consumer's privacy, persons or entities must obtain a consumer's consent to share or forward the consumer's request not to be called to a party other than the person or entity on whose behalf a solicitation is made or an affiliated entity.

(iv) Identification of telephone solicitor. A person or entity making a telephone solicitation must provide the called party with the name of the individual caller, the name of the person or entity on whose behalf the call is being made, and a telephone number or address at which the person or entity may be contacted. If a person or entity makes a solicitation using an artificial or prerecorded voice message transmitted by an autodialer, the person or entity must provide a telephone number other than that of the autodialer or prerecorded message player which placed the call.

(v) Affiliated persons or entities. In the absence of a specific request by the subscriber to the contrary, a residential subscriber's do-not-call request shall apply to the particular business entity making the call (or on whose behalf a call is made), and will not apply to affiliated entities unless the consumer reasonably would expect them to be included given the identification of the caller and the product being advertised.

(vi) Maintenance of do-not-call lists. A person or entity making telephone solicitations must maintain a do-not-call list for the purpose of any future telephone solicitations.

(f) As used in this section:

(1) The terms "automatic telephone dialing system" and "autodialer" mean equipment which has the capacity to store or produce telephone numbers to be called using a random or sequential number generator and to dial such numbers.

(2) The term "telephone facsimile machine" means equipment which has the capacity to transcribe text or images, or both, from paper into an electronic signal and to transmit that signal over a regular telephone line, or to transcribe text or images (or both) from an electronic signal received over a regular telephone line onto paper.

(3) The term "telephone solicitation" means the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person, but such term does not include a call or message:

(i) To any person with that person's prior express invitation or permission;

(ii) To any person with whom the caller has an established business relationship; or

(iii) By a tax-exempt nonprofit organization.

(4) The term "established business relationship" means a prior or existing relationship formed by a voluntary two-way communication between a person or entity and a residential subscriber with or without an exchange of consideration, on the basis of an inquiry, application, purchase or transaction by the residential subscriber regarding products or services offered by such person or entity, which relationship has not been previously terminated by either party.

(5) The term "unsolicited advertisement" means any material advertising the commercial availability or quality of any property, goods, or services which is transmitted to any person without that person's prior express invitation or permission.

PART 68—[AMENDED]

4. The authority citation for part 68 is revised to read as follows:

Authority: Secs. 1, 4, 5, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 155, 201–5, 208, 215, 218, 226, 227, 303, 313, 314, 403, 404, 410, 602.

5. Section 68.318 is amended by revising paragraph (c)(2) and adding paragraph (c)(3) to read as follows:

§ 68.318 Additional limitations.

* * * * *

(c) * * *

(2) Line seizure by automatic telephone dialing systems. Automatic telephone dialing systems which deliver a recorded message to the called party must release the called party's telephone line within 5 seconds of the time notification is transmitted to the system that the called party has hung up, to allow the called party's line to be used to make or receive other calls.

(3) Telephone facsimile machines; identification of the sender of the message. It shall be unlawful for any person within the United States to use a computer or other electronic device to send any message via a telephone facsimile machine unless such message clearly contains, in a margin at the top or bottom of each transmitted page or on the first page of the transmission, the date and time it is sent and an identification of the business, other entity, or individual sending the message and the telephone number of the sending machine or of such business, other entity, or individual. Telephone facsimile machines manufactured on and after December 20, 1992 must clearly mark such identifying information on each transmitted message.

* * * * *

[FR Doc. 92–25686 Filed 10–22–92; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 71

[OST Docket No. 48215]

RIN 2105–AB90

Standard Time Zone Boundary in the State of North Dakota; Relocation of Time Zone Boundary

AGENCY: The Department of Transportation (DOT), Office of the Secretary (OST).

ACTION: Final rule.

SUMMARY: DOT is relocating the boundary between central and mountain time in the State of North Dakota by moving Oliver County from the mountain time zone to the central time zone. The change is made in response to a request of the Board of Commissioners of Oliver County, North Dakota, and is based on comments received at two public hearings and sent to the docket.

EFFECTIVE DATE: This final rule will be effective 2 a.m., Sunday, October 25, 1992. This effective date and time coincide with the change from daylight saving time to standard time.

FOR FURTHER INFORMATION CONTACT: Joanne Petrie, Office of the Assistant General Counsel for Regulation and Enforcement (C–50), U.S. Department of Transportation, room 10424, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–9306.

SUPPLEMENTARY INFORMATION:

Background

Under the Standard Time Act of 1918, as amended by the Uniform Time Act of 1966 (15 U.S.C. 261), the Secretary of Transportation has authority to issue regulations modifying the boundaries between time zones in the United States in order to move an area from one time zone to another. The standard in the statute for such decisions is "regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce."

