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Presidential Documents

Title 3—

The President

Executive Order 12711 of April 11, 1990

Policy Implementation With Respect to Nationals of the People's Republic of China

By the authority vested in me as President by the Constitution and laws of the United States of America, the Attorney General and the Secretary of State are hereby ordered to exercise their authority, including that under the Immigration and Nationality Act (8 U.S.C. 1101–1557), as follows:

Section 1. The Attorney General is directed to take any steps necessary to defer until January 1, 1994, the enforced departure of all nationals of the People's Republic of China (PRC) and their dependents who were in the United States on or after June 5, 1989, up to and including the date of this order (hereinafter "such PRC nationals").

Sec. 2. The Secretary of State and the Attorney General are directed to take all steps necessary with respect to such PRC nationals (a) to waive through January 1, 1994, the requirement of a valid passport and (b) to process and provide necessary documents, both within the United States and at U.S. consulates overseas, to facilitate travel across the borders of other nations and reentry into the United States in the same status such PRC nationals had upon departure.

Sec. 3. The Secretary of State and the Attorney General are directed to provide the following protections:

(a) irrevocable waiver of the 2-year home country residence requirement that may be exercised until January 1, 1994, for such PRC nationals;

(b) maintenance of lawful status for purposes of adjustment of status or change of nonimmigrant status for such PRC nationals who were in lawful status at any time on or after June 5, 1989, up to and including the date of this order;

(c) authorization for employment of such PRC nationals through January 1, 1994; and

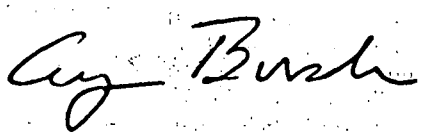
(d) notice of expiration of nonimmigrant status (if applicable) rather than the institution of deportation proceedings, and explanation of options available for such PRC nationals eligible for deferral of enforced departure whose nonimmigrant status has expired.

Sec. 4. The Secretary of State and the Attorney General are directed to provide for enhanced consideration under the immigration laws for individuals from any country who express a fear of persecution upon return to their country related to that country's policy of forced abortion or coerced sterilization, as implemented by the Attorney General's regulation effective January 29, 1990.

Sec. 5. The Attorney General is directed to ensure that the Immigration and Naturalization Service finalizes and makes public its position on the issue of training for individuals in F–1 visa status and on the issue of reinstatement into lawful nonimmigrant status of such PRC nationals who have withdrawn their applications for asylum.

Sec. 6. The Departments of Justice and State are directed to consider other steps to assist such PRC nationals in their efforts to utilize the protections that I have extended pursuant to this order.

Sec. 7. This order shall be effective immediately.



THE WHITE HOUSE,
April 11, 1990.

[FR Doc. 90-8795
Filed 4-11-90; 3:15 pm]
Billing code 3195-01-M

Editorial note: For the President's statement on the immigration status of Chinese nationals, see the *Weekly Compilation of Presidential Documents* (vol. 26, p. 543).

Rules and Regulations

Federal Register
Vol. 55, No. 72
Friday, April 13, 1990

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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 910

[Lemon Regulation 713]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Regulation 713 establishes the quantity of fresh California-Arizona lemons that may be shipped to market at 330,000 cartons during the period from April 15, 1990, through April 21, 1990. Such action is needed to balance the supply of fresh lemons with market demand for the period specified, due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: Regulation 713 (7 CFR part 910) is effective for the period from April 15, 1990, through April 21, 1990.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriquez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, room 2523, South Building, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-3861.

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

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), 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.

The purpose of the RFA is to fit regulatory action 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 Agricultural Marketing Agreement 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 85 handlers of lemons grown in California and Arizona subject to regulation under the lemon marketing order and approximately 2,500 producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) 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 handlers and producers of California-Arizona lemons may be classified as small entities.

This regulation is issued under Marketing Order No. 910, as amended (7 CFR part 910), regulating the handling of lemons grown in California and Arizona. The order is effective under the Agricultural Marketing Agreement Act (the "Act," 7 U.S.C. 601-674), as amended. This action is based upon the recommendation and information submitted by the Lemon Administrative Committee (Committee) and upon other available information. It is found that this action will tend to effectuate the declared policy of the Act.

This regulation is consistent with the California-Arizona lemon marketing policy for 1989-90. The Committee met publicly on April 10, 1990, in Los Angeles, California, to consider the current and prospective conditions of supply and demand and unanimously recommended a quantity of lemons deemed advisable to be handled during the specified week. The Committee reports that overall demand for lemons is steady.

Pursuant to 5 U.S.C. 553, it is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice and engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared purposes of the Act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary, in order to effectuate the declared purposes of the Act, to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

List of Subjects in 7 CFR Part 910

Lemons, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 910 is amended as follows:

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

1. The authority citation for 7 CFR part 910 continues to read as follows:

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

Note: This section will not appear in the Code of Federal Regulations.

2. Section 910.713 is added to read as follows:

§ 910.713 Lemon Regulation 713.

The quantity of lemons grown in California and Arizona which may be handled during the period from April 15, 1990, through April 21, 1990, is established at 330,000 cartons.

Dated: April 11, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-8786 Filed 4-12-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 381

[Docket No. RM90-5-000]

Annual Update of Filing Fees

April 9, 1990.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of annual update of filing fees.

SUMMARY: In accordance with § 381.104 of the Commission's regulations, the Commission issues this update of its filing fees assessed for specific services and benefits provided to identifiable beneficiaries. This notice provides the yearly update by using data under the Commission's Payroll Utilization Reporting System to calculate the new fees. The Commission revised the fee calculation formula in § 381.104(c) in Order No. 521, an interim rule issued on March 23, 1990 (55 FR 12169, April 2, 1990). Under the revised formula, the Commission averages the three previous fiscal years' data to determine the annual filing fee for a fee category. The purpose of updating is to adjust the fees to reflect the Commission's current costs.

EFFECTIVE DATE: May 14, 1990.

FOR FURTHER INFORMATION CONTACT: Olive Wallace, Revenue and Funds Control Branch, Division of Accounting, Federal Energy Regulatory Commission, 810 First Street NE., room 627, Washington, DC 20426, (202) 357-0883.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in room 3308, 941 North Capitol Street NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), and electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 357-8997. To access CIPS, set your communications software to use 300, 1200 or 2400 baud, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this notice will be available on CIPS for 30 days from the date of issuance. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in room 3308, 941 North Capitol Street NE., Washington, DC 20426.

Annual Update of Filing Fees

Issued April 9, 1990.

The Federal Energy Regulatory Commission (Commission), by its designee, the Executive Director,[1] is issuing this notice to update the filing fees the Commission assesses for specific services and benefits provided to identifiable beneficiaries. Pursuant to § 385.104 of the Commission's regulations, the Commission is establishing updated fees on the basis of the Commission's cost, completion, and work time data for fiscal years 1987, 1988 and 1989.[2] The adjusted fees announced in this final rule will become effective May 14, 1990.

The new fee schedule is as follows:

Fees Applicable to Producer Matters Under the Natural Gas Act

1. Blanket certificates for small producers (codified at 18 CFR 381.201)	$650
2. Producer certificates of public convenience and necessity (18 CFR 381.202)	1,810
3. Changes in producer rate schedules (18 CFR 381.203)	500

Fees Applicable to Natural Gas Pipeline Rate Matters [3]

1. Pipeline tariff filings for general changes in rates and for changes other than in rates (18 CFR 381.204(a))	$4,710
—Categorical reduction for other than major natural gas companies (18 CFR 381.204(b))	1,880
2. Pipeline tariff filings that track certain costs:	
(a) Annual filing under § 154.305 (18 CFR 381.205(a)(1))	6,600
—Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(1))	2,640
(b) Quarterly filing under § 154.308 (18 CFR 381.205(a)(2))	1,720
—Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(2))	680
(c) Interim adjustment filing under § 154.309 (18 CFR 381.205(a)(3))	650
—Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(3))	260
(d) Any other tariff filing that tracks costs (18 CFR 381.205(a)(4))	1,030
—Categorical reduction for other than major natural gas companies (18 CFR 381.205(b)(4))	410

Fees Applicable to the Natural Gas Policy Act

1. Adjustments under section 502(c) of the Natural Gas Policy Act (18 CFR 381.401)	$3,180
2. Review of jurisdictional agency determinations (18 CFR 381.402)	80
3. Petitions for rate approval pursuant to § 284.123(b)(2) (18 CFR 381.403)	3,150
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1. Request for interpretation by the Office of the Chief Accountant (18 CFR 381.301)	$290
2. Petition for issuance of a declaratory order (except under Part I of the Federal Power Act) (18 CFR 381.302)	10,720
3. Review of a Department of Energy remedial order:	
Amount in controversy	
$0 to 9,999 (18 CFR 381.303(b))	100
$10,000 to 29,999 (18 CFR 381.303(b))	600
$30,000 or more (18 CFR 381.303(a))	10,000
4. Review of a Department of Energy denial of adjustment:	
Amount in controversy	
$0 to 9,999 (18 CFR 381.304(b))	100
$10,000 to 29,999 (18 CFR 381.304(b))	600
$30,000 or more (18 CFR 381.304(a))	5,760
5. Written legal interpretations by the Office of the General Counsel (18 CFR 381.305(a))	2,170

Fees Applicable to Natural Gas Pipelines

1. Pipeline certificate applications (18 CFR 381.207(b))	$26,260
2. Requests under the blanket certificate notice and protest procedures (18 CFR 381.208(a))	760
3. Curtailment filings (18 CFR 381.209(b))	6,270

Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers

1. Rate schedule filings under sections 205 and 206 of the Federal Power Act (18 CFR 381.502(a))	[4] $6,120
2. Certification of qualifying status as a small power production facility (18 CFR 381.505(a))	6,070
3. Certification of qualifying status as a cogeneration facility (18 CFR 381.505(a))	7,140
4. Extension of equipment testing periods (18 CFR 381.506)	1,030

[1] 18 CFR 375.313(a) (1988).

[2] The formula for updating the filing fees was revised recently in Order No. 521. Under the revised formula, the Commission averages three previous fiscal years' data to determine the annual fee for a fee category.

[3] There is no fee for a tariff filing that responds to an order requiring compliance issued by the Commission to a specifically identified pipeline with respect to a specific tariff previously filed by that pipeline.

Fees Applicable to Electric Utilities, Cogenerators, and Small Power Producers—Continued

5. Applications to assume obligation or liability as guarantor or for the negotiated placement of securities (18 CFR 381.507)	4,180
6. Authorization to issue equity or debt securities (18 CFR 381.508)	1,980
7. Corporate applications involving one or more jurisdictional utilities (18 CFR 381.509)	9,790
8. Applications to hold interlocking positions (18 CFR 381.510)	2,890

Fees Applicable to the Public Utility Regulatory Policies Act of 1978

1. 5 Megawatt exemption application (18 CFR 381.601)	$15,650

List of Subjects in 18 CFR Part 381

Natural gas, Reporting and recordkeeping requirements.

In consideration of the foregoing, the Commission amends part 381, chapter I, title 18, Code of Federal Regulations, as set forth below.

George L.B. Pratt,

Executive Director.

PART 381—FEES

1. The authority citation for part 381 continues to read as follows:

Authority: Department of Energy Organization Act, 42 U.S.C. 7101–7352 (1982); E.O. 12009, 3 CFR 1978 Comp., p. 142; Independent Offices Appropriations Act, 31 U.S.C. 9701 (1982); Natural Gas Act, 15 U.S.C. 717–717w (1988); Federal Power Act, 16 U.S.C. 791–828c (1988); Public Utility Regulatory Policies Act, 16 U.S.C. 2601–2645 (1988); Interstate Commerce Act, 49 U.S.C. 1–27 (1976); Omnibus Budget Reconciliation Act of 1986, Pub. L. 99–509, Title III, Subtitle E, Sec. 3401 (October 21, 1986).

§ 381.201 [Amended]

2. Section 381.201 is amended by removing "$480" and inserting "$650" in its place.

§ 381.202 [Amended]

3. Section 381.202 is amended by removing"$1,840" and inserting "$1,810" in its place.

§ 381.203 [Amended]

4. Section 381.203 is amended by removing "$560" and inserting "$500" in its place.

§ 381.204 [Amended]

5. In § 381.204, paragraph (a) is amended by removing "$4,510" and inserting "$4,710" in its place and paragraph (b) is amended by removing "$1,800" and inserting "$1,880" in its place.

§ 381.205 [Amended]

6. In § 381.205 paragraph (a)(1) is amended by removing "$5,060" and inserting "$6,600" in its place; paragraph (a)(2) is amended by removing "$1,330" and inserting "$1,720" in its place; paragraph (a)(3) is amended by removing "$610" and inserting "$650" in its place; and paragraph (a)(4) is amended by removing "$1,330" and inserting "$1,030" in its place..

§ 381.205 [Amended]

7. In § 381.205, paragraph (b)(1) is amended by removing "$2,020" and inserting "$2,640" in its place; paragraph (b)(2) is amended by removing "$530" and inserting "$680" in its place; paragraph (b)(3) is amended by removing "$240" and inserting "$260" in its place; and paragraph (b)(4) is amended by removing "$530" and inserting "$410" in its place.

§ 381.207 [Amended]

8. In § 381.207, paragraph (b) is amended by removing "$26,280" and inserting "$26,260" in its place.

§ 381.208 [Amended]

9. In § 381.208, paragraph (a) is amended by removing "$1,470" and inserting "$760" in its place.

§ 381.209 [Amended]

10. In § 381.209, paragraph (b) is amended by removing "$5,330" and inserting "$6,270" in its place.

§ 381.301 [Amended]

11. Section 381.301 is amended by removing "$310" and inserting "$290" in its place.

§ 381.302 [Amended]

12. In § 381.302, paragraph (a) is amended by removing "$9,260" and inserting "$10,720" in its place.

§ 381.303 [Amended]

13. In § 381.303, paragraph (a) is amended by removing "$9,590" and inserting "$10,000" in its place.

§ 381.304 [Amended]

14. In § 381.304, paragraph (a) is amended by removing "$7,230" and inserting "$5,760" in its place.

§ 381.305 [Amended]

15. In § 381.305, paragraph (a) is amended by removing "$1,650" and inserting "$2,170" in its place.

§ 381.401 [Amended]

16. Section 381.401 is amended by removing "$4,300" and inserting "$3,180" in its place.

§ 381.403 [Amended]

17. Section 381.403 is amended by removing "$1,680" and inserting "$3,150" in its place.

§ 381.404 [Amended]

18. Section 381.404 is amended by removing "$240" and inserting "$270" in its place.

§ 381.502 [Amended]

19. In § 381.502, paragraph (a) is amended by removing "$6,630" and inserting "$6,120" in its place.

§ 381.505 [Amended]

20. In § 381.505, paragraph (a) is amended by removing "$5,360" and inserting "$6,070" in its place and by removing "$6,350" and inserting "$7,140" in its place.

§ 381.506 [Amended]

21. Section 381.506 is amended by removing "$1,010" and inserting "$1,030" in its place.

§ 381.507 [Amended]

22. Section 381.507 is amended by removing "$4,470" and inserting "$4,180" in its place.

§ 381.508 [Amended]

23. Section 381.508 is amended by removing "$1,550" and inserting "$1,980" in its place.

§ 381.509 [Amended]

24. Section 381.509 is amended by removing "$8,800" and inserting "$9,790" in its place.

§ 381.510 [Amended]

25. Section 381.510 is amended by removing "$2,510" and inserting "$2,890" in its place.

§ 381.601 [Amended]

26. Section 381.601 is amended by removing "$15,920" and inserting "$15,650" in its place.

[FR Doc. 90–8581 Filed 4–12–90; 8:45 am]

BILLING CODE 6717-01-M

[4] No fee is assessed for rate schedule filings that have no effect on the rate a utility charges or that involve only rate decreases.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

Animal Drugs, Feeds, and Related Products; Change of Sponsor Address

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor address for A. H. Robins Co.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: A. H. Robins Co., 1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261, has informed FDA that it has changed its corporate address to P.O. Box 518, Fort Dodge, IA 50501-0518. Accordingly, the agency is amending the regulations in 21 CFR 510.600(c) (1) and (2) to reflect the new corporate address. However, A. H. Robins Co. has informed FDA that it is maintaining its Richmond, VA mailing address for all matters concerning animal feed approvals (i.e., salinomycins).

List of Subjects in 21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

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 510 is amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) in the entry "A. H. Robins Co." and in the table in paragraph (c)(2) in the entry "000031" by removing "1405 Cummings Dr., P.O. Box 26609, Richmond, VA 23261" and adding in its place "P.O. Box 518, Fort Dodge, IA 50501-0518".

Dated: April 9, 1990.

Robert C. Livingston,

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

[FR Doc. 90-8604 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 510, 522, and 544

Animal Drugs, Feeds, and Related Products; Change of Sponsor

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of sponsor for four new animal drug applications (NADA's) from Maurry Biological Co., Inc., to Norbrook Laboratories, Ltd.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Benjamin A. Puyot, Center for Veterinary Medicine (HFV-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1414.

SUPPLEMENTARY INFORMATION: Maurry Biological Co., Inc., 6109 South Western Ave., Los Angeles, CA 90047, advised FDA of a change of sponsor of four NADA's to Norbrook Laboratories, Ltd., Station Works, Newry BT35 6JP, Northern Ireland. The NADA's affected are:

Product	NADA
Dexamethasone Sodium Phosphate Injection 4 mg/ml	110-046
Dihydrostreptomycin Sulfate Injection 500 mg/ml	65-013
Phenylbutazone Injection 200 mg/ml	94-978
Prednisolone Aqueous Suspension (Injection) (10 or 25 mg/ml)	12-444

As a result of these sponsor changes, Maurry Biological Co., Inc., is no longer the sponsor of any approved NADA's. Thus, 21 CFR 510.600 is amended to delete the entries for the firm. The agency is also amending the regulation in 21 CFR 522.540(d)(2)(ii), 522.1720(b)(1), 522.1880(b), and 544.275(c)(2) to reflect the change of sponsor.

List of Subjects in

21 CFR Part 510

Administrative practice and procedure, Animal drugs, Labeling, Reporting and recordkeeping requirements.

21 CFR Part 522

Animal drugs.

21 CFR Part 544

Animal drugs, Antibiotics.

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 parts 510, 522, and 544 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. The authority citation for 21 CFR Part 510 continues to read as follows:

Authority: Secs. 201, 301, 501, 502, 503, 512, 701, 706 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 331, 351, 352, 353, 360b, 371, 376).

§ 510.600 [Amended]

2. Section 510.600 *Names, addresses, and drug labeler codes of sponsors of approved applications* is amended in the table in paragraph (c)(1) by removing the entry "Maurry Biological Co., Inc." and in the table in paragraph (c)(2) by removing the entry "010719".

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

3. 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).

§ 522.540 [Amended]

4. Section 522.540 *Dexamethasone injection* is amended in paragraph (d)(2)(ii) by removing "010719" and replacing it with "055529".

§ 522.1720 [Amended]

5. Section 522.1720 *Phenylbutazone injection* is amended in paragraph (b)(1) by removing "010719" and replacing it with "055529".

§ 522.1880 [Amended]

6. Section 522.1880 *Sterile prednisolone suspension* is amended in paragraph (b) by removing "010719" and replacing it with "055529".

PART 544—OLIGOSACCHARIDE CERTIFIABLE ANTIBIOTIC DRUGS FOR ANIMAL USE

7. The authority citation for 21 CFR part 544 continues to read as follows:

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

§ 544.275 [Amended]

8. Section 544.275 *Dihydrostreptomycin sulfate injection, sterile* is amended in paragraph (c)(2) by removing "010719" and replacing it with "055529".

Dated: April 9, 1990.

Robert C. Livingston,

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

[FR Doc. 90-8605 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-010-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 172

[DoD Instruction 7310.1]

Disposition of Proceeds From DoD Sales of Surplus Personal Property

AGENCY: Office of the Secretary, DoD.

ACTION: Final rule.

SUMMARY: This amendment implements Public Law 101-167, which retitled account 1082, "Foreign Military Credit Financing," to "Foreign Military Financing Program." The amendment also advises that effective October 1, 1989, the Military Assistance Program Account 1080 is no longer available for the receipt of proceeds from sales of personal property.

EFFECTIVE DATE: April 16, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Fisch, Office of the Comptroller, Department of Defense, room 3A882, the Pentagon, Washington, DC 20301-1100, telephone (202) 697-3135.

SUPPLEMENTARY INFORMATION:

List of Subjects in 32 CFR Part 172

Defense contracts, Government property management.

Accordingly, 32 CFR part 172 is amended as follows:

PART 172—[AMENDED]

1. The authority citation for part 172 continues to read as follows:

Authority: 40 U.S.C. 484 and 485, 10 U.S.C. 2577.

2. Appendix B to part 172 is revised as follows:

APPENDIX B TO PART 172—DISPOSITION OF AMOUNTS COLLECTED FROM SUCCESSFUL BIDDERS

Type of property	Disposition of:	
	(20%) bid deposit	(80%) remaining balance
1. Scrap turned in by industrial fund (IF) activities	IF	IF.
2. Usable personal property purchased by and turned in by IF activities.	IF	IF.
3. Property purchased with funds from trust fund __X8420, "Surcharge Collections, Sales of Commissary Stores".	__X8420	__X8420.
4. Automatic data processing equipment owned by the General Services Administration (GSA) and leased to DoD.	__F3875, Budget Clearing Account (Suspense)	__F3875. Upon receipt of the entire amount due from the bidder, a check shall be drawn on the suspense account and forwarded to GSA at the following address: General Services Administration Office of Finance (WBCRC), Collections and Securities, 7th and I Streets NW., Washington, DC 20407.
5. Section 605(d) the Foreign Assistance Act of 1965, provides that proceeds from the sale of defense articles shall be credited to the appropriation, fund or account used to procure the article or to the account currently available for the same general purpose.		
a. Pre-MAP merger (Pre FY 82) property issued under the Military Assistance Program (MAP) and returned as no longer needed, and all MAP funded personal property belong to Security Assistance Offices (SAO).	11__1082, "Foreign Military Financing Program" (Effective 1 October 1989 the 11__1080, "Military Assitance," account is no longer available for the receipt of proceeds).	11__1082.
b. Security Assistance Offices (SAO) personal property purchased with Foreign Military Sales Administrative Funds (11x8242).	978242 XDM__S843000	978242 XDM__S843000.
6. Coast Guard property under the physical control of the Coast Guard at the time of sale.	__F3875	__F3875. Upon receipt of the entire amount due from the bidder, a check shall be drawn on the suspense account and forwarded to the Coast Guard at the following address: Commandant, U.S. Coast Guard (GFAC), Washington, DC 20593.
7. Property owned by nonappropriated fund instrumentalities, excluding garbage suitable for animal consumption that is disposed of under a multiple-pickup contract.	__X6874, "Suspense"	__X6875. Upon receipt of the entire amount due from the bidder, a check shall be drawn on the suspense account and forwarded to the applicable instrumentality.
8. Recyclable material	__F3875 [1]	__F3875.[1] Upon receipt of the entire amount due from the bidder, deposit total proceeds to the accounts designated by the DoD Military Installation that gave the material up for disposal.
9. Lost, abandoned, or unclaimed privately owned personal property.	972651,"Sale of Scrap and Salvage Materials, Defense".	__X6001, "Proceeds of Sales of Lost, Abandoned or Unclaimed Personal Property." The owner(s) of lost, abandoned, or unclaimed property may claim the net proceeds from sale of that property within 5 years of the date of the sale by providing proof of ownership to the government. After 5 years from the date of the sale, any unclaimed net proceeds shall be transferred from __X6001 to general fund miscellaneous receipt account __1060, "Forfeitures of Unclaimed Money and Property."
10. Property owned by a country or international organization.	Operation and maintenance appropriation of the DoD Component that sells the property. (This is reimbursement for selling expenses.).	__X6875. Upon receipt of the entire amount due from the bidder, a check for 80% of the sales price shall be drawn on the suspense account and forwarded to the applicable foreign country or international organization.
11. Bones, fats, and meat trimmings generated by a commissary store.	Stock Fund	Stock Fund.
12. Government furnished property sold by contractors	(2)	(2).

APPENDIX B TO PART 172—DISPOSITION OF AMOUNTS COLLECTED FROM SUCCESSFUL BIDDERS—Continued

Type of property	Disposition of:	
	(20%) bid deposit	(80%) remaining balance
13. All other property	972651	972651.

[1] 10 U.S.C. 2577 limits the amounts which can be held in F3875 at the end of any fiscal year resulting from the program to $2 million. Amounts in excess of $2 million are to be transferred to Miscellaneous Receipts of the Treasury. This instruction provides for immediate distribution of all sales proceeds received from the recyclable program.

[2] See subsection D.7. of the basic Instruction.

Dated: April 10, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer.

[FR Doc. 90-8655 Filed 4-12-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP Jacksonville, FL Regulation 90-17]

Safety Zone Regulations; Cumberland Sound, Kings Bay, GA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone concurrently with the pre-established Security Zone in the waters surrounding the Naval Submarine Base, Kings Bay, Georgia. The zone is needed to protect the boating public from the hazards associated with a large number of vessels operating in a restricted area. Entry into this zone is prohibited unless authorized by the Captain of the Port, Jacksonville, Florida.

EFFECTIVE DATES: This regulation becomes effective on Thursday, March 22, 1990 at 8 am. It terminates on Sunday, April 22, 1990 at 8 am.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Maes, Tel: (904) 791-2648.

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 an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent injury or damage to the marine interests involved.

Drafting Information

The drafters of this regulation are Chief Warrant Officer Scott G. Swope, project officer for the Captain of the Port, and Lieutenant Commander David G. Dickman, project attorney, Seventh Coast Guard District Legal Office.

Discussion of Regulation

The situation requiring this regulation is a large number of vessels operating in the Kings Bay, Cumberland Sound area. The number of vessels involved and restricted operating area will create special hazards, such as large wakes and increased collision risks, to any smaller craft in the area. 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.

Federalism

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.

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.T0739 is added to read as follows:

165.T0739 Safety Zone: Cumberland Sound, Kings Bay, Georgia.

(a) *Location.* The following area is a safety zone: All waters within the following coordinates starting at 30°44'55" N, 81°29'39" W, thence to 30°44'55" N, 81°29'18" W; thence to 30°46'35" N, 81°29'18" W; thence to 30°47'02" N, 81°29'34" W; thence to 30°47'21" N, 81°29'39" W; thence to 30°48'00" N, 81°29'42" W; thence to 30°49'07" N, 81°29'56" W; thence to 30°49'55" N, 81°30'35" W; thence to 30°50'15" N, 81°31'08" W; thence to 30°50'14" N, 81°31'30" W; thence to 30°49'58" N, 81°31'45" W; thence to 30°49'58" N, 81°32'03" W; thence to 30°50'12" N, 81°32'17" W; thence following the land based perimeter boundary to the point of origin.

(b) *Effective date.* This regulation becomes effective on Thursday, March 22, 1990 at 8:00 a.m. It terminates on Sunday April 22, 1990 at 8:00 a.m.

(c) *Regulations.* (1) 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, Jacksonville, Florida.

(2) This regulation does not apply to United States Naval vessels or other authorized law enforcement agencies operating within the Safety Zone.

Dated: March 22, 1990.

R. J. O'Pezio,

Captain, U.S. Coast Guard, Captain of the Port, Jacksonville, FL.

[FR Doc. 90-8593 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 3723-2]

Approval and Promulgation of Implementation Plan for E.I. Du Pont de Nemours & Company's Sabine River Works Bubble in Orange, TX

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: EPA is approving the E.I. Du Pont de Nemours & Company's Sabine River Works Alternative Emission Reduction Plan ("Bubble") as a revision to the Texas State Implementation Plan (SIP). The Bubble uses credits obtained from the shutdown of sixteen methanol storage tanks an a methanol truck and railcar loading terminal in lieu of controls on three storage tanks. EPA also solicited comments on the question

of the validity on the credit donating source's baseline emissions determination. The emission reduction credits (ERCs) were determined to be valid consistent with the provisions for bubbles outlined in EPA's Emissions Trading Policy Statement (ETPS) of December 4, 1986 (51 FR 43814).

DATES: This rulemaking is effective May 14, 1990.

ADDRESSES: Copies of the submittal are available for public inspection during normal business hours at:

Texas Air Control Board, 6330 Hwy. 290 East, Austin, Texas 78723.

Public Information Reference Unit, Environmental Protection Agency, Library, 401 M Street SW., Washington, DC 20460.

Environmental Protection Agency, Region 6 Office, Air Programs Branch, 1445 Ross Avenue, Dallas, Texas 75202.

FOR FURTHER INFORMATION CONTACT: Bill Riddle, State Implementation Plan Section: Air Programs Branch: Air, Pesticides & Toxics Division: EPA Region 6 Office, 1445 Ross Ave., Dallas, Texas 75202, (214) 655-7214 or FTS 255-7214.

SUPPLEMENTARY INFORMATION:

A. Background

A brief background of the Du Pont Bubble is provided here. For a more comprehensive description of the details of this Emissions Trade see the proposed approval, Approval and Promulgation of Implementation Plan for E.I. Du Pont de Nemours & Company's Sabine River Works Bubble in Orange, TX. (54 FR 39006, September 22, 1989).

The Du Pont Company is proposing to trade the emission reductions resulting from the shutdown of sixteen methanol storage tanks and a methanol truck and railcar loading terminal in lieu of controls on one cyclohexane storage tank and two methanol storage tanks. Specifically, the bubble trade will involve the emission reductions of 30.9 tons per year of methanol resulting from the shutdown in lieu of required controls on three tanks containing cyclohexane and methanol (21.4 tons per year). Thus, an emission trade air quality benefit of 9.5 tons per year will result from the Du Pont alternative control strategy. This trade is based on allowable emissions. Emissions were calculated using information supplied by the source and are summarized below.

EMISSIONS (TONS/YEAR)

[Allowable]

Sources	Before bubble	After bubble	Change
Uncontrolled Tanks	0.8	22.2	+21.4
Shutdown Tanks	12.8	0	−12.8
Shutdown Terminals	18.1	0	−18.1
Total	31.7	22.2	−9.5

B. Discussion

The Bubble was reviewed for compliance with the requirements of section 110 of the Clean Air Act, 40 CFR part 51, EPA's Proposed Emissions Trading Policy Statement (ETPS) published in the **Federal Register** on April 7, 1982 (47 FR 15076) and the Final ETPS published in the **Federal Register** on December 4, 1986 (51 FR 43814).

In the proposed approval for Du Pont, an extensive background discussion was given on pending bubbles. Du Pont is a case wherein the geographic location of the plant was changed from nonattainment with a demonstration of attainment to nonattainment without a demonstration of attainment while the bubble was being processed. Special assurances are required from the State to process a trade like this, as outlined under the "Treatment of Pending Bubble Applications" section (51 FR 43840) of the final ETPS. These required assurances were discussed in the proposal on 54 FR 39008. The three State assurances were provided to EPA by the State during the comment period.

Evidence that there has been no "shifting demand" was also discussed in the proposal at 54 FR 39008. The no "shifting demand" evidence was discussed between EPA and the State, and the State provided evidence in the documentation of the original submittal. By virtue of the fact that the manufacturing facility was discontinued, it is evidenced that those VOCs have not been shifted elsewhere, and in fact no longer exist.

The issue of the validity of the credit donating sources baseline emissions determination did not receive any public comments. Consistent with the proposal, the baseline emissions determination used for the bubble in the proposal, that being use of maximum throughput rates, is valid.

EPA received no public comments, beyond the required State assurances, on the September 22, 1989, proposed rulemaking.

C. Final Action

Because the State has fulfilled the requirements stipulated in the September 22, 1989, proposed approval, and because all other requirements have been met, EPA approves the E.I. Du Pont de Nemours & Company's Sabine River Works Bubble in Orange, Texas as a revision to the Texas SIP. The approved Texas Board Order for this trade is Board Order No. 82-1, dated January 8, 1982.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities.

This action has been classified as a Table 3 Action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State Implementation Plan. Each request for revision to the State Implementation Plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirement.

Under section 307(b)(1) of the Clean Air Act, as amended, judicial review of this action is available only by filing a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Ozone.

Note: Incorporation by reference of the State Implementation Plan for the State of Texas was approved by the Director of the **Federal Register** on July 1, 1982.

Dated: February 1, 1990.

Robert E. Layton, Jr.,

Regional Administrator (6A).

40 CFR part 52, subpart SS, is amended as follows:

PART 52—[AMENDED]

Subpart SS—Texas

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.2270 is amended by adding paragraph (c)(70) to read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

(70) On March 12, 1982, the Governor of Texas submitted a request to revise the Texas SIP to include an Alternative Emission Reduction Plan for the E.I. Du Pont de Nemours & Company's Sabine River Works at Orange, Orange County, Texas. This Bubble uses credits obtained from the shutdown of sixteen methanol storage tanks and a methanol truck and railcar loading terminal in lieu of controls on one cyclohexane storage tank and two methanol storage tanks.

(i) *Incorporation by reference.* (A) Texas Air Control Board Order No. 82-1, entitled "E.I. Du Pont de Nemours and Company Incorporated" passed and approved by the Board on January 8, 1982.

(ii) *Additional material.* (A) Letter dated October 23, 1989, from the Director of the Texas Air Control Board (TACB) Technical Support and Regulation Development Program, giving assurances that the State has resources and plans necessary to strive toward attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone taking into account the influence of this Bubble on air quality.

(B) Letter dated May 31, 1988, from the Director of the TACB Technical Services Division, giving quantification of emissions and developmental information relative to volatile organic compound emissions from the storage and terminal facilities at the Du Pont plant.

(C) Letter dated June 21, 1988, from the Director of the TACB Technical Services Division, giving the throughput basis for emission calculations for the tanks and discussing status of the equipment in the trade.

(D) Record of Communication of a phone call from Bill Riddle, EPA Region 6 Emissions Trading Coordinator, to Clayton Smith and Wayne Burnop, Environmental Engineers for the TACB, dated November 7, 1989. TACB confirms that there has been no "shifting demand" for the bubble.

(E) Record of Communication of a phone call from Mr. Bertie Fernando, TACB Environmental Engineer, to Bill Riddle, EPA Region 6 Emissions Trading Coordinator, dated December 15, 1989. TACB gives the status of the equipment in the bubble as a follow up to the June 21, 1988, letter mentioned in paragraph (c) of this section.

[FR Doc. 90-8637 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 81

[AL-007; FRL-3755-3]

Designation of Areas for Air Quality Planning Purposes, Alabama; Redesignation of Sulfur Dioxide Nonattainment Areas

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA today grants a request by Alabama that Jackson County be redesignated from nonattainment to attainment for sulfur dioxide (SO_2). The redesignation request is based on modeling, eight quarters of ambient monitoring data that show no exceedance of the SO_2 standards, and on implementation of EPA-approved control strategies.

EFFECTIVE DATE: This action is effective May 14, 1990.

ADDRESSES: Written comments should be addressed to Beverly T. Hudson of the EPA Region IV Air Programs Branch (see EPA Region IV address below). Copies of the materials submitted by Alabama may be examined during normal business hours at the following locations:

Environmental Protection Agency, Region IV Air Programs Branch, 345 Courtland Street NE., Atlanta, Georgia 30365

Alabama Department of Environmental Management, 1751 Congressman W. L. Dickinson Drive, Montgomery, Alabama 36130

Public Information Reference Unit, EPA Library, 401 M Street SW., Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Beverly T. Hudson, Air Programs Branch, EPA Region IV, at the above address and telephone number (404) 347-2864.

SUPPLEMENTARY INFORMATION: On January 3 and May 13, 1983, the Alabama Department of Environmental Management Air Division requested that Jackson, Colbert, and Lauderdale Counties be redesignated attainment for SO_2. Jackson County is currently nonattainment for the primary SO_2 standards, and Colbert and Lauderdale Counties are currently nonattainment for the secondary SO_2 standard. EPA proposed to approve the redesignation request on October 11 and October 13, 1983 (48 FR 46085 and 46549). No comments were received, but final approval was withheld pending the outcome of the Good Engineering Practice (GEP) stack height analysis for the Tennessee Valley Authority (TVA) steam plants in the affected areas.

The Alabama State Implementation Plan (SIP) revision of GEP was submitted to EPA on May 29, 1987. Based on modeling, no changes were required for the TVA Widows Creek Stream Plant (Jackson County) as a result of the GEP regulations. However, the analysis for Colbert resulted in a reduced SO_2 emission limit for Units 1-4. Even though the GEP demonstration and revised SIP emission limitation for TVA's Colbert Stream Plant is approvable, the final compliance with the new emission limit will not occur until 1991. Therefore, EPA will not redesignate Colbert and Lauderdale Counties to attainment until compliance with the revised limit is achieved.

In order to redesignate a nonattainment area, EPA policy requires the most recent eight (8) consecutive quarters of quality assured, representative ambient air quality data, modeling, and evidence of an implemented control strategy that EPA has fully approved. Alabama has submitted ambient air quality data for 1984, 1985, and 1986. No exceedances of the standards were monitored during this timeframe. Also, as of December 1989, there are still no exceedances. EPA has determined that modeling results showed compliance with NAAQS and the State has a fully approved implemented control strategy.

For a more detailed discussion, please refer to the proposal notices and to the Technical Support Document which is available for inspection at the EPA Region IV office.

Final Action

Based on an implemented EPA-approved control strategy, 26 months of ambient monitoring data during normal plant operations with no exceedances, and modeling which predicts no problem with the NAAQS for SO_2, EPA today redesignates Jackson County from nonattainment to attainment for the primary SO_2 standard. EPA is not redesignating Colbert and Lauderdale Counties to attainment for the secondary SO_2 standard. The redesignation for these two counties will be dealt with after compliance with the revised emission limit.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget exempted Table 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of

Executive Order 12291 for a period of two years.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 12, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See 307(b)(2).)

List of Subjects in 40 CFR Part 81

Air pollution control, National parks, Wilderness areas.

Dated: April 2, 1990.

Joe R. Franzmathes,

Acting Regional Administrator.

Part 81 of chapter I, title 40, Code of Federal Regulations, is amended as follows:

PART 81—[AMENDED]

Subpart C—Section 107 Attainment Status Designation

1. The authority citation for part 81 continues to read as follows:

Authority: 42 U.S.C. 7401–7642.

§ 81.301 [Amended]

2. In § 81.301 the attainment status table titled "Alabama—SO_2" is amended by removing the entry for Jackson County.

[FR Doc. 90–8636 Filed 4–12–90; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 87–389]

Radio Frequency Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration; request for comments.

SUMMARY: The Commission is seeking comments on a proposal from the United States Department of Commerce, National Telecommunications and Information Administration (NTIA), for responding to two petitions for reconsideration filed in this proceeding on radio frequency devices. Comments are requested so that the Commission's response can be adequately developed. Through this Notice, interested parties are encouraged to comment.

DATES: Comments may be filed on or before May 4, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: George Harenberg, Technical Standards Branch, Office of Engineering and Technology, (202) 653–7314.

SUPPLEMENTARY INFORMATION: The FCC recently adopted rules (54 FR 17710, April 25, 1989) reducing the harmonic emission limit for field disturbance sensors (FDS) to 0.5 mV/m in certain restricted frequency bands. General Motors Research Corporation (GM) and M/A-COM, Inc., both FDS manufacturers, filed petitions requesting reconsideration of these reductions. On March 19, 1990, the United States Department of Commerce, National Telecommunications and Information Administration (NTIA), filed a proposal for responding to these petitions.

NTIA suggests that the limit on harmonic emissions from FDS's designed for use inside buildings be relaxed to 25 mV/m. This value is comparable to the old limit. NTIA proposes that the harmonic emission limit for FDS's used outside buildings be relaxed to 7.5 mV/m. NTIA further suggests that FDS's used on mobile vehicles not be operated in a continuous mode.

Comments are requested on the NTIA proposal. Specific comments are requested regarding the proposal to prohibit FDS usage in motor vehicles on a continuous basis. NTIA has expressed concern that continuously-operated FDS's used on mobile vehicles are far more likely to cause interference than those which operate under limited circumstances, such as GM's Near Obstacle Detection System which operates only when a vehicle is in reverse gear. Comments are requested on how to define continuous operation and whether reasonable alternatives to this prohibition exist.

Comments on the NTIA proposal may be filed until May 4, 1990 with the Secretary, Federal Communications Commission, 1919 M St. NW., Washington, DC 20554, referencing the above Docket number.

Copies of NTIA's proposal, as well as any documents filed in this matter, are available for public inspection and copying in the FCC Public Reference Room, 1919 M St. NW., room 230, Washington, DC and from the Commission's copy contractor, International Transcription Services, Inc., 2100 M St. NW., Suite 140, Washington, DC 20037, telephone (202) 857–3800.

List of Subjects in 47 CFR Part 15

Communication equipment, Electronics equipment, Radio.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90–8567 Filed 4–12–90; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AB36

Endangered and Threatened Wildlife and Plants; Threatened Status for Sagittaria secundifolia (Kral's water-plantain)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines an aquatic plant, *Sagittaria secundifolia* (Kral's water-plantain), to be a threatened species under the authority contained in the Endangered Species Act (Act) of 1973, as amended. This species is currently known only from a single population in the Little River system in northeast Alabama (DeKalb and Cherokee Counties) and northwest Georgia (Chattooga County). A historical population from Town Creek (DeKalb County, Alabama) has not been located and is believed destroyed. This species is extremely vulnerable due to its restricted range and the clearing of the river banks for silvicultural, residential, agricultural or mining purposes. This action will extend the Act's protection to *Sagittaria secundifolia.*

EFFECTIVE DATE: May 14, 1990.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Jackson, Mississippi, Field Office, U.S. Fish and Wildlife Service, Jackson Mall Office Center, 300 Woodrow Wilson Avenue, Suite 316, Jackson, Mississippi 39213.

FOR FURTHER INFORMATION CONTACT: Cary Norquist, at the above address (601/965–4900 or FTS 490–4900).

SUPPLEMENTARY INFORMATION:

Background

Kral (1982) described *Sagittaria secundifolia* from material collected by Cusick in 1972 from the Little River in Alabama. However, during his studies, Kral discovered earlier collections made in 1899 by the Biltmore Herbarium collectors from Little River and from Town Creek on Sand Mountain by Harper in 1951 (Kral 1982, Whetstone 1988). The Town Creek population in DeKalb County, Alabama has not been relocated despite extensive searches and is believed destroyed (Kral 1982, 1983; Whetstone 1988). Currently, *Sagittaria secundifolia* is only known to occur in the Little River drainage system on Lookout Mountain. This species is primarily located in the upper free-flowing reaches of the Little River in Cherokee and DeKalb Counties, Alabama. It has been collected from a single site in the East Fork of the Little River in Chattooga County, Georgia (Whetstone 1988, Whetstone et al. 1988). On rate occasions, individuals have been located near the mouth of tributaries (Whetstone 1988). Extensive surveys of other river systems with suitable habitat in northeast Alabama and northwest Georgia have been unsuccessful at locating additional populations (Whetstone 1988).

This species is a member of the water-plantain family (Alismataceae) and is in the "graminea" complex of *Sagittaria*. Distinguishing characters include a stout, elongated rhizome, hairy filaments, linear leaves and spreading or reflexed sepals (Kral 1982, Whetstone 1988).

Sagittaria secundifolia is a submersed to emersed aquatic perennial arising from a stiff elongated rhizome up to 10 centimeters (cm) (4 inches) in length. The leaves are of two types, depending upon the velocity and depth of the water it inhabits. In swift shallows, the leaves are linear, rigid and sickle-shaped, 5–8 cm (2–3 inches) long and 2–5 millimeters (mm) (0.08–0.20 inches) wide. In quiet, deep waters, the leaves are more quill-like, being longer (10–30 cm) (4–12 inches), linear in shape and tapering. Separate male and female flowers are produced on a stalk, 10–50 cm (4–20 inches) long. The petals are inconspicuous in the female flowers; however, in the male flowers, they are white and 1.0–1.5 cm (0.4–0.6 inches) long. The fruit consists of a cluster of achenes approximately 2 mm (0.08 inch) in length. Although infrequent, flowering occurs from May into July and intermittently into the fall (Kral 1982, 1983).

This taxon typically occurs on frequently exposed shoals or rooted among loose boulders in quiet pools up to 1 meter (3 feet) in depth. Plants are locally distributed, where suitable habitat exists, and grow in pure stands or in association with various submergents including *Potamogeton*, *Najas*, and *Myriophyllum* and emergents such as *Justicia americana*, *Lindernia*, and *Polygonum*. The immediate banks are often dominated by a thicket of shrubs including *Alnus*, *Rhododendron*, *Kalmia*, *Lyonia*, and *Ilex*. Sphagnous seeps are frequent with *Carex*, *Rhynchospora*, *Eriocaulon*, *Panicum*, *Xyris*, and *Rhexia* among the common genera present. The stream bottoms are typically narrow and bounded by steep slopes (Kral 1982, Whetstone 1988). Two endangered plants, *Sarracenia oreophilia* and *Ptilimnion nodosum*, and several candidate plants (*Cuscuta harperi*, *Coreopsis pulchra*, *Allium speculae*) occur in associated habitats at several sites.

Approximately 40 percent of the habitat in Little River is owned by the Alabama Power Company, and 20 percent by the Alabama Department of Conservation and Natural Resources (DeSoto State Park). The remainder is in private ownership.

On September 27, 1985, the Service published a revised Notice of Review for plants in the **Federal Register** (50 FR 39526), which included *Sagittaria secundifolia* as a category 2 species. Category 2 comprises those taxa for which listing as endangered or threatened may be appropriate but existing information is insufficient to support a proposed rule. In 1986, the Service contracted a status survey to assess its rarity and evaluate threats to this species and its habitat. This report (Whetstone 1988) and other information supported its proposed listing. On October 18, 1989, the Service published in the **Federal Register** (54 FR 42816), a proposal to list *Sagittaria secundifolia* as a threatened species.

Summary of Comments and Recommendations

In the October 18, 1989, proposed rule and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices, inviting public comment, were published in "The Times-Journal", Fort Payne, Alabama, on November 4, 1989, and the "Walker County Messenger", Lafayette, Georgia, on November 3, 1989.

Six comments were received, four from private sources and two from State agencies. Five were supportive; however, one of these commenters recommended this *Sagittaria* be listed as endangered rather than threatened. The Service's rationale for threatened status is addressed in the following section, "Summary of Factors Affecting the Species" (see last paragraph in that section).

Opposition to the listing was expressed by one private company (Georgia Farm Bureau Federation) who addressed the following concerns/issues: listing may interfere with agricultural and silvicultural practices of private individuals; the species may be more abundant; the species could be protected by means other than listing; and critical habitat should be determined. The Service must consider biological impacts only, not economic, in determining to propose a species for listing. Furthermore, the Service does not foresee this listing as significantly impacting the agricultural/silvicultural practices of private individuals (see "Available Conservation Measures"). The Service will seek the voluntary cooperation of private landowners to protect this species where such activities appear to be impacting plants. The Service contracted for a survey on this species to assess its rarity and no additional populations were located despite an extensive search of suitable habitat. *Sagittaria secundifolia* receives no protection under any State laws or regulations (see "factor D" in the following section). Critical habitat is not being designated for reasons discussed under the "Critical Habitat" section of this rule.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Sagittaria secundifolia* should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Sagittaria secundifolia* Kral (Kral's water-plantain) are as follows:

A. *The present or threatened destruction, modification or curtailment of its habitat or range. Sagittaria secundifolia* is only known from the Little River drainage system in northeast Alabama and northwest Georgia. A major threat to this species is the elimination or adverse modification of its already limited habitat. Clearing of the adjacent river banks for silvicultural, residential-recreational development, surface mining or agricultural purposes poses a significant threat for this species. These activities contribute to water quality degradation and increase stream turbidity and siltation from erosion (Kral 1983, Whetstone 1988). Similar impacts likely caused the loss of the population and much of the suitable habitat in the Town Creek watershed (Kral 1982, 1983). The Little River population may be adversely affected by eutrophication from garbage dumping and leaking sewage systems. Large quantities of human coliform bacteria were present in water samples taken at several sites along the Little River (Whetstone 1988). This eutrophication increases the presence of filamentous algae, which clings to individuals of *Sagittaria secundifolia*. Extreme water turbidity and dense filamentous algae decrease the amount of light available to the plants for growth and flowering.

A small number of sites are used as fords and are often a center for recreational activity, subjecting them to damage by off-road vehicle traffic.

Impoundments exist over large areas of presumed suitable habitat on the Little River and may have destroyed undocumented populations. Four large impoundments exist along a five mile stretch of the West Fork of the Little River and two are present below the Georgia locality on the East Fork. The impoundment of Lake Weiss in Cherokee County, Alabama, in the 1960s flooded suitable habitat along Yellow Creek and several miles of the Little River. In the past, dams along two creeks, which flow into the Little River, have broken and flooded portions of suitable habitat. Cracks and leaks have been observed on the dam above DeSoto Falls and a portion of a dam near the Georgia population has deteriorated (Whetstone 1988). Several existing populations are threatened by unstable impoundments that could break and eliminate or degrade populations and suitable habitat by scouring the bottom and uprooting individual plants.

Approximately 33 percent of the habitat and associated local populations would be destroyed if a proposed hydroelectric impoundment is constructed on the Little River. In addition to flooding several local populations and changing stream flow dynamics, associated construction would cause excessive siltation and further degrade water quality (Whetstone 1988). However, the Little River site is presently viewed as the least desirable site for this impoundment from an economic and environmental standpoint (John Grogan, Alabama Power Company, personal communication 1989).

B. *Over-utilization for commercial, recreational, scientific or educational purposes.* This species is not known to be a component of commercial trade; however, collection or vandalism could reduce populations in the more accessible sites.

C. *Disease or predation.* Disease and predation are not known to be factors affecting the continued existence of this species.

D. *The inadequacy of existing regulatory mechanisms. Sagittaria secundifolia* is informally listed as endangered in Alabama (Freeman 1984) and Georgia (T. Patrick, Georgia Heritage Program, personal communication, 1989). However, this designation does not afford this species any legal status or protection. Plants located within the confines of the DeSoto State Park in Alabama are protected from collecting and adverse land use practices on the river banks. However, this provides protection for only 20 percent of the Little River population and the remaining sites are unprotected. The Act would strengthen existing protection, provide additional protection, and encourage active management for *Sagittaria secundifolia*.

E. *Other natural or manmade factors affecting its continued existence.* This species' occurrence in a single stream system makes it extremely vulnerable to any catastrophic event. Flooding is frequent and intense in certain areas, particularly those portions of the river within high canyon walls (Whetstone 1988). When such occurs, the water scours the bottom, uprooting the shallow-rooted *Sagittaria*. While a certain amount of flooding is natural, its detrimental effect is intensified due to the continuing loss of suitable habitat.

This species is clonal and reproduction is primarily asexual, which suggests there may be low genetic variability within this single existing population. Flowering was observed in only 1 percent of this *Sagittaria* and only in areas of direct sunlight and at a water level that allowed emergent leaves (Whetstone 1988). Many of the sites supporting local populations are in less than these optimum conditions for flowering; therefore, it is important to maintain as much suitable habitat as possible to encourage reproduction by sexual means. Sexual reproduction increases genetic variability which enables species to adapt to changing conditions. Eight of the 12 local populations studied by Whetstone (1988) occur in pools and/or in riverine areas with partial canopy coverage. Here, the number of plants ranged from 5 to 40 individuals. The remaining 4 local populations on the shallow shoals supported 75 to several hundred plants.

Algal blooms are common in the summer due to eutrophication in the Little River (see factor A). *Sagittaria secundifolia* was observed to be completely covered with a filamentous algae at times, and this may have an adverse affect on this species' vigor (Whetstone 1988).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Sagittaria secundifolia* as a threatened species. This species is not in imminent danger of extinction since a dozen or more local populations are scattered over approximately 25 river miles. However, this species is extremely vulnerable due to its occurrence in a single river system and is likely to become endangered in the foreseeable future if protective measures are not taken. Critical habitat is not being designated for reasons discussed in the following section.

Critical Habitat

Section 4(a)(3) of the Act requires, to the maximum extent prudent and determinable, that the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. Publication of critical habitat maps will increase public interest and possibly lead to additional threats for this species from collecting and vandalism, particularly at the many accessible sites along the river (see factor B in the "Summary of Factors Affecting the Species"). Taking is an activity difficult to control and only regulated by the Act with respect to plants in cases of (1) removal and reduction to possession of endangered plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing

violation of any State law or regulation, including State criminal trespass law. Such provisions are difficult to enforce and no benefit can be identified through critical habitat designation that would outweigh the potential threats of collecting and vandalism. All State agencies and Alabama Power Company have been notified of the general location and importance of protecting this species' habitat. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not be prudent to determine critical habitat for *Sagittaria secundifolia*.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

All known populations are under State or private ownership. A hydroelectric impoundment has been proposed for a site on the Little River where plants are known to occur. This would require a license from the Federal Energy Regulatory Commission. The Environmental Protection Agency would consider this species relative to pesticide use.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 set forth a series of general trade prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitions provided that a statement of "cultivated origin" appears on their containers. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, VA 22203 (703/358-2104).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Freeman, J.D. 1984. Vascular plant species critical to maintenance of floristic diversity in Alabama. Unpub. report. 23 pp.

Kral, R. 1982. A new phyllodial-leaved *Sagittaria* (Alismaceae) from Alabama. Brittonia 34:12-17.

Kral, R. 1983. A report on some rare, threatened, or endangered forest-related vascular plants of the South. USDA, Forest Service, Technical Publication R8-TP2. 1305 pp.

Whetstone, R.D. 1988. Status survey of *Sagittaria secundifolia*. Provided under contract to the U.S. Fish and Wildlife Service, Southeast Region, Atlanta, Georgia. 28 pp. + attachments.

Whetstone, R.D., C.L. Lawler, L.H. Hopkins, A.L. Martin, and C.C. Dickson. 1988. Kral's water-plantain, *Sagittaria secundifolia* Kral (Alismataceae), new to Georgia. Castanea 52:313-314.

Author

The primary author of this rule is Cary Norquist (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

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

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Amend § 17.12(h) for plants by adding the following, in alphabetical order under Alismataceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
*	*	*	*	*	*	
Alismataceae—Water-plantain family:						
*	*	*	*	*	*	
Sagittaria secundifolia	Kral's water-plantain	U.S.A. (AL, GA)	T	386	NA	NA

Dated: April 3, 1990.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90-8678 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-55

Proposed Rules

Federal Register
Vol. 55, No. 72
Friday, April 13, 1990

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.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1266

Cross-Waiver of Liability

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: NASA proposes to implement regulatory cross-waivers of liability for NASA Space Shuttle Launch Service agreements and NASA Expendable Launch Vehicle (ELV) agreements entered into in the future. Also included in this rule is the publication of the cross-waiver for Space Station agreements. The new Shuttle and ELV cross-waivers are being proposed to make them more consistent with the cross-waiver that applies to Space Station activities and to encourage increased exploration and use of outer space. The coverage of the proposed Shuttle cross-waiver is broader than the current contractual interparty waiver of liability during Shuttle operations because the new Shuttle cross-waiver is not limited to activities in a specific locale. The coverage of the proposed ELV cross-waiver is broader than the current contracted interparty waiver of liability during ELV operations because the new ELV cross-waiver contains a flow-down provision.

