351,458.00
7786-00 Smith County		4,145.76	4,145.76



Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
7788-00 Stewart County.....		2,756.01	2,756.01
7790-00 Sullivan County.....	53,160.00		53,160.00
7792-00 Sumner County.....	57,444.00		57,444.00
7794-00 Tipton County.....	18,835.00		18,835.00
7796-00 Trousdale County.....		1,471.64	1,471.64
7798-00 Unicol County.....	15,039.00		15,039.00
7800-00 Union County.....		3,319.72	3,319.72
7802-00 Van Buren County.....		1,845.64	1,845.64
7804-00 Warren County.....	23,878.00		23,878.00
7806-00 Washington County.....	41,664.00		41,664.00
7808-00 Wayne County.....	10,918.00		10,918.00
7810-00 Weakley County.....	16,250.00		16,250.00
7812-00 White County.....	16,467.00		16,467.00
7814-00 Williamson County.....		9,020.53	9,020.53
7816-00 Wilson County.....		14,741.03	14,741.03
7818-00 State Set-Aside Committee, TN.....			0.00
State Total.....	2,427,094.00	87,799.00	2,514,893.00
Texas:			
7820-00 Abilene/Jones,Taylor Cos.....	60,300.00		60,300.00
7824-00 Austin/Travis, Williamson Cos.....	336,899.00	7,155.00	344,054.00
7826-00 Dallas/Collin, Dallas, Denton Cos.....	1,366,999.00	29,336.00	1,396,335.00
7828-00 Houston/Fort Bend, Harris Cos.....	1,578,996.00	36,368.00	1,615,364.00
7830-00 Longview/Gregg, Harrison Cos.....	198,922.00		198,922.00
7856-00 Anderson County.....	23,679.00		23,679.00
7858-00 Andrews County.....		3,250.00	3,250.00
7860-00 Angelina County.....	40,670.00		40,670.00
7862-00 Atascosa County.....	14,695.00		14,695.00
7876-00 Bastrop County.....	14,605.00		14,605.00
7880-00 Bee County.....	13,141.00		13,141.00
7882-00 Bell County.....	97,047.00		97,047.00
7886-00 Bexar County.....	697,711.00	15,021.00	712,732.00
7888-00 Bowie County.....	50,105.00		50,105.00
7900-00 Brazoria County.....		36,400.00	36,400.00
7902-00 Brazos County.....	39,187.00		39,187.00
7912-00 Brown County.....	19,720.00		19,720.00
7916-00 Burnet County.....		4,339.00	4,339.00
7918-00 Caldwell County.....	10,899.00		10,899.00
7920-00 Calhoun County.....	10,068.00		10,068.00
7924-00 Cameron County.....	240,999.00	5,282.00	246,281.00
7930-00 Camp County.....		3,637.00	3,637.00
7934-00 Cass County.....	21,329.00		21,329.00
7936-00 Chambers County.....		3,745.00	3,745.00
7940-00 Cherokee County.....	21,184.00		21,184.00
7964-00 Comal County.....		10,918.00	10,918.00
7870-00 Cooke County.....	12,490.00		12,490.00
7972-00 Coryell County.....	26,571.00		26,571.00
8002-00 Dawson County.....		3,494.00	3,494.00
8004-00 Deaf Smith County.....	10,430.00		10,430.00
8020-00 Dimmit County.....		3,852.00	3,852.00
8024-00 Duval County.....		4,375.00	4,375.00
8026-00 Eastland County.....	9,526.00		9,526.00
8028-00 Ector County.....	55,365.00		55,365.00
8034-00 Ellis County.....	49,256.00		49,256.00
8036-00 El Paso County.....	497,508.00	10,877.00	508,385.00
8040-00 Erath County.....	10,737.00		10,737.00
8044-00 Fannin County.....	14,262.00		14,262.00
8060-00 Freestone County.....		2,943.00	2,943.00
8062-00 Frio County.....		5,642.00	5,642.00
8066-00 Galveston County.....	142,416.00		142,416.00
8080-00 Gray County.....		4,711.00	4,711.00
8084-00 Grayson County.....		23,664.00	23,664.00
8092-00 Guadalupe County.....	22,883.00		22,883.00
8094-00 Hale County.....	17,370.00		17,370.00
8094-00 Hardin County.....	21,474.00		21,474.00
8122-00 Hays County.....	26,553.00		26,553.00
8126-00 Henderson County.....	47,231.00		47,231.00
8126-00 Hidalgo County.....	534,833.00	11,404.00	546,237.00
8132-00 Hill County.....	12,761.00		12,761.00
8134-00 Hockley County.....		5,585.00	5,585.00
8136-00 Hood County.....		5,212.00	5,212.00
8138-00 Hopkins County.....	17,515.00		17,515.00
8142-00 Howard County.....	12,273.00		12,273.00
8148-00 Hunt County.....	44,917.00		44,917.00
8148-00 Hutchinson County.....		4,446.00	4,446.00
8156-00 Jackson County.....		1,843.00	1,843.00
8158-00 Jasper County.....	21,781.00		21,781.00
8162-00 Jefferson County.....	134,951.00		134,951.00
8170-00 Jim Wells County.....	22,414.00		22,414.00
8172-00 Johnson County.....		22,540.00	22,540.00
8180-00 Kaufman County.....	25,034.00		25,034.00
8188-00 Kerr County.....	10,538.00		10,538.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
8196-00 Kleberg County	16,846.00		16,846.00
8200-00 Lamar County	27,547.00		27,547.00
8202-00 Lamb County		4,411.00	4,411.00
8214-00 Liberty County	33,458.00		33,458.00
8226-00 Lubbock County	109,284.00		109,284.00
8234-00 McLennan County	103,590.00		103,590.00
8242-00 Marion County		3,086.00	3,086.00
8248-00 Matagorda County	29,119.00		29,119.00
8250-00 Maverick County	72,085.00	1,353.00	73,438.00
8252-00 Medina County	11,514.00		11,514.00
8256-00 Midland County		22,661.00	22,661.00
8266-00 Montague County		3,050.00	3,050.00
8268-00 Montgomery County		38,292.00	38,292.00
8272-00 Morris County	9,923.00		9,923.00
8276-00 Nacogdoches County	26,896.00		26,896.00
8278-00 Navarro County	24,745.00		24,745.00
8280-00 Newton County		3,601.00	3,601.00
8282-00 Nolan County	9,562.00		9,562.00
8284-00 Nueces County	185,201.00	4,661.00	189,862.00
8292-00 Orange County	58,293.00		58,293.00
8294-00 Palo Pinto County	14,985.00		14,985.00
8296-00 Panola County	13,249.00		13,249.00
8298-00 Parker County		15,050.00	15,050.00
8302-00 Pecos County		3,695.00	3,695.00
8304-00 Polk County	14,713.00		14,713.00
8306-00 Potter County	52,274.00		52,274.00
8310-00 Presidio County		4,496.00	4,496.00
8314-00 Randall County		13,855.00	13,855.00
8322-00 Red River County	9,345.00		9,345.00
8324-00 Reeves County	10,014.00		10,014.00
8330-00 Robertson County		3,158.00	3,158.00
8336-00 Rusk County	25,324.00		25,324.00
8342-00 San Jacinto County		2,800.00	2,800.00
8344-00 San Patricio County	39,368.00		39,368.00
8350-00 Scurry County	10,140.00		10,140.00
8354-00 Shelby County	13,195.00		13,195.00
8358-00 Smith County	87,955.00		87,955.00
8364-00 Starr County	119,424.00	1,940.00	121,364.00
8376-00 Tarrant County	709,550.00	18,129.00	727,679.00
8398-00 Terry County		2,893.00	2,893.00
8402-00 Titus County	15,906.00		15,906.00
8404-00 Tom Green County	40,959.00		40,959.00
8412-00 Trinity County		2,298.00	2,298.00
8414-00 Tyler County		3,816.00	3,816.00
8416-00 Upshur County	18,075.00		18,075.00
8420-00 Uvalde County	22,359.00		22,359.00
8422-00 Val Verde County	31,216.00		31,216.00
8424-00 Van Zandt County	18,057.00		18,057.00
8426-00 Victoria County	32,391.00		32,391.00
8430-00 Walker County	14,460.00		14,460.00
8432-00 Waller County		3,687.00	3,687.00
8438-00 Webb County	101,349.00		101,349.00
8442-00 Wharton County	18,220.00		18,220.00
8446-00 Wichita County	65,686.00		65,686.00
8452-00 Willacy County	20,389.00		20,389.00
8462-00 Wise County	13,828.00		13,828.00
8464-00 Wood County	13,936.00		13,936.00
8468-00 Young County		3,587.00	3,587.00
8472-00 Zavala County	16,521.00		16,521.00
8474-00 State Set-Aside Committee, TX		2,163.00	2,163.00
State Total	8,849,086.00	432,713.00	9,281,799.00
Utah:			
8475-00 Bear River Area		7,648.00	7,648.00
8480-00 Cache County	23,932.00		23,932.00
8491-00 Five County Area		12,084.00	12,084.00
8505-00 Mountainlands Area		5,583.00	5,583.00
8510-00 Salt Lake County	259,491.00		259,491.00
8518-00 Sanpete County	10,538.00		10,538.00
8521-00 Six County Area		13,001.00	13,001.00
8521-01 Southeastern Area		19,961.00	19,961.00
8524-00 Tooele County		5,048.00	5,048.00
8525-00 Duchesne, Daggett Counties		5,262.00	5,262.00
8526-00 Uintah County		7,892.00	7,892.00
8528-00 Utah County	84,304.00		84,304.00
8536-00 Washington County	17,244.00		17,244.00
8540-00 Weber County	73,657.00		73,657.00
8544-00 State Set-Aside Committee, UT			0.00
State Total	469,166.00	76,479.00	545,645.00
Vermont:			
8548-00 Addison County	18,762.00		18,762.00
8552-00 Caledonia County	20,028.00		20,028.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
8554-00 Chittenden County.....	61,926.00		61,926.00
8558-00 Franklin County.....	29,770.00		29,770.00
8562-00 Lamoille County.....	16,485.00		16,485.00
8564-00 Orange County.....	15,834.00		15,834.00
8566-00 Orleans County.....	25,288.00		25,288.00
8568-00 Rutland County.....	38,464.00		38,464.00
8570-00 Washington County.....	39,838.00		39,838.00
8572-00 Windham County.....	28,469.00		28,469.00
8576-00 State Set-Aside Committee, VT.....		28,208.00	28,208.00
State Total.....	294,864.00	28,208.00	323,072.00
Virginia:			
8584-00 Accomack County.....	18,148.00	2,926.00	21,074.00
8588-00 Alleghany County.....	10,086.00	1,000.00	11,086.00
8590-00 Amelia County.....		8,607.00	8,607.00
8596-00 Arlington County.....		11,296.00	11,296.00
8600-00 Bath County.....		5,836.00	5,836.00
8602-00 Bedford County.....		5,000.00	5,000.00
8608-00 Brunswick County.....	15,961.00	1,637.00	17,598.00
8610-00 Buchanan County.....	23,805.00	3,232.00	27,037.00
8612-00 Buckingham County.....		18,269.00	18,269.00
8616-00 Caroline County.....	16,358.00	1,000.00	17,358.00
8618-00 Carroll County.....	21,492.00	1,219.00	22,711.00
8620-00 Charles City County.....		7,538.00	7,538.00
8622-00 Charlotte County.....	10,032.00	1,318.00	11,350.00
8626-00 Clarke County.....		5,000.00	5,000.00
8630-00 Culpeper County.....	16,340.00	1,069.00	17,409.00
8632-00 Cumberland County.....		14,817.00	14,817.00
8634-00 Dickenson County.....	14,876.00	11,625.00	26,501.00
8636-00 Dinwiddie County.....	12,183.00	1,313.00	13,496.00
8640-00 Fairfax County.....		29,000.00	29,000.00
8644-00 Floyd County.....	10,375.00	1,060.00	11,435.00
8646-00 Fluvanna County.....		15,595.00	15,595.00
8648-00 Franklin County.....	30,385.00		30,385.00
8650-00 Frederick County.....		5,000.00	5,000.00
8652-00 Giles County.....	17,569.00	1,000.00	18,569.00
8654-00 Gloucester County.....	11,315.00		11,315.00
8658-00 Grayson County.....	13,972.00	1,100.00	15,072.00
8660-00 Greene County.....		9,699.00	9,699.00
8664-00 Halifax County.....	23,932.00	2,613.00	26,545.00
8670-00 Henry County.....	60,191.00	1,849.00	62,040.00
8674-00 Isle of Wight County.....	13,520.00		13,520.00
8676-00 James City County.....	11,641.00		11,641.00
8678-00 King and Queen County.....		8,227.00	8,227.00
8680-00 King George County.....		13,223.00	13,223.00
8684-00 Lancaster County.....	9,490.00		9,490.00
8686-00 Lee County.....	13,954.00	2,874.00	16,828.00
8688-00 Loudoun County.....		5,000.00	5,000.00
8690-00 Louisa County.....	12,582.00	1,000.00	13,582.00
8692-00 Lunenburg County.....	13,105.00	1,184.00	14,289.00
8696-00 Mecklenburg County.....	21,600.00	2,683.00	24,283.00
8702-00 Montgomery County.....	48,605.00	2,595.00	51,200.00
8708-00 Northampton County.....		29,716.00	29,716.00
8710-00 Northumberland County.....		5,000.00	5,000.00
8712-00 Nottoway County.....		20,843.00	20,843.00
8714-00 Orange County.....	14,370.00	1,000.00	15,370.00
8716-00 Page County.....	25,468.00	1,000.00	26,468.00
8718-00 Patrick County.....	11,189.00		11,189.00
8720-00 Pittsylvania County.....	44,719.00	4,268.00	48,987.00
8724-00 Prince Edward County.....	15,075.00	1,426.00	16,501.00
8726-00 Prince George County.....		16,814.00	16,814.00
8728-00 Prince William County.....		8,430.00	8,430.00
8730-00 Pulaski County.....	37,796.00	1,388.00	39,184.00
8732-00 Rappahannock County.....		7,668.00	7,668.00
8734-00 Richmond County.....		8,827.00	8,827.00
8738-00 Rockbridge County.....	10,339.00	1,000.00	11,339.00
8740-00 Rockingham County.....		6,175.00	6,175.00
8742-00 Russell County.....	24,131.00	2,241.00	26,372.00
8744-00 Scott County.....	12,255.00	1,462.00	13,717.00
8746-00 Shenandoah County.....	19,178.00		19,178.00
8748-00 Smyth County.....	25,631.00	2,187.00	27,818.00
8750-00 Southampton County.....		28,839.00	28,839.00
8752-00 Spotsylvania County.....	35,337.00		35,337.00
8754-00 Stafford County.....		5,000.00	5,000.00
8756-00 Surry County.....		10,326.00	10,326.00
8758-00 Sussex County.....		16,534.00	16,534.00
8760-00 Tazewell County.....	31,487.00	3,463.00	34,950.00
8762-00 Warren County.....	21,998.00	5,000.00	26,998.00
8764-00 Washington County.....	27,240.00	1,947.00	29,187.00
8766-00 Westmoreland County.....	10,936.00	1,243.00	12,179.00
8768-00 Wise County.....	28,198.00	3,259.00	31,457.00
8770-00 Wythe County.....	23,480.00	1,728.00	25,208.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
8774-00 Alexandria City.....		9,632.00	9,632.00
8776-00 Bedford City.....		6,302.00	6,302.00
8778-00 Bristol City.....	9,580.00	1,000.00	10,580.00
8780-00 Buena Vista City.....		6,016.00	6,016.00
8782-00 Charlottesville City.....	16,647.00	2,161.00	18,808.00
8784-00 Chesapeake City.....	75,971.00		75,971.00
8790-00 Covington City.....		9,832.00	9,832.00
8792-00 Danville City.....	49,599.00	3,111.00	52,710.00
8794-00 Emporia City.....		7,736.00	7,736.00
8796-00 Fairfax City.....		5,000.00	5,000.00
8798-00 Falls Church City.....		5,000.00	5,000.00
8800-00 Franklin City.....		11,805.00	11,805.00
8802-00 Fredericksburg City.....	16,069.00	1,000.00	17,069.00
8804-00 Galax City.....		7,827.00	7,827.00
8806-00 Hampton City.....	69,771.00	4,233.00	74,004.00
8808-00 Harrisonburg City.....	16,467.00	1,000.00	17,467.00
8810-00 Hopewell City.....	17,135.00	1,431.00	18,566.00
8812-00 Lexington City.....		6,895.00	6,895.00
8814-00 Lynchburg City.....	31,957.00	2,402.00	34,359.00
8816-00 Manassas City.....		5,000.00	5,000.00
8818-00 Manassas Park City.....		5,000.00	5,000.00
8820-00 Martinsville City.....	22,215.00	1,132.00	23,347.00
8822-00 Newport News City.....	86,581.00	8,653.00	95,234.00
8824-00 Norfolk City.....	100,282.00	19,867.00	120,149.00
8826-00 Norton City.....		7,041.00	7,041.00
8828-00 Petersburg City.....	30,511.00	3,799.00	34,310.00
8832-00 Portsmouth City.....	66,355.00	8,562.00	74,881.00
8834-00 Radford City.....	11,369.00	1,000.00	12,369.00
8836-00 Richmond City.....	128,354.00	17,650.00	146,004.00
8838-00 Roanoke City.....	49,021.00	4,538.00	53,559.00
8842-00 South Boston City.....		8,667.00	8,667.00
8846-00 Suffolk City.....	29,933	2,252.00	32,185.00
8848-00 Virginia Beach City.....		23,739.00	23,739.00
8852-00 Williamsburg City.....	9,725.00		9,725.00
8854-00 Winchester City.....	17,515.00	1,000.00	18,515.00
8856-00 State Set-Aside Committee, VA.....		3,081.00	3,081.00
State Total.....	1,745,381.00	616,208.00	2,361,589.00
Washington:			
8858-00 Adams County.....	16,159.00		16,159.00
8860-00 Asotin County.....		8,820.00	8,820.00
8864-00 Chelan County.....	50,937.00		50,937.00
8866-00 Clallam County.....		19,190.00	19,190.00
8868-00 Clark County.....	133,613.00		133,613.00
8870-00 Columbia County.....		3,000.00	3,000.00
8872-00 Cowlitz County.....	52,563.00		52,563.00
8874-00 Douglas County.....	21,835.00		21,835.00
8876-00 Ferry County.....		4,057.00	4,057.00
8878-00 Franklin County.....	38,229.00		38,229.00
8882-00 Grant County.....	48,316.00		48,316.00
8884-00 Grays Harbor County.....	49,816.00		49,816.00
8888-00 Jefferson County.....		7,490.00	7,490.00
8890-00 King County.....	651,926.00		651,926.00
8896-00 Kitsap County.....	72,500.00		72,500.00
8898-00 Kittitas County.....	20,642.00		20,642.00
8900-00 Klickitat County.....	17,497.00		17,497.00
8902-00 Lewis County.....	43,471.00		43,471.00
8906-00 Mason County.....		11,410.00	11,410.00
8908-00 Okanogan County.....	37,506.00		37,506.00
8910-00 Pacific County.....	12,960.00		12,960.00
8912-00 Pend Oreille County.....		5,010.00	5,010.00
8914-00 Pierce County.....	265,293.00		265,293.00
8918-00 San Juan County.....		3,440.00	3,440.00
8920-00 Skagit County.....		25,300.00	25,300.00
8924-00 Snohomish County.....	212,404.00		212,404.00
8928-00 Spokane County.....	178,386.00		178,386.00
8932-00 Stevens County.....	21,889.00		21,889.00
8934-00 Thurston County.....	82,641.00		82,642.00
8936-00 Wahkiakum County.....		3,000.00	3,000.00
8938-00 Walla Walla County.....	27,981.00		27,981.00
8940-00 Whatcom County.....	72,627.00		72,627.00
8942-00 Whitman County.....		21,865.00	21,865.00
8944-00 Yakima County.....	197,347.00		197,347.00
8948-00 State Set-Aside Committee, WA.....		566.00	566.00
State Total.....	2,326,538.00	113,148.00	2,439,686.00
West Virginia:			
8950-00 Huntington/Cabell, Wayne Cos.....	88,244.00		88,244.00
8954-00 Barbour County.....	17,407.00		17,407.00
8956-00 Berkeley County.....	49,653.00		49,653.00
8958-00 Boone County.....	16,141.00		16,141.00
8960-00 Braxton County.....	15,635.00		15,635.00
8962-00 Brooke County.....	17,642.00		17,642.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
8968-00 Calhoun County .....	11,279.00		11,279.00
8970-00 Clay County .....	9,833.00		9,833.00
8972-00 Doddridge County .....		3,214.00	3,214.00
8974-00 Fayette County .....	37,995.00		37,995.00
8976-00 Gilmer County .....		3,358.00	3,358.00
8978-00 Grant County .....	9,237.00		9,237.00
8980-00 Greenbrier County .....	35,066.00		35,066.00
8982-00 Hampshire County .....	18,491.00		18,491.00
8984-00 Hancock County .....	21,202.00		21,202.00
8986-00 Hardy County .....		3,014.00	3,014.00
8988-00 Harrison County .....	54,479.00		54,479.00
8990-00 Jackson County .....	20,823.00		20,823.00
8992-00 Jefferson County .....	29,047.00		29,047.00
8994-00 Kanawha County .....	126,510.00		126,510.00
8998-00 Lewis County .....	16,575.00		16,575.00
9000-00 Lincoln County .....	20,769.00		20,769.00
9002-00 Logan County .....	30,114.00		30,114.00
9004-00 McDowell County .....	24,492.00		24,492.00
9006-00 Marion County .....	40,362.00		40,362.00
9008-00 Marshall County .....	25,938.00		25,938.00
9010-00 Mason County .....	22,667.00		22,667.00
9012-00 Mercer County .....	43,200.00		43,200.00
9014-00 Mineral County .....	13,611.00		13,611.00
9016-00 Mingo County .....	21,907.00		21,907.00
9018-00 Monongalia County .....	33,223.00		33,223.00
9020-00 Monroe County .....		3,185.00	3,185.00
9022-00 Morgan County .....	9,110.00		9,110.00
9024-00 Nicholas County .....	26,047.00		26,047.00
9026-00 Ohio County .....	27,583.00		27,583.00
9028-00 Pendleton County .....		3,043.00	3,043.00
9030-00 Pleasants County .....		3,185.00	3,185.00
9032-00 Pocahontas County .....	14,081.00		14,081.00
9034-00 Preston County .....	23,390.00		23,390.00
9036-00 Putnam County .....	29,065.00		29,065.00
9038-00 Raleigh County .....	53,991.00		53,991.00
9040-00 Randolph County .....	32,807.00		32,807.00
9042-00 Ritchie County .....	12,888.00		12,888.00
9044-00 Roane County .....	15,491.00		15,491.00
9046-00 Summers County .....	9,905.00		9,905.00
9048-00 Taylor County .....	13,032.00		13,032.00
9050-00 Tucker County .....		2,898.00	2,898.00
9052-00 Tyler County .....		3,128.00	3,128.00
9054-00 Upshur County .....	23,625.00		23,625.00
9060-00 Webster County .....	11,496.00		11,496.00
9062-00 Wetzel County .....	18,618.00		18,618.00
9064-00 Wirt County .....		3,673.00	3,673.00
9066-00 Wood County .....	67,222.00		67,222.00
9068-00 Wyoming County .....	17,389.00		17,389.00
9070-00 State Set-Aside Committee, WV .....		144.00	144.00
State Total .....	1,277,282.00	28,842.00	1,306,124.00
Wisconsin:			
9072-00 Eau Claire/Chippewa, Eau Claire Cos. ....	68,036.00		68,036.00
9096-00 Adams County .....		6,593.00	6,593.00
9098-00 Ashland County .....	9,544.00		9,544.00
9100-00 Barron County .....	24,673.00		24,673.00
9102-00 Bayfield County .....		7,541.00	7,541.00
9104-00 Brown County .....		31,493.00	31,493.00
9108-00 Buffalo County .....		7,301.00	7,301.00
9110-00 Burnett County .....		7,714.00	7,714.00
9112-00 Calumet County .....	33,150.00		33,150.00
9120-00 Clark County .....	21,419.00		21,419.00
9122-00 Columbia County .....		10,317.00	10,317.00
9124-00 Crawford County .....		7,743.00	7,743.00
9126-00 Dane County .....	112,989.00		112,989.00
9130-00 Dodge County .....		14,548.00	14,548.00
9132-00 Door County .....		7,775.00	7,775.00
9134-00 Douglas County .....		9,439.00	9,439.00
9136-00 Dunn County .....	16,358.00		16,358.00
9142-00 Florence County .....		5,669.00	5,669.00
9144-00 Fond Du Lac County .....		16,131.00	16,131.00
9146-00 Forest County .....		7,669.00	7,669.00
9148-00 Grant County .....	25,812.00		25,812.00
9150-00 Green County .....		8,358.00	8,358.00
9152-00 Green Lake County .....	11,713.00		11,713.00
9154-00 Iowa County .....	12,273.00		12,273.00
9156-00 Iron County .....		6,064.00	6,064.00
9158-00 Jackson County .....	9,923.00		9,923.00
9160-00 Jefferson County .....		12,495.00	12,495.00
9162-00 Juneau County .....	12,996.00		12,996.00
9164-00 Kenosha County .....	61,926.00		61,926.00
9168-00 Kewaunee County .....		5,785.00	5,785.00

Emergency food and shelter program phase X allocations	Direct (formula)	State set-aside	Total
9170-00 La Crosse County.....	37,398.00		37,398.00
9174-00 Lafayette County.....		6,611.00	6,611.00
9176-00 Langlade County.....		7,547.00	7,547.00
9178-00 Lincoln County.....		8,273.00	8,273.00
9180-00 Manitowoc County.....		13,733.00	13,733.00
9182-00 Marathon County.....		21,413.00	21,413.00
9184-00 Marinette County.....		10,209.00	10,209.00
9186-00 Marquette County.....		6,616.00	6,616.00
9188-00 Menominee County.....		7,892.00	7,892.00
9190-00 Milwaukee County.....	408,739.00		408,739.00
9198-00 Monroe County.....		10,047.00	10,047.00
9200-00 Oconto County.....	20,805.00		20,805.00
9202-00 Oneida County.....		7,404.00	7,404.00
9204-00 Outagamie County.....		19,763.00	19,763.00
9208-00 Ozaukee County.....		8,260.00	8,260.00
9210-00 Pepin County.....		4,694.00	4,694.00
9212-00 Pierce County.....	14,099.00		14,099.00
9214-00 Polk County.....		9,380.00	9,380.00
9216-00 Portage County.....	30,963.00		30,963.00
9218-00 Price County.....		7,664.00	7,664.00
9220-00 Racine County.....		32,113.00	32,113.00
9224-00 Richland County.....		6,867.00	6,867.00
9226-00 Rock County.....	105,669.00		105,669.00
9230-00 Rusk County.....	10,755.00		10,755.00
9232-00 St. Croix County.....		8,869.00	8,869.00
9234-00 Sauk County.....		11,664.00	11,664.00
9236-00 Sawyer County.....		8,374.00	8,374.00
9238-00 Shawano County.....		9,934.00	9,934.00
9240-00 Sheboygan County.....		18,704.00	18,704.00
9242-00 Taylor County.....	13,394.00		13,394.00
9244-00 Trempealeau County.....	16,449.00		16,449.00
9246-00 Vernon County.....	12,617.00		12,617.00
9246-00 Vilas County.....		6,861.00	6,861.00
9250-00 Walworth County.....		10,973.00	10,973.00
9252-00 Washburn County.....		6,994.00	6,994.00
9254-00 Washington County.....		13,703.00	13,703.00256
9256-00 Waukesha County.....		33,685.00	33,685.00
9262-00 Waupaca County.....		11,718.00	11,718.00
9264-00 Waushara County.....	10,755.00		10,755.00
9266-00 Winnebago County.....		22,887.00	22,887.00
9270-00 Wood County.....		13,784.00	13,784.00
9272-00 State Set-Aside Committee, WI.....		2,709.00	2,709.00
State Total.....	1,102,455.00	541,980.00	1,644,435.00
Wyoming:			
9276-00 Albany County.....	10,140.00		10,140.00
9278-01 (North) Big Horn.....		3,201.00	3,201.00
9278-02 (South) Big Horn.....		3,202.00	3,202.00
9280-00 Campbell County.....		20,121.00	20,121.00
9282-00 Carbon County.....		9,785.00	9,785.00
9284-00 Converse County.....		6,061.00	6,061.00
9286-00 Crook County.....		2,014.00	2,014.00
9288-00 Fremont County.....		20,292.00	20,292.00
9290-00 Goshen County.....		4,978.00	4,978.00
9292-00 Hot Springs County.....		2,280.00	2,280.00
9294-00 Johnson County.....		3,762.00	3,762.00
9296-00 Laramie County.....		34,542.00	34,542.00
9300-00 Lincoln County.....		8,588.00	8,588.00
9302-00 Natrona County.....		36,332.00	36,332.00
9306-00 Niobrara County.....		1,102.00	1,102.00
9308-00 Park County.....		12,141.00	12,141.00
9310-00 Platte County.....		4,617.00	4,617.00
9312-00 Sheridan County.....		13,623.00	13,623.00
9314-00 Sublette County.....		1,919.00	1,919.00
9316-00 Sweetwater County.....		25,194.00	25,194.00
9318-00 Teton County.....		5,966.00	5,966.00
9320-00 Uinta County.....		12,806.00	12,806.00
9322-00 Washakie County.....		3,876.00	3,876.00
9324-00 Weston County.....		3,458.00	3,458.00
9326-00 State Set-Aside Committee, WY.....			0.00
State Total.....	10,140.00	239,860.00	250,000.00
Territories:			
9328-00 America Samoa.....	139,293.00		139,293.00
9330-00 Guam.....	132,660.00		132,660.00
9332-00 No. Mariana Islands.....	86,229.00		86,229.00
9334-00 Puerto Rico.....	2,124,241.00		2,124,241.00
9338-00 Trust Territories (Palau only after Phase IX).....	119,394.00		119,394.00
9340-00 Virgin Islands.....	185,724.00		185,724.00
Total.....	2,787,541.00	0.00	2,787,541.00

**FEDERAL RESERVE SYSTEM**

**Northland Bancshares, Inc.;  
Acquisition of Company Engaged in  
Permissible Nonbanking Activities**

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than June 12, 1992.

**A. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *Northland Bancshares, Inc.*, Kansas City, Missouri; to acquire North American Credit Services, Kansas City, Missouri, and thereby engage in making and acquiring loans pursuant to § 225.25(b)(1) of the Board's Regulation Y and leasing real and personal property pursuant to § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 13, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-11654 Filed 5-18-92; 8:45 am]

BILLING CODE 6210-01-F

**John T. and Lois A. Schott; Change in  
Bank Control Notice**

**Acquisition of Shares of Banks or  
Bank Holding Companies**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than June 8, 1992.

**A. Federal Reserve Bank of Kansas City** (John E. Yorke, Senior Vice

President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. *John T. and Lois A. Schott*, Kansas City, Missouri; to acquire an additional 13.3 percent, for a total of 23.3 percent, of the voting shares of Northland Bancshares, Inc., Kansas City, Missouri, and thereby indirectly acquire First National Bank of Platte County, Kansas City, Missouri.

Board of Governors of the Federal Reserve System, May 13, 1992.