The Petition for Rulemaking

In September 1991, the Board of Commissioners of Oliver County, North Dakota, petitioned the Secretary of

Transportation to move Oliver County from the mountain time zone to the central time zone. The resolution stated that the requested change, if made, would serve the "convenience of commerce." In its submission, the county representative stated that the city of Center is the only incorporated city in Oliver County. Virtually all the supplies for businesses in the city of Center and Oliver County are shipped from the Bismarck-Mandan area. The Bismarck-Mandan area, located thirty-five miles from the city of Center, operates on central time. It stated that virtually all television and radio broadcasts come from Bismarck, the metropolitan trade center for the area. Also, the *Bismarck Tribune* is the daily newspaper that serves the county.

According to the submission, Oliver County has no regular passenger travel services. Residents normally must travel to Bismarck for bus, rail, or passenger airline services (Bismarck International Airport). Also, residents of the area regularly travel to Bismarck-Mandan for other services such as health care and recreational activities. As evidence of this fact, the highway linking the county to the Bismarck-Mandan location was recently upgraded.

In terms of employment and commuting patterns, the submission stated that the majority of residents are employed in the coal energy industry. The Commissioners noted that there is one major coal mine, BNI Coal, and one power plant facility, Minnkota Power, within the county and that the majority of residents work at these facilities. Both BNI and Minnkota have their headquarters located in the central time zone. In addition, a few of the residents of Oliver County commute to the Bismarck-Mandan area for employment.

The submission stated that although the coal industry is the prime basis of the area economy, there is also a considerable agricultural industry. Both the agricultural and coal industry rely heavily on supplies from the Bismarck Mandan market area.

The County Commission put the question of whether to change the time zone on the ballot in its June 12, 1990, primary election. The results of that nonbinding referendum indicated that 675 people favored changing to central time and 295 opposed the change.

Public Comments

The Department held two hearings in Center, N.D. on August 4, 1992. A total of approximately sixty people attended the hearings. A show of hands at the close of the first hearing indicated unanimous approval among the 19 people attending. The show of hands at the close of the second hearing indicated that 26 people were in favor of the change and 15 people were opposed. In the notice of proposed rulemaking and at the hearings, the Department invited written comments to be submitted to the docket. Thirteen comments were received, ten opposing the proposal and three supporting it.

Public Hearings

Among those who attended the public hearings to consider the proposal, fifteen spoke in support of the change, and nine took a position against it. Those who endorsed the proposal offered a variety of reasons for their support. An official of BNI coal, which employs a large number of Oliver County residents, remarked that BNI's commerce was oriented toward Bismarck, the location of its corporate headquarters. He noted that since the mine opened in 1969, it has been operating on central time. BNI's primary customer is the power plant, which also operates on central time. Another BNI employee stated that it was confusing to be on different time standards at work and at home. An employee of the Minnkota power plant said that the plant was on central time and that it was convenient to be on central time for activities in Bismarck. He said that Williston and northwest portions of the state further west than Oliver County are already on central time. A retired power plant employee noted a great deal of confusion occurred when his children were in school, which was on mountain time, and he worked on central time.

An employee of the Center School District indicated a preference for central time. She observed that children who have medical appointments in Bismarck must leave an hour earlier and consequently miss more time in the classroom. A former school bus driver said that it was safer for children to be picked up in the dark in the morning than to be dropped off in the dark in the afternoon. A representative of the school board supported the change to central time for the sake of uniformity. Current school hours are on mountain time while most people operate on central time at work. He said that although school schedules are coordinated with Mercer County, which is on mountain time, he does not expect the change to central time to cause a problem.

An employee of a local clinic noted that setting up appointments for patients in Center and in Bismarck is very confusing. Patients often do not know if the appointment is on central or mountain time, and as a result people may arrive early or late, which causes great inconvenience for both patients and medical staff.

One woman commented that people can adjust to getting up in the dark and that the current situation of having two time standards is too confusing and makes it inconvenient for going to Bismarck. Another person said that most people do their shopping in Bismarck for both personal items and farm equipment. Numerous people at both hearings said that being on central time would make it far easier to attend to personal and business matters, which often require travelling to Bismarck.

Others in attendance at the public hearings stated their reasons for opposing the change. One man commented that changing to central time and then going on daylight saving time would mean a two hour change, which he opposed. Several people in attendance said that changing to central time might send more business out of the small towns to Bismarck. One man complained that too many people make their money in Oliver County, but spend it in Bismarck. One county resident said that he found it convenient to work on a job that observes central time and then be able to come into town and find that the post office and the stores were still open because they operate on mountain time. One resident, who works in Morton County (which is on mountain time), quipped that the time change would mean that he would not arrive home until 8:30 p.m., and that his wife would not cook dinner at that hour. Several people mentioned that those living in the western part of Oliver County have most of their business and other dealings with counties to the west, also on mountain time, rather than with Bismarck.

Written Comments

Thirteen comments were submitted to the docket for consideration; 10 were opposed to the change to central time, while three were in favor of it. One person noted that a change to central time would make it inconvenient for farmers in the western part of the county because they are accustomed to obtaining machine parts at the end of the work day. In addition, if stores are on central time, they will be closing an hour earlier. One person wrote that the change would require children living in Oliver County and attending schools in other communities to adjust to a time change. He said it would also affect the scheduling of school and community events. Several people said the change would result in a checkerboard of time zones. One person, who objected to the change, noted that areas to the north,

south and west of Oliver County are all on mountain time. Another person objected that the people of Center should not be able to control the time standard for the whole county. He said that to move the boundary away from the river to private property would make it very difficult to know what time zone a person is in when travelling across the county. Another person objected to the change unless the entire state switched to central time. She said the change could mean that children would be starting school at 9:30 central time, while most of their parents begin work at 8 a.m.