DATES: Written comments must be submitted on or before May 14, 1990.

ADDRESSES: Office of General Counsel, Code G, National Aeronautics and Space Administration, 400 Maryland Avenue SW., Washington, DC 20546. Comments received may be inspected in room 7054 between 8:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Alice N. Finn, (202) 453–2443.

SUPPLEMENTARY INFORMATION: By including a cross-waiver of liability in agreements, NASA and the other signatories to an agreement pledge not to bring claims against each other for any damage to property or injury or death of employees that occurs during the time that the cross-waiver is in effect. It also requires the signatories to flow-down the obligation to its related entities. Until now, Shuttle Launch Service agreements have had a cross-waiver that comes into effect only after specified activities begin on U.S. Government installations or vehicles. Also, until now, ELV agreements have not had a flow-down provision. In contrast, the cross-waiver for Space Station is in effect anywhere in the world when activities are done in implementation of Space Station agreements and the Space Station cross-waiver contains a flow-down provision. As more and more NASA activities are undertaken to implement the Space Station agreements, it is becoming unnecessarily complex for users, customers, contractors, and NASA to work under different cross-waiver of liability for Space Station activities, ELV activities, and Shuttle activities not related to Space Station. Also, in NASA's view, broad cross-waivers of liability encourage increased exploration and use of space because cross-waivers remove some liability risks and limit potential litigation costs.

For the above reasons, NASA proposes to adopt for use in its agreements entered into in the future the new cross-waivers delineated in this proposed rule. Like the Space Station cross-waiver, the proposed Shuttle and ELV cross-waivers apply to all activities done in implementation of Shuttle and ELV agreements. Also, the language of the proposed rule is similar to that of the Space Station cross-waiver. When the Space Station cross-waiver is applicable, the Shuttle cross-waiver and the ELV cross-waiver are not applicable. Also, the ELV cross-waiver is not applicable when the Commercial Space Launch Act cross-waiver is applicable.

This regulation does not constitute a major rule for the purpose of Executive Order 12291 and is not subject to the Regulatory Flexibility Act, 5 U.S.C. 601, et seq.

List of Subjects in 14 CFR Part 1266

Agreement, Cross-waiver, Expendable Launch Vehicle, Liability, Shuttle, Space Station, Space transportation system.

Chapter V of title 14 of the CFR is proposed to be amended by adding part 1266 as follows:

PART 1266—CROSS-WAIVER OF LIABILITY

Sec.
1266.100 Purpose.
1266.101 Scope.
1266.102 Cross-waiver of liability for Space Station activities.
1266.103 Cross-waiver of liability during Shuttle operations.
1266.104 Cross-waiver of liability for Expendable Launch Vehicle (ELV) agreements

Authority: 42 U.S.C. 2473(c)(1).

§ 1266.100 Purpose.

The purpose of this regulation is to ensure that consistent cross-waiver of liability are included in NASA agreements.

§ 1266.101 Scope.

The provision at § 1266.102 of this part shall be inserted into agreements implementing the Space Station Memoranda of Understanding and Intergovernmental Agreement. The provision at § 1266.103 of this part should be inserted into all agreements for Shuttle Services that are not Space Station agreements. The provision at § 1266.104 of this part should be inserted into all Agreements for NASA-procured Expendable Launch Vehicle (ELV) Services that are not Space Station agreements.

§ 1266.102 Cross-waiver of liability for Space Station activities.

(a) The objective of this section is to establish a cross-waiver liability by the Partner States and related entities in the interest of encouraging participation in the exploration, exploitation, and use of outer space through the Space Station. This cross-waiver of liability shall be broadly construed to achieve this objective.

(b) For the purposes of this section: (1)(i) A *Partner State* is each contracting Party for which the "Agreement among the Government of the United States of America, Governments of Members States of the European Space Agency, the Government of Japan, and the Government of Canada on Cooperation in the Detailed Design, Development, Operation, and Utilization of the Permanently Manned Civil Space Station" (hereinafter "Space Station Intergovernmental Agreement") has entered into force, in accordance with

Article 25 of the Space Station Intergovernmental Agreement.

(ii) A Partner State includes its Cooperating Agency. The National Aeronautics and Space Administration (hereinafter "NASA") for the United States, the European Space Agency (hereinafter "ESA") for the European Governments, the Ministry of State for Science and Technology (hereinafter "MOSST") for the Government of Canada, and the Science and Technology Agency of Japan (hereinafter "STA") shall be the Cooperating Agencies responsible for implementing Space Station cooperation. A Partner State also includes any entity specified in the memorandum of understanding (MOU) between NASA and the Government of Japan to assist the Government of Japan's Cooperating Agency in the implementation of that MOU.

(2) The term *related entity* means:

(i) A contractor or subcontractor of a Partner State at any tier:

(ii) A user or customer of a Partner State at any tier; or

(iii) A contractor or subcontractor of a user or customer of a Partner State at any tier. "Contractors" and "subcontractors" include suppliers of any kind.

(3) The term *damage* means:

(i) Bodily injury to, or other impairment of health of, or death of, any person;

(ii) Damage to, loss of, or loss of use of any property;

(iii) Loss of revenue or profits; or

(iv) Other direct, indirect, or consequential damage.

(4) The term *launch vehicle* means an object (or any part thereof) intended for launch, launched from Earth, or returning to Earth which carries payloads or persons, or both.

(5) The term *payload* means all property to be flown or used on or in a launch vehicle or the Space Station.

(6) The term *Protected Space Operations* means all launch vehicle activities on Earth, in outer space, or in transit between Earth and outer space in implementation of this Agreement, the MOU's, and implementing arrangements. It includes, but is not limited to:

(i) Research, design, development, test, manufacture, assembly, integration, operation, or use of launch or transfer vehicles (for example, the Orbital Maneuvering Vehicle), the Space Station, or a payload, as well as related support equipment and facililties and services;

(ii) All activities related to ground support, test, training, simulation, or guidance and control equipment and related facilities or services.

"Protected Space Operations" also includes all activities related to evolution of the Space Station, as provided for in Article 14 [of the Space Station Intergovernmental Agreement]. "Protected Space Operations" excludes activities on Earth which are conducted on return from the Space Station to develop further a payload's product or process for use other than for Space Station-related activities in implementation of this Agreement.

(c)(1) Each Partner State agrees to a cross-waiver of liability pursuant to which each Partner State waives all claims against any of the entities or persons listed in paragraphs (c)(1)(i) through (c)(1)(iii) of this section based on damage arising out of Protected Space Operations. This cross-waiver shall apply only if the person, entity, or property causing the damage is involved in Protected Space Operations and the person, entity, or property damage is damaged by virtue of its involvement in Protected Space Operations. The cross-waiver shall apply to any claims for damage, whatever the legal basis for such claims, including but not limited to delict and tort (including negligence of every degree and kind) and contract, against:

(i) Another Partner State;

(ii) A related entity of another Partner State;

(iii) The employees of any of the entities identified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(2) In addition, each Partner State shall extend the cross-waiver of liability as set forth in paragraph (c)(1) of this section to its own related entities by requiring them, by contract or otherwise, to agree to waive all claims against the entities or persons identified in paragraphs (c)(1)(i) through (c)(1)(iii) of this section.

(3) For avoidance of doubt, this cross-waiver of liability includes a cross-waiver of liability arising from the Liability Convention where the person, entity, or property causing the damage is involved in Protected Space Operations, and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations.

(4) Notwithstanding the other provisions of this section, this cross-waiver of liability shall not be applicable to:

(i) Claims between a Partner State and its own related entity or between its own related entities;

(ii) Claims made by a natural person, his/her estate, survivors, or subrogees for injury or death of such natural person;

(iii) Claims for damage caused by willful misconduct;

(iv) intellectual property claims.

(5) Nothing in this section shall be construed to create the basis for a claim or suit where none would otherwise exist.

§ 1266.103 Cross-waiver of liability during Shuttle operations.

(a) The objective of this section is to establish a cross-waiver of liability by the Parties and related entities in the interest of encouraging participation in the exploration, exploitation, and use of outer space. This cross-waiver of liability shall be broadly construed to achieve this objective.

(b) For the purpose of this section:

(1) A *Party* is a person or entity that signs a NASA Shuttle Launch Service Agreement.

(2) The term *related entity* means:

(i) A contractor or subcontractor of a Party at any tier;

(ii) A user or customer of a Party at any tier; or

(iii) A contractor or subcontractor of a user or customer of a Party at any tier. "Contractors" and "Subcontractors" include suppliers of any kind.

(3) The term *damage* means:

(i) Bodily injury to, or other impairment of health of, or death of, any person;

(ii) Damage to, loss of, or loss of use of any property;

(iii) Loss of revenue of profits; or

(iv) Other direct, indirect, or consequential damage.

(4) The term *launch vehicle* means an object (or any part thereof) intended for launch, launched from Earth, or returning to Earth which carries payloads or persons, or both.

(5) The term *payload* means all property to be flown or used on or in the Shuttle.

(6) For the purposes of the Agreement, the term *Protected Space Operations* means all launch vehicle and payload activities on Earth, in outer space, or in transit between Earth and outer space done in implementation of this agreement. Protected Space Operations begins at the signature of this Agreement and ends when all activities done in implementation of this Agreement are completed. It includes, but is not limited to:

(i) Research, design, development, test, manufacture, assembly, integration, operation, or use of: launch vehicles, transfer vehicles, payloads, related support equipment, and facilities and services;

(ii) All activities related to ground support, test, training, simulation, or guidance and control equipment and related facilities or services.

"Protected Space Operations" excludes activities on Earth which are conducted on return from space to develop further a payload's product or process for use other than for Shuttle-related activities in implementation of this Agreement.

(c)(1) Each Party agrees to a cross-waiver of liability pursuant to which each Party waives all claims against any of the entities or persons listed in paragraphs (c)(1)(i) through (c)(1)(iii) of this section based on damage arising out of Protected Space Operations. This cross-waiver shall apply only if the person, entity, or property causing the damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations. The cross-waiver shall apply to any claims for damage, whatever the legal basis for such claims, including but not limited to delict and tort (including negligence of every degree and kind) and contract, against:

(i) Another Party;

(ii) A related entity of another Party;

(iii) The employees of any of the entities identified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(2) In addition, each Party shall extend the cross-waiver of liability as set forth in paragraph (c)(1) of this section to its own related entities by requiring them, by contract or otherwise, to agree to waive all claims against the entities or persons identified in paragraphs (c)(1)(i) through (c)(1)(iii) of this section.

(3) For avoidance of doubt, this cross-waiver of liability includes a cross-waiver of liability arising from the Convention on International Liability for Damage Caused by Space Objects (Mar. 29, 1972, 24 United States Treaties and other International Agreements (U.S.T.) 2389, Treaties and Other International Acts Series (T.I.A.S.) No. 7762), where the person, entity, or property causing the damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations.

(4) Notwithstanding the other provisions of this section, this cross-waiver of liability shall not be applicable to:

(i) Claims between a Party and its own related entity or between its own related entities;

(ii) Claims made by a natural person, his/her estate, survivors, or subrogees for injury or death of such natural person;

(iii) Claims for damage caused by willful misconduct;

(iv) Intellectual property claims;

(v) Contract claims between the Parties based on the express contractual provisions of this Agreement.

(5) Nothing in this section shall be construed to create the basis for a claim or suit where none would otherwise exist.

§ 1266.104 Cross-waiver of liability for Expendable Launch Vehicle (ELV) agreements.

(a) The objective of this section is to establish a cross-waiver of liability by the Parties and related entities in the interest of encouraging participation in the exploration, exploitation, and use of outer space. This cross-waiver of liability shall be broadly construed to achieve this objective.

(b) For the purposes of this section:

(1) A *Party* is a person or entity that signs this Agreement [Contract].

(2) The term *related entity* means:

(i) A contractor or subcontractor of a Party at any tier;

(ii) A user or customer of a Party at any tier; or

(iii) A contractor or subcontractor of a user or customer of a Party at any tier. "Contractors" and "Subcontractors" include suppliers of any kind.

(3) The term *damage* means:

(i) Bodily injury to, or other impairment of health of, or death of, any person;

(ii) Damage to, loss of, or loss of use of any property;

(iii) Loss of revenue or profits; or

(iv) Other direct, indirect, or consequential damage.

(4) The term *launch vehicle* means an object (or any part thereof) intended for launch, launched from Earth, or returning to Earth which carries payloads or persons, or both.

(5) The term *payload* means all property to be flown or used on or in an ELV.

(6) For the purposes of the Agreement [Contract], the term *Protected Space Operations* means all launch vehicle and payload activities on Earth, in outer space, or in transit between Earth and outer space in implementation of this Agreement [Contract]. Protected Space Operations begins at the signature of this Agreement [Contract] and ends when all activities done in implementation of this Agreement [Contract] are completed. It includes, but is not limited to:

(i) Research, design, development, test, manufacture, assembly, integration, operation, or use of: Launch vehicles, transfer vehicles, payloads, related support equipment, and facilities and services;

(ii) All activities related to ground support, test, training, simulation, or guidance and control equipment, and related facilities or services.

"Protected Space Operations" excludes activities on Earth which are conducted on return from space to develop further a payload's product or process for use other than for ELV-related activities in implementation of this Agreement.

(c)(1) Each Party agrees to a cross-waiver of liability pursuant to which each Party waives all claims against any of the entities or persons listed in paragraphs (c)(1)(i) through (c)(1)(iii) of this section based on damage arising out of Protected Space Operations. This cross-waiver shall apply only if the person, entity, or property causing the damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations. The cross-waiver shall apply to any claims for damage, whatever the legal basis for such claims, including but not limited to delict and tort (including negligence of every degree and kind) and contract, against:

(i) Another Party;

(ii) A related entity of another Party;

(iii) The employees of any of the entities identified in paragraphs (c)(1)(i) and (c)(1)(ii) of this section.

(2) In addition, each party shall extend the cross-waiver of liability as set forth in paragraph (c)(1) of this section to its own related entities by requiring them, by contract or otherwise, to agree to waive all claims against the entities or persons identified in paragraphs (c)(1)(i) through (c)(1)(iii) of this section.

(3) For avoidance of doubt, this cross-waiver of liability includes a cross-waiver of liability arising from the Convention on International Liability for Damage Caused by Space Objects (Mar. 29, 1972, 24 United States Treaties and other International Agreements (U.S.T.) 2389, Treaties and other International Acts Series (T.I.A.S.) No. 7762) where the person, entity, or property causing the damage is involved in Protected Space Operations and the person, entity, or property damaged is damaged by virtue of its involvement in Protected Space Operations.

(4) Notwithstanding the other provisions of this section, this cross-waiver of liability shall not be applicable to:

(i) Claims between a Party and its own related entity or between its own related entities;

(ii) Claims made by a natural person, his/her estate, survivors, or subrogees for injury or death of such natural person;

(iii) Claims for damage caused by willful misconduct;

(iv) Intellectual property claims;

(v) Contract claims between the Parties based on the express contractual provisions of this Agreement [Contract].

(5) Nothing in this section shall be construed to create the basis for a claim or suit where none would otherwise exist.

(6) This cross-waiver shall not be applicable when the Commercial Space Launch Act cross-waiver [49 U.S.C. App. 2615] is applicable.

Richard H. Truly,

Administrator.

[FR Doc. 90-8603 Filed 4-12-90; 8:45 am]

BILLING CODE 7510-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

Oklahoma Permanent Regulatory Program

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

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Oklahoma permanent regulatory program (hereinafter, the "Oklahoma program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment pertains to selective husbandry practices, impoundments regulated by the Mine Safety and Health Aministration (MSHA), design and certification or primary roads, and incremental bonding. The amendment is intended to revise the State program to be consistent with the corresponding Federal standards.

This notice sets forth the times and locations that the Oklahoma program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4 p.m., c.d.t. May 14, 1990. If requested, a public hearing on the proposed amendment will be held on May 8, 1990. Requests to present oral testimony at the hearing must be received by 4:00 p.m., c.d.t. on April 30, 1990.

ADDRESSES: Written comments should be mailed or hand delivered to James H. Moncrief at the address listed below.

Copies of the Oklahoma program, the proposed amendment, and all written comments received in response to this notice will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSH's Tulsa Field Office.

James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 550, Tulsa, OK 74135, Telephone: (918) 581-6430

Oklahoma Department of Mines, 4040 N. Lincoln, Oklahoma City, OK 74103, Telephone: (918) 521-3859.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Director, Tulsa Field Office, on telephone number (918) 581-6430.

SUPPLEMENTARY INFORMATION:

I. Background on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. General background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Oklahoma program can be found in the copies of the **Federal Register** published January 19, 1981, (46 FR 4910), April 2, 1982 (47 FR 14152), May 4, 1983 (48 FR 20050), and August 28, 1984 (49 FR 34000). Subsequent actions concerning the Oklahoma program and program amendments can be found at 30 CFR 936.15, 936.16, and 936.30.

II. Proposed Amendment

By letter dated March 30, 1990, (administrative record No. OK-913), Oklahoma submitted a proposed amendment to its program under SMCRA. Oklahoma submitted the proposed amendment in response to a February 12, 1990, letter (administrative record No. OK-910) that OSM sent to Oklahoma in accordance with 30 CFR 732.17(d). The regulations that Oklahoma proposes to amend concern selective husbandry practices that would not extend the period of responsibility for revegetation success and bond liability; submission of plans to Oklahoma for impoundments meeting the size or other criteria of MSHA; design and certification of primary roads; and incremental bonding. Specifically, Oklahoma proposes to amend the following sections of the Oklahoma Permanent Regulatory Program Regulations: 816.116(c)(4) and 81.116(c)(4), concerning, respectively, the approval of selective husbandry practices for surface and for underground mines; 780.25(c)(2) and 784.16(c)(2), concerning, respectively, the submission of plans for MSHA-regulated impoundments for surface and for underground mines; 780.37(b) and 784.24(b), concerning, respectively, the design of primary roads for surface and for underground mines; 816.151 and 817.151, concerning, respectively, the certification of primary roads by landsurveyors for surface and for underground mines; and 800.11(b), concerning incremental bonding.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Oklahoma program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under "DATES" or at locations other than the Tulsa Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

Public Hearing

Persons wishing to testify at the public hearing should contact the person listed under "FOR FURTHER INFORMATION CONTACT" by 4:00 p.m., c.d.t. on April 30, 1990. The location and time of the hearing will be arranged with those persons requesting the hearing. If no one requests an opportunity to testify at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons

scheduled to testify have been heard. Persons in the audience who have not been scheduled to testify, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to testify and persons present in the audience who wish to testify have been heard.

Public Meeting

If only one person requests an opportunity to testify at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under "**FOR FURTHER INFORMATION CONTACT.**" All such meetings will be open to the public and, if possible, notices of meetings will be posted at the locations listed under "**ADDRESSES.**" A written summary of each meeting will be made a part of the administrative record.

List of Subjects in 30 CFR Part 936

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: April 6, 1990.

Raymond L. Lowrie,

Assistant Director, Western Field Operations.

[FR Doc. 90-8619 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-90-03]

Special Local Regulations; Ultra Can-Am Challenge, Buffalo Outer Harbor, Lake Erie, Buffalo, NY

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The Coast Guard is considering a proposal to establish special local regulations for the Ultra Can-Am Challenge. This event will be held on the Buffalo River entrance, Buffalo Outer Harbor and Lake Erie on 30 June 1990 from 9 a.m. (e.d.s.t.) untill 2 p.m. (e.d.s.t.). The regulations are needed to provide for the safety of life and property on navigable waters during the event.

DATES: Comments must be received on or before 10 May 1990.

ADDRESSES: Comments should be mailed to Commander (osr), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. The comments will be available for inspection and copying at the Office of Search and Rescue, room 2007A, 1240 East Ninth Street, Cleveland, OH. Normal office hours are between 7:30 a.m. and 4:30 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Corey A. Bennett, Marine Science Technician First Class, U.S. Coast Guard, Office of Search and Rescue, Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD 09-90-03) and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped, self-addressed postcard or envelope is enclosed. The rules may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this regulation are Corey A. Bennett, Marine Science Technician First Class, U.S. Coast Guard, project officer, Office of Search and Rescue and M. Eric Reeves, Lieutenant Commander, U.S. Coast Guard, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Proposed Regulations

The Ultra Can-Am Challenge will be conducted on the Buffalo Outer Harbor and Buffalo River entrance, Lake Erie, Buffalo, NY on 30 June 1990. This event will have an estimated 50 offshore power boats, which could pose hazards to navigation in the area. Any vessel desiring to transitr the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Station Buffalo, NY).

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. 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, if adopted, 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 the proposed 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).

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 100 of title 33, Code of Federal Regulations 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 would be amended to add a temporary § 100.35-0903 to read as follows:

§ 100.35-0903 Ultra Can-Am Challenge, Buffalo Outer Harbor, Lake Erie, Buffalo, NY.

(a) *Regulated Area.* That portion of Lake Erie, Outer Buffalo Harbor and Buffalo River entrance enclosed by a line running from the South Pier Light (LLN 2840), west to a point at 042 degrees 50 minutes North, 078 degrees 55 minutes 48 seconds West, then north to the Crib Light (LLN 2615), then east to the North Breakwater South End Light (LLN 2660), then east to shore, and then south along the shore to the South Pier Light (LLN 2840).

(b) *Special Local Regulations.* (1) The above area will be closed to navigation or anchorage, except as allowed by the Coast Guard Patrol Commander, fror

a.m. (e.d.s.t.) until 2 p.m. (e.d.s.t.) on 30 June 1990.

(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". Operators of vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessel traffic will periodically be permitted to transit through the regulated area, but only with prior approval of the Patrol Commander. Commercial vessels over 1,000 gross tons will receive priority passage through the regulated area between heats and during breaks, as activity permits. Vessels will be operated at a no wake speed to reduce the wake to a minimum, and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above sentence shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(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 patroling 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 explulsion 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 9 a.m. (e.d.s.t.) until 2 p.m. (e.d.s.t.) on 30 June 1990.

Dated: 5 April 1990.

R.A. Appelbaum,

RADM, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 90-8614 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 110

[CCGD-8-89-12]

Public Hearing Concerning Proposed Regulations, Anchorage Grounds Lower Mississippi River

AGENCY: Coast Guard, DOT.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given of a public hearing to be held by the Commander, Eighth Coast Guard District, at Convent, Louisiana. The purpose of the hearing is to provide an opportunity to all interested persons to present data, views and comments orally or in writing concerning the proposed rulemaking to establish a deep draft anchorage near the vicinity of Belmont Crossing on the Lower Misissippi River. Due to navigational concerns of marine interests, the limits of the anchorage proposed are now from Mile 153.3 to Mile 154.7 Above Head of Passes near the Left Descending Bank on the Lower Mississippi River. From Mile 153.3 to Mile 154.5 the anchorage will have a width of 700 feet measured 100 feet riverward of the Belmont Revetment. From Mile 154.5 to Mile 154.7 the anchorage will have a width of 700 feet measured from the Low Water Reference Plane.

DATES: Thursday, May 3, 1990 commencing at 7:00 p.m., until all speakers in attendance have had the opportunity to comment.

ADDRESSES: The hearing will be held at the St. James Parish Council Chambers, located at the St. James Parish Courthouse, on Louisiana Route 44, Convent, Louisiana 70723.

FOR FURTHER INFORMATION CONTACT: LTJG J. D. Irino, Contact Officer, Commander, Eighth Coast Guard District (oan), Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, Tel. (504) 589-4686.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking, discussing this proposal, was published in the **Federal Register** on November 7, 1989 (54 FR 46736). Interested parties were given until December 22, 1989 to submit comments. Because of requests to discuss this matter further, the comment period was extended for 40 additional days until January 31, 1990. Subsequently, numerous comments have been received requesting a public hearing and one is being held to collect additional information concerning this rulemaking.

Any person who wishes may appear and be heard at this public hearing. Persons planning to appear and be heard are requested to notify the Commander, Eighth Coast Guard District (oan), Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, Tel. (504) 589-4686, any time prior to the hearing indicating the amount of time required. Depending on the number of scheduled statements, it may be necessary to limit the amount of time allocated to each person. Any limitation of time will be announced at the beginning of the hearing. Written statements and exhibits may be submitted in lieu of or in addition to oral statements and will be made a part of the hearing record. Such written statements and exhibits may be delivered at the hearing or mailed in advance to the Commander, Eighth Coast Guard District, at the above address. Transcripts of the hearing will be made available for purchase upon request.

Dated: April 9, 1990.

W.F. Merlin,

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

[FR Doc. 90-8594 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-14-M

Environmental Protection Agency

40 CFR Part 180

[PP 8E3688/P494; FRL-3733-5]

Pesticide Tolerances for 3-(3,5-Dichlorophenyl)-5-Ethenyl-5-Methyl-2,4-Oxazolidinedione

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish a tolerance for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2,4-oxazolidinedione (hereafter referred to in the preamble as vinclozolin) and its metabolites containing the 3,5 dichloroaniline moiety in or on the raw agricultural commodities (RACs) tomatoes at 3.0 parts per million (ppm) and cucumbers at 1 ppm. This regulation, to establish a maximum permissible level for residues of vinclozolin on tomatoes and cucumbers, was requested by BASF Wyandotte Corp.

DATES: Comments, identified by the document control number [PP 8E3688/P494], should be received on or before May 14, 1990.

ADDRESSES: Information Services Section, Program Management and Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as comments concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR Part 2. A copy of the comments that do not contain CBI must be submitted for inclusion in the public record. Information not marked CBI may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 246 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Lewis, Product Manager (PM) 21, Registration Division (H7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp., Agricultural Chemical Division, 100 Cherry Hill Rd., Parsippany, NJ 07054, submitted PP 8E3688 proposing the establishment of a tolerance for the combined residues of the fungicide vinclozolin and its metabolites in or on the RACs tomatoes at 3.0 ppm and cucumbers at 1.0 ppm. The establishment of this regulation would allow the importation of greenhouse tomatoes and greenhouse cucumbers bearing residues of vinclozolin.

The data submitted in the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data considered in support of the tolerances include:

1. A 90-day rat feeding study with a no-observed-effect level (NOEL) of 450 ppm (22.5 mg/kg/day), the highest dose tested (HDT).

2. A supplementary 90-day dog feeding study using dosage levels of 0, 100, 300, 1,000, and 2,000 ppm with a NOEL of 300 ppm (7.5 mg/kg/day) and a lowest effect level (LEL) of 1,000 ppm (25 mg/kg/day) with increased platelet count, Howell-Jolly bodies in differential blood count, cholestasis of liver and kidneys, and fatty deposits in the renal tubules.

3. A 6-month dog feeding study using dosage levels of 0, 100, 300, 600, and 2,000 ppm with a NOEL of 100 ppm (2.5 mg/kg/day) and an LEL of 300 ppm (7.5 mg/kg/day) with increased absolute and relative adrenal weight and decreased relative pituitary weight.

4. A supplementary 1-year dog feeding study using dosage levels of 0, 1.1, 2.4, 4.8, and 47 mg/kg/day for males and 0, 1.1, 2.5, 5.1, and 53 mg/kg/day for females with a NOEL of 2.3 and 2.5 mg/kg/day for males and females, respectively, and an LEL of 4.8 and 5.1 mg/kg/day for males and females, respectively, with increased bilirubin, increased relative testes weights, and prostate atrophy in males and increased absolute adrenal weights, adrenal lipid accumulation, and marginal increased liver hemosiderin in females.

5. A mouse teratology study using dosage levels of 0, 600, 6,000, and 60,000 ppm with a NOEL for maternal toxicity and for developmental toxicity of 600 ppm (90 mg/kg/day) and an LEL of 6,000 ppm (900 mg/kg/day) with maternal death and postimplantation loss.

6. A rabbit teratology study with a NOEL for maternal toxicity of > 300 mg/kg/day and a NOEL for developmental toxicity of 80 mg/kg/day with an LEL of 300 mg/kg/day with postimplantation loss and fetal weight decrements. Levels tested were 0, 20, 80, and 300 mg/kg/day.

7. A chronic feeding/oncogenicity study in mice for 103 weeks, with a NOEL of 486 ppm (24 mg/kg) for systemic efects, and no compound-related oncogenic effects under the conditions of the study at doses up to and including 4,374 ppm (219 mg/kg body weight (bwt)/day), the highest dose tested (HDT).

8. A chronic feeding/oncogenicity study in mice for 26 months, with a NOEL of 486 ppm (73 mg/kg) for systemic effects and no compound-related oncogenic effects under the conditions of the study at doses up to and including 4,374 ppm (503 mg/kg/bwt/day), the HDT.

9. A dominant-lethal assay in mice which was negative at 2,000 mg/kg (only level tested).

10. A sister chromatid exchange study in the bone marrow of the Chinese hamster which was negative.

11. A supplementary reverse mutation test with and without a metabolic activation system which was negative for mutagenic effects.

12. A supplementary primary rat hepatocyte unscheduled DNA synthesis assay showed negative mutagenic activity and a mouse lymphoma forward muation assay showed weak positive mutagenic activity only at concentrations exceeding solubility in the test medium. The studies satisfy requirements for a DNA damage/repair assay in mammalian cells and gene mutation cells in culture.

Based on the NOEL of 2.5 mg/kg bwt/day in the 6-month dog feeding study, and using a hundredfold uncertainty factor, the acceptable daily intake (ADI) for vinclozolin is calculated to be 0.025 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) is 0.014378 mg/kg bwt/day for existing tolerances for the overall U.S. population. The current action will increase the TMRC by 0.004437 mg/kg bwt/day (17.74 percent of the ADI). These tolerances and previously established tolerances utilize a total of 75.2 percent of the ADI for the overall U.S. population. For U.S. subgroup populations, nonnursing infants and children aged 1 to 6 years of age, the current action and previously established tolerances utilize, respectively, a total of 359.5 percent and 148.7 percent of the ADI, assuming that residue levels are at the established tolerances and that 100 percent of the crop is treated.

The Agency believes that actual residues to which the public is likely to be exposed are considerably less than indicated by the TMRC for the following reasons:

1. Not all the planted crop for which a tolerance is established is normally treated with the pesticide.

2. Most treated crops have residue levels which are below the established tolerance level at the time of consumption.

To take these factors into account, the Agency used percent crop treated in the ADI analysis for stone fruit crops (e.g., apricots, peaches, cherries, etc.) and for lettuce. Following this adjustment, the estimate of total exposure from the previously established tolerances plus the proposed tolerances is 0.007575 mg/kg bwt/day, which utilizes 30.3 percent of the ADI for the overall U.S. population. For the U.S. subgroup populations, nonnursing infants and children aged 1 to 6, respectively, 23.6 percent and 63.2 percent of the ADI is utilized.

The nature of the residues is adequately understood for the use of vinclozolin on greenhouse-grown cucumbers and tomatoes imported from Spain and the Netherlands. Magnitude of the residue studies from crop trials and tomato processing studies are required to expand the usage to the United States by registration under

section 3 or section 24(c) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended.

An adequate analytical method, gas chromatography using an electron capture detector, is published in Volume II of the Food and Drug Administration Pesticide Analytical Manual for enforcement purposes. There is no reasonable expectation of secondary residues in eggs, milk, meat, or meat byproducts from the use of vinclozolin on cucumbers or from its use on greenhouse tomatoes based on current use practices.

The pesticide is considered useful for the purpose for which the tolerances are sought, and it is concluded that the establishment of the tolerances will protect the public health. Therefore, the tolerances are proposed as set forth below.

Interested persons are invited to submit written comments on the proposed tolerances. Comments must bear a notation indicating the document control number (PP 8E3688/P494). All written comments filed in response to this document will be available in the Information Services Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601 through 612), the Administrator has determined that regulations establishing tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

Therefore, it is proposed that 40 CFR part 180 be amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By revising § 180.380, to read as follows:

§ 180.380 3-(3,5-Dichlorophenyl)-5-ethenyl-5-methyl-2,4 oxazolidinedione; tolerances for residues.

Tolerances are established for the combined residues of the fungicide 3-(3,5-dichlorophenyl)-5-ethenyl-5-methyl-2, 4-oxazolidinedione and its metabolites containing the 3,5 dichloroaniline moiety in or on the following raw agricultural commodities:

Commodities	Parts per million
Belgian endive, tops	5.0
Cucumbers	1.0
Grapes	6.0
Kiwifruit	10.0
Lettuce, head	10.0
Lettuce (leaf)	10.0
Onions (dry bulb)	1.0
Peppers (bell)	3.0
Raspberries	10.0
Stonefruits	25.0
Strawberries	10.0
Tomatoes	3.0

There are no U.S. registrations for cucumbers or tomatoes as of April 13, 1990.

[FR Doc. 90-8552 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB38

Endangered and Threatened Wildlife and Plants; Proposed Rule To List the Plant Cryptantha crassipes (Terlingua Creek Cat's Eye) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list *Cryptantha crassipes* (Terlingua Creek cat's eye), as an endangered species under the authority of the Endangered Species Act of 1973 (Act), as amended. This plant is known from six sites in Brewster County, Texas. The 6 populations consist of less than 3,800 plants. The plants are impacted by road construction, cattle trampling, and off-road vehicle (ORV) use. This proposal, if made final, would implement Federal protection provided by the Act for Terlingua Creek cat's eye. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by June 12, 1990. Public hearing requests must be received by May 29, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, c/o Corpus Christi State University, Campus Box 338, 6300 Ocean Drive, Corpus Christi, Texas 78412. Comment's and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Phillip Clayton, at the above address (512/888-3346 or FTS 529-3346).

SUPPLEMENTARY INFORMATION:

Background

Cryptantha crassipes is a narrow endemic that occurs in Brewster County, Texas. The species grows on xeric, gypsiferous, chalky shales on low, rounded hills and gentle slopes in the Trans-Pecos shrub savannah. The climate is arid, with late summer rains. The plants grow in full sunlight and receive additional heat from the soil substrate (Poole 1987). The plants occur between 3,150 and 3,320 feet in elevation. Although *C. crassipes* might be considered a colonizer, it is probably more correctly thought of as a component of an edaphic climax community (Poole 1987). Associated species include *Eriogonum havardii* (Havard buckwheat), *Euphorbia perennans* (perennial spurge), *Acacia schottii* (Schott acadia), *Anulocaulis leiosolenus* (gypsum ringstem), *Ephedra* sp. (Mormon tea), *Larrea tridentata* (creosote), *Chrysactinia mexicana* (damianita), *Dalea formosa* (feather dalea), *Krameria glandulosa* (range ratany), and *Tiquilia hispidissima* (no common name).

Cryptantha crassipes is a perennial that grows to two feet tall, silvery overall, with a dense mound of leaves at the plant's base. The stems are slender, erect, hairy, and bristly. Leaves are narrow and whitish with hairs and bristles; at the plant's base, they are up to 3 inches long and to 1/4 inch wide. There are several stem leaves that become narrow at the apex. The flower cluster is terminal and 1 inch in diameter. The flowers are white, with yellow knobs rising above the laid-back white petals. The hairy fruit consists of four egg-shaped nutlets. Flowering occurs from later March-early June, and fruiting occurs from April-July (Poole 1987).

Six populations are presently known, all on private land in Brewster County, Texas. All populations appeared to be healthy and vigorous in 1987 (Poole 1987). At least one population was documented in 1939. The six known populations consist of less than one hundred to a few thousand plants scattered over sites of up to 175 acres in size. Among these populations, there is a total of about 3,754 individuals. All individuals observed have been mature. No seedlings or juveniles have been seen. Although the presence of immature fruits and/or flowers was documented in the 1987 status report, no seed dispersal was observed. The population biology of the species is unknown (Poole 1987).

Cryptantha crassipes was first discovered by V.L. Cory in the late 1930's in Brewster County, Texas. I.M. Johnston described the species in 1939. The species has been collected infrequently. No other historical occurrences are known (Poole 1987).

Federal Government actions on this species began with section 12 of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House document No. 94–51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice (40 FR 27823) that formally accepted the Smithsonian report as a petition within the context of section 4(c)(2), now section 4(b)(3)(A), of the Act and of its intention thereby to review the status of those plants. *Cryptantha crassipes* was included as "threatened" in the July 1, 1975, petition.

On December 15, 1980, the Service published a revised Notice of Review for Native Plants in the **Federal Register** (45 FR 82480); *Cryptantha crassipes* was included in that notice as a Category 2 species, which means that information indicates that proposing to list the species as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. The 1985 (50 FR 39526) plant notice of review maintained *Cryptantha crassipes* in Category 2. The 1990 plan notice of review (55 FR 6197) lists it in Category 1. The Service is proceeding with a listing proposal on the basis of information in Poole's (1987) status report.

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et. seq.*) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Cryptantha crassipes* I.M. Johnston (Terlingua Creek cat's-eye) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* A private resort has been selling small tracts in Brewster County, including areas that contain populations of *Cryptantha crassipes*. More than 90 percent of the lots in the resort are sold. If any of the numerous landowners decide to develop their property, some of the sites or some of the plants could be destroyed. The numerous roads constructed by the resort probably destroyed some individual plants, as the roads cut through several of the population sites. Additional road construction or maintenance could possibly eliminate more plants in the area.

Terlingua Creek cat's-eye is not know to be palatable to livestock even though grazing occurs in the area. Livestock may have a negative impact on this species through trampling and surface disturbance.

The barren landscapes that support *Cryptantha crassipes* are potential abuse areas for off-road vehicles (ORV). Several hills around the closest town are already crisscrossed with ruts. A few sites of *Cryptantha crassipes* already have one or two sets of tracks. Off-road vehicles destroy plants, create surface disturbances, and increase habitat erosion, all of which are detrimental to seedling establishment and growth.

Clay (bentonite) mining occurs north of the Terlingua Creek cat's-eye sites. It is unknown whether these sites have economic value for mining or contain bentonite.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None known. Because of its rarity, *Cryptantha crassipes* is of interest to botanists and other rare plant enthusiasts. Therefore, collection of the plant is a minor but present threat.

C. *Disease or predation.* None has been observed.

D. *The inadequacy of existing regulatory mechanisms.* There are no existing Federal or State laws that protect *C. crassipes*. The Act would provide protection and encourage active management through the "Available Conservation Measures" discussed below.

E. *Other natural or manmade factors affecting its continued existence.* *Cryptantha crassipes* is a narrow endemic that is substrate specific. The recent status survey (Poole 1987) documented only mature plants. No seedlings or seeds were observed. With no new plants being established in the populations, any threats that destroy existing plants could lead to extinction of the species.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Cryptantha crassipes* as endangered. With only six populations known, the species warrants protection under the Act. *C. crassipes* is vulnerable to damage from road construction, development, livestock trampling, and ORV use. The plant is not protected by Federal or State law. Critical habitat is not being proposed for the reasons discussed below.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary proposes critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not presently prudent for this species. No direct attention should be drawn toward the species or its location. Any type of publicity on this species could make it susceptible to increased visitation or collection, which would be detrimental to the survival of this rare endemic. As discussed under Factor B in the Summary of Factors Affecting the Species, *Cryptantha crassipes* is threatened by taking, an activity difficult to enforce against and only regulated by the Act with respect to plants in cases of (1) removal and reduction to possession of listed plants from lands under Federal jurisdiction, or their malicious damage or destruction on such lands; and (2) removal, cutting, digging up, or damaging or destroying in knowing violation of any State law or regulation, including State criminal trespass law. Such provisions are difficult to enforce, and publication of critical habitat descriptions and maps would make *Cryptantha crassipes* more vulnerable and increase enforcement

problems. It has not been possible to contact the many owners of the *C. crassipes* sites. Land ownership in this part of Texas is complex owing to the sale of numerous small tracts to mostly out-of-state buyers. Protection of this species' habitat will be addressed through the recovery process and through the section 7 jeopardy standard. Therefore, it would not now be prudent to determine critical habitat for *Cryptantha crassipes.*

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer informally with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for listed plants, the 1988 amendments (Pub. L. 100-478) to the Act prohibit the malicious damage or destruction on Federal lands and the removal, cutting, digging up, or damaging or destroying of listed plants in knowing violation of any State law or regulation, including State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances.

It is anticipated that few trade permits would ever be sought or issued because the species is not common in cultivation or in the wild. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, P.O. Box 3507, Arlington, VA 22201 (703/358-2104).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional populations of this species and the reasons why any habitat should or should not be determined to be critical habitat as provided by section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species; and

(4) Current or planned activities in the subject area and their possible impacts on this species.

Final promulgation of the regulation on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal. Such requests must be made in writing and addressed to the Field Supervisor, Corpus Christi Ecological Services Field Office (see **ADDRESSES**).

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

Poole, J.M. 1987. Status report on *Cryptantha crassipes.* U.S. Fish and Wildlife Service. Albuquerque, NM. 20 pp. + maps.

Author

The primary author of this proposed rule is Sonja Jahrsdoerfer, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103 (505/766-3972 or FTS 474-3972).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

Accordingly, it is hereby proposed to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the family Boraginaceae, to the List of Endangered and Threatened Plants:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific Name	Common Name					
Boraginaceae—Borage family:						
Cryptantha crassipes	Terlingua Creek cat's-eye	U.S.A. (TX)	E		NA	NA

Dated: February 28, 1990.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90-8577 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 36

RIN 1018-AB43

Intention To Propose Interim Rules Implementing Title VIII of the Alaska National Interest Lands Conservation Act

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of intent to propose rules and request for comments.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces that it will be developing interim regulations pertaining to the implementation of the subsistence priority for rural residents of Alaska under title VIII of the Alaska National Interest Lands Conservation Act of 1980. The Alaska Supreme Court recently ruled that the laws used by the State of Alaska to provide the subsistence priority required by title VIII violated the Alaska Constitution. The Alaska Supreme Court stayed its decision until July 1, 1990. Should the State be unable to rectify the situation, the Federal government may be required to take over the implementation of title VIII on public lands on July 1, or potentially sooner.

DATES: For written comments to be considered in the initial drafting of the rules, they should be received by May 14, 1990.

ADDRESSES: Comments should be addressed to the Regional Director, ATTN: Glenn Elison, 1011 E. Tudor Road, Anchorage, Alaska 95503.

FOR FURTHER INFORMATION CONTACT: Glenn Elison, 1011 E. Tudor Road, Anchorage, Alaska 99503, telephone (907) 786-3542.

SUPPLEMENTARY INFORMATION: Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111-3126) requires the Secretary of the Interior to implement a program to grant preference in favor of subsistence uses of fish and wildlife on public lands unless the State of Alaska implements a subsistence program consistent with ANILCA's requirements. The State of Alaska has implemented such a program since the enactment of ANILCA in 1980 pursuant to findings by the Department of the Interior that the State subsistence program is consistent with ANILCA. In December 1989, however, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural limitation in the State subsistence definition, which is required by ANILCA, violates the Alaska Constitution. The Court stayed the effect of the decision until July 1, 1990.

As a result, the Department of the Interior may be required to take over the implementation of title VIII of ANILCA on public lands on July 1, 1990. The Service, as the lead agency is in the process of writing interim regulations for subsistence management on public lands. These rules would impact the subsistence use of fish and wildlife resources on public lands in Alaska managed by the Fish and Wildlife Service, National Park Service, Bureau of Land Management, Forest Service, Air Force, Army and various other Federal land managing agencies. This notice solicits comments and suggestions from resource users, other Alaskans and the general public on how title VIII should be implemented on public lands. Due to the uncertain nature of the situation and short time available, the development of these regulations is a contingency against the sudden requirement for the Federal government to take over implementation of title VIII on public lands. The mandates under which the regulations must operate include, but are not limited to the following:

(1) Ensure the maintenance of healthy fish and wildlife populations;

(2) Define subsistence uses as the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; and for customary trade;

(3) Provide for nonwasteful subsistence uses of fish and wildlife and other renewable resources as the priority consumptive use of such resources on public lands, when it is necessary to restrict consumptive uses;

(4) Provide subsistence users reasonable access; and

(5) Provide for a system of regional participation.

The subsistence priority will not be based on race, color, or creed.

The potential need for quick action precludes a longer comment period than would normally be the case. Should Federal management become reality, it is the Federal government's intention to work in close cooperation with the State and minimize disruption to fish and wildlife users and historical state management of resident fish and wildlife. Title VIII allows reasonable regulations to provide access and to protect the viability of all wild renewable resources. The protection of wild renewable resources and the opportunity to utilize those resources by rural Alaskan residents on public lands for subsistence purposes are of paramount importance to the Federal government and to the public as a whole.

If Federal management appears to be required beyond December 31, 1990, the development of permanent regulations will commence in early July 1990. Permanent regulations will provide for regional councils and extensive public involvement in development of the permanent regulations and annual rule making. This regulation writing effort will include a Notice of Intent, public comment period and the acceptance of written and verbal comments throughout the process.

Dated: April 6, 1990.

John F. Turner,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 90-8634 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 55, No. 72
Friday, April 13, 1990

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

DEPARTMENT OF AGRICULTURE

Forest Service

Alaska Region; Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Alaska Region will publish Notice of Decisions subject to Administrative Appeal under 36 CFR part 217 in the Legal Notice Section of the newspapers listed in the Supplementary Information Section of this Notice. As provided in 36 CFR 217.5, such notice shall constitute legal evidence that the agency has given timely and constructive Notice of Decisions that are subject to Administrative Appeal. Newspaper publication of Notices of Decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purposes of publishing legal Notice of Decision subject to appeal under 36 CFR part 217 shall begin April 5, 1990.

FOR FURTHER INFORMATION CONTACT: Thomas J. Sheehy, Regional Appeals Coordinator, Alaska Region, USDA, Forest Service, PP&B, P.O. Box 21628, Juneau, Alaska, 99802, Area Code 907–586–8887.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Alaska Region will give legal Notice of Decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive Notice of Decisions that are subject to Administrative Appeal. As provided in 36 CFR 217.5(d), the timeframe for Appeal shall be based on the date of publication of a Notice of Decision in the primary newspaper.

Decisions by the Regional Forester

"Juneau Empire," published daily, except Saturday, Sunday, and official holidays, in Juneau, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decision of Region-wide impact.

"Anchorage Daily News," published daily in Anchorage, Alaska, for decisions affecting National Forest System lands in the State of Alaska and for any decisions of Region-wide impact.

Ketchikan Area of the Tongass National Forest, Alaska, Forest Supervisor; Craig, Ketchikan, and Thorne Bay Ranger Districts; and Misty Fiords National Monument Decisions

"The Ketchikan Daily News," published daily except Saturday, Sunday, and official holidays, in Ketchikan, Alaska.

"Island News," published weekly for distribution on Prince of Wales Island, Alaska.

Stikine Area of the Tongass National Forest, Alaska, Forest Supervisor; and Petersburg Ranger District Decisions

"The Petersburg Pilot," published daily except Saturday, Sunday, and official holidays in Petersburg, Alaska.

Wrangell Ranger District Decisions

"The Wrangell Sentinel," published daily except Saturday, Sunday, and official holidays in Wrangell, Alaska.

Chatham Area of the Tongass National Forest, Alaska, Forest Supervisor; and Sitka Ranger District Decisions

"The Sitka Sentinal," published daily except Saturday, Sunday, and official holidays in Sitka, Alaska.

Hoonah, Juneau, and Yakutat Ranger Districts; and the Admirality Island National Monument

"The Juneau Empire," published daily except Saturday, Sunday, and official holidays in Juneau, Alaska.

Chugach National Forest, Anchorage, Alaska, Forest Supervisor; and Ranger District Decisions

"The Anchorage Daily News," published daily in Anchorage, Alaska.

"The Seward Phoenix Log," "Valdez Vangard," and the "Cordova Times," published weekly in Seward, Valdez, and Cordova, Alaska respectively.

"The Penninsula Clarion," published daily except Saturday, Sunday, and official holidays in Kenai, Alaska.

Dated: March 30, 1990.

Michael A. Barton,

Regional Forester.

[FR Doc. 90–8599 Filed 4–12–90; 8:45 am]

BILLING CODE 3410–11–M

Rocky Mountain Region; Colorado, Kansas, Nebraska, South Dakota, and Eastern Wyoming; Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: Deciding Officers in the Rocky Mountain Region will publish notice of decisions subject to administrative appeal under 36 CFR part 217 in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR 217.5, such notice shall constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. Newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: Use of these newspapers for purposes of publishing legal notices of decisions subject to appeal under 36 CFR part 217 shall begin April 5, 1990.

FOR FURTHER INFORMATION CONTACT: Regional Appeals Coordinator, Rocky Mountain Region, 11177 W. 8th Ave., Box 25127, Lakewood, Colorado 80225, Area Code 303–236–9430.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Rocky Mountain Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are

subject to administrative appeal. As provided in 36 CFR 217.5(d) the timeframe for appeal shall be based on the date of publication of a notice of decision in the primary newspaper.

Decisions by the Regional Forester

"The Denver Post", published daily in Denver, Denver County, Colorado, for decisions affecting National Forest System lands in the States of Colorado, Nebraska, Kansas, and eastern Wyoming and for any decision of Region-wide impact. In addition, notice of decisions made by the Regional Forester will also be published in the "Rocky Mountain News", published daily in Denver, Denver County, Colorado. Notice of decisions affecting National Forest System lands in the State of South Dakota will also be published in "The Rapid City Journal", published daily in Rapid City, Pennington County, South Dakota.

For those decisions affecting a particular unit, the newspaper specific to that unit will be used.

Arapaho and Roosevelt National Forests, Colorado

Forest Supervisor Decisions

"The Denver Post", published daily in Denver, Denver County, Colorado.

District Ranger Decisions

Redfeather and Estes-Poudre Districts: "Coloradoan", published daily in Fort Collins, Larimer County, Colorado.

Pawnee District: "Greeley Tribune", published daily in Greeley, Weld County, Colorado.

Boulder District: "Boulder Daily Camera", published daily in Boulder, Boulder County, Colorado.

Clear Creek District: "Clear Creek Courant", published weekly in Idaho Springs, Clear Creek County, Colorado.

Sulphur District: "Sulphur Sky High News", published weekly in Granby, Grand County, Colorado.

Grand Mesa, Uncompahgre and Gunnison National Forests, Colorado

Forest Supervisor Decisions

"Grand Junction Daily Sentinel", published daily in Grand Junction, Mesa County, Colorado.

District Ranger Decisions

Collbran and Grand Junction Districts: "Grand Junction Daily Sentinel", published daily in Grand Junction, Mesa County, Colorado.

Paonia District: "North Fork Times", published weekly in Paonia, Delta County, Colorado.

Cebolla and Taylor River Districts: "Gunnison Country Times", published weekly in Gunnison, Gunnison County, Colorado.

Norwood District: "Telluride Times-Journal", published weekly in Telluride, San Miguel County, Colorado.

Ouray District: "Montrose Daily Press", published daily in Montrose, Montrose County, Colorado.

Pike and San Isabel National Forests

Forest Supervisor Decisions

"Pueblo Chieftain", published daily in Pueblo, Pueblo County, Colorado.

District Ranger Decisions

San Carlos District: "Pueblo Chieftain", published daily in Pueblo, Pueblo County, Colorado.

Comanche District: "Plainsman Herald", published weekly in Springfield, Baca County, Colorado. In addition, notice of decisions made by the District Ranger will also be published in the "La Junta Tribune Democrat", published daily in La Junta, Otero County, Colorado, and in the "Ark Valley Journal", published weekly in La Junta, Otero County, Colorado.

Cimarron District: "Tri-State News", published weekly in Elkhart, Morton County, Kansas.

South Platte District: "Daily News Press", published daily in Castle Rock, Douglas County, Colorado. In addition, notice of decisions made by the District Ranger will also be published in the "High Timber Times", published weekly in Conifer, Jefferson County, Colorado, and in the "Fairplay Flume", published weekly in Fairplay, Park County, Colorado.

Leadville District: "Herald Democrat", published weekly in Leadville, Lake County, Colorado.

Salida District: "The Mountain Mail", published daily in Salida, Chaffee County, Colorado.

South Park District: "Fairplay Flume", published weekly in Fairplay, Park County, Colorado.

Pikes Peak District: "Gazette Telegraph", published daily in Colorado Springs, El Paso County, Colorado.

Rio Grande National Forest, Colorado

Forest Supervisor Decisions

"Valley Courier", published daily in Alamosa, Alamosa County, Colorado.

District Ranger Decisions

"Valley Courier", published daily in Alamosa, Alamosa County, Colorado.

Routt National Forest, Colorado

Forest Supervisor Decisons

"Steamboat Pilot", published weekly in Steamboat Springs, Routt County, Colorado. In addition, for decisions affecting an individual district(s), the local district(s) newspaper will also be used.

District Ranger Decision

Bears Ears District: "Northwest Colorado Daily Press", published daily in Craig, Moffat County, Colorado. In addition, notice of decisions by the District Ranger will also be published in the "Hayden Valley Press", published weekly in Hayden, Routt County, Colorado, and in the "Steamboat Pilot", published weekly in Steamboat Springs, Routt County, Colorado.

Yampa and Hahns Peak Districts: "Steamboat Pilot", published weekly in Steamboat Springs, Routt County, Colorado.

Middle Park District: "Middle Park Times", published weekly in Kremmling, Grand County, Colorado.

North Park District: "Jackson County Star", published weekly in Walden, Jackson County, Colorado.

San Juan National Forest, Colorado

Forest Supervisor Decisions

"Durango Herald", published daily in Durango, La Plata County, Colorado.

District Ranger Decisions

"Durango Herald", published daily in Durango, La Plata County, Colorado.

White River National Forest, Colorado

Forest Supervisor Decisions

"The Denver Post", published daily in Denver, Denver County, Colorado.

District Ranger Decisions

Aspen District: "Aspen Times", published weekly in Aspen, Pitkin County, Colorado.

Blanco District: "Meeker Herald", published weekly in Meeker, Rio Blanco County, Colorado.

Dillon District: "Summit Sentinel", published twice weekly in Frisco, Summit County, Colorado.

Eagle District: "Eagle Valley Enterprise", published weekly in Eagle, Eagle County, Colorado.

Holy Cross District: "Vail Trail", published weekly in Minturn, Eagle County, Colorado.

Rifle District: "Rifle Telegram", published weekly in Rifle, Garfield County, Colorado.

Sopris District: "Valley Journal", published weekly in Carbondale, Garfield County, Colorado.

Nebraska National Forest, Nebraska

Forest Supervisor Decisions

"The Rapid City Journal", published daily in Rapid City, Pennington County,

South Dakota for decisions affecting National Forest System lands in the State of South Dakota.

"The Omaha World Herald", published daily in Omaha, Douglas County, Nebraska for decisions affecting National Forest System lands in the State of Nebraska.