Jennifer J. Johnson,

*Associate Secretary of the Board.*

[FR Doc. 92-11655 Filed 5-19-92; 8:45 am]

BILLING CODE 6210-01-F

**FEDERAL TRADE COMMISSION**

**Granting of Request for Early  
Termination of the Waiting Period  
Under the Premerger Notification  
Rules**

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the *Federal Register*.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

**TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 042792 AND 050892**

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Koch Industries, Inc., Chrysler Corporation, Chrysler Capital Public Finance Corporation.....	92-0803	04/27/92
Siegel-Robert, Inc., Advantek, Inc., Advantek, Inc. ....	92-0824	04/27/92
Fremont General Corporation, Dana Corporation, Dana Business Credit Corporation.....	92-0827	04/27/92
The Walt Disney Company, Pinelands, Inc., Pinelands Inc. ....	92-0839	04/27/92
Pinelands, Inc., The Walt Disney Company, Fidelity Television, Inc., and KHJ-TV, Inc. ....	92-0840	04/27/92
Wing On International Holdings limited, Palace Holdings Limited, WL Investments Limited.....	92-0847	04/27/92
Kirk Kerkorian, Martin R. Shugrue, Jr., Trustee for Eastern Airlines, Eastern Air Lines, Inc. ....	92-0868	04/27/92
American Industrial Partners Capital Fund, L.P., Alumen, Inc., Easco Corporation.....	92-0880	04/27/92
Alamo Group Inc., Ariens Company, Gravely International, Inc./Signet Leasing, Inc. ....	92-0788	04/28/92
United Technologies Corporation, Cain & Bultman, Inc., Florida Air Conditioners, Inc. ....	92-0843	04/28/92
DI Associates, L.P., First Interstate Bancorp., First Interstate Bancorp. ....	92-0850	04/28/92
Mr. Gianni Varasi, Bertrex Corporation, Bertram-Trojan, Inc. ....	92-0872	04/28/92
Fluor Corporation, The United Company, Wellmore Coal Corporation and Belfry Coal Corporation.....	92-0855	04/29/92
IDEX Corporation, Equity Holdings Limited, Pulsafeeder, Inc. ....	92-0795	05/01/92

## TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 042792 AND 050892—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Jon M. Huntsman, The Goodyear Tire & Rubber Company, The Goodyear Tire and Rubber Company; Wingfoot.....	92-0860	05/01/92
Household International, Inc., GLENFED, Inc., Glendale Federal Bank, Federal Savings Bank.....	92-0867	05/01/92
Hiroshi Yamauchi, Jeffrey H. Smulyan, Seattle Baseball, L.P. (a Delaware limited partnership).....	92-0873	05/01/92
Tele-Communications, Inc., Tele-Communications, Inc., Netlink USA.....	92-0888	05/01/92
Bain Venture Capital, Fashion Bar, Inc., Fashion Bar, Inc.....	92-0894	05/01/92
The Wharf (Holdings) Limited, Marriott Corporation, Marriott Mandalay Limited Partnership.....	92-0892	05/04/92
Guarantee Mutual Life Company, J.A. Cochrane, Minnesota Protective Life Insurance Company.....	92-0896	05/05/92
ServiceMaster Limited Partnership, Ecolab Inc., ChemLawn Division.....	92-0901	05/06/92
Roger S. Penske, McDonnell Douglas Corporation, McDonnell Douglas Truck Services, Inc.....	92-0884	05/07/92
Northern Border Pipeline Company, Occidental Petroleum Corporation, Natural Gas Pipeline Company of America.....	92-0863	05/08/92
Barnes Hospital, The Jewish Hospital of St. Louis, The Jewish Hospital of St. Louis.....	92-0865	05/08/92
The Coastal Corporation, Ingram Industries Inc., Cravat Coal Export Company, Inc.....	92-0890	05/08/92
W.D. Company, Inc., Belk Enterprises, Inc., Belk-Lindsey Company of Bradenton, Florida.....	92-0905	05/08/92
R. Emmett Boye, ORALCO, Inc., ORALCO, Inc.....	92-0906	05/08/92
ConAgra, Inc., Larry L. Pacha and Cathy A. Pacha, J.M. Swank Company, Inc.....	92-0907	05/08/92
Staples, Inc., Office Mart Holdings Corp., d/b/a Workplace, Office Mart Holdings Corp., d/b/a Workplace.....	92-0910	05/08/92
H Group Holding, Inc., Life-Care Communities of America, Ltd., Bentley Village, Inc.....	92-0921	05/08/92
Henley Properties Inc., The Henley Group, Inc., The Henley Group, Inc.....	92-0923	05/08/92

**FOR FURTHER INFORMATION CONTACT:**

Sandra M. Peay or Renee A. Horton,  
Contact Representatives, Federal Trade  
Commission, Premerger Notification  
Office, Bureau of Competition, room 303,  
Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-11875 Filed 5-18-92; 8:45 am]

BILLING CODE 6750-01-M

**[Docket No. 9227]**

**Peterson Drug Company of North Chili,  
New York, Inc.; Prohibited Trade  
Practices and Affirmative Corrective  
Actions**

**AGENCY:** Federal Trade Commission.

**ACTION:** Final order.

**SUMMARY:** This order grants the respondent's motion to withdraw notice of appeal and adopts the initial decision of the administrative law judge, and the order therein, which prohibits boycotts, or threats of boycotts, of pharmacy participation plans.

**DATES:** Complaint issued April 19, 1989.  
Final order issued April 22, 1992.

**FOR FURTHER INFORMATION CONTACT:**  
Karen Bokat or John Hoagland, FTC/S-  
3308, Washington, DC 20580. (202) 326-  
2912 or 326-2893.

**Authority:** Sec. 6, 38 Stat. 721; 15 U.S.C. 46.  
Interprets or applies sec. 5, 38 Stat. 719, as  
amended; 15 U.S.C. 45.

**SUPPLEMENTARY INFORMATION:** Copies  
of the complaint, initial decision, and  
final order are available from the  
Commission's Public Reference Branch,  
H-130, 6th St. & Pa. Ave., NW.,  
Washington, DC 20580.

**Order Granting Motion to Withdraw  
Appeal and Adopting Initial Decision**

On June 7, 1991, respondent Peterson Drug Company of North Chili, New York, Inc. ("Peterson") filed a timely notice of intention to appeal from the initial decision rendered in this matter by Administrative Law Judge Morton Needleman.<sup>1</sup> Peterson thereafter sought, and was granted, an extension of time until August 6, 1991 to perfect its appeal by filing an appeal brief.

Rather than filing an appeal brief on the appointed day, Peterson filed a motion to withdraw notice of intention to appeal. Motion to Withdraw Notice of Intention to Appeal, Dkt. No. 9227, ¶3 (Aug. 6, 1991). In its motion, Peterson stated that, while "[n]othing in this motion \* \* \* should be construed as an admission . . . to any portion of the Initial Decision," it consents to the entry of the order contained in the initial decision. The motion notes as well that complaint counsel in this matter has been informed of Peterson's decision and does not oppose it.

Under § 3.51(a) of the Commission's Rules of Practice, 16 CFR 3.51(a) (1991), the initial decision becomes the decision of the Commission 30 days after it is served on the parties, or 30 days after the filing of a timely notice of appeal, whichever is later, unless the appeal is perfected by the filing of an appeal brief.<sup>2</sup>

<sup>1</sup> The Commission's complaint in this matter, issued on April 19, 1989, named six corporations and one individual as respondents. During the subsequent course of the proceeding the other respondents entered into consent agreements, leaving Peterson as the only respondent subject to the initial decision.

<sup>2</sup> This result can also be forestalled if the Commission places the matter on its docket for review *sua sponte*, or issues an order which otherwise stays the effective date of the initial decision.

Because Peterson was granted an extension of the time within which to perfect its appeal, more than 30 days have elapsed since the notice of intention to appeal was filed. Section 3.51(a) does not expressly address this situation, and the Commission has therefore determined to clarify the date on which the initial decision becomes the decision of the Commission. The Commission has determined that § 3.51(a) should not apply retroactively under the circumstances which obtain here.<sup>3</sup> Rather, the Commission has determined that the case should not be placed in its own docket for review, and that the initial decision should become effective as the decision of the Commission upon service of this order to all concerned. The precedential significance of all or any part of this decision in future Commission proceedings will depend entirely on the persuasive weight the Commission determines that it should bear in such proceedings.<sup>4</sup> Therefore,

*It is Ordered* that respondent's motion to withdraw notice of appeal be, and it hereby is, granted; and

*It is further ordered* that the initial decision of the Administrative Law Judge in this matter, and the other therein, shall become the decision and order of the Commission effective upon completion of service of this order upon the parties.

<sup>3</sup> To accord § 3.51(a) retroactive effect in this matter would create the curious situation in which the initial decision would have become the decision of the Commission on July 8, 1991, although the result could not have been known until Peterson abandoned its appeal by filing its motion on August 6. The task of determining when compliance obligations arose would be problematic, to say the least.

<sup>4</sup> *CF. BASF Wyandotte Corp.*, 100 F.T.C. 261, 430 (1982).



By the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 92-11670 Filed 5-18-92; 8:45 am]

BILLING CODE 6750-01-M

[File No. 912 3935]

**Pyraonic Industries II, Inc., et al.;  
Proposed Consent Agreement With  
Analysis To Aid Public Comment**

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed Consent Agreement.

**SUMMARY:** In settlement of alleged violations of Federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, accepted subject to final Commission approval, would prohibit, among other things, a San Diego-based company and its owner from making false or unsubstantiated representations that the Phototron indoor greenhouse or any similar product removes or reduces indoor air contaminants.

**DATES:** Comments must be received on or before July 20, 1992.

**ADDRESSES:** Comments should be directed to: FTC/Office of the Secretary, room 159, 6th St. and Pa. Ave., NW., Washington, DC 20580.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey Klurfeld, San Francisco Regional Office, Federal Trade Commission, 901 Market St., suite 570, San Francisco, CA. 94103. (415) 744-7920.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(6)(ii) of the Commission's Rules of Practice (16 CFR 4.9(b)(6)(ii)).

**Agreement Containing Consent Order  
To Cease and Desist**

In the Matter of Pyraonic Industries II, Inc., a corporation, and Jeffery Julian DeMarco, individually and as an officer of said corporation.

The Federal Trade Commission, having initiated an investigation of certain acts and practices of Pyraonic Industries II, Inc. and Jeffery Julian DeMarco ("respondents"), and it now

appearing that proposed respondents are willing to enter into an agreement containing an order to cease and desist from the acts and practices being investigated,

It is hereby agreed by and between respondents, by their duly authorized officers and their attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Pyroonic Industries II, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Illinois. The principal place of business of this corporation is located at 15090 Avenue of Science, P.O. Box 27809, Carmel Mountain Ranch, San Diego, CA 92128.

2. Proposed respondent Jeffery Julian DeMarco is an officer of the corporate respondent. He formulates, directs, and controls the acts and practices of the corporate respondent, and his principal office and place of business is the same as that of the corporate respondent.

3. Proposed respondents admit all the jurisdictional facts set forth in the attached draft complaint.

4. Proposed respondents waive: a. Any further procedural steps;

b. The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement; and

d. All claims under the Equal Access to Justice Act, 5 U.S.C. 504.

5. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the attached draft complaint, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondents, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstance may require) and decision, in disposition of the proceeding.

6. This agreement is for settlement purposes only and does not constitute an admission by proposed respondents that the law has been violated as alleged in the attached draft complaint, or that the facts alleged in the draft complaint, other than the jurisdictional facts, are true.

7. This agreement contemplates that if it is accepted by the Commission, and if

such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondents, (a) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order to cease and desist in disposition of the proceeding and (b) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondents' address as stated in this agreement shall constitute service. Proposed respondents waive any right they may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

8. Proposed respondents have read the attached draft complaint and the following order. Proposed respondents understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order. Proposed respondents further understand that they may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

*Order*

**Definitions**

For the purposes of this order, the following definitions shall apply:

A. The term "air cleaning product" means any product, equipment or appliance designed or advertised to remove, treat or reduce the level of any contaminant(s) in the air.

B. The terms "indoor air contaminant(s)" or "contaminant(s)" mean one or more of the following: Radon, cigarette smoke, formaldehyde, carbon monoxide, sulfur, hydrocarbons, pet odors, kitchen & bathroom smells or any other gaseous or particulate matter found in indoor air.

C. The term "substantially similar product" means any plant growth chamber that does not also include a charcoal filter or other mechanism for

removing or reducing the concentration of one or more indoor air contaminants.

**I.**

It is ordered that respondent Pyraponic Industries II, Inc., a corporation, its successors and assigns, and its officers, and respondent Jeffery Julian DeMarco, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the Phototron, or any substantially similar product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such product, or any component of such product, removes all indoor air contaminants.

**II.**

It is further ordered that respondent Pyraponic Industries II, Inc., a corporation, its successors and assigns, and its officers, and respondent Jeffery Julian DeMarco, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the Phototron, or any other air cleaning product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that such product, or any component of such product:

- A. Removes one or more indoor air contaminant(s);
  - B. Reduces the concentration of one or more indoor air contaminant(s);
  - C. Is a viable substitute for, or is superior to, any other product or method with respect to its ability to remove or reduce the concentration of one or more indoor air contaminant(s); or
  - D. Is effective, within any stated area, in removing or reducing the concentration of one or more indoor air contaminant(s);
- unless at the time of making the representation respondents possess and rely upon competent and reliable scientific evidence that substantiates the representation. For purposes of this order, "competent and reliable scientific evidence" shall mean tests, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, that has been conducted and evaluated in an objective

manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results.

**III.**

It is further ordered that respondent Pyraponic Industries II, Inc., a corporation, its successors and assigns, and its officers, and respondent Jeffery Julian DeMarco, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, promotion, offering for sale, sale or distribution of the Phototron, or any other air cleaning product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, any performance characteristic of any such product unless, at the time of making such representation, respondents possess and rely upon competent and reliable evidence that substantiates the representation. To the extent such evidence consists of tests, experiments, analyses, research, studies or other evidence based on the expertise of professionals in the relevant area, such evidence shall be "competent and reliable" only if those tests, experiments, analyses, research, studies or other evidence are conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession or science to yield accurate and reliable results.

**IV.**

It is further ordered that for three (3) years from the date that the respondents make any representation covered by this order, respondents shall maintain and upon written request make available to the Federal Trade Commission for inspection and copying:

A. All advertisements, promotional materials, documents, or other materials relating to the offer for sale or sale of any product covered by this order that make any representation covered by this order;

B. All materials relied upon by respondents to substantiate any representation covered by this order;

C. All tests, reports, studies, experiments, analyses, research, surveys, demonstrations, or other materials in the possession or control of respondents that contradict, qualify, or call into question any representation covered by this order or the basis on

which respondents relied for such representation; and

D. All materials that demonstrate respondents' compliance with this order.

**V.**

It is further ordered that respondents, shall notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution or subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

**VI.**

It is further ordered that the individual respondent shall, for a period of five (5) years after the date of service of this order upon him, promptly notify the Commission, in writing, of his discontinuance of his present business or employment and of his affiliation with a new business or employment. For each such new affiliation, the notice shall include the name and address of the new business or employment, a statement of the nature of the new business or employment, and a description of respondent's duties and responsibilities in connection with the new business or employment.

**VII.**

It is further ordered that the corporate respondent shall distribute a copy of this order to each of its operating divisions and to each of its managerial employees. The corporate respondent shall also distribute a copy of this order to each of its officers, agents, representatives or employees who either: (1) Is engaged in the preparation or placement of advertising or other sales materials covered by this order; or (2) communicates directly with customers or prospective customers regarding the efficacy of any product covered by this order. The corporate respondent shall secure a signed statement acknowledging receipt of the order from each person to whom the order is distributed pursuant to this paragraph.

**VIII.**

It is further ordered that respondents shall, within sixty (60) days from the date of service of this order upon them, and at such other times as the Commission may require, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement subject to final approval, to a proposed consent order from respondents Pyraconic Industries II, Inc., an Illinois corporation, and Jeffrey Julian DeMarco, individually and as an officer of the corporation.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take other appropriate action or make final the agreement's proposed order.

This matter concerns the advertising of the Phototron, a plastic growth chamber, or miniature greenhouse, designed to assist in plant growth. The Commission's complaint charges that respondents' advertising contained false representations that the Phototron acts as an air filter to remove all indoor air contaminants. The complaint also charges that respondents' advertising contained unsubstantiated representations concerning the Phototron's alleged efficacy in removing particular indoor air contaminants within a specified area. Specifically, the complaint alleges that respondents lacked substantiation for claims that the Phototron is: (1) Effective in removing one or more individual air contaminants; (2) a viable substitute for, and is superior to, conventional air purification of filtration methods or products; and (3) effective in removing or reducing the concentration of indoor air contaminants in a 1,000 square foot area.

The proposed consent order contains provisions designed to remedy the violations charged and to prevent the respondents from engaging in similar acts and practices in the future.

Part I of the proposed order provides that the respondents will cease and desist from representing that the Phototron, or any other substantially similar product, removes all indoor air contaminants.

Part II of the proposed order provides that if the respondents represent that the Phototron, or any other air cleaning product: (1) Removes one or more indoor air contaminant(s); (2) reduces the concentration of one or more indoor air contaminant(s); (3) is a viable substitute for, or is superior to, any other product or method with respect to its ability to remove or reduce the concentration of

one or more indoor air contaminant(s) or; (4) is effective, within any stated area, in removing or reducing the concentration of one or more indoor air contaminant(s); they must possess and rely upon competent and reliable scientific evidence that substantiates the representation.

Part II of the proposed order requires the respondents to cease and desist from representing any performance characteristics of the Phototron, or any other air cleaning product, unless they possess and rely upon competent and reliable scientific evidence that substantiates the representation.

The proposed order also requires the respondents to maintain materials relied upon to substantiate claims covered by the order, to distribute copies of the order to each of the corporate respondent's operating divisions and managerial employees, to notify the Commission of any changes in corporate structure that might affect compliance with the order, to notify the Commission of certain changes in the business or employment of the named individual respondent, and to file one or more reports detailing compliance with the order.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Donald S. Clark,  
*Secretary.*

[FR Doc. 92-11676 Filed 5-18-92; 8:45 am]  
BILLING CODE 6750-01-M

[Docket C-2797]

**Tarra Hall Clothes, Inc., and Abraham Cohen**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of period for public comment on petition to reopen and modify the order.

**SUMMARY:** Abraham Cohen, individual respondent in the order in Docket No. C-2797, concerning a prohibition on importing wool products filed a petition on May 1, 1992, requesting that the Commission reopen and modify the order. This document announces the public comment period on this petition.

**DATES:** The deadline for filing comments in this matter is June 12, 1992.

**ADDRESSES:** Comments should be sent to the Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Requests for

copies of the petition should be sent to Public Reference Branch, room 130.

**FOR FURTHER INFORMATION CONTACT:** Ronald D. Lewis, Enforcement Division, Bureau of Consumer Protection, Federal Trade Commission, Washington, DC 20580, (202) 326-2985.

**SUPPLEMENTARY INFORMATION:** The order in Docket No. C-2797 was published at 41 FR 13581 on March 31, 1976, reported at 87 FTC 294. The petitioner, Abraham Cohen, no longer has an interest in the corporation in the order, Tarra Hall Clothes, Inc. He is now president of Hartz & Company, Inc., an importer of wool products and manufacturer of men's clothing. The order modification requested by petitioner would remove petitioner from the order's prohibition on importing wool products except upon filing a bond with the Secretary of the Treasury in a sum double the value of the imported wool products and any duty thereon, conditioned upon compliance with the Wool Products Labeling Act of 1939 or in the alternative, would limit the filing of such bond for reprocessed wool products only. The petition was placed on the public record on May 13, 1992.

Donald S. Clark,  
*Secretary.*

[FR Doc. 92-11674 Filed 5-18-92; 8:45 am]  
BILLING CODE 6750-01-M

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

**Office of the Assistant Secretary for Health**

#### **Public Hearing and Meeting of the Advisory Committee on Scientific Integrity, Public Health Service**

Pursuant to Public Law 92-463, notice is hereby given of a public hearing and meeting of the Advisory Committee on Scientific Integrity, Public Health Service, on Thursday, June 11, and Friday, June 12, 1992, at the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. The charge of the Committee is to review and evaluate, on an ongoing basis, the efficacy of policies and procedures of the Public Health Service in detecting, deterring, and investigating scientific misconduct, and to make recommendations to the Secretary and the Assistant Secretary for Health on improving these policies and procedures.

The public hearing portion of the meeting will commence on Thursday at 9 a.m. in Conference Room G, 3rd floor. The hearing will conclude at 4:30 p.m. or when all testimony has been given,

whichever occurs first. The hearing will be followed by a regular Committee meeting for the remainder of Thursday and on Friday from 8:30 a.m. to 1 p.m., in Conference Room D. The meeting will also be open to the public.

Persons intending to make an oral presentation should notify the Executive Secretary at least two weeks prior to the hearing date. Times will be assigned for testimony and, in case of time conflicts or too little time, the earliest requests will be given priority. The Executive Secretary requests an outline or summary of oral statements at least 10 working days before the hearing to allow similar comments to be grouped together. Oral statements should not exceed ten minutes and can be supplemented with or replaced by longer written statements provided to the Executive Secretary. All written materials can be faxed to (301) 443-5351 or mailed to the address below.

On August 8, 1989, the PHS published a final rule on Responsibilities of Awardee and Applicant Institutions for Dealing With and Reporting Possible Misconduct in Science. On June 13, 1991, the PHS published a notice of its Policies and Procedures for Dealing with Possible Scientific Misconduct in Extramural Research. Based on public comments it received on the latter, recommendations of the Advisory Committee, and other PHS considerations, the PHS intends to issue a revised final rule which will be presented in the future to the public as a Notice of Proposed Rulemaking (NPRM) for which comments will be invited separately from this hearing.

This public hearing is prior to any formation of the NPRM. The topics on which the Advisory Committee requests comments will not necessarily be part of an NPRM, but are issues that have been discussed by the Advisory Committee and deserve discussion by the larger scientific community and the public.

The Advisory Committee is seeking comments on the following issues of concern:

- The definition of scientific misconduct;
- Features for hearings in cases where the PHS has made a proposed finding of scientific misconduct and has proposed sanctions;
- A time frame for a limitation period for bringing charges of scientific misconduct against a member of the scientific community if that project is funded under the PHS Act;
- Whistleblower protection at grantee, contractor, or PHS facilities;
- Standards for inquiries and investigations by grantee and contractor institutions, including whether the

institution should offer a hearing to the accused before a finding of misconduct is referred to the PHS; and

- Features of the PHS ALERT system.

In the regular Advisory Committee meeting, the Advisory Committee will continue discussion of the PHS definition of scientific misconduct; features of HHS hearings of cases of alleged scientific misconduct; a statute of limitations; and whistleblower protection; and other issues as they arise.

For questions or comments, please contact Henrietta D. Hyatt-Knorr, Executive Secretary, Advisory Committee on Scientific Integrity, Office of Scientific Integrity Review, Rockwall II, suite 1113, 5515 Security Lane, Rockville, MD 20852, (301) 443-5300. The Executive Secretary will furnish the meeting agenda, the Committee charter, and a roster of the Committee members upon request.

Lyle W. Bivens,

Director, Office of Scientific Integrity Review.

[FR Doc. 92-11632 Filed 5-18-92; 8:45 am]

BILLING CODE 4160-17-M

#### Administration for Children and Families

[Program Announcement No. ACF-92-4]

#### Youth Gang Drug Prevention Program; Availability of Fiscal Year 1992 Funds and Request for Applications

**AGENCY:** Administration on Children, Youth and Families (ACYF); Administration for Children and Families (ACF).

**ACTION:** Extension of due date for receipt of applications for the fiscal year 1992 Youth Gang Drug Prevention Program announcement.

**SUMMARY:** This notice amends program announcement number ACF-92-4 published in the *Federal Register* on March 20, 1992, by extending the due date for submission of applications to May 26, 1992.

**FOR FURTHER INFORMATION CONTACT:** Department of Health and Human Services, ACF/ACYF, Family and Youth Services Bureau, Division of Program Support, Attn: Maria T. Candamil, P.O. Box 1182, Washington, DC 20013. Telephone: (202) 245-0054.

**SUPPLEMENTARY INFORMATION:** On March 20, 1992, the Administration on Children, Youth and Families (ACYF) published in the *Federal Register* an announcement of the availability of fiscal year 1992 funds and request for applications for the Youth Gang Drug Prevention Program (57 FR 9866).

The announcement solicited applications for competing discretionary grants under the Youth Gang Drug Prevention Program. The purpose of this program is to conduct community-based, comprehensive, and coordinated activities to reduce and prevent the involvement of youth in gangs that engage in illicit drug-related activities.

Because of the recent events in Los Angeles which disrupted normal work schedules, we are allowing all prospective applicants more time to submit applications under this announcement. We are extending the due date for submission of applications from May 19 to May 26, 1992.

(Catalog of Federal Domestic Assistance Program Number 93.660, Drug Abuse Education and Prevention Relating to Youth Gangs)

Approved: May 13, 1992.

Wade F. Horn,

Commissioner, Administration on Children, Youth and Families.

[FR Doc 92-11637 Filed 5-18-92; 8:45 am]

BILLING CODE 4130-01-M

#### Centers for Disease Control

[Announcement Number 209]

#### Fiscal Year 1992 Regional Training and Demonstration Centers for the Early Detection and Control of Breast and Cervical Cancer

##### Introduction

The Centers for Disease Control (CDC), the Nation's prevention agency, announces the availability of funds in Fiscal Year (FY) 1992 for competing cooperative agreements to develop and implement collaborative training and demonstration centers for the purpose of enhancing the capacity of state and local health department personnel who design and deliver comprehensive breast and cervical cancer control programs. Training activities will address each of the components of comprehensive breast and cervical cancer programs that include screening, follow-up, public education, professional education, quality assurance, evaluation, and surveillance.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Cancer. (For ordering a copy of Healthy People 2000, see the section Where To Obtain Additional Information.)

**Authority**

This program is authorized by Sections 301(a) [42 U.S.C. 241(a)], and 1507 [42 U.S.C. 300n-3] of the Public Health Service Act, as amended.

**Eligible Applicants**

Eligible applicants are the governments of any of the states of the United States, the District of Columbia, Commonwealth of Puerto Rico, and any territory or possession of the United States; or any bona fide agent or instrumentality of a state government.

**Availability of Funds**

Approximately \$500,000 will be available in FY 1992 to fund up to two cooperative agreements. It is expected that awards will range from \$200,000 to \$300,000 with an average of \$250,000. Projects are expected to begin on or about September 15, 1992, for a 12-month budget period within a project period of up to 3 years. Funding estimates may vary and are subject to change.

Continuation awards within the approved project period will be made on the basis of an acceptable application, satisfactory performance, and the availability of funds.

Funds will not be awarded for the purchase or lease of land or buildings, construction of facilities, or renovation of existing space. The purchase of equipment is discouraged but will be considered for approval if justified on the basis of being essential to the program and not available from any other source. Cooperative agreement funds shall not be used for the delivery of clinical and therapeutic services.

**Purpose**

The purpose of this cooperative agreement is to assist state health departments by establishing coordinated training programs that will increase the capacity of public health workers to design, deliver, and manage comprehensive breast and cervical cancer detection and control programs.

**Program Requirements**

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A., below, and CDC shall be responsible for conducting activities under B., below:

**A. Recipient Activities**

1. Form an advisory panel of not less than five persons, including public and private health professionals and representatives of the state and local target populations, to assist in the planning of training programs for the

early detection and control of breast and cervical cancer.

2. Collaborate with CDC and the state health departments that receive CDC funds for the early detection and control of breast and cervical cancer to (1) assess training needs, (2) identify individuals and groups targeted for priority training, and (3) coordinate course scheduling.

3. Collaborate with state and local volunteer agencies, universities, and cancer centers to plan and deliver training programs.

4. Conduct quarterly training and demonstration programs of two to three days' duration for approximately 20 participants.

5. Collaborate with CDC to develop and evaluate training programs including training technology, technological program components, training materials and the effectiveness of programs.

6. Participate in two planning meetings per year to formulate specific time lines and develop agenda related to training program design, delivery, and management.

7. Participate with CDC and other national organizations in the delivery of other training activities at an annual CDC conference.

8. Collaborate with CDC in the design, development, and delivery of programs that use a "Train-the-Trainer" model.

**B. CDC Activities**

1. Convene meetings for recipients as needed to coordinate the development and delivery of training programs and ensure the timely dissemination of information to all state public health agencies and their key constituent groups.

2. Assist recipients by:

a. Facilitating interactions with health departments in other states;

b. Coordinating training needs assessment;

c. Assisting with the identification of individuals and groups targeted for priority training; and

d. Coordinating course scheduling.

3. Collaborate with recipients in interactions with state and local public health agencies.

4. Collaborate with recipients to document, evaluate, publish, and disseminate training materials, manuals, and information on the effectiveness of training methods and programs.

5. Assist recipients in the training of local and other constituencies by using a "Train-the-Trainer" model.

6. Through a separate funding mechanism, provide for travel, lodging, and miscellaneous expenses of trainees from the states funded by CDC for the

early detection and control of breast and cervical cancer.

7. Develop and assist in carrying out mechanisms to evaluate the training programs in terms of the:

a. Process of conducting the program;

b. Ability of the program to fulfill goals and objectives; and

c. Evaluation of materials and the manual.

**Review and Evaluation Criteria**

Applications will be reviewed and evaluated according to the following criteria, the total of which is 100 points:

A. The extent to which the application documents community, voluntary agency, academic, and professional support for the training program. Documentation of support and agreement to participate in appropriate aspects of the program should also be provided by community provider groups. (20 points)

B. The degree to which specific, time-related and measurable objectives and process and outcome evaluative measures are consistent with the stated purposes of the cooperative agreement. (15 points)

C. The quality of the applicant's plan for providing training to individuals and groups representing the states funded by CDC for the early detection and control of breast and cervical cancer. (15 points)

D. Evidence of the applicant's demonstrated ability to plan, develop, carry out, and evaluate training programs specific to breast and cervical cancer and programs specific to state health departments. (15 points)

E. Documentation of an existing or evidence of plans for the development of a state-based cancer plan that documents (a) the integration of major program components and (b) the extent to which professional groups, universities, voluntary organizations, cancer centers, and professional organizations provide consultation and assistance with the needs assessment, intervention strategies, and program evaluation of proposed training activities. (10 points)

F. Evidence that the applicant's evaluation plan provided for the rigorous evaluation of training program effectiveness and efficiency (i.e., specific local demonstrations to test methods that may serve for later expansion). (10 points)

G. The qualifications and appropriateness of proposed panel members, including contractual and advisory panel personnel. (5 points)

H. Evidence of the applicant's long-term commitment to maintain the capacity to carry out a comprehensive

cancer control training program. (5 points)

I. Description of plans for the selection and use of effective and innovative training methodology and tools within the application. (5 points)

J. The extent to which the budget is reasonable and consistent with the intended use of cooperative agreement funds. (Not weighted)

#### Recipient Financial Participation

Although programs funded under this announcement are discretionary cooperative agreements with no statutory matching requirements, applicants are expected to contribute non-Federal funds (usually in-kind) to support the cost of this program.

#### Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order 12372. This order sets up a system for state and local review of proposed federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact their state Single Point of Contact (SPOCs) as early as possible to alert them to the prospective applications and receive any necessary instructions on the state process. For a proposed project that serves more than one state, the applicant is advised to contact the SPOC of each affected state. A current list of SPOCs is included in the application kit. If SPOCs have any state process recommendations on applications submitted to CDC, they should forward them to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., Atlanta, Georgia 30305. The due date for state process recommendations is 60 days after the application deadline date for new and competing continuation awards. The granting agency does not guarantee to "accommodate or explain" for state process recommendations it receives after that date.

#### Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.919.

#### Application Submission and Deadline

The original and two copies of the application PHS Form 5161-1 must be submitted to Edwin L. Dixon, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE.,

room 300, Mailstop E-14, Atlanta, Georgia 30305, on or before July 13, 1992.

A. *Deadline:* Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; or

(2) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service Postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. *Late Applications:* Applications which do not meet the criteria in A.(1) or A.(2) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

#### Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Gordon R. Clapp, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, NE., room 300, Atlanta, Georgia 30305, (404) 842-6801. Programmatic technical assistance may be obtained from Nancy Cheal, R.N., M.S., Health Promotion and Training Branch, Division of Cancer Prevention and Control Branch, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control, 1600 Clifton Road, NE., Mail Stop K52, Atlanta, Georgia 30333, telephone (404) 488-5496.

Please refer to Program Announcement Number 209 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (Telephone (202) 783-3238).

Dated: May 12, 1992.

Robert L. Foster,

Acting Director, Office of Program Support Centers for Disease Control.

[FR Doc. 92-11653 Filed 5-18-92; 8:45 am]

BILLING CODE 4160-18-M

#### Injury Research Grant Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following committee meeting.

*Name:* Injury Research Grant Review Committee (IRGRC).

*Times and Dates:* 7 p.m.-9:30 p.m., June 21, 1992; 8 a.m.-5 p.m., June 22, 1992; 8 a.m.-12 noon, June 23, 1992.

*Place:* Embassy Suites Hotel, Atlanta-Buckhead, 3285 Peachtree Road, NE, Atlanta, Georgia 30305.

*Status:* Open 7 p.m.-7:50 p.m., June 21, 1992; Closed 7:50 p.m., June 21, 1992; through 12 noon, June 23, 1992.

*Purpose:* This committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the scientific merit and technical feasibility of grant applications relating to the support of injury control research and demonstration projects and injury prevention research centers.

