



The following alternate method for the evaluation of dry gaseous ethanol calibration devices is presented.

Additional required material: For the proposed alternate method for evaluation of dry gaseous ethanol calibration devices, the following will be required: Four cylinders of National Institute of Standards and Technology ethanol-in-inert gas Technical Reference Gas Mixtures (NISTRGMs) which span the BAC range 0.01 to 0.16.

Alternate Procedure for evaluation of dry gaseous ethanol calibration devices. If it is evident that the gas chromatograph column being used according to the model specifications described above is causing an excessive systematic error in comparing samples from dry gaseous ethanol calibrating devices with the moist head space vapor samples from the thermostated reference solutions, the following alternate procedure may be used. This procedure substitutes National Institute for Standards and Technology Reference Gas Mixtures (NISTRGM) in place of the moist reference samples.

Step A1. Connect one of the NISTRGM cylinders to the inlet of the gas chromatograph sampling valve and pass reference gas through the sampling system at a rate just sufficient to thoroughly flush the system in about 10 seconds. Allow the sample to relax to atmospheric pressure, then inject the sample onto the column. In this way, obtain 5 chromatogram of the reference gas.

Step A2. Repeat Step A1 for each of the four NISTRGM reference gas mixtures.

Step A3. Calculate the RSD of the concentration divided by peak height data obtained in Step A1 and Step A2. If the calculated RSD meets the criteria of 3.0, calculate the slope and intercept of the least squares fit calibration line

for conversion of peak height to BAC. Using the average peak height of each NISTRGM and the slope and intercept data, calculate the concentration of each NISTRGM. If the resulting concentrations are within the stated accuracy of the NISTRGM, proceed to Step A4.

Step A4. Connect the calibrating device to the inlet of the gas chromatograph sampling system and allow the calibrating device gas to flow at a rate just sufficient to thoroughly flush the sampling system in about 10 seconds. Allow the sample to relax to atmospheric pressure, then inject the sample onto the column. In this way, obtain 10 chromatogram of the calibrating device gas.

Step A5. Calculations. Using the peak height data obtained in Step A4 and intercept and slope data obtained in Step A3, calculate the BAC for each of the 10 peak heights. Calculate the mean, RSD, and systematic error of the calculated BACs.

Appendix B—Conforming Products List of Calibrating Units for Breath Alcohol Testers [Manufacturer and Calibrating Unit].

1. *CMI, Inc., Owensboro, KY:*
 - Toxitest II
2. *Federal Signal Corporation, CMI, Inc., Minturn, CO:*
 - Toxitest Model ABS120*
3. *Guth Laboratories, Inc., Harrisburg, PA:*
 - Model 34C Simulator³
 - Model 3412
 - Model 10-4
 - Model 1214
4. *Intoximeters, Inc., St. Louis, MO:*

³ Several variations of the Model 34C Simulator have also been submitted to NHTSA for evaluation and meet these Model Specifications. They are: Model 34C Cal DO; Model 34C-FM; and 34C-NPAS.

- Alco Breath Alcohol Standard*
5. *Luckey Laboratories, Inc., San Bernardino, CA:*
 - Simulator*
 6. *National Draeger, Inc., Pittsburgh, PA:*
 - Mark II-A
 7. *PLD of Florida, Inc., Rockledge, FL:*
 - BA 500
 8. *Protection Devices, Inc./U.S. Alcohol Testing, Inc., Rancho Cucamonga, CA:*
 - LS34 Model 6100*
 9. *Repco Marketing, Inc., Raleigh, NC:*
 - AS-1
 10. *Smith & Wesson Electronic Co., Springfield, MA:*
 - Mark II-A Simulator*
 11. *Systems Innovation, Inc., Hallstead, PA:*
 - True-Test MD 901*
 12. *U.S. Alcohol Testing, Rancho Cucamonga, CA:*
 - Alco-Simulator 2000*
 - Alco-Simulator 61000

* Instruments marked with an asterisk (*) meet the model Specifications in 49 FR 48864 (December 14, 1984), i.e., instruments tested at 0.050, 0.100, and 0.150). Instruments not marked with an asterisk meet the amended model specifications detailed in this notice.

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DEPARTMENT OF THE TREASURY

[Treasury Order Number 101-18]

Designation of Financial Institutions as Depositories of Public Money for United States Mint Coin Consignment Programs, delegation of authority

Dated: December 21, 1994.

By virtue of the authority vested in the Secretary of the Treasury, including

the authority vested by 31 U.S.C. 301 and 321 (b), and by 12 U.S.C. 90, 265, 266, 391, 1452 (d), 1464 (k), 1767, 2013 and 2122 (12), it is ordered that:

1. The Director, United States Mint, under the supervision and guidance of the Treasurer of the United States, is authorized and directed to take all necessary and proper measures, including direction of other officials of the Department and utilization of the services of other Government agencies, to establish depository accounts with financial institutions and to designate financial agents, only as are necessary to support United States Mint coin consignment programs; and

2. The Director, United States Mint, is authorized to designate, in writing, representatives to sign consignment agreements with depository financial institutions on behalf of that official.