District Ranger Decisions

Bessey District: "The North Platte Telegraph", published daily in North Platte, Lincoln County, Nebraska.

Samuel R. McKelvie National Forest: "The Valentine Newspaper", published weekly in Valentine, Cherry County, Nebraska.

Fall River and Wall Districts: "The Rapid City Journal", published daily in Rapid City, Pennington County, South Dakota.

Pine Ridge District: "The Chadron Record", published weekly in Chadron, Dawes County, Nebraska.

Black Hills National Forest, South Dakota and Eastern Wyoming

Forest Supervisor Decisions

"The Rapid City Journal", published daily in Rapid City, Pennington County, South Dakota.

District Ranger Decisions

"The Rapid City Journal", published daily in Rapid City, Pennington County, South Dakota.

Bighorn National Forest, Wyoming

Forest Supervisor Decisions

For decisions affecting an individual district(s), the local district(s) newspaper will be used (see listing below).

District Ranger Decisions

Tongue District: "Sheridan Press", published daily in Sheridan, Sheridan County, Wyoming.

Buffalo District: "Buffalo Bulletin", published weekly in Buffalo, Johnson County, Wyoming.

Medicine Wheel District: "Lovell Chronicle", published weekly in Lovell, Big Horn County, Wyoming.

Tensleep District: "Northern Wyoming Daily News", published daily in Worland, Washakie County, Wyoming.

Paintrock District: "Greybull Standard", published weekly in Greybull, Big Horn County, Wyoming.

Medicine Bow National Forest, Wyoming

Forest Supervisor Decisions

"Laramie Daily Boomerang", published daily in Laramie, Albany County, Wyoming.

District Ranger Decisions

Laramie District: "Laramie Daily Boomerang", published daily in Laramie, Albany County, Wyoming.

Douglas District: "Casper Star-Tribune", published daily in Casper, Natrona County, Wyoming.

Brush Creek and Hayden Districts: "Rawlins Daily Times", published daily in Rawlins, Carbon County, Wyoming.

Shoshone National Forest, Wyoming

Forest Supervisor Decisions

"Cody Enterprise", published twice weekly in Cody, Park County, Wyoming.

District Ranger Decisions:

Clarks Fork District: "Powell Tribune", published twice weekly in Powell, Park County, Wyoming.

Wapiti and Greybull Districts: "Cody Enterprise", published twice weekly in Cody, Park County, Wyoming.

Wind River District: "The Dubois Frontier", published weekly in Dubois, Teton County, Wyoming.

Lander District: "Wyoming State Journal", published twice weekly in Lander, Fremont County, Wyoming.

Dated: April 6, 1990.

Gary E. Cargill,

Regional Forester.

[FR Doc. 90-8576 Filed 4-12-90; 8:45 am]

BILLING CODE 3410-11-M

The Winding Stair Tourism and Recreation Advisory Council; Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Winding Stair Tourism and Recreation Advisory Council. The meeting will be open to the public. This notice also describes the functions of the Council. Notice of this meeting is required under the National Advisory Committee Act.

DATES: April 30, 1990, 7:00 p.m.

ADDRESSES: The meeting location is the Bob Lee Kidd Convention Center, Poteau, Oklahoma. Send written statements to Forest Supervisor, Ouachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.

FOR FURTHER INFORMATION CONTACT: Robert LaVal, (501)-321-5317.

SUPPLEMENTARY INFORMATION: The Winding Stair Tourism and Recreation Advisory Council was created by the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv-13). The Council, comprised of 16 members, appointed by the Secretary of Agriculture, will meet periodically. The purpose of this Council is advisory in nature. The Act designates the Secretary to appoint a special advisory group from the local area in which the Ouachita National Forest is located to assist in the preparation of the tourism and recreation section of the Ouachita National Forest Land and Resource Management Plan amendment as required under subsections 15 (b) and (c). Subsection 15(b) provides for the promotion of tourism and recreation in ways consistent with the purposes for which the wilderness areas, the botanical areas, and the National Scenic Area are designated.

Glen Sullivan, Director of the Oklahoma Tourism and Recreation Department will chair the meeting. Representatives of the Forest Service will attend from the Department of Agriculture including the designated officer of the Federal Government. The agenda for this meeting will be to: continue with subcommittee reports from the following subcommittees: (1) Master Plan, (2) Lodge Feasibility, (3) Wilderness, (4) Physical Facilities, (5) Equestrian, (6) Signing, (7) Scenic Stops, (8) Hiking-trails-ORV, (9) Hang-gliding. Plans will be made for the next meeting and new business will be discussed.

Dated: April 4, 1990.

John M. Curran,

Forest Supervisor.

[FR Doc. 90-8657 Filed 4-12-90; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Disposition of Applications for Duty-Free Entry of Scientific Instruments; Duke University Medical Center, et al

The U.S. Customs Service has revoked clearance for duty-free entry under item 9810.00.60 HTS of nine applications. Accordingly, we have ceased processing of the following applications:

Docket Number: 85-288. *Applicant:* Duke University Medical Center, Durham, NC 27710. *Instrument:* Electron Microscope, Model. *Date Revoked:* November 24, 1989. *Reason:* Duplicate application.

Docket Number: 85-108. *Applicant:* U.S. Environmental Protection Agency, Las Vegas, NV 98114. *Instrument:* ICP Mass Spectrometer. *Date Revoked:* April 23, 1985. *Reason:* Not intended for scientific research purposes.

Docket Number: 86-081R. *Applicant:* Baptist Hospital, Nashville, TN 37236.

Instrument: Lithotripter. *Date Revoked:* January 29, 1988. *Reasons:* Instrument ineligibile.

Docket Number: 86-153R. *Applicant:* Texas A&M University, College Station, TX 77843. *Instrument:* Mass Spectrometer System. *Date Revoked:* July 20, 1987. *Reason:* Commercial uses intended.

Docket Number: 86-310. *Applicant:* Research Foundation of SUNY, Albany, NY 12222. *Instrument:* Atmospheric Sampling System. *Date Revoked:* July 7, 1987. *Reason:* Ineligible instrument.

Docket Number: 87-005. *Applicant:* University of Colorado, Boulder, CO 80309. *Instrument:* High Pressure Freezing Apparatus. *Date Revoked:* June 22, 1987. *Reason:* Commerical uses intended.

Docket Number: 88-070. *Applicant:* University of California, Berkeley, CA 94720. *Instrument:* Turbomolecular Pump with Accessories. *Date Revoked:* July 8, 1988. *Reason:* Ineligible components.

Docket Number: 89-023. *Applicant:* U.S. Department of Energy Argonne National Laboratory, Argonne, IL 60439-4812. *Instrument:* Fragment Mass Analyzer. *Date Revoked:* August 24, 1989. *Reason:* Ineligible component.

Docket Number: 89-047. *Applicant:* National Institute of Science and Technology, Gaithersburg, MD 20899. *Instrument:* Helium Refrigerator. *Date Revoked:* August 24, 1989. *Reason:* Commercial uses intended.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 8585 Filed 4-12-90; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Emergency Striped Bass Research Study; Meeting

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

SUMMARY: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service will hold a joint meeting to discuss progress on the Emergency Striped Bass Research Study as authorized by the amended Anadromous Fish Conservation Act (Pub. L. 96-118).

DATES: The meeting will convene on Thursday, May 31, 1990, at 10 a.m., and will adjourn at approximately 3 p.m. The meeting is open to the public.

ADDRESSES: Room 700A, U.S. Department of the Interior, C Street Between 18th and 19th Streets NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: David G. Deuel, Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910 Telephone: (301) 427-2347.

Dated: April 6, 1990.

David G. Crestin,

Deputy Director of Office of Conservation

[FR Doc. 90-8591 Filed 4-12-90; 8:45 am]

BILLING CODE 3510-22-M

Gulf of Mexico and South Atlantic Fishery Management Councils; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

As indicated below, the Gulf of Mexico Fishery Management Council (GMFMC) and the South Atlantic Fishery Management Council (SAFMC) will hold joint and separate public meetings during the week of April 23-27, 1990, at the Sheraton Grand Hotel, 4860 West Kennedy Boulevard, Tampa, FL. The Councils' Committees also will hold public meetings.

GMFMC's Committees

On April 23 at 1 p.m., the Spiny Lobster Management Committee will begin its meeting, and be followed by meetings of the Stone Crab Management, the Shrimp Management and the Personnel Committees. The Personnel Committee will meet in Closed session (not open to the public), to discusss personnel matters. Adjournment is at 5:30 p.m. On April 24 at 8 a.m., the Mackerel Management Committee will begin its meeting, and be followed by meetings by the Coral Management, the Reef Fish Management, and the Habitat Protection Committees. Adjournment is at 5:30 p.m. On April 24, from 11 a.m. to noon, the Pension Plan Trustees Committee will meet at the GMFMC's Headquarters (address below). On April 25 at 8 a.m., the Reef Fish Management Committee will reconvene its meeting, and will adjourn at 9:30 a.m.

GMFMC

The Council will begin its meeting on April 26, 1990, at 8:30 a.m., to review the Reef Fish, the Spiny Lobster, and the Stone Crab Committee's reports. In a closed session from 4:30 p.m., to 5 p.m. (not open to the public), the GMFMC will review the Personnel Committee's report. On April 27 at 8:30 a.m., the Council will review the Ad Hoc Limited Entry, the Shrimp, the Habitat Protection, and the Pension Plan Trustees Committees' reports, followed by enforcement and swordfish meeting reports. Adjournment is at noon.

SAFMC Committees

The Mackerel Committee will begin meeting on April 23 at 1 p.m. Adjournment is at 5 p.m. On April 24 at 8:30 a.m., the Red Drum and the Flounder Committees will begin meeting. Adjournment is at 5 p.m. On April 25 at 8:30 a.m., the Finance Committee will begin meeting at the GMFMC's Headquarters (address below). Adjournment is at 9:30 a.m.

SAFMC

The Council will begin meeting on April 26 from 8:30 a.m. to noon to review the Flounder, the Red Drum, and the Finance Committees reports; to review the status of the Snapper/Grouper Amendment #1; and to hear agency and liaison reports.

Joint SAFMC/GMFMC Meeting

The two Councils will begin meeting on April 25 at 10 a.m. From 10:50 a.m., the Councils will hear public testimony on the 1990-1991 total allowable catches for mackerel, and hear Committee recommendations. They also will review the draft Coral Amendment. Adjournment is at 5 p.m.

For more information about the GMFMC meeting agenda contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, suite 881, Tampa, FL; telephone: (813) 228-2815.

For more information about the SAFMC meeting agenda contact Robert K. Mahood, South Atlantic Fishery Management Council, One Southpark Circle, suite 306, Charleston, SC 29407; telephone: (803) 571-4366.

Dated: April 9, 1990.

David S. Crestin,

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

[FR Doc. 90-8624 Filed 4-12-90; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Prospective Grant of Exclusive Patent License; Phillips Machine Service, Inc.

This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Technical Information Service (NTIS), U.S. Department of Commerce, is contemplating the grant of an exclusive license in the United States to practice the inventions embodied in

United States Patents 4,012,077; 4,025,116; 4,062,505 and 4,303,277 to Phillips Machine Service, Inc., having a place of business at 220 George Street, Beckley, West Virginia. The patent rights in this invention have been assigned to the United States of America.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The patents cover a constant-depth linear cutting system for coal mining or other applications. The abstracts of each of the patents are printed below:

Patent No. 4,012,077

The triangular-shaped rotary head mounted on an eccentrically driven shaft rotates at a low speed in a path determined by a ring/pinion gear ratio, such that cutting tools mounted on the apices of the triangular-shaped rotary head follow a square path entering the fact of the coal seam a to be cut at a top corner and making a long linear vertical cut at a constant depth of approximately one and one-half times the diameter of the rotary head greatly reducing dust generation and methane ignition potential, while increasing productivity.

Patent No. 4,062,595

A coal mining apparatus and its method of use in which a continuous mining machine removes and transfers cut material reducing airborne respirable coal dust generated in the cutting and collection process. The conventional high speed head rotating with the bits going forward at the top is replaced by a triangle shaped dished out linear cutting head rotating with the bits mounted at the apexes going rearward at the top. This produces a box cut in the mine face with a square cross-section. After the head has made a box cut by sumping the full head diameter beginning at the mine floor, it is sheared upwardly producing a linear shear cut. This shear step is at a constant depth equal to the complete cutting head diameter. The modified cutting head is used as part of the loading and transfer mechanism. This is accomplished by reversing its direction of rotation and cutting on the upstroke from floor to roof so that the head acts as a bucket collecting the cut coal, then transferred to an adjacent transport system which allows the cut coal to be loaded and conveyed away from the mine face without further dust generation due to free fall fracture on the floor or intermediate handling by a dust generating gathering head mechanism. To insure that the coal is consistently discharged at the proper position, a movable bridge conveyor and follower assembly is used with the cutting head.

Patent No. 4,025,116

A method of operating a machine having a constant depth linear cutting head which is retrofitted to a continuous mining machine replacing the rotary head. By altering the usual configuration of the cutting head from the high speed rotating type with a large number of bits, as is currently being used, to one employing a non-rotary type head with 10 percent or less of the usual number of bits, and also operating a combined sumping and shearing action without the bits exiting the coal face being cut, less respirable dust is produced at the mine face. In addition, to decreasing the dust and amount of methane gas—when coal is mined—which is liberated, our method also produces more coal on the average for each cut in the mine face by deeper constant depth cuts in the 3- to 6-inch range by first sumping into the mine face and then shearing the face, without withdrawing or rotating the point attack bits. Sumping may begin near the mine face roof or floor and shearing may be in either a vertical or horizontal direction with or without the aid of high pressure water. One modification calls for shearing with two opposite cutting heads moving towards the mine face center.

Patent No. 4,303,277

A longwall mining machine comprises a rotatable cutting head having a configuration in the form of an equilateral triangle viewed along its axis of rotation and formed with a continuous auger along the outer surface of the head. Cutter bits are located on apexes of the auger. The cutting head is mounted on a boom adjacent the longwall and is geared to produce an eccentric Cardan motion to the head causing the cutter bits to follow a substantially square trajectory in a plane normal to the axis of rotation of the head. Production of coal dust is minimized by deep linear vertical and horizontal cuts extending downwardly from roof to floor. During rotation of the head, cut coal is augered outwardly from the long wall and dropped into a conveyor for removal to a collection area.

The availability of these inventions for licensing was published in the **Federal Register** as follows:

SN 6-118,959 (Patent No. 4,303,277) Friday, April 2, 1982, Vol. 47, No. 64, p. 14215
SN 5-732,676 (Patent No. 4,062,595) Wednesday, July 6, 1977. Vol. 42, No. 129, p. 34545
SN 5-702,373 (Patent No. 4,012,077) Wednesday, March 23, 1977, Vol. 42, No. 56, p. 15725
SN 5-604,566 (Patent No. 4,025,116) Wednesday, December 17, 1975, Vol. 40, No. 243, p. 58475.

Copies of each of the patents may be purchased from the Commissioner of Patents, Washington, DC 20231.

Inquiries, comments and other materials relating to the contemplated license must be submitted to Charles A. Bevelacqua, Center for Utilization of Federal Technology, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,

Center for Utilization of Federal Technology, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 90-8575 Filed 4-12-90; 8:45 am]

BILLING CODE 3510-04-M

COMMISSION ON MINORITY BUSINESS DEVELOPMENT

[90-N-2]

Meeting

AGENCY: Commission on Minority Business Development.

ACTION: Notice of meeting and public hearing.

SUMMARY: Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting and public hearing of the Commission on Minority Business Development will be held on Thursday, April 26, 1990 and Friday, April 27, 1990 respectively.

The April 26 meeting will convene at 10 a.m. in room 1944C of the Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois.

The meeting agenda will include a review of the minutes of the Commission's March 22 meeting, consideration of old business and consideration of new business. The meeting is open to the public.

The April 27 public hearing will begin at 9 a.m. in the Ceremonial Courtroom of the United States District Court, Northern District of Illinois, Everett Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois.

The public hearing is for purposes of receiving testimony from public and private sector decision-makers and

entrepreneurs, professional experts, corporate leaders and representatives of key interest groups and organizations. Persons interested in testifying should contact the Commission at the address listed below. Written testimony will be accepted at any time.

The Commission was established by Public Law 100-656, for purposes of reviewing and assessing federal programs intended to promote minority business and making recommendations to the President and the Congress for such changes in law or regulation as may be necessary to further the growth and development of minority businesses.

FOR FURTHER INFORMATION CONTACT: Susan Gonzales (202) 523-0030, Commission on Minority Business Development, 730 Jackson Place NW., Washington DC 20006.

SUPPLEMENTARY INFORMATION: Minutes of the meeting and hearing will be available for public inspection and reproduction during regular working hours at 730 Jackson Place NW., Washington DC 20006 approximately 30 days following the meeting and hearing.

Dated: April 2, 1990.

Joshua I. Smith,

Chairman.

[FR Doc. 90-8620 Filed 4-12-90; 8:45 am]

BILLING CODE 4738-71-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Negotiated Import Limits, Amended Restraint Period and Amended Visa Requirement for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced and Manufactured in Bangladesh

April 9, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing and amending limits and amending a restraint period and visa requirement.

EFFECTIVE DATE: April 16, 1990.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, 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).

During recent consultations between the Governments of the United States and the People's Republic of Bangladesh, agreement was reached, effected by a Memorandum of Understanding (MOU) dated February 16, 1990, to establish limits for Category 336/636, 351/651 and 847 for the period beginning August 1, 1989 and extending through January 31, 1993. A formal exchange of notes will follow.

As a result of the consultations, the current limits and restraint period for Categories 351/651 and 847 are being amended and a limit is being established for Categories 336/636. Also, the current visa arrangement is being amended to include coverage of merged Categories 336/636.

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 54 FR 50797, published on December 11, 1989). Also see 55 FR 1076, published on January 11, 1990; 54 FR 46104, published on November 1, 1989; and 53 FR 46484, published on November 17, 1988.

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 dated February 16, 1990, but are designed to assist only in the implementation of certain of its provision.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

April 9, 1990

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Commissioner: This directive amends, but does not cancel, the directive of January 5, 1990 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of cotton, man-made fiber, silk blend and other vegetable fiber textile products in Categories 351/651 and 847, produced or manufactured in the People's Republic of Bangladesh and exported during the period July 30, 1989 through July 29, 1990.

Effective on April 16, 1990, you are directed, pursuant to a Memorandum of Understanding dated February 16, 1990, to amend the January 5, 1990 directive to include the following new and amended limits for the new restraint period which began on February 1, 1990 and extends through January 31, 1991:

Category	New and amended twelve-month limits [1]
336/636	243,800 dozen
351/651	381,600 dozen
847	397,500 dozen

[1] The limits have not been adjusted to account for any imports exported after January 31, 1990.

Import charges already made to Categories 351/651 and 847 shall be retained. However, for goods exported prior to February 1, 1990, you are directed to deduct the following amounts from the charges made to Categories 351/651 and 847:

Category	Amount to be deducted
351	95,429 dozen
651	33,972 dozen
847	128,802 dozen

Imports charged to these category limits for the period August 1, 1989 through January 31, 1990 shall be charged to the 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 set forth in this directive.

Also effective on April 16, 1990, merchandise in Categories 336/636 and 351/651 which is produced or manufactured in Bangladesh and exported from Bangladesh on and after February 1, 1990 may be visaed as merged Categories 336/636 and 351/651 or the correct category corresponding to the actual shipment.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-8586 Filed 4-12-90; 8:45 am]

BILLING CODE 3510-DR-M

Amendment of Export Visa Requirements for Certain Cotton and Man-Made Fiber Textiles and Textile Products Produced or Manufactured in Pakistan

April 9, 1990.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs amending visa requirements.

EFFECTIVE DATE: April 16, 1990.

FOR FURTHER INFORMATION CONTACT: Anne Novak, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The existing export visa arrangement between the Governments of the United States and Pakistan is being amended to include the coverage of certain part and merged categories.

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 54 FR 50797, published on December 11, 1989). Also see 48 FR 25257, published on June 6, 1983; and 52 FR 21611, published on June 8, 1987.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

April 9, 1990

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on May 27, 1983, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive establishes visa and exempt certification requirements for certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products exported from Pakistan.

Effective on April 16, 1990 the directive of May 27, 1983, as amended, is amended further to include cotton and man-made fiber textile products in the following part and merged categories, produced or manufactured in Pakistan and exported from Pakistan on and after January 1, 1990:

Category

331/631
359–C [1]
359–O [2]

You are directed to permit entry of merchandise in Categories 331 and 631 visaed as Categories 331/631 or the correct category corresponding with the actual shipment.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa or visa waiver must be obtained.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

[1] Category 359–C: Only HTS numbers 6103.42.2025, 6103.49.3034, 6104.62.1020; 6104.69.3010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[2] Category 359–O: All HTS numbers except those in Category 359–C.

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90–8587 Filed 4–12–90; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1990; Additions

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 14, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On December 15, 1989, January 26, February 2, 16 and 23, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (54 FR 51449, 55 FR 2677, 3634, 5646 and 6415) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540). After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities and provide the services at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and services listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the services procured by the Government.

Accordingly, the following commodities and services are hereby added to Procurement List 1990:

Commodities

Harness, Head

4240–01–223–7313

Bag, Plastic

8105–LL–N86–0770
8105–LL–N86–0771
8105–LL–N78–1252
8105–LL–N77–1370
(Requirements of Norfolk Naval Shipyard, Portsmouth, Virginia only)

Clip, End, Strap
8315–01–259–6863

Toothbrush, Dental Patient

8530–00–080–6341
8530–00–080–7630

Services

Car Wash/Operation of Recycling Station

Olympic National Park, Port Angeles, Washington

Commissary Warehousing

George Air Force Base, California

Food Service Attendant

NAS Whiting Field, Milton, Florida

Beverly L. Milkman,

Executive Director.

[FR Doc. 90–8679 Filed 4–12–90; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1990; Addition

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Addition to Procurement List.

SUMMARY: This action adds to Procurement List 1990 a service to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 14, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: On September 1, 1989, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (54 FR 36369) of proposed additions to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540).

No comments were received as a result of that public notice. However,

the current contractor objected to the proposed action in a letter to the Committee and indicated that the income from its contract for this service represents a significant portion of its gross business. The Committee recognizes that some impacts of this nature are a necessary consequence of its operations, and carefully considers the overall impact of each of its actions.

The Committee has reviewed the impact on the current contractor and has determined that the addition of this service to the JWOD program would not have a severe adverse impact on the current contractor.

After consideration of the material presented to it concerning the capability of a qualified workshop to provide this service at a fair market price and the impact of the addition on the current or most recent contractor, the Committee has determined that this service is suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.6.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The action will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The action will not have a serious economic impact on any contractors for the service listed.

c. The action will result in authorizing small entities to provide the service procured by the Government.

Accordingly, the following service is hereby added to Procurement List 1990:

Janitorial/Custodial at the Following Dallas, Texas locations

Earl Cabell Federal Building and U.S. Courthouse, 1100 Commerce Street
Federal Building, 1114 Commerce Street
Griffin Street Auto Park, 404 S. Griffin Street

Beverly L. Milkman,

Executive Director.

[FR Doc. 90–8680 Filed 4–12–90; 8:45 am]

BILLING CODE 6820–33–M

Procurement List 1990; Proposed Additions

AGENCY: Committee for Purchase From the Blind and Other Severely Handicapped.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1990 commodities to be produced and services to be provided by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 14, 1990.

ADDRESSES: Committee for Purchase from the Blind and Other Severely Handicapped, Crystal Square 5, Suite 1107, 1755 Jefferson Davis Highway, Arlington, Virginia 22202–3509.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 557–1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.6. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodities and services to Procurement List 1990, which was published on November 3, 1989 (54 FR 46540):

Commodities

Stamp, Rubber

7520–00–NSH–0018
7520–00–NSH–0019
7520–00–NSH–0020
7520–00–NSH–0021
7520–00–NSH–0022
7520–00–NSH–0023
7520–00–NSH–0024
7520–00–NSH–0025
7520–00–NSH–0026
7520–00–NSH–0027
7520–00–NSH–0028
7520–00–NSH–0029
7520–00–NSH–0030
7520–00–NSH–0031
7520–00–NSH–0032
7520–00–NSH–0033
7520–00–NSH–0034
7520–00–NSH–0035
7520–00–NSH–0036
7520–00–NSH–0037
7520–00–NSH–0038
(Requirements for McClellan Air Force Base, California only)

Services

Administrative Services

Federal Supply Service, Kansas City, Missouri

Janitorial/Custodial

James W. Wadsworth USARC, 2035 North Goodman Street, Rochester, New York

Janitorial/Custodial

Webster USARC, 515 Ridge Road, AMSA #7, Old Ridge Road, Webster, New York

Beverly L. Milkman,

Executive Director.

[FR Doc. 90–8681 Filed 4–12–90; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange's Proposed Rules 577, 578 and 579 Concerning Globex Limitation of Liability

AGENCY: Commodity Futures Trading Commission.

ACTION: Second notice of proposed contract market rules and request for comment.

SUMMARY: On November 29, 1989, the Commodity Futures Trading Commission ("Commission") published in the **Federal Register** a request for comment on the Chicago Mercantile Exchange's ("CME" or "Exchange") proposed Rules 577 and 578. 54 FR 49107, November 29, 1989. The proposed rules generally pertain to limitations of liability for the CME, its members, clearing members, other persons acting as agents for customers, the P–M–T Limited Partnership ("PMT"), the Globex Corporation, and Reuters, and their respective directors, officers and employees, for losses incurred by any person as a result of the use of Globex, the CME's automated trading system. On January 3, 1990, in response to requests from members of the public, the Commission extended the comment period for thirty days. 55 FR 166, January 3, 1990.

On February 16, 1990, the CME submitted to the Commission amendments to proposed Rule 578 modifying the scope of the limitations on liability. The CME also submitted proposed Rule 579 which, among other things, would provide certain exceptions to the limitations of liability for the CME and PMT. The CME did not submit amendments to proposed Rule 577 which would prohibit members, clearing members and Rule 106.I firms from accepting an order from, or on behalf of, a customer for entry into Globex unless the customer was first provided with a Globex Customer Information Statement in a form approved by the Exchange. The Commission has determined that republication of the proposed rules is in the public interest, will assist the Commission in considering the views of

interested persons, and is consistent with the purposes of the Commodity Exchange Act ("Act").

DATES: Comments must be submitted by May 4, 1990.

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

FOR FURTHER INFORMATION CONTACT: Lystra G. Blake, Attorney, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: On November 29, 1989, the Commission published in the **Federal Register** the CME's proposed Rules 577 and 578. 54 FR 49107, November 29, 1989. On February 16, 1990, the CME submitted amendments to Rules 578 and a proposed new Rule 579. The proposed rules generally pertain to limitations of liability for the CME, its members, clearing members, other persons acting as agents for customers, PMT, the Globex Corporation, and Reuters, and their respective directors, officers and employees, for losses incurred by any person as a result of the use of Globex.

As originally proposed, Rule 578 contained paragraphs addressing (1) the liability of the CME, Reuters, and related entities, (2) the liability of clearing members, (3) consequential and other damages, (4) warranties, and (5) choice of law and venue. Amended Rule 578 would modify each of these provisions.

The first paragraph of the original proposal provided that neither the Exchange, PMT, the Globex Corporation, or Reuters (with respect to Globex), nor any of their respective directors, officers or employees would be liable to any Exchange member, clearing member or customer for any loss, damage, cost or expense (including, but not limited to, loss of profits and loss of use) incurred by members or customers arising from (i) any faults in the delivery or operation of Globex, or Exchange services or facilities in connection with Globex, regardless of the cause of such faults; (ii) the suspension, termination, or inability to use all or part of Globex or Exchange services or facilities in connection with Globex, or any inaccuracies or omissions in any information provided; (iii) any failure or delay suffered or allegedly suffered by members or customers in concluding trades in Exchange contracts through Globex, however caused; or (iv) any other cause in connection with the furnishing, performance, maintenance or use of or inability to use all or any part of Globex, or Exchange services or facilities in connection with Globex. This limitation would apply even if the Exchange, PMT, the Globex Corporation or Reuters had been advised of the possibility of damages and even if the damages were due to the error, omission or negligence of these entities.

As amended, proposed Rule 578 would modify the scope of this limitation of liability in several ways. The amended rule would provide that the disclaimer of liability would not apply if the losses incurred were due to either (1) certain specified negligent acts of CME employees in the Globex Control Center ("GCC") set forth in proposed Rule 579; or (2) the willful or wanton acts of the CME, PMT, the Globex Corporation, or Reuters (except as otherwise provided by any agreement with Reuters), or their respective officers, directors, or employees.

The amended rule further would be revised to specify that the limitations of liability would apply to (i) any failure or malfunction, including any inability to enter or cancel orders, of the Globex system or any Exchange or PMT or services or facilities used to support the Globex system, or (ii) any fault in delivery, delay, omission, suspension, inaccuracy or termination, or any other cause, in connection with the furnishing, performance, maintenance, use of or inability to use all or any part of the Globex system or any Exchange or PMT services or facilities used to support the Globex system. The limitation would apply regardless of whether a claim arose in contract, tort, negligence, strict liability, or otherwise.

The second paragraph of Rule 578, as originally proposed, provided that neither the CME's clearing members nor their officers, directors or employees would be liable to a customer for any loss, damage, cost or expense incurred by such customer from any failure of Globex, or from the failure of Exchange services or facilities in connection with Globex. The amended proposal would expand the scope of the limitation of liability beyond clearing members to include individual members and other persons acting as agents in causing the orders of others to be entered into the system, such as non-clearing futures commission merchants.

The amended proposal also would make other changes affecting members and agents which parallel those previously described with regard to the CME, PMT, the Globex Corporation and Reuters. The limitation would apply to any losses arising from the failure or malfunction (including any inability to enter or to cancel orders) of Globex or any Exchange or PMT services or facilities used to support Globex. The limitation would apply regardless of whether a claim arose in contract, tort, negligence, strict liability, or otherwise. The limitation would not apply if it were found that the losses were due to willful or wanton conduct.

The third paragraph of proposed Rule 578 originally provided that neither the Exchange, its clearing members, PMT, the Globex Corporation, nor Reuters (with respect to Globex) would be liable to members or customers for any direct, indirect, incidental or consequential damages, including lost profits, resulting from the use of Globex, or the use of Exchange services or facilities in connection with Globex. The amended rule would specify that this limitation on damages also would apply to members and other persons acting as agents. It further would state that this limitation would apply to officers, directors, and employees of the specified entities. As noted above, the amended proposal would apply to exchange or PMT services or facilities used to support the Globex system rather than exchange facilities in connection with Globex.

The last two paragraphs of the proposed rule contained provisions disclaiming any express or implied warranties and establishing choice-of-law and venue requirements for disputes arising out of the use of Globex. These provisions also have been amended to apply to exchange or PMT services or facilities used to support the Globex system rather than exchange services or facilities in connection with Globex. Finally, the amended proposal includes a new sentence stating: "This rule shall in no way limit the applicability of any provision of the Commodity Exchange Act or the CFTC's regulations."

The CME also submitted a proposed new Rule 579. This proposed rule would set forth those circumstances in which the Exchange and PMT would accept liability for the negligent acts of certain Exchange employees. Specifically, proposed Rule 579 would provide that the Exchange and PMT would be liable when employees in the GCC negligently (1) cancelled orders resting in Globex, (2) deactivated a Globex terminal, (3) failed to deactivate a Globex terminal pursuant to a clearing member's instructions, or (4) issued passwords to unauthorized persons in violation of a clearing member's instructions. In addition, the proposed rule would provide that the Exchange and PMT's joint liability in the above circumstances would be limited to $10,000 for any

single claim, and $100,000 for all claims on any single day.

The rule would define the term "a single claim" and would provide that such claim could be brought by the member or clearing member who (or whose customer) was damaged. The rule further would provide that if the $100,000 maximum daily amount could not satisfy all claims arising on a single day, then such claims would be limited to a pro rata share of the $100,000. In addition, proposed Rule 579 would provide that all claims brought pursuant to this rule must be submitted for arbitration. The rule would outline the arbitration procedures for filing and hearing such claims which are similar to the CME's existing arbitration rules. Finally, Rule 579 also would state that the limitations of liability would not limit the applicability of any provision of the Act or the Commission's regulations.

The Commission requests comments on any aspect of the proposal that members of the public believe may raise issues under the Act or the Commission's regulations. In particular, the Commission requests comment on whether, as amended, the scope of the proposed limitations of liability contravene the Act, Commission regulations, or public policy and whether additional modifications or safeguards are necessary or appropriate. The Commission also requests comment on the terms of the proposed customer disclosure, the use of the proposed arbitration procedures to resolve disputes, and whether the rules are sufficiently clear concerning application of the Act and Commission regulations.

Any person interested in submitting written data, views or arguments on the proposed rules, or with respect to other materials submitted by the CME in support of its submission, should send comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date. The text of the proposed rules is as follows:

Text of Proposed CME Rules 577, 578, and 579

577. Globex Customer Information Statement.—No member, clearing member or rule 106.I. firm shall accept an order from, or on behalf of, a customer for entry into GLOBEX, unless such customer is first provided with a Globex Customer Information Statement in a form approved by the Exchange.

578. Limitation of Liability.—Except as provided in CME rule 579, and except in instances where there has been a finding of willful or wanton misconduct, in which case the party found to have engaged in such conduct cannot avail itself of the protections in this rule, neither the Exchange, P-M-T Limited Partnership ("PMT"), Globex Corporation, Reuters (except as otherwise provided by any agreement with Reuters), nor any of their respective officers, directors or employees shall be liable to any person, including a customer, for any losses, damages, costs or expenses (including, but not limited to, loss of profits, loss of use, direct, incidental or consequential damages), arising from (i) any failure or malfunction, including any inability to enter or cancel orders, of the Globex System or any exchange or PMT services or facilities used to support the Globex System, or (ii) any fault in delivery, delay, omission, suspension, inaccuracy or termination, or any other cause, in connection with the furnishing, performance, maintenance, use of or inability to use all or any part of the Globex System or any exchange or PMT services or facilities used to support the Globex System. The foregoing shall apply regardless of whether a claim arises in contract, tort, negligence, strict liability or otherwise.

Except in instances in which there has been a finding of willful or wanton misconduct, in which case the party found to have engaged in such conduct cannot avail itself of the protections in this rule, neither members, clearing members, other persons acting as agents in causing the orders of others to be entered into the Globex System, nor any of their respective officers, directors or employees shall be liable to any person, including a customer, for any losses, damages, costs or expenses (including, but not limited to, loss of profits, loss of use, direct, indirect, incidental or consequential damages), arising from any failure or malfunction, including any inability to enter or cancel orders, of the Globex System or any exchange or PMT services or facilities used to support the Globex System. The foregoing shall apply regardless of whether a claim arises in contract, tort, negligence, strict liability or otherwise.

There are no express or implied warranties or representations provided by the Exchange, the PMT limited Partnership, Globex Corporation or Reuters, relating to the Globex system or any exchange or PMT services or facilities used to support the Globex System, including but not limited to warranties of merchantability and warranties of fitness for a particular purpose or use.

Any dispute arising out of the use of the Globex system or exchange or PMT services or facilities used to support the Globex system in which the PMT Limited Partnership, the Exchange, Globex Corporation or any of their respective officers, directors or employees is a party shall be construed and enforced in accordance with the laws of the State of Illinois. Any actions, suits or proceedings against any of the above must be brought within two years from the time that a cause of action has accrued, and any party bringing such action consents to jurisdiction in the U.S. District Court for the Northern District of Illinois and the Circuit Court of Cook County, Illinois, and waives any objection to venue. This provision shall in no way create a cause of action and shall not authorize an action that would otherwise be prohibited by CME rules.

Notwithstanding any of the foregoing provisions, this rule shall in no way limit the applicability of any provision of the Commodity Exchange Act of the CFTS's regulations.

579. Globex Control Center—Limitation of Liability.—The Exchange and P-M-T Limited Partnership ("PMT") shall provide employees in the Globex Control Center ("GCC") to perform certain services for members and clearing members with respect to Globex. Such employees may not always be available to assist members and clearing members. The Exchange and PMT shall be liable when such employees negligently: (1) Cancel orders resting in the Globex system; (2) deactivate a Globex terminal, in which case only those orders that were resting in the system at the time of deactivation may be the basis for an allowable claim; (3) fail to deactivate a Globex terminal pursuant to a clearing member's instructions, in which case those orders that were entered or matched after the instruction was received by the GCC, but before the GCC has had a reasonable period of time to act upon such instruction, shall not form the basis for an allowable claim; and (4) issue passwords to unauthorized persons in violation of a clearing member's instructions.

The liability of the Exchange and PMT, together, for the above shall be limited as follows:

- $10,000 for any single claim; and
- $100,000 for all claims arising out of the negligent actions or failures to act of all GCC employees on any single day.

A single claim shall mean a loss resulting from all actions or failures to act as described above that were performed negligently by all GCC employees with respect to a single order entered through Globex, or multiple orders entered through Globex for a

single customer. Such claim may be brought by the member or clearing member who (or whose customer) was damaged.

If the number of allowed claims arising out of the negligent actions or failures to act of all GCC employees on a single day cannot be fully satisfied because of the above limitations, all such claims shall be limited to a pro rata share of the maximum per day amount.

A claim against the Exchange and PMT for the negligent actions or failures to act enumerated above of the GCC employees shall only be allowed if such claim is brought pursuant to and in accordance with this Rule.

Arbitration of Claims

1. Notice of Claim

A written notice of the claim, including the amount of the loss incurred as a result of the alleged negligent action, must be presented to the Exchange within ten days following the Globex Session during which the negligent action allegedly occurred.

The Exchange shall have twenty days from receipt of such notice to satisfy, agree to pay subject to the limits in this Rule or dispute the claim. No payment in satisfaction of a claim may exceed the limits in this Rule. The Exchange shall notify the member or clearing member if the Exchange disputes the claim.

2. Filing a Claim/Answer

A member or clearing member shall file a formal claim, on behalf of itself or a customer, within twenty days of notification that the Exchange disputes the claim. Failure to file a formal claim shall result in dismissal of the claim.

The Exchange shall file an answer within twenty days of receipt of a formal claim. Failure to file an answer shall constitute an admission of liability, and the Exchange shall be required to pay the amount of the claim; provided however, that no such payment may exceed the limits in this Rule.

3. Arbitration Panel

All disputed claims shall be submitted to an arbitration panel for binding arbitration. The panel shall consist of three panelists selected from a list of arbitrators maintained by the National Futures Association ("NFA"). The claimant and the Exchange shall each select one panelist. The President of NFA shall choose the third panelist.

No person shall serve as a panelist unless and until he has first pledged to the Exchange that he will not publish, divulge, or make known in any manner, any facts or information regarding the business of any person or any other information which may come to his attention in his official capacity as a member of the panel, except when called upon to testify in any judicial or administrative proceeding.

Each person serving on the panel shall comply with the standards of the American Bar Association-American Arbitration Association's "Code of Ethics for Arbitrators in Commercial Disputes," incorporated herein by reference.

No person shall serve on an arbitration panel if he has a personal or financial interest in the matter under consideration.

4. Hearing

The panel shall consider all relevant testimony and documents submitted by the claimant and the Exchange. Each party has the right to be present at the hearing, to be represented by counsel at his own expense, to examine all relevant documents prior to and during the hearing, to present all relevant evidence in support of or as rebuttal to a claim or defense, and to question witnesses during the hearing. Testimony shall be taken under oath or affirmation.

The panel may require any member, or any person employed by or associated with a member, or persons employed by the Exchange or PMT or other persons having an interest in the claim, to appear, to testify or to produce relevant documents. The panel shall have the power to issue and enforce subpoenas in accordance with the procedures of the American Arbitration Association. Whenever such production or appearance results from the request of a party, all reasonable costs incurred shall be borne by the party making the request, unless directed otherwise by the panel.

The panel shall be the sole judge of the law and the facts, but if the panel is in doubt as to any questions of law, it may refer the question to Exchange legal counsel for an opinion. The panel shall not be bound by the formal rules of evidence. Ex parte contacts by any of the parties with persons on the arbitration panel shall not be permitted.

An audio recording of the proceeding shall be made and maintained until the decision becomes final. A verbatim record of such recording shall not be transcribed unless requested by a party, who shall bear the cost or transcription.

5. Decision

Within thirty days of a completed hearing, the panel shall issue a written decision. The amount of any award issued by the panel shall be limited to the lesser of the actual loss or the loss that would have occurred if the claimant had diligently taken all necessary actions to mitigate the loss. The decision of a majority of the panel shall be final, and there shall be no appeal to the Board of Governors.

An award shall be satisfied within three business days of receipt of the notice of decision. However, a party may, within three business days, request the arbitration panel to modify or correct its decision when there has been an obvious material miscalculation or misdescription or where the decision is imperfect in a matter of form not affecting the merits of the controversy.

6. Applicability of Commodity Exchange Act

Notwithstanding any of the foregoing provisions, this Rule shall in no way limit the applicability of any provision of the Commodity Exchange Act or the CFTC's regulations.

Issued in Washington, DC, on April 6, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-8578 Filed 4-12-90; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

Board of Visitors' Meeting

AGENCY: Defense Systems Management College.

ACTION: Board of Visitors Meeting.

SUMMARY: A meeting of the Defense Systems Management College (DSMC) Board of Visitors will be held in Building 184, Fort Belvoir, Virginia, on Tuesday, May 15, 1990, from 0830 until 1600. The agenda will include a review of accomplishments related to the system acquisition education, system acquisition research, and information collection and dissemination missions. It will also include a review of the DSMC plans, resources and operations. The meeting is open to the public; however, because of limitations on the space available, allocation of seating will be made on a first-come, first-serve basis. Persons desiring to attend the meeting should call Mrs. Joyce Reniere on (703) 664-4235.

Dated: April 10, 1990.

Linda Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-8654 Filed 4-12-90; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Board; Meeting

AGENCY: Defense Intelligence Agency Advisory Board, DOD.

ACTION: Notice of cancellation of closed meeting.

SUMMARY: Notice is hereby given that the closed meeting of the DIA Advisory Board's Intelligence Support for Arms Control Monitoring Committee, scheduled for March 21–22, 1990, announced in the **Federal Register** on Thursday, March 8, 1990, page 8513 was cancelled.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonal John E. Hatlelid, USAF, Chief, DIA Advisory Board Office, Washington, DC 20340–1328 (202/373–4930).

Dated: April 10, 1990.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–3651 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Defense Intelligence Agency Advisory Board; Meeting

AGENCY: Defense Intelligence Agency Advisory Board, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of a committee of the DIA Advisory Board has been scheduled as follows:

DATES: Tuesday, 15 May 1990 (9:00 a.m. to 5:00 p.m.).

ADDRESSES: The DIAC, Bolling AFB, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John E. Hatlelid, USAF, Chief, DIA Advisory Board Office, Washington, DC 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552(b)(1), title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a special study on Requirements, Collection and Analysis.

Dated: April 12, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–8652 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Office of the Secretary, Defense Intelligence Agency Advisory Board; Meeting

AGENCY: Defense Intelligence Agency Advisory Board, DOD.

ACTION: Notice of closed meeting.

SUMMARY: Pursuant to the provisions of subsection (d) of section 10 of Public Law 92–463, as amended by section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Advisory Board has been scheduled as follows:

DATES: Wednesday and Thursday, 16–17 May 1990 (9:00 a.m. to 5:00 p.m.) each day.

ADDRESSES: The DIAC, Bolling AFB, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lieutenant Colonel John E. Hatlelid, USAF, Chief, DIA Advisory Board Office, Washington, DC. 20340–1328 (202/373–4930).

SUPPLEMENTARY INFORMATION: The entire meeting is devoted to the discussion of classified information as defined in section 552b(c)(1), title 5 of the United States Code and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical intelligence matters.

Dated: April 10, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–8653 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1990 Summer Study on Tactical Forces/C ^{3}; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board 1990 Summer Study on Tactical Forces/C ^{3} will meet in closed session on 9 and 10 May at SAIC, 1710 Goodridge Drive, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will identify areas of technological research and development which need special emphasis in the 1990's to ensure robust tactical forces and related C ^{3} structure.

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

Dated: April 10, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–8648 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board 1990 Summer Study on Strategic Forces/C ^{3}; Meeting

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board 1990 Summer Study on Strategic Forces/C ^{3} will meet in closed session on 3 and 4 May at TRW, One Space Park, Building E2, Redondo Beach, California, and on 27 and 28 June at SAIC, 1710 Goodridge Drive, McLean, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will identify areas of technological research and development which need special emphasis in the 1990's to ensure robust strategic forces and related C ^{3} structure.

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

Dated: April 10, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–8649 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on High Definition Systems; Meeting

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on High Definition Systems will meet in closed session on 1 May 1990 at Institute for Defense Analysis, 2000 N. Beauregard, Alexandria, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisitioin on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will develop final conclusions and recommendations for future presentation to the Secretary of Defense.

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

Dated: April 10, 1990.

Linda M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90–8650 Filed 4–12–90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Army Advisory Panel on ROTC Affairs; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Panel meeting:

Name of Panel: Army Advisory Panel on ROTC Affairs.

Date of Meeting: June 19–20, 1990.

Place: Fort Lewis, Washington.

Time: 9 a.m.–5 p.m., June 19, 1990, 9 a.m.–12 p.m., June 20, 1990.

Proposed Agenda: The meeting is open to the public and will consist of briefings and discussions. Any interested person may appear before or file a statement with the Panel at the time, and in the manner, permitted by the Panel. It is projected that the following events will take place during the meeting. After opening remarks by Major General Wallace C. Arnold and the chairman of the Panel, Dr. Anthony F. Ceddia, any administrative matters requiring attention will be resolved. The meeting will then proceed with a variety of recent ROTC Cadet Command initiatives. Major General Arnold will provide an overview of the significant changes since the February 1990 meeting at Duquesne University. Briefings on June 19–20 will include: Scholarship Update, Missioning Update, Advertising Strategy, Marketing Operation Citizen Soldier, Spring Gold, Green to Gold Update, Camps Update, Cadet Professional Development Training, and the High School Program Update. On June 20 the Army Advisory Panel on ROTC Affairs will meet in general session to formulate recommendations, consider progress made on previous Panel recommendations, and to select a date for the next Panel meeting.

Kenneth L. Denton,

Alternate Army Liaison Officer with the Federal Register.

[FR Doc. 90–8658 Filed 4–12–90; 8:45 am]

BILLING CODE 3710-08-M

Privacy Act of 1974; Amendment of Two Systems of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice of two amended systems of records for public comment.

SUMMARY: The Department of the Army proposes to amend two existing record system notices in its inventory of record system notices subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a). The amended record systems notices are set forth below.

DATES: The proposed actions will be effective without further notice on May 14, 1990 unless comments are received which would result in a contary determination.

ADDRESSES: Send any comments to Mrs. Alma A. Lopez, ASOP–MR, Fort Huachuca, AZ 85613–5000. Telephone (602) 538–4746 or Autovon 879–4746.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records, as prescribed by the Privacy Act of 1974 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:.

50 FR 22090, May 29, 1985 (DoD Compilation, changes follow)
51 FR 23576, Jun 30, 1986
51 FR 30900, Aug 29, 1986
51 FR 40479, Nov 7, 1986
51 FR 44361, Dec 9, 1986
52 FR 11847, Apr 13, 1987
52 FR 18798, May 19, 1987
52 FR 25905, Jul 9, 1987
52 FR 32329, Aug 27, 1987
52 FR 43932, Nov 17, 1987
53 FR 12971, Apr 20, 1988
53 FR 16575, May 10, 1988
53 FR 21509, Jun 8, 1988
53 FR 28247, Jul 27, 1988
53 FR 28249, Jul 27, 1988
53 FR 28430, Jul 28, 1988
53 FR 34576, Sep 7, 1988
53 FR 49586, Dec 8, 1988
53 FR 51580, Dec 22, 1988
54 FR 10034, Mar 9, 1989
54 FR 11790, Mar 22, 1989
54 FR 14835, Apr 13, 1989
54 FR 46965, Nov 8, 1989
54 FR 50268, Dec 5, 1989

The specific changes to the record systems being amended are set forth below, followed by the system notices, as amended, published in their entirety. The amended notices are not within the purview of subsection (r) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), which requires the submission of altered systems reports.

Dated: April 10, 1990.

L.M. Bynum,

Alernate OSD Federal Register Liaison Officer, Department of Defense.

A1504.08DAEN

SYSTEM NAME:

Real Estate Outgrants (50 FR 22249, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete the entire entry and substitute with "Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems notices."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to the end of the entry ", and recreational use and expenditure information."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add "33 U.S.C. 652" to the entry.

* * * * *

STORAGE:

Delete entire entry and substitute with "Paper records in file cabinets and on magnetic tape or optical systems."

RETRIEVABILITY:

Delete entire entry and substitute with "Retrieved by outgrant or response number, or by the grantee's name."

SAFEGUARDS:

Delete the entire entry and substitute with "Records are maintained in areas accessible only to authorized persons having official need therefore. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data."

* * * * *

NOTIFICATION PROCEDURE:

Delete the entire entry and substitute with "Individuals seeking to determine whether their system of records contains

information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number if known, specifics concerning the outgrant and the request must be signed."

RECORD ACCESS PROCEDURE:

Delete the entire entry and substitute with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number if known, specifics concerning the outgrant and the request must be signed."

CONTESTING RECORD PROCEDURE:

Delete the entire entry and substitute with "Army rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 430–21–8; 32 CFR part 505; or may be obtained from the system manager."

* * * * *

A1504.08DAEN

SYSTEM NAME:

Real Estate Outgrants.

SYSTEM LOCATION:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Grantees holding outgrants (leases, licenses, easements, permits, and consents) for use of Government real property, or permission (under consents) for use of property over which the Government holds easement interests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Outgrant instrument and listings by number and name to include location, purpose, term and rental for each outgrant, and an indication when grantees are not in compliance with terms of their outgrants, and recreational use and expenditure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 2667, 2668, 2672, 3012, 4777, 8012 and 9777; 16 U.S.C. 460d and 661 et seq.; 30 U.S.C. 185; 33 U.S.C. 558b, 558b–1 and 652; 40 U.S.C. 319 and 471 et seq.

PURPOSE(S):

To process outgrants and to record inspections of outgrants and determine grantees' compliance with terms and conditions of the grant.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Army's "Blanket Routine Uses" that appear at the beginning of the agency's compilation of records systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file cabinets and on magnetic tape or optical systems.

RETRIEVABILITY:

Records are retrieved by outgrant or response number, or by the grantee's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefore. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Records are destroyed three years after termination of outgrant instrument.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number if known, specifics concerning the outgrant and the request must be signed.

RECORD ACCESS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, present address and telephone number, response number in known, specifics concerning the outgrant and the request must be signed.

CONTESTING RECORD PROCEDURE:

Army rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 430–21–8; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information is obtained from the individual and Army records and/or report.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A1522.15DAEN

SYSTEM NAME:

General Permit Files (50 FR 22252, May 29, 1985).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete the entire entry and substitute with "Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems notices."

* * * * *

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete the entire entry and substitute "Applicants for permits, recreational use and expenditure data (if collected), written comments from the general public, state, local and Federal agencies, similar relevant documents."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Add "33 U.S.C. 652" to the end of entry.

PURPOSE(S):

Add "; and as a basis for estimating recreational uses and expenditures." to the end of the entry.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Add "The Army's "Blanket Routine Uses" that appear at the beginning of the agency's compilation of records systems notices apply to this system." to the entry.

* * * * *

STORAGE:

Delete the entire entry and substitute with "Paper records in file folders, on magnetic tapes and optical systems, and/or microfilm."

* * * * *

SAFEGUARDS:

Delete the entire entry and substitute with "Records are maintained in areas accessible only to authorized persons having official need therefore. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data."

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete the entire entry and substitute with "Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000."

NOTIFICATION PROCEDURE:

Delete the entire entry and substitute with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record."

RECORD ACCESS PROCEDURE:

Delete the entire entry and substitute with "Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record."

CONTESTING RECORD PROCEDURE:

Delete the entire entry and substitute with "Army rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 430–21–8; 32 CFR part 505; or may be obtained from the system manager."

* * * * *

A1522.15DAEN

SYSTEM NAME:

General Permit Files.

SYSTEM LOCATION:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000 and the Engineer Division and District Offices. Official mailing addresses are published as an appendix to the Army's compilation of systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals applying for permit, permittees, and persons having done unauthorized work in navigable waters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Applicants for permits, recreational use and expenditure data (if collected), written comments from the general public, State, local and Federal agencies, similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Harbor Act of March 3, 1899 (sections 9, 10, and 14); Federal Water Pollution Control Act Amendments of 1972 (section 404); and the Marine Protection, Research and Sanctuaries Act of 1972 (section 103); 33 U.S.C. 652.

PURPOSE(S):

Serves as the basis for decision by the Chief of Engineers or his designated representative to enforce the regulatory program; and as a basis for estimating recreational uses and expenditures.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Department of Justice for possible criminal prosecution.

Federal agencies to solicit views regarding individual's application as required by Federal law.

The Army's "Blanket Routine Uses" that appear at the beginning of the agency's compilation of records systems notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders, on magnetic tapes and optical systems, and/or microfilm.

RETRIEVABILITY:

Records are retrieved by individual's name.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized persons having official need therefor. Records are housed in buildings protected by security guards or locked when not in use. Information in automated media is further protected by physical security devices; access to or update of information in the system is protected through a system of passwords, thereby preserving integrity of data.

RETENTION AND DISPOSAL:

Fill and bank protection files are permanent. Dock permit files are destroyed two years after removal of the structure. Dredging and dumping permit files are destroyed two years after revocation or expiration. General permit files are permanent in filed offices and destroyed after three years in the Office of the Chief of Engineers, Headquarters. Rejected permit applications are destroyed one year after disapproval. Non-action construction permit files are destroyed two years after expiration of permit.

SYSTEM MANAGER(S) AND ADDRESS:

Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314–1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record.

RECORD ACCESS PROCEDURE:

Individuals seeking to determine whether this system of records contains information about themselves should address written inquiries to the Office of

the Chief of Engineers, Headquarters, Department of the Army, 20 Massachusetts Avenue NW., Washington, DC 20314-1000.

Individual must provide full name, current address and telephone number, response number if known, and specifics that will assist in locating the record.

CONTESTING RECORD PROCEDURE:

Army rules for accessing records and for contesting contents and appealing initial agency determinations by the individual concerned are published in Department of the Army Regulation 430-21-8; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the applicant, local and State government, the general public, Department of the Interior, Environmental Protection Agency, National Oceanic and Atmosphere Administration, Department of Justice.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 90-8647 Filed 4-12-90; 8:45 am]

BILLING CODE 3810-01-M

Defense Communications Agency

Government Funded Test of HF Radios Built to Federal Standard (FED-STD) 1045 for Counter-Drug Interoperability Program

AGENCY: Defense Communications Agency, DOD.