*Matters to be Discussed:* Agenda items for the meeting will include announcements, discussion of review procedures, future meeting dates, and review of grant applications. Beginning at 7:50 p.m., June 21, through 12 noon, June 23, the Committee will consider applications for Injury Control Research Centers (ICRCs), Research Program Project Grants, and supplements to existing ICRCs. This portion of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), title 5 U.S.C., and the Determination of the Director, CDC, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Richard W. Sattin, M.D., Executive Secretary, IRGRC, Division of Injury Control, National Center for Environmental Health and Injury Control, CDC, 1600 Clifton Road, NE., Mailstop F36, Atlanta, Georgia 30333, telephone 404/488-4265.

Dated: May 10, 1992.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 92-11651 Filed 5-18-92; 8:45 am]

BILLING CODE 4160-18-M

#### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### Office of Administration

[Docket No N-92-3442]

##### Notice of Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

**SUMMARY:** The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as

described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The notice lists the following information:

- (1) The title of the information collection proposal;
- (2) The office of the agency to collect the information;
- (3) The description of the need for the information and its proposed use;
- (4) The agency form number, if applicable;
- (5) What members of the public will be affected by the proposal;
- (6) How frequently information submissions will be required;
- (7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;
- (8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and
- (9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: May 11, 1992.

Kay Weaver,  
*Acting Director, Information Resources, Management Policy and Management Division.*

**Notice of Submission of Proposed Information Collection to OMB**

**Proposal:** Title I Financial Statement.  
**Office:** Housing.

**Description of the Need for the Information and Its Proposed Use:**  
This form is used by HUD in determining factors involved when compromises are reached with borrowers to lighten the financial burdens in given cases of Title I Home Improvement and Mobile Home Loans.

**Form Number:** HUD-56142.

**Respondents:** Individuals or Households.

**Frequency of Submission:** On Occasion and Annually.

**Reporting Burden:**

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-56142.....	1,258		1		1		1,258

**Total Estimated Burden Hours:** 1,258.  
**Status:** Extension.  
**Contact:** Anne Baird-Bridges, HUD, (202) 708-5880. Jennifer Main, OMB, (202) 395-6880

Dated: May 11, 1992.  
[FR Doc 92-11680 Filed 5-18-92; 8:45 am]  
BILLING CODE 4210-01-M

[Docket No. N-92-3441]

**Submission of Proposed Information Collections to OMB**

**AGENCY:** Office of Administration, HUD.  
**ACTION:** Notices.

**SUMMARY:** The proposed information collection requirements described below have been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comment on the subject proposals.

**ADDRESSES:** Interested persons are invited to submit comment regarding

these proposals. Comments should refer to the proposal by name and should be sent to: Jennifer Main, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Kay F. Weaver, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Ms. Weaver.

**SUPPLEMENTARY INFORMATION:** The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The notice lists the following information:

- (1) The title of the information collection proposal;

(2) The office of the agency to collect the information;

(3) The description of the need for the information and its proposed use;

(4) The agency form number, if applicable;

(5) What members of the public will be affected by the proposal;

(6) How frequently information submissions will be required;

(7) An estimate of the total number of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response;

(8) Whether the proposal is new or an extension, rein statement, or revision of an information collection requirement; and

(9) The names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk officer for the Department.

**Authority:** Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

**Dated: May 8, 1992.**  
**Key Weaver,**  
*Acting Director, Information Resources Management Policy and Management Division.*  
**Submission of Proposed Information Collection to OMB**  
*Proposal: Request for Acceptance of*

**Changes in Approved Drawings and Specifications.**  
*Office: Housing.*  
*Description of the Need for the Information and Its Proposed Use:*  
 HUD-92577 will be used by the mortgagees and builders for requesting HUD acceptance of

changes to the accepted plans and specifications.  
*Form Number: HUD-92577.*  
*Respondents: Individuals or Households and Businesses or Other For-Profit.*  
*Frequency of Submission: On Occasion.*  
*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD-92577.....	10,000		1		9.5		5,000

**Total Estimated Burden Hours: 5,000.**  
**Status: Extension.**  
*Contact: Ken Crandall, HUD, (202) 708-2720, Jennifer Main, OMB, (202) 395-6880.*  
*Date: May 8, 1992.*  
**Submission of Proposed Information Collection to OMB**  
*Proposal: Land Sales Registration, Purchaser's Revocation Rights, Sales*

**Practices and Standards, and Formal Procedures and Rules of Practice.**  
*Office: Housing.*  
*Description of the Need for the Information and Its Proposed Use:*  
 The Interstate Land Sales Full Disclosure Act requires certain subdivision developers to register with the Department of Housing and Urban Development or to operate under certain exemptions. The addition of the Multiple site

**Subdivision Exemption will alleviate certain developers of subdivisions unique in nature from complying with registration requirements.**  
*Form Number: None.*  
*Respondents: Individuals or Households and Businesses or Other For-Profit.*  
*Frequency of Submission: Annually.*  
*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Registration.....	800		1		84.17		67,336
Property Report Receipts.....	1,800		150		.03		2,700
Financial Statements.....	1,075		1		.28		301
Annual Reports of Activity (For Registration).....	1,075		1		.28		301
Exemption Filing (1710.16).....	12		1		20.00		240
Exemption Filing (1710.15).....	10		1		20.00		200
Annual Reports of Activity (For Exemption).....	20		1		.28		6
Lot Information Statement Receipts.....	20		50		.03		30
Recordkeeping.....	1,820		1		.28		510

**Total Estimated Burden Hours: 77,024.**  
**Status: Revision.**  
*Contact: Bruce J. Weichmann, HUD, (202) 708-0502, Lynn S. Herbert, HUD, (202) 708-0502, Jennifer Main, OMB, (202) 395-6880.*  
*Dated: May 8, 1992.*

**Submission of Proposed Information Collection to OMB**  
*Proposal: Survey of Mortgage Lending Activity.*  
*Office: Housing.*  
*Description of the Need for the Information and Its Proposed Use:*  
 HUD-136 will be used to obtain information on the developments in the mortgage market. It will be used to

monitor such developments and to provide statistical data to Federal, State, and non-governmental entities.  
*Form Number: HUD-136.*  
*Respondents: State or Local Governments, Businesses or Other For-Profit and Federal Agencies or Employees.*  
*Frequency of Submission: Monthly.*  
*Reporting Burden:*

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Surveys.....	656		12		1.50		11,808



Total Estimated Burden Hours: 11,808.  
Status: Revision.

Contact: James B. Mitchell, HUD, (202) 708-4325, Henry New, HUD, (202) 708-4325, Jennifer Main, OMB, (202) 395-8880.

Dated: May 8, 1992.

[FR Doc. 92-11681 Filed 5-18-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-92-993]

### Office of the Manager, Albany Office Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of Order of Succession.

**SUMMARY:** The Office Manager is designating officials who may serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager.

**EFFECTIVE DATE:** This designation is effective April 29, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-2761. (This is not a toll-free number.)

#### Designation

Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager, with all powers, functions, and duties redelegated or assigned to the Office Manager: *Provided*, That no official is authorized to serve as Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Director, Debt Management Center.
2. Director, Housing Development Division.

The designation supersedes the designation currently in effect.

**Authority:** Delegation of Authority, 27 FR 4319 (1962); section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: April 29, 1992.

Anthony M. Villane, Jr.,

Regional Administrator/Regional Housing Commissioner, Region II.

[FR Doc. 92-11678 Filed 5-18-92; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-92-992]

### Office of the Manager, Camden Office Designation

**AGENCY:** Department of Housing and Urban Development.

**ACTION:** Designation of order of succession.

**SUMMARY:** The Office Manager is designating officials who may serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager.

**EFFECTIVE DATE:** This designation is effective April 29, 1992.

**FOR FURTHER INFORMATION CONTACT:** Lisa Surplus, Director, Administrative and Management Services Division, Office of Administration, New York Regional Office, Department of Housing and Urban Development, 26 Federal Plaza, New York, New York 10278, telephone (212) 264-2761. (This is not a toll-free number.)

#### Designation

Each of the officials appointed to or designated as Acting in the following positions is designated to serve as Office Manager during the absence, disability, or vacancy in the position of the Office Manager, with all powers, functions, and duties redelegated or assigned to the Office Manager: *Provided*, That no official is authorized to serve as Office Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability, or vacancy in the position:

1. Deputy Manager.
2. Chief, Valuation Branch.
3. Chief, Loan Management Branch.
4. Chief, Property Disposition Branch.

The designation supersedes the designation currently in effect.

**Authority:** Delegation of Authority, 27 FR 4319 (1962); section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(D); and Interim Order II, 31 FR 815 (1966).

Dated: April 29, 1992.

Anthony M. Villane, Jr.,

Regional Administrator/Regional Housing Commissioner, Region II.

[FR Doc. 92-11679 Filed 5-18-92; 8:45 am]

BILLING CODE 4210-01-M

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-020-4331-12: G2-228]

### Burns District Advisory Council; Meeting and Tour

**AGENCY:** Bureau of Land Management, DOL.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976, that a meeting and tour of the Burns District Advisory Council will be held on June 4 and 5, at the Burns District Office located on Highway 20, three miles south of Hines, Oregon. The meeting will begin at 9 a.m. on Thursday, June 4; the tour will begin at 9 a.m. on Friday, June 5.

The agenda for the meeting will include: Resource Area management program briefings, a briefing on activities relating to the Lahontan trout, an overview on drought conditions, and a discussion of the resource management issues and programs on Steens Mountain.

The tour will include stops at various locations in the areas that were burned by wildfires in 1990 to view recovery and rehabilitation efforts on public lands in the area.

**DATES:** The meeting will begin at 9 a.m. and conclude by 4 p.m. on June 4, and the tour will begin at 9 a.m. and adjourn by approximately 5 p.m. Pacific Standard Time on Friday, June 5.

**FOR FURTHER INFORMATION CONTACT:** Michael T. Green, District Manager, Bureau of Land Management, HC 74-12533 Highway 20 West, Hines, Oregon 97738, (telephone 503 573-5241).

**SUPPLEMENTARY INFORMATION:** The tour will be open to the general public. However, interested persons will need to provide their own transportation and meals. Road conditions will require vehicles with high clearance. Individuals wishing to attend should contact the District Manager at the above address.

The meeting will also be open to the public. Interested persons may make oral statements to the Council at the end of the meeting or file written statements for the Council's consideration. Anyone desiring to make an oral statement must notify the District Manager, Bureau of Land Management at the listed address by June 2, 1992.

Dated: April 22, 1992.

Michael T. Green.

District Manager.

[FR Doc. 92-11672 Filed 5-18-92; 8:45 am]

BILLING CODE 4310-33-M

## Bureau of Reclamation

### Draft Report on the Final Cost Allocation for the Fryngpan-Arkansas Project, CO

**AGENCY:** Bureau of Reclamation (Interior).

**ACTION:** Notice of availability and public meeting.

**SUMMARY:** The draft report on the final allocation of costs for the Fryngpan-Arkansas Project is complete and will be released by Friday, May 29, 1992. This report establishes the total investment costs allocated to purposes of the project and serves as the basis for project repayment by beneficiaries.

**FOR FURTHER INFORMATION CONTACT:** A summary of the report will be distributed to all interested parties. Data, studies, reports, and other supporting documents used in developing the allocation are available for inspection in the Great Plains Regional Office in Billings. Written comments and requests for the report summary may be directed to the following address throughout the entire consultation and comment period: Mr. George St. George, Study Manager, Great Plains Regional Office, PO Box 36900, Billings, Montana 59107-6900. Telephone (406) 657-6260.

**DATES:** The 30-day comment period will begin on June 23, 1992, and will end on July 24, 1992. Public information meetings, during which the Bureau of Reclamation will discuss the cost allocation process and data, will be held on Tuesday, June 23, 1992. The first meeting will be from 10 a.m. until 12 noon at the Holiday Inn, 4001 West Elizabeth Street in Pueblo, Colorado. The second meeting will be held from 7 p.m. to 9 p.m. at the Stouffer Concourse Hotel, 3801 Quebec Street, Denver, Colorado. The meetings are open to the public. To the extent that time permits, public presentation of oral statements are welcomed at the meetings. Individuals planning to speak are requested to send their name and organization affiliation to the Great Plains Regional Office at the address noted above so that they are received by June 16, 1992. Any member of the public may file a written statement with the Bureau of Reclamation before, during, or after the meeting, in person or by mail through the end of the comment period.

**SUPPLEMENTARY INFORMATION:** The Fryngpan-Arkansas Project is a multipurpose project in Colorado authorized by Public Law 87-852, dated August 16, 1962. Purposes of the project include a water supply for supplemental irrigation and municipal and industrial use; hydropower generation; flood control; recreation; and the conservation of scenery, fish and wildlife resources, and historical and archeological resources. The final cost allocation is a process to allocate the separable and specific costs to each purpose and to allocate, on an equal basis, the joint costs to each purpose. The cost allocation also establishes the reimbursable costs to be repaid by irrigation, municipal and industrial, and power beneficiaries.

Dated: May 13, 1992.

Joe D. Hall,

Deputy Commissioner.

[FR Doc. 92-11652 Filed 5-18-92; 8:45 am]

BILLING CODE 4310-09-M

## National Park Service

### National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before May 7, 1992. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by June 3, 1992.

Carol D. Shull,

Chief of Registration, National Register.

## ARIZONA

### Maricopa County

*Encanto—Palmcroft Historic District (Boundary Increase)*, Holly St. from 15th Ave. to 12th Ave. and 12th from Holly to Encanto Blvd., Phoenix, 92000670

## GEORGIA

### Whitfield County

*Thornton Avenue—Murray Hill Historic District*, Roughly bounded by Crawford St., Thornton Ave., W. Franklin St., Valley Dr., Emory St. and West Hill Cemetery, Whitfield, 92000669

## INDIANA

### Bartholomew County

*Daugherty, Elnora, Farm*, 5541 E. 500 South, Columbus vicinity, 92000676

## Delaware County

*Hofherr, Martin, Farm*, Co. Rd. 650W N of jct. with Division Rd., Yorktown vicinity, 92000677

## Dubois County

*Lemmon's Church and Cemetary*, Portersville Rd. E of jct. with Co. Rd. 750W, Portersville vicinity, 92000674

## Grant County

*Webster, George, Jr. and Marie Daugherty, House*, 926 S. Washington St., Marion, 92000676

## Kosciusko County

*Pound, John, Store*, Jct. of Armstrong Rd. and Second St., Oswego, 92000672

## Madison County

*Fussell, Solomon, Farm*, IN 38 E of jct. with Co. Rd. 150W, Pendleton vicinity, 92000675

## Tippecanoe County

*Christian, John E. and Catherine E., House*, 1301 Woodland Ave., West Lafayette, 92000679

## Vanderburgh County

*Sunset Park Pavilion*, 411 SE. Riverside Dr., Sunset Park, Evansville, 92000673

## NORTH CAROLINA

### Buncombe County

*Claxton School*, 241 Merrimon Ave., Asheville, 92000671

### Granville County

*Paschall-Daniel House*, (Granville County MPS), Address Restricted, Oxford vicinity, 88001263

## OREGON

### Baker County

*Oregon Commercial Company Building*, 40-50 E. Washington St., Huntington, 92000668

### Curry County

*Cape Blanco Lithic Site*, Address Restricted, Port Orford vicinity, 92000667  
*Indian Sands*, Address Restricted, Brookings vicinity, 92000668

### Douglas County

*US Coast Guard Station—Umpqua River, Administration and Equipment Buildings*, Douglas Co. Rd. 87, Winchester Bay vicinity, 92000662

### Grant County

*Advent Christian Church*, 261 W. Main St., John Day, 92000666

### Jackson County

*Ashland Masonic Lodge Building*, 25 N. Main St., Ashland, 92000663  
*Sweeney, Dr. Charles T. and Mary, House*, 2336 Table Rock Rd., Medford, 92000664

### Linn County

*Rock Hill School*, Rock Hill Dr., 2.2 mi. E of Sand Ridge Rd., Lebanon, 92000661

## Multnomah County

Vetter, Herman, House, 5830 SE. Taylor St.,  
Portland, 92000660

FR Doc. 92-11550 Filed 5-18-92; 8:45 am]

BILLING CODE 4310-70-M

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**INTERSTATE COMMERCE  
COMMISSION**

[Finance Docket 32030]

**Petition of Aroostook Valley Railroad  
Company for Exemption From 49  
U.S.C. 10901**

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Notice of availability of draft  
environmental assessment.

**SUMMARY:** The Aroostook Valley  
Railroad (AVR) has petitioned the  
Interstate Commerce Commission (ICC)  
for exemption to construct and operate a  
common carrier rail line of Presque Isle,  
ME. The proposed alignment will require  
construction of approximately 1.5 miles  
of track. The Commission has prepared  
its Draft Environmental Assessment  
(DEA) which concludes that the  
proposed action will not significantly  
affect the quality of the human  
environment if certain mitigation  
measures are implemented. The  
Commission will consider all comments  
to the DEA before rendering a final  
decision in this proceeding.

**DATES:** Written comments must be filed  
by June 17, 1992.

**ADDRESSES:** Send an original and 10  
copies of comments referring to Finance  
Docket No. 32030 to: (1) Section of  
Energy and Environment, room 3219,  
Interstate Commerce Commission,  
Washington, DC 20423, to the attention  
of Victoria Dettmar and one copy of the  
comments to (2) Applicant's  
representative: James D. Bivins, 45  
Memorial Circle, Augusta, Maine 04330.

**FOR FURTHER INFORMATION CONTACT:**  
Victoria Dettmar (202) 927-6211 or  
Elaine K. Kaiser, Section Chief (202)  
927-6248. [TDD for hearing impaired:  
(202) 927-5721].

**SUPPLEMENTARY INFORMATION:** Copies  
of the DEA have been served on the  
parties of record and the appropriate  
federal, state, and local agencies, and  
private parties for review and  
comments.

By the Commission, Howard K. Face,  
Director, Office of Economics.  
Sidney L. Strickland, Jr.  
Secretary.

[FR Doc. 92-11689 Filed 5-18-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-1 (Sub-No. 236X)]

**Chicago & North Western  
Transportation Co.—Abandonment  
Exemption—Between Crawford, NE  
and Crandall, WY**

**AGENCY:** Interstate Commerce  
Commission.

**ACTION:** Notice of exemption.

**SUMMARY:** The Commission, under 49  
U.S.C. 10505, exempts Chicago and  
North Western Transportation Co. from  
the prior approval requirements of 49  
U.S.C. 10903-10904 to discontinue  
operations over and to abandon its 42.9-  
mile line of railroad between milepost  
433.0 west of Crawford, NE., and  
milepost 475.9 at Crandall, WY, in  
Dawes and Sioux Counties, NE, and  
Niobrara County, WY, subject to  
standard labor protection conditions  
and an historic preservation condition.

**DATES:** The discontinuance exemption is  
effective on May 19, 1992. Provided no  
formal offer of financial assistance has  
been received, the abandonment  
exemption will be effective on May 10,  
1993. Formal offers of financial  
assistance under 49 CFR 1152.27(c)(1)<sup>1</sup>  
must be filed before May 10, 1993.  
Petitions to stay must be filed by May  
29, 1992. Petitions for reconsideration  
must be filed by June 8, 1992.

**ADDRESSES:** Sent pleadings referring to  
docket number AB-1 (Sub-No. 236X) to:

- (1) Office of the Secretary, Case Control  
Branch, Interstate Commerce Commission,  
Washington, DC 20423
- (2) Petitioners' representative: Stuart F.  
Gassner, Chicago and North Western,  
Transportation Company, One North  
Western Center, Chicago, IL 60606.

**FOR FURTHER INFORMATION CONTACT:**  
Richard B. Felder, (202) 927-5810. [TDD  
for hearing impaired: (202) 927-5721].

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

Decided: May 12, 1992.

<sup>1</sup> For reasons unique to this case, which are  
explained in the full decision, offers of financial  
assistance under the cited abandonment application  
rules should be filed rather than notices of intent to  
file offers of financial assistance under the  
abandonment exemption part of the rules.

By the Commission, Chairman Philbin, Vice  
Chairman McDonald, Commissioners  
Simmons, Phillips, and Emmett.  
Sidney L. Strickland, Jr.,  
Secretary.

[FR Doc. 92-11688 Filed 5-18-92; 8:45 am]

BILLING CODE 7035-01-M

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**DEPARTMENT OF JUSTICE**
**Antitrust Division**
**CBS, Inc., et al; Proposed Termination  
of Final Judgment**

Notice is hereby given that CBS, Inc.,  
American Broadcasting Companies, Inc.  
and National Broadcasting Company,  
Inc. have filed with the United States  
District Court for the Central District of  
California, a motion to modify the final  
judgments in *United States v. CBS, Inc.*,  
Civil No. 74-3599-RJK; *United States v.*  
*American Broadcasting Companies,*  
*Inc.*, Civil No. 74-3600-RJK; and *United*  
*States v. National Broadcasting*  
*Company, Inc.*, Civil No. 74-3601-RJK,  
respectively, by deleting sections IV and  
VI(A) thereof. The Department of Justice  
("Department"), in a stipulation also  
filed with the court, has consented to the  
proposed modification of the judgment,  
but has reserved the right to withdraw  
its consent for at least seventy (70) days  
after the publication of this notice. The  
complaints in these cases, filed in 1974,  
alleged that each defendant had  
engaged in restraint of trade and  
monopolized or was attempting to  
monopolize: (i) A "national commercial  
television prime time entertainment  
programs" market, and (ii) each  
network's own prime time entertainment  
schedule, in violation of sections 1 and 2  
of the Sherman Act.

Insofar as they relate to the decree  
provisions involved in these motions,  
the complaints further alleged that each  
individual network had used its control  
over its own prime time schedule to: (i)  
Exclude programs in which it had no  
ownership interest from broadcast  
during prime time hours; and (ii) compel  
outside program suppliers to grant it  
financial interests in programs they  
produced.

As part of the relief granted in the  
consent judgments, the defendant  
networks were prohibited from  
acquiring financial interests or  
syndication rights in any program they  
broadcast which they had procured from  
independent producers.

The proposed modification to the  
Consent Judgments is limited to the  
deletion of part IV, which enjoins CBS,  
ABC and NBC from acquiring financial

interests in, or engaging in the syndication of, certain television programs, and the deletion of part VI(A), which prohibits, subject to certain exceptions, each network from conditioning the right to network exhibition of a program on the receipt of any right or interest from that program's producer.

The Department has filed with the court a memorandum setting forth the reasons why the Department believes that the proposed consent decree modifications would serve the public interest. Copies of the complaints, consent decrees, the networks' motion papers, the stipulation containing the government's consent, the Department's memorandum and all further papers filed with the court in connection with this motion will be available for inspection at room 3233, Antitrust Division, Department of Justice, 10th Street and Pennsylvania Avenue, NW., Washington, DC, 20530 (telephone: 202/514-2481), and at the Office of the Clerk of the United States District Court for the Central District of California, U.S. District Court, 312 North Spring Street, Los Angeles, California 90012. Copies of any of these materials may be obtained from the Legal Procedure Unit upon request and payment of the copying fee set by Department of Justice regulations.

Interested persons may submit comments regarding the proposed termination of the decree to the Department. Such comments must be received within the sixty (60) day period established by the court order, and will be filed with the court by the Department. Comments should be addressed to Constance K. Robinson, Chief, Communications and Finance Section, Antitrust Division, Department of Justice, 555 4th Street NW., Judiciary Center Building, room 8104, Washington, DC 20001 (telephone: 202/514-5621).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc 92-11621 Filed 5-18-92; 8:45 am]

BILLING CODE 4410-01-M

## DEPARTMENT OF LABOR

### Labor Advisory Committee for Trade Negotiations and Trade Policy

#### Meeting Notice

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: June 10, 1992, 10 am-12 noon, rm. S-4215 A&B,

Department of Labor Building, 200 Constitution Ave., NW, Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. section 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Fernand Lavalée, Director, Trade Advisory Group, Phone: (202) 523-2752.

Signed at Washington, DC, this 13th day of May, 1992.

Shellyn G. McCaffrey,

Deputy Under Secretary, International Affairs.

[FR Doc. 92-11659 Filed 5-18-92; 8:45 am]

BILLING CODE 4510-28-M

### Employment and Training Administration

#### Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period of April and May 1992.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

#### Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,852; Concurrent Computer Corp., Oceanport, NJ

TA-W-26,792; Wright Mfg, Inc., Union City, NJ

TA-W-26,901; Amfels, Inc., Brownsville, TX

TA-W-26,987; Rex-Rosenlew, Inc., Teterboro, NJ

In the following cases, the investigation revealed that the criteria for eligibility has not been met for the reasons specified.

TA-W-27,152; National Tank Co., Tulsa, OK

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,894; Sarill Apparel Limited, East Newark, NJ

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-27,027; Rodgers Instrument Corp., Hillsboro, OR

U.S. imports of keyboard pipe organs declined absolutely in 1991 compared to 1990.

TA-W-26,903; BHP Petroleum (Americas), Inc., Inland & Gulf Basin Business Units, Houston, TX

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-26,912; North America Exploration Co., Inc., Grant Tensor Physical Corp., Denver, CO

The workers' firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA-W-27,839; Honeywell, Inc, Fort Washington, PA

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-26,850; Baxter Healthcare Corp., Savage, MD

Increased imports did not contribute importantly to worker separations at the firm.

TA-W-27,010; Tom's Well Service, Levelland, TX

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,953; Teledyne Exploration Co., Houston, TX

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also, U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

TA-W-26,793; *Computalog Drilling Services, Corpus Christi, TX*

U.S. imports of crude oil declined absolutely and relative to domestic shipment in 1991 compared to 1990. Also U.S. shipments and exports of dry natural gas increased in 1991 compared to 1990 and that imports did not increase relative to domestic shipment and consumption.

#### Affirmative Determinations

TA-W-26,971; *Hispan Corp., Decatur, AL*

A certification was issued covering all workers separated on or after February 27, 1991.

TA-W-26,994; *Progress Lighting, Inc., Philadelphia, PA*

A certification was issued covering all workers separated on or after March 7, 1992.

TA-W-26,945; *Multnomah Plywood Corp, St. Helens, OR*

A certification was issued covering all workers separated on or after February 3, 1991.

TA-W-26,988; *R.S. Vogt Co., Inc., Allensville, PA*

A certification was issued covering all workers separated on or after March 2, 1991.

TA-W-26,960; *Beta Manufacturing Co., Warren, MI*

A certification was issued covering all workers separated on or after October 4, 1991.

TA-W-26,905; *Brandywine Country, Reedsville, PA*

A certification was issued covering all workers separated on or after February 17, 1991.

TA-W-26,909; *Irwin Magnetic System, Inc., Ann Arbor, MI*

A certification was issued covering all workers separated on or after February 21, 1991.

TA-W-27,028; *San Patricio Corp., Corpus Christi, TX*

A certification was issued covering all workers separated on or after March 6, 1991.

TA-W-27,088; *CGG American Service, Inc., Denver, CO*

A certification was issued covering all workers separated on or after March 28, 1991.

TA-W-26,891; *Kathy Ann Sportswear, Inc., Jim Thorpe, PA*

A certification was issued covering all workers separated on or after February 12, 1991.

TA-W-26,963; *Calderon Belts and Bags, Inc., New York, NY*

A certification was issued covering all workers separated on or after June 5, 1991.

I hereby certify that the aforementioned determinations were issued during the month of April and May 1992. Copies of these determinations are available for inspection in Room C-4318, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons to write to the above address.

Dated: May 11, 1992.

Marvin M. Fooks

Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-11661 Filed 5-18-92; 8:45 am]

BILLING CODE 4510-30-M

#### Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 28, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 4th day of May 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Clarostat Mfg. Co., Inc (workers)	Dover, NH	05/04/92	04/15/92	27,194	Potentiometers and resistors.
Bull Printing Systems, Inc (workers)	Oklahoma City, OK	05/04/92	04/22/92	27,195	Laser printers.
Emco Wheaton, Inc (IUE)	Conneaut, OH	05/04/92	04/21/92	27,196	Environmental products.
O & K Trojan, Inc (IBB)	Batavia, NY	05/04/92	04/22/92	27,197	Front end loaders.
Sahlman Seafoods, Inc (workers)	Lakeland, FL	05/04/92	04/03/92	27,198	Seafood processing (shrimp).
Schlumberger Well Services (workers)	Houma, LA	05/04/92	04/23/92	27,199	Oil and gas.
Sherico Cedar Products (Co)	Forks, WA	05/04/92	04/22/92	27,200	Red cedar shake & shingle.
Tru-Tag System, Inc (Co)	Houston, TX	05/04/92	04/24/92	27,201	Oilfield services.
United States Steel Group, So Plant (USW)	Chicago, IL	05/04/92	04/21/92	27,202	Steel.
Crater Lumber Company (workers)	Chiloquin, OR	05/04/92	04/08/92	27,203	Lumber.
Cooper Industries, Wagner Lighting (workers)	Sparta, TN	05/04/92	04/06/92	27,204	Automotive light bulbs.
Mallard Bay Drilling, Inc (workers)	Lafayette, LA	05/04/92	04/23/92	27,205	Oil & gas exploration drilling.
Phillips Petroleum Co (workers)	Bellaire, TX	05/04/92	04/24/92	27,206	Oil and gas.
Grace Drilling Co (workers)	Odessa, TX	05/04/92	04/22/92	27,207	Drill oil wells.
High Country Contacts, Inc (workers)	Delta, CO	05/04/92	04/13/92	27,208	Electric motor starters.
Duehler-Jarvis (UAW)	Pottstown, PA	05/04/92	04/22/92	27,209	Zinc & aluminum die castings.
Heidelberg Harris, Inc (Co)	Dover, NH	05/04/92	04/15/92	27,210	Machine shop and assembly.
Heidelberg Harris, Inc (Co)	Nashville, TN	05/04/92	04/15/92	27,211	Customer service and training.

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Heidelberg Harris, Inc (Co)	Ft. Worth, TX	05/04/92	04/15/92	27,212	Machine shop.
Fiber Material, Inc (workers)	Rumford Center, ME	05/04/92	04/13/92	27,213	Multi directional woven preforms.
United Technologies Motor Systems (IUE)	Columbus, MS	05/04/92	04/22/92	27,214	Electric motors.
Bendix Heavy Vehicles Systems (Co)	Salisbury, NC	05/04/92	04/27/92	27,215	Truck brake systems
Chevron Exploration & Prod Services (workers)	Houston, TX	05/04/92	04/24/92	27,216	Oil services.
H.S. Automotive (USWA)	Mansfield, OH	05/04/92	04/27/92	27,217	Painting facility.
Schlumberger Well Services, SE Div (workers)	Shreveport, LA	05/04/92	04/29/92	27,218	Oil and gas services.
Greif Companies (Co)	Verona, VA	05/04/92	04/29/92	27,219	Men's suit coats and sport coats.
Greif Companies (Co)	Allentown, PA	05/04/92	04/29/92	27,220	Men's suit coats & sport coats.
General Dynamics Corp, GD/Convair (IAM)	San Diego, CA	05/04/92	04/21/92	27,221	Cable and harnesses.
General Dynamics Corp, Space System (IAM)	San Diego, CA	05/04/92	04/21/92	27,222	Cable and harnesses.
General Dynamics Corp, GD/Pomona (IAM)	Pomona, CA	05/04/92	04/21/92	27,223	Cable and harnesses.
General Dynamics Corp, GD/Air Def. (IAM)	Pomona, CA	05/04/92	04/21/92	27,224	Cable and harnesses.
H.S. Automotive (USWA)	Mansfield, OH	05/04/92	04/27/92	27,225	Automotive stampings.

[FR Doc. 92-11662 Filed 5-19-92; 8:45 am]  
 BILLING CODE 4510-30-M

[TA-W-26,979; et al]

**Mobil Exploration and Producing U.S., Incorporated (MEPUS) Headquartered in Dallas, Texas; et. al, in the Matter of Certifications Regarding Worker Eligibility To Apply for Worker Adjustment Assistance**

TA-W-26,979A Mepus Liberal Division, Headquartered in Liberal, Kansas and Operating at Other Sites in the Following States: TA-W-26,979B Kansas, TA-W-26,979C Oklahoma, TA-W-26,979D Texas.

TA-W-26,979E Mepus Oklahoma City Division, Headquartered in Oklahoma City, Oklahoma and Operating at Other Sites in the Following States: TA-W-26,979F California, TA-W-26,979G Colorado, TA-W-26,979H Oklahoma, TA-W-26,979I Texas.