The Decision

After carefully weighing all the comments received at the hearings and in the docket, we have decided to place all of Oliver County on central time, as proposed. This decision was, in many ways, a difficult one. As noted above, there is a variety of opinion in the community and strong feelings on both sides. We were moved by the comments of farmers and those who live in the western part of the county who sincerely believe that the proposed change would make their lives more difficult. We also understand the feeling of many residents who are satisfied with the current situation and who, to date, have not experienced any problems with their proximity to the time zone boundary.

Despite all these valid concerns, the Department is required to act pursuant to the statutory criteria set forth in the Uniform Time Act. The Act states that "[t]he limits of each zone shall be defined by an order of the Secretary of Transportation, having regard for the convenience of commerce and the existing junction points and division points of common carriers engaged in interstate or foreign commerce * * *". The Department has traditionally defined commerce very broadly to include all the impacts on the community from a change in the time zone. For example, the Department considers:

—where businesses in the community get their supplies and where they ship their goods and products;
—where their television and radio broadcasts originate;
—where newspapers are published;
—where the community gets its bus, and passenger rail service;
—where the nearest local and major airports are;
—what percentage of residents work outside the community and where the residents work;
—what the major elements of the community's economy are; and
—if residents leave the community for schooling, recreation, health care or religious worship, what standard of time is observed in the places where they go.

In addition, the Department considers any other impacts the proposed time zone change might have on the community and whether the proposed change has community support.

We find that the proposed change requested by the County Commissioners suits "the convenience of commerce." To the extent that the area is not self-sufficient, it looks to the east and has many ties to the central time zone.

We believe that this change will provide many benefits for the community. It should simplify commerce by allowing the suppliers and recipients of most goods and services to operate on the same schedule. The change will also mean that employees living in Oliver County and commuting to Bismarck-Mandan or working in the coal or electric power industry will be on the same time in their home and work environments. The change will also eliminate confusion that arises for people residing in Oliver County and scheduling medical and dental appointments in Bismarck. The change will facilitate shopping for people who travel to Bismarck for goods and services which are unavailable locally. It hopefully will improve the quality of life by reducing confusion and allowing easier access to the nearest commercial, medical and cultural center.

Living near a time zone boundary always involves some inconvenience, and we recognize that some people will be inconvenienced by this decision. We believe, however, that there are many things that they can do to mitigate the inconvenience and that, on balance, the convenience of commerce and the majority of Oliver County citizens will be better served if the county observes central time.

Effective Date

This final rule is effective at 2 a.m. Sunday, October 25, 1992. We find good cause to make the rule effective on less than 30 days notice. Making the change effective at the same time daylight saving time ends will minimize confusion and reduce disruption to the lives of citizens in the affected area, as well as neighboring communities.

Regulatory Analyses and Notices

Executive Order 12291 and DOT Regulatory Policies and Procedures

This final rule has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. Furthermore, it is not a significant rulemaking under DOT Regulatory Policies and Procedures, 44 FR 111034, because of its highly localized impact. The economic impact would be so minimal that it does not warrant preparation of a regulatory evaluation.

Executive Order 12612

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Although time observance is of great local interest, Congress has delegated the authority to the Secretary of Transportation to change time zone boundaries and to oversee the observance of uniform time.

Executive Order 12630

This final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the proposed rulemaking does not pose the risk of a taking of constitutionally protected private property.

Regulatory Flexibility Act

I certify under the criteria of the Regulatory Flexibility Act that this final rule will not have a significant economic impact on a substantial number of small entities. The rule will only affect one county and will not result in a large economic impact.

Paperwork Reduction Act

There are no reporting or recordkeeping requirements associated with this rulemaking.

National Environmental Policy Act

I have determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that an environmental impact statement is not required.

List of Subjects in 49 CFR Part 71

Time.

Accordingly, the Department amends 49 CFR part 71, *Standard Time Zone Boundaries*, to read as follows:

1. The authority citation for part 71 continues to read:

Authority: Secs. 1–4, 40 stat. 450, as amended; sec. 1, 41 stat. 1446, as amended; secs. 2–7, 80 stat. 107, as amended; 100 stat. 764; Act of Mar. 19, 1918, as amended by the Uniform Time Act of 1966 and Public Law 97–449, 15 U.S.C. 260–267; Public Law 99–359; 49 CFR 1.59(a).

2. Paragraph (a) of § 71.7, *Boundary line between central and mountain zones,* is revised to read:

§ 71.7 Boundary line between central and mountain zones.