ACTION: Notice of testing.

SUMMARY: The purpose of this notice is to announce the Government's intent to test available vendor HF radio systems built in accordance with FED-STD 1045 for specified Automatic Link Establishment (ALE) interoperability and performance.

This Government funded test of vendor equipment is offered to assist in the possible procurement of HF radios, built in accordance with FED-STD 1045, for use by those Government agencies actively involved with the counter-drug program.

The DCA Counter-Drug Telecommunications Integration Office (C-D TIO) is the sponsoring organization. The tests will be performed in two phases. Phase 1 will verify that each participant's radio will interoperate with a FED-STD 1045 radio located at NTIA/ITS, Boulder, Colorado and will exercise message passing capability through use of the automatic message display and orderwire. Phase II will verify interoperability between participating vendors. Prior to the test start, a laboratory simulator test (using a Watterson model HF propagation channel simulator and a test tape provided by the Government) will be performed at each vendor's site, by the government and assisted by the vendor, to verify minimum linking performance criteria as specified in FED-STD 1045, Table 1.

The C-D TIO will sponsor the test of vendor's production equipment on a one-time opportunity basis only. Only production models will be allowed as candidates for the test. Vendors with more than one candidate radio system should select a single system as representative of its FED-STD 1045 implementation for this particular test. The selected system should be representative of the manufacturers product line. Those vendors with equipment currently under development may request testing at a later date. However, they may be required to reimburse the Government for the cost of the actual testing.

A separate "First Article Test and Acceptance" requirement will be established by specific procurement contracts.

Two (2) units must be made available for test and Government inspection by May 14, 1990. The equipment will remain at the vendor facility or at a site designated by the vendor before and during the test.

Each vendor's equipment will remain the property of the vendor. Maintenance of the test units during the test will be the responsibility of the owner. The tests will begin on or about June 4, 1990 and should be completed in approximately 60 days. All vendor equipment must be installed within the Continental United States (CONUS).

Vendors who intend to participate in those tests are encouraged to attempt the interoperation of their equipment, with other vendors, before and during scheduled tests.

Vendors who intend to participate should notify the Defense Communications Agency, Code AZ, Washington, D.C. 20305-2000, in writing, not later than April 30, 1990.

An outline of the tests to be performed will be available as of that date and a draft test plan and the simulation tapes will be available by May 14, 1990.

FOR INFORMATION CONCERNING TECHNICAL ASPECTS OF THE TEST

CONTACT: Mr. Paul C. Smith and/or Karen S. Henderson, NTIA/ITS, 325 Broadway, Boulder, Colorado 80303. Telephone: (303) 497-5116.

FOR FURTHER INFORMATION CONCERNING CONDUCT OF THE TEST/SCHEDULES/FUNDING/GOVERNMENT MONITORS, ETC.

CONTACT: Mr. Roger A. Berry, DCA Code AZ, Washington DC 20305. Telephone: AV 286-7187, COMM (202) 746-7187.

Dated: April 10, 1990.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 90-8646 Filed 4-12-90; 8:45 am]

BILLING CODE 3810-01-M

Department of the Navy

Intention To Prepare an Environmental Impact Statement for Possible Naval Base Closures in the San Francisco Bay Area, CA: Naval Air Station Moffett Field, et al.

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500-1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) to evaluate the environmental effects of the possible closure of six Naval bases in the San Francisco Bay area. The six bases are: Naval Air Station Moffett Field, Naval Air Station Alameda, Naval Aviation Depot Alameda, Naval Supply Center Oakland, Naval Hospital Oakland, and Naval Station Treasure Island. This action is taken pursuant to the Secretary of Defense announcement of January 29, 1990 of candidate bases to be evaluated for possible closure or realignment. This EIS will be part of a report submitted to the Congress in conjunction with the President's annual Department of Defense Budget Authorization request.

The EIS will evaluate the environmental effects of possible closure of each base and, to the extent known, of possible relocations of some Bay area facilities to other locations. It will address the no action alternative. The EIS will not address the ultimate disposal and possible re-use options of a given base, as these possible future scenarios cannot be clearly defined. Disposal and subsequent re-use of a facility will be evaluated in subsequent environmental documentation when these issues are more defined and ripe for evaluation in accordance with NEPA.

The Navy will initiate a scoping process for the purpose of determining the scope of issues to be addressed in the EIS and for identifying the significant issues related to this action. The Navy will hold four public scoping meetings on the following dates:

April 30, 1990—beginning at 7:30 p.m.

in the Fort Mason Conference Center, Room A1, San Francisco, California;

May 1, 1990—beginning at 7:30 p.m. in the Chipman Middle School Auditorium, Alameda, California;

May 2, 1990—beginning at 7:30 p.m. in the Kaiser Center, Oakland, California;

May 3, 1990—beginning at 7:30 p.m. in the Los Altos High School Gymnasium, Los Altos, California.

These meetings will be announced in local newspapers.

A short formal presentation will precede request for public comment. Navy representatives will be available at this meeting to receive comments from the public regarding issues of concern to the public. It is important that federal, state, and local agencies and interested individuals take this opportunity to identify environmental concerns that should be addressed during the preparation of the EIS. In the interest of available time, each speaker will be asked to limit their oral comments to five (5) minutes.

Agencies and the public are also invited and encouraged to provide written comments in addition to, or in lieu of, oral comments at the public meetings. To be most helpful, scoping comments should clearly describe specific issues or topics which the commenter believes the EIS should address. Written statements and/or questions regarding the scoping process should be mailed no later than 30 days from the date of this notice to Western Division, Naval Facilities Engineering Command, P.O. Box 727, San Bruno, CA 94066-0720 (Attn: Mr. Ed Lukjanowicz, Code 1833, telephone (425) 877-7694).

Dated: April 11, 1990.

Sandra M. Kay,

Department of the Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 90-8752 Filed 4-12-90; 8:45 am]

BILLING CODE 3810-AE-M

DEPARTMENT OF EDUCATION

[CFDA 84.060A]

Indian Education Program; Formula Grants; Local Educational Agencies

AGENCY: Department of Education.

ACTION: Notice of extension of closing date for transmittal of new applications for fiscal year (FY) 1990 assistance under the Formula Grant Program, Indian Education Act of 1988, subpart 1 (formerly part A).

SUMMARY: This notice extends the closing date of March 9, 1990, to April 27, 1990, for the transmittal of new applications under the Formula Grant Program (84.060A). The application notice for this program published in the **Federal Register** on November 15, 1989 (54 FR 47561) provides detailed information concerning this program.

SUPPLEMENTARY INFORMATION: The notice establishing the closing date of February 16, 1990 for transmittal of applications for FY 1990 grants was published on November 15, 1989. Although application packages were mailed on November 27, 1989, a substantial number of eligible applicants did not receive the packages. A notice extending the closing date of March 9, 1990 was published in the **Federal Register** on February 28, 1990 (55 FR 7023) to provide eligible school districts sufficient time to prepare applications.

Some of these districts did not receive the packages in time to meet the March 9 closing date. The extension of the closing date will provide applicants sufficient time to prepare applications.

FOR FURTHER INFORMATON: Inquiries concerning this extension should be addressed to Julia Lesceux, U.S. Department of Education, 400 Maryland Avenue, SW., Room 2177, Washington, DC 20202-6335. Telephone: (202) 732-5146.

(25 U.S.C. 2601-2606, 2651)

Dated: March 29, 1990.

John T. MacDonald,

Assistant Secretary for Elementary and Secondary Education.

[FR Doc. 90-8588 Filed 4-12-90; 8:45 am]

BILLING CODE 4000-01-M

Office of Educational Research and Improvement

Advisory Council on Education Statistics; Meeting

AGENCY: Advisory Council on Education Statistics (ACES), Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the Advisory Council on Education Statistics. This notice also describes the functions of the Council. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES AND TIME: May 31, 1990, 9 a.m.-4:45 p.m. and June 1, 1990, 9 a.m.-Noon.

ADDRESSES: 555 New Jersey Avenue, NW., Room 326, Washington, DC 20208.

FOR FURTHER INFORMATION CONTACT: Carrol B. Kindel, Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, Room 400E, Washington, DC 20208-5574, telephone: (202) 357-6329.

SUPPLEMENTARY INFORMATION: The Advisory Council on Education Statistics is established under Section 406(c) (1) of the Education Amendments of 1974, Public Law 93-380. The Council is established to review general policies for the operation of the National Center for Education Statistics (NCES) in the Office of Educational Research and Improvement and is responsible for advising on standards to insure that statistics and analyses disseminated by NCES are of high quality and are not subject to political influence. The meeting of the Council is open to the public.

The proposed agenda includes the following:

- Followup Discussion of Implications for NCES of the February Meeting Panel on Variables with High Explanatory Power.
- Data Dissemination Activities at NCES: Overview of Current Activities and Data Users Panel.
- Work In Progress: NAEP, National Cooperative Education Statistics System, and Standards Revision

Records are kept of all Council proceedings and are available for public inspection at the Office of the Executive Director, Advisory Council on Education Statistics, 555 New Jersey Avenue, NW., Room 400, Washington, DC 20208-5574.

Christopher T. Cross,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 90-8590 Filed 4-12-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Restart of K, L, and P, Reactors at DOE Savannah River Site, South Carolina; Response to Recommendation of the Defense Nuclear Facilities Safety Board

AGENCY: Department of Energy.

ACTION: Notice and request for public comment.

SUMMARY: Pursuant to section 315(b) of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2286d(b) the Department of Energy (DOE) hereby publishes notice of the response of the Secretary of Energy (Secretary) to Recommendation 90-1 of the Defense Nuclear Facilities Safety, 55 FR 7022 (February 28, 1990), concerning restart of

K, L, and P reactors at DOE's Savannah River site. DOE hereby requests public document on the response of the Secretary to Recommendation 90-1.

DATES: Comments, data, views, or arguments concerning the Secretary's response are due on or before May 13, 1990.

ADDRESSES: Send comments, data, views, or arguments concerning the Secretary's response to: Defense Nuclear Facilities Safety Board, 600 E Street NW., Suite 675, Washington, DC 20004.

FOR FURTHER INFORMATION CONTACT: Steven Blush, Director, Office of Nuclear Safety, Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Dated: April 10, 1990.

Judith M. Keating,

Acting Director, Office of Nuclear Safety.

Response of the Secretary of Energy to Defense Nuclear Facilities Safety Board Recommendation 90-1, Restart of K, L, and P Reactors at DOE Savannah River Site, South Carolina

Dated: April 10, 1990.

Recommendation a: That DOE determines and specify the qualifications that reactor plant operators and superviors will be required to demonstrate before restart of the K, L, and P reactors.

Response: DOE accepts this recommendation. Qualification requirements for the K, L, and P reactor operators, senior reactors operators, and certified supervisors are specified in DOE Order 5480.6, "Safety of Department of Energy-Owned Nuclear Reactors" dated September 23, 1986. Order 5480.6 specifies that American Nuclear Standard (ANS) 3.1 (1981) "Selection, Qualification and Training of Personnel for Nuclear Power Plants," shall be the basis for qualification and training requirements for reactor personnel and that the requirements of ANS 3.1 shall be selectively applied as appropriate to the specific facility. Site specific plans have already been developed at Savannah River to specify those qualification requirements that senior reactor operators and certified supervisors [1] will be required to demonstrate before restart of the K, L, and P reactors, consistent with the Board's recommendations, are as follows:

(a) *Education:* The minimum education level for senior reactor operators and certified supervisors is a high school diploma unless otherwise approved by DOE on a case-by-case basis. In addition, at least one certified supervisor per shift must have a Bachelor of Science degree in an engineering or related science field.

(b) *Experience:* Senior reactor operators must have 2 years of reactor experience, including 6 months on site. Certified supervisors must have 3 years of reactor experience, including 6 months on site. In addition, the Control Room supervisor must have a minimum of 6 weeks experience at the Savannah River Site (SRS) reactor operating at or above 20 percent rated power.

(c) *Training:*

(1) Senior reactor operators and certified supervisors must complete their certification and restart training programs which consist of the following classroom training:

	Hours
	Certified supervisor/senior reactor oper.
Fundamentals	242/146
Plant technology, systems and procedures	321/193
Operating practices	206/126
Industry experiences/modifications	34/34

Written examinations are administered in each area and a minimum passing grade of 80 percent is required.

(2) Certified supervisors and senior reactor operators must also complete simulator training (164 hours) that consists of a program of manipulations intended to enhance proficiency, including 2 evaluated reactor control manipulations within 6 months prior to restart,

(3) The operators and supervisors must also complete an 80-hour, structured on-the-job training program designed to increase operator knowledge of plant systems and integrated systems operation. Additionally, certified supervisors and senior reactor operators will already have completed 1480 or 520 hours, respectively, of on-the-job training as part of their initial certification training.

(d) *Medical:* Personnel assigned to senior reactor operator or certified supervisory positions must meet the medical requirements specified in American National Standards Institute/American Nuclear Society (ANSI/ANS) 3.4, "Medical Certification and Monitoring of Personel Requiring Operator license for Nuclear Power Plants."

(e) *Fitness for Duty:* All employees of the contractor operating the SRC reactors, Westinghouse Savannah River Company (Westinghouse) and employees of subcontractors who have unescorted access to reactor facilities are subject to preemployment drug testing, for cause drug testing, and random drug testing.

Certified supervisors and senior reactors operators demonstrate fulfillment of training qualifications by passing a combination of written exams, practical exams, oral and operating exams and simulator exercises prior to restart. The exams are administered by Westinghouse, but DOE reviews the examinination process and the results. Additional information about DOE's review of the contractor's program is included below in response to recommendation c.

Prior to restart, DOE will conduct its own operational readiness review in order to verify that certified supervisors and senior reactor operators have the requisite skills and knowledge to assure safe operations. DOE personnel with experience in commercial nuclear training and operations and necessary SRS training will lead the review and will monitor pre-startup control room evolutions as well as simulator exercises.

Additionally, as discussed below in response to recommendation b, each shift crew is being supplemented by the addition of a certified supervisor (other than the control room room supervisor) who has been qualified as a Shift Technical Engineer, and by the interim assignment of a Shift Advisor. These additions are being made to further augment the educational and experience level of each operating crew (See discussion under II.b. in the response to recommendation b.) The specific training and qualification requirements which have been developed for these two positions are as follows:

(a) *Shift Technical Engineer:* (1) is a certified supervisor, (2) holds a four-year college degree in engineering, or related physical science, (3) has completed the supervisory certification training plus the following:

[1] Senior Reactor Operators at Savannah River are analogous to licensed Reactor Operators at commercial plants. Certified supervisors at Savannah River are analogos to Licensed Senior Reactor Operators at commercial plants with the exception that supervisors at the Savannah River Site are not required to have been certified to manipulate controls since SRS operators and not supervisors manipulate controls.

Topic	Hours
Mathematics	60
Classical physics	24
Nuclear physics and reactor theory	120
Mechanical components	20
Process instrumentation	20
Heat transfer and fluid flow	70
Electrical science	20
Print reading	20
Safety envelope and bases	40
Accident and transient analyses	40
Chemistry	30
Material science	40
Radiation protection and health physics	40
Thermal and hydraulic sciences	24
Applied reactor physics	32
Change and discharge operations	12
Reactor startup physics	12
Roles and lessons learned	4
Symptom based procedures	16
Limits and safety analysis	28
Total	712

(b) *Shift Advisor:* is a holder of a license at a commercial reactor within the past 5 years, (2) completed a minimum of five years commercial nuclear experience, and (3) successfully completed SRS training as follows:

	Hours
Introduction to reactor systems	40
Safety and emergency procedures	16
Health protection	3
OSHA safety procedures	2

Qualification requirements for senior reactor operators and certified supervisors are currently implemented through the Westinghouse procedure DuPont Savannah Operating Procedure (DPSOP) 38, "Reactor Personnel Selection, Qualification, and Training Manual." This procedure is currently being revised to incorporate the qualification requirements described above which were developed for restart. Following revision, it will be submitted to DOE for approval.

For the longer term, Westinghouse is developing an enhanced certification program for future certified supervisors and senior reactor operators which will provide for additional training beyond that which is required for a safe restart. This program will take into consideration applicable commercial certification guidelines, commercial nuclear knowledge and abilities and current industry good practices. Specific milestones for this program will be approved by DOE prior to restart. Westinghouse is also developing accredited training programs for other Savannah River plant personnel, such as maintenance personnel, instrumentation and control technicians and health physics personnel, comparable to corresponding accredited training programs in the commercial nuclear field.

Recommendation b: That DOE identify any differences between its approved qualifications and those prescribed by NRC for analogous positions in the civilian nuclear power field; that where differences, if any, exist, DOE identify any supplemental measures that have been adopted in view thereof;

Response: DOE accepts this recommendation and has identified the differences between its approved qualifications and those prescribed by the Nuclear Regulatory Commission in part I. Supplemental measures have been adopted and are discussed in part II below.

I. Qualifications for civilian nuclear power reactor operators and supervisors are specified in 10 CFR part 55 and in the American Nuclear Society standard, ANS 3.1—1981 "Selection, Qualification and Training of Personnel for Nuclear Power Plants" as modified by Regulatory Guide 1.8, 1987, "Qualification and Training of Personnel for Nuclear Power Plants." A comparison of qualification requirements for Savannah River senior reactor operators and certified supervisors (described in the response to recommendation a.) and the analogous positions in the commercial nuclear power field is as follows:

(a) *Education:* Both DOE and NRC programs require a high school diploma. DOE has added the requirement that at least one supervisor per shift have a Bachelor of Science degree in an engineering or related science field.

(b) *Experience:* For commercial reactor operators (analogous to SRS senior reactor operators), NRC requires 1 year reactor experience, including 6 months as a nonlicensed operator. SRS requires its operators to have 2 years reactor experience, including 6 months on site. NRC requires that nuclear reactor operators have an additional 2 years of power plant experience but does not require this experience to be nuclear experience. For senior nuclear reactor operators, NRC requires supervisors to have at last 4 years of power plant experience of which 2 years must be nuclear experience, including 6 months on-site and 6 weeks at a similar facility in operation at or above 20% rated power. The SRS implementation plan for DOE Order 5480.6 requires SRS control room supervisors to have at least 3 years nuclear experience, including 6 months on-site and 6 weeks experience at a SRS reactor facility operating at or above 20% rated power. NRC also requires senior reactor operators to have at least 1 year experience as a licensed reactor operator prior to becoming a licensed senior reactor operator.

(c) *Training:* Both NRC and DOE require completion of a training program consisting of classroom, simulator and on-the-job training. The technical training programs in the commercial industry are generally accredited by industry-sponsored organizations. A comparison of the typical amount of time (in hours) the NRC and DOE programs devote to different training modules follows:

	Cert. supervisor		Cert. operator	
	SR	Commercial	SR	Commercial
Classroom Training:				
Fundamentals	242	666	146	590
Plant technology, systems and procedures	321	720	193	600
Operating practices	206	180	126	120
Simulator training	164	240	164	160
On-the-job Training	1560	960	600	480

Note: The Savannah River simulator training hours were established based on the complexity and scope of Savannah River plant systems

(d) *Medical:* Both NRC and DOE require compliance with the medical requirements specified in ANSI/ANS 3.4, "Medical Certification and Monitoring of Personnel Requiring Operator Licenses for Nuclear Power Plants."

(e) *Fitness for Duty:* A detailed line by line comparison of DOE and NRC fitness for duty requirements has not been made, however the DOE program for drug testing to assure fitness of operators to safely operate the reactors includes preemployment, for cause, and random testing. DOE does not presently test for alcohol. NRC fitness for duty requirements include testing for alcohol.

II. The following supplemental measures will bolster SRS shift capabilities:

(a) In order to ensure that adequate engineering fundamentals are present on shift, the function of Shift Technical Engineer (STE) has been added. The STE will perform functions comparable to the position of shift technical advisor in the commercial industry.

(b) A Shift Advisor has been created to place an individual with commercial Senior Reactor Operator experience on shift in an advisory capacity to the shift manager. This position is an interim one that will be eliminated when satisfactory performance has been demonstrated by operations personnel. Both the Shift Advisor and the Shift Technical Engineer positions have been created in order to enhance composite shift experience and education.

(c) An additional 22 individuals with prior commercial Senior Reactor Operator or navy nuclear experience will have completed initial certification training and will be put in various positions in the reactor operating organization with the goal that a number of these individuals will eventually become control room supervisors.

(d) Changes to operating practices in excess of current DOE requirements will be implemented prior to restart in the areas of: logkeeping, shift turnover, control room demeanor, procedure compliance, event notification control of equipment status, equipment tagout and other aspects of plant operations. Guidelines developed for conduct of operations in commercial nuclear plants have been utilized in developing improved Savannah River practices in these areas.

(e) DOE personnel with experience in reactor operations will continuously monitor restart activities until DOE is satisfied that improvements in the conduct of operations have been implemented.

III. Conclusions. In comparing the qualification of operators and supervisors at the SRS reactors with analogous requirements at commercial reactors, it is important to consider both the numbers of individuals assigned to a shift and the complexities and duties performed by shift personnel. In the commercial nuclear power industry, for a single nuclear reactor, there are 2 licensed senior reactor operators and 2 licensed reactor operators required to be on shift. These individuals perform all control room functions for the reactor plant and the secondary plant including power generation equipment. However, for each SRS reactor, 4 certified supervisors and 5 certified senior reactor operators will be assigned to each shift. The Shift Technical Engineer and Shift Advisor have been added to supplement Savannah River operational staffing.

Recommendation c: That DOE make a comprehensive review of the current level of qualification of each reactor operator and supervisor employing both written and oral examination, so as to establish that the scope and content of the training program will achieve the knowledge prerequisite for restart.

Response: DOE accepts the recommendation that ongoing training efforts need to be continuously reviewed by DOE to ensure that the needed skills and knowledge are attained by reactor operations personnel. Beginning in November 1989 and continuing to the present, DOE and Westinghouse have reviewed each operating crew to ascertain if training objectives are being met. These reviews have focused on written exam results, oral exam results and crew performance during simulator evolutions. DOE personnel participating in these reviews have had extensive experience in the training and licensing of commercial nuclear operations personnel. DOE has also utilized individuals in these reviews who are currently certified by the NRC to conduct operator licensing examinations for commercial reactor operators, and who bring with them an understanding of commercial nuclear operator training and certification practices. Changes have been made to the training programs based on their input, as discussed below.

Prior to restart, DOE and Westinghouse will jointly conduct comprehensive evalutions of certified supervisors and senior reactor operators to ensure that they can demonstrate the appropriate knowledges and abilities required for safe restart. The examinations are intended to be conducted in August 1990 in order to allow for proper development of the examinations and for completion of recent enhancements to the training program.

This evaluation will include performance-based written, oral and operating examinations which include Job Performance Measures (JPM) and Individual Safety Critical Tasks (ISCT). The examinations will be based on approved "knowledges and Abilities," written and oral examination questions, and simulator scenarios. Examiners for these evaluations will include peer evaluators from other reactors on site (i.e. P and L reactors for K plant, K and L for P, etc.) and selected instructors.

This examination program will be modeled after the requalification examination program being conducted jointly by the NRC and licensed facilities at commerical nuclear plants. A SRS Specific Knowledges and Abilities (K/A) Catalog will be developed, validated and approved. Standards of performance for both knowledge and ability will be established prior to the examination. This process will focus on safety related skills and knowledges as well as the ability to use tools of the job, such as procedures, piping and instrumentation diagrams (P&ID's), technical specifications and other controlled references. Results of the examinations will be used to define areas where training must be upgraded either prior to restart or as part of the long term continuing training programs. Results of these examinations will also be used to support management decisions so as to ensure that composite crews have the requisite skills for safe restart. Information on individual weaknesses will be referred to the Training Department for use in tutoring or upgrading training, as necessary.

Recommendation d: That the reactor plant operator and supervisor training programs be modified as necessary to take account of the required qualifications and the current state of knowledge and experience of the operators and supervisors as indicated above.

Response: DOE accepts this recommendation and has taken the following actions to implement it. Based upon ongoing DOE and Westinghouse reviews of the training program, it has been concluded that two areas require strengthening. Specifically, operators and supervisors need increased knowledge in the area of reactor fundamentals and reactor systems and components. Specific initiatives to address these needs include:

(1) Fifteen different "Theory Primers" addressing reactor components, reactor theory, chemistry and thermodynamics

are being developed to provide basic supplementary knowledge of reactor fundamentals and theory, to stimulate operator interest, and to facilitate self-study.

(2) The ongoing training program will give high priority to fundamentals training, reactor theory training and reactor systems training. These courses are thought to be the most beneficial and logical basis for a long-term program. The course material for this training is still under development. The course will involve approximately 120 classroom or simulator hours covering such topics as refueling, start-up testing and initial operations, technical specifications and reactor theory/reactor physics. These courses will be conducted during the first 3 cycles of continuing training.

(3) To promote operator self-study, a "Fundamentals Test Out" program has been implemented. This program provides a financial incentive for operations personnel to use self-study material in the areas of mathematics and physics by providing a financial payment to personnel who successfully complete an exam based on the self-study material.

(4) A two-phase testing program is being employed to identify individuals with a low probability of successfully completing the training program and performing to expected standards and to establish a baseline for input to continuing training. Phase I includes on-going job-specific performance evaluations for those persons who receive low scores on written or oral exams. Individuals not successful during the Phase I program will be provided remedial training to improve their skills and then they will be retested. Phase II identifies weaknesses in the level of operator knowledge in mathematics and science in order to supplement the continuing training program accordingly. This phase will be completed prior to June 1, 1990.

Recommendation e: That DOE accelerate implementation of a configuration management program to help assure that as-built drawings of safety related systems are available for training of operators and supervisors in procedures and for discipline of operations (e.g. valve line-ups).

Response: Based on the assumption that by "configuration management" the Board means that set of procedures and controls used to ensure that the as-built configuration of the plant is reflected in appropriate drawings, procedures and other documents, DOE accepts this recommendation. Westinghouse has recently accelerated efforts in this area and will develop accurate operational flow diagrams for all reactor safety systems prior to restart. These diagrams will be used by operations personnel to establish equipment and system lockouts and valve lineups, conduct trouble shooting, and perform other systems related activities. Prior to restart, the operations staff will be trained in the use of the appropriate diagrams needed for these applications.

Recommendation f: That the operators and supervisors be qualified in use of the revised procedures that will be in place for normal operations and for emergency situations.

Response: DOE accepts this recommendation. A deliberate program to train operations personnel on the revised procedures is an integral part of the restart training program. Westinghouse requires procedure revisions to be reviewed by reactor supervisors, control room supervisors and building operators on a monthly basis. In addition, the Westinghouse training department receives new procedures as well as proposed procedure revisions from the other departments to ensure that procedure changes are properly incorporated in the training program, including the simulator.

Written examinations, oral examinations, simulator examinations and control room operation will be used to demonstrate prior to restart that personnel are qualified in the use of revised normal and emergency procedures. DOE will participate with Westinghouse in the evaluation of these examinations and will conduct an independent overview of control room practices.

Appendix—Transmittal Letter to Defense Nuclear Facilities Safety Board

Mr. John T. Conway,
Chairman
Defense Nuclear Facilities Safety Board, 600 E Street, NW., Suite 675, Washington, DC 20004.

Dear Mr. Conway: Your letter dated February 22, 1990, forwarded recommendations regarding the training and qualifications of selected personnel involved in the operation of the Savannah River reactors. My response to the Board's recommendations is enclosed.

I accept the Board's recommendations, the thrust of which is that reactor operations personnel must be properly qualified and have adequate training prior to reactor restart. Each of the Board's recommendations was carefully considered and specific actions taken to implement those recommendations are indicated in the enclosed. Where the Board's recommendations might be subject to differing interpretations, DOE has indicated the interpretation on which its response was based.

In accordance with 42 U.S.C. 2268d, DOE's responses to the Board's recommendations will be published in the **Federal Register**.

Sincerely,

James D. Watkins,
Admiral, U.S. Navy (Retired).

[FR Doc. 90-8663 Filed 4-12-90; 8:45 am]
BILLING CODE 6450-01-M

Office of Energy Research

High Energy Physics Advisory Panel; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770). notice is hereby given of the following meeting:

Name: High Energy Physics Advisory Panel (HEPAP).

Date and Time: Monday, April 23, 1990, 8:30 a.m.-5 p.m.; Tuesday, April 24, 1990, 8:30 a.m.-3 p.m.

Place: Room 1E-245, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585.

Contact: Dr. Enloe T. Ritter, Executive Secretary, High Energy Physics Advisory Panel, U.S. Department of Energy, ER-221, GTN, Washington, DC 20585, Telephone: (301) 353-4829.

Purpose of panel: To provide advice and guidance on a continuing basis with respect to the high energy physics research program.

Tentative agenda

Monday, April 23, 1990 and Tuesday, April 24, 1990

—Discussion of National Science Foundation Elementary Particle Physics Programs
—Discussion of Department of Energy High Energy Physics Programs
—Discussion of Department of Energy Superconducting Super Collider (SSC) Programs
—Status Reports on the Superconducting Super Collider Project
—Report of the HEPAP Subpanel on the U.S. High Energy Physics Research Program for the 1990's.
—Discussion of the Impact of the President's FY 1991 Budget Request on the National High Energy Physics Program
—Reports on and Discussions of Topics of General Interest in High Energy Physics
—Public Comment

Public Participation: The meeting is open to the public. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business. Any member of the public

who wishes to make oral statements pertaining to agenda items should contact the Executive Secretary at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and reasonable provision will be made to include the presentation on the agenda.

Minutes: Available for public review and copying at the Public Reading Room, room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC on April 10, 1990.

J. Robert Franklin,

Deputy Advisory Committee Management Officer.

[FR Doc. 90-8662 Filed 4-12-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER90-152-000 et al.]

Duquesne Light Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

April 5, 1990.

Take notice that the following filings have been made with the Commission:

1. Duquesne Light Company

[Docket No. ER90-152-000]

Take notice that on March 29, 1990, Duquesne Light Company (Duquesne) tendered for filing a Notice of Withdrawal of its Power Supply Agreement (Agreement) between Duquesne and Delmarva Power & Light Company, which was filed with the Commission on January 12, 1990.

Duquesne states that copies of this filing have been served upon Delmarva Power & Light Company, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, and the Delaware Public Service Commission and the State Corporation Commission of Virginia.

Comment date: April 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. NYPP-PJM Interconnection Agreement

[Docket No. ER90-295-000]

Take notice that on March 30, 1990, the Pennsylvania-New Jersey-Maryland Interconnection (PJM), a Mid-Atlantic Area power pool (consisting of various electric utility companies), tendered for filing on behalf of its members the NYPP-PJM Interconnection Agreement consisting of the original agreement dated April 9, 1974, all supplemental agreements thereto and all currently effective schedules thereto. In this submittal, the PJM member companies request that the rate schedule designations for each of the members of PJM be superseded with a single rate schedule designation for the PJM Group to permit future changes to the agreement to be filed on a single entity basis by that Group.

Comment date: April 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Michigan Power Company

[Docket No. ER90-297-000]

Take notice that on April 2, 1990, Michigan Power Company (Michigan Power) tendered for filing proposed changes to its Tariff MRS for service to the City of Dowagiac, Michigan (Dowagiac) and the Village of Paw Paw, Michigan (Paw Paw). The proposed changes would increase Michigan Power's annual revenues from Dowagiac by $174,528 and from Paw Paw by $174,113.

The primary purpose of the rate filing is to allow Michigan Power to recover fan increase in its purchased power costs from its wholesale supplier Indiana Michigan Power Company (I&M) as a result of a rate increase filed with the Commission by I&M on March 21, 1990 in Docket No. ER90-269-000. Michigan Power proposes that the effective date of its rate increase be the same date as the effective date of I&M's rate increase to Michigan Power in Docket No. ER90-269-000.

A copy of Michigan Power's filing was served upon Dowagiac, Paw Paw and the Michigan Public Service Commission.

Comment date: April 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Kansas Power and Light Company

[Docket No. ER90-300-000]

Take notice that on March 30, 1990, the Kansas Power and Light Company (KPL) tendered for filing revised Exhibits 4A to Transmission Agreements with Kansas Gas and Electric Company, Centel Corporation-Western Power and Missouri Public Service Company. KPL states that these revised exhibits reflect updated loss amounts associated with the transmission services rendered to each party under various load conditions for the Summer 1990, season.

Comment date: April 20, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Philadelphia Electric Company

[Docket No. ER90-301-000]

Take notice that on April 2, 1990, Philadelphia Electric Company (PE) with the concurrence of GPU Service Corporation (GPU) as Agent for Jersey Central Power & Light Company and Metropolitan Edison Company tendered for filing as an initial rate schedule under section 205 of the Federal Power Act and part 35 of the regulations issued thereunder, an Agreement between PE and GPU dated December 20, 1989.

PE states that the Agreement sets forth the terms and conditions for the sale by PE of 150 MW of capacity and associated energy to GPU during the two-year period beginning June 1, 1990, and that the charges for such services were negotiated at arms length based on current market conditions and competitive factors, and are mutually advantageous. The rates for capacity are related to PE's system average cost of production and transmission plant. The charge for energy delivered to GPU will be PE's monthly average cost of fuel and interchange increased by 25% to cover transmission losses and incremental unit maintenance. PE has requested an effective date of June 1, 1990.

PE states that a copy of this filing has been sent to GPU and will be furnished to the Pennsylvania Public Utility Commission and the New Jersey Board of Public Utilities.

Comment date: April 19, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Mammoth-Pacific, L.P. (G-1 Facility)

[Docket No. QF83-247-001]

On March 27, 1990, Mammoth-Pacific, L.P. (Applicant), of 6055 East Washington Boulevard, City of Commerce, California 90040-0092, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in the Mammoth-Pacific Geothermal Complex at Casa Diablo Hot Springs, near the town of Mammoth Lakes, California. The 10.9 MW geothermal small power production facility was originally filed by Mammoth Binary Power Company and certification was issued on July 1, 1983, 24 FERC ¶62,001 (1983). The instant recertification is requested due to change in the ownership structure. Baltimore Gas and Electric Company, an electric utility, will have 50 percent

ownership interests through its wholly-owned subsidiaries.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

7. Mammoth-Pacific, L.P. (G-2 Facility)

[Docket No. QF86-392-001]

On March 27, 1990, Mammoth-Pacific, L.P. (Applicant), of 6055 East Washington Boulevard, City of Commerce, California 90040-0092, submitted for filing an application for recertification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in the Mammoth-Pacific Geothermal Complex at Casa Diablo Hot Springs, near the town of Mammoth Lakes, California. The 13 MW geothermal small power production facility was originally filed by Pacific Lighting Energy Systems and certification was issued on March 24, 1986, 34 FERC ¶62,566 (1986). The instant recertification is requested due to change in the ownership structure. Baltimore Gas and Electric Company, an electric utility, will have 50 percent ownership interests through its wholly-owned subsidiaries.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

8. Mammoth-Pacific, L.P. (G-3 Facility)

[Docket No. QF86-666-001]

On March 27, 1990, Mammoth-Pacific, L.P. (Applicant), of 6055 East Washington Boulevard, City of Commerce, California 90040-0092, submitted for filing an application for recertification of a facility as a qualifying small power production facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The facility will be located in the Mammoth-Pacific Geothermal Complex at Casa Diablo Hot Springs, near the town of Mammoth Lakes, California. The 13 MW geothermal small power production facility was originally filed by Pacific Lighting Energy Systems and certification was issued on July 3, 1986, 35 FERC ¶62,418 (1986). The instant recertification is requested due to change in the ownership structure. Baltimore Gas and Electric Company, an electric utility, will have 50 percent ownership interests through its wholly-owned subsidiaries.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

9. Saranac Energy Company, Inc.

[Docket No. QF90-114-000]

On March 26, 1990, Saranac Energy Company, Inc. (Applicant), of 5 Post Oak Park, Suite 1400, Houston, Texas 77027, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Plattsburgh, New York. The facility will consist of two (2) combustion turbine generators, two (2) waste heat recovery boilers and an extraction/admission/condensing steam turbine generator. Thermal energy recovered from the facility, in the form of extraction steam, will be used for process uses in tissue paper manufacturing. The maximum net electric power production capacity will be 79.9 megawatts. The primary energy source will be natural gas. Commercial operation of the facility is expected to begin in January 1992.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

10. Adirondack Power, Inc.

[Docket No. QF90-115-000]

On March 26, 1990, Adirondack Power, Inc. (Applicant), of 5 Post Oak Park, Suite 1400, Houston, Texas 77027, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Plattsburgh, New York. The facility will consist of two (2) combustion turbine generators, two (2) waste heat recovery boilers and an extraction/admission/condensing steam turbine generator. Thermal energy recovered from the facility, in the form of extraction steam, will be used for process uses in the manufacturing of wallcoverings. The maximum net electric power production capacity will be 79.9 megawatts. The primary energy source will be natural gas. Commercial operation of the facility will begin in January 1992.

Comment date: Thirty days from publication in the **Federal Register**, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capital Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-8580 Filed 4-12-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP86-17-013 et al.]

Colorado Interstate Gas Co., et al.; Natural Gas Certificate Filings:

April 5, 1990.

Take notice that the following filings have been made with the Commission:

1. Colorado Interstate Gas Company

[Docket No. CP86-17-013]

Take notice that on March 26, 1990, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP86-17-013 a petition to amend an order issued on May 1, 1986, in Docket No. CP86-17-000 pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon transportation service performed by CIG for Bridgeline Gas Distribution Company (Bridgeline), West Texas Gas, Inc. (West Texas), United Gas Pipe Line Company (United) and Western Natural Gas and Transmission Corp. (Western), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

CIG proposes to abandon the transportation service effective as of the date of the approval to abandon for Bridgeline under Rate Schedule X-68, West Texes under Rate Schedule X-73, United under Rate Schedule X-71 and

Western under Rate Schedule X-72. CIG state that the contracts with Bridgeline, West Texas, United and Western have expired by their respective terms and the parties do not anticipate extending the terms of the agreements. Therefore service has been terminated by mutual agreement of the parties, it is stated. Further, CIG states that upon granting of approval to abandon herein CIG would file pursuant to section 154 of the Commission's Regulations to cancel the respective Rate Schedule to its FERC Gas Tariff, Original Volume No. 2.

COMMENT DATE: April 26, 1990, in accordance with Standard Paragraph F at the end of this notice.

2. Tennessee Gas Pipeline Company

[Docket No. CP90-1064-000]

Take notice that on March 28, 1990, Tennessee Gas Pipeline Company (Tennessee), Post Office Box 2511, Houston, Texas 77252, filed in Docket No. CP90-1064-000 a request pursuant to Sections 157.205 and 157.212 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.212) for authorization to add two delivery points for an existing firm sales customer, Entex, A Division of Arkla, Inc. (Entex), under Tennessee's blanket certificate issued in Docket No. CP82-413-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Tennessee states that the first delivery point would be located in Jones County, Mississippi at a point on its system near milepost 537-1 plus 4.35 miles and that the second delivery point would be located in Hancock County, Mississippi at a point on its system near milepost 530-1 plus 10.0 miles. Tennessee further states that the proposed delivery points would be designed to delivery maximum daily quantities of 800 and 500 Dth, respectively, and that such deliveries would be included as part of the existing daily and annual quantities which Tennessee is authorized to sell to Entex in the Oxford, Mississippi service area. Finally, Tennessee asserts that the establishment of the new delivery points is not prohibited by its currently effective tariff and that it has sufficient capacity to accomplish the resultant deliveries without adversely affecting any of its existing customers.

COMMENT DATE: May 21, 1990, in accordance with Standard Paragraph G at the end of this notice.

3. Texas Eastern Transmission Corporation

[Docket Nos. CP90-1092-000 and CP90-1093-000]

Take notice that Texas Eastern Transmission Corporation, P.O. Box 2521, Houston, Texas 77252, (Applicant), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP88-136-000, as amended pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identify of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

COMMENT DATE: May 21, 1990, in accordance with Standard Paragraph G at the end of this notice.

[1] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day,[1] average day annual	Receipt points	Delivery points	Start up date, rate schedule, service type	Related [2] docket, contract date
CP90-1092-000 (3-30-90)	Transworld Oil U.S.A., Inc. (marketer).	37,000 37,000 13,505,000	Onshore LA, offshore LA, TX, MS, AR, IL, AL, IN, OH, PA.	Onshore LA, offshore LA, TX, WV, PA, IN, OH, KY.	12-5-89, IT-1, Interruptible.	ST90-1893-000, 11-29-89a.
CP90-1093-000 (3-30-90)	Paragon Gas Corporation (marketer).	50,000 50,000 18,250,000	TX	TX, NJ	12-2-89, IT-1, Interruptible.	ST90-1895-000, 11-16-89a.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] If an ST docket is shown, 120-day transportation service was reported in it. An "a" suffix to the contract date indicates it has been amended.

4. United Gas Pipe Line Company

[Docket Nos. CP90-1042-000,[2] CP90-1043-000, CP90-1044-000, and CP90-1045-000]

Take notice that on March 26, 1990, United Gas Pipe Line Company (Applicant) filed in the above referenced dockets, prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued pursuant to section 7 of the National Gas Act, all as more fully set forth in the prior notice requests which are on file with the Commission and open to public inspection and in the attached appendix.

Information applicable to each transaction including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day, and annual volumes, and the docket numbers and initiation dates of the 120-day transactions under section 284.223 of the Commission's Regulations has been provided by the Applicant and is included in the attached appendix.

The Applicant also states that it would provide the service for each shipper under an executed transportation agreement, and that the applicant would charge rates and abide by the terms and conditions of the referenced transportation rate schedule(s).

Comment date: May 21, 1990, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket number (date filed)	Applicant	Shipper name	Peak day [1] average annual	Points of		Start up date rate schedule	Related [2] dockets
				Receipt	Delivery		
CP90-1042-000 (3-26-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478.	Gulf South Pipeline Company.	309,000 309,000 112,785,000	LA, TX, MS	MS, TX, AL, LA	1-24-90, ITS	ST90-1800-000.
CP90-1043-000 (3-26-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478.	Laser Marketing Company.	618,000 618,000 225,570,000	LA, TX, MS, AL	MS, TX, FL, LA, AL	2-15-90, ITS	ST90-2168-000.
CP90-1044-000 (3-26-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478.	Brooklyn Interstate Natural Gas Corp.	30,900 30,900 11,278,500	So. Marsh Island Blk 155.	So. Marsh Island Blk 155.	2-20-90.ITS	ST90-2167-000.
CP90-1045-000 (3-26-90)	United Gas Pipe Line Company, P.O. Box 1478, Houston, Texas 77251-1478.	Enermark Gas Gathering Corp.	103,000 103,000 37,595,000	LA, TX, MS, AL	LA, AL, TX, FL, MS	2-21-90, ITS	ST90-2169-000.

[1] Quantities are shown in MMBtu unless otherwise indicated.
[2] The CP docket corresponds to applicant's blanket transportation certificate. If an ST docket is shown, 120-day transportation service was reported in it.

5. Northwest Pipeline Corporation

[Docket No. CP90-1091-000]

Take notice in that on March 30, 1990, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108, filed in Docket No. CP90-1091-000 an application pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to transport natural gas on behalf of Penntech, Inc. (Penntech), under Northwest's blanket certificate issued in Docket No. CP86-578-000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Northwest proposes to transport, on a firm basis, up to 5,000 MMBtu of natural gas per day for Penntech. Northwest states that construction of facilities would not be required to provide the proposed service.

Northwest further states that the maximum day, average day, and annual transportation volumes would be approximately 5,000 MMBtu, 5,000 MMBtu and 1,825,000 MMBtu respectively.

Northwest advises that service under § 284.223(a) commenced March 1, 1990, as reported in Docket No. ST90-2333.

Comment date: May 21, 1990, in accordance with Standard Paragraph G at the end of this notice.

6. Trunkline Gas Company

[Docket Nos. CP90-1117-000, CP90-1118-000, CP90-1119-000, CP90-1120-000, CP90-1121-000, CP90-1122-000, CP90-1123-000, CP90-1124-000, CP90-1125-000, CP90-1126-000, and CP90-1127-000]

Take notice that Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77251-1642 (Applicant), filed in the above referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shippers under its blanket certificate issued in Docket No. CP86-586-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[3]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Applicant states that each of the proposed services would be provided under an executed transportation agreement, and that Applicant would charge the rates and abide by the terms and conditions of the referenced transportation rate schedules.

Comment date: May 21, 1990, in accordance with Standard Paragraph G at the end of this notice.

[3] These prior notice requests are not consolidated.

Docket number (date filed)	Shipper name (type)	Peak day [1], average day, annual	Receipt [2] points	Delivery points	Start up date, rate schedule, service type	Related [3] docket, contract date
CP90-1117-000 (4-3-90)	Mobil Natural Gas Inc. (producer).	50,000 20,000 7,300,149	OLA	LA	2-1-90, PT, Interruptible	ST90-2234-000, 11-1-89.
CP90-1118-000 (4-3-90)	Conoco, Inc. (producer)	50,000 50,000 18,250,000	IL, LA, TN, TX, OLA, OTX.	IL	2-22-90, PT, Interruptible	ST90-2300-000, 12-20-89.
CP90-1119-000 (4-3-90)	Phibro Distributors Corporation (marketer).	100,000 100,000 36,500,000	IL, LA, TN, TX, OLA, OTX.	LA	2-10-90, PT, Interruptible	ST90-2214-000, 1-4-90.
CP90-1120-000 (4-3-90)	Coast Energy Group, Inc. (marketer).	35,000 35,000 12,775,000	IL, LA, TN, TX, OLA, OTX.	LA	2-1-90, PT, Interruptible	ST90-1939-000, 1-24-90.

Docket number (date filed)	Shipper name (type)	Peak day [1], average day, annual	Receipt [2] points	Delivery points	Start up date, rate schedule, service type	Related [3] docket, contract date
CP90-1121-000 (4-3-90)	Clinton Gas Transmission, Inc. (marketer).	50,000 50,000 18,250,000	IL, LA, TN, TX, OLA, OTX.	IL	2-22-90, PT, Interruptible	ST90-2301-000, 12-20-90.
CP90-1122-000 (4-3-90)	Amoco Production Company (producer).	40,000 15,000 5,475,000	IL, LA, TN, TX, OLA, OTX.	IL	2-27-90, PT, Interruptible	ST90-2304-000, 1-10-90.
CPO-1123-000 (4-3-90)	Coastal Gas Marketing Company (marketer).	100,000 100,000 36,500,000	IL, LA, TN, TX, OLA, OTX.	IL	2-20-88, Interruptible	ST90-2235-000, 11-22-88.
CPO-1124-000 (4-3-90)	Union Oil Company of California (marketer).	10,000 10,000 3,650,000	IL, LA, TN, TX, OLA, OTX.	TN	2-9-90, Interruptible	ST90-2287-000, 2-9-90.
CPO-1125-000 (4-3-90)	NGC Transportation, Inc. (marketer).	50,000 2,000 730,000	IL, LA, TN, TX, OLA, OTX.	LA	3-30-89, Interruptible	ST90-2221-000, 3-30-89.
CPO-1126-000 (4-3-90)	PSI, Inc. (marketer)	20,000 20,000 7,300,000	IL, LA, TN, TX, OLA, OTX.	TN	1-25-89, Interruptible	ST90-2215-000, 1-25-89.
CPO-1127-000 (4-3-90)	Phibro Distributors Corporation (marketer).	100,000 100,000 36,500,000	IL, LA, TN, TX, OLA, OTX.	LA	1-4-90, Interruptible	ST90-2213-000, 1-4-90.

[1] Quantities are shown in dekatherms.
[2] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[3] If an ST docket is shown, 120-day transportation service was reported in it.

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 Capital 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. 90-8582 Filed 4-12-90; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3755-9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this announces that the Information Collection request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden.

DATES: Comments must be submitted on or before May 14, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Programs

Title: Premanufacture Review Reporting and Exemption Requirements for New and New-Use Chemical Substances (EPA ICR #0574.04; OMB #2070-0012). This ICR requests renewal of an existing clearance.

Abstract: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires chemical manufacturers and importers to notify EPA of their intent to import or manufacture a chemical substance that is new, or that will have a significant new use, 90 days prior to the beginning of manufacturing or importation. Respondents submit a "Premanufacture Notice" detailing chemical identity, exposure test results and other data on the product's environmental/health effects. EPA uses this information to determine whether new chemical substances or significant new uses of existing substances pose unreasonable health or environmental risks as a result of the proposed manufacture, processing, use, and distribution. EPA exempts the following chemicals from compliance: low volume chemicals,

polymers, and chemicals for instant photographic film articles.

Burden statement: The public reporting burden for this collection of information is estimated to average 110 hours per response, which includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the notice.

Respondents: Chemical Importers and Manufacturers.

Estimated number of respondents: 432.

Estimated number of responses per respondent: 5.3 for reporting.

Estimated total annual burden on respondents: 249,972 (includes a recordkeeping burden of 4,578 hours).

Frequency of collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street SW., Washington, DC 20460

and

Tim Hunt, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503, Telephone: (202) 395-3084.

Dated: April 9, 1990.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 90-8640 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3755-4]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information, (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed April 2, 1990 Through April 6, 1990 Pursuant to 40 CFR 1506.9.

EIS No. 900113, DSuppl, AFS, CA, Mt. Shasta Ski Area Development, Selecting National Forest System Land for Alpine Skiing, Implementation, Siskiyou County, CA, Due: May 29, 1990, Contact: Duane H. Lyon, (916) 246-5222.

EIS No. 900114, Final, AFS, UT, Uinta National Forest, Arterial Travel Route Development and Management, Implementation, Utah and Wasatch Counties, UT, Due: May 7, 1990, Contact: Larry Call, (901) 377-5780.

EIS No. 900115, Draft, EPA, OR, Chetco Ocean Dredged Material Disposal Site, Designation, OR, Due: May 29, 1990, Contact: John Malek, (206) 442-1286.

EIS No. 900116, Draft, USN, HI, Pearl Harbor Naval Base Development, Access Improvements and Further Development of Ford Island and Construction of Facilities to Implement the Relocation of Battleship and Cruisers, Implementation, Oahu, HI, Due: May 21, 1990, Contact: Gordon Ishikawa, (808) 471-3088.

Amended Notices

EIS No. 890365, Draft, BLM, AZ, Safford District Land and Resource Management Plan, Implementation, Graham, Greenlee, Cochise, Pinal Pima and Gila Counties, AZ, Due: June 12, 1990, Contact: Steve Knox, (602) 428-4040.

Published FR 01-5-89—Review period extended.

Dated: April 10, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-8665 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3755-8]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 26, 1990 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

Summary of Rating Definitions

Environmental Impact of the Action

LO—Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC—Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

EO—Environmental Objections

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU—Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1—Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2—Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3—Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a

draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

DRAFT EISs

ERP No. D-AFS-L65131-WA, Rating EC2, Leola Sullivan Timber Sale, Implementation, Colville National Forest, Sullivan Lake Ranger District, Pend Oreille County, WA.

Summary: EPA had environmental concerns about the project's potential adverse water quality effects. The lack of a water quality monitoring plan makes it difficult to ensure that Washington State water quality standards will be met and beneficial uses protected. Additional information on the effectiveness of mitigation measures, cumulative effects, and the analysis used to develop the benefit/cost information was requested.

ERP No. D-FRC-B05181-NH, Rating EO2, Livermore Falls Hydroelectric Project, Construction, Operation and Maintenance, License section 404 and section 10 Permits, Pemigewasset River, Grafton County, NH.

Summary: EPA believes the proposed project will not comply with (1) the antidegradation provision of New Hampshire's Federally approved water quality standards and (2) EPA's Guidelines under section 404(b)(1) of the Clean Water Act. Three existing uses of the Pemigewasset River would be lost if this hydroelectric project is constructed. EPA further believes that the applicant cannot modify its proposed hydroelectric facility at Livermore Falls to effect compliance with either water quality standards or EPA's 404(b)(1) Guidelines.

ERP No. D-USA-C11005-00, Rating EC2, Fort Dix Army Base Realignment, Training and Doctrine Command Installations Transfer to other installations including Forts Bliss, Jackson, Knox, Lee, and Leonard Wood, Implementation, TX, NJ, SC, KY, VA, and MO.

Summary: EPA's review of the draft EIS for the Fort Dix Realignment identified a number of environmental concerns with respect to the project's impacts to surface water quality, ground water quality, wetlands, and air quality. EPA requested that the final EIS provide additional information about these issues.

EPA No. DA-USA-K21000-00, Rating EC2, Johnston Atoll Chemical Agent Disposal System (JACADS) for Transportation, Storage and Destruction of European Stockpile of Chemical Munitions, Updated Information, Johnston Atoll, TT.

Summary: EPA expressed concerns about the project, including the need for modifications to the facility's permit under the Resource Conservation and Recovery Act. A number of clarifications were also recommended.

Dated: April 10, 1990.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 90-8866 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3752-9]

Preparation of an Environmental Impact Statement for a Special Area Management Plan for the Hackensack Meadowlands District, New Jersey

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Preparation of an environmental impact statement for a special area management plan for the Hackensack Meadowlands District, New Jersey.

PURPOSE: This action is taking place in accordance with the Environmental Protection Agency's (EPA) procedures for voluntary preparation of environmental impact statements (EIS) on significant regulatory actions (39 FR 37119, October 21, 1974) and the U.S. Army Corps of Engineers' (USACE) procedures for implementing the National Environmental Policy Act (33 CFR part 325) and Regulatory Guidance Letter No. 86-10 (October 2, 1986) for the development of a special area management plan (SAMP). This notice of intent (NOI) is issued pursuant to 40 CFR part 1501.7.

FOR FURTHER INFORMATION CONTACT:

Mr. Joseph J. Seebode, Regulatory Functions Branch, New York District, U.S. Army Corps of Engineers, 26 Federal Plaza, Room 1937, New York, New York 10278-0090, Telephone (212) 264-3996.

or

Mr. Robert W. Hargrove, Environmental Impacts Branch, U.S. Environmental Protection Agency, 26 Federal Plaza, Room 500, New York, New York 10278, Telephone (212) 264-1840.

SUMMARY:

A. Background

The Hackensack Meadowlands District (HMD) is a 32 square mile area covering portions of 14 municipalities in Bergen and Hudson Counties, New Jersey. Within the HMD, the Hackensack Meadowlands Development Commission (HMDC) is responsible for land use planning, zoning decisions, issuance of building permits, regional solid waste management, and protection of the environment. Remaining undeveloped areas within the HMD are primarily wetlands, and are under substantial developmental pressure.

The USACE and EPA are the federal regulatory agencies that have jurisdiction over fill activities pursuant to Section 404 of the Clean Water Act (CWA). The master plan that the HMDC uses to make its development decisions was adopted by the State of New Jersey in 1972 prior to the enactment and implementation of various environmental statutes, including Section 404 of the CWA. The HMDC seeks to revise its master plan in accordance with the appropriate environmental statutes.