TA-W-26,965 Mepus Dallas Affiliate, Headquartered in Dallas, Texas and Operating at Other Sites in the Following States: TA-W-26,965A Louisiana, TA-W-26,965B Oklahoma.

TA-W-26,966 Mepus Denver Division, Headquartered in Denver, Colorado and Operating at Other Sites in the Following States: TA-W-26,966A California, TA-W-26,966B Colorado, TA-W-26,966C New Mexico, TA-W-26,966D Oklahoma, TA-W-26,966E Texas, TA-W-26,966F Wyoming.

TA-W-26,976 Mepus Houston Division, Headquartered in Houston, Texas and Operating at Other Sites in the Following States: TA-W-26,976A Louisiana, TA-W-26,976B Texas.

TA-W-26,977 Mepus Midland Division, Headquartered in Midland, Texas and Operating at Other Sites in the Following States: TA-W-26,977A Colorado, TA-W-26,977B New Mexico, TA-W-26,977C Texas, TA-W-26,977D Utah.

TA-W-26,983 Mepus New Orleans/ Offshore Division, Headquartered in New Orleans, Louisiana and, Operating at Other Sites in the Following States: TA-W-26,983A Alabama, TA-W-26,983B Louisiana, TA-W-26,983C Texas.

TA-W-26,978 Mobil Exploration and Producing Services, Incorporated (MEPSI), Headquartered in Dallas, Texas and Operating at Other Sites in the Following

States: TA-W-26,978A California, TA-W-26,978B Colorado, TA-W-26,978C Kansas, TA-W-26,978D Louisiana, TA-W-26,978E New Mexico, TA-W-26,978F Oklahoma, TA-W-26,978G Texas.

"All workers of Mobil Exploration and Producing U.S., Incorporated (MEPUS), headquartered in Dallas, Texas (TA-W-26,979) and operating at various locations in the below cited divisions (and States) and Mobil Exploration and Producing Services, Incorporated (MEPSI), headquartered in Dallas, Texas (TA-W-26,978) and operating at various locations in the below cited States who became totally or partially separated from employment on or after January 1, 1992 are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974."

Signed in Washington, DC, on the 30th day of April 1992.

**Marvin M. Fooks,**  
 Director, Office of Trade Adjustment Assistance.

[FR Doc. 92-11660 Filed 5-18-92; 8:45 am]  
 BILLING CODE 4510-30-M

**Labor Investing for Tomorrow Awards Program**

**AGENCY:** Employment and Training Administration, Labor.

**ACTION:** Notice; request for nominations.

**SUMMARY:** The Department of Labor (DOL) is announcing the Secretary of Labor's 1992 Labor Investing for Tomorrow (LIFT) Awards Program. Nominations for LIFT Awards are requested.

**DATES:** Completed nominations for LIFT Awards shall be postmarked no later than June 30, 1992.

**ADDRESSES:** Nominations for LIFT Awards, including those from organizations nominating themselves for an award, shall be submitted to Assistant Secretary, Employment and Training Administration, Department of

Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Official copies of the booklet setting forth the nomination guidelines may be obtained by writing to the Employment and Training Administration, Department of Labor, room N-4649, 200 Constitution Avenue, NW., Washington, DC 20210; or by telephone at (202) 523-0281 (this is not a toll-free number).

Send written comments on the collection of information, including suggestions for reducing the burden, to the Office of Information Management, Department of Labor, room N-1301, 200 Constitution Avenue, NW., Washington, DC 20210; and/or to the Office of Management and Budget, Office of Information and Regulatory Affairs, Paperwork Reduction Project (OMB Control No. 1225-0051), Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Irene Lynn. Telephone: (202) 523-0281 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Department of Labor (DOL) is announcing the Secretary of Labor's 1992 Labor Investing for Tomorrow (LIFT) Awards Program. Nominations for LIFT Awards are requested through June 30, 1992.

DOL started the annual LIFT Awards in 1990, as one aspect of an overall initiative to enhance the quality of the American workforce. DOL recognized sixteen organizations under this program in 1990, and eight organization in 1991, and is proceeding with the program for the third year. LIFT is an honorary program; there are no monetary awards.

As a Nation, we face the challenge of being unprepared for the new jobs of the 1990's and beyond. Demographic changes and the changing nature of the workplace have resulted in a discrepancy between the skill level of new, young labor force entrants and the skills sought by employers. The

American workplace has undergone significant changes in recent years, but there is much more to be done. To succeed in meeting this challenge requires the involvement and mobilization of a concerned citizenry.

The 1992 LIFT Awards continue the purpose of encouraging significant, community level involvement in upgrading the quality of the workforce by honoring the discovery and application of creative solutions to the workforce crisis. Exemplary efforts on the part of employers, unions, employee groups, educational organizations, and communities will be recognize and promoted.

The LIFT Awards Program is fully described in a booklet containing the nomination guidelines, a copy of which follows as an appendix to this notice. Official copies of the booklet, setting forth the nomination guidelines, may be obtained from the address set forth in the "ADDRESSES" section above. Completed nominations shall be submitted by June 30, 1992, to the same address.

#### Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act, the Office of Management and Budget (OMB) has approved the requested information collection for the LIFT Awards Program through March 1993, and assigned it OMB Control Number 1225-0051. The Information collection is annual and it is estimated that there will be 400-800 respondents per year. The public reporting burden for this collection of information is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send written comments on the collection of information, including suggestions for reducing the burden, to addresses set forth in the **ADDRESSES** section above.

Signed at Washington, DC, this 12th day of May, 1992.

Roberts T. Jones,

*Assistant Secretary for Employment and Training.*

#### Appendix—1992 Lift Awards

Workforce Quality is the key to national prosperity in today's competitive global economy. Because advanced technology is no longer largely within the domain of the U.S. and a few other Western European countries, it is not as effective as a source of competitive advantage. The diffusion of technology among nations has led to a more highly competitive, truly global market, in which worker skill level is a prime determinant of national prosperity.

Although American workers have been criticized in several forums as being less efficient than their foreign counterparts, the fact is that U.S. workers have the highest productivity in the world! There are, however, signs on the horizon that other nations are closing the gap. Productivity growth in this country has slowed—threatening the global competitiveness of our firms and our standard of living.

The Bush Administration and the Department of Labor are committed to the goal of ensuring that our workers remain the world's most productive through the 1990s and beyond. To this end, President Bush recently announced Job Training 2000, a bold and innovative program to ensure that America has the dynamic, flexible and well-trained workforce that it needs to compete successfully in the global marketplace.

The success of Job Training 2000 and its education counterpart America 2000 ultimately rests in the hands of each of us whether we are educators, business or labor leaders, workers, parents, or students. The quality of America's workforce will be determined by individuals and groups working together at the grassroots level—in communities \* \* \* in firms \* \* \* in schools—to build learning systems that provide workers and future workers with the skills and knowledge required in the current and future workplace.

Our world-leading American workforce in the year 2000 will be created through our collective efforts to prepare our young people for today's workplace, to improve the skills of currently employed workers, and to design work processes that fully utilize those higher level skills. The 1992 LIFT Awards will recognize ongoing efforts, and, through that recognition, encourage other groups to emulate successful programs that contribute to the quality of the American workforce.

Through the development and continuous improvement of these quality learning systems, our choice will be—High Skills and High Wages for American Workers!

Lynn Martin

*Secretary of Labor.*

#### Introduction

The 1992 LIFT (Labor Investing for Tomorrow) AWARDS will recognize significant contributions to the building of a world-class U.S. workforce in two categories—

- Partnerships that Prepare Youth for the Workplace.
- Improving & Effectively Using Worker Skills.

#### Preparing Youth for the Workplace

Job Training 2000, announced by the Bush Administration in January 1992, has as one of its major objectives the creation in this country of a national system for assisting youth in making the transition from school to the workplace. Some contend that we are the only major industrialized nation lacking such a system. For example, Germany and the Scandinavian countries operate

well-funded, broad-based apprenticeship programs that provide an alternative career path for youth entering the workforce directly from secondary school. Job Training 2000 envisions an American Youth Apprenticeship Program that would be offered to students beginning in the 11th or 12th grades.

- Students choosing apprenticeships would make formal agreements with the school, employer and parent/guardian for a structured combination of academic instruction, classroom training, paid on-the-job training, and mentoring.

- Students would be held to high academic standards that would allow entry to a full academic program at any time.

- Successful apprentices would receive a high school diploma or associate degree, a certificate attesting to their skill competencies and qualifications, and employment.

The objectives of the youth apprenticeship program are to—

- Motivate youth: to stay in school and become productive citizens;
- Set high standards: promote higher academic performance levels;
- Link work and learning: link classroom curriculum to worksite learning and work experience;
- Ready students for work: enhance the participants' prospects for immediate employment after leaving school on paths that provide significant opportunity for continued education and career development.
- Engage employers: promote employer participation in the education of youth to insure development of a skilled, flexible, entry-level workforce.

In several communities across the country, educators, business leaders, and other community activists have created partnerships that have designed and implemented innovative models to—

- Improve the work readiness of high school graduates;
- Guide students through the transition from school to the workforce;
- Build bridges to meaningful, high-paying technical careers.

The 1992 LIFT Awards will recognize partnerships that have achieved notable success in creating effective initiatives to assist youth in the school-to-work transition, and in sustaining the effort. Innovation is an important criterion for the award, but a more important attribute is the initiative's contribution to systemic change. The 1992 LIFT Award recipients will be business/education/community partnerships that have made a significant difference in the

way young people are prepared for, and enter, the workforce.

### Improving & Effectively Using Workers Skills

Eighty percent of the Year 2000 workforce is on the job today! So, if we are to have a world-leading labor force by the end of the century, we must address the skills of employed workers. For this country to maintain its preeminent position in the global economy, it must continuously improve both workforce and workplace quality. Productivity growth is a key to national prosperity, and, increasingly, the level of workforce skills is an essential element of productivity growth. As the MIT Commission on Industrial Productivity put it, "To live well, a nation must produce well."

The 1992 LIFT Awards will recognize the development and implementation of effective initiatives for increasing the level of workers skills, including efforts to—

- Improve workforce literacy; and/or
- Enhance occupation-specific training; and/or
- Create training networks to pool training resources among firms.

To achieve significant improvements in workforce productivity, workers must first be enabled with the skills needed in today's workplace. Then, they must be empowered to fully utilize those skills through the design and implementation of systems that reinforce and reward quality in all aspects of doing business. Therefore, the 1992 LIFT Awards will recognize the development of work restructuring initiatives to—

- Empower front-line workers by expanding decision-making;
- Integrate human resources as key element of firm's strategic plan;
- Push authority down to lowest possible organizational level.

### Selection Criteria

#### Quality of Design (35 Points)

Initiative will be evaluated on the quality of its design, including demonstrated capacity to achieve the stated objectives. It will be assessed for innovative approaches, but equally, or more, important is the potential for contribution to systemic change and the program's prospects for sustained or expanded effort.

**Outcomes (30 Points)**  
Initiative will be rated on its demonstrated effectiveness in achieving the stated goals. In a successful initiative, change can be measured in quantifiable and qualitative terms.

**Replicability (20 Points)**  
Initiative will be assessed for its potential for replication and the extent

to which the knowledge, experience, and program design have been made available and shared with other groups.

- **Level of Commitment (15 Points)**  
Initiative will be evaluated for the depth and breadth of commitment by the program operators and partners.

### Eligibility

The 1992 LIFT Awards are open to a broad spectrum of organizations and agencies, including—community action groups, labor unions, trade associations, school districts, Private Industry Councils, State and local government agencies, individual firms, and other entities.

### Award Process

The Employment and Training Administration within the Department of Labor will direct the award process.

- Nominations must be postmarked by June 30, 1992.
- Nominations, including those from organizations nominating themselves for an award, should be submitted to: Assistant Secretary, Employment and Training Administration, U.S. Department of Labor, room N-4649, 200 Constitution Ave., NW., Washington, DC 20210.

Department of Labor staff will conduct an initial review of the nominations. Recommendations will be made for further consideration by an executive committee made up of senior members of the Department. The executive committee may be helped by public and private sector experts in the field of human resource development in making final recommendations to the Secretary of Labor. The executive committee may direct the staff to make further contact with specific programs, including site visits, before making the final recommendation to the Secretary.

Recommendations will be reviewed by the Secretary of Labor. The Secretary will make the final selection of the awardees. The final number of awards will depend upon the number and quality of nominations.

### Instructions for Submitting Nomination

- Follow the instructions in the Guidelines section of this booklet.
- Prepare the nomination package on 8½ x 11 paper.
- Organize the nomination material in accordance with the selection criteria, addressing and identifying each criterion separately—Quality of Design, Outcomes, Replicability, and Level of Commitment.
- Be sure to include an executive summary.
- If necessary, the nomination package may contain up to 10 pages.

• Complete the Nomination Form in this booklet and attach to the nomination package.

- Submit an original nomination package and three copies.
- Newspaper articles, testimonials, videos and other extraneous material should not be submitted.

### Guidelines: Partnerships to Prepare Youth for the Workplace

The nomination package should include an executive summary of synopsis of the initiative nominated for award consideration, a more detailed description including information on the genesis of the partnership, the schools involved, the targeted students, the initiative's goals and objectives, and the strategy for achieving those goals. The specific information will vary according to the program being nominated. However, the nominations should include the following information to enable reviewers to evaluate the initiative in terms of the Selection Criteria—

#### Quality of Design (35 Points)

- Analysis demonstrating understanding of the school-to-work transition.
- Criteria used to select student participants and profiles of participants.
- Methodology for integrating contextual learning into education program.
- Process and extent of curriculum redesign to enhance workplace relevancy.
- Methodology for conducting work-based learning component of program.
- Methodology for incorporating high academic standards into initiative.

#### Outcomes (30 Points)

- Academic results achieved, e.g. dropout rates, grades.
- Occupational categories for which students are prepared.
- Job placement information, including wages.

#### Replicability (20 Points)

- Extent to which design/outcomes are packaged for dissemination.
- Examples of dissemination efforts, e.g. conferences, meetings.
- Initiative's overall potential for replication.

#### Level of Commitment (15 Points)

- Partnership composition and contribution of partners (financial/in-kind).
- Level of business commitment and mechanism for involvement.



- Level of commitment by schools, students, and parents, e.g. contracts.

**Guidelines: Improving & Effectively Using Worker Skills**

The nomination package should include an executive summary or synopsis of the initiative nominated for award consideration, a more detailed description including information on the genesis of the training and its effect on the quality of the organization, the occupations involved, the targeted workers, the initiative's goals and objectives, and the strategy for achieving those goals. The specific information will vary according to the program being nominated. However, the nominations should include the following information to enable reviewers to evaluate the effort in terms of the Selection Criteria—

- *Quality of Design (35 Points)*
  - Objectives of the initiative.
  - Description of training initiative, e.g. recruitment, assessment etc.
  - Methodology used to deliver training, e.g. provider, technology used etc.
  - Occupational categories of the participants in the training.
  - Level of employee participation in initiative design.
  - Description of work process restructuring.
  - Extent of worker empowerment/removal of managerial layers.
  - Extent of use of self-managed work teams/degree of autonomy.

*Outcomes (30 Points)*

- Outcomes of effort in terms of individual and firm performance, e.g. reduced defect rate, improved customer satisfaction etc.

- Outcomes in terms of individual job satisfaction, e.g. turnover, absenteeism, attitude surveys.

• *Replicability (20 Points)*

- Extent to which design/outcomes are packaged for dissemination.
- Examples of dissemination efforts, e.g. conferences, meetings.
- Initiative's overall potential for replication (in other parts of the firm or in other companies).

• *Level of Commitment (15 Points)*

- Level of commitment by management and workers to training program.
- Management/worker commitment to the restructuring effort.
- Financial resources committed to the effort.

BILLING CODE 4510-30-M

NOMINATION FORM

Please type or clearly print all information requested. All nominations must include responses to items 1 through 7 below. Third-party nominations will be accepted but must include the signature of the nominee required in item 7.

1. NOMINEE

Name of Organization

Address

2. HIGHEST RANKING OFFICIAL

Name

Title

Address

Telephone No.

3. DESCRIPTION OF ORGANIZATION

4. AWARD CATEGORY (Mark only one category. An original nomination form, plus three copies must be submitted for each category of nomination.)

Partnerships that Prepare Youth for the Workplace

Improving and Effectively Using Worker Skills

5. CONTACT PERSON IF FURTHER INFORMATION IS NEEDED

Name

Title

Street

City/State

ZIP Code

Telephone No.

Telefax No.

6. STATEMENT

It is understood that this nomination will be reviewed by representatives of the U.S. Department of Labor. The organization identified above in item 1 will, if asked, provide additional information in support of this nomination. Further, any information furnished as part of this nomination process may be made available to the public.

7. SIGNATURE, HIGHEST RANKING OFFICIAL, OR DESIGNEE

Print or type Name

Date

Street

Title

City/State

ZIP Code

Telephone No.

ASP-1

(This form may be copied)

No 1225-0051 Approval Expires 3/93

### Advisory Panel for the Dictionary of Occupational Titles (APDOT); Open Meeting

**AGENCY:** Employment and Training Administration, Labor.

**SUMMARY:** The Advisory Panel for the Dictionary of Occupational Titles (APDOT) was established in accordance with the Federal Advisory Committee Act (Public Law 92-463) on August 28, 1990.

The APDOT was established as part of the Secretary of Labor's Workforce Quality Agenda to improve the quality of the work force. The APDOT will assist the Department of Labor in meeting the goals of the Secretary's Agenda by providing a diversified range of user perspectives on the Dictionary of Occupational Titles (DOT). The DOT is a document which is used extensively in business, education and government. It defines, classifies and describes occupations in the labor market. A revised fourth edition of the DOT was published in September 1991. The APDOT will provide advice on a new, fifth edition.

The APDOT will report to and advise the Assistant Secretary for Employment and Training on the development, publication and dissemination of the DOT.

**TIME:** The meeting will begin at 9 a.m. on June 16, 1992, and adjourn at 12 p.m. that day.

**PLACE:** The Holiday Inn Capitol, 550 C Street, SW., Washington, DC 20024.

**AGENDA:** Matters to be considered as part of the agenda for the APDOT meeting include:

- Subcommittee on Purpose and Uses status report.
- Subcommittee on Skills Issues status report.
- Staff reports on status of User Survey, status of responses to APDOT Interim Report and status of other project activities.
- Public Comment.

**PUBLIC PARTICIPATION:** The meeting will be open to the public. A half hour (9 a.m.-9:30 a.m.) will be set aside for public comments. Individuals wishing to speak to the panel should call Dr. Marilyn Silver at 202-535-0161. Seating will be available for the public on a first-come, first-serve basis.

Individuals or organizations wishing to submit written statements should send 14 copies to Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

### FOR FURTHER INFORMATION CONTACT:

Dr. Marilyn B. Silver, Executive Director, Advisory Panel for the Dictionary of Occupational Titles, room N4470, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, (202) 535-0161.

Signed at Washington, DC this 11th day of May, 1992.

Roberts T. Jones,

*Assistant Secretary for Employment and Training.*

[FR Doc. 92-11658 Filed 5-18-92; 8:45 am]

BILLING CODE 4510-30-M

### 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 July 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 Agriculture, Forest Service (N1-95-91-3). Electronic data base concerning employees in Region 5.
2. Department of Commerce, Economic Development Administration (N1-378-92-1). Trade Act Certification and Technical Adjustment Assistance records.
3. Department of Commerce, International Trade Administration (N1-151-92-3). International trade data acquired from the Organization for Economic Cooperation.
4. Department of the Air Force (N1-AFU-92-13). Scholarship applications and selection records for reserve forces.
5. Department of the Air Force (N1-AFU-91-14). Case files relating to debarment or suspension of contractors.
6. Department of the Air Force (N1-AFU-92-24). Requests to withdraw from the Reserve Officer Training Corps.
7. Department of the Air Force (N1-AFU-92-25). Food service evaluations.

8. Department of the Air Force (N1-AFU-92-27). Short-term records of closing bases.

9. Department of Health and Human Services, Centers for Disease Control (N1-442-91-2). Electronic records of the Epidemiology Program Office.

10. Department of State, Bureau of Intelligence and Research (N1-59-92-9). Routine and facilitative records.

11. Department of State, Office of Foreign Missions (N1-59-92-13). Routine and facilitative records of the Travel Division.

12. Board for International Broadcasting (N1-BIB-92-1). Routine and facilitative records.

13. Federal Emergency Management Agency (N1-311-92-3). Inspector general case file.

14. International Cultural and Trade Center Commission (N1-220-92-3). Routine correspondence and memoranda.

15. Federal Maritime Commission, Office of the Secretary (N1-358-92-1). Records of commission meetings and certification of record reports, 1960-70, which duplicate information in records accessioned into the National Archives.

16. National Aeronautics and Space Administration (N1-255-92-10). Cooperative education training case files.

17. National Aeronautics and Space Administration (N1-255-92-11). Graduate study program case files.

18. National Aeronautics and Space Administration, Langley Research Center (N1-255-92-16). Cooperative education program records containing student profiles.

19. National Archives and Records Administration (N2-168-92-1). National Guard Bureau account books containing information duplicated in other holdings of the National Archives.

20. Railroad Retirement Board (N1-184-92-1). Undeliverable tax statements.

21. Securities and Exchange Commission, Office of the Chairman (N1-266-90-1). Chronological and reference files.

22. Tennessee Valley Authority (N1-142-91-14). Fixed assets accounting records.

Dated: May 11, 1992.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 92-11671 Filed 5-18-92; 8:45 am]

BILLING CODE 7515-01-M

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 92-32]

### NASA Advisory Council (NAC), Aeronautics Advisory Committee (AAC); Meeting

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee.

**DATES:** June 10, 1992, 8:30 a.m. to 5:30 p.m.

**ADDRESSES:** National Aeronautics and Space Administration, Federal Building 10B, room 625, 600 Independence Avenue SW., Washington, DC 20546.

**FOR FURTHER INFORMATION CONTACT:** Ms. Catherine Smith, Office of Aeronautics and Space Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2367.

**SUPPLEMENTARY INFORMATION:** The NAC Aeronautics Advisory Committee was established to provide overall guidance and direction to the aeronautics research and technology activities in the Office of Aeronautics and Space Technology [OAST]. The Committee, chaired by Mr. William L. Webb, is composed of 19 members. The meeting will be open to the public up to the seating capacity of the room (approximately 30 persons including the Committee members and other participants).

*Type of Meeting:* Open.

#### Agenda

June 10, 1992

8:30 a.m.—Opening Remarks.

8:45 a.m.—Aeronautics Overview and Budget Status.

9:30 a.m.—High Speed Research Phase II Program.

10:30 a.m.—Advanced Subsonic Technology Plans.

11 a.m.—Summary of Aeronautics and Space Engineering Board Study on Aeronautical Technologies.

1 p.m.—Customer Satisfaction Assessment.

2:45 p.m.—Computational Aerosciences Consortium Update.

3:15 p.m.—Status of Aeronautics Facility Studies.

3:45 p.m.—Cockpit Human Factors Research & Technology.

4:45 p.m.—NASA Response to Ad Hoc

Study on High Temperature Materials & Structures.

5 p.m.—General Discussion.

5:30 p.m.—Adjourn.

Dated: May 12, 1992.

John W. Gaff,

Advisory Committee Management Officer,  
National Aeronautics and Space Administration.

[FR Doc. 92-11677 Filed 5-18-92; 8:45 am]

BILLING CODE 7510-01-M

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### Humanities Panels; Meeting

**AGENCY:** National Endowment for the Humanities, NFAH.

**ACTION:** Notice of meetings.

**SUMMARY:** Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, DC 20506:

**FOR FURTHER INFORMATION CONTACT:** David C. Fisher, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone 202/786-0322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on 202/786-0282.

**SUPPLEMENTARY INFORMATION:** The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; or (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated September 9, 1991, I have determined that these meetings will be closed to the public pursuant to subsections (c)(4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* June 1, 1992.

*Time:* 9 a.m. to 5 p.m.

Room: 315.

*Program:* This meeting will review proposals for Science and Humanities Projects submitted to the April 1, 1992 deadline in the Higher Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after September 1, 1992.

2. *Date:* June 2, 1992.

*Time:* 9 a.m. to 12 p.m.

*Room:* 315.

*Program:* This meeting will review proposals for Science and Humanities Projects submitted to the April 1, 1992 deadline in the Higher Education in the Humanities, submitted to the Division of Education Programs, for projects beginning after September 1, 1992.

3. *Date:* June 8, 1992.

*Time:* 9 a.m. to 5 p.m.

*Room:* 315.

*Program:* This meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Programs, submitted to the Division of Education Programs, for projects beginning after September 1992.

4. *Date:* June 9, 1992.

*Time:* 9 a.m. to 12 p.m.

*Room:* 315.

*Program:* This meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Programs, submitted to the Division of Education Programs, for projects beginning after September 1992.

5. *Date:* June 11, 1992.

*Time:* 9 a.m. to 5 p.m.

*Room:* 430.

*Program:* The meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Program, submitted to the Division of Education, for projects beginning after September, 1992.

6. *Date:* June 12, 1992.

*Time:* 9 a.m. to 12 p.m.

*Room:* 430.

*Program:* The meeting will review proposals submitted for Science and Humanities Projects to the April 1, 1992 deadline in the Higher Education in the Humanities Program, submitted to the Division of Education, for projects beginning after September, 1992.

David C. Fisher,

*Advisory Committee Management Officer.*

[FR Doc. 92-11693 Filed 5-18-92; 8:45 am]

BILLING CODE 7536-01-M

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Human Resource Development; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name:* Special Emphasis Panel in Human Resource Development.

*Date and Time:* May 21-22, 1992; 8:30 a.m. to 6 p.m.

*Place:* Room 500-D, NSF, 1110 Vermont Ave., NW., Washington, DC 20005.

*Type of Meeting:* Closed.

*Contact Person:* Drs. Ana Guzman and William McHenry, Program Directors, NSF, 1800 G St., NW., rm. 1225, Washington, DC 20550 Telephone: 202/357-5054.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate unsolicited proposals submitted to the Alliances for Minority Participation Program.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (6) of the Government in the Sunshine Act.

*Reason for Late Notice:* Was unable to schedule Phase II meeting until outcome of Phase I meeting was known.

*Dated:* May 14, 1992.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 92-11664 Filed 5-18-92; 8:45 am]

BILLING CODE 7555-01-M

### Special Emphasis Panel in Instrumentation and Resources; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Instrumentation and Resources.

*Date and Time:*

Friday, June 5, 1992; 9 a.m. to 6 p.m.

Saturday, June 6, 1992; 8:30 a.m. to 12 p.m.

*Place:* The River Inn, 924 25th St., NW., Washington, DC 20037.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Michael Lamvik, Program Director, Academic Research Infrastructure Program, rm. 312, NSF, 1800 G St., NW., Washington, DC 20550. Telephone: 202/357-7652.

*Purpose of Meeting:* To provide advice and

recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Academic Research Infrastructure Program.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

*Dated:* May 13, 1992.

M. Rebecca Winkler,

*Committee Management Officer.*

[FR Doc. 92-11665 Filed 5-18-92; 8:45am]

BILLING CODE 7555-01-M

### Preparation of Mathematics and Science Teachers; Meeting

The National Science Foundation (NSF) will hold a one day planning workshop on the Preparation of Mathematics and Science Teachers on May 28, 1992, 8 a.m. to 5 p.m. at the National Science Foundation located at 1800 G Street, NW., Washington, DC. Six to eight individuals will participate in the planning activity.

The participants will be asked to provide advice concerning a major workshop tentatively scheduled for Fall 1992. The topics tentatively selected for the themes of the workshop represent areas where certain faculty in science disciplines and education school faculty have made important contributions that can be shared with, and built upon by, others. The topics include:

- I. Prospective Secondary School Teachers
- II. Prospective Elementary School Teachers
- III. Assessment and Evaluation as a Means To Enhance Learning
- IV. Appropriate Use of Instructional Technology
- V. Valuing Diversity
- VI. Systemic Perspective

The participants will refine this list and help identify national leaders of each area to participate in the Fall Workshop.

Although the workshop will not operate as an advisory committee, the public is invited to attend. Participants will include leaders of instructional innovation, and representatives from mathematics, science and educational departments.

For additional information, contact Drs. William Haver and Herb Levitan,

Program Directors, 1800 G Street, NW., Washington, DC 20550, (202) 357-7292 or 7892.

Dated: May 13, 1992.

Robert Watson,

*Division Director, Undergraduate Science, Engineering, and Mathematics Education.*

[FR Doc. 92-11663 Filed 5-18-92; 8:45 am]

BILLING CODE 7556-01-M

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-219]

### GPU Nuclear Corp., Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 158 to Facility Operating License No. DPR-16 issued to GPU Nuclear Corporation (the licensee), which revised the Technical Specifications for operation of the Oyster Creek Nuclear Generating Station located in Ocean County, New Jersey. The amendment is effective as of the date of issuance.

The amendment would revise the Technical Specifications to permit no limitation on the number of inoperable position indicators for nine ASME Code safety valves during power operation.

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.

Notice of Consideration of Issuance of Amendment and Opportunity for Hearing in connection with this action was published in the *Federal Register* on March 21, 1990 (55 FR 10561). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendment dated February 15, 1990, as supplemented January 22, 1992, (2) Amendment No. 158 to License No.

DPR-16, (3) the Commission's related Safety Evaluation, and (4) the Commission's Environmental Assessment. 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 located at the Ocean County Library, Reference Department, 101 Washington Street, Toms River, New Jersey 08753. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Document Control Desk.

Dated at Rockville, Maryland, this 12th day of May 1992.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick, Sr.,

*Project Manager, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*

[FR Doc. 92-11714 Filed 5-18-92; 8:45 am]

BILLING CODE 7590-01-M

## NATIONAL COMMISSION ON FINANCIAL INSTITUTION REFORM, RECOVERY, AND ENFORCEMENT

### Meeting

**AGENCY:** National Commission on Financial Institution Reform, Recovery, and Enforcement.

**TIME AND DATE:** 1:30 p.m.–3:30 p.m., June 5, 1992.

**PLACE:** Sixth Floor Hearing Room of the Federal Mine Safety and Health Review Commission, 1730 K Street, NW., Washington, DC.

**STATUS:** This meeting will be open to the public.

**MATTERS TO BE CONSIDERED:** The Commission will engage in a discussion of its statutory mandate and the appropriate research methodology to accomplish that mandate. In addition, the Commission will consider any other such matters as may properly come before it. Due to limited seating, persons wishing to attend should call the below listed contact persons in advance.

**CONTACT PERSONS FOR MORE INFORMATION:** Larry G. Hicks, (202) 632-1558, or Linda R. Johnson, (202) 632-1558.

Larry G. Hicks,

*Acting Director of Administration.*

[FR Doc. 92-11645 Filed 5-18-92; 8:45 am]

BILLING CODE 6020-PD-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-30694; File No. SR-Amex-92-12]

### Self-Regulatory Organizations; Filing of Proposed Rule Change by the American Stock Exchange, Inc. Relating to the Reduction of Trading Increments for Long-Term Reduced Value Index Option Premiums

May 13, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 30, 1992, the American Stock Exchange ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to reduce from, one-eighth to one-sixteenth, the minimum tick fluctuation for premiums between \$300 and \$500 for long-term options on reduced value indexes. Under the proposal, the minimum tick fluctuation for premiums over \$500 will continue to be one-eighth.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

##### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Currently, bids and offers for all equity and index options may be

expressed in one-sixteenth ( $\frac{1}{16}$ ) increments for premiums of less than \$300 and one-eighth ( $\frac{1}{8}$ ) increments for premiums greater than \$300.

Since November 1990, the Exchange has been trading long-term options ("LEAPS") on a reduced value Major Market Index ("XMI"). Because of the relative long-term nature of index LEAPS contracts and the fact that the underlying index is a fraction of a larger index value, the Exchange believes that the quality of the markets in such contracts can be enhancing by expanding the ability to trade in  $\frac{1}{16}$ th increments. Accordingly, the Exchange proposes to amend Exchange Rule 951C to permit the trading of index LEAPS in  $\frac{1}{16}$ th increments for premiums between \$300 and \$500.

According to the Amex, XMI LEAPS series trading with premiums between \$300 and \$500 are favored by a significant number of public investors. The Exchange believes that the proposal will result in the narrowing of bid-offer spreads for index LEAPS. Accordingly, the Exchange believes that the proposal will improve price continuity, result in more liquid markets and gain added investor participation for XMI LEAPS.

The Exchange, believes that the proposed rule change is consistent with section 6 of the Act, in general, and section 6(b)(5), in particular, in that it is designed to remove impediments to and perfect the mechanism of a free and open market and the national market system.