(a) *Montana-North Dakota.* Beginning at the junction of the Montana-North Dakota boundary with the boundary of the United States and Canada southerly along the Montana-North Dakota boundary to the Missouri River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Missouri and Yellowstone Rivers; thence southerly and easterly along the middle of the Yellowstone River to the north boundary of T. 150 N., R. 104 W.; thence east to the northwest corner of T. 150 N., R. 102 W.; thence south to the southwest corner of T. 149 N., R. 102 W.; thence east to the northwest corner of T. 148 N., R. 102 W.; thence south to the northwest corner of 147 N., R. 102 W.; thence east to the southwest corner of T. 148 N., R. 101 W., thence south to the middle of the Little Missouri; thence easterly and northerly along the middle of that river to the midpoint of its confluence with the Missouri River; thence southerly and easterly along the middle of the Missouri River to the midpoint of its confluence with the northern land boundary of Oliver County; thence west along the northern county line to the northwest boundary; thence south along the western county line to the southwest boundary; thence east along the southern county line to the northwest corner of T. 140 N., R. 83 W.; thence south to the southwest corner of T. 140 N., R. 82 W.; thence east to the southeast corner of T. 140 N., R. 83 W.; thence south to the middle of the Heart River; thence easterly and northerly along the middle of that river to the southern boundary of T. 139 N., R. 82 W.; thence east to the middle of the Heart River; thence southerly and easterly along the middle of that river to the midpoint of the confluence of the Heart and Missouri Rivers; thence southerly and easterly along the middle of the Missouri River to the northern boundary of T. 130 N., R. 80 W.; thence west to the northwest corner of T. 130 N., R. 80 W.; thence south to the North Dakota-South Dakota boundary; thence easterly along that boundary to the middle of the Missouri River.

* * * * *

Issued on October 15, 1992, in Washington, DC.

Andrew H. Card, Jr.,

Secretary.

[FR Doc. 92–25680 Filed 10–22–92; 8:45 am]

BILLING CODE 4910–62–M

Proposed Rules

Federal Register
Vol. 57, No. 206
Friday, October 23, 1992

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Docket No. FV-92-101PR]

Navel Oranges Grown in Arizona and Designated Part of California; Proposed Weekly Volume Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the quantities of fresh California-Arizona naval oranges that may be shipped weekly to domestic markets for the ten-week period from the week ending November 5 through the week ending January 7, 1993. Comments on the weekly levels of volume regulation must be received by the Department of Agriculture (Department) by 12:00 Noon Eastern Standard Time and by the Naval Orange Administrative Committee (Committee) by 12:00 Noon Pacific Standard Time on the Monday prior to the Committee meeting associated with the week of regulation being addressed in the comment. Consistent with program objectives, volume regulations for these weeks may be needed to establish and maintain orderly marketing conditions for fresh California-Arizona navel oranges. This proposal is based on a marketing policy which was adopted by the Committee on July 28, 1992. The Committee locally administers the marketing order covering navel oranges grown in California and Arizona.

DATES: Comments on the weekly levels of volume regulation must be received by the Department of Agriculture (Department) by 12:00 Noon Eastern Standard Time and by the Navel Orange Administrative Committee (Committee) by 12:00 Noon Pacific Standard Time on the Monday prior to the Committee meeting associated with the week of regulation being addressed in the comment.

Comments on the volume regulation proposed for the week ending November 5 must be received by the Department and the Committee by October 26; for the week ending November 12 by November 2; for the week ending November 19 by November 9; for the week ending November 26 by November 16; for the week ending December 3 by November 23; for the week ending December 10 by November 30; for the week ending December 17 by December 7; for the week ending December 24 by December 14; for the week ending December 31 by December 21; and for the week ending January 7, 1993 by December 28.

ADDRESSES: Comments must be sent in triplicate to the Docket Clerk, room 2525–S, F&V, AMS, USDA, P.O. Box 96456, Washington, DC 20090–6456, or by faxogram at (202) 720–5698; and to the Navel Orange Administrative Committee, 25129 The Old Road, suite 300, Newhall, California 91381, or by faxogram at (805) 255–9506. Such comments should reference the docket number, date, and page number of this issue of the **Federal Register**, and the dates of the regulatory week or weeks being addressed. For ease of review, persons submitting comments in excess of five pages may wish to include a one page summary. Such comments will be made available for public inspection in the Office of the Docket Clerk and the Committee office during regular business hours.

FOR FURTHER INFORMATION CONTACT: Christian D. Nissen, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, room 2522–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–5127; or Robert Curry, California Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, 2202 Monterey Street, suite 102B, Fresno, California, 93721; telephone: (209) 487–5901.

SUPPLEMENTARY INFORMATION:

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

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

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

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

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

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

There are approximately 130 handlers of navel oranges who are subject to regulation under the marketing order

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

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

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

The navel orange, like many citrus varieties, is unique in that mature oranges can be stored on the tree, to be marketed at a later time. Usually a high proportion of the crop is mature early in the season and could be marketed; but markets may be insufficient to absorb that quantity of fruit in a short period of time at satisfactory price levels. The on-tree storage characteristic of the navel orange permits the effective use of the flow-to-market (volume regulation) provisions of the order. Thus, volume regulations can be a valuable tool in achieving the goal of market stabilization for navel oranges.