In recognition of the above—stated situation, on September 14, 1988, EPA and USACE entered into a memorandum of understanding (MOU), with the HMDC and the New Jersey Department of Environmental Protection, that calls for the preparation and implementation of a SAMP for the HMD. The SAMP will facilitate compliance of future development activities with all applicable environmental statutes and regulations. In particular, certain regulatory presumptions for future activities, including those identified in the MOU, are expected to result from the SAMP and will be used by the EPA and USACE in administering their authorities pursuant to Section 404 of the CWA. The SAMP will be invaluable to the HMDC's ongoing effort to revise its master plan. Both EPA and USACE view development of the SAMP for the HUD as a major federal action with potentially significant environmental impacts. Accordingly, through the aforementioned MOU, EPA and the USACE have agreed to jointly prepare an EIS for the SAMP.

B. Description of EPA/USACE Action

The joint EPA/USACE action is to prepare and implement a SAMP for the HMD. As stated in Section A, this will require the preparation of an EIS. Given the nature of the action, the EIS will be presented in a programmatic format. As such, it will address issues in a general, not project-specific, context. The EIS will evaluate a full range of SAMP alternatives, including no action. Additionally, the EIS will evaluate, at a minimum, the following issues:

b. Appropriate out-of-HMD development alternatives, within the geographical scope agreed-to in the MOU (i.e., northern New Jersey geographical area as defined by Union, Essex, Hudson, Bergen, Passaic, and part of Middlesex Counties);

b. Appropriate alternatives to dredged or fill discharge activities within the HMD;

c. Determination of extent and locations of allowable fill activities;

d. In addition to wetlands impacts, the EIS will address the spectrum of impacts on all media (i.e., air, ground water, surface water, etc.);

e. Mitigation will be developed and proposed for all unavoidable adverse environmental impacts (with respect to wetlands, there will be no net loss of wetland values in the HMD); and

f. Compliance with other applicable federal and state laws and regulations.

It is anticipated that a number of regulatory enhancements will result from the SAMP process. These could include: abbreviated permit processes; general permits as determined to be authorized under Section 404(e) of the CWA; and/or the establishment of permanent prohibitions on wetland areas. These products would increase predictability in acquiring federal permits, reduce burdens upon developers and regulators, and restrict development or ensure proper mitigation measures in important sensitive wetland areas.

C. EIS Scoping

As part of the EIS scoping process, comments on the proposed scope of the EIS will be accepted until 60 days after the publication of this NOI in the **Federal Register**; all comments should be addressed to the contact person(s) indicated above.

In addition to receiving written scoping comments, EPA and the USACE will receive oral comments during a series of public meetings that will be scheduled for the latter part of the scoping period. Formal notices of these meetings will be made through mailings and/or legal notices in local newspapers.

D. Public Participation in the EIS Process

The EIS process will provide opportunities for full participation by interested federal, state, and local agencies, as well as other interested organizations and the general public. These opportunities will include periodic public meetings and agency availability sessions. All interested parties are encouraged to submit their names and addresses to the contact person(s) indicated above for inclusion on the distribution list for the draft and final EIS and any related public notices.

Additionally, EPA and the USACE are planning to organize a Citizens Advisory Committee (CAC), which will consist of private citizens, representatives of public interest groups, public officials, and citizens or representatives of organizations with substantial economic interest in the project. All persons interested in participation on the CAC should submit a letter of intent, including vita, to the contact person(s) indicated above.

E. Federal Agency Participation in the EIS Process

Federal agencies with an interest in this EIS effort are requested to participate as cooperative agencies pursuant to 40 CFR 1501.6. All interested federal agencies are requested to submit a letter of intent to the contact person(s) indicated above.

Dated: April 9, 1990.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 90-8664 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[OPP-00288; FRL-3739-4]

FIFRA Scientific Advisory Panel; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a 1-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP) to review a set of scientific issues being considered by the Agency in connection with the peer review of "Beacon" (a sulfonic urea herbicide) as a Category D carcinogen; and to review a set of scientific issues being considered by the Agency in connection with the PD 2/3 Special Review for ethylene bisdithiocarbamate (EBDC) pesticides and ethylene thiourea (ETU) as a Category B_2 carcinogen. The meeting will be open to the public.

DATES: The meeting will be held on Tuesday, May 15, 1990, from 8:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be held at: The Hyatt Regency-Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 418-1234.

FOR FURTHER INFORMATION CONTACT: By mail: Robert B. Jaeger, -Designated Federal Official, FIFRA Scientific Advisory Panel (H7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., -Washington, DC 20460. Office location and telephone number: -Rm. 821C, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-4369/2244.

SUPPLEMENTARY INFORMATION: The agenda for this meeting will include the following topics:

1. Review of a set of scientific issues in connection with the Agency's classification of Beacon as a Category D carcinogen.

2. Review of a set of scientific issues in connection with the Agency's PD 2/3 Special Review for ethylene bisdithiocarbamate (EBDC) pesticides, including ethylene thiourea (ETU) as a Category B_2 carcinogen based on increased incidence of thyroid follicular cell adenomas/adenocarcinomas in the rat, and thyroid and liver tumors in three strains of mice.

Copies of documents relating to items 1 and 2 may be obtained by contacting: By mail: Information Services Branch, Program Management and Support Division (H7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 244 Bay, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 557-2805.

Any member of the public wishing to submit written comments should contact Robert B. Jaeger at the address or the phone number given above to be sure that the meeting is still scheduled and to confirm the Panel's agenda. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice to the Designated Federal Official, interested persons may be permitted by the chairman of the Scientific Advisory Panel to present oral statements at the meeting. There is no limit on written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket.

Information not marked confidential will be included in the public docket without prior notice. The public docket

will be available for public inspection in Room 244 Bay at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. All statements will be made part of the record and will be taken into consideration by the Panel.

Persons wishing to make oral and/or written statements should notify the Designated Federal Official and submit 10 copies of a summary no later than April 27, 1990, in order to ensure appropriate consideration by the Panel.

Dated: April 9, 1990.

Linda J. Fisher,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc: 90-8642 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-50595; FRL-3665-8]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

464-EUP-104. Issuance. DowElanco, P.O. Box 1706, Midland, MI 48641-1706. This experimental use permit allows the use of 23.5 pounds of the insecticide O-(2-(1,1-dimethylethyl)-5-pyrimidinyl) O,O-diethyl phosphorothioate on 61 acres of corn to evaluate the control of various insects. The program is authorized only in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Texas, and Wisconsin. The experimental use permit is effective from January 18, 1990 to January 18, 1991. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Dennis Edwards, PM 12, Rm. 200, CM #2, (703-557-2386))

62719-EUP-99. Renewal. DowElanco, P.O. Box 1706, Midland, MI 48641-1706. This experimental use permit allows the use of 47.5 pounds of the insecticide O-(2-(1,1-dimethylethyl)-5-pyrimidinyl) O,O-diethyl phosphorothioate on 61 acres of corn to evaluate the control of various insects. The program is authorized only in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Texas, and Wisconsin. The experimental use permit was previously effective from December 30, 1988 to December 30, 1989; the permit is now effective from January 18, 1990 to January 18, 1991. This permit is issued with the limitation that all crops are destroyed or used for research purposes only. (Dennis Edwards, PM 12, Rm. 200, CM #2, (703-557-2386))

352-EUP-146. Extension. E.I. duPont de Nemours and Company, Inc., Agricultural Products Department, Walker's Mill Building, Barley Mill Plaza, Wilmington, DE 19898. This experimental use permit allows the use of 1,000 pounds of the herbicide methyl 2-[[[[[(4,6 dimethoxy pyrimidin-2-yl) amino] carbonyl]amino]sulfonyl]methyl] benzoate to be used on lakes, ponds, reservoirs, ponded canals, and other sites with impounded water for aquatic vegetation management to evaluate the control of aquatic weeds. The experimental use permit is authorized only in the States of Arizona, California, Colorado, Florida, Idaho, Michigan, Minnesota, New York, Texas, Washington, and Wisconsin. The experimental use permit is effective from January 6, 1990 to January 6, 1991. (Joanne Miller, PM 23, Rm. 237, CM #2, (703-557-1830))

279-EUP-105. Renewal. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 2005.00 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1-propenyl)-2,2-dimethyl-2-methyl[1,1'-biphenyl]-3-yl methyl ester on 4,010 acres of corn to evaluate the control of various insects. The program is authorized in the States of Arizona, California, Colorado, Delaware, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Missouri, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Virginia, and Washington. The experimental use permit was previously effective from July 10, 1988 to July 10, 1989; the permit is now effective from January 12, 1990 to January 12, 1991. A temporary tolerance for residues of the active ingredient in or on corn has been established. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

279-EUP-106. Renewal. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 160 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1-propenyl)-2,2-dimethyl-2-methyl[1,1'-biphenyl]-3-yl methyl ester on 200 acres of walnuts to evaluate the control of various insects. The program is authorized only in the States of California and Oregon. The experimental use permit was previously effective from July 10, 1988 to July 10, 1989; the permit is now effective from January 12, 1990 to January 12, 1991. A temporary tolerance for residues of the active ingredient in or on walnuts has been established. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

279-EUP-110. Renewal. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 448 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1-propenyl)-2,2-dimethyl-2-methyl[1,1'-biphenyl]-3-yl methyl ester on 560 acres of strawberries to evaluate the control of various insects. The program is authorized only in the States of California, Connecticut, Delaware, Florida, Indiana, Louisiana, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, and Washington. The experimental use permit was previously effective from July 10, 1988 to July 10, 1989; the permit is now effective from January 12, 1990 to January 12, 1991. A temporary tolerance for residues of the active ingredient in or on strawberries has been established. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

279-EUP-111. Renewal. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 256 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1-propenyl)-2,2-dimethyl-2-methyl[1-1'-biphenyl]-3-yl methyl ester on 320 acres of pecans to evaluate the control of various insects. The program is authorized only in the States of Alabama, Arizona, California, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, and Texas. The experimental use permit was previously effective from August 10,

1988 to August 10, 1989; the permit is now effective from January 12, 1990 to January 12, 1991. A temporary tolerance for residues of the active ingredient in or on pecans has been established. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

279-EUP-112. Renewal. FMC Corporation, Agricultural Chemicals Group, 2000 Market St., Philadelphia, PA 19103. This experimental use permit allows the use of 731.25 pounds of the insecticide cyclopropanecarboxylic acid, 3-(2-chloro-3,3-trifluoro-1-propenyl)-2,2-dimethyl-2-methyl[1-1'-biphenyl]-3-yl methyl ester on 975 acres of pears to evaluate the control of various insects. The program is authorized only in the States of California, Colorado, Michigan, New York, Ohio, Oregon, Pennsylvania, Utah, and Washington. The experimental use permit was previously effective from July 10, 1988 to July 10, 1989; the permit is now effective from January 12, 1990 to January 12, 1991. A temporary tolerance for residues of the active ingredient in or on pears has been established. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

45693-EUP-44. Issuance. Nor-Am Chemical Company, 3509 Silverside Road, P. O. Box 7495, Wilmington, DE 19803. This experimental use permit allows the use of 19.84 pounds of the insecticide amitraz on a total of 1,500 head of cattle to evaluate the control of biting and sucking lice. The program is authorized only in the States of California, Minnesota, New York, Pennsylvania, and Wisconsin. The experimental use permit is effective from January 10, 1990 to January 10, 1991. Permanent tolerances for residues of the active ingredient in or on cattle have been established (40 CFR 180.287). (Dennis Edwards, PM 12, Rm. 200, CM #2, (703-557-2386))

264-EUP-73. Renewal. Rhone Poulenc Agricultural Company, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This experimental use permit allows the use of 8,659 pounds of the insecticide thiodicarb on 2,375 acres of broccoli, cabbage, cauliflower, and head lettuce to evaluate the control of various insects and mites. The program is authorized only in the States of Arizona, Colorado, Florida, Michigan, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, South Carolina, Texas, Washington, and Wisconsin. The experimental use permit was previously effective from June 8, 1988 to June 8, 1989; the permit is now effective from December 5, 1989 to October 20, 1990. Temporary tolerances for residues of the active ingredient in or on broccoli, cabbage, cauliflower, and head lettuce have been established. (Dennis Edwards, Jr., PM 12, Rm. 200, CM#2, (703-557-2386))

264-EUP-77. Extension. Rhone-Poulenc Agricultural Company, P.O. Box 12014, T.W. Alexander Drive, Research Triangle Park, NC 27709. This experimental use permit allows the use of 981 pounds of the herbicide thiodicarb and its metabolite methomyl on 270 acres of broccoli, cabbage, cauliflower, and head lettuce to evaluate the control of various insect pests. The program is authorized only in the States of Arizona, Florida, New York, and Texas. The experimental use permit is effective from October 20, 1989 to October 20, 1990. Temporary tolerances for residues of the active ingredient in or on broccoli, cabbage, cauliflower, and head lettuce have been established. (Dennis Edwards, Jr., PM 12, Rm. 202, CM #2, (703-557-2386))

264-EUP-79. Issuance. Rhone-Poulenc Agricultural Company, P.O. Box 12014, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709. This experimental use permit allows the use of 2,600 acres of the insecticide thiodicarb on 350 acres of apples to evaluate the control of various insects. The program is authorized only in the States of Maine, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, and West Virginia. The experimental use permit is effective from December 29, 1989 to December 29, 1990. A temporary tolerance for residues of the active ingredient in or on apples has been established. (Dennis Edwards, Jr., PM 12, Rm. 202, CM #2, (703-557-2386))

62476-EUP-1. Issuance. U.S. Department of Agriculture, ARS Honey Bee Lab, 2000 East Allen Road, Tucson, AZ 85719. This experimental use permit allows the use of 0.004 pound of the insecticide Avermectin B_1 on 6,986.80 acres to evaluate the control of feral colonies of honey bees. The program is authorized only in the State of Texas. The experimental use permit is effective from December 27, 1989 to December 27, 1990. This permit is issued with the limitation that any honey, pollen, and beeswax produced in contaminated colonies are destroyed, except for small amounts to be sampled for residue determinations in the hive products. (George LaRocca, PM 15, Rm. 204, CM #2, (703-557-2400))

62549-EUP-1. Issuance. U.S. Department of Agriculture, ARS Honey Bee Breeding, Genetics and Physiology Laboratory, 1157 Ben Hur Road, Baton Rouge, LA 70820. This experimental use permit allows the use of 7.5 grams of the insecticide acephate on 1,976 acres as a bait to evaluate the control of feral honey bees. The program is authorized only in the State of Texas. The experimental use permit is effective from November 28, 1989 to November 28, 1990. This permit is being issued with the limitation that all honey bee food commodities from the treated test colonies are destroyed or used for research purposes only. (William Miller, PM 16, Rm. 211, CM #2, (703-557-2600))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquires concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be made available for inspection purposes from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

Authority: 7 U.S.C. 136.

Dated: March 29, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-8643 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-50701; FRL-3736-7]

Receipt of Notifications of Intent to Conduct Small-Scale Field Testing; Nonindigenous Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's receipt of three notifications of intent to conduct small-scale field testing of nonindigenous strains of *Bacillus thuringiensis* from the E.I. duPont deNemours and Company, Inc.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment(s) concerning this Notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for

inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and all written comments will be available for public inspection in Rm. 246 at the Virginia address given above from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Phil Hutton, Product Manager (PM) 17, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 207, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-2690).

SUPPLEMENTARY INFORMATION: Three notifications of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), have been received from the E.I. duPont deNemours and Company, Inc. of Wilmington, Delaware. The purpose of the proposed testing is to evaluate the efficacy of the nonindigenous *Bacillus thuringiensis* strains toward lepidopterous and coleopterous insect pests of vegetables. The field tests are to take place in California, Delaware, and Texas for a combined acreage of 0.70 acre. Following the review of the applications and any comments received in response to this Notice, EPA will decide whether or not an experimental use permit is required.

Dated: April 4, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-8645 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPP-50702; FRL-3737-4]

Receipt of Notification of Intent to Conduct Small-Scale Field Testing; Genetically Modified Microbial Pesticide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received from Monsanto Agricultural Co. a notification of intent to conduct small-scale field testing in Indiana, Montana, and Washington of two genetically modified strains (Ps. Q2-87AL6 and Ps. QC-65AL7) of *Pseudomonas aureofaciens*. These strains have been modified by inserting genes isolated from *E. coli* bacteria for the purpose of providing a marker for detection of the modified organisms at very low populations in the soil.

DATES: Comments must be received on or before April 30, 1990.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted and any comments(s) conerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Susan T. Lewis, Product Manager (PM) 21, Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM#2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-557-1900.

SUPPLEMENTARY INFORMATION: A notification of intent to conduct small-scale field testing pursuant to the EPA's "Statement of Policy; Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act" of June 26, 1986 (51 FR 23313), has been received from Monsanto Agricultural Co., St. Louis, MO. The purpose of the proposed testing is to evaluate the efficacy of two genetically modified strains of *Pseudomonas aureofaciens* (also called *P. fluorescens* biotype E) for the control of Take-All, a disease of wheat. The two strains have been modified by inserting genes isolated from E. coli bacteria which are designated as the lacZY marker. The lacZY marker is a tracking system which has been previously used as an accurate and practical means to monitor survival and location of the organisms under field conditions. Notifications for small-scale field testing of similar organisms containing the marker genes have been reviewed by scientists from both the Office of Pesticide Programs and the Office of Toxic Substances. The organisms were subsequently field tested with no adverse effects. The main objective of these tests is to further confirm that these lacZY-marked organisms demonstrate potential as biological control agents under actual field conditions in differing geographical areas, soil types, and seasonal periods. The proposed field tests would be carried out in collaboration with State universities in the States of Indiana, Montana, and Washington. The tests would be conducted at one site in each State with each site consisting of 1.5 acres or less of wheat.

Dated: March 30, 1990.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 90-8641 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[FRL-3755-4]

Pilot Mountain Tire Fire Site; Proposd Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h) of the Comprehensive Environmental Response, Compensation, and Liability Act the Environmental Protection Agency (EPA) has agreed to settle claims for response costs at the Pilot Mountain Tire Fire Site, Dobson, North Carolina, with William Jones and the W.T. Tire Company. EPA will consider public comments on the proposed settlements for thirty (30) days. EPA may either withdraw from or modify the proposed settlements should such comments disclose facts or considerations which indicate the proposed settlements are inappropriate, improper or inadequate. Copies of the proposed settlements are available from: Ms. Carolyn McCall, Investigations Support Clerk, Investigation and Cost Recovery Unit, Site Investigation and Support Branch, Waste Management Division, U.S. EPA, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365, 404-347-5059.

Written comments may be submitted to the person above by thirty (30) days from date of publication.

Joe R. Franzmathes,

Acting Regional Administrator, U.S. EPA—Region IV.

[FR Doc. 90-8635 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[FR-3755-6]

Proposed Settlement; Jones Chemicals, Inc.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Request for public comment.

SUMMARY: In accordance with the requirements of section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), notice is hereby given of a proposed settlement under section 122(h) concerning the Jones Chemical, Inc. Site in Monon, Indiana. The proposed settlement requires Jones Chemicals, Inc. to pay $333,060,00, plus interest, of the $357,642,37 in costs incurred during U.S. EPA's removal action.

DATES: Comments must be provided on or before May 14, 1990.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, and should refer to: In the Matter of: Jones Chemicals, Inc., Monon, Indiana.

FOR FURTHER INFORMATION CONTACT: Laurie Donlon Adams, U.S. EPA, Office of Regional Counsel, 5CS-TUB-3, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-0814.

Notice of section 122(h) Cost Recovery Settlement: In accordance with section 122(i)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1984, as amended ("CERCLA"), notice is hereby given that on October 20, 1989 a proposed administrative settlement was agreed to by Jones Chemicals, Inc. The proposed settlement requires Jones Chemicals, Inc. to pay $333,060.00, plus interest, of the $357,642.37 in costs incurred during U.S. EPA's removal action at its Monon, Indiana, Site.

U.S. EPA is entering into this agreement under the authority of sections 122(h) and 107 of CERCLA. Section 122(h) authorizes administrative settlement of a claim under section 107 where total response costs incurred by the United States of the facility concerned do not exceed $500,000 (excluding interest). Jones Chemicals, Inc. signed the 122(h) Consent Agreement on October 20, 1989 and U.S. EPA signed on February 9, 1990. Under the terms of the Consent Agreement, Jones Chemicals, Inc. will pay $50,000 thirty (30) days following the entering of the Consent Agreement and the remaining $283,060.00 plus interest in fifteen (15) equal monthly installments on the first day of each month, beginning on the first day of the second full calendar month after the entering of the Consent Agreement. Based on current interest rates, these 15 monthly payments will be $20,000 each.

The Environmental Protection Agency will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed settlement agreement.

A copy of the proposed administrative settlement agreement may be obtained in person or by mail from the Office of Regional Counsel, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Additional background information relating to the settlement is available for review at this address.

Authority: The Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601 *et seq.*

Dated: March 28, 1990.

Frank M. Covington,

Acting Regional Administrator.

[FR Doc. 90-8638 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-160001; FRL-3740-2]

Notice of Availability of Polychlorinated Biphenyls Penalty Policy

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Polychlorinated Biphenyls Penalty Policy (Policy). The Policy is an EPA enforcement document for determining civil penalties for violations of the Toxic Substances Control Act (TSCA) and 40 CFR part 761. It supersedes the PCB Penalty Policy published in the **Federal Register** of September 10, 1980.

ADDRESSES: Persons interested in receiving a copy of the Policy should contact: Environmental Assistance Division (TS-799), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, (202) 554-1404.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404 and TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: On March 10, 1980, EPA issued interim guidance for the determination of penalties for violations of the Polychlorinated Biphenyls (PCB) rules. That interim policy was published in the **Federal Register** of September 10, 1980 (45 FR 59776), with a statement that the Agency would review its experience with the policy before issuing a final penalty policy.

Since developing the March 10, 1980 interim guidance, numerous PCB regulations have been promulgated. Amendments, interpretations, and revisions to the interim guidance have also been developed. The revised Policy is intended to incorporate the enforcement-related provisions of all PCB rules and policy revisions to date, including the Notification and Manifesting Rule. The Policy is effective as of April 9, 1990, and will be used to calculate penalties in all administrative actions concerning PCBs issued after the date of the Policy, regardless of the date of the violation.

The Policy implements a system for determining penalties in administrative civil actions brought pursuant to section 16 of TSCA. Penalties are determined in two stages: (1) determination of a "gravity based penalty" (GBP), and (2) adjustments to the GBP.

To determine the GBP, the following factors affecting a violation's gravity are considered; the nature of the violation, the extent of environmental harm that could result from the violation, and the circumstances of the violation. These factors are incorporated in a matrix which allows determination of the appropriate proposed GBP.

Once the GBP has been determined, upward or downward adjustments to the proposed penalty amount may be made in consideration of other factors, either before issuance of a civil administrative complaint, or during settlement negotiations, including; culpability, history of such violations, ability to pay and to continue in business, and other matters as justice may require. -The revised Policy updates the Circumstance section of the policy (where all possible violations are ranked according to probability for causing harm), and sets generally higher penalties by (1) raising the Circumstance level for certain types of violations, (2) reducing the threshold levels of PCBs for the Minor, Significant, or Major Extent levels in the penalty matrix, and (3) assessing penalties for each violation of the regulatory requirements of 40 CFR

part 761, instead of for the broader violation of its subparts.

Higher penalties will also be assessed for facilities that have more than one location where violations exist. Under the 1980 policy, each facility was generally counted as a single location, regardless of the number of violative locations within that facility. The revised Policy counts each separate location within a facility separately. Thus, if a facility has five sites with the same violation, it will be assessed five separate counts instead of one. Also, the Policy adopts the Agency general policy of assessing the economic benefit of noncompliance, i.e., a violator will not pay a penalty that is less than the economic benefit of the violation.

Other significant changes include a refinement of what constitutes a violator's history of violations for purposes of increasing penalties for repeat violators; and penalties for refusing entry of an EPA inspector after proper notification has been provided to the facility in accordance with TSCA section 11. The Agency is also, through this Policy, providing an opportunity for facilities to come into compliance by substantially reducing penalties for voluntary disclosure of violations.

Dated: April 9, 1990.

Connie S. Musgrove,

Acting Director, Office of Compliance Monitoring, Office of Pesticides and Toxic Substances.

[FR Doc. 90-8644 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[OPTS-44549; FRL 3739-9]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on bis(2-chloroethoxy) methane (CAS No. 111-91-1), and tributyl phosphate (CAS No. 126-73-8) submitted pursuant to a final test rule. Test data was also received on alkyl phthalates (CAS Nos. 68515-42-4, 84-75-3 and 68515-50-4) and triethylene glycol monomethyl monoethyl and monobutyl ethers (CAS Nos. 112-35-6, 112-50-5 and 143-22-6) pursuant to a testing consent order. All test data were submitted under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for bis(2-chloroethoxy) methane was submitted by Morton International pursuant to a test rule at 40 CFR 799.5055. It was received by EPA on January 30, 1990. The submission describes a 90-day oral gavage study. Subchronic toxicity testing is required by this test rule.

Test data for tributyl phosphate was submitted by the Tributyl Phosphate Task Force on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.4360. It was received by EPA on March 26, 1990. The submission describes a skin sensitization study in guinea pigs. Dermal sensitization testing is required by this test rule. This chemical is used primarily in hydraulic fluids and in the extraction process of plutonium and other metals.

Test data for alkyl phthalates was submitted by the Chemical Manufacturers Association on behalf of the test sponsors and pursuant to a testing consent order at 40 CFR 799.5000. It was received by EPA on March 26, 1990. The submissions describe the analytical characterization of unlabelled and (^{14}C)-labelled phthalate esters for di(heptyl, nonyl, undecyl) and dihexyl phthalate. These tests are required by this consent order. These chemicals are used primarily as plasticizers.

Test data for triethylene glycol monomethyl, monoethyl and monobutyl ethers was submitted by the Chemical Manufacturers Association on behalf of the gylcol ethers panel and pursuant to a testing consent order at 40 CFR 799.5000. It was received by EPA on March 29, 1990. The submissions describe the evaluation of triethylene glycol monomethyl ether in: (1) The ames assay, (2) the CHO/HGPRT forward mutation assay and (3) the mouse bone marrow micronucleus test. These tests are required under this consent order. These chemicals are used primarily as diluents for brake fluids.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44549). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: April 4, 1990.

James B. Willis,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 90-8557 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-D

[FRL-3753-8]

Public Water Supervision Program; Program Revision for the State of Rhode Island

SUMMARY: Notice is hereby given that the State of Rhode Island is revising its approved State Public Water Supply Supervision Primacy Program. Rhode Island has adopted (1) drinking water regulations for eight volatile organic chemicals that correspond to the National Primary Drinking Water Regulations for eight volatile organic chemicals promulgated by EPA on July 8, 1987 (52 FR 25690) and (2) public notice regulations that correspond to the revised EPA public notice requirements promulgated on October 18, 1987 (52 FR 41534). EPA has determined that these two sets of State program revisions are no less stringent than the corresponding Federal regulations. Therefore, EPA has tentatively decided to approve these State program revisions.

All interested parties are invited to request a public hearing. A request for a public hearing must be submitted by May 14, 1990 to the Regional Administrator at the address shown below. Frivolous or insubstantial requests for a hearing may be denied by the Regional Administrator. However, if a substantial request for a public hearing is made by May 14, 1990, a public hearing will be held. If no timely and appropriate request for a hearing is received and the Regional Administrator does not elect to hold a hearing on her

own motion, this determination shall become effective May 14. 1990.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual organization, or other entity requesting a hearing. (2) A brief statement of the requesting person's interest in the Regional Administrator's determination and of information that the requesting person intended to submit at such hearing. (3) The signature of the individual making the request; or, if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

ADDRESSES: All documents relating to this determination are available for inspection between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, at the following offices:

Division of Drinking Water Quality, RI Dept. of Health, 3 Capitol Hill, Providence, RI 02908;

and

Regional Administrator, Environmental Protection Agency—Region I, Water Supply Section or Water Supply Branch, J.F. Kennedy Federal Building, Boston, MA 02203.

FOR FURTHER INFORMATION CONTACT: J. Kevin Reilly, U.S. EPA—Region I, Water Supply Section—WSS-2113, J.F. Kennedy Federal Building, Boston, MA 02203, Telephone: (617) 565-3619 (FTS 835-3519).

Authority: Section 1413 of the Safe Drinking Water Act, as amended (1988); and 40 CFR 142.10 of the National Primary Drinking Water Regulations.

Dated: January 31, 1990.

Julie Belaga.

Regional Administrator.

[FR Doc. 90-8255 Filed 4-12-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Holder Communications Corp., et al.

1. The Commission has before it the following application for modification of the authorization of an existing FM station:

Applicant, City, and State	File No.	MM Docket No.
A. Holder Communications Corporation, Lake Charles, LA.	BPH-870212IC	90-136

Also before the Commission are the following mutually exclusive applications for a new FM station:

Applicant, City, and State	File No.
B. Connie Broadcasting Corporation, Liberty, TX.	BPH-880126NT
C. Trinity River Broadcasting, Liberty, TX.	BPH-880127MO
D. Roy E. Henderson, Liberty, TX.	BPH-880127MP

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347 (May 29, 1986). The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicants
1. Air Hazard	B, D
2. 307(b)	A-D
3. Contingent Comparative	A-D
4. Ultimate	A-D

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800.)

W. Jan Gay, Assistant Chief,

Audio Services Division, Mass Media Bureau.

[FR Doc. 90-8568 Filed 4-12-90; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION

Issuance of Powers of Attorney

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Public notice.

SUMMARY: In order to facilitate the discharge of its responsibilities as a conservator and liquidator of insured depository institutions in the State of Oklahoma, the Federal Deposit Insurance Corporation ("FDIC") publishes the following notice. The publication of this notice is intended to comply with title 16, section 20 of the Oklahoma Statutes (16 O.S. 20) which, in part declares Federal agencies that publish notices in the **Federal Register** concerning their promulgation of powers of attorney to be exempt from the statutory requirement of having to record such powers of attorney in every county of Oklahoma in which the agencies wish to effect the conveyance or release of interests in land.

NOTICE: Pursuant to section 11 of the Federal Deposit Insurance ("FDI") Act (12 U.S.C. 1821), as amended by section 212 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("FIRREA"), the FDIC is empowered to act as conservator or receiver of any state or federally chartered depository institution which it insures. Furthermore, under section 11A of the FDI Act (12 U.S.C. 1821a), as enacted under section 215 of FIRREA, the FDIC is also appointed to manage the FSLIC Resolution Fund.

Upon appointment as a conservator or receiver, the FDIC by operation of law becomes successor in title to the assets of the depository institutions on behalf of which it is appointed. As Manager of the FSLIC Resolution Fund, the FDIC became successor in title to both the corporate assets formerly owned by the now defunct Federal Savings and Loan Insurance Corporation ("FSLIC"), as well as to the assets of the depository institutions for which the FSLIC was appointed receiver prior to January 1, 1989. In addition, pursuant to section 13(c) of the FDI Act (12 U.S.C. 1823(c)), the FDIC also acquires legal title in its corporate capacity to assets acquired in furtherance of providing monetary assistance to prevent the closing of insured depository institutions or to expedite the acquisition by assuming depository institutions of assets and liabilities from closed depository institutions of which the FDIC is receiver.

In order to facilitate the conservation and liquidation of assets held by the FDIC in its aforementioned capacities, the FDIC has provided powers of attorney to selected employees of its Oklahoma City Consolidated Office. These employees include: Stephen C. Kane, Deborah N. Biggers, D. Charles Welsh, Kyle R. Birch, Tommy K. Sears, and John H. Fisher.

Each employee to whom a power of attorney has been issued is authorized and empowered to: Sign, seal and deliver as the act and deed of the FDIC

any instrument in writing, and to do every other thing necessary and proper for the collection and recovery of any and all monies and properties of every kind and nature whatsoever for and on behalf of the FDIC and to give proper receipts and acquittances therefore in the name and on behalf of the FDIC; release, discharge or assign any and all judgments, mortgages on real estate or personal property (including the release and discharge of the same of record in the office of any Prothonotary or Register of Deeds wherever located where payments on account of the same in redemption or otherwise may have been made by the debtor(s)), and to endorse receipt of such payment upon the records in any appropriate public office; receipt, collect and give all proper acquittances for any other sums of money owing to the FDIC for any acquired asset which the attorney-in-fact may sell or dispose of; execute any and all transfers and assignments as may be necessary to assign any securities or other choices in action; sign, seal, acknowledge and deliver any and all agreements as shall be deemed necessary or proper by the attorney-in-fact in the care and management of acquired assets; sign, seal, acknowledge and deliver indemnity agreements and surety bonds in the name of and on behalf of the FDIC; sign receipts for the payment of all rents and profits due or to become due on acquired assets; execute, acknowledge and deliver deeds of real property in the name of the FDIC; extend, postpone, release and satisfy or take such other action regarding any mortgage lien held in the name of the FDIC; execute, acknowledge and deliver in the name of the FDIC a power of attorney wherever necessary or required by law to any attorney employed by the FDIC; foreclose any mortgage or other lien on either real or personal property, wherever located; do and perform every act necessary for the use, liquidation or collection of acquired assets held in the name of the FDIC; and sign, seal, acknowledge and deliver any and all documents as may be necessary to settle any action(s) or claim(s) asserted against the FDIC, either in its Receivership or Cororate capacity, or as Manager of the FSLIC Resolution Fund.

Dated: April 9, 1990.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 90-8589 Filed 4-12-90; 8:45 am]

BILLING CODE 6714-01-M

FEDERAL MARITIME COMMISSION

Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as ocean freight forwarders pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718 and 46 CFR 510).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to contact the Office of Freight Forwarder and Passenger Vessel Operations, Federal Maritime Commission, Washington, DC 20573.

Transportation Services International Inc., 30 Pulaski Street, Bayonne, New Jersey 07002. Officers: Richard F. Harty, President/Secretary/Director. Richard A. Harty, Vice President.

Automated Cargo Corp., 167-37 Porter Rd., Jamaica, NY 11434-5222. Officers: William A. Meyer, President. Gail I. Meyer, Secretary/Treasurer.

TCX International, Inc., 3000 N.W. 74th Ave., Miami, FL 33122. Officers: Julio Arias, President/Director. Jay B. Miranda, Vice President/Secretary/Director.

Del-Mar International, Inc., 10333 Northwest Freeway, Suite 404, Houston, TX 77092. Officers: Gerda G. Rigler, President. Marie L. Flores, Vice President. Sherri Akard, Vice President.

M. Bowers & Co., Inc., 521 Ala Moana Blvd. #210, Honolulu, HI 96813. Officers: Michael Bowers, President. Morgan Okada, Vice President.

Unipac Shipping Inc., 13900 E. Valley Blvd., La Puente, CA 91744. Officers: Beverly Jiang, President. Jimmy Jiang, Director.

Hasman & Baxt of Florida, 1515 NW 82 Ave., Miami, FL 33126. Officers: Mitchell P. Baxt, President/Director. Nury Lewis, Vice President/Director.

Ari Shipping Corporation, 156 Fifth Ave., Suite 420, New York, NY 10010. Officers: Ilan Fidler, President. Carol Polishuk, Vice President. Paul Polishuk, Treasurer. Suebasai Sachchabutra, Director.

Traffic Services International, Inc., 4221 W. Spruce Street, Tampa, FL 33607. Officer: Gerald Wayne Carney, President.

Lindsey Forwarders, Inc., 9999 SW Wilshire, Portland, OR 97225. Officers: Merrill M. Watts, President/Director. Shauna Thayn Watts, Secretary/Director. Pamela Marie Braem, Vice President.

Dated: April 9, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 90-8656 Filed 4-12-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

William Biles III; 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 that notice or to the offices of the Board of Governors. Comments must be received not later than April 27, 1990.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *William Biles III,* John Biles, and Brian Russell; to each acquire 31.45 percent of the voting shares of First Sioux Bancshares, Ltd., Sioux Center, Iowa, and First National Bank of Sioux Center, Sioux Center, Iowa.

Board of Governors of the Federal Reserve System, April 9, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-8608 Filed 4-12-90; 8:45 am]

BILLING CODE 6210-01-M

Mitsui Bank, Ltd.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

This notice amends a previous **Federal Register** notice (FR Doc. 90-1117) published at page 1728 of the issue for Thursday, January 18, 1990.

Under the Federal Reserve Bank of San Francisco, the entry for the Mitsui Bank, Limited, Tokyo, Japan, is amended to add the following:

In addition to the proposal by the Mitsui Bank, Limited, Tokyo, Japan ("Mitsui"), to acquire an interest in Security Pacific Financial Services System, Inc. and SPFSS, Inc., San Diego,

California, and thereby engage in leasing activities pursuant to § 225.25(b)(5) of the Board's Regulation Y (12 CFR 225.25(b)(5)), Mitsui applies, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3), to engage in certain leasing activities that currently exceed the limitations set forth in Regulation Y. Mitsui proposes to engage in leasing activities to the full extent requested by Security Pacific Financial Services System, Inc., as more fully described in Pacific's Notice of Application, 54 FR 46,127 (November 1, 1989). In this application, Security Pacific proposes to expand its leasing activities to include leasing transactions that comply with all of the conditions of Regulation Y except conditions regarding residual values of leases, and to be subject to certain terms and conditions proposed in the notice.

In addition, Mitsui, through SPFSS, Inc., also proposes to engage in leasing activities permitted to national banks and their subsidiaries, but not currently permitted to bank holding companies pursuant to Regulation Y, since reliance is placed on residual values in excess of 20 percent. However, these leasing activities would be subject to all the terms and conditions imposed by the Board in any approval that may be granted in the pending Security Pacific leasing application involving Security Pacific Financial Services System, Inc.

Section 4(c)(8) of the BHC Act provides that a bank holding company may engage in any activity which the Board has determined to be "so closely related to banking or managing or controlling banks as to be a proper incident thereto." A particular activity may be found to meet the "closely related to banking" test if it is demonstrated that banks have generally provided the proposed activity; that banks generally provide services that are operationally or functionally so similar to the proposed activity so as to equip them particularly well to provide the proposed activity; or that banks generally provide services that are so integrally related to the proposed activity as to require their provision in a specialized form. *National Courier Ass'n v. Board of Governors,* 516 F.2d 1229, 1237 (D.C. Cir. 1975). In addition, the Board may consider any other basis that may demonstrate that the activity has a reasonable or close relationship to banking or managing or controlling banks. Board Statement Regarding Regulation Y, 49 FR 806 (1984).

Mitsui believes that its proposed leasing activities including the less restrictive residual value requirement, are closely related to banking, and cites as authority for this the expanded statutory authority for national banks to engage in leasing transactions on a net lease basis. 12 U.S.C. 24 (Tenth). The Office of the Comptroller of the Currency has interpreted this provision as authorizing national bank leases that rely on a residual value of up to 70 percent of the original costs of the property to the lessor and has proposed rulemaking regarding no residual value limits.

In determining whether an activity meets the second, or proper incident to banking test of section 4(c)(8), the Board must consider whether the performance of the activity by an affiliate of a holding company "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 interest, or unsound banking practices."

Mitsui contends that conduct of the proposed activities will result in significant public benefits that will outweigh any possible adverse effects. Mitsui states that such public benefits will take the form of increased competition in the leasing industry, improved services to leasing customers, increased safety and soundness through strengthening of Security Pacific's portfolio and increased earnings, and gains in efficiency.

Comments regarding the application must be received at the offices of the Board of Governors not later than April 27, 1990.

Board of Governors of the Federal Reserve System, April 9, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-8611 Filed 4-12-90; 8:45 am]

BILLING CODE 6210-01-M

Park National Corp.; 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 May 2, 1990.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Park National Corporation,* Newark, Ohio; to acquire Mutual Federal Savings Bank, Zanesville, Ohio, and thereby engage in savings and loan activities pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, April 9, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-8609 Filed 4-12-90; 8:45 am]

BILLING CODE 6210-01-M

Summit Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice has applied for the Board's approval under seciton 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications

are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each 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 to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 2, 1990.

A. **Federal Reserve Bank of Richmond** (Fred L. Bagwell, Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Summit Financial Corporation*, Greenville, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of Summit National Bank, Greenville, South Carolina, a *de novo* bank.

B. **Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 100 Marietta Street, NW., Atlanta, Georgia 30303:

1. *Barnett Banks, Inc.*, Jacksonville, Florida; to acquire 100 percent of the voting shares of Barnett Credit Services Bank, National Association, Jacksonville, Florida, a *de novo* bank.

C. **Federal Reserve Bank of Chicago** (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. *First Midwest Bancorp, Inc.*, Naperville, Illinois; to acquire 100 percent of the voting shares of Plainfield National Bank, Plainfield, Illinois.

Board of Governors of the Federal Reserve System, April 9, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-8610 Filed 4-12-90; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions and Delegations of Authority

AGENCY: Office of the Secretary, HHS; Office of Inspector General (OIG).

ACTION: Correction notice.

SUMMARY: This notice amends part A (Office of the Secretary) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services to reflect technical corrections in chapter AF (Office of Inspector General) to change the Office of Investigations and Enforcement to its previous title, "Office of Investigations." Chapter AF was most recently published at 54 FR 46775 on November 7, 1989.

SUPPLEMENTARY INFORMATION: Chapter AF is amended as follows:

1. Under the heading Section AF.10, Office of Inspector General (OIG)-Organization, delete line D in its entirety and substitute "D. Office of Investigations (AFJ)."

2. Under the headings Section AFJ.00, AFJ.10 and AFJ.20, delete references to the "Office of Investigations and Enforcement," "OIE" and the "Deputy Inspector General for Investigations and Enforcement," and substitute "Office of Investigations," "OI" and "Deputy Inspector General for Investigations," respectively. Make the same substitutions wherever these titles appear in chapter AF.

Dated: April 6, 1990.

R.P. Kusserow,

Inspector General, Department of Health and Human Services.

[FR Doc. 90-8633 Filed 4-12-90; 8:45 am]

BILLING CODE 4150-04-M

Alcohol, Drug Abuse, and Mental Health Administration

Model Drug Abuse Treatment Programs for Correctional Settings

OFFICE: Office for Treatment Improvement, ADAMHA, HHS.

ACTION: Request for Applications for Model Drug Abuse Treatment Programs for Correctional Settings.

Introduction/Purpose

The Office for Treatment Improvement (OTI) is announcing a grant program to enhance the quality of existing drug abuse treatment for incarcerated individuals, with the ultimate goal of improving treatment outcome for this population. This program will focus on stimulating treatment services for racial and ethnic minorities within correctional settings. OTI is undertaking this program in its role of implementing demand reduction programs for the National Drug Control Strategy, and under statutory authority of section 509G(b) of the Public Health Service Act. In accordance with this authority, awards will be made to States only. However, it is expected that States will submit projects developed by State and local correctional authorities. Each State must submit a single, consolidated application for all proposed projects in the State.

OTI's operating philosophy is that addiction is a chronic relapsing disorder and that addiction treatment is most successful when providers offer a continuum of comprehensive therapeutic services, coupled with a readily accessible post-treatment aftercare program. To this end, OTI's focus will be to fund improvements to programs that currently deliver treatment services to drug abusing populations in order to move these programs closer to a model standard of comprehensiveness. OTI discretionary funding should be viewed as seed money for treatment improvements.

Substantial criminal justice research has established that a very high percentage of criminal offenders have drug addictions that exacerbate both the crime and drug problems facing the nation. Rapidly increasing percentages of prison and jail populations involve drug dependent offenders. For example, recent Drug Use Forecasting (DUF) data from 20 cities shows that arrestees testing positive for any drug range from 56 percent to 84 percent for males, and slightly higher for females (DUF, April-June, 1989 Report). United States Bureau of Prison data shows that 79 percent of the total increase among those sentenced to prison over a recent two year period were for drug offenses (GAO Report, October, 1989). In addition, the sheer volume of offenders being prosecuted and adjudicated is overwhelming the correctional system in many States and metropolitan areas. According to the National Council on Crime and Delinquency, the heavy law enforcement emphasis on crack has caused incarceration rates to sky rocket among Blacks and Hispanics—those most likely to be involved with this drug (1989 Prison Population Forecast, December, 1989).

A number of prison systems initiated substance abuse treatment programs in the late 1960s and 1970s, often utilizing federal grant funds from the Law Enforcement Assistance Administration. However, with the exploding inmate populations of the 1980s and the cuts in local budgets, many of these treatment experiments were abandoned or diluted and lost their effectiveness. Over the past three years, the Bureau of Justice Assistance of the U.S. Department of Justice has reintroduced a range of

programs to promote treatment in prisons, in jails, and for probation and parole populations, namely: Project REFORM for State prison systems (now involving eleven States); Drug Treatment in a Jail Setting, involving three pilot jails; and the National Narcotic Interdiction Program for probation and parole agencies. Case management efforts such as Treatment Alternatives to Street Crime (TASC) and expansion of drug testing procedures were also supported.

In response to the critical drug abuse treatment needs for criminal justice populations and building upon prior initiatives of the Department of Justice, OTI is instituting a grant program that will provide funds for model approaches that link treatment to the criminal justice system. These treatment projects will be coordinated with related programs of the Department of Justice, such as drug testing and TASC (Treatment Alternatives to Street Crime). The grant program associated with this announcement has two components.

1. Prison Projects: Where an existing State correctional treatment plan exists, funding is available for creating model treatment services within prisons, where the services are an outgrowth of an existing State correctional system drug abuse treatment plan.

2. Local Jail Projects: The second component is aimed at directly improving the range and quality of drug abuse treatment services currently being provided within metropolitan jails.

A State may submit a grant application for projects in one or both of the above categories.

For purposes of this announcement, "State" is defined as the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, the Trust Territory of the Pacific Islands (the Federal States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau).

Grant Program Goals

This grant program is designed to improve the drug abuse treatment services for persons in state prison systems and metropolitan jails by encouraging:

- The screening of inmates to determine whether they have a recent history of chronic drug use;
- Indepth assessment of drug and alcohol use, medical, social, vocational, and psychological problems of those inmates with drug abuse histories;
- Provision of a broader range of therapeutic services including detoxification, basic medical care, HIV testing and counseling, individual/group counseling, vocational training, remedial education, psychiatric services, leisure-time activities, interventions for dealing with the criminal thought process, life-skills training, and self-help groups;
- Implementation of procedures that ensure continuity of care from initial assessment through aftercare, including effective, appropriate referral system utilization;
- Adoption of internal mechanisms for evaluating the quality and performance of the treatment program.

In keeping with the legislative authority establishing this grant program, all projects must demonstrate some degree of emphasis on racial and ethnic minorities i.e., Blacks, Hispanics (including Central and South Americans, Puerto Ricans, Cubans, and all other Hispanic populations), Native American Indians and Alaskans, and Asian Pacific Islanders. The emphasis should be consistent with the prevalence of the various racial and ethnic populations in the affected correctional setting(s).

It is anticipated that projects supported under this program may serve as models for improvement of treatment services for incarcerated populations in other parts of the country. Accordingly, applications will be assessed for their potential ability to be replicated in other sites.

Program Description

Proposed projects to improve treatment in prison or jail settings must demonstrate careful planning and include inmate screening, case management, and treatment services matched to inmate needs.

The treatment projects must have the goal of reducing drug use and, thereby, drug related criminal recidivism. They also must focus on providing treatment services for racial and ethnic minorities. Applications must show how existing services, along with proposed improvements, will serve all the complex and varied needs of the target population. These needs can be broadly categorized as:

- Biological/physical (e.g., detoxification, AIDS treatment);
- Psychological (e.g., support, treatment for anxiety, depression, low self-esteem);
- Informational, vocational, and educational; and
- Leisure time and life-skills training to enable the inmate to cope better with various life situations.

Specific elements that a project must have in existence or undertake as part of its plan to improve treatment services are:

- A systematic screening, assessment and diagnostic process that permits an appropriate match to be made between the needs of the individual inmate and the treatment regime;
- Individualized treatment planning, case management, case monitoring and review, case records, and discharge and aftercare planning;
- Culturally and ethnically relevant treatment strategies to keep the inmate actively engaged in the treatment process;
- Coordination and provision of services to meet the specialized treatment needs of inmates diagnosed to have a co-morbid condition (e.g., drug abuse coupled with alcoholism, or substance abuse and a mental disorder);
- A system of weekly, randomized and monitored urine testing for all treated inmates that is designed to detect the presence of the five drugs commonly abused in the local area;
- AIDS testing, education and counseling; and,
- An organized aftercare program operated by the applicant or an active process for arranging aftercare services within the community.

Within this context, applicants may request support for one or more of the following treatment enhancing activities:

- Addition of services which are seen as necessary to improve the comprehensiveness, quality, and success of the treatment program. Projects may propose to add additional service components [personnel and/or material resources] in order to achieve this goal;
- Improving the drug treatment staff-to-inmate ratio so that more intensive interaction with treated inmates will contribute to the success of treatment;
- Development and implementation of written policies and procedures, treatment manuals, and standards for measuring treatment effectiveness;
- Coordination with outside health and human service resources capable of providing services to the program. Purchase of such services from outside providers is an allowable expense chargeable to the grant;
- Involvement of significant others (e.g., siblings, parents, spouse, friends) to assist in the treatment process and to ensure a successful transition when the inmate returns to the community;
- Staff development such as job-specific training, continuing education, and seminars for professionals and other staff of the treatment project; and,
- Innovative strategies for recruitment and retention of staff (e.g., job restructuring, benefit package

restructuring, performance and incentive plans and employee wellness programs).

Projects may not be proposed for State operated prisons unless there is an existing State correctional/treatment plan in place. No correctional/treatment plan is required for local jail projects. For this grant program, OTI prefers funding local jail projects in "direct supervision" settings because of the advantages that these units have in the therapeutic process. In both prison and jail projects, eligible activities are limited to those that have a direct bearing on treatment. Grant funds may not be requested to enhance security measures or administrative functions unless a clear benefit to the therapeutic process is demonstrated. Grant funds also should not be requested to simply create more treatment capacity.

In order to ensure the development of a controlled therapeutic environment, inmates participating in treatment must be housed in a wing, floor or building specifically setaside for treatment purposes.

Each project must have an internal quality assurance and evaluation component. All programs supported by the grant will also be required to participate in a National evaluation of OTI's criminal justice initiatives, which will be conducted by an independent evaluation contractor.

Eligibility

Applicants

In accordance with the authorizing legislation, applications may only be submitted by a State agency designated by the Governor (e.g., state correctional authority or state drug abuse authority).

The designated agency (Applicant) may apply on behalf of state prison administrations, county or local corrections or sheriffs departments (subrecipients). Although the Applicant may apply for funding for more than one project, only one Application may be submitted per State. Given the urgent need to improve drug abuse treatment in incarcerated populations, only State agencies that have an administrative and fiscal mechanism in place to obligate funds to subawardee projects within 60 days of award are eligible to submit applications.

Subrecipients

Support may be requested on behalf of State and local correctional authorities and sheriffs departments for treatment improvement projects to be carried out in collaboration with local drug abuse treatment agencies/programs. Participating organizations must have been providing treatment services, accessible to inmates with drug abuse histories, for at least one year prior to the application submission date. The already existing services must include, at a minimum:

- An inmate assessment consisting of a medical examination, psycho-social evaluation, and a drug history;
- Medical detoxification, methadone maintenance, and/or other services for the medical management of drug abuse problems;
- General health care; and,
- Drug abuse education, self-help groups (eg. AA, NA), counseling, or any other organized intervention aimed at changing drug-taking behavior.

Participating organizations are limited to correctional authorities already providing drug treatment services because of the immediate, pressing need to improve the quality and effectiveness of services. Correctional authorities wishing to establish totally new treatment programs or expand the size of existing treatment programs should seek other sources of funds (such as are available through the Alcohol, Drug Abuse and Mental Health Services Block Grant administered by State drug abuse authorities).

Some projects may wish to conduct scientific studies that go beyond simple process or outcome evaluation however, OTI does not provide financial support for research or research demonstrations. Accordingly, applications using rigorously controlled comparative experimental designs for the purpose of assessing the efficacy of particular interventions are more appropriate for the National Institute on Drug Abuse (NIDA) or the National Institute on Alcohol Abuse and Alcoholism (NIAAA). Projects that focus on prevention strategies or early intervention are more appropriate for the Office for Substance Abuse Prevention (OSAP). Applications may not be submitted to more than one ADAMHA entity (e.g., NIAAA, NIDA, OSAP, OTI, or the National Institute of Mental Health) for the same programmatic activities. For further information on the above grant programs, call the National Clearinghouse for Alcohol and Drug Information, (301) 468–2600.

Reporting Requirements

Progress reports will be required and specified to awardees in accord with PHS Grants Policy requirements.

Period of Support

Support may be requested for a three year period. Annual awards will be made subject to continued availability of funds and the grantees progress in meeting program goals.

Availability of Funds

In FY 1990, it is estimated that up to $4 million will be available for this program to support 8 to 10 individual prison and jail projects (for subrecipients). It is expected that individual project funding needs will vary widely. Because of limited funds, States are encouraged to submit requests for no more than a few of their highest priority projects and only those that best meet the goals, objectives, and criteria for this program. The number and size of grant awards will depend upon the availability of funds and program priorities at the time of the award. Although an individual project in a State application may be recommended for approval by the Initial Review Group, OTI may choose not to fund it because of the size of the project's proposed budget or the availability of funds.

Executive Order 12372 (Intergovernmental Review)

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through Department of Health and Human Services Regulations at 45 CFR part 100. Through this process, States, in consultation with local governments, are provided the opportunity to review and comment on applications for Federal financial assistance. Applicants should contact the State's Single Point of Contact (SPOC) as early as possible to determine the applicable procedure. A current listing of SPOCs will be included in the application kit (applicants should note that comments received from the State may be considered as a factor in the review of their applications). SPOC comments should be sent to: Office for Treatment Improvement, Technical Resources, Inc., P.O. Box 919, Rockville, MD 20848–0919.

SPOC comments must be received by August 15, 1990. OTI does not guarantee to accommodate or explain comments from the SPOC received after the August 15 deadline.

Application Process

Applicants should use form PHS 5161–1 (Rev. 3–89). The title of the RFA, Model Drug Abuse Treatment Programs for Correctional Settings, must be typed in item number 9 on the face page of the Application for Federal Assistance (Standard Form 424) in PHS 5161–1 and

on the envelope used to remit the application.

Application kits containing the necessary forms and instructions may be obtained from: National Clearinghouse for Alcohol and Drug Information, Office for Treatment Improvement Grant Program, P.O. Box 2345, Rockville, MD 20852.

Applications containing multiple projects must provide all required information for each project for which funds are being requested. The applicant must include a cover letter listing the proposed projects by type, location and responsible organization. The cover letter also must certify that the organization responsible for each proposed project has been providing drug abuse treatment services for inmates for at least one year prior to the application submission date.