*(B) Self-Regulatory Organization's Statement on Burden on Competition*

The Amex believes that the proposed rule change will not impose an inappropriate burden on competition.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments on the proposed rule change were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 9, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>1</sup>

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-11640 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30692; File No. SR-MSE-92-05]

**Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the Midwest Stock Exchange, Inc. Relating to Amendments to Membership Dues and Fees**

May 12, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 23, 1992, the Midwest Stock Exchange, Inc. ("MSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The

Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The MSE proposes to amend its Membership Dues and Fees Schedule by making the current \$500 per issue assignment fee applicable in competitive assignments only. This is a modification to the recently submitted rule filing which added the assignment fee to the Membership Dues and Fees Schedule.<sup>1</sup>

The Exchange Membership Dues and Fees Schedule is amended as follows (additions are italicized):

(a) Membership Dues..	(No change in text).
(b) Registration Fee	(No change in text).
Firm or Corporation.	
Office (Other than Principal).	(No change in text).
Officers or Partners.	(No change in text).
Salesmen.....	(No change in text).
Specialist.....	Fees will be determined based upon the monthly round lot activity of an issue on the MSE, and shall be paid monthly, according to the following: The 300 most active issues shall be charged at a rate of \$400 per year. All other issues shall be charged at a rate of \$100 per year.
Assignment.....	There shall also be an assignment fee of \$500 per issue upon the approval by the Committee on Specialist Assignment and Evaluation of an application of a member or member organization to act as specialist in a security. <i>However, this fee shall be applicable in competitive assignments only.</i>
Subordinated Loans.	(No change in text).
Transfer.....	(No change in text).

<sup>1</sup> See Securities Exchange Act Release No. 30389 (February 19, 1992), 57 FR 6629 (notice of filing and immediate effectiveness of File No. SR-MSE-92-04).

<sup>1</sup> 17 CFR 200.30-3(a)(12) (1991).

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

**1. Purpose**

The MSE believes it fair and equitable to charge assignment fees only when there is competition among or between specialist firms for a particular issue. The fee should cover the higher administrative costs involved in the assignment process for issues which have more than one application filed from specialists.

**2. Statutory Basis**

The proposed rule change is consistent with section 6(b)(4) of the Act in that it provides for the equitable allocation of reasonable fees and other changes among members using its facilities.

**B. Self-Regulatory Organization's Statement on Burden on Competition**

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

**C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others**

The Exchange has neither solicited nor received written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule change and Timing for Commission Action**

The foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange and therefore has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of rule 19b-4 thereunder. At any time within 60 days of the filing of such rule change, the Commission may summarily abrogate such rule change if it appears

to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the MSE. All submissions should refer to File No. SR-MSE-92-05 and should be submitted by June 9, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-11642 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30689; File No. SR-NASD-92-11]

**Self-Regulatory Organizations; Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to the Subscriber Charge for Nasdaq Last Sale Information.**

May 11, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Pursuant to section 19(b)(1) of the Act, the following is the full text of a proposed rule change by the NASD that modifies the subscriber charge payable for receipt of last-sale information on securities included in the Nasdaq stock market. The amendatory language will appear in part IX, subpart A, section 5 of Schedule D to the NASD By-Laws (Additions are italics; deletions are in brackets).

**5. Nasdaq [/National Market System] Last Sale Information**

a. The charge to be paid by the subscriber for each terminal receiving Nasdaq [/National Market System] Last Sale Information [supplied by] through a vendor shall be determined by the total number of securities [designated] classified by the Corporation as [NASDAQ/National Market System] designated securities [pursuant to the following schedule] under parts XII and XIII of Schedule D to the NASD By-Laws. The following schedule of charges shall apply to the receipt of last sale information for such securities.

Number of designated securities	Charge per terminal per month	
250 or less.....	\$2.50	
251-500.....	5.00	
501-1,000.....	7.50	
1,001 or more.....	9.00*	[\$10.00]

\* On [July 13, 1984] March 13, 1992, The Association's Board of Governors voted to [indefinitely defer the] increase [in] the charge from \$7.50 to \$9.00 [\$10.00] based on existing authorization from the Securities and Exchange Commission to levy a maximum charge of \$10.00/terminal/month for receipt of last sale information on more than 1,000 designated securities.

b. No change.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.



**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In File No. SR-NASD-91-50, the Association requested SEC approval of rules extending real-time trade reporting requirements to regular Nasdaq securities.<sup>1</sup> With SEC approval of that initiative, the NASD (through its subsidiary NASD Market Services, Inc. ("MSI")) will begin to collect, process, and distribute last sale information to vendors for approximately 2000 additional Nasdaq securities.<sup>2</sup> The purpose of this rule change is to establish a subscriber charge sufficient for the NASD to recover the costs of developing, operating, and maintaining an expanded service offering last sale information for all Nasdaq securities. The proposed charge would apply to every subscriber device receiving Nasdaq last sale information, real-time, from a commercial vendor. The subject charge would take effect at the same time the NASD initiates the collection and distribution of last sale information on regular Nasdaq securities.

The present fee schedule in part IX, subpart A, section 5 of Schedule D was originally approved by the SEC in 1982, in connection with the designation of certain Nasdaq securities as National Market System securities (collectively, "Nasdaq/NMS securities").<sup>3</sup> At that time, the Commission approved an escalating schedule of charges tied to total number of Nasdaq/NMS securities was available. As the number of Nasdaq/NMS securities increased, the NASD was authorized to charge vendors' subscribers a higher fee for access to more expansive last sale information. The approved schedule also specified a maximum charge of \$10/terminal/month that could take effect automatically when the total number of Nasdaq/NMS securities exceeded 1,000 issues.

Although the number of Nasdaq/NMS securities has exceeded that threshold for several years, the NASD has never charged the maximum fee authorized by

the Commission in 1982. Instead, the NASD determined to defer imposition of the \$10 charge indefinitely, and maintain the last sale fee at the level of \$7.50/terminal/month. This deferral was the subject of an NASD rule filing (File No. SR-NASD-84-19) that the Commission approved in 1984.<sup>4</sup> That action, however, did not negate, or otherwise limit the earlier authorization to levy a monthly charge of \$10/terminal for access to last sale information (real-time) for more than 1,000 Nasdaq/NMS securities.

The instant rule change would continue the NASD's indefinite deferral of the \$10 charge while establishing an interim charge of \$8.00 for access to Nasdaq last sale information through vendor services offering such real-time information. In so doing, the NASD is partially exercising the fee-setting authority originally granted by the Commission in 1982. Although the current fee entitles a subscriber to last sale information for approximately 2,000 Nasdaq/NMS securities, the new fee will permit access to last sale information for approximately 2,000 additional Nasdaq securities. In percentage terms, this represents a 20% increase in the monthly charge for a 72% increase in the number of securities for which last sale information will be available.

The NASD notes that extension of transaction reporting to the non-NMS component of the Nasdaq stock market will yield benefits to broker-dealers, investors, and issuers of the affected securities. Instantaneous access to last sale prices during the trading day will assist investors in making trading decisions and facilitate execution of their orders at the best available price. The NASD's collection and distribution of last sale information on regular Nasdaq securities will enhance market transparency and provide transactional data for the NASD's surveillance database. As a result, trading in regular Nasdaq securities will enjoy greater visibility as a consequence of broad dissemination of transaction prices in their securities. The NASD represents that the proposed increase will allow it to recover certain development and operational costs for an expanded last sale service and enhancements to its surveillance monitoring capability. Accordingly, the NASD believes that Commission approval of this rule change is crucial to the extension of real-time trade reporting to the entire universe of Nasdaq-listed securities.

Section 15A(b)(5) of the Act provides the statutory basis for the rule change. Section 15A(b)(5) requires that the NASD assess reasonable charges for its service offerings and that the costs of those offerings be equitably allocated among the end-users. In this instance, the proposed monthly charge of \$8.00/terminal is calculated to recover projected operating and maintenance costs, as well as more than \$1 million in development costs for the operational capability and capacity to support vendor feeds of last sale information for approximately 4,700 Nasdaq securities. Consistent with current practice, the per terminal charge will be paid by the customers of vendors that distribute last sale information, real-time, for the Nasdaq stock market.

The NASD notes that the proposed increase in the last sale fee follows the same conceptual approach approved by the Commission in 1982, i.e., a schedule of escalating subscriber charges that tracks significant increases in the number of securities for which last sale information is provided. Under this proposal, a \$1.50 increase would be linked to the provision of last sale information for approximately 2,000 additional Nasdaq securities. By contrast, section 5 under part IX, subpart A, of Schedule D allows the NASD to increase the monthly per terminal charge by \$2.50 (i.e., from \$7.50 to \$10.00) for providing last sale information on an increment of 500 securities (i.e., 501 to 1,001 securities). Thus, an increase of \$1.50 for an increment of 2,000 securities is well within the range that the Commission has already authorized.

At this time, the NASD is also undertaking major enhancements to its systems that collect, process, and distribute Nasdaq market data and support market surveillance. These enhancements will entail expenditures of several million dollars over the next five years and will impact systems operated by MSI and its corporate affiliate Nasdaq, Inc. This undertaking provides additional justification for the instant fee proposal to support construction of more efficient systems for the collection, processing, and distribution of last sale information for the Nasdaq marketplace. After these enhancements are fully implemented, the NASD will reassess its fee structure to ensure recovery of the total costs incurred in connection with the systems upgrade.

In sum, the NASD posits that \$8.00/terminal/month is a reasonable charge for the receipt of significantly more transactional data and that its adoption

<sup>1</sup> The proposed rule change was approved by the Commission on April 16, 1992. See Securities Exchange Act Release No. 30560 (April 16, 1992), 57 FR 13396 (April 16, 1992). The NASD acknowledges that the extension of real-time trade reporting to regular Nasdaq will not cause the affected securities to become "qualified securities" as that term is used in section 11A(a)(2) of the Act and the rules thereunder.

<sup>2</sup> As of March 1, 1992 a total of 4,721 issues were listed on the Nasdaq stock market. This figure consists of 2,720 Nasdaq/NMS and 1,965 regular Nasdaq issues.

<sup>3</sup> Securities Exchange Act Release No. 19168 (October 6, 1982), 47 FR 48028 (October 14, 1982).

<sup>4</sup> Securities Exchange Act Release No. 21169 (July 24, 1984), 49 FR 30621 (July 31, 1984).

comports with the pricing methodology approved by the Commission in 1982. For these reasons, the NASD believes that this rule change is consistent with section 15A(b)(5) of the Act.

*B. Self-Regulatory Organization's Statement on the Burden on Competition*

The NASD believes that this proposal will not create any burden on competition. The proposed fee will apply in the same manner as the existing charge paid by vendors' subscribers for receipt of last sale information, real-time, on Nasdaq/NMS securities.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the *Federal Register* or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by June 9, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

*Deputy Secretary.*

[FR Doc. 92-11641 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-30695; International Series Release No. 386; File No. SR-NASD-92-18]

**Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Filing and Order Granting Accelerated Approval to Proposed Rule Change Extending the Informational Linkage With the Stock Exchange of Singapore Ltd. for a 6-Month Period**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 1, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The NASD has filed, pursuant to section 19(b)(1) of the Act and Rule 19b-4 thereunder, for Commission authorization to extend the operation of its Pilot Program with the Stock Exchange of Singapore, Limited ("SES") for six months. The Pilot Program currently consists of an interchange of closing price and volume data on up to 35 NASDAQ securities that are also traded through the SES's facilities. With the thirteen hour time difference (twelve hours during EDT), the trading hours of the SES and NASD markets do not overlap. The end-of-day information being exchanged under the Pilot Program may assist in the establishment of opening prices for the following business day. The Pilot Program currently involves no automated order routing or execution capabilities, and no such capability will be established during the proposed extension.

The Commission originally authorized operation of the NASD-SES Pilot Program for a two-year term<sup>1</sup> that was

<sup>1</sup> See Release No. 34-25457 (March 14, 1988), 53 FR 9156 (March 21, 1988).

recently extended through May 12, 1992.<sup>2</sup> Commission approval of the instant filing would permit continuation of this Pilot Program through November 12, 1992. During this interval, no more than 35 NASDAQ issues will be included in this Pilot Program. That figure corresponds to the number originally authorized at the inception of the Pilot Program in 1988. As noted in the last filing on this matter (File No. SR-NASD-91-59), the SES information being transmitted to the NASD reflects the SES's use of an order-driven trading system (known as the "CLOB").

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

The NASD-SES Pilot Program commenced operation with the Commission's approval of File No. SR-NASD-87-40 on March 14, 1988. The principal features of this program were fully described in section 1 of that form 19b-4, which description is hereby incorporated by reference.<sup>3</sup>

The current authorization of the NASD-SES Pilot Program will expire on May 12, 1992. The NASD, on its own as well as the SES's behalf, hereby requests that the Commission approve a further extension of the Pilot Program for 6 months, expiring on November 12, 1992.

During the proposed extension, each market will continue to transmit to the other static price/volume information compiled at the end of each trading day at 35 NASDAQ securities. The NASD will transmit for each Pilot security the closing inside quotes, cumulative volume, last sale price (for NASDAQ/NMS issues only) and the closing quote

<sup>2</sup> See Release No. 34-29931 (November 12, 1991), 56 FR 58723 (November 21, 1991), approving File No. SR-NASD-91-59.

<sup>3</sup> See also Release No. 34-25065 (October 28, 1987), 52 FR 42167 (November 3, 1987).

of every NASDAQ market maker in each of the 35 Pilot securities (collectively referred to as "NASD information"). In recognition of the SES's reliance on the order-driven CLOB system, the SES will transmit the following data elements for each Pilot security: closing price (*i.e.*, the price of the final transaction in the CLOB on that business day), the highest and lowest prices at which transactions were effected, and the aggregate volume (collectively referred to as "SES information").<sup>4</sup> Because all trading of NASDAQ securities on the SES occurs in the CLOB, the price information sent to the NASD will reflect the prices of actual trades consummated by the automated matching of buy and sell orders resident in the CLOB system.

The CLOB is a fully automated trading system that was instituted by the SES in 1989. Prior to that time, the SES employed a quote-driven, market maker system, similar to the NASDAQ system. Orders to buy and sell securities are entered into the CLOB through some 1,800 trading terminals on the premises of 26 SES member firms. The CLOB provides an electronic limit order file with open orders ranked by price and time in each security. When the terms of two orders match, the CLOB generates an automated execution accompanied by confirmations back to the originating brokers.

As noted in File No. SR-NASD-91-50, the SES intends to incorporate the NASDAQ pilot stocks into "CLOB International." The latter is a separate section of the SES market system for the trading of foreign issues that are not listed on the SES. These securities trade through the CLOB in the same manner as SES-listed securities. CLOB International currently includes the stocks of Malaysian, Hong Kong, and Philippine issuers. The SES regards inclusion of NASDAQ pilot stocks in CLOB International as a logical step in the progression of the Pilot Program. Further, the SES believes that this step could stimulate greater trading interest in NASDAQ securities among Singapore investors. Accordingly, both the NASD and the SES desire to continue the Pilot Program.

The incorporation of NASDAQ securities into CLOB International will not alter the basic operation of the Pilot Program, namely, the interchange of static, end-of-day information on the Pilot securities. SES information will continue to be offered only to

subscribers of NASDAQ Level 2/3 services.<sup>5</sup> Similarly, NASD information transmitted to Singapore will be available only on the terminals used by SES members to access the exchange's CLOB system. The original linkage agreement between the NASD and the SES will remain in effect for the term of the extended Pilot Program. That agreement, which provides for the sharing of regulatory information as needed, is believed adequate given the limited nature and limited scope of the Pilot Program.

Finally, the NASD acknowledges that any further enhancement to the Pilot Program, including the introduction of automated order routing and execution facilities, would require concurrent authorizations from the Commission and the Monetary Authority of Singapore. No such enhancement is planned for implementation during the requested extension.

The NASD believes that sections 11A(a)(1)(B) and (C), 15A(b)(6) and 17A(a)(1) of the Act provide the statutory basis for this proposed rule change. Subsections (B) and (C) of section 11A(a)(1) set forth the Congressional goals of achieving more efficient and effective market operations, the availability of information with respect to quotations for securities and the executions of investor orders in the best market through the application of new data processing and communications techniques. Section 15A(b)(6) requires that the rules of the NASD be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market . . . ." Finally, section 17A(a)(1) reflects the Congressional goals of linking all clearance and settlement facilities and reducing costs involved in the clearance and settlement process through new data processing and communications techniques. The NASD submits that extension of the Pilot Program will further these ends by providing the cooperative regulatory environment and operating experience needed for advancement of these goals in the context of the internationalization of the securities markets.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The extended Pilot Program will permit the continued exchange of static market data on a limited group of NASDAQ securities between the NASD and SES on a non-exclusive basis. The costs of supporting the Pilot Program are nominal, and the sponsoring markets absorb their respective costs. The market information being exchanged by the NASD and SES under the Pilot Program is deemed to constitute an exchange of equivalent value. Hence, no additional fee is paid by NASD and SES member firms for receipt of the static data being provided on Pilot securities.

The NASD submits that neither the structure nor operation of the present Pilot Program poses any burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others*

The NASD did not solicit or receive comments on this rule proposal.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The NASD requests that the Commission find, pursuant to section 19(b)(2) of the Act, good cause for approving the proposed rule change prior to the 30th day after the date of publishing notice of the filing and, in any event, by May 12, 1992. The NASD believes that accelerated approval is appropriate for the following reasons: (1) The experimental character of the Pilot Program and the need to maintain continuity in its operation; (2) the commitment not to make any significant operational changes during the requested extension absent Commission approval; (3) the limited nature of the Pilot Program, both in terms of the number of Pilot securities and the amount of market information being exchanged; and (4) the limited utility of end-of-day, static information to the NASD and SES member firms capable of accessing, respectively, SES and NASD information. Moreover, during the period of the proposed extension, the sponsoring markets remain committed to exchange regulatory information whenever the need arises. Finally, if accelerated approval is not granted, the sponsors will be obligated to terminate this experimental program before its potential benefits can be realized in relation to globalization of the securities markets.

The Commission finds that the proposed rule change is consistent with

<sup>4</sup> If no trades are effected in a Pilot security on a given day, the SES will transmit no data on that issue even if bids or offers had been entered into the CLOB for possible execution.

<sup>5</sup> To retrieve this information, a NASDAQ subscriber must enter a discrete query through a NASDAQ Workstation device.

the requirements of the Act and the rules and regulations thereunder applicable to the NASD and, in particular, the requirements of sections 11A(a)(1)(B) and (C), 15A(b)(6), 17A(a)(1) and the rules and regulations thereunder.

The Commission finds good cause for approving the proposed rule change prior to the 30th day after the date of publishing of notice of filing thereof. The Commission believes that accelerated approval is appropriate to maintain continuity in the Pilot Program and to allow the sponsors to assess the impact of the trading of these securities in the international section of the SES's order-driven market system. Further, the Pilot Program is of a limited nature and no substantive changes will be implemented during the proposed extension. Accordingly, the Commission believes that the Pilot Program should not be terminated under these circumstances.

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD.

All submissions should refer File Number SR-NASD-92-18 and should be submitted by June 9, 1992.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that SR-NASD-92-18 be, and hereby is approved for a period of 6 months, allowing the NASD-SES Pilot Program to continue through November 12, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 92-11639 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

#### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Incorporated

May 13, 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:

International Family Entertainment, Inc.  
Class B Common Stock, \$.01 Par Value (File No. 7-8440)

Medical Care International, Inc.  
Common Stock, \$.01 Par Value (File No. 7-8441)

Mediplix Group, Inc.  
Common Stock, \$.01 Par Value (File No. 7-8442)

Phoenix Laser Systems, Inc.  
Common Stock, \$.000001 Par Value (File No. 7-8443)

ECC Group PLC  
American Depository Shares (each representing three Ordinary Shares, 25p Par Value (File No. 7-8444)

Reliance Electric Company  
Common Stock, \$.01 Par Value (File No. 7-8445)

H&Q Life Sciences Investors, Inc.  
Shares of Beneficial Interest, \$.01 Par Value (File No. 7-8446)

These securities are listed and registered on one or more other national securities exchange and is reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before June 3, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 92-11694 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

#### Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

May 13, 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:

ADT, Limited  
Warrants (expiring 6/30/94) (File No. 7-8417)

Athlone Industries, Inc.  
Common Stock, \$.10 Par Value (File No. 7-8418)

Bancorp Hawaii, Inc.  
Common Stock, \$.20 Par Value (File No. 7-8419)

Chicago & North Western Holdings Corp.  
Common Stock, \$.01 Par Value (File No. 7-8420)

El Paso Natural Gas Company  
Common Stock, \$.30 Par Value (File No. 7-8421)

Foodmaker, Inc.  
Common Stock, \$.01 Par Value (File No. 7-8422)

International Family Entertainment, Inc.  
Class B Common Stock, \$.01 Par Value (File No. 7-8423)

Medical Care International, Inc.  
Common Stock, \$.01 Par Value (File No. 7-8424)

Money Store, Inc.  
Common Stock, No Par Value (File No. 7-8425)

Reliance Electric Co.  
Common Stock, \$.01 Par Value (File No. 7-8426)

Solelectron Corp.  
Common Stock, No Par Value (File No. 7-8427)

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 June 3, 1992, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair

and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-11696 Filed 5-18-92; 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**

May 13, 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:

- Medical Care International  
Common Stock, \$.01 Par Value (File No. 7-8428)
- Phoenix Laser Systems  
Common Stock, \$.000001 Par Value (File No. 7-8429)
- Mediplus Group, Inc.  
Common Stock, \$.10 Par Value (File No. 7-8430)
- Hampton Industries, Inc.  
Common Stock, \$1.00 Par Value (File No. 7-8431)
- ECC Group Plc  
American Depositary Shares (File No. 7-8432)
- International Family Entertainment, Inc.  
Common Stock, \$.01 Par Value (File No. 7-8433)
- Medeva Plc  
American Depositary Shares (File No. 7-8434)
- Arcadian Partners L.P.  
Preference Units Representing Limited Partner Interest (File No. 7-8435)
- Laser Industries Limited  
Ordinary Shares, \$0.0001 par Value (File No. 7-8436)
- North American Recycling Systems, Inc.  
Common Stock \$.01 Par Value (File No. 7-8437)
- Reliance Electric Company  
Class A Common Stock, \$.01 Par Value (File No. 7-8438)
- H and Q Life Science Investors  
Shares of Beneficial Interest, \$.01 Par Value (File No. 8439)

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 June 3, 1992, written data, views and arguments concerning the above-referenced application.

Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-11695 Filed 5-18-92; 8:45 am]

BILLING CODE 8010-01-M

**DEPARTMENT OF STATE**

**Bureau of Politico-Military Affairs**

[Public Notice 1628]

**Imposition of Missile Proliferation Sanctions Against Russian and Indian Entities**

**AGENCY:** Department of State.

**ACTION:** Notice.

**SUMMARY:** The Under Secretary of State for International Security Affairs has determined that a Russian entity and an Indian entity have engaged in missile technology proliferation activities that require imposition of sanctions pursuant to the Arms Export Control Act and the Export Administration Act of 1979, as amended by the National Defense Authorization Act for Fiscal Year 1991, and the National Defense Authorization Act for Fiscal Years 1992 and 1993.

**EFFECTIVE DATE:** May 6, 1992.

**FOR FURTHER INFORMATION CONTACT:** Vann H. Van Diepen, Office of Weapons Proliferation Policy, Bureau of Politico-Military Affairs, Department of State (202-647-4930).

**SUPPLEMENTARY INFORMATION:** Pursuant to section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)), section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)), and sections 1702 and 1703 of the National Defense Authorization Act for Fiscal Year 1990-91 (Pub. L. 101-510), and the President's Memorandum Delegation of Authority of June 25, 1991, the Under Secretary of State for International Security Affairs determined on March 6, 1991 that the following foreign persons have engaged in missile technology proliferation

activities that warrant the sanctions described in sections 73(a)(2)(B) and 73(a)(2)(C) of the Arms Export Control Act (22 U.S.C. 2797(a)(2)(B) and 2797b(a)(2)(C)) and sections 11B(b)(1)(B)(ii) and 11B(b)(1)(B)(iii) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(ii) and 2410b(b)(1)(B)(iii)):

1. Glavkosmos (Russia).
2. Indian Space Research Organisation (India).

Accordingly, the following measures have been imposed: (a) Licenses for export to the entities described above of items controlled pursuant to the Arms Export Control Act or the Export Administration of 1979 will be denied for two years; (b) no U.S. government contracts involving those entities will be entered into for two years; and (c) no products produced by those entities may be imported into the United States for two years.

These measures shall be implemented by the responsible agencies as provided in the President's Memorandum Delegation of Authority of June 25, 1991.

Dated: May 15, 1992.

William F. Rope,

Deputy Assistant Secretary of State for Politico-Military Affairs.

[FR Doc. 92-11885 Filed 5-18-92; 8:45 am]

BILLING CODE 4710-25-M

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**Approval of Noise Compatibility Program for Redding Municipal Airport (RDD), Redding, CA**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the Noise Compatibility Program submitted by the City of Redding under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On January 28, 1992, the Assistant Administrator for Airports approved the Noise Compatibility Program for Redding Municipal Airport. All of the recommendations of the program involving land use were approved.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Redding Municipal Airport noise compatibility program is January 28, 1992.

**FOR FURTHER INFORMATION CONTACT:** Joseph R. Rodriguez, Supervisor Planning and Programming Section, SFO-610, San Francisco Airports District Office, Federal Aviation Administration, 831 Mitten Road, Burlingame, California 94010, Telephone: 415/876-2805. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the Noise Compatibility Program for Redding Municipal Airport, effective January 28, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a Noise Exposure Map may submit to the FAA a Noise Compatibility Program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the Noise Exposure Maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport Noise Compatibility Program developed in accordance with Federal Aviation Regulations (FAR) part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act and is limited to the following determinations:

a. The Noise Compatibility Program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas

preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport Noise Compatibility Program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an the FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Airports District Office in Burlingame, California.

The City of Redding submitted to the FAA on December 19, 1988 the Noise Exposure Maps, descriptions, and other documentation produced during the Noise Compatibility Planning study conducted from January 1986 through September 1988. The Noise Exposure Maps were determined by the FAA to be in compliance with applicable requirements on July 6, 1990. Notice of this determination was published in the *Federal Register* on July 20, 1990.

The study contains a proposed Noise Compatibility Program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to, or beyond, the year 1992. It was requested that the FAA evaluate and approve this material as a Noise Compatibility Program as described in section 104(b) of the Act. The FAA began its review of the program on August 2, 1991 and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period shall be deemed to be an approval of such program.

The submitted program contained nine (9) proposed actions for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective January 28, 1992.

Outright approval was granted for all three (3) land use program elements: Establishment of a voluntary program combining acquisition in fee and easements, change existing land uses to increase compatibility within airport environs, and implement a buyer awareness program. Three (3) elements were disapproved upon being found to be more properly categorized as airport development: Extension of Runway 16/34 to the north, extension and strengthening of Runway 12/30, and develop a precision instrument approach to Runway 16. No action was taken on two (2) elements that are directly related to flight procedures under section 104(b) of the Act: Develop VFR noise abatement departure routes for Runway 15, and specifically designate a turn at the Sacramento River for fire attack aircraft. Disapproval for one (1) element pending the submittal of additional information: Use of NBAA noise abatement flight procedures.

These determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on January 28, 1992. The Record of Approval, as well as other evaluation materials and the documents comprising the submittal, are available for review at the FAA office listed above and at the administrative offices of the City of Redding.

Issued in Hawthorne, California, on May 6, 1992.

Ellsworth L. Chan,

*Acting Manager, Airports Division, AWP-600, Western-Pacific Region.*

[FR Doc. 92-11698 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-13-M

### **Approval of Noise Compatibility Program; Toledo Express Airport; Toledo, OH**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice.

**SUMMARY:** The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by the Toledo-Lucas County Port Authority under the

provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96-52 (1980). On November 8, 1991, the FAA determined that the noise exposure maps submitted by the Toledo-Lucas County Port Authority under part 150 were in compliance with applicable requirements. On April 10, 1992, the Assistant Administrator for Airports approved the Toledo Express Airport noise compatibility program, as supplemented and clarified in the airport operator's January 15, 1992, submittals.

A total of nineteen (19) measures were included in the Toledo-Lucas County Port Authority's recommended program. Of the nineteen (19) measures one (1) is listed as a Noise Abatement Plan Measure, thirteen (13) are listed as Land Use Management Measures and five (5) are listed as Program Management Measures. The FAA has approved all nineteen (19) of the measures.

**EFFECTIVE DATE:** The effective date of the FAA's approval of the Toledo Express Airport noise compatibility program is April 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** Robert H. Allen, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, (313) 487-7296. Documents reflecting this FAA action may be reviewed at this same location.

**SUPPLEMENTARY INFORMATION:** This notice announces that the FAA has given its overall approval to the noise compatibility program to Toledo Express Airport, effective April 10, 1992.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal

program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR part 150 program recommendations is measured according to the standards expressed in part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to FAA's approval of an airport noise compatibility program are delineated in FAR part 150, § 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and as FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Detroit Airports District Office in Belleville, Michigan.

The Toledo-Lucas County Port Authority submitted to the FAA on August 23, 1991, noise exposure maps, descriptions and other documentation. This documentation was produced during the Airport Noise Compatibility Planning (part 150) Study at Toledo Express Airport from November 1989

through August 1991. The Toledo Express Airport noise exposure maps were determined by FAA to be in compliance with applicable requirements on November 8, 1991. Notice of this determination was published in the *Federal Register* on November 20, 1991.

The Toledo Express Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1996. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on November 8, 1991, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program, was supplemented and clarified by the airport operator's January 15, 1992 Response to FAA's Consolidated Comments and Addends and Errata. The original program proposed by the airport sponsor contained nineteen (19) measures for noise mitigation on and off the airport. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective April 10, 1992.

One (1) of the nineteen measures submitted is listed as "Noise Abatement Plan Measures". The one noise abatement measure was approved which deals with the establishment of a nighttime runway use program. Thirteen of the nineteen measures submitted are listed as "Land Use Management Measures", of which all thirteen were approved outright. These thirteen measures include maintaining existing compatible zoning, developing long-range land use planning, developing airport noise overlay zoning, amending subdivision regulations regarding aircraft noise, amending building code soundproofing standards, establishing airport compatibility criteria, acquiring noise-impacted homes, acquiring nursing homes including relocation of patients, relocating camp area, acquiring a church, acquiring undeveloped residential land, sound attenuation or easement purchase for residential

homes and sound attenuation or easement purchase for residential homes and sound attenuation for a school. Five (5) of the nineteen measures submitted are listed as "Program Management Measures" of which all were approved outright. These five measures include establishment of a noise abatement office, establishment of a noise complaint system, coordinating implementation progress with local agencies, monitoring aircraft activity and updating plan as necessary. These nineteen determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on April 10, 1992. The Record of Approval, as well as other evaluation materials and documents which comprised the submittal to FAA are available for review at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591.

Federal Aviation Administration, Great Lakes Region 2300 East Devon Avenue, room 261, Des Plaines, Illinois 60018.

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East 8820 Beck Road, Belleville, Michigan 48111.

Toledo-Lucas County Port Authority, One Maritime Plaza, Toledo, Ohio 43604.

Toledo Express Airport, 11013 Airport Highway, Swanton, Ohio 43558.

Questions may be directed to the individual named above under the heading. **FOR FURTHER INFORMATION CONTACT.**

Issued in Belleville, Michigan, April 24, 1992.

**Peter A. Serini,**

*Manager, Detroit Airports District Office, Great Lakes Region.*

[FR Doc. 92-11699 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-13-M

#### **Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee; Meeting**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** The FAA is issuing this notice to advise the public of a meeting of the Federal Aviation Administration Transport Airplane and Engine Subcommittee of the Aviation Rulemaking Advisory Committee.

**DATES:** The meeting will be on May 27, 1992, at 9 a.m. Arrange for oral presentations by May 20, 1992.

**ADDRESSES:** The meeting will be held at the Hyatt Regency Reston, Reston Town Center, 1800 Presidents, Street, Reston, VA 22090-6244.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marge Ross, Aircraft Certification Service (AIR-1), 800 Independence Avenues, SW., Washington, DC 20591, telephone (202) 267-8235.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. app. II), notice is hereby given of a meeting of the Transport Airplane and Engine Subcommittee to be held on May 27, 1992, at the Hyatt Regency Reston, Town Center, 1800 Presidents Street, Reston, VA 22092-6244. The agenda for the meeting will include:

- An organizational development program.
- Status reports from working groups.
- Plans for new work assignments.