A major reason for the use of volume regulations under the navel orange marketing order is to establish and maintain orderly marketing conditions for navel oranges and thereby benefit producers through higher returns. Such regulations can at the same time benefit producers and consumers by maintaining an orderly flow of navel oranges to the marketplace during the season. Thus, the Committee may recommend to the Secretary the utilization of weekly volume regulations under the order to effectuate the purposes of the Act.

The navel orange marketing order contains a variety of provisions designed to provide handlers with marketing flexibility within an established volume regulation week. When volume regulation is established by the Secretary for a given week, the Committee calculates the quantity of oranges (allotment) which may be handled by each handler. The provisions of the order allow handlers to ship navel oranges in excess of their allotments, within specified limits, in response to marketing opportunities. The order includes provisions for:

(1) Shipment of oranges in excess of a handler's allotment (overshipments); (2) shipment of oranges in quantities less than a handler's allotment (undershipments); and (3) allotment loans. Handlers who want to ship more than their allotment are permitted to overship that amount by one car (one car equals 1,000 cartons at 37.5 pounds net weight each) or by 20 percent of their allotment level, whichever is greater. A handler may overship in a given week, but the overshipment must be offset against the following week's allotment. Handlers may also ship less than their allotment during a given week which would give them the opportunity to ship more than their allotment during the following week. Finally, handlers may borrow allotment from other handlers who choose to ship less than their allotment or who cannot fully utilize their allotment.

In addition, the order includes provisions that exempt the handling of certain navel oranges from volume regulation. Oranges which are used for the following purposes are exempt from volume regulation: (1) Charitable institutions or relief organizations for distribution by such agencies; (2) commercial processors for processing into products, including juice; (3) export markets; and (4) parcel post and express shipments. The Committee may also recommend for approval by the Secretary the exemption of minimum quantities of oranges from order provisions.

Pursuant to section 907.50 of the marketing order, the Committee is required to submit a marketing policy to the Secretary prior to recommending volume regulations for the ensuing season. The order authorizes volume and size regulations applicable to fresh shipments of California-Arizona navel oranges to markets in the continental United States, Alaska, and Canada. The marketing order does not authorize regulation of export shipments of navel oranges or navel oranges utilized in the production of processed orange products.

The Committee adopted its marketing policy for the 1992–93 season at its July 28, 1992, meeting in Newhall, California. The Committee presented its policy at district meetings for further discussion and review as follows: (1) Districts 1 and 4 on September 22, 1992; and (2) District 2 and 3 on September 29, 1992.

The Committee estimates the 1992–93 navel orange crop will total 77,900 cars. This compares to last year's total production of 72,558 cars. The 77,900 car estimate is a revision of the Committee's initial estimate of 75,550 cars, and was adopted by the Committee at its September 22 meeting. The National Agricultural Statistics Service's forecast of the 1992–93 California-Arizona navel orange crop was issued on September 10 and is 76,000 cars.

The Committee estimates District 1, Central California, 1992–93 production at 70,000 cars compared to 61,683 cars produced in 1991–92. In District 2, Southern California, the crop is expected to be 6,500 cars compared to 9,494 cars produced last year. In District 3, the Arizona-California Desert Valley, the Committee estimates a production of 1,100 cars compared to 1,271 cars produced last year. In District 4, Northern California, the crop is expected to be 300 cars compared to 110 cars produced last year. The Committee's production estimates are based primarily on historical data. The Committee's production estimates are revisions of the Committee's initial estimates of 65,700 cars for District 1, 8,400 cars for District 2, 1,150 cars for District 3, and 300 cars for District 4. These revised estimates were adopted by the Committee at its meeting on September 22. These estimates are expected to be modified as the season progresses.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges while the export market continues to grow. Japan and Hong Kong continue to be the leading export markets for navel oranges. Navel oranges which are diverted to processing are generally those oranges which do not meet quality requirements or are too small to market economically as fresh fruit.

In terms of total crop utilization, the Committee estimates that approximately 50,000 cars of the 1992–93 crop (64 percent) will be utilized in fresh domestic markets compared with 44,846 cars (62 percent) in 1991–92; fresh exports are projected at 10,500 cars (14 percent) of the total 1992–93 crop compared to 8,962 cars (12 percent) in 1991–92; and 17,400 cars (22 percent) of the 1992–93 crop will be utilized in by-product channels and other forms of processing compared with 18,750 cars

(26 percent) in 1991–92. The Committee's crop utilization estimates are revisions of its initial estimates of 49,000 cars (65 percent) utilized in fresh domestic markets; fresh exports at 10,000 cars (13 percent), and 16,550 cars (22 percent) utilized in byproduct channels and other forms of processing. The Committee's 1992–93 crop utilization estimates, like its production estimates, are also expected to be revised during the season.