Applicants should file only one form PHS 5161-1 with a consolidated budget for all projects together with the face sheet from Standard Form 424. However, separate budget sheets and a separate Project Narrative must be submitted for each project. The signed original and two copies of the form PHS 5161-1 should be sent to: Office for Treatment Improvement, Technical Resources, Inc., P.O. Box 919, Rockville, MD 20848-0919.

All information provided in applications must be accurate and truthful to the best of the applicant's knowledge, under penalty of all applicable Federal laws and regulations.

Application Characteristics

The narrative section of the Application Form PHS 5161-1 should be written in a manner that is self-explanatory to outside reviewers unfamiliar with prior related activities of the applicant. It must be well-organized and contain the information necessary for reviewers to understand the project(s).

Project Narrative

Sections A-H of the project narrative for each individual project may not exceed a total of 35 pages (excluding appendices) or it will not be accepted for review. The page limit will be rigorously enforced. Appendices may be attached for technical or specialized materials, or letters of support, but should not be used merely to extend the narrative. The required Project Narrative elements and their page limits are described below.

Title Page: At the beginning of the narrative for each project, applicants must indicate the title of the project, name of the organization responsible for the project, and the name of the project director.

Abstract: A single-spaced, 30-line or less abstract should precede the body of the narrative. The abstract should clearly present the grant application in summary form, from a "who-whatwhen-how-where" point of view. It should allow reviewers to see how the multiple parts of the application fit together to form a coherent whole.

Index Page: Immediately following the abstract page, the applicant is required to provide an index page identifying the page where each section of the outline begins. The sections on the index page are:

A. Specific Aims
B. Background and Significance
C. Target Population
D. Approach/Method
E. Evaluation Plan
F. Confidentiality Requirements
G. Project Staffing, Management and Organization
H. Resources
I. Appendices

Sections A-I Replace the General Instructions for Completing the Program Narrative of the Application Form PHS 5161-1: A. Specific Aims: Identify the goals and specific treatment improvement objectives for the proposed project and how these relate to the goals stated in this grant announcement. Explicitly state what the objectives are to meet racial and ethnic minority treatment needs.

B. *Background and Significance:* Demonstrate familiarity with and understanding of state-of-the-art practices and general knowledge regarding service delivery appropriate to inmate populations and drug abusers. A brief review of the literature and of other related projects or studies, as well as any relevant prior work, observations, or experiences of the Participating Organization should be included in this section.

C. *Target Population:* This section should include a rationale, preliminary analysis and operational definition(s) of the inmate population in the proposed project; a summary of current data on the target population(s) (e.g., types of drugs abused, demographic and socioeconomic characteristics, minority composition); a discussion of available treatment services for the inmate population; and a discussion of the gaps and other problems in the accessibility, effectiveness and/or acceptability of treatment services for this population.

D. *Approach/Method:* Discuss the approach to be used in conducting the proposed project. The following information must be provided:

- A description of the specific components (including agreements with outside resources) which are to be the focus of the treatment improvement project;
- Include as an appendix, a statement describing the mission and treatment philosophy of the project;
- Plans for dealing with the issues of identification, selection, involvement, retention, and follow-up with this population;
- Plans for special attention to be given to the unique needs and concerns of members of racial and ethnic minority groups within the target population, as appropriate;
- A plan that describes activities that will be carried out to address the goals of the project;
- Indication of how proposed activities will result in a comprehensive model program that will best serve the needs of the inmate engaged in treatment; and,
- A plan of action that discusses how each activity related to the project will be approached and coordinated with existing programs (where appropriate), and implemented (program components should be related to information from the background section of the proposal, including needs, existing services, and previous accomplishments).

E. *Evaluation Plan:* Applicants must submit a plan for, at least, a process evaluation of each proposed treatment improvement project. At a minimum, the process evaluation should be designed to address the following issues:

- Types of treatment services provided to inmates; distinguish between existing services vs. enhancements provided under the grant program;
- Number of inmates entering treatment during the treatment improvement project;
- Type of drug abuse and/or related medical, mental health or other problems for which the patients were treated;
- Type of treatment services offered to the patients;
- Racial, age, and gender characteristics of the patients;
- Cost per patient served;
- New services that were added under the grant project;
- Number and types of services delivered to patients, by type of service;
- Innovative approaches that were used for assessment, treatment, community coordination, and aftercare;
- New staff that were hired and their programmatic responsibilities;

• Types of staff development activities that were implemented and the degree to which they were utilized;
• Employee incentives utilized;
• Extent to which the grant project has been implemented as planned;
• Problems/solutions encountered during the grant project; and,
• How the grant project has been integrated into the existing correctional system.

OTI is planning a national evaluation for the prison and local jail projects funded by this grant program. Grantees will be asked to work closely with the national evaluator and to provide data as requested. Proposed subrecipients must include a statement with their application indicating their agreement to participate in the national evaluation. The outcome measures that will be utilized during the course of the national evaluation will be developed by OTI in concert with the national contractor and the grantees. They will include, but not be limited to, the following:

• Incidence of inmates' illicit drug use during treatment and aftercare;
• Employment status, before treatment and after release;
• Incidence of inmates' involvement with crime and the criminal justice system after release;
• Rates of participation in program activities, compliance with program and institution rules, and dropout;
• Staff retention rates and self-reported satisfaction with the treatment program over the life of the grant period; and
• Self-reported measures of inmate satisfaction with the treatment program.

F. Confidentiality Requirements: Applicants should describe procedures used to ensure confidentiality and protection of inmates in treatment. All Participating Organizations must agree to maintain the confidentiality of alcohol and drug abuse client data in accordance with the regulations governing, "Confidentiality of Alcohol and Drug Abuse Patient Records," (42 CFR part 2).

G. Project Staffing, Management and Organization

1. Organizational Structure

Provide a narrative description of the organizational structure of the proposed project. This description should clearly indicate the organizational relationships and responsibilities of the Project Director and each project unit or activity. It should also indicate the percentage of time devoted to the project by all staff. Indication should be provided as to which positions require new hiring.

The responsibilities and composition of Boards of Supervisors, Directors, Trustees, and/or Advisors should be included, where applicable.

Provide a description of organizational relationships between the correctional system, drug treatment programs and other State/local level health and human services agencies as these relate to the proposed project. If the organization responsible for the project receives program and/or management direction from a State, regional, or other office or agency, this relationship should be clearly described. An organizational chart should be provided which illustrates clear lines of both responsibility and authority.

If the project coordinates its activities with external alcohol, drug abuse, mental health, and public health agencies, documents describing these relationships must be submitted with the application. Include as an appendix copies of letters and/or other documentation of specific commitments of support and participation in the proposed project.

Describe coordination with the state drug treatment agency and state correctional agency, if not the applicant, and include as an appendix, a copy of endorsement letters from any relevant state or other governmental oversight body.

2. Organizational Capability

Provide evidence that the organization is capable of implementing the proposed project. Documentation of experience in similar or other relevant activities, expertise in service delivery and evaluation, experience in developing and effectively using interorganizational agreements, and other indications of capability should be provided as appropriate. The use of external expertise is encouraged when helpful (e.g., treatment specialists, evaluation consultants) and should also be presented in this section.

3. Staffing Pattern

Biographical sketches for all key management positions, and all staff who will be assigned to this treatment improvement project should be included in a readily identifiable appendix. These sketches are not to be counted toward the page limit. Experience and/or training pertinent to the proposed project should be highlighted.

Job descriptions must be submitted, as appendices, for each key professional position identified in the proposed budget. Only one job description needs to be submitted for identical positions. Job descriptions should include: job title, description of duties and responsibilities, qualifications for position, supervisory relationships, skills and knowledge required, prior experience required, educational background required, and job site (if appropriate). Documentation should be provided to assure that staff loaned to the project from other units or agencies will be available for the amount of time required.

The narrative must include a brief section describing how staff will be recruited and selected, and whether any particular mix of background, skills, and/or personal qualities is proposed. The relationship of staff characteristics to the objectives of the treatment improvement project should be discussed.

Consideration must be given to the use of multi-disciplinary staff and staff representing the sexual, ethnic, and cultural characteristics of the population to be served.

4. Project Task Plan

The management plan must include a description of tasks to be performed, their sequence, performance schedule, and their relationship to each other. The accomplishment of these tasks should be related to the project goals and objectives, as well as to the management of the project. The level of effort required for each task also should be shown.

H. *Resources:* Describe the facilities, equipment, services, financial and other resources available to carry out the project.

Financial resources available for the project must be described in an appendix labeled "Other Support."

Other Support refers to all current or pending support related to this application. Applicants are reminded of the necessity to provide full and reliable information regarding pending support. Applicants should be cognizant that serious consequences could result if failure to provide complete and accurate information is construed as misleading to PHS and could therefore lead to delay in the processing of the application.

For the primary organization and key organizations that are collaborating in the proposed project, list all currently active support and any applications/proposals pending review or funding that relate to the project. If none, state none.

For all active and pending support listed, also provide the following information:

1. Source of support, including identifying number and title.
2. Dates of entire project period.

3. Annual direct costs supported/requested.
4. Brief description of the project.
5. Whether project overlaps, duplicates, or is being supplemented by the present applications; delineate and justify the nature and extent of any programmatic and/or budgetary overlaps.

Review Process

Applicants should be sure to submit completed applications. OTI staff may screen applications and individual project information upon receipt and return those that are judged to be incomplete, non-responsive to this announcement or non-conforming (e.g., exceed the page limit or do not meet program requirements as stated in this announcement).

Applications judged to be conforming, responsive and competitive will be reviewed for technical merit in accord with the PHS and ADAMHA policies for objective review. The initial review group (IRG) will be composed primarily of non-Federal experts. OTI reserves the right to conduct the multi-stage review at one time or in two discrete steps. Notification of the review outcome will be sent to the applicant once the IRG has completed their reviews.

Review Criteria

Individual treatment improvement projects will be reviewed, rated and ranked separately. Criteria for technical merit review of the individual projects will include the following:

(1) Relevance of project objectives to goals of the grant program, as stated in this announcement.

(2) Extent to which the proposed treatment enhancements, together with the applicant's existing services, constitute a "model" comprehensive approach to treatment for inmate populations.

(3) Potential for national significance of the proposed project in terms of developing an approach with applicability and replicability elsewhere.

(4) Adequacy of procedures for assessing client needs. This procedure must be documented in the application.

(5) Adequacy of approach to meet multiple needs of the target population.

(6) Evidence that the proposed project is ethnically, racially, culturally, and age relevant (for example, use of minority professional staff or staff that have received, or will receive, cross-cultural training).

(7) Clarity, feasibility, and appropriateness of evaluation plans.

(8) Capability and experience of project director, consultants, and other key staff proposed for the project and adequacy of staffing plan.

(9) Evidence of organizational capability relevant to the proposed project.

(10) Logic and feasibility of project management plan.

(11) Reasonableness of the proposed budget and future funding plans.

Award Procedure

Individual projects will be considered for funding primarily on the basis of overall technical merit of the project as determined by the review process. Other criteria may include:

1. Focus on racial and ethnic minorities;
2. Geographic distribution of projects;
3. Program balance in terms of the variety of settings and approaches;
4. Availability of funds.

All, some, or none of the projects included in an approved State application may receive support, depending largely on the ranking of each project. States will receive a Notice of Grant Award specifying which projects are being funded, and the State will be responsible for notifying individual programs.

Terms and Conditions of Support

States may use grant funds only to support the particular projects for which funding is provided by OTI. Further, funds may not be reallocated among projects by the State. Grant funds may be used for expenses clearly related and necessary to carry out the described project, including both the direct costs that can be specifically identified with the project and also the allowable indirect costs of the organization.

Grant funds cannot be used to supplant current funding for existing activities. Allowable items of expenditure for which grant support may be requested include:

- Salaries, wages, and fringe benefits of professional and other supporting staff engaged in the project's treatment and program evaluation activities;
- Travel directly related to carrying out activities under the approved project;
- Supplies, communications, and rental of space directly related to approved project activities;
- Contracts for performance of activities under the approved project;
- Other such items necessary to support project activities; and,

No less than 98 percent of the total amount awarded must be allocated for treatment improvement projects. From any remaining funds, the State may recover its actual costs (direct and indirect) for administration of the subawards. In no case may the State recover more than 2 percent of the total grant award for administrative costs. In addition, should a State grantee fail to make subawards within 60 days, it must relinquish recovery of administrative costs under the grant.

Grants must be administered in accordance with the PHS Grants Policy Statement (Rev. January 1, 1987).

Federal regulations at Title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

APPLICATION RECEIPT AND REVIEW SCHEDULE

[Earliest]

Receipt date	Initial review	Start date
June 15, 1990	July/August 1990.	September 1990.

Applications received after the above receipt date will not be reviewed and will be returned to the applicant. Applicants should 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.

Contacts For Further Information

Questions concerning program issues may be directed to: Nick Demos, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-6549.

Questions concerning grants management issues may be directed to the office listed below: Joseph Weeda, Grant Management Branch, NIAAA, Parklawn Building, Room 16-86, 5600 Fishers Lane, Rockville, Maryland 20857, (301) 443-4703.

The reporting requirements contained in this announcement are covered under the Paperwork Reduction Act of 1980. Pub. Law 96-511, OMB Approval Number 0937-0189.

The Catalog of Federal Domestic Assistance number for this program is 13.903.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 90-8689 Filed 04-12-90; 8:45 am]

BILLING CODE 4160-20-M

Model Drug Abuse Treatment Programs for Non-Incarcerated Criminal Justice Populations

OFFICE: Office for Treatment Improvement, ADAMHA, HHS.

ACTION: Request for applications for model drug abuse treatment programs for non-incarcerated persons within the Criminal Justice System.

Introduction/Purpose

The Office for Treatment Improvement (OTI) is announcing a grant program to enhance drug abuse treatment for criminal justice populations that suffer from addiction to one or more illicit substances and fall into one of the following two groups: (1) Those suited for diversion from incarceration (hereafter referred to as diversionary populations), or (2) those probationers and parolees who are rated as being at "high risk" for criminal recidivism and drug use by the supervising agency (hereafter referred to as high risk populations). For the purposes of this grant program, special emphasis is being placed on persons who are members of these client cohorts and who are also adolescents and/or members of racial or ethnic minorities.

The purpose of this program is to improve treatment outcome for these populations and reduce the frequency with which these populations interact with the criminal justice system and/or engage in criminal behavior because of their addictive disorders.

OTI is undertaking this program in its role of implementing demand reduction programs for the National Drug Control Strategy, and under statutory authority of Section 509G of the Public Health Service Act, as amended by Public Law 100-690, the "Anti Drug Abuse Act of 1988." In accordance with this authority, grant awards will be made to states only, and only for specific criminal justice/treatment improvement projects proposed in the State's application and approved by OTI. Each State must submit a single, consolidated application for all proposed projects in the State.

Background

Substantial criminal justice research and drug testing data have now verified that very high percentages of criminal offenders have addictions that exacerbate the crime and drug problems facing the nation. For example, recent Drug Use Forecasting [DUF] data from 20 cities show that arrestees testing positive for any drug range from 56 percent to 84 percent for males and slightly higher for females (DUF April-June, 1989 Report). United States Bureau of Prison data show that, over a recent two year period, 79 percent of the total increase in persons sentenced to prison was due to drug abuse.

Over the last three years, the Bureau of Justice Assistance of the U.S. Department of Justice has introduced a range of programs to promote treatment in prisons, in jails and for probation and parole populations, namely: State Department of Corrections Drug Treatment Strategies (Project REFORM); Drug Treatment in a Jail Setting; the National Narcotic Interdiction Program; and Treatment Alternatives to Street Crime (TASC). Many of these programs have been proven successful; however, the volume of resources devoted to these programs (at the federal, state and local levels) has not been sufficient to meet existing demand for services. OTI funded treatment projects will be coordinated with related programs of the Department of Justice.

Local jurisdictions have initiated drug diversion alternatives for minor offenders whose primary problem is addiction to one or more substances, many of which have shown positive results. Unfortunately, these programs have been implemented sporadically, usually as a response to jail and prison crowding, with less emphasis on quality of treatment. Existing diversion systems are few relative to the increasing numbers of arrestees who could benefit from treatment. It is estimated that approximately 15 percent of all arrestees in major metropolitan areas could benefit from diversionary treatment programs.

Probation and parole agencies are increasingly being asked to handle caseloads made up of persons rated as "high risk" for criminal recidivism and drug use, often under new intensive supervision guidelines. The Bureau of Justice Assistance has promoted intensive supervision projects throughout the nation, including supervision for drug involved offenders. As a consequence, there is a critical need for treatment programs for this population sub-group.

Moreover, research conducted by the National Institutes on Drug Abuse (NIDA) indicates that treatment is more effective in a setting where legal sanctions and close supervision provide incentives for patients to conform with treatment program protocols and objectives. A hallmark characteristic of diversion, probation and parole-based treatment systems is the extent to which the arrestee, probationer or parolee is provided with strong incentives to successfully complete his or her treatment regimen.

Based upon these observations, OTI concludes: (1) That there is a high level of unmet demand for addiction treatment services among arrestees, probationers and parolees; (2) that a substantial proportion of arrestees qualify as members of 'diversionary populations' and a substantial portion of probationers and parolees qualify as "high risk" candidates for addiction treatment; and (3) that structured treatment combined with court oversight provides the incentives for improved treatment outcome.

Program Goals

The goal of this grant program is to fund model drug abuse treatment diversion and supervision projects that could eventually become national prototypes. More specifically, each proposed project must address the following goals:

- To improve the level and duration of service delivery to diversionary and probation/parole populations through the establishment of formal coordination between criminal justice agencies (courts, probation, parole) and substance abuse treatment entities, primary health care and related human services entities;
- To identify arrestees whose primary problem is substance abuse and increase the number diverted into treatment as an alternative to incarceration;
- To increase the diverted or probation/parole population's access to a broad spectrum of medical, mental health, social, educational and vocational services through mandatory referrals;
- To improve the overall physical and mental health of persons diverted into treatment;
- To increase treatment program retention rates;
- To decrease the recidivism rate of persons placed in treatment;
- To reduce the incidence of illicit drug use among diverted persons and probationers/parolees;
- To reduce incidence of client involvement with the criminal justice system following treatment;
- To improve client self-sufficiency;

Each proposed project included in a State's application may request funding for program/system enhancements, including: planning, screening, assessment, monitoring (urinalysis), case management, and treatment improvements and enhancements (integrity, intensity and duration).

Program Description

Given the chronic need demonstrated by recent arrestee data and the opportunity to provide drug abuse treatment in an environment where marked incentives exist for client compliance, the focus of this grant initiative is to provide grants to states to supplement and enhance efforts to establish "model" criminal justice diversion, probation and parole treatment programs.

"Model" criminal justice drug abuse treatment programs for diversionary and high risk clients must involve:

• Joint cooperation among local/district courts, prosecution and probation, substance abuse treatment providers, health and mental health care providers and human services agencies, and

• A "treatment component" that includes a comprehensive array of therapeutic services, including a consistent aftercare component [see Attachment]. OTI's operating philosophy is that addiction is a chronic relapsing disorder and that addiction treatment is most successful when providers offer a continuum of comprehensive therapeutic services, coupled with a readily accessible post-treatment aftercare program. It is OTI's assertion that treatment outcome should improve markedly for clients who are treated in comprehensive treatment programs of this type.

The populations that are to be the focus of this grant program are:

Diversionary Populations: minor offenders [i.e. those arrested for possession of small amounts of illicit substances, shoplifting, traffic offenses, driving while intoxicated, petty theft, drunk and disorderly, etc.) whose primary problem is addiction to one or more substances and for whom substance abuse treatment would be appropriate.

High Risk Populations: probationers and parolees who are deemed "high risk" by virtue of a high score on a risk assessment instrument such as CMC (Client Management Classification) whose primary problem is addiction to one or more substances and for whom substance abuse treatment would be appropriate.

Each proposed project must have a focus on the special needs of at least one of the following sub-groups of diversionary and high risk populations:

• *Racial/Ethnic Minority Populations:* Blacks, Hispanics (including Central and South American, Puerto Ricans, Cubans, and all other Hispanic populations), Native Indians, Native Alaskans, Asian Pacific Islanders, etc.

• *Adolescents:* Included in this group are children between the ages of 10 and 17 and young adults aged 18 to 22.

OTI intends to provide assistance to initiate or expand diversion-to-treatment programs and treatment for high risk probationers/parolees utilizing existinq treatment capacity. Furthermore, applicants are required to coordinate their efforts with related programs of the Bureau of Justice Assistance, U.S. Department of Justice, to the extent feasible (i.e Treatment Alternatives to Street Crime (TASC), and similar programs).

It is anticipated that projects supported under this program may serve as models for diversion treatment and for probation/parole supervision treatment programs in other parts of the country. Accordingly, evaluation will be an important part of this program and applications will be assessed for their potential ability to be replicated in other sites.

Applications should address how existing criminal justice system and treatment services, along with proposed enhancements and system coordination efforts, will serve all the complex and varied needs of the population(s) to be treated. These needs can be broadly categorized as:

(1) Biological/physical (e.g. primary health care, HIV+/AIDS education, testing, counseling and/or treatment);

(2) Psychological/psychiatric (e.g. treatment for anxiety, depression and other psychiatric disorders that co-occur frequently with addiction, low self-esteem);

(3) Coordination and provision of services to meet the specialized treatment needs of clients (e.g. criminal justice liaison, coordinated case management amongst criminal justice, treatment and human services agencies, etc.);

(4) Instrumental (e.g., transportation to facilitate receipt of services, shelter);

(5) Informational, vocational, and educational (e.g., improvement of skills and modification of behavior); and

(6) Leisure time and life skills (e.g. development of adaptive behaviors to enable the clients to cope better with various situations);

OTI does not support research or research demonstrations. Accordingly, applications using rigorously controlled comparative experimental designs for the purpose of assessing the efficacy of particular interventions are more appropriate for the National Institute on Drug Abuse (NIDA) or the National Institute on Alcohol Abuse and Alcoholism (NIAAA). Projects that focus on prevention strategies or early intervention are more appropriate for the Office for Substance Abuse Prevention (OSAP). Applications may not be submitted to more than one ADAMHA entity (e.g., NIAAA, NIDA, OSAP, OTI, or the National Institute of Mental Health) for the same programmatic activities in the same program and/or for the same client population. For further information on the above grant programs, call the National Clearinghouse for Alcohol and Drug Information, (301) 468-2600.

Eligibility Requirements

In accordance with section 509(G) of the Public Health Service Act, only States are eligible to receive awards under this announcement. For the purposes of this announcement, "State" is defined as the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, American Samoa, and the Successor States to the Trust Territory of the Pacific Islands (the Federal States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau). The Governor of the State shall designate the agency to be applicant/grantee for this program.

In accordance with the goal of this program to improve treatment services for diversionary and high risk populations, States may submit applications for specific projects to be carried out at the local level. It is expected that sub-recipients will consist of either a local criminal justice or a local substance abuse treatment agency. However, only projects that are jointly conceived and managed by criminal justice agencies and substance abuse treatment agencies will be funded.

The state, in each case, must certify that proposed projects are consistent with current state drug abuse treatment plans and with established objectives of the criminal justice system.

OTI wishes to focus funding on the development and evaluation of criminal justice diversion treatment or probation/parole treatment strategies which can be implemented immediately. It is therefore expected that the majority of funds required to provide treatment capacity for each project will be funded by other funding sources such as the Alcohol, Drug Abuse and Mental Health Services (ADMS) or Bureau of Justice Assistance (BJA) block grants, and State and local sources.

The "treatment component" of programs applying for funding may be located in any appropriate setting, e.g., community-based treatment programs, HMOs, or community health centers and

may be providers of any combination of outpatient, inpatient and/or residential drug abuse services.

Program Requirements

Each project must have the following characteristics:

• Projects must be linked with an existing coordination mechanism such as Treatment Alternatives to Street Crime (TASC) or a TASC-like local coordinating agency or office.

• Projects must utilize, to the maximum extent possible, existing treatment capacity.

• Projects must be located in an area in which there is a high incidence of drug-related criminal activities and a high prevalence of drug abuse among arrestees, parolees and probationers.

• Coordination of services is a requirement for this grant program. This includes documentation (letters of agreement) between the appropriate court, parole, probation, drug, alcohol, mental health, public health, and other human services programs.

• The proposed subawardee must be able to provide the facilities to be used for conducting intake assessments and referrals to treatment for diverted arrestees.

• The proposed subawardee must illustrate the ability to conduct intake assessments which consist of, at a minimum, a medical exam, drug use history, and psychosocial evaluation for all diverted arrestees or high risk populations who are entering treatment. Assessments must be appropriate for evaluating all clients with respect to drug use, alcohol use, physical and mental health problems.

• The proposed subawardee must illustrate that a diversion or high risk program is the product of joint involvement of the court, parole or probation, drug treatment, and all applicable health and human services agencies. Proof of such cooperation is required in the form of letters of agreement from each of the involved parties (which should be submitted as appendices to the application).

• The proposed subawardee must have in place or the capacity to develop acceptable policies and procedures for case documentation, i.e., recordkeeping procedures, patient tracking systems, etc.

• In addition, the applicant must show evidence that each proposed project is endorsed by the appropriate State drug abuse authority. Evidence must be in the form of a letter from the State authority. State endorsement must be based upon both of following factors: the ability of the applicant to deliver treatment services to the target population(s), and consistency of the proposed projects with State treatment plans.

Activities for Which Grant Support is Available

Examples of specific strategies that an applicant may undertake as part of its plan to implement or improve a treatment program for diversionary or high risk populations are listed below. Applications may request support for one or several of these approaches, as required in order to result in a "model" diversion treatment or probation/parole treatment program. Proposed strategies should be consistent with the programmatic goals stated in the "Goals" Section in this announcement.

Screening and Referral Strategies [Minimal Requirement]

Diversion

• Establishment of criteria for diversion of arrestees.

• Development of a rapid and comprehensive screening process for arrestees for the purpose of conducting an initial assessment regarding their qualification for diversion (e.g., a central intake unit).

• Coordinated process for processing qualified diverted arrestees through expedited court referral into treatment.

• Treatment intake and assessment processes, which must include a physical, psychosocial evaluation and drug use history.

• Method for referring diversionary populations to appropriate treatment facilities.

Probation and Parole

• Uniform method for assessing risk factors of probationers parolees.

• Sufficient high risk population with serious drug abuse history.

• Access to criminal history and treatment history.

Monitoring and Case Tracking Strategies (Minimal Requirement)

• Improved coordination among all components of the system, namely: treatment programs, criminal justice, health, human services, education, and vocational and educational training agencies.

• Strategies for coordinated case management and evaluation among all affected components of the system. Emphasis should be on rapid and effective client tracking and case coordination in and among all affected organizations.

Provision should be made for tracking each person involved in the program, from arrest through aftercare/probation. Patient wellness and conformance to program expectations should be monitored and recorded. Strategies may include automated tracking systems.

• Random (at least weekly) urine tests for the presence of illicit substances.

• Implementation of an acceptable case record management approach to be utilized by all involved entities.

Enhancement of Addiction Treatment Service Strategies

• Addition of services which are seen as necessary to improve the quality and success of the "treatment component" of a program for diversionary or high risk populations. It is presumed that availability of a comprehensive range of drug treatment and related health and human services has a beneficial impact on treatment outcome and client welfare. Applicants may propose to add additional service components [personnel and/or material resources] in order to achieve this goal. See Attachment, "Model Treatment Environments" for exemplary descriptions of comprehensive service components.

• Improving the staff-to-client ratio so that more intensive interaction with clients can help to ensure retention in, and success of, treatment.

• Development and implementation of treatment manuals for staff.

• Development of standards for measuring treatment effectiveness.

Service Delivery Strategies

• Coordination with other likely points of access for the population(s) in treatment (e.g., schools, technical training centers, community health centers, public housing, courts, jails, recreation facilities) for purposes of maintaining client contact.

• Involvement of significant others (e.g., siblings, parents, spouse, partner, friends) to assist in the treatment process, and/or ensure retention in treatment and aftercare/probation.

• Development of culturally and ethnically relevant treatment strategies.

• Increased accessibility and facilitation of service delivery through the development/expansion of satellite centers, extension services or mobile units.

• Improvements to facilities which could contribute to improved patient retention and self-esteem [may include recreational facilities].

Personnel Strategies

• Job-specific training, cross-discipline training, continuing education, and seminars for professionals and other staff involved with the processing,

referral and treatment of the criminal justice population. Training should be aimed at providing information regarding the latest findings on efficacy of treatment or on skills needed to carry out specific service delivery improvement objectives. Basic skills training to increase the pool of trained drug treatment personnel is not included in this strategy.

[Note: The Office for Substance Abuse Prevention (OSAP) is developing a National Training System to meet the needs for initial training and continuing education of drug abuse treatment and prevention personnel; for information, contact Steven Seitz on (301) 443-5276].

• Innovative strategies for recruitment and retention of treatment staff and case management staff (e.g., job restructuring, benefit package restructuring, performance and incentive plans and employee wellness programs).

• Inter-organizational personnel exchange for the creation of interdisciplinary teams which would promote a comprehensive and coordinated approach to providing drug treatment, criminal justice liaison, probation/parole supervision, and health and human services to the diverted population.

Period of Support

Support must be requested for a three-year project period. Annual awards will be made subject to continued availability of funds and progress achieved.

Availability of Funds

In FY 1990, it is estimated that approximately $3 million will be available for 6 to 8 grant awards under this announcement. It is expected that project funding for each proposed project or "subrecipient" will vary between $200,000 and $500,000.

Executive Order 12372 (Intergovernmental Review)

Applications submitted in response to this announcement are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through Department of Health and Human Services Regulations at 45 CFR Part 100. Through this process, States, in consultation with local governments, are provided the opportunity to review and comment on applications for Federal financial assistance. Applicants should contact the State's Single Point of Contact (SPOC) as early as possible to determine the applicable procedure. A current listing of SPOCs will be included in the application kit [applicants should note that comments received from the State may be considered as a factor in the review of their applications]. SPOC comments must be received by August 15, 1990 and should be sent to: Office for Treatment Improvement, Technical Resources, Inc., P.O. Box 919, Rockville, MD 20848-0919.

OTI does not guarantee to accommodate or explain comments from the SPOC that are received after the 60-day period.

Application Process

Applicants should use form PHS 5161-1 (Rev. 3-89). The title of the RFA, Model Drug Abuse Treatment Programs for Non-Incarcarated Criminal Justice Populations, should be typed in item number 9 on the face page of the Application for Federal Assistance (Standard form 424) in PHS 5161-1. Application kits containing the necessary forms and instructions may be obtained from: Office for Treatment Improvement, Technical Resources, Inc., P.O. Box 919, Rockville, MD 20848-0919.

The applicant state agency must submit a cover letter listing all projects included in the application. The letter must also certify that each proposed project is consistent with State treatment plans. The State must also file one form PHS 5161-1 with consolidated budget information for all projects and the face sheet (Standard Form 424). In addition, a separate budget sheet and a separate Program Narrative must be submitted for each project.

The signed original and two copies of the form PHS 5161-1 should be sent to: Office for Treatment Improvement, Technical Resources, Inc., P.O. Box 919, Rockville, MD 20848-0919.

All Information provided in applications must be accurate and truthful to the best of the applicant's knowledge, under penalty of all applicable Federal laws and regulations.

Application Characteristics

At the beginning of the narrative for each project, applicants must indicate: (1) The title of the organization or agency primarily responsible for the project, and (2) the name of the project director. The narrative section of the Application Form PHS 5161-1 should be written in a manner that is self-explanatory to outside reviewers unfamiliar with prior related activities of the applicant. It must be well-organized and contain the information necessary for reviewers to understand the project. Sections A-F may not exceed a total length of 25 single-spaced pages. Sections G and H may not exceed a total length of 10 pages. Applications exceeding these page limits (for the narrative section) will not be accepted for review. The page limit will be rigorously enforced. Appendices may be attached for technical or specialized materials, or letters of support, but should not be used merely to extend the narrative.

Abstract—A single-spaced, 30-line or less abstract should precede body of the narrative. The abstract should clearly present the grant application in summary form, from a "who-what-when-how-where" point of view. It should allow reviewers to see how the multiple parts of the application fit together to form a coherent whole. The abstract should indicate the intended focus on particular target populations, including adolescents and/or racial/ethnic minorities, and diversionary and/or high risk populations (as defined in this announcement).

Index Page—Immediately following the abstract page, the applicant is required to provide an index page identifying the page where each section of the outline begins. The sections on the index page are:

A. Specific Aims
B. Background and Significance
C. Population (i.e Diversionary, Probationers, Parolees)
D. Approach/Method
E. Evaluation Plan
F. Confidentiality Requirements
G. Project Staffing, Management and Organization
H. Resources

The following sections A-H replace the general instructions for completing the program narrative of the application form PHS 5161-1:

Note: The following information is required for each proposed project.

A. Specific Aims. Identify the goals and specific objectives for the proposed project and how these relate to the goals stated in this grant announcement (suggested length: one-half to one page).

B. Background and Significance. Demonstrate familiarity with and understanding of state-of-the-art practices and general knowledge regarding diversion-to-treatment and supervision of high risk probationers or parolees. A brief review of the literature and of other related projects or studies, as well as any relevant prior work, observations, or experiences of the applicant should be included in this section. (Suggested length: 2-3 pages)

C. Target Population. This section should include a rationale, preliminary analysis and operational definition(s) of the diversionary and/or high risk population(s); a summary of current data on the population(s) (e.g., incidence and/or prevalence of drug abuse,

frequency of interaction with the criminal justice system, location, demographic and socioeconomic characteristics, minority composition, age composition); a discussion of available treatment and other health and human services for the target population(s); and a discussion of the gaps and other problems in the accessibility, effectiveness and/or acceptability of treatment services for the target population(s).

D. Approach/Method. Discuss the approach to be used in conducting the proposed project. The following information must be provided:

- A description of all specific components of the program (including agreements with other existing agencies); include a statement describing the mission and philosophy;
- Procedures for assessing arrestees for diversion-to-treatment or for the intake of high risk probationers or parolees; indicate plans for dealing with the difficult issues of identification, retention, and follow-up for the population(s); describe proposed criteria that will be used to ensure that diverted cases were in fact diversions from criminal prosecutions which would normally lead to jail terms;
- Plans for special attention to be given to the unique needs and concerns of members of racial and ethnic minority groups within the population(s) where appropriate;
- Plans for an escalating range of sanctions for failure to meet treatment conditions;
- Activities which will be carried out to address the goals of the project; indicate how proposed activities, in conjunction with existing program components, will result in a comprehensive model criminal justice drug treatment program that will best serve the needs of the diversionary or high risk population;
- A plan of action that discusses how each activity related to the project will be approached and coordinated with existing programs (where appropriate), and implemented (program components should be related to information from the background section of the proposal, including needs, existing services, and previous accomplishments).

E. Evaluation Plan. As Part of the grant application, applicants must submit a plan for a process evaluation of their projects. At a minimum, the process evaluation should be designed to address the following issues:

- Rapidity with which arrestees are screened, adjudicated, assessed and referred to treatment; including the average duration of each of these phases.
- Number and types of treatment services provided to clients; distinguish between existing services vs. enhancements provided under the grant program;
- The number of arrestees that were diverted to treatment and the number of arrestees actually entering treatment during the project;
- Type of addiction and/or mental health problems for which the clients were treated;
- Racial, age, and gender characteristics of the clients;
- Cost per client served; criminal justice vs. treatment.
- New services that were added under the grant project;
- Innovative approaches that were used for treatment, aftercare (describe) and patient tracking;
- New staff hired and their programmatic responsibilities;
- Types of in-service training offered to staff;
- Employee incentives utilized;
- Extent to which the grant project has been implemented as planned;
- Problems/solutions encountered during the grant project; and
- How the grant project integrates with the larger criminal justice and health care delivery systems that potentially serve the diversionary population(s).

OTI is planning a national evaluation for this grant program. Grantees will be asked to work closely with the national evaluator and to provide data as requested. The primary organization responsible for each treatment improvement project must include a statement with their application indicating their agreement to participate in the national evaluation. The outcome measures that will be utilized during the course of the national evaluation will be developed by OTI in concert with the national contractor and the grantees. They will include, but not be limited to, the following:

- Incidence of client's illicit drug use during treatment and aftercare;
- Client socio-economic indicators (i.e. employment status, school performance and other objective wellness indicators) at admission, during and after treatment;
- Incidence of clients' involvement with the criminal justice system and severity of involvement;
- Health status of clients during and following treatment;
- Staff retention rates and self-reported satisfaction with the treatment program over the life of the grant period;
- Self-reported measures of client satisfaction with the treatment program.
- Outcome of the adjudication process post-treatment.

F. Confidentiality Requirements. Applicants should describe procedures used to insure confidentiality and protection of clients in this section. Awardees must agree to maintain the confidentiality of alcohol and drug abuse client data in accordance with the regulations governing, "Confidentiality of Alcohol and Drug Abuse Patient Records," (42 CFR part 2). (Suggested length: 2–4 pages).

G. Project Staffing, Management and Organization—1. *Organizational Structure.* Provide a narrative description of the organizational structure of the proposed project. This description should clearly indicate the organizational relationships and responsibilities of each project unit or activity, and must include a description of how the primary criminal justice and drug treatment agencies/programs involved in the project will jointly manage it. It should also indicate the percentage of time devoted to the project by all entities/agencies. Indicate which key positions require new hiring.

The responsibilities and composition of Boards of Supervisors, Directors, Trustees, and/or Advisors should be included, where applicable.

Provide a description of organizational relationships between the proposed subawardee and other State/local level criminal justice, health and human services agencies as these relate to the proposed project. If the applicant agency is responsible to or receives program and/or management direction from a State, regional, or other office or agency, this relationship should be clearly described. An organizational chart should be provided which illustrates clear lines of both responsibility and authority.

Documents describing coordinating relationships with all types of health and human service organizations involved in the project must be submitted with the application. Include as an appendix copies of letters and/or other documentation of specific commitments of support and participation in the proposed project.

Describe coordination with the single state drug treatment agency and include as an appendix, a copy of the endorsement letter from this agency (see "Program Requirements" section).

2. *Organizational Capability.* Provide evidence that the organization is capable of implementing the proposed project. Documentation of experience in similar or other relevant activities, expertise in service delivery and evaluation, experience in developing

and effectively using inter-organizational agreements, and other indications of capability should be provided as appropriate. The use of external expertise is encouraged when helpful (e.g., evaluation consultants) and should also be presented in this section.

3. *Staffing Pattern.* Brief biographical sketches for key management positions should be included in a readily identifiable appendix. These sketches are not to be counted toward the page limit. Experience and/or training pertinent to the proposed project should be highlighted.

Job descriptions must be submitted, as appendices, for each key professional position identified in the proposed budget. Only one job description needs to be submitted for identical positions. Job descriptions should include: job title, description of duties and responsibilities, qualifications for position, supervisory relationships, skills and knowledge required, prior experience required, educational background required, and job site (if appropriate). Documentation should be provided to assure that staff loaned to the project from other units or agencies will be available for the amount of time required.

The narrative must include a brief section describing how staff will be recruited and selected, and whether any particular mix of background, skills, and/or personal qualities is proposed.

Consideration must be given to the use of multidisciplinary treatment staff and staff representing the sexual, ethnic, and cultural characteristics of the population to be served.

4. *Project Task Plan.* The management plan must include a description of tasks to be performed, their sequence, performance schedule, and their relationship to each other. The accomplishment of these tasks should be related to the project goals and objectives, as well as to the management of the project. The level of effort required for each task also should be shown.

H. Resources. Describe the facilities, equipment, services, financial and other resources available to carry out the project. Concrete plans for acquiring funding after Federal seed money has expired must be included.

Financial resources available for the project and/or program must be described in an appendix labeled "Other Support." Other Support refers to all current or pending support related to this application. Applicants are reminded of the necessity to provide full and reliable information regarding pending support. Applicants should be cognizant that serious consequences could result if failure to provide complete and accurate information is construed as misleading to PHS and could therefore lead to delay in the processing of the application.

For the primary organization and key organizations that are collaborating in the proposed project, list all currently active support and any applications/proposals pending review or funding that relate to the project. If none, state none.

For all active and pending support listed, also provide the following information:

1. Source of support, including identifying number and title.
2. Dates of entire project period.
3. Annual direct costs supported/requested.
4. Brief description of the project.
5. Whether project overlaps, duplicates, or is being supplemented by the present application; delineate and justify the nature and extent of any programmatic and/or budgetary overlaps.

Review Process

Applicants should be sure to submit completed applications. OTI staff may screen applications and their subcomponents (i.e., individual project applications) upon receipt and return those that are judged to be incomplete, non-responsive to this announcement or non-conforming (e.g., exceed the page limit or do not meet program requirements as stated in this announcement). Applications judged to be conforming, responsive and competitive will be reviewed for technical merit in accord with the PHS and ADAMHA policies for objective review. The initial review group(s) (IRGs) will be composed primarily of non-Federal experts. OTI reserves the right to conduct the multi-stage review at one time or in two discrete steps. Notification of the review outcome will be sent to the applicant once the technical merit review groups have completed their reviews.

Review Criteria

Individual treatment improvement projects will be reviewed, rated, and ranked. Criteria for technical merit review of individual projects will include the following:

1. Documented commitment of key court and criminal justice officials and treatment and public health officials for a coordinated approach in handling diverted or high risk drug abusers, and expanding the range of treatment services and related public health and social services.
2. Comprehensiveness of the proposed treatment modalities, including aftercare.
3. Sophistication of the case management and monitoring techniques in handling substance abusing offenders, including tracking system and range of supervision options.
4. Evidence of organizational and staffing capabilities to carry out the project.
5. Reasonableness of the proposed budget, and appropriateness of plans for seeking future funding.
6. Potential for national significance of the proposed project(s) in terms of developing an approach with applicability and replicability elsewhere.
7. Extent to which the proposed activities, together with the applicant's existing services, constitute a "model" approach as specified in the announcement.
8. Relevance of project objectives to goals of the grant program as stated in this announcement.
9. Appropriateness of services for the target population.

Award Criteria and Process

Individual projects will be considered for funding primarily on the basis of overall technical merit of the project as determined by the review process. Other criteria will include:

(1) Degree and appropriateness of focus on one or more of the "special" subgroups.

(2) Geographic distribution of projects.

(3) Availability of funds.

(4) Program balance among populations.

All, some, or none of the projects included in an approved State application may receive support, depending largely on the rating and ranking of each project recommended for approval. States will receive a Notice of Grant Award specifying which projects are being funded, and the State will be responsible for notifying individual programs.

Terms and Conditions of Support

States may use grant funds only to support the particular projects for which funding is provided by OTI. Further, funds may not be re-budgeted among projects by the State.

Given the urgent need to improve drug abuse treatment to critical populations, the States must obligate funds to subrecipients programs within 60 days of this grant award. Further, no less than 98 percent of the total amount awarded must be allocated for treatment improvement programs performed by

subrecipients. From any remaining funds, the State may recover up to its actual costs (but in no case more than 2 percent) of administration (direct and indirect) of the grant. However, should the grantee fail to make the subawards within the 60-day period specified above, the grantee must cost share all administrative costs under the grant and award 100 percent of the total grant to the subrecipients.

Grant funds may be used for expenses clearly related and necessary to carry out the described project, including both direct costs which can be specifically identified with the project and allowable indirect costs of the organization.

Grant funds cannot be used to supplant current funding for existing activities, either at the grantee or the sub recipient levels. Allowable items of expenditure for which grant support may be requested include:

- Salaries, wages, and fringe benefits of professional and other supporting staff engaged in the project activities;
- Travel directly related to carrying out activities under the approved project;
- Supplies, communications, and rental of space directly related to approved project activities;
- Contracts for performance of activities under the approved project;
- Other such items necessary to support project activities.
- Alterations and renovations. Alterations and renovations will be allowable only with very strong justification for need, and with detailed specifications of the renovations proposed. Costs for alterations and renovations (A&R) will be allowable subject to Public Health Service (PHS) Grants Policy Statement which states that, "The amount budgeted or used for A&R during three consecutive budget periods (whether or not the 3 years overlap two distinct competitive segments of support) cannot exceed the lesser of $150,000 or 25 percent of the total funds reasonably expected to be awarded by PHS for direct cost for such three-year period. In addition, the maximum amount of PHS grant funds that may be spent for any single A&R project is $150,000—regardless of the number of budget periods involved." Construction costs are not allowed.

Progress reports will be required and specified to awardees in accord with PHS Grants Policy requirements.

Grants must be administered in accordance with the PHS Grants Policy Statement (Rev. January 1, 1987).

Federal regulations at title 45 CFR parts 74 and 92, generic requirements concerning the administration of grants, are applicable to these awards.

Application Receipt and Review Schedule

Receipt date	Initial review	Earliest start date
June 15, 1990.....	July/August, 1990.	September 1990.

Applications received after the June 15, 1990, receipt date will not be considered for review and will be returned to the applicant.

Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.

Grant Product Ownership

All products developed with these grant funds (with the exception of publications in scientific journals) must be published in the public domain and may not be copyrighted, unless prior approval is obtained from the Grants Management Officer. In addition, such products must prominently state: "This document is in the public domain, is not copyrighted and may be duplicated and used without prior approval." Grantees are strongly encouraged to make such products widely available.

Contacts for Further Information

Questions concerning program issues may be directed to the individual listed below: Nicholas Demos, Office for Treatment Improvement, Rockwall II, 10th Floor, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-6549.

Questions concerning grants management issues may be directed to the office listed below: Mr. Joseph Weeda, NIAAA Grants Management Branch, Room 16-86 Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443-4703.

The reporting requirements contained in this announcement are covered under the Paperwork Reduction Act of 1980, Pub. L. 96-511, OMB Approval Number 0937-0189.

The Catalog of Federal Domestic Assistance number for this program is 13.903.

Attachment—Model Treatment Environments

The ideal treatment service components inherent in a comprehensive model treatment environment are listed below. Most, if not all, of these components are appropriate for every criminal justice population mentioned in this announcement. Methods of implementing these components, the staff who deliver each service, the style with which services are delivered, etc. will vary depending upon the unique needs of patients in treatment.

- Intake and assessment protocol which consists of a medical exam, drug use history, and psychosocial evaluation for all clients entering the program. Assessments must be appropriate for evaluating all clients with respect to drug use, alcohol use, and mental health problems. Intake should include an assessment of eligibility and subsequent registration for medicaid, public assistance, and other social and health benefits.
- Same day intake services.
- Case management (timely treatment plan development, treatment record maintenance and patient monitoring, through aftercare).
- On-site provision of primary medical care.
- Appropriate pharmacotherapeutic interventions with concomitant assessment and monitoring by qualified medical staff.
- Testing for hepatitis, retrovirus, tuberculosis, HIV positivity/AIDS and other sexually transmitted diseases.
- Initial and weekly (random basis) urine testing for drugs, including heroin, cocaine/crack, marijuana, methamphetamine, and others.
- Basic substance abuse counseling.
- Family/collateral counseling provided by persons recognized by State/local authorities to provide family therapy.
- Health, Substance Abuse, Sex and HIV+/AIDS education and counseling, including family planning and contraception counseling and education [should include pregnancy prevention for adolescents].
- Appropriate psychotherapeutic interventions with concomitant assessment and monitoring by qualified psychiatric and medical staff for patients diagnosed with mental health disorders (also referred to as co-morbid patients).
- Psychological counseling provided by persons recognized by State/local authorities to provide this form of therapy.
- Support groups for HIV positive patients.
- General peer/support group forums.
- Practical life skills training.
- Child care provision at the treatment facility (where appropriate for female patients).
- Nutritional and general health education provided by a qualified technician.

• Sustained aftercare and follow-up, including [for residential programs] drug-free cooperative living arrangements as a component of aftercare.

• Coordination of drug abuse treatment services with other germane services such as Vocational Rehabilitation, Education, Legal Aid, Bureau of Indian Affairs, transportation; coordination includes coordinated case management and follow-up.

• Recreational and social activities.

Joseph R. Leone,

Associate Administrator for Management, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 90-8688 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-20-M

Family Support Administration

Forms Submitted to the Office of Management and Budget for Clearance

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). Following are the packages submitted to OMB since the last publication on March 9, 1990.

(For a copy of a package, call the FSA, Report Clearance Officer 202-252-5604.)

State Legalization Impact Assistance Grants—0970-0079

Section 204 of Public Law 99-603, requires that states submit annual applications for funding and that the Secretary report annually to Congress. In order to carry out the requirements of the statute, we require that states submit annual reports, in additional to the annual application. Respondents: States; Number of Respondents: 54; Frequency of Response: semiannually; Average Burden per Response: 100 hrs total (65 hours/35 hours); Estimated Annual Burden: 5,400 hours.

Refugee State of Origin Report, Form ORR-11—0970-0043

In order to meet the requirements of Public Law 97-363 regarding compilation and maintenance of data on secondary migration, states are required to report on the first three digits of the social security numbers of refugees receiving public assistance. Respondents: States; Number of Respondents: 50; Frequency of Response: Annually; Average Burden per Response: (varies dependent upon method used to tabulate data); Estimated Annual Burden: 217 hours.

Refugee Assistance by Nationality, Form ORR-10—0970-0044

In order to meet the requirements of Public Law 97-363 regarding compilation and maintenance of data on refugee assistance by nationality, states are required to submit reports on assistance caseload size of each major refugee nationality group. Respondents: States; Number of Respondents: 50; Frequency of Response: Annually; Average Burden per Response: (varies dependent upon method used to tabulate data); Estimated Annual Burden: 365.8 hours.

OMB Desk Officer: Shannah Koss McCallum

Written comments and recommendations for the proposed information collections should be sent directly to the OMB Desk Officer designated above at the following address: OMB Reports Management Branch, New Executive Office Building, Room 3201, 725 17th Street, NW., Washington, DC 20503.

Dated: April 6, 1990.

Naomi B. Marr,

Associate Administrator, Office of Management and Information Systems.

[FR Doc. 90-8579 Filed 4-12-90; 8:45 am]

BILLING CODE 4150-04-M

Food and Drug Administration

[Docket No. 90N-0140]

Drug Export; Abbott IM^{R}x Core™ Assay

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Abbott Diagnostics Div., Abbott Laboratories, Inc., has filed an application requesting approval for the export of the biological product Abbott IM^{R}x Core™ to Austria, Belgium, Italy, Luxembourg, Portugal, Spain, Sweden, and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Boyd Fogle, Jr., Center for Biologics Evaluation and Research (HFB-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8191.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of drugs that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Abbott Diagnostics Div., Abbott Laboratories, Inc., Abbott Park, IL 60064, has filed an application requesting approval for the export of the biological product Abbott IM^{R}x Core™ assay to Austria, Belgium, Italy, Luxembourg, Portugal, Spain, Sweden, and The United Kingdom. Abbott IM^{R}x Core™ assay is a Microparticle Enzyme Immunoassay for the qualitative determination of total antibody to hepatitis B core antigen (anti-HBc) in human serum or plasma and is indicated as an aid in the diagnosis of ongoing or previous hepatitis B viral infection. The application was received and filed in the Center for Biologics Evaluation and Research on March 28, 1990, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

The agency encourages any person who submits relevant information on the application to do so by April 23, 1990, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority

delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: April 3, 1990.

Thomas S. Bozzo,

Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 90-8606 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Public Information Collection Requirements Submitted to the Office of Management and Budget for Clearance

AGENCY: Health Care Financing Administration, HHS.

The Department of Health and Human Services (HHS) previously published a list of information collection packages it submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (Pub. L. 96-511). The Health Care Financing Administration (HCFA), a component of HHS, now publishes its own notices as the information collection requirements are submitted to OMB. The HCFA has submitted the following requirements to OMB since the last HCFA list was published.

1. *Type of Request:* Revision; *Title of Information Collection:* Requirements in HCFA-Pub. 14-3, Sections 4700-4709 (Medigap); *Form Numbers:* HCFA-1500; *Frequency:* On occasion; *Respondents:* Individuals/households, businesses/other for profit, and small businesses/organizations; *Estimated Number of Responses:* 146,216,739; *Average Hours Per Response:* .023; *Total Estimated Burden Hours:* 3,362,985.

2. *Type of Request:* Revision; *Title of Information Collection:* Early and Periodic Screening, Diagnostic and Treatment (EPSDT) Report; *Form Number:* HCFA-416; *Frequency:* Annually; *Respondents:* State/local government; *Estimated Number of Responses:* 56; *Average Hours Per Response:* 14; *Total Estimated Burden Hours:* 784 (reporting) and 392 (recordkeeping) for a total of 1,176.

3. *Type of Request:* Reinstatement; *Title of Information Collection:* Financial Statement of Donor; *Form Number:* HCFA-379; *Frequency:* On occasion; *Respondents:* Businesses/other for profit and small businesses/organizations; *Estimated Number of Responses:* 500; *Average Hours per Response:* 2; *Total Estimated Burden Hours:* 1,000.

4. *Type of Request:* Extension; *Title of Information Collection:* Request for Enrollment in Supplementary Medical Insurance; *Form Number:* HCFA-4040; *Frequency:* One-time; *Respondents:* Individuals/households; *Estimated Number of Responses:* 40,000; *Average Hours per Response:* 5 minutes; *Total Estimated Burden Hours:* 3,333.

5. *Type of Request:* Extension; *Title of Information Collection:* State Medicaid Eligibility Quality Control Sample Selection Lists; *Form Number:* HCFA-319; *Frequency:* Monthly; *Respondents:* State/local government; *Estimated Number of Responses:* 660; *Average Hours per Response:* 32; *Total Estimated Burden Hours:* 21,120.

ADDITIONAL INFORMATION OR COMMENTS: Call the Reports Clearance Officer on 301-966-2088 for copies of the clearance request packages. Written comments and recommendations for the proposed information collections should be sent directly to the following address:

OMB Reports Management Branch, Attention: Allison Herron, New Executive Office Building, Room 3208, Washington, DC 20503.

Dated: April 9, 1990.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 90-8569 Filed 4-12-90; 8:45 am]

BILLING CODE 4120-03-M

National Institutes of Health

National Institute on Aging; Essential Tremor in the Aging Nervous System; Meeting

Notice is hereby given of a meeting "Essential Tremor in the Aging Nervous System". The meeting is being sponsored by the National Institute on Aging. It will be held on April 24, from 8:30 a.m. to 5:30 p.m., at the National Institutes of Health, Building 31C, Conference Room 9, at 9000 Rockville Pike, Bethesda, Maryland 20892.

The purposes of the meeting are to: (a) Clarify the current state of knowledge about Essential Tremor (ET) as a movement disorder that is often associated with aging, and (b) identify priorities and opportunities for research on the etiology, pathophysiology, and treatment of ET. Further information on the program may be obtained from: Dr. Deborah Claman, NIA/NNA, 9000 Rockville Pike, Building 31C, Room 5C35, Bethesda, Maryland 20892; (301)496-9350.

Dated: April 6, 1990.

William F. Raub,

Acting Director, National Institutes of Health.