Attendance is open to the interested public, but will be limited to the space available. The public must make arrangements by May 20, 1992, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Executive Director, or by bringing the copies to him at the meeting. Arrangements may be made by contacting the person listed under the heading "**FOR FURTHER INFORMATION CONTACT.**"

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

**William J. Sullivan,**

*Executive Director, Transport Airplane and Engine Subcommittee, Aviation Rulemaking Advisory Committee.*

[FR Doc. 92-11700 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-13-M

#### **Federal Railroad Administration**

##### **Petition for a Waiver of Compliance**

In accordance with 49 CFR 211.9 and 211.41, notice is hereby given that the Federal Railroad Administration (FRA) has received a request for a waiver of compliance with certain requirements of the federal safety laws and regulations. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested and the petitioner's arguments in favor of relief.

**The Duluth, Missabe and Iron Range Railway Company**

Docket Number F-90-3

The Duluth, Missabe and Iron Range Railway Company (DM&IR) requests a waiver of compliance with certain provisions of the Railroad Freight Car Safety Standards (49 CFR part 215), under Docket Number F-90-3.

The DM&IR seeks a conditional waiver from compliance with 49 CFR 215.115(b)(1)(ii) as it pertains to the DM&IR freight cars that are used exclusively on their own property. The regulation requires that a derailed roller bearing shall not be continued in service unless it is inspected and tested by, "[s]pinning freely its wheel set or manually rotating the bearing to determine whether the bearing makes any usual noise."

The DM&IR operates exclusively in northern Minnesota hauling taconite pellets (iron ore) from several customers on Minnesota's Iron Range to the Minnesota ports of Duluth and Two Harbors for movement via the Great Lakes to Eastern markets. The railroad also hauls crude ore from mine processing plants for one of these customers. Both the taconite pellets and crude ore are moved in DM&IR cars commonly referred to as "ore jennies." All cars are in captive, on-line service and are not subject to interchange.

The DM&IR states that once a derailed/rearled car, which is loaded at a speed of less than 10 mph and move a distance of less than 200 feet, has been identified, the loading process is halted. Carmen are immediately notified and they respond promptly to visually inspect the derailed car(s). Cars equipped with roller bearings are visually inspected and then tagged according to the provisions of § 215.9, and the cars then are moved to another location for the roller bearing inspection mandated by § 215.115(b)(1)(ii). The repair facility that performs this inspection work is approximately 50 miles away from the derailment location.

The DM&IR is proposing that the derailed cars which are equipped with roller bearings be visually inspected for any exterior signs of damage as required § 215.115(b)(1)(i) and, if free from damage, they would be allowed to proceed without further repairs. They propose that the waiver be granted with the following conditions:

1. The waiver from compliance applies only to DM&IR cars. Derailments involving foreign cars would be handled according to current FRA regulations as well as the rule established by the Association of American Railroads.



2. The waiver from compliance applies only to DM&IR cars that have derailed at the industry sites described in the petition.

3. Car department carmen would continue to visually inspect each rerailed car at each industry site for signs of external damage to the roller bearing, and any such damage would mandate that the car be shopped for further inspection and or repair.

While the above proposals would have a significant favorable economic impact on its operation, it is the railroad's position that the safety of DM&IR trains would not be compromised by such action.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number H-90-3) and must be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Communications received before June 22, 1992. Will be considered by FRA before action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceeding are available for examination during regular business hours (9 a.m.-5 p.m.) in room 8201, Nassif Building, 400 Seventh Street, SW., Washington, DC 20590.

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

Phil Olekszyk,

Deputy Associate Administrator for Safety.

[FR Doc. 11643 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-06-M

### National Highway Traffic Safety Administration

#### Discretionary Cooperative Agreement To Support Research on the Quantitative Characterization of Vehicle Motion Environment

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), DOT.

**ACTION:** Announcement of discretionary cooperative agreement to support research on quantitative

characterization of vehicle motion environment.

**SUMMARY:** The National Highway Traffic Safety Administration (NHTSA) announces the discretionary cooperative agreement program to support research studies on quantitative characterization of vehicle motion environment, and solicits applications for projects under this program.

**DATES:** Applications must be received on or before June 20, 1992.

**ADDRESSES:** Applications must be submitted to the National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30), 400 Seventh St., SW., room 5301, Washington, DC 20590; and must reference Solicitation Number DTNH22-92-R-07319.

**FOR FURTHER INFORMATION CONTACT:**

Questions relating to technical issues about this cooperative agreement program should be directed to Paul R. Spencer, Office of Crash Avoidance Research (NRD-51), National Highway Traffic Safety Administration, 400 Seventh St., SW., room 6220A, Washington, DC 20590; (202) 366-5668. Questions relating to administrative issues or the budget should be directed to Janice B. Flemming, Office of Contracts and Procurement (NAD-30), National Highway Traffic Safety Administration, 400 Seventh St., SW., room 5301, Washington, DC 20590; (202) 366-9564.

**SUPPLEMENTARY INFORMATION:**

**Background and Objectives**

The National Highway Traffic Safety Administration is responsible for devising strategies to save lives and reduce injuries and property damage through the prevention and reduction in severity of motor vehicle crashes. The NHTSA Office of Crash Avoidance Research conducts and manages research intended to:

- Analyze vehicle performance and driver-vehicle interaction characteristics relevant to crash involvement and crash avoidance.
- Identify specific driver performance features associated with collision avoidance.
- Develop and evaluate vehicle-based crash avoidance countermeasure concepts and devices.

One of the major elements of the Intelligent Vehicle-Highway System (IVHS) concept entails technologies which will sense that a collision is pending and either instruct the driver on needed collision avoidance action or engage appropriate automatic controls as a countermeasure. Examples of these

collision avoidance control actions include automatic throttle control, braking, and even, conceivably, vehicle shutdown. The achievement of such functions requires the development of collision avoidance technology. This technology, when fully mature, would support the engineering analysis, design, manufacturing, and deployment of systems that may offer a profound reduction in collision risk.

To realize such a risk reduction, it is necessary to collect information about crash avoidance actions that drivers use in normal driving. This information would help provide baseline data on exposure. It would also provide support for determining meaningful countermeasures that supplement normal collision avoidance actions.

This project will develop a vehicle motion environment research tool (VME) for gathering *in situ* information about the collision avoidance maneuvers that drivers make during normal driving. The information gathered will primarily describe "successful" maneuvers, that is, the multitude of decisions and actions that we make every day that result in no collision.

There also will be the possibility of obtaining some information on "unsuccessful" maneuvers, that is, those actions that result in a collision.

The research tool will utilize an electro-optical sensor in conjunction with computer processing to obtain information on the trajectories of vehicles in the sensor's field of view, including the following:

1. Vehicle "envelope", the minimum rectangle which would contain the plan dimensions of each vehicle within the field of regard for the VME.
2. Instantaneous yaw angle of the vehicle envelope.
3. Instantaneous planar coordinates of a point fixed within the vehicle envelope, (the assumed center of mass).
4. Motions of the above as a function of time as established by a clock built into the VME.

These data will be processed, either in real time or off-line, and analyzed to provide answers to questions about vehicle location and speeds (both relative to the roadway and relative to other vehicles) during maneuvers such as lane changes, congested traffic following, intersection traversal, and lane-keeping on curves. The results will provide a statistical base of exposure information that can be used in the estimation of countermeasure benefits. The data will also be useful to verify simulation models of driver action and vehicle response to avoid collisions.

Such models are currently being developed under other NHTSA contracts. Analysis of the data acquired by the VME, could also be uniquely useful for *in-situ* assessment of newly introduced collision avoidance countermeasures. In order to do this, an "incident detector" will be built into the VME to catch significant rare events such as collisions and near misses. Careful reconstruction of the field data obtained could then yield new insight on collision avoidance.

The objective of this proposed project is the development of a portable device that can sense, process, and present (in real time) the coordinates and motions described above for a full array of traffic operations.

#### NHTSA Involvement

NHTSA, Office of Crash Avoidance Research, will be involved in all activities undertaken as part of the cooperative agreement program. NHTSA will:

1. Provide one professional staff person to be designated as the Contracting Officer's Technical Representative (COTR), to participate in the planning and management of the cooperative agreement and coordinate activities between the organization and NHTSA.

2. Make available information and technical assistance from government sources, within available resources and as determined appropriate by the COTR. These shall include statistical analyses of collision databases that may be used to assist in the conduct of the project.

3. Provide liaison with other government agencies and organizations as appropriate; and

4. Stimulate the exchange of information and ideas between the cooperative agreement recipient and other interested parties both within and outside NHTSA.

5. Review and approve each phase of the work before the subsequent phase shall begin.

#### Period of Support

NHTSA plans to support the research efforts described in this notice through the award of at least one cooperative agreement. NHTSA reserves the right to make multiple awards depending on the merits of the applications received.

Contingent on the availability of funds and satisfactory performance, cooperative agreement(s) will be awarded to eligible organization(s) for project periods of up to three years. Projects shall be organized in one-year phases with NHTSA review and approval of each phase before work can begin on the subsequent phase. No

cooperative agreement awarded as a result of this notice shall exceed \$1,400,000 total.

#### Eligibility Requirements

To be eligible to participate in this cooperative agreement program, an applicant must be an educational institution, a local government organization (State or Regional), or not-for-profit research organization. For-profit research organizations may apply; however, no profit factor shall be allowed.

#### Application Procedure

Each applicant must submit one original and two copies of its application package to: National Highway Traffic Safety Administration, Office of Contracts and Procurement (NAD-30), 400 Seventh St., SW., room 5301, Washington, DC 20590, Attention: Janice B. Flemming. Only complete application packages received on or before June 20, 1992 shall be considered. Submission of three additional copies will expedite processing, but is not required.

#### Application Contents

The application package must be submitted with OMB Standard Form 424 (Rev. 4-88, including 424A and 424B), with the required information filled in and the certified assurances included. While the Form 424-A deals with budget information, and section B identifies budget categories, the available space does not permit a level of detail which is sufficient for a meaningful evaluation of proposed costs. A supplemental sheet should be provided which presents a detailed breakdown of the proposed costs, as well as any resources which the applicant proposes to contribute in support of this effort.

Applicants shall include a program narrative statement which addresses the following:

1. A description of the research to be pursued which addresses:
  - a. The objectives, goals, and anticipated outcomes of the proposed research effort.
  - b. The approach to achieving these goals and outcomes.
  - c. The relation of the proposed research to the traffic safety problem of potential crash avoidance countermeasures.
  - d. Available software and hardware for detecting, processing, and characterizing vehicle obstacles representing potential collision danger.
  - e. The equipment and measurement protocols to be used for the research.

- f. Alternative approaches toward meeting project objectives.

- g. The approach and schedule to be used for presentation of research findings to the government and to the scientific community, and for government review and approval of individual phases of the project.

2. The proposed program director and other key personnel identified for participation in the proposed research effort, including a description of their qualifications and their respective organizational responsibilities.

3. A description of general and specialized test facilities and equipment currently available or to be obtained for use in the conduct of the proposed research effort.

4. A description of the applicant's previous experience or on-going research program that is related to this proposed research effort.

5. A detailed budget for the proposed research effort, including any cost-sharing contribution proposed by the applicant as well as any additional financial commitments made by other sources.

#### Application Review Process and Criteria

Initially, all applications will be reviewed to confirm that the applicant is an eligible recipient and to ensure that the application contains all the information required by the Application Contents section of this notice.

Each complete application from an eligible recipient will then be evaluated by a Technical Evaluation Committee. The applications will be evaluated using the following criteria:

1. The potential of the proposed research effort to make an innovative and/or significant contribution to:
  - a. The basic understanding of crash avoidance systems, hardware, and software.
  - b. The measurement and algorithmic analysis of specific components and subsystems of VME systems.
  - c. The development of instrumentation (including software) for a VME system.
2. The applicant's understanding of the purpose and unique problems presented by the research objectives of this cooperative agreement program as evidenced in the description of their proposed research effort.
3. The technical merit of the proposed research effort, including the feasibility of the approach, and planned methodology.
4. The adequacy of test facilities and equipment identified to accomplish the proposed research effort.

5. The adequacy of the organizational plan for accomplishing the proposed research effort, including the qualifications and experience of the research team, the various disciplines represented, and the relative level of effort proposed for professional, technical, and support staff.

#### Terms and Conditions of the Award

1. The protection of the rights and welfare of human subjects in NHTSA-sponsored experiments is established in NHTSA Orders 700-1 and 700-3. Any recipient must satisfy the requirements and guidelines of the NHTSA Orders 700 series prior to award of the cooperative agreement. A copy of the NHTSA Orders 700 series may be obtained from the information contact designated in this notice.

2. Prior to award, the recipient must comply with the certification requirements of 49 CFR part 29—Department of Transportation Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Drug-Free Workplace (Grants).

#### 3. Reporting Requirements:

a. *Written Research Reports:* The recipient shall submit semiannual research reports which shall be due 30 days after the reporting period ends, and a final research report within 90 days after the completion of the research effort. An original and three copies of each of these research reports shall be submitted to the COTR. The final report shall present (to the extent that they are developed in the course of the effort) all design details, system specifications, and validation of performance in cross-traffic and other traffic situations for a system which can achieve the objective of this research.

b. *Oral Briefings:* The recipient shall conduct semiannual oral presentations of research results of the COTR and other interested NHTSA personnel. For planning purposes, assumes that these presentations will be conducted at the NHTSA Office of Crash Avoidance Research, Washington, DC. An original and three copies of briefing materials shall be submitted to the COTR.

c. *Video Tape:* The recipient shall provide a standard video tape (VHS Format), about 30 minutes long, describing, in terms adequate for the general public, the project results emphasizing testing conducted during the project and the significance as a means of collision avoidance. Three (3) copies, are due to NHTSA concerned with the final report.

4. During the effective period of the cooperative agreement(s) awarded as a result of this notice, the agreement(s)

shall be subject to NHTSA's General Provisions for Assistance Agreements; the cost principles of OMB Circular A-21, A-122, or FAR 31.2, as applicable to the recipient, and the requirements of 49 CFR part 20 and part 29.

William A. Leasure, Jr.,

Director, Office of Crash Avoidance Research.

[FR Doc. 92-11644 Filed 5-18-92; 8:45 am]

BILLING CODE 4910-99-M

## DEPARTMENT OF THE TREASURY

### Senior Executive Service, Departmental Performance Review Board

**AGENCY:** Treasury Department.

**ACTION:** Notice of members of the Departmental Performance Review Board (PRB).

**SUMMARY:** Pursuant to 5 U.S.C. 4314(c)(4), this notice announces the appointment of members of the Departmental PRB. The purpose of this PRB is to review and make recommendations concerning proposed performance appraisals, ratings, bonuses and other appropriate personnel actions for incumbents of SES positions for which the Secretary or Deputy Secretary is the appointing authority. These positions include SES bureau heads, deputy bureau heads and certain other positions. The Board will perform PRB functions for other key bureau positions if requested.

#### COMPOSITION OF DEPARTMENTAL PRB:

The Board shall consist of at least three members. In the case of an appraisal of a career appointee, more than half the members shall consist of career appointees. The names and titles of the PRB members are as follows:

David M. Nummy, Assistant Secretary (Management)—Chairperson

Jeanne S. Archibald, General Counsel  
William E. Barreda, Deputy Assistant Secretary (Trade and Investment Policy)

Peter H. Daly, Director, Bureau of Engraving and Printing

Michael P. Dolan, Deputy Commissioner, Internal Revenue Service

Eugene H. Essner, Deputy Director, U.S. Mint

Dennis I. Foreman, Deputy General Counsel

William H. Gillers, Deputy to the Assistant Secretary (Management)

Richard L. Gregg, Commissioner, Bureau of Public Debt

Carol Boyd Hallett, Commissioner, U.S. Customs Service

Stephen E. Higgins, Director, Bureau of Alcohol, Tobacco and Firearms

William S. Jasien, Deputy Assistant Secretary for Departmental Finance and Management

Donald E. Kirkendall, Inspector General

Edward F. Kwas, Assistant Commissioner (Management), U.S. Customs Service

Michael H. Lane, Deputy Commissioner, U.S. Customs Service

David C. Lee, Assistant Director (Administration), U.S. Secret Service

John W. Magaw, Director, U.S. Secret Service

Russell D. Morris, Commissioner, Financial Management Service

Gerald Murphy, Fiscal Assistant Secretary

Thomas P. O'Malley, Director, Management Programs Directorate

Marcus W. Page, Deputy Fiscal Assistant Secretary

Charlene J. Robinson, Director, Human Resources Directorate

Kenneth R. Schmalzbach, Assistant General Counsel (Administrative and General Law)

Charles Schotta, Deputy Assistant Secretary (Middle East and Energy Policy)

John P. Simpson, Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement)

Edwin A. Verburg, Director, Financial Services Directorate

**EFFECTIVE DATE:** Membership is effective May 19, 1992.

#### FOR FURTHER INFORMATION CONTACT:

Jack R. Howard, Department of the Treasury, Director, Office of Personnel Policy, Annex Building, room 4150, Pennsylvania Avenue at Madison Place, NW., Washington, DC 20220, telephone (202) 377-9205 or 622-2835 TDD.

This notice does not meet the Department's criteria for significant regulations.

Dated: May 7, 1992.

David M. Nummy,

Assistant Secretary (Management).

[FR Doc. 92-11624 Filed 5-18-92; 8:45 am]

BILLING CODE 4810-25-M

## UNITED STATES INFORMATION AGENCY

### American Studies Fellowships for Eastern European Scholars

**AGENCY:** United States Information Agency.

**ACTION:** Notice—request for proposals.

**SUMMARY:** Prospective grantee will provide approximately ten research

fellowships for Eastern European scholars to pursue research in American studies in U.S. universities and research institutions in the academic year 1993-1994. Participants should be teaching at the university level in humanities and social science fields of American studies, broadly defined, such as American history, law, demography, literature, sociology, or political science. Grantee is responsible for publicizing the program abroad, selecting the participants, and placing them in appropriate U.S. institutions. Grantee is also responsible for all administrative arrangements, for program evaluation, and for establishing procedures for follow-up after participants return to their European universities. It is expected that grantee will match the USIA grant award with private foundation contributions or money from other sources.

**DATES:** *Deadline for proposals:* All copies must be received at the U.S. Information Agency by 5 p.m. Washington, DC time, on Friday, June 19, 1992. Faxed documents will not be accepted, nor will documents postmarked on June 19, 1992, but received at a later date. It is the responsibility of each grant applicant to ensure that the proposals are received by the above deadline. Grants should begin on or about October 15, 1992.

**ADDRESSES:** The original and 14 copies of the completed application, including required forms, should be submitted by the deadline to: U.S. Information Agency, Reference: American Studies Fellowships for Eastern European Scholastic, Office of Grants Management, E/XE, room 357, 301 4th Street, SW., Washington, DC 20547.

**FOR FURTHER INFORMATION CONTACT:** Interested organizations/institutions should contact William Jones at U.S. Information Agency, 301 4th St. SW., Branch for the Study of the U.S., E/AAS room 256, (202) 619-4562 to request detailed application packets, which include award criteria additional to this announcement, all necessary forms, and guidelines for preparing proposals, including specific budget preparation information.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Bureau's authorizing legislation, programs must maintain a non-political character, and should be balanced and representative of the diversity of American political, social, and cultural life.

#### Overview

The program seeks to increase the quality and amount of research and teaching in Eastern European countries

about the United States. The program's immediate goal is to provide an opportunity for approximately ten qualified Eastern European scholars to update and enhance their knowledge of their American studies research fields.

#### Guidelines

The program is designed for Eastern European scholars who are teaching at the university level in humanities and social science fields of American studies, broadly defined, such as American history, law, demography, literature, sociology, or political science. Participants should be chosen through a public, open competition which includes U.S. professional peer review for the final selection of participants. Selections should be made and announced in reasonable time for applicants to make plans for absence from their countries and to undertake departure formalities. USIA (E/AAS) and all posts in countries from which scholars are selected should be informed of the final selection. Proposals should demonstrate extensive contacts with and knowledge of Eastern European universities to ensure that the best possible candidates are recruited and selected.

Fellowships should be six to twelve months in duration. Family members may accompany recipients for part of the grant period, but not for a period exceeding six months. The fellowships provide for all costs of the recipients and for the costs of accompanying dependents, with due account being taken of any continuing university salary transferable into U.S. dollars that recipients might be receiving.

Grantee will arrange appropriate placement in U.S. universities and research institutions for participants. To the extent possible, waivers of tuition fees should be procured.

Grantee will make all administrative arrangements, including travel, visa, disbursement of grant funds, insurance and related matters. The grantee should maintain contact with the participants and liaison with university hosts during the course of the grant to offer assistance with participant administrative concerns such as housing, travel within the U.S., or emergency matters. Grantee will develop evaluation instruments and procedures to determine the participants' scholarly activity during the course of the grant, the adequacy of the stipend, and the adequacy of grantee and university administrative arrangements. Participants should also report on their general impressions of the U.S. and how they intend to apply the materials or new information gained during the research in their professional

work in their own countries. The grantee will establish procedures for follow-up communication with grantees to ascertain the application of their fellowship activity to their professional responsibilities, such as new publications, workshop leadership, new positions, or new course offerings stemming from their fellowship experience.

#### Proposed Budget

Applicants must submit a comprehensive line item budget for which specific details are available in the application packet. A USIA-funded budget will not exceed \$125,000. Grantee organization is expected to at least match this amount with private foundation contributions or money from other sources.

Grants awarded to eligible organizations with less than four years experience in conducting international exchange programs will be limited to \$60,000.

#### Review Process

USIA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines established herein and in the application packet. Eligible proposals will be forwarded to panels of USIA officers for advisory review. All eligible proposals will also be reviewed by the appropriate geographic area office, and the budget and contracts offices.

Proposals may also be reviewed by the Agency's office of General Counsel. Funding decisions are at the discretion of the Associate Director for Educational and Cultural Affairs. Final technical authority for grant awards resides with USIA's contracting officer.

#### Review Criteria

Technically eligible applications will be competitively reviewed according to the following criteria:

##### 1. Quality of Program Idea

Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.

##### 2. Program Planning

Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity. Agenda and plan should adhere to the program overview and guidelines described above.

### 3. Ability to Achieve Program Objectives

Objectives should be reasonable, feasible, and flexible. Proposals should clearly demonstrate how the institution will meet the program's objectives and plan.

### 4. Multiplier Effect/Impact

Proposed programs should strengthen long-term mutual understanding, including maximum sharing of information and establishment of long-term institutional and individual linkages.

### 5. Institutional Capacity

Proposed personnel and institutional resources should be adequate and appropriate to achieve the program or project's goals.

### 6. Institution's Track Record/Ability

Proposals should demonstrate a track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). The Agency will consider past performance of prior grantees and the demonstrated potential of new applicants.

### 7. Follow-on Activities

Proposals should provide a plan for continued follow-on activity (without USIA support) which insures that USIA supported programs are not isolated ventures.

### 8. Evaluation Plan

Proposals should provide a plan for evaluation by the grantee institution.

### 9. Cost-Effectiveness

The overhead and administrative components of grants, as well as salaries and honoraria, should be kept as low as possible. All other items should be necessary and appropriate.

### 10. Cost-sharing

Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

### Notice

The terms and conditions published in this RFP are binding and may not be modified by and USIA representative. Explanatory information provided by the Agency that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the

Government. Final award cannot be made until funds have been fully appropriated by Congress, allocated and committed through internal USIA procedures.

### Notification

All applicants will be notified of the results of the review process on or about August 15, 1992. Awarded grants will be subject to periodic reporting and evaluation requirements.

Dated: May 12, 1992.

Barry Fulton,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 92-11687 Filed 5-18-92; 8:45 am]

BILLING CODE 8230-01-M

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Trade Policy Staff Committee (TPSC); Generalized System of Preferences (GSP); Deadline for Acceptance of Petitions Requesting Modification of the List of Articles Eligible for Duty-Free Treatment Under the GSP and Requests to Review the GSP Status of Beneficiary Developing Countries Under the 1992 Annual Review, and Notice of Public Hearings on the Renewal of the GSP Program

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Initiation of the 1992 GSP annual review and notice of public hearings on the renewal of the GSP program.

**SUMMARY:** The purpose of this notice is: (1) To announce the deadline for the submission of petitions in the 1992 GSP Annual Review; and (2) to announce public hearings to be held June 8 and 9, 1992, as necessary, concerning the renewal of the GSP program.

**FOR FURTHER INFORMATION CONTACT:** GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395-6971. Public versions of all documents are also available for review by appointment with the USTR Public Reading Room. Documents will be available in the reading room shortly after the filing deadlines. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395-6186.

### SUPPLEMENTARY INFORMATION:

#### I. Announcement of 1992 GSP Annual Review

Notice is hereby given that, in order to be considered in the 1992 GSP Annual

Review, all petitions to modify the list of articles eligible for duty-free treatment under the GSP and requests to review the GSP status of any beneficiary developing country must be received by the GSP Subcommittee of the TPSC no later than 5 p.m., Tuesday, June 2, 1992. Petitions submitted after the deadline will not be considered for review and will be returned to the petitioner. The GSP provides for the duty-free importation of qualifying articles when imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 *et. seq.*), and has been implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive Orders and Presidential Proclamations.

#### A. 1992 GSP Annual Review

Interested parties or foreign governments may submit petitions: (1) To designate additional articles as eligible for GSP; (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; (3) to waive the competitive need limits for individual beneficiary developing countries with respect to specific GSP eligible articles; (4) to have the GSP status of any eligible beneficiary developing country reviewed with respect to any of the designation criteria listed in subsections 502(b) or 502(c) of the 1974 Act (19 U.S.C. 2462 (b) and (c)); and, (5) to otherwise modify GSP coverage.

#### B. Identification of Product Requests With Respect to the Harmonized Tariff Schedule of the United States

The Harmonized Tariff Scheduled of the United States (HTS) was implemented by the United States on January 1, 1989, and replaces the former Tariff Schedules of the United States (TSUS) nomenclature. All product-related petitions must identify the product(s) of interest in terms of the HTS and include a detailed description of the product or products of interest.

#### C. Submission of Petitions and Requests

Petitions and requests to modify GSP treatment should be addressed to: GSP Subcommittee, Office of the U.S. Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. All such submissions must conform with regulations codified in 15 CFR part 2007.

These regulations are also printed in "A Guide to the U.S. Generalized System of Preferences (GSP)" (August 1991), along with a model petition. Information submitted will be subject to public inspection by appointment only with the staff of the USTR Public Reading Room, except for information granted "business confidential" status pursuant to 15 CFR 2003.6 and other qualifying information submitted in confidence pursuant to 15 CFR 2007.7. An original and fourteen (14) copies of each petition or request must be submitted in English. If the petition or request contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the submission containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the submission. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each page (either "public version" or "nonconfidential").

Prospective petitioners and requestors are strongly advised to review the GSP regulations set forth in 15 CFR 2007 and published in the *Federal Register* on Tuesday, February 11, 1986 (51 FR 5035). Prospective petitioners and requestors are reminded that submissions that do not provide all information required by §2007.1 of the GSP regulations will not be accepted for review except upon a detailed showing in the submission that the petitioner or requestor made a good faith effort to obtain the information required. This requirement will be strictly enforced. In cases where the request has been reviewed previously, petitioners should cite new information concerning the issues examined that would support a reexamination, as cited in 15 CFR 2007.1(a)(4). Petitions with respect to competitive need waivers must meet the informational requirements for product addition requests in § 2007.1(c). A model petition format is available from the GSP Subcommittee and is included in the publication "A Guide to the U.S. Generalized System of Preferences" (August 1991). Prospective petitioners are requested to use this model petition format so as to ensure that all informational requirements are met. Furthermore, interested parties submitting petitions that request modifications with respect to specific articles should list on the first page of the petition the following information:

(1) The requested action; (2) the classification of the article(s) of interest in the HTS; and (3), if applicable, the beneficiary country(ies) of interest. Questions about the preparation of petitions and requests should be directed to the staff of the GSP Subcommittee. The phone number of the GSP Subcommittee is (202) 395-6971.

Notice of petitions and requests accepted for review will be published in the *Federal Register* on or about Wednesday, July 15, 1992. The notice will also provide information concerning the opportunity for interested parties to comment on requests accepted for review through public hearings and written submissions. Any modifications to the GSP resulting from the 1992 GSP Annual Review will be announced on or about April 1, 1993 and will take effect on July 1, 1993.

## II. Deadline for Receipt of Requests to Participate in the Public Hearings on the Renewal of the GSP Program

As announced on March 17, 1992 (57 FR 9340), the TPSC is soliciting public comments on the renewal of the GSP program, which expires on July 4, 1993. Hearings will be held on Tuesday, June 8 and 9, as necessary, beginning at 10 a.m. at the U.S. International Trade Commission, Courtroom "A" (room 217), 500 E St., SW. Washington, DC 20436. The hearings will be open to the public and a transcript of the hearings will be made available for public inspection or can be purchased from the reporting company. No electronic media coverage will be allowed.

As announced on March 17, 1992 (57 FR 9340), all interested parties wishing to make an oral presentation at the hearings must submit the name, address, and telephone number of the witness(es) representing their organization to the Chairman of the GSP Subcommittee by 5 p.m. Wednesday, May 20. Requests to present oral testimony in connection with the public hearings should be accompanied by an original and fourteen (14) copies, in English, of all written briefs or statements and should also be received by 5 p.m. Wednesday, May 20. Oral testimony before the GSP Subcommittee will be limited to ten minute presentations that summarize or supplement information contained in briefs or statements submitted for the record.

Frederick L. Montgomery,

Chairman, Trade Policy Staff Committee.

[FR Doc. 92-11692 Filed 5-18-92; 8:45 am]

BILLING CODE 3190-01-M

## Trade Policy Staff Committee (TPSC): Initiation of a Review to Consider Designation of Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia as Beneficiary Developing Countries Under the Generalized System of Preferences (GSP) and Solicitation of Public Comments Relating to the Designation Criteria

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Solicitation of public comment with respect to the eligibility of Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia for the Generalized System of Preferences (GSP) program.

**SUMMARY:** The purpose of this notice is: (1) To announce the initiation of a review to consider designation of Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia as GSP beneficiary developing countries; and (2) to solicit public comments relating to the designation criteria.

**FOR FURTHER INFORMATION CONTACT:** GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 517, Washington, DC 20506. The telephone number is (202) 395-6971. Public versions of all documents related to this view will be available for review by appointment with the USTR Public Reading Room shortly following filing deadlines. Appointments may be made from 10 a.m. to noon and 1 p.m. to 4 p.m. by calling (202) 395-6186.

### SUPPLEMENTARY INFORMATION:

#### I. Announcement of Eligibility Review for Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia

Notice is hereby given that the TPSC has initiated a review to determine if Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia meet the designation criteria of the GSP law and should be designated as beneficiaries. The GSP is authorized by title V of the Trade Act of 1974, as amended (the 1974 Act) (19 U.S.C. 2461 *et. seq.*), and has been implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive Orders and Presidential Proclamations. The designation criteria are listed in section 502(a), 502(b) and 502(c) of the 1974 Act.

#### II. Solicitation of Public Comment on Designation Criteria

Interested parties are invited to submit comments regarding the eligibility of Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia for designation as GSP beneficiaries. The

designation criteria mandate determinations related to participation in commodity cartels, preferential treatment provided by beneficiaries to other developed countries, expropriation without compensation, enforcement of arbitral awards, international terrorism, and internationally recognized worker rights. Other practices taken into account include market access for goods and services, investment practices and intellectual property rights.

In addition, the TPSC invites interested parties to submit comments on whether limitations to GSP product eligibility that were applied to Yugoslavia should be applied to Bosnia-Herzegovina, Croatia, Macedonia, or Slovenia. Specifically, Yugoslavia was denied GSP eligibility on four wood furniture items (subheadings 9401.30.40,

9401.61.40, 9401.69.60, and 9401.90.40 of the Harmonized Tariff Schedule of the United States). The TPSC needs to decide whether the limitations should apply to any or all former Yugoslav republics that are designated as new GSP beneficiary developing countries.

An original and fourteen (14) copies of comments must be submitted, in English, to the Chairman of the GSP Subcommittee, 600 17th Street, NW., room 517, Washington, DC 20506. Comments must be received no later than 5 p.m. on June 10, 1992. Information and comments submitted regarding Bosnia-Herzegovina, Croatia, Macedonia, and Slovenia will be subject to public inspection by appointment with the staff of the USTR Public Reading Room, except for information granted "business confidential" status

pursuant to 15 CFR 2003.6. If the document contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the document containing confidential information should be clearly marked "confidential" at the top and bottom of each and every page of the document. The version which does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each and every page (either "public version" or "non-confidential").