The 1992–93 season average on-tree price for California-Arizona navel oranges is not expected to exceed the season's average fresh parity equivalent price. Domestic fresh utilization about equal to the Committee's mid-point estimate of 50,000 cars is expected to result in a season average fresh on-tree price of $3.84 per carton, about 49 percent of the estimated fresh on-tree parity equivalent price of $7.83 per carton. In contrast, the preliminary estimate of the 1991–92 season average fresh on-tree price is $5.19 per carton, or 70 percent of the preliminary season average on-tree parity equivalent price of $7.43 per carton.

The marketing policy includes a proposed industry shipping schedule showing possible levels of volume regulation for each week of the 1992–93 season. A revised shipping schedule was adopted by the Committee at its meeting on September 22. The recommended shipping schedule is based on the revised crop estimate and covers the entire season. The proposed shipping schedule is as follows:

[Cartons in thousands]

Week ending	District 1		District 2		District 3		District 4		Total cartons
	Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
(a) 10–15–92	50	100.0							50
(b) 10–22–92	100	100.0							100
(c) 10–29–92	550	100.0							550
(d) 11–05–92	1,100	100.0							1,100
(e) 11–12–92	1,152	96.0			48	4.0			1,200
(f) 11–19–92	1,229	94.5			71	5.5			1,300
(g) 11–26–92	1,325	94.6			71	5.1	4	0.3	1,400
(h) 12–03–92	1,504	94.0	10	0.6	72	4.5	14	0.9	1,600
(i) 12–10–92	1,647	91.5	29	1.6	104	5.8	20	1.1	1,800
(j) 12–17–92	1,600	88.9	61	3.4	105	5.8	34	1.9	1,800
(k) 12–24–92	866	86.6	57	5.7	48	4.8	29	2.9	1,000
(l) 12–31–92	781	86.8	67	7.4	38	4.2	14	1.6	900
(m) 01–07–93	1,366	85.4	162	10.1	43	2.7	29	1.8	1,600
(n) 01–14–93	1,467	86.3	177	10.4	37	2.2	19	1.1	1,700
(o) 01–21–93	1,467	86.3	177	10.4	37	2.2	19	1.1	1,700
(p) 01–28–93	1,581	87.8	185	10.3	20	1.1	14	0.8	1,800
(q) 02–04–93	1,600	88.9	191	10.6	9	0.5			1,800
(r) 02–11–93	1,609	89.4	191	10.6					1,800
(s) 02–18–93	1,609	89.4	191	10.6					1,800
(t) 02–25–93	1,609	89.4	191	10.6					1,800
(u) 03–04–93	1,695	89.2	205	10.8					1,900
(v) 03–11–93	1,695	89.2	205	10.8					1,900
(w) 03–18–93	1,695	89.2	205	10.8					1,900
(x) 03–25–93	1,695	89.2	205	10.8					1,900
(y) 04–01–93	1,695	89.2	205	10.8					1,900
(z) 04–08–93	1,695	89.2	205	10.8					1,900
(aa) 04–15–93	1,695	89.2	205	10.8					1,900
(bb) 04–22–93	1,695	89.2	205	10.8					1,900
(cc) 04–29–93	1,701	89.5	199	10.5					1,900
(dd) 05–06–93	1,429	89.3	171	10.7					1,600
(ee) 05–13–93	1,253	89.5	147	10.5					1,400
(ff) 05–20–93	1,072	89.3	128	10.7					1,200
(gg) 05–27–93	805	89.4	95	10.6					900
(hh) 06–03–93	538	89.7	62	10.3					600
(ii) 06–10–93	357	89.3	43	10.7					400

In developing the proposed shipping schedule, the Committee considered equity of marketing opportunity and established an equity factor pursuant to section 907.51(b). The Committee compiles production estimates in cars for each district. These production estimates are based on the entire anticipated tree crop in each district. The Committee combines these production estimates to obtain the total production for all four districts. The Committee then estimates the number of cars that could be marketed in fresh domestic channels. From the relationship between these two totals an equity factor is derived and then applied to each district's estimated production in order to determine the estimated amount of each district's production that could be moved into fresh domestic markets under regulation. Therefore, all districts, no matter how much handlers ship weekly to fresh domestic markets, should be provided the opportunity to ship, under volume regulation, the same proportionate amount to fresh domestic markets during the season. The equity factor for this season is 68 percent and is the same for all districts.

The Committee also calculates the percentage allocation, pursuant to section 907.110(d) of the regulations, for each district for each week which is used to determine each district's proportionate share of volume regulations issued for a particular week. Each district's volume limitation for a particular week is then equitably apportioned among all handlers in each district. Thus, each handler's individual allotment is ultimately based on the entire quantity of navel oranges available for all uses, including export.

Based on the Committee's deliberations and the marketing policy, it is evident that the Committee may recommend the implementation of

volume regulation for certain weeks during the 1992–93 season. Because the Department has determined that volume regulation may be recommended and adopted, it is issuing this proposed rule covering the ten-week period from the week ending on November 5, 1992, through the week ending on January 7, 1993. Should the Committee recommend, and the Department adopt, regulation for any or all weeks during the ten-week period, the Department would issue final rules establishing such regulations. Similar proposed rules may be issued and subsequently finalized throughout the season.