[FR Doc. 90-8597 Filed 4-12-90; 8:45 am]

BILLING CODE 4140-01-M

Office of Refugee Resettlement

Refugee Resettlement Program; Proposed Availability of Funding for Formula Grants for FY 1990 Targeted Assistance for Services to Refugees [1] in Local Areas of High Need

AGENCY: Office of Refugee Resettlement (ORR), FSA, HHS.

ACTION: Notice of proposed availability of funding for formula grants for FY 1990 targeted assistance for services to refugees [1] in local areas of high need.

SUMMARY: This notice announces the availability of funds and award procedures for FY 1990 targeted assistance formula grants for services to refugees under the Refugee Resettlement Program (RRP). These grants are for service provision in localities with large refugee populations, high refugee concentrations, and high use of assistance, and where specific needs exist for supplementation of currently available resources.

This notice proposes to apply the same formula for the allocation of targeted assistance funds as was used in FY 1989, updated to take into account FY 1989 arrivals.

DATES: Comments on the proposals contained in this notice must be received by May 14, 1990.

ADDRESSES: Address written comments, in duplicate, to: Director, Office of Refugee Resettlement, Family Support Administration, 370 L'Enfant Promenade SW., Washington, DC 20447.

APPLICATION DEADLINE: The deadline for applications will be established by the

[1] In addition to persons admitted to the United States as refugees, eligibility for targeted assistance includes Cuban and Haitian entrants, certain Amerasians from Vietnam who are admitted to the U.S. as immigrants, and certain Amerasians from Vietnam who are U.S. citizens. (See section III of this notice on "Authorization.") The term "refugee," used in this notice for convenience, is intended to encompass such additional persons who are eligible to participate in refugee program services, including the targeted assistance program.

Refugees admitted to the U.S. under admissions numbers set aside for private-sector-initiative admissions are not eligible to be served under the targeted assistance program (or under other programs supported by Federal refugee funds) during their period of coverage under their sponsoring agency's agreement with the Department of State—usually two years from their date of arrival.

final notice; applications should not be sent in response to this proposal.

Applications from States for grants under this notice must be received on time. An application will be considered to be received on time under either of the following two circumstances:

A. The application was sent via the U.S. Postal Service or by private commercial carrier not later than 45 days after publication of the final notice unless it arrives too late to be considered by the reviewers. (Applicants are responsible for assuring that the U.S. Postal Service or private commercial carrier dates the application package. Applicants should be aware that not all post offices or private commercial carriers provide a dated postmark unless specifically instructed to do so.)

B. The application is hand-delivered on or before the closing date to the Office of Grants Management, FSA, 6th floor, 901 D Street, SW., Washington, DC 20447. Hand-delivered applications will be accepted during the normal working hours of 8 a.m. to 4:30 p.m., Monday through Friday (excluding Federal legal holidays) up to 4:30 p.m. of the closing date.

Late applications will be returned to the sending agency.

To be considered complete an application package must include a signed original and two copies of Standard Form 424, Parts I through IV. The package must also include the following three certifications by the applicant: Drug-Free Workplace, Debarment, and Anti-Lobbying. (We will provide copies of these materials to all targeted assistance States.)

GRANT REGULATIONS: Grants are subject to the administrative regulations published under title 45 of the Code of Federal Regulations, part 74, §§ 74.62(a), 74.174(b), 74.304, 74.710, and 74.715, and part 92.

FOR FURTHER INFORMATION ON APPLICATION AND GRANT PROCEDURES, STATES SHOULD CONTACT: Stanley T. Le, Office of Grants Management, Family Support Administration, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 252–4594.

FOR FURTHER PROGRAMMATIC INFORMATION, STATES SHOULD CONTACT: Ron Munia, Office of Refugee Resettlement, Family Support Administration, 370 L'Enfant Promenade SW., Washington, DC 20447, telephone (202) 252–4559.

SUPPLEMENTARY INFORMATION:

I. Purpose and Scope

This notice announces the proposed availability of funds for grants for targeted assistance for services to refugees in counties where, because of factors such as unusually large refugee populations, high refugee concentrations, and high use of public assistance, there exists and can be demonstrated a specific need for supplementation of resources for services to this population.

A total of $38,052,000 in FY 1990 funds is available for the targeted assistance program (TAP) under the FY 1990 appropriations for the Department of Health and Human Services (Pub. L. 101–166).

The Conference Report on appropriations reads as follows with respect to the targeted assistance funds (H. Rept. 101–274, p. 28):

> The conference agreement for targeted assistance includes $14,000,000 to increase the current program of support for communities which continue to be affected as a result of the massive influx of Cuban and Haitian entrants during the Mariel boatlift. This program received $10,500,000 in fiscal year 1989 and in the Senate bill.
>
> The conferees intend that 10 percent of the total appropriated for targeted assistance be used for grants to localities most heavily impacted by the influx of refugees such as Laotian Hmong and Cambodians, including secondary migrants who entered the United States after October 1, 1989. The conferees expect these grants to be awarded to communities not presently receiving targeted assistance because of previous concentration requirements and other factors in the grant formulas, as well as those who do currently receive targeted assistance grants. These grants shall be available to assist local schools, hospitals, employment services, and other institutions.

(In the paragraph quoted above, "1989" is a typographical error, and the date should read "October 1, 1979." See "Congressional Record", October 11, 1989, p. H6888, col. 3, last paragraph.)

In accordance with the Conference Report language, the Director of the Office of Refugee Resettlement (ORR) proposes to use the $38,052,000 available for FY 1990 targeted assistance as follows:

- $20,246,800 is proposed for allocation under the updated formula, as set forth in this notice.
- $14,000,000 will be awarded to Florida for the Dade County public schools and Jackson Memorial Hospital, Miami.
- $3,805,200 (10% of the total) will be awarded to the most heavily impacted localities under a competitive grant announcement which will be published separately setting forth application requirements and evaluation criteria. States will be able to apply on behalf of impacted counties that do not receive TAP formula grants as well as those that do.

Requirements regarding the use of the FY 1990 targeted assistance formula allocations remain unchanged from those applied to the FY 1989 targeted assistance program.

The purpose of targeted assistance grants is to provide, through a process of local planning and implementation, direct services intended to result in the economic self-sufficiency and reduced welfare dependency of refugees through job placements.

The targeted assistance program reflects the requirements of section 412(c)(2)(B) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99–605), which provides that targeted assistance grants shall be made available "(i) primarily for the purpose of facilitating refugee employment and achievement of self-sufficiency, (ii) in a manner that does not supplant other refugee program funds and that assures that not less than 95 percent of the amount of the grant award is made available to the county or other local entity."

Services funded under the targeted assistance allocations are required to focus primarily on those refugees who, either because of their considerable and protracted use of public assistance or continued difficulty in securing employment, constitute a major resettlement problem for the affected jurisdiction which cannot be addressed without additional services. In order to ensure sufficient emphasis on services to appropriate clients, each State is required to assure that, for each qualified local area, cash assistance recipients (time-eligible and time-expired recipients under any program of the State or locality) will make up a percentage of the FY 1990 targeted assistance clientele which is not less than the State's final FY 1989 dependency rate.

Reflecting section 412(a)(l)(A)(iv) of the INA, the Director expects States to "insure that women have the same opportunities as men to participate in training and instruction." In order to facilitate refugee self-support, the Director also strongly encourages States to implement strategies which address simultaneously the employment potential of both primary and secondary wage earners in a family unit, particularly in the case of large families.

Funds awarded under this program are intended to help fulfill the Congressional intent that "employable refugees should be placed on jobs as soon as possible after their arrival in the

United States" (section 412(a)(1)(B) of the INA). Therefore at least 85% of targeted assistance funds are required to support projects which directly enhance refugee employment potential, have specific employment objectives, and are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program. General or remedial educational activities—such as adult basic education (ABE) or preparation for a high school equivalency or general education diploma (GED)—may be provided only within the context of an individual employability plan for a refugee which is intended to result in job placement in less than one year.

The degree of success of targeted assistance programs would be measured in terms of job placements, job retention, and reductions in cash assistance—the principal objectives of the authorizing legislation.

In order to meet extreme and unusual needs, up to 15% of a local area's allocation could be used for services which are not directed toward the achievement of a specific employment objective in less than one year but which are essential to the adjustment of refugees in the community, provided such needs are clearly demonstrated and such use is approved by the State, or by ORR in the case of State-administered local programs.

Cases in which a county plan contains proposed program activities not allowable under section VII, below, could be entertained by a State only where extreme and unusual need exists and is clearly demonstrated in the county's proposed plan. Such cases would be considered to involve a change in program scope or objectives and will therefore be subject to ORR prior approval.

A State could request a waiver in order to be able to allow a county to use more than 15% for non-employment-related services. ORR will approve such a request only in the most extreme circumstances of need.

The award of funds to States under this notice would be contingent upon the completeness of a State's application as described in section IX, below.

II. [Reserved for Discussion of Comments in Final Notice]

III. Authorization

Targeted assistance projects are funded under the authority of section 412(c)(2) of the Immigration and Nationality Act (INA), as amended by the Refugee Assistance Extension Act of 1986 (Pub. L. 99-605), 8 U.S.C. 1522(c); section 501(a) of the Refugee Education Assistance Act of 1980 (Pub. L. 96-422), 8 U.S.C. 1522 note, insofar as it incorporates by reference with respect to Cuban and Haitian entrants the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above; section 584(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988, as included in the FY 1988 Continuing Resolution (Pub. L. 100-202), insofar as it incorporates by reference with respect to certain Amerasians from Vietnam the authorities pertaining to assistance for refugees established by section 412(c)(2) of the INA, as cited above, including certain Amerasians from Vietnam who are U.S. citizens, as provided under title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Pub. L. 100-461).

IV. Eligible Grantees

The following requirements, which have previously applied to TAP, would continue to apply with respect to FY 1990 awards:

Eligible grantees are those agencies of State governments which are responsible for the refugee program under 45 CFR 400.5 in States containing counties which qualify for FY 1990 targeted assistance awards. The use of targeted assistance funds for services to Cuban and Haitian entrants is limited to States which have an approved State plan under the Cuban/Haitian Entrant Program (CHEP).

The State agency will submit a single application on behalf of all county governments of the qualified counties in that State. Subsequent to the approval of the State's application by ORR, local targeted assistance plans will be developed by the county government or other designated entity and submitted to the State.

A State with more than one qualified county is permitted, but not required, to determine the allocation amount for each qualified county within the State. However, if the State chooses to determine county allocations differently from those set forth in this notice, the allocations proposed by the State are subject to ORR approval.

Applications submitted in response to this notice are not subject to review by State and areawide clearinghouses under Executive Order 12372, "Intergovernmental Review of Federal Programs."

V. Qualification and Allocation Formula

The Director of ORR proposes to base the FY 1990 TAP formula allocations on the same formula as in FY 1989 updated to reflect arrivals through September 30, 1989.

Under this formula, one portion of the allocation is based on refugee and Cuban/Haitian entrant arrivals during FY 1980-1982; funds for this portion of the formula are allocated on the same proportionate basis among participating counties as in previous years (except that the San Bernardino/Riverside area in California has withdrawn from TAP). The second portion of the allocation is based on refugee and entrant placements in these counties during calendar year (CY) 1983—September 30, 1989, and on cash assistance dependency rates as of September 30, 1989.

In determining whether additional counties would be eligible to participate in this targeted assistance formula allocation, the Director has applied the same four criteria used previously, including the same cutoff points, to the updated information on refugee arrivals, concentrations, dependency rates, and receipt of cash assistance. As before, a county would have to meet three out of the four criteria in order to qualify. (For a detailed discussion of these criteria, see the FY 1989 TAP notice published in the **Federal Register** of July 3, 1989, section V. "Qualification and Allocation Formula," subsection on "Formula Used to Date" (54 FR 27944).) In applying these criteria, ORR has found that no county not currently participating in TAP meets at least three out of the four criteria.

For the participating counties, the $20,246,800 which is proposed to be allocated by formula would be apportioned as follows:

a. $10,123,400, or 50 percent, would be allocated on the basis of the formula which has been used for all previous targeted assistance allocations ("old formula") and which is based on initial placements during FY 1980-1982 and other factors as described above under "Formula Used to Date."

b. $1,123,400, or 50 percent, would be allocated on the basis of arrivals during CY 1983-September 30, 1989 ("new formula").

The above percentages are based on the proportion of initial placements in these counties during the two periods: 340,737, or 50 percent, during the old-formula period; and 341,959, or 50 percent, during the new-formula period.

The old-formula allocation of $10,243,400 follows the same distribution among counties as in the past.

The new-formula allocation of $10,123,400 is based on the number of initial placements in each county during CY 1983-September 30, 1989, multiplied

by the State's time-eligible [2] dependency rate as of September 30, 1989. The weighted index resulting from this calculation was used to determine each county's share of the new-formula funds. We continue to believe that, in the absence of additional data, each county's proportionate share of the number of initial placements and the State's time-eligible dependency rate provide good indicators of relative need.[3]

VI. Proposed Allocations

Table I lists the participating counties, the amount of each county's proposed allocation which is based on the old formula, the number of placements in each county during CY 1983–September 30, 1989, the State's dependency rate as of September 30, 1989, the amount of each county's allocation which is based on the new formula, and the county's total proposed allocation.

Although Table 1 shows an amount for each county, the Director proposes, in the case of a State which contains more than one qualified county, to continue to permit the State to determine (in accordance with the requirements set forth in this notice) the appropriate allocation of the State's targeted assistance award among the qualified counties in the State. The Director sees this as continuing ORR's practice of providing as much authority and flexibility as possible to States in determining the relative needs of the qualified counties within a State. Thus each such State, as in the FY 1989 TAP, would be responsible for determining an appropriate and equitable basis for allocating the funds among the qualified counties in the State and for including in its application for approval by ORR a description of this allocation basis, the data to be used, and the allocation proposed for each county.

Table 2 provides State totals for the proposed county allocations set forth in Table 1.

TABLE 1.—PROPOSED TARGETED ASSISTANCE ALLOCATIONS: FY 1990

County	State	Arrivals January 1983–September 1989 (A)	Percent receiving assistance (B)	Portion of FY 1990 proposed allocation under old formula (C)	Portion of FY 1990 proposed allocation under new formula (D)	Total FY 1990 proposed allocation (E)
Alameda	CA	8,921	80.2	251,522	394,592	646,114
Contra Costa	CA	2,397	80.2	71,916	106,024	177,940
Fresno	CA	6,672	80.2	138,890	295,115	434,005
Los Angeles	CA	61,544	80.2	1,270,151	2,722,205	3,992,356
Merced	CA	3,080	80.2	169,527	136,234	305,761
Orange	CA	19,262	80.2	565,176	851,994	1,417,170
Sacramento	CA	5,501	80.2	215,278	243,319	458,597
San Diego	CA	12,217	80.2	421,243	540,381	961,624
San Francisco	CA	12,581	80.2	326,901	556,481	883,382
San Joaquin	CA	5,494	80.2	217,228	243,010	460,238
Santa Clara	CA	15,635	80.2	420,739	691,565	1,112,304
Stanislaus	CA	2,120	80.2	39,303	93,772	133,075
Denver	CO	3,732	37.9	84,852	78,008	162,860
Broward	FL	675	18.9	140,552	7,036	147,588
Dade	FL	22,800	18.9	2,452,021	237,661	[1] 16,689,682
Hillsboro	FL	1,311	18.9	44,170	13,665	57,835
Palm Beach	FL	397	18.9	58,389	4,138	62,527
Honolulu	HI	1,925	67.9	93,435	72,088	165,523
Cook/Kane	IL	17,261	19.5	438,905	185,636	624,541
Sedgwick	KS	2,329	22.4	104,590	28,773	133,363
Orleans	LA	2,496	6.5	71,450	8,948	80,398
Montgomery/Prince Georges	MD	4,194	18.7	86,922	43,254	130,176
Middlesex	MA	3,252	60.4	68,666	108,330	176,996
Suffolk	MA	9,438	60.4	157,594	314,397	471,991
Hennepin	MN	5,256	75.3	110,718	218,279	328,997
Ramsey	MN	5,462	75.3	155,675	226,834	382,509
Jackson	MO	1,200	16.9	40,645	11,185	51,830
Essex	NJ	3,228	18.9	23,521	33,648	57,169
Hudson	NJ	1,161	18.9	157,395	12,102	169,497
Union	NJ	522	18.9	31,596	5,441	37,037
New York	NY	43,421	25.1	351,176	601,083	952,259
Multnomah	OR	6,187	49.3	238,595	168,224	406,819
Philadelphia	PA	8,778	39.7	163,319	192,197	355,516
Providence	RI	2,995	43.2	116,651	71,358	188,009
Harris	TX	10,463	18.3	191,439	105,601	297,040
Salt Lake	UT	4,300	22.3	58,197	52,885	111,082
Arlington	VA	1,682	20.5	100,851	19,017	119,868
Fairfax	VA	4,188	20.5	121,607	47,350	168,957
King/Snohomish	WA	12,259	47.1	290,510	318,447	608,957
Pierce	WA	2,430	47.1	62,085	63,123	125,208
Total		338,766	48.7	10,123,400	10,123,400	34,246,800

[1] The allocation for Dade County, Florida, includes $14,000,000 for Jackson Memorial Hospital (Miami) and the Dade County (Miami) public schools. This is the amount specified in the Conference Report on the FY 1990 HHS appropriation. The amounts are $7,636,376 for Jackson Memorial and $6,363,624 for the Dade

[2] The term "time-eligible" means refugees in their first 24 months in the U.S., the time-period for which States could claim cash and medical assistance costs against ORR's grants to the States as of the end of FY 1989. "Time-expired" refers to refugees who have been in the U.S. more than 24 months.

[3] More specific data might include the estimated county populations of refugees who arrived during CY 1983–FY 1989 and actual numbers of time-expired refugees who are receiving cash assistance. However, it is not possible to estimate county refugee populations reliably because of lack of county-level information on secondary migration. Data are not universally available on the receipt of cash assistance by time-expired refugees.

County schools.

TABLE 2.—PROPOSED TARGETED ASSISTANCE ALLOCATIONS BY STATE: FY 1990

State	FY 1990 proposed allocation
California	$10,982,566
Colorado	162,860
Florida	[1] 16,957,632
Hawaii	165,523
Illinois	624,541
Kansas	133,363
Louisiana	80,398
Maryland	130,176
Massachusetts	648,987
Minnesota	711,506
Missouri	51,830
New Jersey	263,703
New York	952,259
Oregon	406,819
Pennsylvania	355,516
Rhode Island	188,009
Texas	297,040
Utah	111,082
Virginia	288,825
Washington	734,165
Total	34,246,800

[1] The allocation for Florida includes $14,000,000 for Jackson Memorial Hospital (Miami) and the Dade County (Miami) public schools. See footnote to Table 1.

VII. Allowable Activities and Client Prioritization

At least 85% of a county's FY 1990 targeted assistance funds would be used to support activities permissible under section 412(c) of the INA which have specific employment objectives and are directly related to aiding refugees in finding and retaining jobs within less than one year's participation in the targeted assistance program. Examples of these activities are: Job development; job placement; job-related and vocational English; short-term job training specifically related to opportunities in the local economy; on-the-job training; business and employer incentives (such as on-site employee orientation, vocational English training, or bilingual supervisor assistance); and business technical assistance. These funds may be used for general or remedial educational services—such as adult basic education (ABE) or preparation for a high school equivalency or general education diploma (GED)—only if such service is provided within the context of an individual employability plan for a refugee which is intended to result in job placement within less than one year.

The Director of ORR expects States to "insure that women have the same opportunities as men to participate in training and instruction." In order to facilitate refugee self-support, the Director also strongly encourages States to implement strategies which address simultaneously the employment potential of both primary and secondary wage earners in a family unit, particularly in the case of large families.

Up to 15% of a local area's allocation could be used for other services which are permissible under section 412(c) of the INA and which are identified and demonstrated in the county plan to be essential services in addressing extreme and unusual needs of the refugee population in the targeted assistance area even though they do not have the specific objective of job placement within less than one year. Subject to State review and approval, a maximum of 15% of the allocation amount for each area could be used in funding these services.

In the event that a State might wish to grant a local area's request to allocate more than 15% of its funds for such nonemployment-related services, the State would be required to obtain formal prior approval by the Director of ORR. Only the most extreme needs would be considered adequate justification for a local area to use more than 15% of its TAP funds for these services. In order to justify the provision of services for extreme and unusual needs, a county plan would have to identify the target population, demonstrate clearly the nature and extent of the needs, and describe how the use of more than 15% of its targeted assistance funds to address such needs would contribute to the adjustment of the refugee population. Services funded under TAP would be required to focus primarily on those refugees who, either because of their considerable and protracted use of public assistance or continued difficulty in securing employment, constitute a major resettlement problem for the affected jurisdiction which cannot be addressed without additional services. In order to ensure sufficient emphasis on services to appropriate clients, each State would be required to provide an assurance in its application to ORR that, for each qualified local area, cash assistance recipients (time-eligible and time-expired recipients under any program of the State or locality) would make up a percentage of the FY 1990 targeted assistance clientele which is not less than the State's final FY 1989 dependency rate as determined by ORR.

This client prioritization requirement would not apply to the 15% funds described above.

VIII. Application and Implementation Process

Under the FY 1990 targeted assistance program, as in FY 1989, States would apply for and receive grant awards on behalf of qualified counties in the State. A single allocation would be made to each State by ORR on the basis of an approved State application. The State agency would, in turn, receive, review, and determine the acceptability of individual county targeted assistance plans.

In the event that targeted assistance funds were to be appropriated in future years, applications would be received in those years as continuation grant applications.

Although funding for educational services in Dade County, FL, and for medical services at Jackson Memorial Hospital in Miami, FL, is part of the appropriation amount for targeted assistance, the scope of activities for these special projects will be administratively determined. Applications for those funds are therefore not subject to provisions contained in this notice but to other requirements which have been conveyed separately. Similarly, the requirements regarding the 10% of the targeted assistance appropriation that will be awarded separately will be addressed in the grant announcement for those funds.

IX. Application Requirements

The proposed State application requirements for grants for the FY 1990 targeted assistance formula allocation are as follows:

States that are currently operating under approved management plans for their FY 1989 targeted assistance program and wish to continue to do so for their FY 1990 grants may provide the following in lieu of resubmitting the full currently approved plan:

The State's application shall provide:

A. Assurance that the State's current management plan for the administration of the targeted assistance program, as approved by ORR, will continue to be in full force and effect for the FY 1990 targeted assistance program, subject to any additional assurances or revisions required by this notice which are not reflected in the current plan. Any proposed modifications to the approved plan will be described separately in the application and are subject to ORR review and approval.

B. Timetables for awarding funds to the local areas consistent with the conclusion of services under the FY 1989

program as modified by carry-forwards or no-cost extensions of FY 1984–1989 targeted assistance funds. Service periods can be for up to 18 months but must conclude by no later than March 31, 1992.

C. A line item budget and justification for State administrative costs limited to a maximum of 5% of the total award to the State.

D. Revised information and description of any proposed plan modifications. Any proposed changes must address and reference all appropriate portions of the FY 1989 application content requirements to ensure complete incorporation in the State's management plan.

E. This paragraph applies only to States administering the program locally: States that have administered the program locally or provide direct service to the refugee population (with the concurrence of the county) must submit a program summary to ORR for prior review and approval. The summary must include a description of the proposed services; a justification for the projected allocation for each component including relationship of funds allocated to numbers of clients served, characteristics of clients, duration of training and services, projected outcomes, and cost per placement. In addition, the program component summary should describe any ancillary services or subcomponents such as day care, transportation, or language training.

F. This paragraph applies only to States with two or more counties receiving targeted assistance funds: As in FY 1989, a State with two or more local areas which qualify for the program may choose to determine respective county allocations. If the State chooses to determine county allocations differently from those set forth in Table 1 of this notice, the State should provide a description of the State's proposed allocation plan. The allocation approach should be based upon existing FY 1989 funds, FY 1984–1989 funds carried forward, and indicators of refugee need for targeted assistance services. The application should contain a description of the allocation approach, data used in its determination, and the calculated allocation amount for each county. States are encouraged to revise allocation formulas to assure appropriate funding among eligible counties for the duration of the grant such that targeted assistance activities within the State conclude simultaneously. The allocation formula is subject to ORR approval. If the State chooses not to determine county allocation amounts, the State must provide the allocations which are specified in this notice.

G. Assurance that, for each qualified local area, cash assistance recipients (time-eligible or time-expired recipients under any program of the State or locality) will make up a percentage of the FY 1990 targeted assistance clientele no less than the State's final FY 1989 dependency rate, as determined by ORR, unless a waiver of this requirement is granted by ORR.

H. Assurance that at least 85% of targeted assistance funds will support projects which directly enhance refugee employment potential, have specific employment objectives, and are designed to enable refugees to obtain jobs with less than one year's participation in the targeted assistance program.

I. The following certifications: Drug-Free Workplace, Debarment, and Anti-Lobbying.

X. Review, Technical Assistance, and Award Policy

Applications will be considered on a non-competitive basis. They will be reviewed and approved in accordance with the criteria set forth in this announcement. Any controversies regarding the review of the applications will be resolved by the Director of ORR. Continuation awards will be considered based on the receipt of the required program and financial reports and ORR's determination that continued funding is in the best interest of the Government. The Department will provide technical assistance to the applicant if it is necessary in order to develop a proposal which warrants the award of funds at the proposed allocation amount and if such assistance is requested by the applying State agency. Final determination as to the acceptability of applications is at the discretion of the Director of ORR.

XI. Reporting Requirements

FY 1990 TAP grants must be tracked separately from previous TAP grants, both financially and programmatically. For the FY 1990 program, States are required to submit semiannual reports and one final report as in previous years on the services provided in each targeted area. States are required to report on the number of job placements and retentions, cash assistance recipients placed on jobs, costs per placement, and other items specified in the "Reporting Requirements for Targeted Assistance Grants for Services for Refugees in Local Areas of High Need," OMB No. 0970–0042, expiration date February 28, 1991. Semiannual reports covering activity through September 30 and March 31 of each year are due on November 30 and May 31 of each year. A final cumulative report is due 120 days after the end of the full grant period.

Dated: April 9, 1990.

Chris Gersten,

Director, Office of Refugee Resettlement.

Approved: April 9, 1990.

Eunice S. Thomas,

Acting Assistant Secretary for Family Support.

[FR Doc. 90–8565 Filed 4–12–90; 8:45 am]

BILLING CODE 4150–04–M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, April 6, 1990.

(Call PHS Reports Clearance Officer on 202–245–2100 for copies of package.)

1. Joint FDA/NHLBI Health and Diet Survey: Cycle V—NEW—A population sample of consumers will be interviewed about knowledge, awareness and practices with respect to ongoing health promotional initiatives in order to evaluate the impact of these initiatives and discern continuing education needs. *Respondents:* Individuals or households; *Number of Respondents:* 4,800; *Number of Responses per Respondent:* 1; *Average Burden per Response:* .467 hours; *Estimated Annual Burden:* 2,240 hours.

2. Nationwide Survey of Nurses' and Dietitians' Knowledge, Attitudes, and Behavior Regarding Cardiovascular Disease Risk Factors—NEW—The National Heart, Lung, and Blood Institute will sponsor a nationwide survey of registered nurses' and registered dietitians' knowledge, attitudes, and reported practices related to high blood pressure, high blood cholesterol, and cigarette smoking. Data will be used for planning and evaluating national health professional education programs. *Respondents:* Individuals or households; *Number of Respondents:* 4,000; *Number of Responses per Respondent:* 1; *Average Burden per*

Response: 0.5 hours; *Estimated Annual Burden:* 2,002 hours.

3. Third National Health and Nutrition Examination Survey (NHANES III)—0920-0237—NHANES III will measure and monitor the health and nutritional status of the United States. It is a six year survey involving 40,000 participants ages two months and older. Collaborative agreements have been signed with sixteen other centers and institutes within DHHS and with two other Departments who will use the data. *Respondents:* Individuals or households; *Number of Respondents:* 6,750; *Number of Responses per Respondent:* 1; *Average Burden per Response:* 4.4 hours; *Estimated Annual Burden:* 29,464 hours.

4. IHS Request for Report of Immunizations Administered—0917-0003—The Request for Report of Immunizations Administered (Form IHS-468) solicits information on immunizations administered by health practitioners to patients to whom IHS will also provide health care. Information obtained will be transcribed by IHS into the patient's medical chart. *Respondents:* Businesses or other for-profit, small businesses or organizations; *Number of Respondents:* 500; *Number of Responses per Respondent:* 10; *Average Burden per Response:* 0.067 hours; *Estimated Annual Burden:* 333 hours.

5. 1991 National Health Interview Survey (Pretest)—NEW—The National Health Interview Survey (NHIS) is an ongoing survey of the civilian, noninstitutionalized population that monitors the Nation's health. The NHIS consists of a core and annually changing supplements. The following supplements are scheduled for inclusion in the 1991 NHIS: Year 2000 Objectives, Illicit Drug Use, Youth Risk Behavior, Income. This request is for the pretest of the 1991 NHIS. The results of the pretest will be used to produce final supplements to the 1991 NHIS. *Respondents:* Individuals or households; *Number of Respondents:* 340; *Number of Responses per Respondent:* 1; *Average Burden per Response:* 1.40 hours; *Estimated Annual Burden:* 475 hours.

6. Scholarship Program for First-Year Students of Exceptional Financial Need (EFN)—0915-0028—This clearance will allow the Department to collect from health schools aggregate data on the race/ethnic characteristics of students assisted under the EFN program. It is anticipated that the addition of this question will not add to the burden of schools completing the EFN grant application. The information will be used to evaluate the distribution of assistance under this program. Respondents: Non-profit institutions.

	No. of respondents	No. of hours per response	No. of responses per respondent
Application by schools, 57.2803(b)	300-325	.25	1
Maintenance of student ranking criteria by school, 57.2804(b)	300-325	.03	1
Maintenance of student records by school, 57.2809(b)	300-325	.05	1

Estimated Annual burden: 104 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Written comments and recommendations for the proposed information collections should be sent directly to the OMB Desk Officer designated above at the following address:

Human Resources and Housing Branch, New Executive Office Building, Room 3002, Washington, DC 20503.

Dated: April 9, 1990.

James M. Friedman,

Acting Deputy Assistant Secretary for Health (Planning and Evaluation).

[FR Doc. 90-8570 Filed 4-12-90; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3056]

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. Comment should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposals for the collections of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notices list 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 numbers 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, reinstatement, 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: April 9, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: State Administrative Agency (SAA) Monthly Reports.

Office: Housing.

Description of the need for the information and its proposed use: SAAs are required to submit monthly reports to the Department as part of the SAA performance evaluation process.

Form number: None.

Respondents: State or Local Governments.

Frequency of submission: Monthly.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Monthly Reporting	35		12		.5		210
Recordkeeping	35		1		6		210

Total estimated burden hours: 420.

Status: Reinstatement.

Contact: Mary Donaldson, HUD, (202) 755–6584; John Allison, OMB, (202) 395–6880.

Date: April 9, 1990.

Proposal: Application for Environmental Review.

Office: Housing

Description of the need for the information and its proposed use: The need for the form is to provide an application for a developer desiring environmental review, for acceptability of a subdivision proposal. The form is used to assist the processor in review by furnishing information on the site and proposed development.

Form number: HUD–92250

Respondents: Businesses or Other For-Profit and Small Businesses Or Organizations.

Frequency of submission: On Occasion.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
HUD–92250	5,000		1		.5		2,500

Total estimated burden hours: 2,500

Status: Extension.

Contact: Larry D. Toler, HUD, (202) 755–6700; John Allison, OMB, (202) 395–6880.

Date: April 9, 1990.

Proposal: PHA Tenant Selection Policies.

Office: Public and Indian housing.

Description of the need for the information and its proposed use: Public Housing Agencies are required to develop policies and procedures which take into consideration both the needs of an individual applicant for low-income public housing and the needs of the community for a financially and socially sound housing program.

Form number: None.

Respondents: State or Local Government.

Frequency of submission: Recordkeeping.

Reporting burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual Reporting	300		1		5.5		1,650
Recordkeeping	3,000		1		.5		1,500

Total estimated burden hours: 3,150.

Status: Extension.

Contact: Edward C. Whipple, HUD, (202) 426–0744; John Allison, OMB, (202) 395–6880.

Date: April 9, 1990.

[FR Doc. 90–8685 Filed 4–12–90; 8:45 am]

BILLING CODE 4210–01–M

[Docket No. N–90–3057]

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: John Allison, OMB Desk Officer, Officer of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410, telephone (202) 755–6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

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 numbers of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, 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: April 6, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Application for Indian Housing Authorities (IHAs) for Indian Housing Program, FR–2208 and FR–2758.

Office: Public and Indian Housing.

Description of the Need for the Information and Its Proposed Use: Form HUD-52730 is required by Departmental regulation in order that IHAs obtain assistance for Indian housing projects. IHAs will use the form to apply for financial and technical assistance to develop Indian housing projects.

Form Number: HUD-52730.
Respondents: Non-Profit Institutions.
Frequency of Submission: Other.
Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Annual reporting	120		1		8		960

Total Estimated Burden Hours: 960.
Status: Reinstatement.
Contact: Dom Nessi, HUD, (202) 755-1015, John Allison, OMB, (202) 395-6880.

Date: April 6, 1990.

[FR Doc. 90-8686 Filed 4-12-90; 8:45am]

BILLING CODE 4210-01-M

[Docket No. N-90-3058]

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: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

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 numbers 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, reinstatement, 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: April 9, 1990

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Contractor's Requisition Project Mortgages.
Office: Housing.
Description of the Need for the Information and its Proposed Use: Form HUD-92448 is used to record data required to approve the distribution of insured mortgage proceeds or loan funds when construction costs are involved. The applicable certificates must be signed by the general contractor or project architect and the HUD Inspector. It is then reviewed and approved by the Field Office prior to insurance advances.
Form Number: HUD-92448.
Respondents: Businesses or Other For-Profit.
Frequency of Submission: Monthly.
Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD-92448	1,000		10		6		60,000

Total Estimated Burden hours: 60,000.
Status: Extension.
Contact: Richard S. Fitzgerald, HUD, (202) 426-0283; John Allison, OMB, (202) 395-6880.

Date: April 9, 1990.

Supporting Statement for Form HUD-92448 Contractor's Requisition—Project Mortgages and Contractor's Prevailing Wage Certificate

1. Section 207(b) of the National Housing Act (Public Law 479, 48 Stat. 1246, 12 U.S.C. 1701 et seq.), applicable portions of which are attached for reference, authorizes the Secretary of the Department of Housing and Urban Development to insure mortgages (including advance on such mortgages during construction) for the production of rental accommodations.

Regulations published at 24 CFR 207.19 detail the requirements for supervision of private mortgagors engaged in such construction activities. Paragraph (4) of section 207.19 sets forth the requirements for "application for insurance advance"; and "certificate or certificates" certifying compliance with labor standards and prevailing wage requirements. Section 212 of the National Housing Act, applicable portions of which are attached for reference, prevents the Secretary of the Department of Housing and Urban Development from insuring a project mortgage unless the principal contractor files a prevailing wage certificate or certificates.

2. Form HUD-92448, Contractor's Requisition-Project Mortgages and Contractor's Prevailing Wage Certificate is the form utilized to satisfy these legislative and program requirements. If the application is for an initial advance of mortgage proceeds, HUD Field Office personnel will determine that all deposited funds held in escrow have

been disbursed. For subsequent advances made to the mortgagor, including the advances for which approval is being requested. If the advance to be insured includes a payment to the architect or a payment on account of construction costs, the application must also be executed by the architect. In addition, if the advance includes a payment on construction costs, the application must be accompanied by a Form HUD-92448 completed and executed by the contractor.

For requests for payment on account of construction costs, Form HUD-92448 is completed by the contractor and submitted along with the application for advance of mortgage proceeds. Data is obtained from other records of the contractor and entered in the appropriate blocks on Form HUD-92448. This form requires submissions to obtain program benefits.

[FR Doc. 90-8687 Filed 4-12-90; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-90-1917; FR-2606-N-67]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: April 13, 1990.

ADDRESS: For further information, contact James Forsberg, Room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-6300; TDD number for the hearing- and speech-impaired (202) 755-5965. (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD is publishing this Notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. Mcffinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a Notice in the **Federal Register** identifying the properties determined as suitable.

The properties identified in this Notice may ultimately be available for use by the homeless, but they are first subject to review by the landholding agencies pursuant to the court's Memorandum of December 14, 1988 and section 501(b) of the Mckinney Act. Section 501(b) requires HUD to notify each Federal agency about any property of such agency that has been identified as suitable. Within 30 days from receipt of such notice from HUD, the agency must transmit to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988 Order and December 14, 1988 Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable in this Notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, Room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 30 days from the date of this Notice. For complete details concerning the timing and processing of applications, the reader is encouraged to refer to HUD's **Federal Register** Notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: HQ-DA, Attn: DAEN-ZCI-P-Robert Conte; Room 1E671 Pentagon, Washington, DC 20360-2600, (202) 693-4583; Corps of Engineers: Bob Swieconek, HQ-US Army Corps of Engineers, Attn: CERE-MN, 20 Massachusetts Avenue NW, Washington, DC 20415-1000; (202) 475-2133; U.S.Air Force: H.L. Lovejoy, Bolling AFB, HQ-USAF/LEER, Washington, DC 20332-5000; (202) 767-4191; Veterans Administration: Linda Tribby, 084A, Real Property Program Management, Veterans Administration, 810 Vermont Ave. NW., Washington, DC 20420; (202) 233-5026; GSA: James Folliard, Federal Property Resources Services, GSA, 18th and F Streets NW., Washington, DC 20405; (202) 535-7067; Dept. of Interior: John Moresko, Department of Interior, 18th and C Sts. NW., Mailstop 5512, Washington, DC 20240; (202) 343-2704. (These are not toll-free numbers.)

Dated: April 6, 1990.

Paul Roitman Bardack,

Deputy Assistant, Secretary for Program Policy Development and Evaluation.

Suitable Land (by State)

Alaska

Nome Army Site
Nome, AK, CO: Nome
Location: Located on shoreline of Norton Sound on Bering Sea.
Landholding Agency: Army
Property Number: 219013779
Status: Underutilized
Comment: 2.2 acres; limited utilities.

Arkansas

Pine Bluff Arsenal
Pine Bluff, AR, Co: Jefferson
Location: 8 miles north of Pine Bluff on Highway 365
Landholding Agency: Army
Property Number: 219013841
Status: Unutilized

Comment: 1 acre and 3 acres; potential utilities; brush terrain; used as safety buffer; subject to easements.

Colorado

Pine River Project (Portion)
Vallecito Reservoir
Section 13
(See County), CO, Co: La Plata
Landholding Agency: GSA
Property Number: 549010038
Status: Excess
Comment: 4.07 acres; potential utilities; forested; subject to roadway easement; most recent use—maintained as part of reservoir lands.
GSA NO. 7-I-CO-425-B

Colorado River Storage Project
Navajo Reservoir
County Road 500
(See County), CO, Co: Archuleta
Landholding Agency: GSA
Property Number: 549010040
Status: Excess
Comment: 394.95 acres; subject to limitations requiring property be transferred to Sec. of Interior to be held in trust for a designated Indian tribe; por. sub. to stormwater run-off.
GSA NO. 7-I-CO-601

Illinois

VA Medical Center
3001 Green Bay Road
North Chicago, IL, Co: Lake
Landholding Agency: VA
Property Number: 979010082
Status: Underutilized
Comment: 2.5 acres; currently being used as a construction staging area for the next 6-8 years; potential utilities.

Kansas

Paradise Point
Public Use Area (Perry Lake)
Perry, KS, Co: Jefferson
Location: Upper-east reaches of the Perry Lake project, approximately 8½ miles west of Oskaloosa, 8½ miles southeast of Valley Falls.
Landholding Agency: COE
Property Number: 319011540
Status: Underutilized
Comment: 479 acres; portion in floodway/reservoir flood control area; remote location.

Grasshopper Point
Public Use Area (Perry Lake)
Perry, KS, Co: Jefferson
Location: Along the west shore of Perry Lake, 5 miles east (gravel road) from Meridan, 5 miles south from Ozawkie.
Landholding Agency: COE
Property Number: 319011541
Status: Underutilized
Comment: 174 acres; portion in floodway/reservoir flood control area; remote location.

Sunset Ridge
Public Use Area (Perry Lake)
Perry, KS, Co: Jefferson
Location: Upper-west reaches of the Perry Lake project, approximately 8 miles south from Valley Falls.
Landholding Agency: COE
Property Number: 319011542
Status: Underutilized
Comment: 279 acres; portion in floodway/reservoir flood control area; remote location.

Dragoon Access Area
Pomona Lake
Vassar, KS, Co: Osage
Location: Upper reaches of north shore of the Pomona Lake, approximately 10.5 miles north and east of Lundon.
Landholding Agency: COE
Property Number: 319011543
Status: Underutilized
Comment: 110 acres; portion in floodway/reservoir flood control area.

New York

Kinzua Dam and Allegheny Res.
Box 983, State Line Run
West Bank, NY, Co: Cattaraugus
Landholding Agency: COE
Property Number: 319011566
Status: Underutilized
Comment: 273 acres; a portion in a floodway; most recent use—recreation/hunting.

Kinzua Dam and Allegheny Res.
Box 983, Bone Run
West Bank, NY, Co: Cattaraugus
Landholding Agency: COE
Property Number: 319011567
Status: Underutilized
Comment: 655 acres; a portion in a floodway; most recent use— recreation/hunting.

Oklahoma

Parcel No. 8
Fort Gibson Lake
Section 22
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013801
Status: Underutilized
Comment: 5 acres; bushy and timbered; subject to grazing lease.

Parcel No. 9
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013802
Status: Underutilized
Comment: 7.5 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 10
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013803
Status: Underutilized
Comment: 36 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 11
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013804
Status: Underutilized
Comment: 60.34 acres; semi open with trees; most recent use—recreation.

Parcel No. 12
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013805
Status: Underutilized
Comment: 6 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 13
Fort Gibson Lake
Section 21
(See County), OK, Co: Cherokee
Landholding Agency: Army
Property Number: 219013806
Status: Underutilized
Comment: 7 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 17
Fort Gibson Lake
Section 12
(See County), OK, Co: Wagoner
Landholding Agency: Army
Property Number: 219013807
Status: Underutilized
Comment: 25.09 acres; flat with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 18
Fort Gibson Lake
Section 12
(See County), OK, Co: Wagoner
Landholding Agency: Army
Property Number: 219013808
Status: Underutilized
Comment: 8.77 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 22
Fort Gibson Lake
Section 16 and 21
(See County), OK, Co: Wagoner
Landholding Agency: Army
Property Number: 219013809
Status: Underutilized
Comment: 177.84 acres; rolling with timbered and open areas; subject to grazing lease; most recent use—recreation.

Parcel No. 32
Fort Gibson Lake
Section 2
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013810
Status: Underutilized
Comment: 22 acres; rolling and open; subject to grazing lease; most recent use—recreation.

Parcel No. 33
Fort Gibson Lake
Section 4
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013811
Status: Underutilized
Comment: 16 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 34
Fort Gibson Lake
Section 34
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013812
Status: Underutilized
Comment: 18 acres; hilly-timbered; subject to grazing lease; most recent use—recreation.

Parcel No. 36

Fort Gibson Lake
Section 12
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013813
Status: Underutilized
Comment: 19 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 38
Fort Gibson Lake
Section 7 and 8
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013814
Status: Underutilized
Comment: 97.39 acres; rolling, partially open with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 40
Fort Gibson Lake
Section 5
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013815
Status: Underutilized
Comment: 42 acres; timber; subject to grazing lease; most recent use—recreation.

Parcel No. 41
Fort Gibson Lake
Section 5
(See County), OK, Co: Mayes
Landholding Agency: Army
Property Number: 219013816
Status: Underutilized
Comment: 10 acres; some trees; subject to grazing lease; most recent use—recreation.

Oregon

Tonque Point Job Corps Center
(Portion of)
Astoria, OR, Co: Clotsop
Location: On the east by highway 30; on the west by city of Astoria's sewage treatment plant.
Landholding Agency: GSA
Property Number: 549010027
Status: Excess
Comment: 22.77 acres; land slopes; some soil erosion; potential utilities.
GSA NO. 9-L-OR-508M

Texas

VA. Medical Center
4800 Memorial Drive
Waco, TX, Co: McLennan
Landholding Agency: VA
Property Number: 979010081
Status: Underutilized
Comment: 2.3 acres; leased to Owens-Illinois Glass Plant; expiration date 10/31/90; most recent use—parking lot.

Suitable Buildings (by State)

Alabama

Bldg. TU-43
Millers Ferry Lock and Dam
Route 1, Box 102
Camden, AL, Co: Wilcox
Landholding Agency: COE
Property Number: 319011549
Status: Unutilized
Comment: 1000 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-49
Robert F. Henry Lock and Dam
Route 1, Box 474
Lowndesboro, AL, Co: Lowndes
Landholding Agency: COE
Property Number: 319011550
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs major repair; most recent use—lock tender's dwelling.

Bldg. TU-22
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale
Landholding Agency: COE
Property Number: 319011551
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-21
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale
Landholding Agency: COE
Property Number: 319011552
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-23
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale
Landholding Agency: COE
Property Number: 319011553
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-24
Selden Lock and Dam
Route 1
Sawyerville, AL, Co: Hale
Landholding Agency: COE
Property Number: 319011554
Status: Unutilized
Comment: 1080 sq. ft.; 1 story frame residence; needs minor repair; most recent use—lock tender's dwelling.

Bldg. TU-39
Claiborne Lock and Dam
Route 1, Box 50
Franklin, AL, Co: Monroe
Landholding Agency: COE
Property Number: 319011555
Status: Unutilized
Comment: 1000 sq. ft.; 1 story frame residence; needs minor repairs; most recent use—lock tender's dwelling.

Bldg. TU-15
Coffeeville Lock and Dam
Star Route Box 77
Blandon Springs, AL, Co: Choctaw
Landholding Agency: COE
Property Number: 319011556
Status: Unutilized
Comment: 1547 sq. ft.; 1 story frame residence; most recent use—lock tender's dwelling.

Arizona

Bldg. 70
Leupp Community School
Navajo Indian Reservation
Leupp, AZ
Landholding Agency: GSA
Property Number: 549010041
Status: Excess
Comment: 21765 sq. ft.; 1 story; used for manufacturing; possible asbestos; property on Indian Reservation; use limitations.
GSA NO. 9-I-AZ-589

California

Table Bluff Light Station
Near Luleta, CA
(See County), CA, Co: Humboldt
Location: US 101, Take Hookton Road exit, follow Hookton Road for approximately 5 miles (road becomes Table Bluff Road) property on left; west of Light House Ranch.
Landholding Agency: GSA
Property Number: 549010039
Status: Excess
Comment: 210 sq. ft.; 1 story concrete; needs rehab; subject to access easement; most recent use—storage.
GSA NO. 9-GR-I-CA-683-A

Bldg. 13
VA Medical Center
16111 Plummer Street
Sepulveda, CA, Co: Los Angeles
Landholding Agency: VA
Property Number: 979010083
Status: Underutilized
Comment: 3140 sq. ft.; 1 story brick/reinforced masonry; most recent use—Biomedical Engineering Computer Center.

Bldg. 60
VA Medical Center
16111 Plummer Street
Sepulveda, CA, Co: Los Angeles
Landholding Agency: VA
Property Number: 979010084
Status: Underutilized
Comment: 1,970 sq. ft.; 2 story brick/reinforced masonry; secured area with alternate access; most recent use—research.

Bldg. 91
VA Medical Center
9603 Haskell Avenue
Sepulveda, CA, Co: Los Angeles
Landholding Agency: VA
Property Number: 979010086
Status: Underutilized
Comment: 1600 sq. ft.; 2 story wood frame; most recent use—key quarters (Residential).

Bldg. 85
VA Medical Center
16111 Plummer Street
Sepulveda, CA, Co: Los Angeles
Landholding Agency: VA
Property Number: 979010087
Status: Underutilized
Comment: 1514 sq. ft.; 1 story wood frame; secured area with alternate access; most recent use—research.

Bldg. 88
VA Medical Center
9643 Haskell Avenue
Sepulveda, CA, Co: Los Angeles
Landholding Agency: VA
Property Number: 979010088
Status: Underutilized

Comment: 1470 sq. ft.; 1 story frame; most recent use—key quarters (Residential).

Bldg. 540
Vandenberg Air Force Base
Off Coast Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt. Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010581
Status: Unutilized
Comment: 384 sq. ft.; 1 story concrete/sheet metal; needs rehab; most recent use—locomotive maintenance/supply building; potential use—storage.

Guam

Annex No. 4
Anderson Family Housing
Municipality of Dededo
Dededo, GU, Co: Guam
Location: Access is through Route 1, Marine Drive.
Landholding Agency: Air Force
Property Number: 189010545
Status: Underutilized
Comment: Various sq. ft.; 1 story frame/modified quonset; on 408 acres; portions of building and land leased to Government of Guam.

Kansas

Bldg. T-1383
Fort Riley
Fort Riley, KS, Co: Geary
Landholding Agency: Army
Property Number: 219013774
Status: Unutilized
Comment: 3864 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T-2080
Fort Riley
Fort Riley, KS, Co: Geary
Landholding Agency: Army
Property Number: 219013775
Status: Unutilized
Comment: 3852 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T-2325
Fort Riley
Fort Riley, KS, Co: Geary
Landholding Agency: Army
Property Number: 219013776
Status: Unutilized
Comment: 2994 sq. ft.; 1 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrines.

Bldg. T-2324
Fort Riley
Fort Riley, KS, Co: Geary
Landholding Agency: Army
Property Number: 219013777
Status: Unutilized
Comment: 3422 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrines.

Kentucky

Bldg. 6764
77 Binter Street
Fort Knox, KY, Co: Fort Knox
Landholding Agency: Army
Property Number: 219013766
Status: Unutilized
Comment: 554 sq. ft.; 1 story concrete block; possible asbestos; most recent use—hamburger stand.

Louisiana

Bldg. 7175
Fort Polk
3rd Street
Fort Polk, LA, Co: Vernon
Landholding Agency: Army
Property Number: 219013770
Status: Excess
Comment: 7527 sq. ft.; temporary wood structure; scheduled for demolition; seriously deteriorated.

Maryland

Bldg. 2173
Aberdeen Proving Ground
(See County), MD, Co: Harford
Landholding Agency: Army
Property Number: 219013772
Status: Unutilized
Comment: 3540 sq. ft.; 1 story temporary frame; possible asbestos; most recent use—barracks.

Bldg. 157
Fort George G. Meade
Chisolm Street
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013842
Status: Unutilized
Comment: 4720 sq. ft.; 2 story wooden frame; needs rehab; possible asbestos; secured area with alternate access; structural deficiencies; most recent use—storage.

Bldg. 193
Fort George G. Meade
1st Street
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013843
Status: Unutilized
Comment: 7670 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. 832
Fort George G. Meade
15th Street
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013844
Status: Unutilized
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; structural deficiencies; most recent use—storage.

Bldg. 841
Fort George G. Meade
15th Street
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013845
Status: Unutilized
Comment: 3537 sq. ft.; 1 story wood frame with small balcony; needs rehab; possible asbestos; secured area with alternate access; most recent use—theater.

Bldg. 2250A
Fort George G. Meade
Behind Post Laundry Bldg
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013846
Status: Unutilized
Comment: 2740 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. 2296
Fort George G. Meade
4th Street
Fort Meade, MD, Co: Anne Arundel
Landholding Agency: Army
Property Number: 219013847
Status: Unutilized
Comment: 2740 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Maine

Bldg. 6700
Loring Air Force Base
Pennsylvania Road
Limestone, ME, Co: Aroostock
Landholding Agency: Air Force
Property Number: 189010540
Status: Unutilized
Comment: 48359 sq. ft.; 2 story wood frame; no utilities; needs major rehab; asbestos present.

Montana

Entry Building
Fort Peck Project
Fort Peck, MT, Co: Valley
Location: Highway 24 about 1.6 mile from project headquarters.
Landholding Agency: COE
Property Number: 319011539
Status: Excess
Comment: 225 sq. ft.; 1 story wood frame; needs rehab; off-site removal.

North Carolina

Bldg. 5
VA. Medical Center
508 Fulton Street
Durham, NC, Co: Durham
Landholding Agency: VA
Property Number: 979010085
Status: Unutilized
Comment: 2490 sq. ft.; 1 story brick and wood; needs rehab; most recent use—research lab.

New Mexico

Old Helium Plant
Gallup, NM, Co: McKinley
Location: ¼ mile north of Gallup, adjacent to Old US Highway 666.
Landholding Agency: Interior
Property Number: 619010002
Status: Excess
Comment: 7653 sq. ft.; 1 story office and warehouse space; possible asbestos; on 4.65 acres: secured area with alternate access.

New York

Damtender's Residence
Almond Lake
P.O. Box 400
Hornell, NY, Co: Steuben
Landholding Agency: COE
Property Number: 319011565
Status: Underutilized

Comment: 3040 sq. ft.; 2 story frame residence with basement; possible asbestos; off-site removal.

Oklahoma

Bldg. T-3532
Fort Sill
3532 Hartell Blvd.
Lawton, OK, Co: Comanche
Landholding Agency: Army
Property Number: 219013794
Status: Unutilized
Comment: 1802 sq. ft.; 1 story wood frame; possible asbestos; most recent use—administrative/supply.

Bldg. T-4550
Fort Sill
4550 Hartell Blvd.
Lawton, OK, Co: Comanche
Landholding Agency: Army
Property Number: 219013795
Status: Unutilized
Comment: 2750 sq. ft.; 1 story wood frame; possible asbestos; most recent use—headquarters bldg.

South Carolina

Bldg. 5407
Jackson Blvd.
Fort Jackson, SC, Co: Richland
Landholding Agency: Army
Property Number: 219013768
Status: Unutilized
Comment: 5063 sq. ft.; 1 story wood frame; needs rehab; most
recent use—storage.

Bldg. 1
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011544
Status: Unutilized
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 2
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011545
Status: Unutilized
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 3
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011546
Status: Unutilized
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 4
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011547
Status: Unutilized
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

Bldg. 5
J.S. Thurmond Dam and Reservoir
Clarks Hill, SC, Co: McCormick
Location: ½ mile east of Resource Managers Office.
Landholding Agency: COE
Property Number: 319011548
Status: Unutilized
Comment: 1900 sq. ft.; 1 story masonry frame; possible asbestos; most recent use—storage.

South Dakota

Bldg. 1108
Ellsworth Air Force Base
1108 Center Drive
Ellsworth AFB, SD, Co: Pennington
Landholding Agency: Air Force
Property Number: 189010439
Status: Unutilized
Comment: 10303 sq. ft.; 2 story wood frame with basement; possible asbestos; secure facility with alternate access; potential utilities.