**Frederick L. Montgomery,**

*Chairman, Trade Policy Staff Committee.*

[FR Doc 92-11691 Filed 5-18-92; 8:45 am]

BILLING CODE 3190-01-M

# Sunshine Act Meetings

Federal Register

Vol. 57, No. 97

Tuesday, May 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).

## FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

**TIME AND DATE:** 10:00 a.m., Thursday, May 21, 1992.

**PLACE:** Room 600, 1730 K Street, NW., Washington, DC.

**STATUS:** Open.

**MATTERS TO BE CONSIDERED:** The Commission will consider and act upon the following:

1. *United States Steel Mining Co., Inc.*, Docket No. WEVA 91-73. (Issues include whether the judge erred in concluding that U.S. Steel did not violate 30 CFR § 77.200 as charged by the Secretary of Labor.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150(a)(3) and § 2706.160(e).

### CONTACT PERSON FOR MORE

**INFORMATION:** Jean Ellen (202) 653-5629 / (202) 708-9300 for TDD Relay / 1-800-877-8339 for toll free.

Dated: May 14, 1992.

Jean H. Ellen,

*Agenda Clerk.*

[FR Doc. 92-11851 Filed 5-15-92; 2:53 pm]

BILLING CODE 6735-01-M

## NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting and Conference

**SUMMARY:** This notice sets forth the schedule and proposed agenda of the forthcoming hearings of the National Council on Disability on ADA Watch. This notice also describes the functions of the National Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (P.L. 94-409).

### DATES:

Hearings

Monday, June 15, 1992, 9:00 a.m. to 5:00 p.m.

Tuesday, June 16, 1992, 9:00 a.m. to 5:00 p.m.

**LOCATION:** Senate Dirksen Office Building, Room 106, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** National Council on Disability, 800

Independence Avenue, SW, Suite 814, Washington, D C 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in title IV of the Rehabilitation Act of 1973 (as amended by Public Law 95-802 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Public Law 98-221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with disabilities and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The hearing of the National Council shall be open to the Public. The proposed agenda includes hearings on each of the titles in the Americans With Disabilities Act.

### Opening Remarks

#### Introduction

Comments from Congressional Leaders

Panel I—Representatives of Federal Agencies

Panel II—Representatives of Federal Agencies

Panel III—Title I, Employment

Panel IV—Title II, Public Service and Transportation

Panel V—Title III, Public Accommodations

Panel VI—Title IV, Telecommunications

Panel V—Miscellaneous Provisions

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, DC on May 15, 1992.

Ethel D. Briggs,

*Executive Director.*

[FR Doc. 92-11776 Filed 5-15-92; 10:07 am]

BILLING CODE 6820-65-M

## NATIONAL TRANSPORTATION SAFETY BOARD

**TIME AND DATE:** 9:30 a.m., Wednesday, May 27, 1992.

**PLACE:** The Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20024.

**STATUS:** Open.

### MATTERS TO BE CONSIDERED:

5745—"Most Wanted" Safety Recommendations Program Status Report and Suggestions for Modification.  
5382A—Marine Accident Report: Collision of the Hong Kong-registered Motor Tank Ship *MANDAN* with the Army Corps of Engineers' Barge *Flotilla*, Mississippi River, August 15, 1990.

**NEWS MEDIA CONTACT:** Telephone (202) 382-0660.

**FOR MORE INFORMATION CONTACT:** Bea Hardesty, (202) 382-6525.

Dated: May 15, 1992.

Bea Hardesty,

*Federal Register Liaison Officer.*

[FR Doc. 92-11821 Filed 5-15-92; 2:03 am]

BILLING CODE 7533-01-M#

## NUCLEAR REGULATORY COMMISSION

**DATE:** Weeks of May 18, 25, June 1, and 8, 1992.

**PLACE:** Commissioners' Conference Room, 11555 Rockville Pk., Rockville, Maryland.

**STATUS:** Open and Closed.

### MATTERS TO BE CONSIDERED:

Week of May 18

*Wednesday, May 20*

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of May 25—Tentative

*Wednesday, May 27*

11:30 a.m.

Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of June 1—Tentative

*Monday, June 1*

10:00 a.m.

Annual Briefing on Medical Use of Byproduct Material (Public Meeting)



- 1:30 p.m.  
Briefing on Rulemaking Procedures for Design Certification Under Part 52 (Public Meeting)
- 3:00 p.m.  
Status Report on Enhanced Participatory Rulemaking (Public Meeting) (Tentative)

**Tuesday, June 2**

- 10:30 a.m.  
Briefing on Status of Licensed Operator Requalification Program and Complex Simulator Scenarios (Public Meeting)

**Wednesday, June 3**

- 10:00 a.m.  
Briefing by INPO on National Academy for Nuclear Training (Public Meeting)
- 11:30 a.m.  
Affirmation/Discussion and Vote (Public Meeting) (if needed)
- 2:00 p.m.  
Briefing by GE on Status of ABWR Application for Design Certification (Public Meeting)

**Week of June 8—Tentative**

**Thursday, June 11**

- 4:30 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: May 15, 1992.  
William M. Hill, Jr.,  
Office of the Secretary.  
[FR Doc. 92-11848 Filed 5-15-92; 2:25 am]  
BILLING CODE 7590-01-M

**TENNESSEE VALLEY AUTHORITY**

[Meeting No. 1448]

**TIME AND DATE:** 10 a.m. (EDT), May 21, 1992.

**PLACE:** John Sevier Fossil Plant, Rogersville, Tennessee.

**STATUS:** Open.

**AGENDA:** Approval of minutes of meeting held on April 22, 1992.

**Action Items**

*New Business*

**C—Power**

C1. Arrangements with Entergy Power, Inc. (EPI), Providing for Wheeling by TVA.

**E—Real Property Transactions**

E1. Grant of Permanent Easement Affecting 0.46 Acre of Chickamauga Reservoir Land in Hamilton County, Tennessee.

E2. Exchange of 34.95 Acres of Former TVA Land for 36.29 Acres of Private Land on Blue Ridge Reservoir in Fannin County, Georgia.

E3. Grant of Permanent Easement Affecting 0.17 Acre of Land at Duck River Mile 243.1 in Bedford County, Tennessee.

E4. Grant of Permanent Easement Affecting 6.8 Acres of Columbia Project Lands Near the City of Columbia in Maury County, Tennessee.

**F—Unclassified**

F1. Continuation of Existing Contract with United Engineers and Constructors.

**Information Items**

1. Participation in Extension Allowance Pooling Agreement.

2. Memorandum of Understanding with the U.S. Department of Energy.

3. New Labor Relations Recognition and Framework Agreements Between TVA and the Tennessee Valley Trades and Labor Council.

4. New Labor Relations Framework for TVA and the Salary Policy Employee Panel.

**CONTACT PERSON FOR MORE INFORMATION:** Alan Carmichael, Manager, Media Relations, or a member of his staff can respond to requests for information about this meeting. Call (615) 632-6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 479-4412.

Dated: May 14, 1992.

William L. Osteen,  
Associate General Counsel and Assistant Secretary.

[FR Doc. 92-11858 Filed 5-15-92; 3:24 pm]  
BILLING CODE 6120-06-M

# Corrections

Federal Register

Vol. 57, No. 97

Tuesday, May 19, 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 AGRICULTURE

### Animal and Plant Health Inspection Service

#### 7 CFR Part 319

[Docket No. 92-014]

#### Importation of Apricots, Persimmons, and Pomegranates from Sonora, Mexico

##### Correction

In rule document 92-7478 beginning on page 10974 in the issue of Wednesday, April 1, 1992, make the following corrections:

1. On page 10974, in the third column, the subagency heading was corrected as set forth above.

2. On the same page, under **FOR FURTHER INFORMATION CONTACT:**, in the last line, "(310)" should read "(301)".

3. On page 10975, in the second column, in the third full paragraph, in the third line, "significant," should read "insignificant."

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

#### 21 CFR Part 355

[Docket No. 80N-0042]

RIN 0905-AA06

#### Anticancer Drug Products for Over-the-Counter Human Use; Tentative Final Monograph; Reopening of Administrative Record

##### Correction

In proposed rule document 92-10737 beginning on page 19823 in the issue of Friday, May 8, 1992, make the following correction:

On page 19824, in the first column, in the fifth line, "September 31, 1985" should read "September 30, 1985".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 92N-0021]

#### Drug Export: Recombinant Human Erythropoietin (r-HuEPO)

##### Correction

In notice document 92-1678 beginning on page 2753 in the issue of Thursday, January 23, 1992, make the following correction:

On page 2753, in the 2d column, in the 10th line from the bottom, "February 4, 1992," should read "February 3, 1992,".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 92G-0129]

#### Weyerhaeuser Co.; Petition for Affirmation of GRAS Status

##### Correction

In notice document 92-8028 appearing on page 11959 in the issue of Wednesday, April 8, 1992, in the first column, in the **SUMMARY**, in the seventh line, and in the **SUPPLEMENTARY INFORMATION**, in the second column, in the first line, "=" each time it appears should read "-".

BILLING CODE 1505-01-D

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Advisory Commission on Childhood Vaccines Request for Nominations for Voting Members

##### Correction

In notice document 92-10911 beginning on page 20116 in the issue of Monday, May 11, 1992, in the third column, under

**DATES**, "(insert date one month from date of publication of this notice in the Federal Register)." should read "June 10, 1992."

BILLING CODE 1505-01-D

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NM-060-02-4212-14-609; NMNM 82227]

#### Exchange of Public Lands (Rio Bonito Exchange); New Mexico

##### Correction

In notice document 92-8123 beginning on page 12332 in the issue of Thursday, April 9, 1992, make the following corrections:

1. On page 12332, in the first column, in the **SUMMARY**, in the fourth line, "of" should read "by".

2. On the same page, in the second column:

a. In T. 26 S., R. 3 E., Sec. 11 should read "lots 1 and 2, lots 4, 5, 6, 7, 8, lots 10 and 11, lots 18, 19, 20, 21".

b. In T. 26 S., R. 14 E., the second line should read "Sec. 9, NW ¼".

c. In T. 18 S., R. 4 W., Sec. 9 should read "NE ¼, E ½NW ¼, E ½SE ¼, NW ¼SE ¼, N ½SW ¼SE ¼, SE ¼SW ¼S E ¼, E ½SW ¼SW ¼SE ¼".

3. On page 12333, in the first column, in T. 17 S., R. 25 E., Sec. 19 should read "lots 1 and 2, NE ¼, E ½NW ¼, E ½SE ¼"; and Sec. 28 should read "NE ¼, E ½NW ¼".

BILLING CODE 1505-01-D

# **federal register**

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**Tuesday  
May 19, 1992**

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## **Part II**

### **Department of Housing and Urban Development**

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**Office of the Assistant Secretary for  
Housing Federal Housing Commissioner**

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**Fund Availability (NOFA) for the  
Conversion of Rent Supplement and  
Rental Assistance Program Units to  
Section 8 Assistance; Notice**

**DEPARTMENT OF HOUSING AND  
URBAN DEVELOPMENT**

**Office of the Assistant Secretary for  
Housing—Federal Housing  
Commissioner**

[Docket No. N-92-3430; FR-3234-N-1]

**Fund Availability (NOFA) for the  
Conversion of Rent Supplement and  
Rental Assistance Program Units to  
Section 8 Assistance**

**AGENCY:** Office of the Assistant  
Secretary for Housing—Federal Housing  
Commissioner, HUD.

**ACTION:** Notice of Funding Availability  
(NOFA) for Fiscal Year (FY) 1992.

**SUMMARY:** This NOFA announces  
HUD's FY 1992 funding for the voluntary  
conversion of Rent Supplement and  
Rental Assistance Program (RAP) units  
to Section 8 assistance under the Special  
Allocations—Loan Management Set-  
Aside Program (24 CFR part 886, subpart  
A). This NOFA contains information  
concerning the conversion process,  
including project/unit eligibility,  
selection, and notification of  
respondents.

**DATES:** Owners will be advised of the  
conversion request deadline date,  
including a specific close of business  
time, in a letter from the Field Office  
having jurisdiction over the project.  
Owners will be given 30 days from the  
date of the letter to respond. Owners  
who do not hear from HUD within two  
weeks (10 working days) of the  
publication of this NOFA should contact  
the Loan Management Branch of the  
appropriate HUD Field Office.

**ADDRESSES:** Responses to the letter  
must be received by the deadline at the  
appropriate HUD Field Office having  
jurisdiction over the project. Responses  
should be addressed to the attention of  
the Chief of the Loan Management  
Branch of the appropriate field office.  
Responses submitted by facsimile are  
not acceptable. Late affirmative  
responses will not be considered for  
conversion.

**FOR FURTHER INFORMATION CONTACT:**  
William J. Schick, Chief, Program  
Support Branch, Office of Multifamily  
Housing Management, Department of  
Housing and Urban Development, 451  
Seventh Street, SW., Washington, DC  
20410. Telephone: (202) 708-2654. TDD  
number: (202) 708-4594. (These are not  
toll free numbers.)

**SUPPLEMENTARY INFORMATION:**

**Paperwork Reduction Act**

The information collection  
requirements contained in this notice

have been approved by the Office of  
Management and Budget; under section  
3504(h) of the Paperwork Reduction Act  
of 1980 (44 U.S.C. 3501-3520), and  
assigned OMB control number 2502-  
0407.

**I. PURPOSE AND SUBSTANTIVE  
DESCRIPTION**

*Authority*

This program is authorized under Title  
II of the Departments of Veterans  
Affairs and Housing and Urban  
Development, and Independent  
Agencies Appropriations Act, 1992 (Pub.  
L. 102-139, Approved October 28, 1991)  
(the "1992 Appropriations Act").

*Allocation Amounts*

**Federal Fiscal Year 1992 Funding**

This NOFA announces the availability  
of \$15.9 million in budget authority to  
convert Rent Supplement and RAP units  
to Section 8 assistance. This amount  
may increase depending on the  
availability of funding from the  
conversion of section 202 direct loan  
projects to capital grants under the 1992  
Appropriations Act, but in no event will  
it be more than \$16.7 million.

HUD is awarding these funds to  
projects with HUD-insured or HUD-held  
mortgages with active Rent Supplement  
or RAP units whose owners are willing  
to convert these units to five-year  
Section 8 contracts. In the event that  
there are fewer units proposed for  
conversion than there are funds  
available for that purpose, all owners  
willing to convert will have their units  
converted to Section 8 assistance. If  
there is demand for conversion funds  
exceeding the available funding,  
projects will be selected for conversion  
through a randomly drawn lottery.

**Maximum Amounts**

Owners cannot convert more than the  
number of units for which payment was  
made under its Rent Supplement or RAP  
contract for the month preceding the  
date of this NOFA. The maximum  
annual contract authority per billed unit  
for the new Section 8 contract will be  
calculated at 110 percent of the current  
gross rent potential (or monthly contract  
rent plus any utility allowance) of each  
unit. The Section 8 contract will be  
written for one, five-year term. Future  
contract extensions are subject to  
congressional appropriation of funds for  
that purpose. All current Rent  
Supplement or RAP contracts must be  
terminated with converting billed units  
to Section 8 assistance.

**Eligibility**

Only those HUD-insured or HUD-held  
projects with Rent Supplement or RAP  
units whose project owners are  
currently billing the Department for  
funds are eligible to convert to Section 8  
assistance. Section 236 non-insured  
projects, non-insured rent supplement  
projects, and section 236 non-insured  
projects which were refinanced under  
section 223(f) are not eligible for  
conversion.

**Selection Criteria**

Each owner's response to the Field  
Office notification letter will be  
reviewed and forwarded to a specific  
location at HUD Headquarters. When  
received, it will be logged, the number of  
billed units to be converted will be  
tallied, and a sequential number will be  
assigned to each response.

Following the deadline, HUD will tally  
the total number of conversions  
requested and associated budget  
authority, and compare it to the budget  
authority available under the  
appropriation. If the requested budget  
authority is less than the funding  
available, all units will be converted to  
Section 8 assistance.

If the requested budget authority  
exceeds the appropriated funding,  
projects will be selected randomly until  
the available funds are depleted. If,  
under the random lottery selection  
process, there are insufficient funds  
available to convert all of the units in  
the project represented by the last  
number drawn, the project will not  
receive any conversion funds. Left-over  
authority will be left unobligated.

All respondents will be notified of the  
lottery results and will be advised of the  
procedure to follow in executing new  
HAP contracts through the appropriate  
HUD Field Office.

**II. Conversion Process**

The conversion process begins with a  
letter from the appropriate HUD Field  
Office to the owner of a project with  
units currently under Rent Supplement  
or RAP contract. The letter requests  
brief responses. Owners will be advised  
of the conversion request deadline date,  
including a specific close of business  
time, in a letter from the Field Office  
having jurisdiction over the project.  
Owners will be given 30 days from the  
date of the letter to respond. Owners  
with projects billing for Rent  
Supplement or RAP units who do not  
hear from HUD within two weeks (10  
working days) of the publication of this  
NOFA should contact the Loan  
Management Branch of the appropriate  
HUD Field Office.

Responses to the letter must be received by the deadline at the appropriate HUD Field Office having jurisdiction over the project. Responses should be addressed to the attention of Loan Management Branch of the appropriate field office. Responses submitted by facsimile are not acceptable. Late affirmative responses will not be considered for conversion.

### III. Checklist of Conversion Submission Requirements

Requests for conversion will consist of the following documents which will be sent by letter to each owner of a project with units currently billing under a Rent Supplement or RAP contract. Owners will complete all of the required documents and return the originals (facsimile copies will not be accepted) to the HUD Field Office with jurisdiction over the project.

1. A form letter to be signed by the owner indicating whether he/she wishes to convert billed Rent Supplement or RAP units to Section 8 assistance.

2. A copy of the project's most current Rent Schedule/Low Rent Housing (HUD-92458) on which the owner will indicate the number of Rent Supplement or RAP units by bedroom size currently being billed.

3. A form HUD-2880, Applicant/Recipient Disclosure/Update Report, to be completed by the owner, as required by section 102, Housing and Urban Development Reform Act of 1989, Public Law 101-235.

4. A Byrd Amendment Certification for Contracts, Grants, Loans and Cooperative Agreements to be signed by the owner certifying that no Federal money will be used for lobbying activities.

5. A Standard Form LLL—Disclosure of Lobbying Activities, as required by the Byrd Amendment, to be completed if lobbying activities are paid for with other than Federal money.

### IV. Corrections to Deficient Submissions

HUD will not accept unsolicited information from the applicant regarding the conversion after the conversion deadline has passed.

HUD may advise applicants of technical deficiencies in conversion documents and permit them to be corrected. A technical deficiency would be an error or oversight which, if corrected, would not alter, in either a positive or negative fashion, the review and rating of the conversion request. Examples of curable technical deficiencies would be a failure to submit proper certifications or failure to submit a document containing an original signature by an authorized official. The

field office also may, at its discretion, request information to resolve inconsistencies or ambiguities in the conversion documents.

HUD will notify applicants in writing of any curable technical deficiencies in conversion documents. Applicants will have 14 calendar days from the date of HUD's correspondence to reply and correct the deficiency. If the deficiency is not corrected within this time period, HUD will reject the request for conversion as incomplete.

### V. Other Matters

#### *Fair Housing and Equal Opportunity*

Owners must comply with the provisions of the Fair Housing Act, title VI of the Civil Rights Act of 1964, Executive Orders 11063 and 11246, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, section 3 of the Housing and Urban Development Act of 1968, as well as with all regulations issued under these authorities.

#### *Environmental Review*

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.20(h) of the HUD regulations, the policies and procedures contained in this notice relate only to rent supplement payments on existing construction and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act.

#### *Federalism Impact*

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this notice will not have substantial direct effects on states or their political subdivisions, or the relationship between the federal government and the states, or on the distribution of power and responsibilities among the various levels of government. As a result, the notice is not subject to review under the Order. The subject matter of the NOFA is strictly limited to the Section 8 conversion process authorized by statute.

#### *Impact on the Family*

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has determined that this notice does not have potential for significant impact on family formation, maintenance, and general well-being, and thus, is not subject to review under the Order. No significant change in existing HUD policies or programs will result from

promulgation of this notice, as those policies and programs related to family concerns.

#### *Section 103 of the HUD Reform Act*

HUD's regulation implementing section 103 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3537a) was published on May 13, 1991 (56 FR 22088) and became effective on June 12, 1991. That regulation, codified as 24 CFR part 4, applies to this funding announcement. The requirements of the rule continue to apply until the announcement of the selection of applicants for conversion.

HUD employees involved in the review of applications and in the making of funding decisions are restrained by part 4 from providing advance information to any person (other than an authorized employee of HUD) concerning funding decisions, or from otherwise giving any applicant an unfair competitive advantage. Persons who apply for assistance in this conversion process should confine their inquiries to the subject areas permitted under 24 CFR part 4. Owners who have questions should contact the HUD Office of Ethics (202) 708-3815; TDD: (202) 708-1112. (These are not toll-free numbers.) The Office of Ethics can provide information of a general nature to HUD employees, as well. However, a HUD employee who has specific program questions, such as whether particular subject matter can be discussed with persons outside the Department, should contact his or her Regional or Field Office Counsel, or Headquarters counsel for the program to which the question pertains.

#### *Lobbying*

On February 26, 1990, the Department published an interim final rule (24 CFR part 87) advising recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans of a prohibition recently mandated by Congress. Section 319 of the Department of the Interior Appropriations Act (Pub. L. 101-121, approved October 23, 1989) generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant, or loan. The interim final rule generally prohibits the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. In addition, the recipient must also file a disclosure if it has made or has agreed

to make any payment with nonappropriated funds that would be prohibited, if paid with appropriated funds.

*Section 112 of the Reform Act*

Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) contains two provisions dealing with efforts to influence HUD's decisions with respect to financial assistance. The first imposes disclosure requirements on those who are typically involved in these efforts—those who pay others to influence the award of assistance or the taking of a management action by the Department and those who are paid to provide the influence. The second restricts the payment of fees to those who are paid to influence the award of HUD assistance, if the fees are tied to the number of housing units received or are based on the amount of assistance received, or if they are contingent upon the receipt of assistance.

Section 13 was implemented by final rule published in the *Federal Register* on May 17, 1991 (56 FR 22912). If readers are involved in any efforts to influence the Department in these ways, they are urged to read the final rule, particularly the examples contained in appendix A of the rule.

Any questions about the final rule should be directed to Arnold J. Haiman,

Director, Office of Ethics, room 2158, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC, 20410-3000. Telephone: (202) 708-3815; TDD: (202) 708-1112. (These are not toll-free numbers.) Forms necessary for compliance with the rule may be obtained from the local HUD office.

*Applicant/Recipient Disclosures: HUD Reform Act*

**Documentation and Public Access Requirements.**

HUD will ensure that documentation and other information regarding each owner's request for conversion submitted pursuant to this NOFA are sufficient to indicate the basis upon which assistance was provided or denied. This material will be made available for public inspection for a five-year period beginning not less than 30 days after the award of the assistance. Material will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. In addition, HUD will include the recipients of assistance pursuant to this NOFA in its quarterly *Federal Register* notice of all recipients of HUD assistance awarded on a competitive basis. While the random lottery to be used for this conversion

process is not competitive, HUD will report all conversions in the *Federal Register*. (See 24 CFR 12.14(a) and 12.16(b), and the notice published in the *Federal Register* on January 16, 1992 (57 FR 1942), for further information on these documentation and public access requirements.)

*Disclosures*

HUD will make available to the public for five years all applicant disclosure reports (HUD Form 2880) submitted in connection with this NOFA. Update reports (also Form 2880) will be made available along with the applicant disclosure reports, but in no case for a period generally less than three years. All reports—both applicant disclosures and updates—will be made available in accordance with the Freedom of Information Act (5 U.S.C. 552) and HUD's implementing regulations at 24 CFR part 15. (See 24 CFR part 12, subpart C, and the notice published in the *Federal Register* on January 16, 1992 (57 FR 1942), for further information on these disclosure requirements.

Dated: May 8, 1992.

Arthur J. Hill,

*Assistant Secretary for Housing—Federal Housing Commissioner.*

[FR Doc. 92-11692 Filed 5-18-92; 8:45 am]

BILLING CODE 4210-27-M

# **federal register**

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**Tuesday  
May 19, 1992**

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**Part III**

**Department of  
Agriculture**

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**Agricultural Marketing Service**

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**7 CFR Parts 53 and 54**

**Standards for Grades of Lamb, Yearling  
Mutton, and Mutton Carcasses and  
Standards for Grades of Slaughter  
Lambs, Yearlings, and Sheep; Rule**

## DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

(No. LS-91-007)

## 7 CFR Parts 53 and 54

## Standards for Grades of Lamb, Yearling Mutton, and Mutton Carcasses and Standards for Grades of Slaughter Lambs, Yearlings, and Sheep

AGENCY: Agricultural Marketing Service (AMS), USDA.

ACTION: Final rule.

**SUMMARY:** This final rule revises the official U.S. standards for grades of lamb, yearling mutton, and mutton carcasses (and the related standards for grades of slaughter lambs, yearlings, and sheep) to: (1) Require that ovine carcasses be identified for both quality grade and yield grade when officially graded; (2) require that most of the kidney and pelvic fat be removed from ovine carcasses prior to grading; (3) shift and narrow the fat thickness range in each yield grade; and (4) eliminate consideration of leg conformation score in determining the yield grade. The revised standards will provide an improved communication tool to efficiently reflect consumers' preferences for lean meat products back to producers. This is expected to result in less production of waste fat and eventually benefit consumers and all segments of the sheep industry.

**EFFECTIVE DATE:** July 8, 1992.**FOR FURTHER INFORMATION CONTACT:**

Herbert C. Abraham; Livestock and Meat Standardization Branch; Livestock and Seed Division; AMS-USDA; room 2603-South Building; P.O. Box 96456, Washington, DC 20090-6456--202/720-4486.

**SUPPLEMENTARY INFORMATION:****Executive Order 12778**

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is not intended to have preemptive effect with respect to any State or local laws, regulations, or policies. This rule is not intended to have retroactive effect. There are no administrative procedures which must be exhausted prior to any judicial challenge to this rule or the application of its provisions.

**Executive Order 12991**

This final rule, which revises the grade standards for ovine carcasses and slaughter ovines, was reviewed pursuant to Executive Order 12291 and Departmental Regulation No. 1512-1 and

was classified as a non-major rule because (1) it would not have an annual effect on the economy of \$100 million or more, (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

**Effects on Small Entities**

This action was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Administrator of the Agricultural Marketing Service has determined that this action will not have a significant economic impact on a substantial number of small entities as defined by the RFA because use of the grade standards is voluntary and the grades are applied equally to all size entities covered by these regulations. In addition, the standards will be of benefit as an improved communication tool to reflect consumer preferences efficiently back to producers. This will allow small entities to compete more evenly with larger entities.

**Paperwork Reduction Act**

The provisions of the Paperwork Reduction Act do not apply to this rulemaking since it does not require the collection of any information or data.

**Background**

Official standards for quality grades for ovine carcasses and slaughter ovines were initially promulgated by the Department in 1931 and have been revised on four occasions since that time. Yield grades were adopted in 1969 for use in conjunction with the quality grades, on a voluntary basis, by users of the Federal grading service. The development of the yield grade standards was prompted by the Department's recognition of significant differences in the fatness of sheep, and thus in retail yields and value of the ovine carcasses being produced. The yield grade standards for ovines were patterned in concept upon yield grades for beef which were adopted in 1965, and were based on research (Journal of Animal Science 26:896) specifically designed to provide a scientific basis for grading.

The value of the yield grades for beef was recognized by the beef industry soon after they were adopted, and the use of those grades on a voluntary basis grew steadily between 1965 and 1975.

However, unlike the beef yield grades, which soon became widely used, resistance within the sheep industry to the use of yield grades for lamb carcasses has resulted in lamb yield grades for the most part being unused for 23 years. This resistance was partly a result of the recognition that the yield grades would be difficult to apply without significantly slowing down the grading operation, and because a large percentage of the lambs being produced were Yield Grade 4's and 5's, that would likely be discounted in the market if identified as such.

In recent years it has become increasingly clear that today's consumers are demanding less fat in all of the products they buy. The beef and pork industries recognized these trends and have made significant strides in recent years in offering leaner cuts of these meats to consumers. The lamb industry has lagged in this regard and only recently has there been a consensus of opinion that some action must be taken to produce a leaner product. As a first step in producing a leaner product, they realized that there must be a method of identifying value differences in lamb carcasses. Then everyone could be compensated on the basis of the desirability of the type of product they were producing. A tool for doing this is yield grades.

As adopted in 1969 (Federal Register, January 8, 1969), the yield grades for ovine carcasses are based on: (1) The thickness of external fat over the ribeye; (2) the amount of kidney and pelvic fat inside the carcass, and (3) the leg conformation score. Use of the grades was voluntary on the part of the users of the grading service. In their request to the Department, the lamb producers, represented by the American Sheep Industry Association (ASI), recognized that there would be no benefit derived if the yield grades were not used. Therefore, in order to assure their use, they requested that the regulations be changed to require that all ovine carcasses officially graded be identified for both quality grade and yield grade, thereby providing the industry with the most complete information available to identify differences in value.

The kidney and pelvic fat in the interior of the ovine carcass has little or no value to retailers and consumers. However, because it contributes to dressing percentage (carcass weight as a percent of live weight), it does provide an economic incentive to make lambs overfat when producers/feeders are paid on the basis of carcass weights without consideration of yield grade. Therefore, ASI requested that the



regulations be amended to require the removal of kidney and pelvic fat prior to grading of ovine carcasses.

The ASI request asked for the removal of "all" kidney and pelvic fat for ovine carcasses to be eligible for grading. Since removal of every bit of kidney and pelvic fat would not be feasible under some circumstances, the Department felt that some tolerance should be allowed for this requirement. Grading experts believed that 1.0 percent or more kidney and pelvic fat might be present when inexperienced evaluators may consider it all to be removed. Subsequent consideration resulted in agreement that up to 1.0 percent of the carcass weight in kidney and pelvic fat should be allowed in carcasses eligible for grading. This requirement could be accomplished with minimal effort on the slaughter floor, but would require more work to achieve on chilled carcasses with large amounts of these fats.

Leg conformation scores have been a part of the ovine yield grades since 1969, but their contribution to predictions of yields of trimmed cuts (as shown by the  $\beta$  value for leg score in the yield grade equation) was recognized as being slight. Because leg conformation is determined by visual inspection, variation in application of this factor is subject to error, which may exceed its value in grading. These factors prompted ASI to suggest that leg score be dropped as a grade factor.

If most of the kidney and pelvic fat removed from the carcass, and leg conformation score is dropped as a grade factor, only fat thickness over the ribeye is left as the basis for determining the yield grade of ovine carcasses. Based on evaluation of a number of research studies published in the Journal of Animal Science and elsewhere, it was concluded that this factor alone was of sufficient importance that it could be the

basis of an accurate grading system. No other factor which would lend itself to use in a grading system, was considered to be of sufficient value to justify including it in the standards. However, compared to the current grading system, ASI suggested that the grade lines be shifted and the fat thickness width for each grade be narrowed to be more meaningful.

After receiving the initial request for revision of the grade standards, representatives of ASI and USDA met to discuss the implications of the various changes proposed, and two studies were conducted, in conjunction with the lamb industry and land-grant universities, to ascertain the best way to apply the proposed standards. A major concern addressed in the studies conducted was the ability of Federal meat graders to rapidly and accurately apply the yield grades. An electronic measuring device and various probes and rulers were used to measure fat over the ribeye and the body wall thickness on both unribbed and ribbed lamb carcasses. These measurements were compared to visual evaluations of fat thickness made by trained evaluators. These studies supported the use of visual evaluations as an acceptable method of evaluating yield grade for most ovine carcasses. However, measurement of fat over the ribeye will improve accuracy, and it will be necessary for graders to develop their evaluation skill by measuring the fat on a number of carcasses over a period of time. Ribbing or "scoring" the fat over the ribeye could increase the number of carcasses which can be graded without measurement, or facilitate measurements for graders.