The Department invites comments on the proposed weekly levels of volume regulation for the week ending November 5 through the week ending January 7, 1993. The Committee meets on a weekly basis to consider current and prospective marketing conditions and interested persons may orally present their position at such meetings. Interested persons are also invited to submit written comments to the Committee and the Department regarding the proposed levels of regulation for any or all weeks of the ten-week period specified in this rule. Interested persons who wish to comment in writing must submit copies to both the Department and the Committee. For ease of review, persons submitting comments in excess of five pages may wish to include a one page summary.

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

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

Comments on the weekly levels of volume regulation must be received by the Department by 12:00 Noon Eastern Standard Time and by the Committee by 12:00 Noon Pacific Standard Time the Monday prior to the Committee meeting associated with the week of regulation being addressed in the comment. Following is a list of the Committee's meeting dates, times, and locations, the regulatory week to be addressed at each meeting, and the proposed level of volume regulation for each regulatory week.

Committee Meetings and Dates

1. Committee Meeting Date: October 27, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: October 30–November 5, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,100	100.0							1,100

2. Committee Meeting Date: November 3, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: November 6–November 12, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,152	96.0			48	4.0			1,200

3. Committee Meeting Date: November 10, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: November 13–November 19, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,229	94.5			71	5.5			1,300

4. Committee Meeting Date: November 17, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: November 20–November 26, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,325	94.6	.....	.....	71	5.1	4	0.3	1,400

5. Committee Meeting Date: November 24, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: November 27–December 3, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,504	94.0	10	0.6	72	4.5	14	0.9	1,600

6. Committee Meeting Date: December 1, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: December 4–December 10, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,647	91.5	29	1.6	104	5.8	20	1.1	1,800

7. Committee Meeting Date: December 8, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: December 11–December 17, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,600	88.9	61	3.4	105	5.8	34	1.9	1,800

8. Committee Meeting Date: December 15, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: December 18–December 24, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
866	86.6	57	5.7	48	4.8	29	2.9	1,000

9. Committee Meeting Date: December 22, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: December 25–December 31, 1992
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
781	86.8	67	7.4	38	4.2	14	1.6	900

10. Committee Meeting Date: December 29, 1992
Time: 9 a.m.
Location: 25129 The Old Road, Suite 300, Newhall, California 91381
Regulatory Week to be Addressed: January 1–January 7, 1993
Proposed Level:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,366	85.4	162	10.1	43	2.7	29	1.8	1,600

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

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and record keeping requirements.

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

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

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

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

2. A new § 907.1034 is added to read as follows:

§ 907.1034 Navel orange regulation 734.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from October 30 through November 5, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,100	100.0							1,100

3. A new § 907.1035 is added to read as follows:

§ 907.1035 Navel orange regulation 735.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 6 through November 12, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,152	96.0			48	4.0			1,200

4. A new § 907.1036 is added to read as follows:

§ 907.1036 Navel orange regulation 736.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 13 through November 19, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,229	94.5			71	5.5			1,300

5. A new § 907.1037 is added to read as follows:

§ 907.1037 Navel orange regulation 737.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 20 through November 26, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,325	94.6			71	5.1	4	0.3	1,400

6. A new § 907.1038 is added to read as follows:

§ 907.1038 Navel orange regulation 738.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from November 27 through December 3, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,504	94.0	10	0.6	72	4.5	14	0.9	1,600

7. A new § 907.1039 is added to read as follows:

§ 907.1039 Navel orange regulation 739.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from December 4 through December 10, 1992, is as follows:

[Cartons in thousands]

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,647	91.5	29	1.6	104	5.8	20	1.1	1,800

§ 907.1040 Navel orange regulation 740.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from December 11 through December 17, 1992, is as follows:

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,600	88.9	61	3.4	105	5.8	34	1.9	1,800

9. A new § 907.1041 is added to read as follows:

§ 907.1041 Navel orange regulation 741.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from December 18 through December 24, 1992, is as follows:

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
866	86.6	57	5.7	48	4.8	29	2.9	1,000

10. A new § 907.1042 is added to read as follows:

§ 907.1042 Navel orange regulation 742.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from December 25 through December 31, 1992, is as follows:

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
781	86.8	67	7.4	38	4.2	14	1.6	900

11. A new § 907.1043 is added to read as follows:

§ 907.1043 Navel orange regulation 743.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from January 1 through January 7, 1993, is as follows:

District 1		District 2		District 3		District 4		Total cartons
Cartons	Percent	Cartons	Percent	Cartons	Percent	Cartons	Percent	
1,366	85.4	162	10.1	43	2.7	29	1.8	1,600

Dated: October 20, 1992.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 92-25946 Filed 10-22-92; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 152

Notification to Importer of Increased Duties

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend § 152.2 of the Customs Regulations (19 CFR 152.2) to provide that the district director of Customs shall notify the importer on Customs Form 29, Notice of Action, when the estimated aggregate of the increase in duties on an entry exceeds $100. This proposed change will lessen the administrative burden and costs incurred by Customs associated with notifying the importer of minimal increases in duty. It will also reduce the number of pieces of correspondence received by importers and their Customs brokers which are associated with the particular entry.