3. Cancellations.

a. Treasury Directive 19-05, "Designation of Financial Institutions as Depositories of Public Money for United States Coin Consignment Programs," dated July 8, 1992, is superseded.

b. Treasury Order 101-18, "Delegation of Authority to the Treasurer of the United States to Designate Financial Institutions as Depositories of Public Money for United States Mint Coin Consignment Programs," dated August 5, 1987, is superseded.

Lloyd Bentsen,

Secretary of the Treasury.

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Office of Thrift Supervision

[94-264]

Supervisory Appeals Process: Guidelines

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Notice of proposed guidelines; request for comments.

SUMMARY: The Office of Thrift Supervision (OTS) solicits comments on proposed guidelines for the establishment of an independent intra-agency appellate process to review material supervisory determinations as required by the Riegle Community Development and Regulatory Improvement Act of 1994. The OTS currently provides a supervisory review process, which is described in Regulatory Bulletin (RB) 4a (September 23, 1993). The OTS proposes to modify RB 4a to conform with the requirements imposed by the new statute. This Notice sets out the revised guidelines. RB 4a

will remain in effect until the new guidelines are issued in final form.

DATES: Comments must be received on or before February 27, 1995.

ADDRESSES: Comments should be directed to Director, Information Services Division, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention Docket No. 94-264. These submissions may be hand delivered to 1700 G Street, NW., from 9:00 A.M. to 5:00 P.M. on business days; they may be sent by facsimile transmission to FAX number (202) 906-7755. Submissions must be received by 5:00 P.M. on the day they are due in order to be considered by the OTS. Comments will be available for inspection from 1:00 P.M. until 4:00 P.M. on business days. Visitors will be escorted to and from the Public Reference Room at established intervals.

FOR FURTHER INFORMATION CONTACT: Alvin W. Smuzynski, Assistant Director of Supervision (202) 906-5669; or Valerie J. Lithotomos, Counsel (Banking and Finance), Chief Counsel's Office; Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 309 of the Riegle Community Development and Regulatory Improvement Act of 1994, Pub. L. No. 103-325, 108 Stat. 2160, 2218-20 (September 23, 1994) (to be codified at 12 U.S.C. 4809) (the CDRI Act), requires the Federal banking agencies, including the OTS, to establish an "independent intra-agency appellate process" for the review of "material supervisory determinations" at insured institutions. The statute requires the appeals process to be in place within 180 days of its enactment. Within 90 days of enactment, the agencies are to provide public notice and opportunity for comment on proposed guidelines for the establishment of the process.

Decisions made during the supervisory process by the OTS's examination and supervisory staff are often those that affect savings associations most directly and most immediately. From time to time, savings associations may disagree with supervisory decisions or with the findings or conclusions upon which those decisions are based. It is the intent of this proposal to provide a comprehensive and fair process for the review of examination and supervisory findings and decisions. The OTS encourages the resolution of supervisory disputes through informal communications between savings associations and OTS regional

examination and supervisory staff. When disputes cannot be resolved successfully at the regional level, savings associations may use the supervisory appeals process that would be established by the proposed guidelines to seek independent review by the Director of Supervision in Washington.

The OTS currently provides a supervisory review process that achieves these policy objectives and is consistent in many respects with section 309 of the CDRI Act. That review process is described in Regulatory Bulletin (RB) 4a, which was issued on September 23, 1993. The OTS proposes to modify RB 4a to conform with the specific requirements imposed by section 309. This Notice sets out the revised guidelines with modifications from RB 4a that are described more particularly below. RB 4a will remain in effect until the new guidelines are issued in final form.

II. Description of the Proposed Supervisory Appeals Process

Independence

Section 309 of the CDRI Act sets forth certain standards that the agencies' supervisory appeals process must satisfy. First, the process must be "independent." The statute defines independence to mean that the review provided must be conducted "by an agency official who does not directly or indirectly report to the agency official who made the material supervisory determination under review."

The process established by RB 4a encourages dispute resolution at the regional level by setting general guidelines for savings associations to use in raising supervisory problems with regional staff. RB 4a does not strictly require regional review as a precondition to review in Washington. The RB does, however, require an institution that has not attempted to resolve an issue at the regional level to provide a "detailed statement" of its reasons for bypassing regional review.

The OTS continues to believe that open discussion between examination and supervisory staff at the regional level is often the most productive and direct route to addressing an institution's concerns. For this reason, the revised guidelines retain a description of procedures available for use at the regional level. The OTS continues to encourage savings associations to attempt to resolve issues directly with examination or regional supervisory staff.

The proposed guidelines specify that the decisionmaker for supervisory