The Department developed a proposal to revise the ovine carcass standards to accomplish the goals stated by ASI in its request for revisions. The following changes were proposed:

(1) All ovine carcasses would be identified for both quality and yield grades when officially graded;

(2) Carcasses with more than 1.0 percent of their weight in kidney and pelvic fat would not be eligible for grading;

(3) Leg conformation scores would be dropped as a grade factor and the yield grade would be based on fat thickness over the ribeye, and

(4) The fat thickness range for each yield grade would be as follows: Yield Grade 1—0.00 to 0.15 inch; Yield Grade 2—0.16 to 0.25 inch; Yield Grade 3—0.26 to 0.35 inch; Yield Grade 4—0.36 to 0.45 inch; and Yield Grade 5—0.46 inch fat and greater.

The standards for slaughter ovines, which are based on the ovine carcass standards, would be revised to reflect the changes proposed for the ovine carcass grade standards. Grades for slaughter ovines are intended to be directly related to the grades of the carcasses they produce.

#### Comments

These proposed changes were published in the Federal Register (56 FR 58518) on November 20, 1991, with comments to be accepted until December 20, 1991. The comment period was subsequently extended to January 21, 1992 (56 FR 67544).

A total of 1,099 official comments were logged in response to the proposal. These comments are summarized in Table 1 below. Over 50 comments received after the close of business on January 30, 1992, and/or which had a postmark date after January 21, 1992, were not included. However, a cursory review of those comments indicated that they were mostly from producers, and expressed the same views as the producer comments which were counted.

TABLE 1.—SUMMARY OF COMMENTS

Group	Favor	Oppose	Other <sup>1</sup>	Total	Percent
Producers.....	911	7	2	920	83.71
Producer Associations.....	63	0	0	63	5.73
Feeders.....	8	10	0	18	1.73
Feeder Association.....	0	1	0	1	.09
Packers & Processors.....	6	4	0	10	.91
Pckr. & Proc. Assocs.....	1	2	1	4	.37
Retailers.....	5	0	0	5	.46
Retailer Association.....	1	0	0	1	.09
Government & Academics.....	64	0	0	64	5.82
Others.....	12	0	0	12	1.09
<b>Total.....</b>	<b>1,072</b>	<b>24</b>	<b>3</b>	<b>1,099</b>	
<b>Percent.....</b>	<b>97.54</b>	<b>2.19</b>	<b>.27</b>		<b>100.0</b>

<sup>1</sup> Expressed partial support or no position on the proposal.

Based on previous experience with similar proposals, not more than 200 to 300 comments were expected on this proposal. The total of 1,099 is a clear indication of the interest in this matter by lamb producers.

#### *Producers*

Of the 1,099 comments, 920 were from individual producers and 63 were from producer organizations, representing 39 States. (Letters containing multiple signatures were counted as only one comment.) The producer organizations included the American Sheep Industry Association (ASI), the American Farm Bureau Federation (AFBF), the National Live Stock Producers Association, the Lamb Committee of the National Live Stock and Meat Board, and 59 other local, State, or national organizations representing producers. Only seven of the individual producer comments expressed opposition to the proposed grade changes. The theme running through most of the letters from producers was that they are losing money and see quick adoption of the proposed grade changes as their best chance of turning things around. If the situation does not change soon, many of them do not expect to be in business much longer. Many producers urged that the changes be adopted in time for the 1992 marketing season. A letter from a lamb feeder representative called attention to efforts by lamb producer organizations to distribute form letters for members to sign and submit as comments and suggested that these letters should be given less weight than other letters. While it was obvious that a number of the letters received were mass produced and signed by individuals or copied from standard language provided by the organizations, a separate count of any such letters was not made. In addition to signing these letters, a number of producers did add their own comments. One comment which seemed to sum up their feeling was, "P.S. It is obvious that I did not write this letter, but I certainly agree with what it says." Even if half the letters received from producers were eliminated from consideration, the same conclusion would have to be drawn. Producers were overwhelmingly in favor of the proposed changes.

#### *Feeders*

The largest block of opposition to the proposed changes came from lamb feeders. Ten of 19 individual feeder comments and the association representing feeders, the National Lamb Feeders Association (NLFA), were opposed to the changes. In their comments the NLFA stated that they did

not believe that producers should have a major influence on grading issues because grading is the concern of feeders and packers. However, it is the acceptance, or lack thereof, of lamb by the consumer that ultimately affects the price producers receive for the lambs they produce. Although they expressed support for yield grading in general, the feeders who opposed the changes were concerned with the impact of kidney and pelvic fat removal on their monetary returns. They did not feel that carcass prices would be adjusted sufficiently to make up for the reduced weight for sale when this fat was removed. However, most of this fat is being trimmed before being sold to the consumer in the form of retail cuts, and retailers are taking the loss on this fat or raising the cost to consumers to compensate for it. Therefore, it can be expected that retailers will recognize the added value per pound of carcass. The feeders supporting the grade changes (including two who claimed to feed at least 50,000 lambs per year) expressed two significant viewpoints: (1) Unless the payment system is changed to remove the reward for producing overfat lambs (payment based on dressing percentage) there would be no progress toward producing a more consumer acceptable product; and (2) unless more money filters back to lamb producers, the feeders may soon have no lambs to feed.

#### *Packers and Processors*

Six of the 10 lamb slaughterers and processors commenting on the proposed changes supported them. The four packers opposing the proposed changes included one packer who accounts for over one-third of the total lamb slaughter in the United States. One of the other opposing comments came from a small packer who felt that the changes were intended to help the large feeders and packers and would hurt him. The American Association of Meat Processors supported the changes, the American Meat Institute and the Western States Meat Association opposed the changes, and the National Association of Meat Purveyors supported coupling quality and yield grades but expressed concern about quality issues and about how the kidney and pelvic fat would be removed. Although quality or palatability concerns were mentioned in several comments, there is no evidence that palatability is a problem for lamb that meets the current requirements for the Choice grade. Since no changes are proposed in the quality grade standards, there is no basis for concern if the yield grade changes are adopted. As did the

feeders, the packers expressed support for the concept of yield grading in general. However, yield grades have been available to packers for 23 years, but the grades have been used little, and no packers have come forward with suggestions of ways to make them usable. The packer opposition seemed to center on the issues of the ability of graders to accurately make grade evaluations, on the costs associated with additional graders needed to do yield grading, and the cost of doing the sorting necessary to market lambs by yield grade. However, the inability to pass excessive amounts of kidney and pelvic fat along to retailers and others would have a much greater impact if appropriate price adjustments are not made. The packers also argued that, if the changes are adopted, there should be a delay of up to a year before they are actually implemented. This, they said, would give them time to develop alternative marketing systems without using the grading service. Such a circumstance would obviously circumvent the intention of using the yield grades to discourage production of excess fat and facilitate marketing of lean lamb products.

#### *Retailers*

Retailers have traditionally been rather silent on proposed meat grade changes. The five responses from retailers and the major retail association was more than expected. All five retailers, including corporate level officials from four major retail chains, expressed support for the changes. An official from one of the largest U.S. chains stated, "The lamb industry cannot ignore the trend toward leaner meats \* \* \*" In addition, the Food Marketing Institute expressed complete support for the changes.

#### *Government and Academia*

All of the 64 comments received from government and academic representatives supported the proposed changes. These included university extension personnel, meat scientists, and administrators from 27 States. Academic representatives, especially meat scientists, were very forceful in support of these changes as a way to reduce the fatness of the lambs being produced. Also, favorable comments were received from two State Commissioners of Agriculture, to Members of Congress of the United States, and two United States Senators.

#### *Others*

Twelve comments were received from individuals who were not categorized

into any of the above groups. All of these comments supported the proposed changes.

#### Options

Although only a few comments opposed the proposed changes, the constituency they represented was not insignificant. The opposition to the proposed changes centered on the economics of the industry changes that would be necessary if they were adopted. One significant comment suggested that the Department should conduct a major economic study, and use its marketing authority to bring together all segments of the industry to develop a "value based marketing plan" which could be supported by all industry segments. However, even if the Department does have such authority, it is unlikely that we would be more successful than ASI has been over the last 2 years. Also, a key part of any "value based marketing system" must be an accurate identification of value determining factors. Yield grading could provide a major part of that identification, and adoption of the proposed changes could lead to such a system if the industry makes proper use of the revised grades.

To address specific concerns raised, several options were considered. Since the largest point of concern was with the removal of kidney and pelvic fat, options which did not require removal were considered first. However, a major focus of the entire proposal was to encourage changes in production and marketing systems which encourage overfattening lambs. Requiring removal of kidney and pelvic fat was an integral part to achieve that goal. One option was to change the yield grades as proposed, but not to "couple" them with the quality grades. However, there is no reason to believe that the yield grades would be used if they were not "coupled" with the quality grades. Adoption of this option would almost certainly leave the situation as it has been since 1969; i.e., there would be a yield grading system available which nobody would use.

After consideration of the options it was determined that, because of the obvious need for changes in production and marketing practices in the lamb industry, the most viable option was to adopt the changes as proposed.

In consideration of the public comments submitted in response to the proposed rule of November 20, 1991 (56 FR 58518), and all other available information, USDA adopts the proposed rule with respect to the yield grades for lamb, yearling mutton, and mutton carcasses (7 CFR 54.123 and 54.127).

Two years after implementation, the Department will undertake a comprehensive review of the use and adequacy of the standards.

The standards for grades of slaughter lambs, yearlings, and sheep (7 CFR 53.132 and 53.136), which are based on the carcass grade standards, are revised to reflect the revision of the lamb, yearling mutton, and mutton carcass standards. Grades of slaughter animals are intended to be directly related to the grades of the carcasses they produce.

#### List of Subjects

##### 7 CFR Part 53

Cattle, hogs, livestock, sheep.

##### 7 CFR Part 54

Food grades and standards, Food labeling, Meat and meat products.

In consideration of the foregoing, certain sections of the regulations and standards appearing at 7 CFR part 53 as they relate to livestock and certain sections of the regulations and standards appearing at 7 CFR part 54 as they relate to meats, prepared meats, and meat products are amended as set forth below.

#### PART 53—LIVESTOCK (GRADING, CERTIFICATION, AND STANDARDS)

1. The authority citation for part 53 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 53.132 and 7 CFR 53.136 are revised to read as follows:

##### § 53.132 Application of standards.

(a) *Grade factors.* Grades of slaughter ovines are intended to be directly related to the grades of the carcasses they produce. To accomplish this, these slaughter ovine grade standards are based on factors which are directly related to the quality grades and yield grades of ovine carcasses. The standards are written so that the quality and yield grade standards are contained in separate sections. The quality grade standards are further divided into three sections applicable to slaughter lambs, slaughter yearlings, and slaughter sheep. There are four quality grades within each class—Prime, Choice, Good, and Utility for lambs and yearlings; and Choice, Good, Utility, and Cull for sheep. Also, there are five yield grades applicable to all classes of slaughter ovine, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability. When officially graded slaughter ovines are

identified for both quality and yield grades.

(b) *General principles.* (1) The determination of the carcass grade that the slaughter animal will produce requires the exercise of well-regulated judgment. Each animal presents a different combination of the grade-determining factors. Animals frequently have characteristics associated with two or more grades. Therefore, a composite evaluation of all inherent physical characteristics is essential for accuracy in determining grade.

(2) The accurate determination of the grade of a slaughter ovine requires handling in addition to visual observation. The length and density of the fleece vary greatly with individuals, and the thickness and firmness of the flesh covering of woolled ovine can only be roughly estimated without handling. The technique used in handling usually varies with the degree of precision in mind as well as the experience of the grader. Experienced graders may find one quick handling satisfactory. This usually consists of placing the one open hand over the back and ribs in simultaneous motion. The thumb extends just over the backbone, while the fingers, which are held close together, cover the rib section, and pressure is applied very lightly with a slight lateral and forward and backward motion. The generally accepted technique of handling ovines where time permits, and especially when noting slight differences between individuals, is to handle forward from the dock to neck with the open hand, fingers together, laid flat and with a slight lateral motion. Both hands may be used, one on each side, in a similar manner to determine the fleshing over the shoulders, ribs, and hips. Regardless of the method, considerable experience is necessary in handling ovine to accurately determine the grade.

(c) *Quality grades.* (1) The quality grade of a slaughter ovine is determined by a composite evaluation of two general considerations which influence carcass excellence: conformation and quality—fatness, maturity, and other indicators of differences in palatability of the lean flesh.

(2) Conformation refers to the general body proportions of the animal and to the ratio of meat to bone. Although primarily determined by the inherent muscular and skeletal systems, it is also influenced by the degree of fatness. However, external fat in excess of that normally left on retail cuts is not considered in evaluating conformation. The conformation descriptions included in each of the grade specifications refer

to the thickness of muscling and to an overall degree of thickness and fullness of the animal. Slaughter ovines which meet the requirements for thickness of muscling specified for a grade will be considered to have conformation adequate for that grade despite the fact that, because of a lack of fatness, they may not have the overall degree of thickness and fullness described. Conformation is evaluated by averaging the conformation of the various component parts, giving special consideration to those parts of the body producing the more desirable cuts of meat—loin, hotel rack, and leg.

(3) In grading slaughter ovines, quality of the lean must be evaluated indirectly by considering the quantity, distribution, and type of fat or finish in relation to the maturity of the animal being graded. Finish is evaluated by noting variations in the fullness and apparent thickness of the fat covering over the back, loin, ribs, and legs. A high degree of desirable finish is evidenced by a firm, smooth layer of fat which is uniformly distributed over the body. To be eligible for the Prime or Choice grades, a slaughter ovine must have at least a very thin covering of external fat over the top of the shoulders and the outside of the legs, and the back must have at least a thin (approximately 0.07 inch) covering of fat.

(4) Although the market designation of slaughter ovines is usually made by classes, the quality standards are intended to apply to all classes without regard to sex condition. However, male animals which have thick, heavy necks and shoulders typical of uncastrated males are discounted in grade in proportion to the extent to which these characteristics are developed. Such discounts may vary from less than one-half a grade in young lambs in which such characteristics are barely noticeable, to as much as two full grades in mature rams in which such characteristics are very pronounced.

(d) *Yield grades.* (1) The yield grades for slaughter ovines (like the grades for ovine carcasses) are based on the thickness of fat over the ribeye. As the amount of external fat increases, the percent of retail cuts decreases and the numerical yield grade increases. The adjusted fat thickness range for each yield grade is as follows: Yield Grade 1—0.00 to 0.15 inch; Yield Grade 2—0.16 to 0.25 inch; Yield Grade 3—0.26 to 0.35 inch; Yield Grade 4—0.36 to 0.45 inch; and Yield Grade 5—0.46 inch and greater. On slaughter ovines which do not have a normal distribution of external fat, the fat thickness estimate over the ribeye may be adjusted, as

necessary, to reflect unusual amounts of fat on other parts of the animal. In fact an evaluation of overall fatness, or direct estimation of yield grade may be preferred by experienced evaluators.

(2) The overall fatness of an animal can be determined best by giving particular attention to those parts on which fat is deposited at a faster-than-average rate. These include the back, loin, rump, flank, breast, and cod or udder. As ovines increase in fatness these parts become progressively fuller, thicker, and more distended in relation to the thickness and fullness of the other parts, particularly the legs. However, since an animal's thickness of muscling also affects the development of its various parts, this also needs to be considered when evaluating the degree of fatness. In thinly muscled ovines with a low degree of finish, the width of the back usually will be greater than the width through the center of the legs. Conversely, in thickly muscled ovines with a low degree of finish, the thickness through the legs will be greater than through the back and the back will be full and rounded. At an intermediate degree of fatness, ovine which are thinly muscled will be considerably wider through the back than through the leg and will be nearly flat across the back. Thickly muscled ovines that have an intermediate degree of fatness will be about the same width through the legs as through the back and the back will appear only slightly rounded. Very fat ovines will be wider through the back than through the legs, but this difference will be greater in thinly muscled ovines than in those that are thickly muscled. As ovines increase in fatness, they also become deeper bodied because of large deposits of fat in the flanks and breast and along the underline.

(e) *Other considerations.* (1) Other factors, such as sex, heredity, and management also may affect the development of grade-determining characteristics in slaughter ovines. Although these factors do not lend themselves to descriptions in the standards, the use of factual information of this nature is justified in determining the grade of slaughter ovines. The ability to make proper allowances for the effects of genetic and management factors on the appearance of grade-determining characteristics must be developed through experience.

(2) Slaughter ovines qualifying for any particular grade may vary with respect to the relative development of their individual grade factors. In fact, some will qualify for a particular grade although they have some characteristics

more typical of ovine in another grade. Because it is impractical to describe the nearly infinite number of such recognizable combinations of characteristics, the standards describe only ovines which have a relatively similar development of the various quality and yield grade-determining factors and which are near the lower limits of quality or yield for the grade. However, examples of the extent to which superiority in quality-indicating characteristics may compensate for deficiencies in conformation, and vice versa, are indicated for each quality grade. In the slaughter lamb quality grade standards, the requirements are given for two maturity groups. In the yield grade standards, fat thickness descriptions are given for slaughter ovines which are near the maximum fatness for each of the first four yield grades.

**§ 53.136 Specifications for official U.S. standards for grades of slaughter lambs, yearlings, and sheep (yield).**

(a) *Yield Grade 1.* Yield Grade 1 slaughter lambs, yearlings, and sheep produce carcasses which have very high yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 1 (near the borderline between Yield Grade 1 and Yield Grade 2) will have only a slightly thin covering of external fat over the back, loin, and ribs, and a slightly thick covering of fat over the rump. They are slightly shallow through the flanks and the brisket and cod or udder have some evidence of fullness. In handling, the backbone, ribs, and ends of bones at the loin edge are slightly prominent. A carcass produced from slaughter ovines of this description might have 0.15 inch of fat over the ribeye.

(b) *Yield Grade 2.* Yield Grade 2 slaughter lambs, yearlings, and sheep produce carcasses with high yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 2 (near the borderline between Yield Grade 2 and Yield Grade 3) will have a slightly thick layer of external fat over the back, loin and ribs, and a thick covering of fat over the rump. They tend to be slightly deep and full through the flanks and the brisket and cod or udder are moderately full. In handling, the backbone, ribs, and ends of bones at the loin edge are readily discernible. A carcass produced from slaughter ovines of this description might have 0.25 inch of fat over the ribeye.

(c) *Yield Grade 3.* Yield Grade 3 slaughter lambs, yearlings, and sheep produce carcasses with intermediate

yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 3 (near the borderline between Yield Grade 3 and Yield Grade 4) will have a thick covering of fat over the back and loin and a very thick covering of fat over the rump and down over the ribs. The flanks are deep and full and the brisket and cod or udder are full. In handling, the backbone, ribs, and ends of bones at the loin edge are difficult to distinguish. A carcass produced from slaughter ovines of this description might have 0.35 inch of fat over the ribeye.

(d) *Yield Grade 4.* Yield Grade 4 slaughter lambs, yearlings, and sheep produce carcasses with moderately low yields of boneless retail cuts. Ovines with characteristics qualifying them for the lower limits of Yield Grade 4 (near the borderline between Yield Grade 4 and Yield Grade 5) will have a very thick covering of fat over the back and loin, and an extremely thick covering of fat over the rump and down over the ribs. The flanks are moderately deep and full and the brisket and cod or udder are full. In handling, the backbone, ribs, and ends of bones at the loin edge are not discernible. A carcass produced from slaughter ovines of this description might have 0.45 inch of fat over the ribeye.

(e) *Yield Grade 5.* Yield Grade 5 slaughter lambs, yearlings, and sheep produce carcasses with low yields of boneless retail cuts. Ovines of this grade consist of those not meeting the minimum requirements of Yield Grade 4 because of more fat.

#### **PART 54—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)**

1. The authority citation for part 54 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, sec. 203, 205, as amended, 60 Stat. 1087, 1090, as amended (7 U.S.C. 1622 and 1624).

2. 7 CFR 54.123 and 7 CFR 54.127 are revised to read as follows:

##### **§ 54.123 Application of standards.**

(a) *Grade Factors.* (1) The grade of an ovine carcass is based on separate evaluations of two general considerations: Palatability-indicating characteristics of the lean and conformation, herein referred to as "quality," and the estimated percent of closely trimmed (0.10 inch fat or less), semi-boneless and boneless, major retail cuts to be derived from the carcass, herein referred to as "yield." The term "quality" has traditionally been used to refer only to the palatability-indicating characteristics of the lean without

reference to conformation. Its use herein to include consideration of conformation is not intended to imply that variations in conformation are either directly or indirectly related to differences in palatability. When officially graded by a Federal meat grader, the grade of an ovine carcass shall consist of a combination of both a quality grade and a yield grade. The yield grade designation may be removed from officially graded ovine carcasses, sides, quarters, wholesale cuts, or combinations of wholesale cuts on which the external fat (natural or trimmed) does not exceed 0.25 inch in thickness at any point. The yield grade designation may be removed from boneless subprimal cuts or retail cuts (bone-in or boneless) without trimming of external fat. In instances where removal of the yield grade designation is permitted, the USDA grade may consist of the quality grade designation only.

(2) The grade standards are written so that the quality and yield grade standards are contained in separate sections. The quality grade section is divided further into three separate sections applicable to lamb, yearling mutton, and mutton carcasses. There are four quality grades within each class—Prime, Choice, Good, and Utility for lamb and yearling mutton, and Choice, Good, Utility, and Cull for mutton. There are five yield grades applicable to all classes of ovine carcasses, denoted by numbers 1 through 5, with Yield Grade 1 representing the highest degree of cutability.

(3) To be eligible for grading, ovine carcasses cannot have more than 1.0 percent of their carcass weight in kidney and pelvic fat. If more than 1.0 percent of kidney and pelvic fat is present in the carcass naturally, the excess fat must be removed prior to offering it for grading. The fat considered in making this determination includes the kidney knob (kidney and surrounding fat) and the lumbar and pelvic fat in the loin and leg. The amount of these fats is evaluated subjectively and expressed as a percent of the carcass weight. Trimming of external fat for the purpose of altering the yield grade shall be considered a fraudulent or deceptive practice in connection with the services requested for such carcasses. Carcasses that have had external fat or lean removed for Federal meat inspection compliance may be graded only if the official grader determines that an accurate grade determination can be made. Entire carcasses with more than minor amounts of lean removed from the major wholesale cuts (leg, loin, rack, and shoulder) shall not be eligible for a grade determination. However, the

portions of such carcasses not affected by lean removal shall be eligible for grading, provided an accurate grade determination can be made.

(4) Carcasses qualifying for any particular grade may vary with respect to the relative development of their individual grade factors, and there will be carcasses which qualify for a particular grade in which the development of some of these individual grade factors will be more typical of other grades. Because it is impractical to describe the nearly limitless number of such recognizable combinations of characteristics, the standards for each quality and yield grade describe only carcasses which have a relatively similar development of individual factors and which are also representative of the lower limits of each grade. In the quality grade standards, examples of the extent to which superiority in quality may compensate for deficiencies in conformation, and vice versa, are indicated for each grade. In the Prime and Choice grades certain minimum requirements for external fat covering also are indicated.

(b) *Quality grades.* (1) The quality grade of an ovine carcass is based on separate evaluations of two general considerations—the quality, or the palatability-indicating characteristics of the lean, and the conformation of the carcass.

(2) Conformation is the manner of formation of the carcass with particular reference to the relative development of the muscular and skeletal systems, although it also is influenced to some extent by the quantity and distribution of external finish. However, external fat in excess of that normally left on retail cuts is not considered in evaluating conformation. The conformation descriptions included in each of the grade specifications refer to the thickness of muscling and to an overall degree of thickness and fullness of the carcass. However, carcasses which meet the requirements for thickness of muscling specified for a grade will be considered to have conformation adequate for that grade despite the fact that, because of a lack of fatness, they may not have the overall degree of thickness and fullness described. The conformation of a carcass is evaluated by averaging the conformation of its various component parts, giving consideration not only to the proportion that each cut is of the carcass weight but also to the general desirability of each cut as compared with other cuts. Superior conformation implies a high proportion of edible meat to bone and a

high proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very thickly muscled, very wide and thick in relation to their length, and which have a very plump, full, and well-rounded appearance. Inferior conformation implies a low proportion of edible meat to bone and a low proportion of the weight of the carcass in the more demanded cuts and is reflected in carcasses which are very thinly muscled, very narrow in relation to their length, and which have a very angular, thin, and sunken appearance.

(3) The quality of the lean flesh is best evaluated by consideration of its texture, firmness, and marbling, as observed in a cut surface, in relation to the apparent maturity of the animal from which the carcass was produced. However, in grading ovine carcasses, direct observation of these characteristics usually is not possible. Therefore, the quality of the lean is evaluated indirectly by giving consideration to the quantity of fat streakings within and upon the inside flank muscles in relation to the apparent evidences of maturity. Within each grade, the requirements for flank fat streakings increase progressively with evidences of advancing maturity. To facilitate the application of this principle, the relationship between flank fat streakings, maturity, and quality is shown in Figure 1. Flank fat streakings are categorized in descending order of quantity as follows: Abundant, moderately abundant, slightly abundant, moderate, modest, small, slight, traces, practically devoid, and devoid. In addition, the standards specify a minimum degrees of firmness of lean flesh and external fat for each grade and a minimum degree of external fatness for carcasses in the Prime and Choice grades. The different degrees of firmness in descending order of firmness are: Extremely firm, tends to be extremely firm, firm, tends to be firm, moderately firm, tends to be moderately firm, slightly firm, tends to be slightly firm, tends to be slightly soft, slightly soft, tends to be moderately soft, moderately soft, soft, and very soft.

(4) The quality standards are intended to apply to all ovine carcasses without regard to the apparent sex condition of the animal at time of slaughter. However, carcasses from males which have thick, heavy necks and shoulders typical of uncastrated males are discounted in quality grade in accord with the extent to which these characteristics are developed. Such discounts may vary from less than one-half grade in carcasses from young

lambs in which such characteristics are barely noticeable to as much as two full grades in carcasses from mature rams in which such characteristics are very pronounced.

(c) *Yield grades.* (1) The yield grade of an ovine carcass is based on the amount of external fat present.

(2) The amount of external fat for carcasses with a normal distribution of this fat is evaluated in terms of its actual thickness over the center of the ribeye muscle and is measured perpendicular to the outside surface between the 12th and 13th ribs. On carcasses which do not have a normal distribution of external fat, the fat thickness measurement over the ribeye may be adjusted, as necessary, to reflect unusual amounts of fat on other parts of the carcass. In determining the amount of this adjustment, particular attention is given to the amount of external fat on those parts where fat is deposited at a faster-than-average rate, particularly the rump, outside of the shoulders, breast, flank, and cod or udder. Thus, in a carcass which is fatter over these parts than is normally associated with the actual fat thickness over the ribeye, the measurement is adjusted upward. Conversely, in a carcass which has less fat over these parts than is normally associated with the actual fat thickness over the ribeye, the measurement is adjusted downward. In many carcasses no such adjustment is necessary; however, an adjustment in the thickness of fat measurement of 0.05 inch is not uncommon. In some carcasses a greater adjustment may be necessary. As a guide in making these adjustments, the standards for each yield grade include an additional related measurement—body wall thickness, which is measured 5 inches laterally from the middle of the backbone between the 12th and 13th ribs. As the amount of external fat increases, the percent of retail cuts decreases—each 0.05 inch change in adjusted fat thickness over the ribeye changes the yield grade by one-half of a grade.

(3) When the ribeye is exposed for grading the official grader may estimate or measure the fat thickness, as necessary. On intact ovine carcasses, the official determination of the external fat thickness is made by probing with an approved measuring device. Also, visual evaluations of the fat thickness of intact carcasses may be made at the discretion of the official grader. Because small variations in fat thickness may change the final yield grade significantly, it is essential that an accurate fat thickness evaluation be made. Therefore, official graders are expected to take the time

necessary to make accurate measurements when visual evaluations are in doubt. Applicants for grading can facilitate visual evaluations by cutting through the fat down to the lean over the ribeye on at least one side of the carcass after carcasses are properly chilled. Such a cut will greatly enhance both the speed and accuracy of yield grade evaluations.

(4) The adjusted fat thickness range for each yield grade is as follows: Yield Grade 1—0.00 to 0.15 inch; Yield Grade 2—0.16 to 0.25 inch; Yield Grade 3—0.26 to 0.35 inch; Yield Grade 4—0.36 to 0.45 inch; and Yield Grade 5—0.46 inch and greater. For carcass evaluation programs and other purposes when position within a yield grade is desired, each 0.01 inch change in fatness within these ranges would equate to a change of one-tenth of a yield grade. The following equation may be used to convert adjusted fat thickness to yield grade:  $\text{Yield Grade} = 0.4 + (10 \times \text{Adjusted fat thickness, inches})$ .

(5) The yield grade standards for each of the first four yield grades list characteristics of a carcass with descriptions of the amount of external fat normally present on various parts of the carcass. These descriptions are not specific requirements—they are included only as illustrations of carcasses which are near the borderline between grades. For example, the characteristics listed for Yield Grade 1 represent a carcass which is near the borderline of Yield Grade 1 and Yield Grade 2. These descriptions facilitate the visual determination of the yield grade without making detailed measurements.

**§ 54.127 Specifications for official U.S. standards for grades of carcass lamb, yearling mutton, and mutton (yield).**

(a) The yield grade of an ovine carcass or side is determined on the basis of the adjusted fat thickness over the ribeye muscle between the 12th and 13th ribs. The adjusted fat thickness range for each yield grade is as follows: Yield Grade 1—0.00 to 0.15 inch; Yield Grade 2—0.16 to 0.25 inch; Yield Grade 3—0.26 to 0.35 inch; Yield Grade 4—0.36 to 0.45 inch; and Yield Grade 5—0.46 inch and greater.

(b) The following descriptions provide a guide to the characteristics of carcasses in each yield grade to aid in determining yield grades subjectively.

(1) *Yield Grade 1.* (i) A carcass in Yield Grade 1, which is near the borderline with Yield Grade 2, usually has only a thin layer of external fat over the back and loin and slight deposits of fat in the flanks and cod or udder. There

is usually a very thin layer of fat over the top of the shoulders and the outside of the legs. Muscles are usually plainly visible on most areas of the carcass.

(ii) A carcass in Yield Grade 1 with the maximum amount of fat allowed would have an adjusted fat thickness of 0.15 inch. Such a carcass with normal fat distribution and weighing 55 pounds would also have a body wall thickness of about 0.75 inch, and one weighing 75 pounds would have a body wall thickness of about 0.85 inch.

(2) *Yield Grade 2.* (i) A carcass in Yield Grade 2, which is near the borderline with Yield Grade 3, usually has a slightly thin layer of fat over the back and loin and the muscles of the back are not visible. The top of the shoulders and the outside of the legs have a thin covering of fat and the muscles are slightly visible. There are usually small deposits of fat in the flanks and cod or udder.

(ii) A carcass in Yield Grade 2 with the maximum amount of fat allowed would have an adjusted fat thickness of 0.25 inch. Such a carcass with normal fat

distribution and weighing 55 pounds would also have a body wall thickness of about 0.90 inch, and one weighing 75 pounds would have a body wall thickness of about 1.00 inch.

(3) *Yield Grade 3.* (i) A carcass in Yield Grade 3, which is near the borderline with Yield Grade 4, usually has a moderately thick covering of fat over the back. The top of the shoulders are completely covered, and the legs are nearly completely covered, although the muscles on the outside of the lower legs are visible. There usually are slightly large deposits of fat in the flanks and cod or udder.

(ii) A carcass in Yield Grade 3 with the maximum amount of fat allowed would have an adjusted fat thickness of 0.35 inch. Such a carcass with normal fat distribution and weighing 55 pounds would also have a body wall thickness of about 1.05 inches, and one weighing 75 pounds would have a body wall thickness of about 1.15 inches.

(4) *Yield Grade 4.* (i) A carcass in Yield Grade 4, which is near the borderline with Yield Grade 5, usually is

completely covered with fat. There usually is a very thick covering of fat over the back and a slightly thick covering over the shoulders and legs. There usually are large deposits of fat in the flanks and cod or udder.

(ii) A carcass in Yield Grade 4 with the maximum amount of fat allowed would have an adjusted fat thickness of 0.45 inch. Such a carcass with normal fat distribution and weighing 55 pounds would also have a body wall thickness of about 1.20 inches, and one weighing 75 pounds would have a body wall thickness of about 1.30 inches.

(5) *Yield Grade 5.* A carcass in Yield Grade 5 has an adjusted fat thickness of more than 0.45 inch. The external fat covering on most parts of the carcass is usually greater than that described for Yield Grade 4.

Done at Washington, DC, on: May 15, 1992.

Daniel Haley,  
Administrator.

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**H.J. Res. 425/P.L. 102-283**  
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