DATES: Comments must be received on or before December 22, 1992.

ADDRESSES: Comments (preferably in triplicate) must be submitted to and may be inspected at the Regulations and Disclosure Law Branch, U.S. Customs Service, 1301 Constitution Avenue, NW., room 2119, Washington, DC 20229.

FOR FURTHER INFORMATION CONTACT: Deann Seckler, Entry Rulings Branch, (202-566-5856).

SUPPLEMENTARY INFORMATION:

Background

Section 152.2 of the Customs Regulations (19 CFR 152.2) presently requires that the importer be notified on Customs Form 28 when the estimated aggregate of the increase in duties on an entry exceeds $15. The administrative costs incurred by Customs in notifying importers of increases in duty ranging between $15 and $100 are disproportionate to the amount of duties involved. This proposed change will lessen the administrative burden and costs associated with notifying the importer of minimal increases in duty. An increase in the minimum amount to $100 will not result in a significant reduction of services provided to the importing public. It will also reduce the number of pieces of correspondence received by importers and their Customs brokers which are associated with the entries. In addition, 19 CFR 152.2 presently incorrectly specifies CF–28, instead of CF–29, as the Customs Form for notifying the importer.

Comments

Before adopting this proposal, consideration will be given to any written comments that are timely submitted. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), during regular business days between the hours of 9 a.m. and 4:30 p.m., at the Regulations and Disclosure Law Branch, room 2119, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC.

Regulatory Flexibility Act

For the reasons set forth in the preamble and pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), it is hereby certified that the proposed amendments set forth in this document, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, they are not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12291

This document does not meet the criteria for a "major rule" as specified in E.O. 12291. Accordingly, a regulatory impact analysis is not required.

Drafting Information

The principal author of this document was Deann Seckler, Entry Rulings Branch, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 152

Customs duties and inspection.

Proposed Amendment

It is proposed to amend part 152, Customs Regulations (19 CFR part 152), as set forth below:

PART 152—CLASSIFICATION AND APPRAISEMENT OF MERCHANDISE

1. The general authority citation for part 152 continues to read as follows:

Authority: 19 U.S.C. 66, 1401a, 1500, 1502, 1624.

* * * * *

2. It is proposed to revise § 152.2 to read as follows:

§ 152.2 Notification to importer of increased duties.

If the district director believes that the entered rate or value of any merchandise is too low, or if he finds that the quantity imported exceeds the entered quantity, and the estimated aggregate of the increase in duties on that entry exceeds $100, he shall promptly notify the importer on Customs Form 29, specifying the nature of the difference on the notice. Liquidation shall be made promptly and shall not be withheld for a period of more than 20 days from the date of mailing of such notice unless in the judgment of the district director there are compelling reasons that would warrant such action.

Approved: September 24, 1992.

Michael H. Lane,

Acting Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of the Treasury.

[FR Doc. 92–25699 Filed 10–22–92; 8:45 am]

BILLING CODE 4820–02–M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Part 2647

RIN 1212–AA38

Reduction or Waiver of Complete Withdrawal Liability

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Proposed rule.

SUMMARY: The Pension Benefit Guaranty Corporation proposes to amend its regulation on Reduction or Waiver of Complete Withdrawal Liability by prescribing procedures under which multiemployer pension plans may adopt rules, subject to PBGC approval, for the reduction or waiver of complete withdrawal liability, and standards for PBGC approval of such rules. The Employee Retirement Income Security Act of 1974 directs the PBGC to prescribe such procedures and standards. If adopted, the amendment would allow multiemployer pension plans to develop their own rules for the reduction or waiver of complete withdrawal liability. The proposed amendment would also provide less restrictive time limits on employers' applications to plans for abatement of complete withdrawal liability.

DATES: Comments must be submitted on or before December 22, 1992.

ADDRESSES: Comments may be sent to the Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006, or delivered to room 7200, 2020 K Street, NW., Washington, DC 20006 between 9 a.m. and 5 p.m. Comments received may also be inspected at room 7200 between 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: Ralph L. Landy, Attorney, (202) 778–8897 (202–778–1958 for TTY and TDD).

SUPPLEMENTARY INFORMATION:

Background

Section 4203 of the Employee Retirement Income Security Act of 1974, as amended ("ERISA" or "the Act"), sets forth the circumstances under which an employer is deemed to have completely withdrawn from a multiemployer pension plan. The amount of complete withdrawal liability is calculated under section 4211. Section 4207(a) requires the PBGC to provide by regulation for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent that PBGC determines that reduction or waiver of complete withdrawal liability is consistent with the purposes of ERISA. Section 4207(b) requires the PBGC to prescribe by regulation a procedure and standards for the amendment of plans to provide alternative rules for the reduction or waiver of complete withdrawal liability in the event that an employer that has withdrawn from a plan subsequently resumes covered operations under the plan or renews an obligation to contribute under the plan, to the extent such rules are consistent with the purposes of ERISA.

The PBGC's regulations on Reduction or Waiver of Complete Withdrawal