Bldg. 1109
Ellsworth Air Force Base
1109 Center Drive
Ellsworth AFB, SD, Co: Pennington
Landholding Agency: Air Force
Property Number: 189010440
Status: Unutilized
Comment: 10303 sq. ft.; 2 story wood frame with basement; possible asbestos; secure facility with alternate access; potential utilities.

Bldg. 1113
Ellsworth Air Force Base
1113 Center Drive
Ellsworth AFB, SD, Co: Pennington
Landholding Agency: Air Force
Property Number: 189010441
Status: Unutilized
Comment: 10303 sq. ft.; 2 story wood frame with basement; possible asbestos; secure facility with alternate access; potential utilities.

Bldg. 1114
Ellsworth Air Force Base
1114 Center Drive
Ellsworth AFB, SD, Co: Pennington
Landholding Agency: Air Force
Property Number: 189010442
Status: Unutilized
Comment: 10303 sq. ft.; 2 story wood frame with basement; possible asbestos; secure facility with alternate access; potential utilities.

Virginia

Bldg. 2222
Fort Belvoir Military Reservation
West of Foster Road
Fort Belvoir, VA, Co: Fairfax
Landholding Agency: Army
Property Number: 219013767
Status: Unutilized
Comment: 3800 sq. ft.; 2 story concrete and wood; possible asbestos; most recent use—storage.

Washington

Kahlotus Housing
Lower Monumental Lock and Dam
545 West Martin Street
Kahlotus, WA, Co: Franklin
Landholding Agency: COE
Property Number: 319011568
Status: Excess
Comment: 1250 sq. ft.; 1 story wood frame residence; intermittent use by Corps employees.

Kahlotus Housing
Lower Monumental Lock and Dam
535 West Martin Street
Kahlotus, WA, Co: Franklin
Landholding Agency: COE
Property Number: 319011569
Status: Excess
Comment: 1250 sq. ft.; 1 story wood frame residence; intermittent use by Corps employees.

Kahlotus Housing
Lower Monumental Lock and Dam
525 West Martin Street
Kahlotus, WA, Co: Franklin
Landholding Agency: COE
Property Number: 319011570
Status: Excess
Comment: 1250 sq. ft.; 1 story wood frame residence; intermittent use by Corps employees.

Kahlotus Housing
Lower Monumental Lock and Dam
515 West Martin Street
Kahlotus, WA, Co: Franklin
Landholding Agency: COE
Property Number: 319011571
Status: Excess
Comment: 1250 sq. ft.; 1 story wood frame residence; intermittent use by Corps employees.

Kahlotus Housing
Lower Monumental Lock and Dam
505 West Martin Street
Kahlotus, WA, Co: Franklin
Landholding Agency: COE
Property Number: 319011572
Status: Excess
Comment: 1250 sq. ft.; 1 story wood frame residence; intermittent use by Corps employees.

Unsuitable Land (by State)

Illinois

Parcel No. 3
Joliet Army Ammunition Plant
Joliet, IL, Co: Will
Location: North of Blodgett Road, including agricultural Tract #10 and a wetland area.
Landholding Agency: Army
Property Number: 219013797
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Parcel No. 2
Joliet Army Ammunition Plant
Joliet, IL, Co: Will
Location: West of 611 Magazine area extending from the River Road to Blodgett Road.
Landholding Agency: Army
Property Number: 219013796
Status: Underutilized

Reason: Within 2000 ft. of flammable or explosive material; Floodway

Parcel No. 4
Joliet Army Ammunition Plant
Joliet, IL, Co: Will
Location: Along west security fence approximately 1 mile.
Landholding Agency: Army
Property Number: 219013798
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Parcel No. 5
Joliet Army Ammunition Plant
Joliet, IL, Co: Will
Location: On and adjacent to Grant Creek and Grand Creek cut-off.
Landholding Agency: Army
Property Number: 219013799
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Parcel No. 6
Joliet Army Ammunition Plant
Joliet, IL, Co: Will
Location: South of New River Road.
Landholding Agency: Army
Property Number: 219013800
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Floodway.

Nebraska

Land
Cornhusker Army Ammunition Plant
Potash Road
Grand Island, NE, Co: Hall
Location: 4 miles west of Grand Island.
Landholding Agency: Army
Property Number: 219013785
Status: Underutilized
Reason: Floodway.

New Jersey

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219013788
Status: Unutilized
Reason: Secured Area.

Ohio

Ohio River
New Cumberland Lock and Dam
Glasgow, OH, Co: Beaver
Landholding Agency: COE
Property Number: 319011560
Status: Unutilized
Reason: Floodway.

Ohio River
Pike Island Lock and Dam
RD #1, Box 33
Tiltonsville, OH, Co: Jefferson
Landholding Agency: COE
Property Number: 319011561
Status: Underutilized
Reason: Floodway.

Pennsylvania

Conemaugh River Lake
RD #1, Box 702
Blairsville, PA, Co: Indiana
Location: West side of Route 217
Landholding Agency: COE
Property Number: 319011557
Status: Underutilized
Reason: Floodway.

Loyalhanna Lake
RD #2
Latrobe, PA, Co: Westmoreland
Landholding Agency: COE
Property Number: 319011559
Status: Unutilized
Reason: Floodway.

Loyalhanna Lake
RD #2
Saltsburg, PA, Co: Westmoreland
Landholding Agency: COE
Property Number: 319011562
Status: Underutilized
Reason: Floodway.

Loyalhanna Lake
RD #2
Saltsburg, PA Co: Westmoreland
Landholding Agency: COE
Property Number: 319011563
Status: Unutilized
Reason: Floodway.

Lock and Dam #7
Monongahela River
Greensboro, PA, Co: Greene
Location: Left hand side of entrance roadway to project.
Landholding Agency: COE
Property Number: 319011564
Status: Unutilized
Reason: Floodway.

Tennessee

Land
Volunteer Army Ammunition Plant
Chattanooga, TN, Co: Hamilton
Landholding Agency: Army
Property Number: 219013791
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Virginia

ANG Site
Camp Pendleton
Virginia Air National Guard
Virginia Beach, VA, Co: (See County)
Landholding Agency: Air Force
Property Number: 189010589
Status: Unutilized
Reason: Secured Area.

Wisconsin

Land
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Location: Vacant land within plant boundaries.
Landholding Agency: Army
Property Number: 219013783
Status: Unutilized
Reason: Secured Area.

Unsuitable Buildings (by State)

Alaska

Bldg. 4006
Fort Wainwright
6th Infantry Division
Fort Wainwright, Ak, Co: Fairbanks
Landholding Agency: Army
Property Number: 219013778
Status: Excess
Reason: Secured Area.

Bldg. 3705
Fort Wainwright Army Garrison
6th Infantry Division
Fort Wainwright, Ak, Co: Fairbanks
Landholding Agency: Army
Property Number: 219013780
Status: Excess
Reason: Secured Area.

California

Bldg. T-2880
Fort Ord
13th Street and Corps Pl.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013817
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. T-2438
Fort Ord
11th Street and First Avenue.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013818
Status: Underutilized
Reason: Secured Area.

Bldg. T-2106
Fort Ord
Seventh Street between 1st and 2nd Avenue.
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013819
Status: Underutilized
Reason: Secured Area.

Bldg. T-2404
Fort Ord
Tenth Street and First Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013820
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T-2524
Fort Ord
Ninth Street and Second Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013821
Status: Underutilized
Reason: Secured Area.

Bldg. T-1952
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013822
Status: Unutilized
Reason: Secured Area.

Bldg. T-2004
Fort Ord
6th Street
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013823
Status: Unutilized
Reason: Secured Area.

Bldg. T-1705
Fort Ord
Third Street and First Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013824

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T-2409
Fort Ord
Tenth Street and Second Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013825
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T-2550
Fort Ord
Ninth Street and Third Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013826
Status: Underutilized
Reason: Secured Area.

Bldg. T-2527
Fort Ord
Ninth Street and Third Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013827
Status: Underutilized
Reason: Secured Area.

Bldg. T-1982
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013828
Status: Unutilized
Reason: Secured Area.

Bldg. T-1983
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013829
Status: Unutilized
Reason: Secured Area.

Bldg. T-1984
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013830
Status: Unutilized
Reason: Secured Area.

Bldg. T-1781
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013831
Status: Unutilized
Reason: Secured Area.

Bldg. T-1782
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013832
Status: Unutilized
Reason: Secured Area.

Bldg. T-1783
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013833
Status: Unutilized
Reason: Secured Area.

Bldg. T-1784
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013834
Status: Unutilized
Reason: Secured Area.

Bldg. T-1785
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013835
Status: Unutilized
Reason: Secured Area.

Bldg. T-1786
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013836
Status: Unutilized
Reason: Secured Area.

Bldg. T-1787
Fort Ord
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013837
Status: Unutilized
Reason: Secured Area.

Bldg. T-1706
Fort Ord
Third Street and First Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013838
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T-1704
Fort Ord
Third Street and First Avenue
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013839
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. T-3055
Fort Ord
Twelth Street and Shoppette
Fort Ord, CA, Co: Monterey
Landholding Agency: Army
Property Number: 219013840
Status: Unutilized
Reason: Secured Area.

Bldg. 201
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010546
Status: Unutilized
Reason: Secured Area.

Bldg. 202
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010547
Status: Unutilized
Reason: Secured Area.

Bldg. 203
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010548
Status: Unutilized
Reason: Secured Area.

Bldg. 204
Vandenberg Air Force Base
Point Arguello
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010549
Status: Unutilized
Reason: Secured Area.

Bldg. 1001
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010550
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1002
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010551
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1003
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010552
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1004
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010553
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1005
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010554
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1006
Vandenberg Air Force Base
Off Tangair Road

Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010555
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1007
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010556
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1008
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010557
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1009
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010558
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1010
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010559
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1015
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010560
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. 1022
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010561
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1023
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010562
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1024
Vandenberg Air Force Base
Off Tangair Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010563
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 8008
Vandenberg Air Force Base
Off California on Lompoc Avenue
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010564
Status: Unutilized
Reason: Secured Area.

Bldg. 8009
Vandenberg Air Force Base
Off California on Lompoc Avenue
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010565
Status: Unutilized
Reason: Secured Area.

Bldg. 8010
Vandenberg Air Force Base
Off California on Lompoc Avenue
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coat Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010566
Status: Unutilized
Reason: Secured Area.

Bldg. 1100
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010567
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg 1101
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010568
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1103
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010569
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1104
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010570
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1104
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010571
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1105
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010572
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1106
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010573
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1107
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010574
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 13423
Vandenberg Air Force Base
K Street off Kansas
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010575
Status: Unutilized
Reason: Secured Area.

Bldg. 13424
Vandenberg Air Force Base
K Street off Kansas
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010576
Status: Unutilized
Reason: Secured Area.

Bldg. 13511
Vandenberg Air Force Base
K Street off Kansas
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010577
Status: Unutilized
Reason: Secured Area.

Bldg. 13512
Vandenberg Air Force Base
K Street off Kansas
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010578
Status: Unutilized
Reason: Secured Area.

Bldg. 1110
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010579
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1108
Vandenberg Air Force Base
Off Terra Road
Vandenberg AFB, CA, Co: Santa Barbara
Location: Highway 1, Highway 246, Coast Road, Pt Sal Road, Miguelito Cyn.
Landholding Agency: Air Force
Property Number: 189010580
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Idaho

Bldg. 302
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010028
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 307
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010029
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 308
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010030
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 314
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010031
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 315
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010032
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 316
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010033
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 317
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010034
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 319
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam; 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010035
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 322
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderson Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010036
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Bldg. 330
USDI—Bureau of Reclamation
Mt. Home, ID, Co: Elmore
Location: 2 miles downstream from Anderso Ranch Dam. 31.8 miles northeast of Mt. Home.
Landholding Agency: GSA
Property Number: 549010037
Status: Excess
Reason: Floodway; Secured Area
GSA NO. 9-I-ID-404-U

Illinois

Bldg. 725
Fort Sheridan
Highwood, IL, Co: Lake
Landholding Agency: Army
Property Number: 219013769
Status: Underutilized
Reason: Secured Area.

Indiana

Indiana Army Ammunition Plant
Propellant and Explosive Buildings
Charlestown, IN, Co: Clark
Landholding Agency: Army
Property Number: 219013848
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Kansas

Bldg. 191
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010582
Status: Excess
Reason: Secured Area.

Bldg. 192
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010583
Status: Excess
Reason: Secured Area.

Bldg. 801
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010584
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 803
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010585
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1095
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force

Property Number: 189010586
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1098
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010587
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Bldg. 1604
McConnell Air Force Base
2801 S. Rock Road
Witchita, KS, Co: Sedgwick
Landholding Agency: Air Force
Property Number: 189010588
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

Louisiana

Bldg. C1323
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013862
Status: Unutilized
Reason: Secured Area.

Bldg. X5093
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013863
Status: Unutilized
Reason: Secured Area.

Bldg. X5090
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013864
Status: Unutilized
Reason: Secured Area.

Bldg. X5094
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013865
Status: Unutilized
Reason: Secured Area.

Bldg. D1219
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013866
Status: Unutilized
Reason: Secured Area.

Bldg. F1948
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013867
Status: Underutilized
Reason: Secured Area.

Bldg. S1627
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013868
Status: Unutilized
Reason: Secured Area.

Bldg. X5032
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Landholding Agency: Army
Property Number: 219013869
Status: Unutilized
Reason: Secured Area.

Maryland

Bldg. E5380
Aberdeen Proving Ground
Edgewood Area
Aberdeen, MD, Co: Harford
Landholding Agency: Army
Property Number: 219013773
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Maine

Bldg. 5200
Loring Air Force Base
New York Place
Limestone, ME, Co: Aroostook
Landholding Agency: Air Force
Property Number: 189010541
Status: Unutilized
Reason: Secured Area.

Bldg. 6200
Loring Air Force Base
Georgia Road
Limestone, ME, Co: Aroostook
Landholding Agency: Air Force
Property Number: 189010542
Status: Unutilized
Reason: Secured Area.

Bldg. 6100
Loring Air Force Base
Limestone, ME, Co: Aroostook
Location: Base industrial area
Landholding Agency: Air Force
Property Number: 189010543
Status: Underutilized
Reason: Secured Area.

Michigan

Bldg. 560
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Location: North end of airfield.
Landholding Agency: Air Force
Property Number: 189010522
Status: Unutilized
Reason: Secured Area.

Bldg. 5658
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Location: Near South Perimeter Road, near Building 590.
Landholding Agency: Air Force
Property Number: 189010523
Status: Unutilized
Reason: Secured Area.

Bldg. 580
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Location: South end of airfield.
Landholding Agency: Air Force
Property Number: 189010524
Status: Unutilized
Reason: Secured Area.

Bldg. 856
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010525
Status: Unutilized
Reason: Secured Area.

Bldg. 1005
Selfridge Air National Guard Base
1005 C. Street
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010526
Status: Unutilized
Reason: Secured Area.

Bldg. 1012
Selfridge Air National Guard Base
1012 A. Street
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010527
Status: Unutilized
Reason: Secured Area.

Bldg. 1041
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010528
Status: Unutilized
Reason: Secured Area.

Bldg. 1412
Selfridge Air National Guard Base
1412 Castle Avenue
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010529
Status: Unutilized
Reason: Secured Area.

Bldg. 1434
Selfridge Air National Guard Base
1434 Castle Avenue
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010530
Status: Unutilized
Reason: Secured Area.

Bldg. 1688
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: I89010531
Status: Unutilized
Reason: Secured Area.

Bldg. 1689
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Location: Near South Perimeter Road, near Building 1694.
Landholding Agency: Air Force
Property Number: 189010532
Status: Unutilized
Reason: Secured Area.

Bldg. 5670
Selfridge Air National Guard Base
Selfridge, MI, Co: Macomb
Landholding Agency: Air Force
Property Number: 189010533
Status: Unutilized
Reason: Secured Area.

Nebraska

Bldg. A0030
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013849

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. A0013
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013850
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. A003
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013851
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-1
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013852
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-2
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013853
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-5
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013854
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-6
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013855
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-8
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013856
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-9
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013857
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-10
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013858
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-13
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013859
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-14
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013860
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. ER-15
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall
Location: 4 miles west (Potash Road)
Landholding Agency: Army
Property Number: 219013861
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material.

New Hampshire

Bldg. 8
Pease Air Force Base
Newington Road
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010534
Status: Unutilized
Reason: Secured Area.

Bldg. 94
Pease Air Force Base, Temp. Lodging Facility
Rockingham Drive
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010535
Status: Unutilized
Reason: Secured Area.

Bldg. 132
Pease Air Force Base, Vehicle Fuel Station
Exeter Street
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010536
Status: Unutilized
Reason: Secured Area.

Bldg. 317
Pease Air Force Base, Jet Fuel Pumphouse
On the flightline
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010537
Status: Unutilized
Reason: Secured Area.

Bldg. 343
Pease Air Force Base, Jet Fuel Pumphouse
On the flightline
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010538
Status: Unutilized
Reason: Secured Area.

Bldg. 439
Pease Air Force Base
Weapons Storage Area
Pease AFB, NH, Co: Rockingham
Landholding Agency: Air Force
Property Number: 189010539
Status: Unutilized
Reason: Secured Area.

New Jersey

Bldg. 9007
Fort Monmouth
Evans Area
Wall, NJ, Co: Monmouth
Landholding Agency: Army
Property Number: 219013786
Status: Unutilized
Reason: Secured Area.

Bldg. 542B
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris
Landholding Agency: Army
Property Number: 219013787
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area.

New Mexico

Farmington Office and Yard
900 La Plata Highway
Farmington, NM, Co: San Juan
Landholding Agency: Interior
Property Number: 619010001
Status: Unutilized
Reason: Within airport runway clear zone.

Ohio

Bldg. DT 33
Ravenna Army Ammunition Plant
Ravenna, OH, Co: Portage
Landholding Agency: Army
Property Number: 219013781
Status: Unutilized
Reason: Secured Area.

Oklahoma

Bldg. 33
McAlester Army Ammunition Plant
McAlester, OK, Co: Pittsburg
Landholding Agency: Army
Property Number: 219013792
Status: Underutilized
Reason: Secured Area.

Bldg. 463
McAlester Army Ammunition Plant
McAlester, OK, Co: Pittsburg
Landholding Agency: Army
Property Number: 219013793
Status: Underutilized
Reason: Secured Area.

Oregon

Eugene District Office Site
751 South Danebo
Eugene, OR, Co: Lane
Landholding Agency: Interior
Property Number: 619010003
Status: Underutilized
Reason: Within 2000 ft. of flammable or explosive material.

Pennsylvania

Youghiogheny River Lake
RD #1, Box 17
Confluence, PA, Co: Fayette
Landholding Agency: COE
Property Number: 319011558
Status: Unutilized
Reason: Floodway.

Puerto Rico

Bldg. 10
Punta Salinas Radar Site
Toa Baja, PR
Landholding Agency: Air Force
Property Number: 189010544
Status: Underutilized
Reason: Secured Area.

South Dakota

Bldg. 8803A, Renel Heights
Ellsworth Air Force Base
205 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010443
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting, cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8802B, Renel Heights
Ellsworth Air Force Base
210 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010444
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8807A, Renel Heights
Ellsworth Air Force Base
215 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010445
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8806B, Renel Heights
Ellsworth Air Force Base
218 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010446
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8809B, Renel Heights
Ellsworth Air Force Base
219 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010447
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8811B, Renel Heights
Ellsworth Air Force Base
221 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010448
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8813B, Renel Heights
Ellsworth Air Force Base
225 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010449
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8813A, Renel Heights
Ellsworth Air Force Base
227 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010450
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8815D, Renel Heights
Ellsworth Air Force Base
229 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010451
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8815C, Renel Heights
Ellsworth Air Force Base
231 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010452
Status: Unutilized
Reason: Other
Comment: Earth movement/shifted; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8815B, Renel Heights
Ellsworth Air Force Base
233 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010453
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8817C, Renel Heights
Ellsworth Air Force Base
239 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010454
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8817B, Renel Heights
Ellsworth Air Force Base
241 Barrentine Way
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010455
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8533C, Renel Heights
Ellsworth Air Force Base
219 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010456
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8534C, Renel Heights
Ellsworth Air Force Base
220 Brett
Ellsworth, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010457
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8533B, Renel Heights
Ellsworth Air Force Base
221 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010458
Status: Unutilized
Reason: Other

Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; searth shift severed sewer lines.

Bldg. 8534D, Renel Heights
Ellsworth Air Force Base
222 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010459
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8536C, Renel Heights
Ellsworth Air Force Base
228 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010460
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8540C, Renel Heights
Ellsworth Air Force Base
244 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010461
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8540D, Renel Heights
Ellsworth Air Force Base
246 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010462
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8542B, Renel Heights
Ellsworth Air Force Base
254 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010463
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8546A, Renel Heights
Ellsworth Air Force Base
256 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010464
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8552A, Renel Heights
Ellsworth Air Force Base
282 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010465 .
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8552B, Renel Heights
Ellsworth Air Force Base
284 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010466
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8552C, Renel Heights
Ellsworth Air Force Base
286 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010467
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8552D, Renel Heights
Ellsworth Air Force Base
288 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010468
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8554A, Renel Heights
Ellsworth Air Force Base
292 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010469
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8566B, Renel Heights
Ellsworth Air Force Base
334 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010470
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8574C, Renel Heights
Ellsworth Air Force Base
376 Brett
Ellsworth AFB, SD, Co: Pehnington
Location: Across for main gate turn off.
Landholding Agency: Air Force
Property Number: 189010471
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8583D, Renel Heights
Ellsworth Air Force Base
411 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010472
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8594B, Renel Heights
Ellsworth Air Force Base
432 Brett
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010473
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8604A, Renel Heights
Ellsworth Air Force Base
204 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010474
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8607A, Renel Heights
Ellsworth Air Force Base
213 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010475
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations

several inches wide; earth shift severed sewer lines.

Bldg 8609B, Renel Heights
Ellsworth Air Force Base
215 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010476
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8610A, Renel Heights
Ellsworth Air Force Base
216 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010477
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8609A, Renel Heights
Ellsworth Air Force Base
217 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010478
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8610B, Renel Heights
Ellsworth Air Force Base
218 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010479
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8612A, Renel Heights
Ellsworth Air Force Base
220 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010480
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8612B, Renel Heights
Ellsworth Air Force Base
222 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010481
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8615A, Renel Heights
Ellsworth Air Force Base
229 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010482
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8617B, Renel Heights
Ellsworth Air Force Base
231 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010483
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8617A, Renel Heights
Ellsworth Air Force Base
233 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010484
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8623C, Renel Heights
Ellsworth Air Force Base
253 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010485
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8623B, Renel Heights
Ellsworth Air Force Base
255 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010486
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8623C, Renel Heights
Ellsworth Air Force Base
257 Clark
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010487
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9103, Renel Heights
Ellsworth Air Force Base
203 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010488
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9107, Renel Heights
Ellsworth Air Force Base
207 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010489
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9108A, Renel Heights
Ellsworth Air Force Base
210 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010490
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9111A, Renel Heights
Ellsworth Air Force Base
213 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010491
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9118A, Renel Heights
Ellsworth Air Force Base
226 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010492
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9121, Renel Heights

Ellsworth Air Force Base
227 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010493
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9123B, Renel Heights
Ellsworth Air Force Base
229 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010494
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9123A, Renel Heights
Ellsworth Air Force Base
231 Frank
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010495
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8703A, Renel Heights
Ellsworth Air Force Base
205 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010498
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8705, Renel Heights
Ellsworth Air Force Base
207 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010497
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8706B, Renel Heights
Ellsworth Air Force Base
210 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010498
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8711B, Renel Heights
Ellsworth Air Force Base
219 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010499
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8711A, Renel Heights
Ellsworth Air Force Base
221 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010500
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8713, Renel Heights
Ellsworth Air Force Base
223 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010501
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8714B, Renel Heights
Ellsworth Air Force Base
224 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010502
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8716A, Renel Heights
Ellsworth Air Force Base
226 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010503
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8716B, Renel Heights
Ellsworth Air Force Base
228 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010504
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8721B, Renel Heights
Ellsworth Air Force Base
237 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010505
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8722A, Renel Heights
Ellsworth Air Force Base
238 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010506
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8727D, Renel Heights
Ellsworth Air Force Base
257 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010507
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8730C, Renel Heights
Ellsworth Air Force Base
270 Lee
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010508
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8901B, Renel Heights
Ellsworth Air Force Base
201 Polifka
Ellsworth ARB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010509
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8901A, Renel Heights
Ellsworth Air Force Base
203 Polifka
Ellsworth AFB, SD, Co: Pennington

Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010510
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8903B, Renel Heights
Ellsworth Air Force Base
205 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010511
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8910A, Renel Heights
Ellsworth Air Force Base
206 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010512
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8903A, Renel Heights
Ellsworth Air Force Base
207 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010513
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8910B, Renel Heights
Ellsworth Air Force Base
208 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010514
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8905B, Renel Heights
Ellsworth Air Force Base
209 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010515
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8916, Renel Heights
Ellsworth Air Force Base
216 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010516
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8918, Renel Heights
Ellsworth Air Force Base
218 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010517
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 9811B, Renel Heights
Ellsworth Air Force Base
221 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010518
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8911A, Renel Heights
Ellsworth Air Force Base
223 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010519
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8926, Renel Heights
Ellsworth Air Force Base
226 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010520
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Bldg. 8923, Renel Heights
Ellsworth Air Force Base
245 Polifka
Ellsworth AFB, SD, Co: Pennington
Location: Across from main gate turn off.
Landholding Agency: Air Force
Property Number: 189010521
Status: Unutilized
Reason: Other
Comment: Earth movement/shifting; cracked exterior and interior walls with separations several inches wide; earth shift severed sewer lines.

Tennessee

Bldg. No. 1, Area B
Holston Army Ammunition Plant
Kingsport, TN, Co: Kingsport
Landholding Agency: Army
Property Number: 219013789
Status: Underutilized
Reason: Secured Area

Bldg. R1
Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins
Landholding Agency: Army
Property Number: 219013790
Status: Unutilized
Reason: Secured Area

Texas

Bldg. 2211
Fort Hood
Fort Hood, TX, Co: Fort Hood
Landholding Agency: Army
Property Number: 219013771
Status: Excess
Reason: Secured Area

Washington

Bldg. 6086
Fort Lewis
Tacoma, WA, Co: Pierce
Landholding Agency: Army
Property Number: 219013782
Status: Unutilized
Reason: Secured Area

Wisconsin

Bldg. 264
Badger Army Ammunition Plant
Bus Station
BaraBoo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013784
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive muterial

Admin. Bldg.
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013870
Status: Underutilized
Reason: Secured Area.

Bldg. 9030
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013871
Status: Underutilized
Reason: Secured Area.

Bldg. 264
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013872
Status: Underutilized
Reason: Secured Area.

Bldg. 6861-2
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013873
Status: Underutilized
Reason: Secured Area.

Bldg. 6861-4
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013874
Status: Underutilized
Reason: Secured Area.

Bldg. 6861-6
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013875
Status: Underutilized
Reason: Secured Area.

Bldg. 6861-1
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013876
Status: Unutilized
Reason: Secured Area.

Bldg. 6861-3
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013877
Status: Unutilized
Reason: Secured Area.

Bldg. 6861 5
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk
Landholding Agency: Army
Property Number: 219013878
Status: Unutilized
Reason: Secured Area.

Universe of Properties:
Total=324
Suitable=82
Suitable Buildings=53
Suitable Land=29
Unsuitable=242
Unsuitable Buildings=225
Unsuitable Land=17
Number of Resubmissions=0

[FR Doc. 90-8462 Filed 4-12-90; 8:45 am]

BILLING CODE 4210-29-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-967-4230-15; AA-8447-B]

Alaska Native Claims Selection; Eyak Corp.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to The Eyak Corporation for 1,120.92 acres. The lands involved are in the vicinity of Eyak, Alaska.

Copper River Meridian, Alaska

T. 15 S., R. 1 W.,
Secs. 20 and 30.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the "Cordova Times." Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until May 14, 1990 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR 4, subpart E, shall be deemed to have waived their rights.

Terry R. Hassett,
Chief, Branch of KCS Adjudication.

[FR Doc. 90-8659 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-JA-M

[NV-010-00-4320-02]

Elko District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Elko District Grazing Advisory Board Meeting.

SUMMARY: A meeting of the Elko District Grazing Advisory Board will be held on May 17, 1990. The meeting will begin at 2 p.m. in the conference room of the Bureau of Land Management Office at 3900 E. Idaho St., Elko, Nevada 89901.

The Board will review:

1. Range improvement projects for fiscal year 1990, and

2. Proposed agreements and decisions, as well as other matters that may come before the Board.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 p.m. and 3 p.m. or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, 3900 E. Idaho St., Elko, NV 89801 by May 10, 1990.

Dated: April 3, 1990.

Rodney Harris,
District Manager.

[FR Doc. 90-8600 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-HC-M

[CA-010-4212-13 and CACA 27000]

Realty Action; Exchange. Santa Clara County, CA

AGENCY: Bureau of Land Management, Interior.

SUMMARY: This notice amends the Notice of Realty Action (NORA) published in the **Federal Register** on March 3, 1988, for CA 21707, Vol. 53, No. 42, page 6878. The above notice segregated the described public lands from settlement, location and entry under the public land laws and the mining laws. All of the public lands identified have now been exchanged out of Federal ownership except for 800 acres. The remaining 800 acres of public land continues to be suitable for disposal by exchange. The effects of the above NORA (including segregation from entry under the public land laws and the mining laws) are hereby extended for a period of two years from the date of publication of this notice in the **Federal Register** or upon issuance of patent, which ever occurs first. The Federal lands affected by this notice are described as follows:

Santa Clara County, CA

T. 7S., R.4E., MDM
Sec. 34: NW¼, S½NE¼, SE¼, E½SW¼
Sec. 35: W½
Containing 800 acres, more or less.

D.K. Swickard,
Area Manager.

[FR Doc. 90-8660 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-40-M

[UT-040-00-4410-08]

Intention To Amend the Cedar/Beaver/Garfield/Antimony Resource Management Plan (RMP), Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice of intent is to advise the public that the Bureau of Land Management (BLM), is proposing to amend the Cedar/Beaver/Garfield/Antimony RMP for the Beaver River Resource Area to allow the State of Utah to select 160 acres as authorized by the Utah Enabling Act, dated July 17, 1894 (28 Stat. 109).

FOR FURTHER INFORMATION CONTACT: Sheridan Hansen, Beaver River Resource Area Manager, 444 South Main, Cedar City, Utah 84720, 801-586-2458.

SUPPLEMENTARY INFORMATION: The BLM proposes to amend the Cedar/Beaver/Garfield/Antimony RMP to allow the State of Utah to select 160 acres of land for quantity grant purposes. The land being considered as suitable is described as follows:

Salt Lake Meridian

T. 34 S., R. 13 W.,
Sec. 35, SE¼.

Containing 160.00 acres in Iron County, Utah.

The existing RMP does not identify the subject land as being suitable for disposal. Therefore, the Beaver River Resource Area, Cedar City District, proposes to amend the plan to allow for disposal of the lands to the State of Utah.

The selected land contains no significant natural resources. However, the land is valuable for private development because of its location adjacent to the Western Electro Chemical Company plant and access to a railroad. An environmental assessment (EA) is being prepared to amend the RMP. The planned amendment/environmental assessment will be available for public review on or about May 1, 1990, at the Beaver River Resource Area.

Dated: April 6, 1990.

James M. Parker,
State Director, Utah.

[FR Doc. 90-8613 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-DQ-M

[ID-942-00-4730-12]

Filing of Plats of Survey; Idaho

The plat of survey of the following described land was officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 10 a.m., April 4, 1990.

The plat representing the dependent resurvey of portions of the east boundary and the subdivisional lines, and the subdivision of section 25 T. 8 S., R. 18 E., Boise Meridian, Idaho, Group No. 790, was accepted April 2, 1990.

This survey was executed to meet certain administrative needs of this Bureau.

All inquiries about these lands should be sent to the Idaho State Office, Bureau of Land Management, 3380 American Terrace, Boise, Idaho, 83706.

Dated: April 4, 1990.

Duane E. Olsen,
Chief Cadastral Surveyor for Idaho.

[FR Doc. 90-8661 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-66-M

[NV-930-00-4212-22]

Filing of Plat of Survey; Nevada

April 3, 1990.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the latest filing of a Plat of Survey in Nevada.

EFFECTIVE DATE: March 16, 1990.

FOR FURTHER INFORMATION CONTACT: John S. Parrish, Chief, Branch of Cadastral Survey, Bureau of Land Management, (BLM), Nevada State Office, 850 Harvard Way, P.O. Box 12000, Reno, Nevada 89520, (702) 785-6541.

SUPPLEMENTARY INFORMATION: The Plat of Survey of Lands described below was officially filed at the Nevada State Office, Reno, Nevada, at 10 a.m. on March 16, 1990.

Mount Diablo Meridian, Nevada

T. 39 N., R. 52 E.—Supplemental Plat of NW¼ section 3 and NE¼ of section 4.

The survey was accepted on February 21, 1990, and was executed to meet certain administrative needs of the Bureau of Land Management.

The above-listed survey is now the basic record for describing the lands for all authorized purposes. The survey will be placed in the open files in the BLM Nevada State Office and will be available to the public as a matter of information. Copies of the survey may be furnished to the public upon payment of the appropriate fee.

Marla B. Bohl,
Acting Deputy State Director, Operations.

[FR Doc. 90-8601 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-HC-M

[MT-060-00-4111-09; Montana]

Draft Blackleaf Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of the Draft Blackleaf Environmental Impact Statement

SUMMARY: The Bureau of Land Management announces the availability for public review and comment of the Draft Blackleaf Environmental Impact Statement. This draft discusses management options for oil and gas development on 58,503 surface acres and 40,327 federal subsurface acres in northwest Montana. The EIS area contains a mix of private land and lands managed by the Bureau of Land Management, the Forest Service and the State of Montana, which are all cooperating agencies in this project. The draft analyzes the environmental, social and economic consequences of four management alternatives, including the preferred alternative, through the life of the Blackleaf Production Unit and its surrounding area.

Copies will be available upon request from the Lewistown District Office, Airport Road, Lewistown, Montana, 59457; Telephone 406/538-7461. Public reading copies will be available for review at the following BLM locations:

Bureau of Land Management, Office of Public Affairs, Main Interior Building, Room 5600, 18th and C Streets, NW., Washington, DC 20240

Bureau of Land Management, Public Affairs Office, Montana State Office, 222 North 32nd Street, Billings, MT 59107

Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, MT 59457

Bureau of Land Management, Great Falls Resource Area, 812 14th Street, N., Great Falls, MT 59403

DATES: Written comments of the draft EIS must be submitted or postmarked no later than July 13, 1990. Oral and/or written comments may also be presented at five open houses at the following locations:

Date	City	Time	Location
May 7, 1990	Great Falls	3-9 p.m.	Montana Department of Fish, Wildlife & Parks, 4600 Giant Springs Road.
May 8, 1990	Choteau	3-9 p.m.	Public Library, Choteau.
May 9, 1990	East Glacier	3-9 p.m.	Community Center, Highway 2, East Glacier.
May 16, 1990	Missoula	3-9 p.m.	BLM Office, 3255 Fort Missoula Road.
May 17, 1990	Helena	3-9 p.m.	Park Plaza Hotel, 22 N. Last Chance Gulch (Rimini Room).

ADDRESSES: Written comments on the draft EIS should be addressed to: Area Manager, Great Falls Resource Area, 812 14th Street, North, Great Falls, MT 59403.

FOR FURTHER INFORMATION CONTACT: Gary Slagel, Team Leader, Great Falls Resource Area, 812 14th Street North, Great Falls, Montana 59403.

SUPPLEMENTARY INFORMATION: This draft EIS analyzes management options for oil and gas development on 58,503 surface acres and 40,327 subsurface acres in northwest Montana.

The No Action Alternative (Alternative 1) would essentially preclude all further federal oil and gas exploration or development activities in the Blackleaf EIS area.

The Oil and Gas Exploration and Production Alternative (Alternative 2) would allow the oil and gas industry to develop, with minimal restrictions, the known energy resources within the Blackleaf EIS area.

The Resource Protection Alternative (Alternative 3) would favor the protection of wildlife, visual resources, air and water quality and other surface resources while allowing some development.

The Preferred Alternative (Alternative 4) represents the agencies' preferred scenario for oil and gas development within the Blackleaf EIS area. It combines elements of Alternative 2 with Alternative 3; meets the requirements of law and regulation; and allows oil and gas leaseholders to develop their leases while minimizing, to the extent possible, the adverse impacts to natural resources.

Dated: April 3, 1990.

Wayne Sinne,

District Manager.

[FR Doc. 90-8572 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-DN-M

[NM-910-GPO-4111-15-404, OK NM 63395]

Proposed Reinstatement of Terminated Oil and Gas Lease; Oklahoma

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Under the provisions of 43 CFR 3108.2-3, Tidemark Exploration Inc., petitioned for reinstatement of oil and gas lease OK NM 63395. The land is described as follows:

Indian Meridian, Oklahoma.

T. 21 N., R. 16 W.,

Sec. 23: NW¼SW¼.

The area described contains 40.00 acres in Major County.

It has been shown to my satisfaction that failure to make timely payment of rental was due to inadvertence.

No valid lease has been issued affecting the lands. Payment of back rentals and administrative cost of $500.00 has been paid. Future rentals shall be at the rate of $5.00 per acre per year and royalties shall be at the rate of 16⅔ percent, computed on a sliding scale of 4 percentage points greater than the competitive royalty schedule attached to the lease. Reimbursement for cost of the publication of this notice shall be paid by the lessee.

Reinstatement of the lease will be effective as of the date of termination, November 1, 1989.

Dated: April 4, 1990.

Dolores L. Vigil,

Acting Chief, Adjudication Section.

[FR Doc. 90-8574 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-FB-M

[UT-060-00-4212-11; UTU-65543]

Realty Action; Grand County, Utah

AGENCY: Bureau of Land Management, Moab, Interior.

ACTION: Notice of realty action, UTU-65543; classification for lease/conveyance of public lands in Grand County, Utah for recreation.

SUMMARY: Notice is given that the following described parcel of public land has been examined, and through the development of land-use planning decisions (based upon public input, resource considerations, regulations, and Bureau policies) the parcel has been found suitable for classification for recreation under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 758 et seq.) and the regulations contained in 43 CFR parts 2740 and 2912:

Salt Lake Meridian, Utah

T. 26 S., R. 22 E.,
Section 5, SWSE,
Section 8, Lots 2, 3, N½N½SE¼NW¼, N½N½SW¼NE¼.

The described land aggregates 100.3 acres more or less.

These lands, located along Mill Creek (near Moab) near the Mill Creek Canyon trailhead, are being used intensively for hiking and swimming. The BLM proposes to classify these lands as suitable for recreation to pave the way for an R&PP application by the City of Moab for a city park. An environmental assessment will be prepared to analyze the impacts of the proposal and a decision will be made, based on the findings of the report, on the issuance of an R&PP lease, with option to purchase, to the City of Moab.

Lease or conveyance is in conformance with current BLM planning and would be in the public interest.

Classification of these lands will segregate them from all appropriations except as to applications under the mineral leasing laws and the R&PP Act. This segregation will terminate upon issuance of a patent, or eighteen (18) months from the date of this Notice, or upon publication of a notice of termination.

The public lands will be leased and/or conveyed subject to the following terms and conditions:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.

2. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945).

3. The United States will reserve all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

4. Rights-of-way UTU-43185 for Grand County Water Conservancy District's facilities (pipeline, telephone, pumphouse); UTU-57097 for Grand County Road #5 L; UTU-58700 for a powerline; UTU-61089 for BLM's Mill Creek Canyon trail; and UTU-61855 for a USGS gauging station.

Comments: On or before May 29, 1990, interested parties may submit comments to the Bureau of Land Management, District Manager, Moab District Office, P.O. Box 970, Moab, UT 84532. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become final, effective June 12, 1990.

SUPPLEMENTARY INFORMATION: Additional information concerning this action may be obtained from Mary von Koch, Realty Specialist, Grand Resource Area Office, Sand Flats Road, P.O. Box M, Moab, Utah 84532, (801) 259-8193, or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 E. Dogwood, P.O. Box 970 Moab, Utah 84532, (801) 259-6111.

Dated: April 4, 1990.

Gene Nodine,

District Manager.

[FR Doc. 90-8583 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-DQ-M

[UT-060-00-4212-11; UTU-65542]

Realty Action; Grand County, Utah

AGENCY: Bureau of Land Management, Moab, Interior.

ACTION: Notice of realty action, UTU-65542; classification for lease/conveyance of public lands in Grand County, Utah for recreation and public purposes.

SUMMARY: Notice is given that the following described parcel of public land has been examined, and through the development of land-use planning decisions (based upon public input, resource considerations, regulations, and Bureau policies) the parcel has been found suitable for classification for recreation and public purposes under the Recreation and Public Purposes Act of June 14, 1926, as amended (43 U.S.C. 758 et seq.) and the regulations contained in 43 CFR part 2740 and 2912:

Salt Lake Meridian, Utah

T. 25 S., R. 22 E.,
Section 31, Lots 9, 10, 11, NE¼SW¼, N½SE¼.
T. 26 S., R. 22 E.,
Section 5, Lots 3, 4, 5 and 6.

The described land aggregates 367.98 acres more or less.

These lands, located in the area of the Slickrock Bike Trail (a national destination for mountain bikers), are being used intensively for biking, hiking and camping. The BLM proposes to classify these lands as suitable for recreation and public purposes to pave the way for an R&PP application by the University of Utah for an outdoor theater complex and theater of the stars. An environmental assessment will be prepared to analyze the impacts of the proposal and a decision will be made, based on the findings of the report, on the issuance of an R&PP lease, with option to purchase, to the University of Utah.

Lease or conveyance is in conformance with current BLM planning and would be in the public interest.

Classification of these lands will segregate them from all appropriations except as to applications under the mineral leasing laws and the R&PP Act. This segregation will terminate upon issuance of a patent, or eighteen (18) months from the date of this Notice, or upon publication of a notice of termination.

The public lands will be leased and/or conveyed subject to the following terms and conditions:

1. Provisions of the Recreation and Public Purposes Act and all applicable regulations of the Secretary of the Interior.
2. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat. 391;43 U.S.C. 945).
3. The United States will reserve all minerals together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.
4. Rights-of-way under UTU-12003 and UTU-64973 for the BLM Slickrock Bike Trail and parking area, UTU-57097 for Grand County Road #10, UTUO-64999 for a powerline.
5. Oil and gas lease U-5u155.

COMMENTS: On or before May 29, 1990, interested parties may submit comments to the Bureau of Land Management, District Manager, Moab District Office, P.O. Box 970, Moab, UT 84532. Objections will be reviewed by the State Director, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become the final, effective June 12, 1990.

SUPPLEMENTARY INFORMATION: Additional information concerning this action may be obtained from Mary von Koch, Realty Specialist, Grand Resource Area Office, Sand Flats Road, P.O. Box M, Moab, Utah 84532, (801) 259-8193, or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 E. Dogwood, P.O. Box 970 Moab, Utah 84532, (801) 259-6111.

Dated: April 4, 1990.

Gene Nodine,

District Manager.

[FR Doc. 90-8584 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-DQ-M

[AZ-040-00-4410-08; DES 89-29]

Extension of the Public Comment Period for the Draft Safford District Resource Management Plan and Environmental Impact Statement; Safford District, Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Extension of public comment period.

SUMMARY: On January 5, 1990, a notice was published in the **Federal Register** (Vol. 55, No. 4, page 495) announcing the availability of the draft Safford District Resource Management Plan (RMP) and Environmental Impact Statement (EIS) for public review and comment. The notice began a 90-day comment period where the public was invited to review the document and provide BLM with their comments. The comment period ended April 6, 1990. This notice extends the comment period 60 days.

SUPPLEMENTARY INFORMATION: The BLM is required by 43 CFR 1610.7-2 to publish a notice in the **Federal Register** listing each proposed Area of Critical Environmental Concern (ACEC) and specifying any resource use limitations that would occur if they were designated. A 60-day comment period is also required to give the public an opportunity to review the proposals. Because BLM failed to include this listing in their January 5, 1990 notice announcing the availability of the draft RMP and EIS, the public comment period will be extended 60 days, ending June 12, 1990.

The Preferred Alternative proposes 17 ACECs, totalling 61,730 acres of public land. The RMP would also designate 3 ACECs, totalling 2,060 acres, that were proposed in the San Pedro River Riparian Management Plan and Environmental Impact Statement (June 1989). The proposed ACECs and resource use limitations are:

1. Black Rock Research Natural Area, 189 acres—restrict entry from February 1 to August 30, withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, and prohibit firewood cutting.
2. Bonita Creek, 1,572 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, and restrict location of recreation facilities.
3. Gila Box Outstanding Natural Area, 12,784 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, and prohibit right-of-way authorization.
4. Turkey Creek Riparian, 2,326 acres—no surface occupancy for mineral leasing, prohibit firewood cutting, close Oak Grove Canyon to vehicle use, limit vehicles in the remainder of the ACEC to existing roads and trails, and manage livestock to avoid yearlong use.
5. Table Mountain Research Natural Area, 1,220 acres—withdraw from

mineral entry, prohibit firewood cutting, limit vehicles to existing roads and trails, manage livestock to limit concentrated use, and prohibit vegetative sales.

6. Desert Grasslands Research Natural Area, 530 acres—withdraw the Mescal Ridge part of the ACEC (380 acres) from mineral entry.

7. Dry Spring Research Natural Area, 825 acres—withdraw from mineral entry, prohibit firewood cutting, exclude livestock, construct hiking trails to minimum standards in riparian areas, and limit packstock to designated trails.

8. Swamp Springs-Hot Springs Watershed, 17,438 acres—require a mining plan of operations for all mining activity, prohibit firewood cutting, close Hot Springs Canyon to vehicle use, limit vehicle use in the remainder of the ACEC to existing roads and trails, and exclude livestock.

9. Bear Springs Badlands, 2,927 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, limit vehicles to existing roads and trails, and prohibit road construction.

10. Guadalupe Canyon Outstanding Natural Area, 989 acres—withdraw the riparian area (378 acres) from mineral entry, require a mining plan of operations for all mining activity in the remainder of the ACEC, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, and prohibit right-of-way authorization.

11. Bowie Mountain Scenic, 4,190 acres—withdraw the Ft. Bowie viewshed (2,230 acres) from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, prohibit right-of-way authorization, and suppress wildfire.

12. Coronado Mountain Research Natural Area, 120 acres—require a mining plan of operations for all mining activity, prohibit firewood cutting, and prohibit right-of-way authorization.

13. Dos Cabezas Peaks, 25 acres—require a mining plan of operations for all mining activity, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, and prohibit right-of-way authorization.

14. Eagle Creek Bat Cave, 40 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, and prohibit guano extraction.

15. Willcox Playa National Natural Landmark, 2,475 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, close the area to vehicle use, and prohibit right-of-way authorization.

16. 111 Ranch Research Natural Area, 2,688 acres—withdraw from mineral entry, prohibit mineral material sales, no surface occupancy for mineral leasing, prohibit firewood cutting, limit vehicles to existing roads and trails, prohibit right-of-way authorization, and mitigate impacts of surface disturbing actions on fossils.

17. Peloncillo Mountains Outstanding Natural Area, 11,399 acres—require a mining plan of operations for all mining activity, prohibit firewood cutting, limit vehicles to existing roads and trails, and prohibit right-of-way authorization.

18. St. David Cienega Research Natural Area, 350 acres—close the area to vehicle use, prohibit right-of-way authorization, prohibit any new development, and prohibit overnight camping and campfires.

19. San Pedro River Research Natural Area, 1,340 acres—close the area to vehicle use, prohibit right-of-way authorization, prohibit any new development, and prohibit overnight camping and campfires.

20. San Rafael Research Natural Area, 370 acres—close the area to vehicle use, prohibit right-of-way authorization, prohibit any new development, and prohibit overnight camping and campfires.

DATES: The extended public comment period will end June 12, 1990. All comments must be post marked by that date to ensure consideration in the final RMP and EIS. Because the original review period has been in progress since January 5, 1990, nearly all copies of the draft RMP and EIS have been distributed. Anyone wishing to obtain a copy for review should contact BLM at the address or phone number below. BLM will provide information on where a copy of the draft RMP and EIS is available for review.

ADDRESSES: Comments should be sent to the District Manager, Bureau of Land Management, 425 E. 4th Street, Safford, AZ 85546.

FOR FURTHER INFORMATION CONTACT: Steve Knox, RMP Team Leader, at the BLM office in Safford or telephone (602) 428-4040.

Dated: April 3, 1990.

Lynn H. Engdahl,

Acting State Director.

[FR Doc. 90-8076 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-32-M

[CO-942-90-4730-12]

Colorado; Filing of Plats of Survey

April 4, 1990.

This plat (in 4 sheets) representing the dependent resurvey of portions of the south and west boundaries, subdivisional lines, and certain mineral claims, the subdivision of sections 18 and 19, and a metes-and-bounds survey of certain tracts, T. 42 N., R. 9 W., New Mexico Principal Meridian, Colorado, Group No. 881, was accepted March 28, 1990.

This survey was executed to meet certain administrative needs of the Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Homer L. Gilson,

Acting Chief, Cadastral Surveyor for Colorado.

[FR Doc. 90-8573 Filed 04-12-90; 8:45 am]

BILLING CODE 4310-JB-M

Bureau of Mines

The Advisory Committee on Mining and Mineral Resources Research; Meeting

The Advisory Committee on Mining and Mineral Resources Research will meet from 8 a.m. to 5 p.m. (or completion of business) on Tuesday, June 5, 1990, in the Alumni room of the Jot Travis Student Union, University of Nevada-Reno, Reno, Nevada 89557.

The proposed agenda is:

1. Welcome by the Assistant Secretary of the Interior—Water and Science
2. Approval of the minutes of the meeting of October 22-23, 1989
3. Status of 1990 legislation
4. Status of 1990 grants
5. Review of the Interim Report on the Mine Systems Design and Ground Control Generic Center
6. Review of the Mineral Industry Waste Treatment and Recovery Generic Mineral Technology Center
7. Inspection of the Laxalt Mineral Research Center
8. Plans for the review of additional generic mineral technology centers
9. New Business

This meeting is open to the public and seating for a limited number of visitors will be available on a first come, first served basis. Written statements concerning agenda subjects and the

operation of the mineral institutes program are welcome.

Visitors who expect to attend or who have written statements to put before the Committee should inform Dr. Ronald A. Munson, Chief, Office of Mineral Institutes, Bureau of Mines, Mail Stop 1020, 2401 E Street NW., Washington, DC 20241, phone (202) 634-1328, FAX (202) 634-2208, BITNET MINISTS@GWUVM, no later than noon, Friday, June 1, 1990.

Dated: April 10, 1990.

TS Ary,

Director.

[FR Doc. 90-8612 Filed 4-12-90; 8:45 am]

BILLING CODE 4310-53-M

DEPARTMENT OF JUSTICE

Antitrust Division

The National Cooperative Research Act of 1984; Arizona State University Advanced Helicopter Electromagnetics Industrial Associates Program

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Arizona State University ("ASU") on March 5, 1990 filed a written notification simultaneously with the Attorney General and the Federal Trade Commission concerning a change in the membership of its Advanced Helicopter Electromagnetics Industrial Associates Program (the "Industrial Associates Program"). The notification was filed for the purpose of extending the protections of section 4 of the Act, which limit the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The following are additional parties to the Industrial Associates Program:

1. Boeing Helicopters (a division of The Boeing Company)
2. International Business Machines Corporation

In addition, the following federal agencies through NASA Langley Research Center have made a supporting $80,000 grant to ASU, and will participate on the advisory task force for the Industrial Associates Program:

a. NASA Langley Research Center,
b. U. S. Army Avionics Research and Development Administration,
c. U.S. Army Research Office,
d. U.S. Army Electronic Proving Grounds.

No other changes have been made in either the membership or planned activity of the Industrial Associates Program.

On November 27, 1989, ASU filed its original notification of the Industrial Associates Program pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 10, 1990, 55 FR 925.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 90-8571 Filed 04-12-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget

Background: The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

U.S. Department of Labor, Bureau of Labor Statistics
Labor Market Information (LMI) Cooperative Agreement (CA)
1220-0079; BLS LMI 1A, 1B, 2A, 2B
Monthly, Quarterly, Annually
State or local governments
56 respondents, 976 total hours, 17 hours per response

Form No.	Frequency	Time	Respondents	Total hours
LMI 1A, 1B	1	6 hr., 42 min	56	375
LMI 2A	12	8 hr., 2 min	5	482
LMI 2B	4	45 min	27	81

Total Hours for LMI 1A, 1B, 2A, 2B: 938

Total Hours (including the reports generated from automated systems): 976

Cooperative Agreements between BLS and SESAs are entered annually in order to provide the following LMI

statistics: CES, LAUS, OES, and ES-202. The agreements provide the basis for administrative planning, financial planning, and monitoring.

Extension

Employment and Training Administration
In-Season Farm Labor Report
1205-0006; ETA 223
On occasion
Individuals or households; State or local governments; Farms
8,047 respondents; 16,094 hours; 24 minutes per response; 1 form

In planning and budgeting for agricultural worker placement programs and programs to provide health and related services to migrant and seasonal farmworkers, it is important to know where seasonal farm jobs are located, level of labor needs, active work periods, tasks to be performed and home bases of workers.

Mine Safety and Health Administration
Main Fan Maintenance Records
1219-0012
Weekly
Businesses and other for profit; small businesses or organizations
345 respondents; 1 minute per response; 294 total burden hours

Operators of underground metal and nonmetal mines are required to keep records of maintenance performed on main fans. The records assures compliance with the regulation that periodic maintenance be performed on main fans and may serve as a warning device for possible ventilation problems before they occur.

Hearing Conservation Plan
1219-0017
On occasion
Businesses and other for profit; small businesses or organizations
241 respondents; 30 minutes per response; 121 total burden hours

Within 60 days after receiving a notice of violation for noise levels in excess of the permissible standard, coal mine operators are required to submit to MSHA a plan for the administration of a continuing, effective hearing conservation plan.

Mine Ventilation System Plan
1219-0016
Annually
Businesses and other for profit; small businesses or organizations
400 respondents; 24 hours per response; 9,600 total burden hours

Operators of underground metal and nonmetal mines are required to prepare written plans of the ventilation system of their mines and to update the plans annually. The information is used to insure that each operator routinely plans, reviews, and updates the mine's ventilation system; to insure the availability of accurate and current ventilation information; and to provide MSHA with an opportunity to alert the mine operator to potential hazards.

Signed at Washington, DC, this 10th day of April, 1990.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 90-8667 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-43-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue NW., room S-3014, Washington, DC 20210.

New General Wage Determinations Decisions

The numbers of the decisions added to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are listed by volume, state and page number(s).

Volume III

Montana:

MT90-2	p. 189, p. 192.
MT90-6	p. 226a, p. 226d.
MT90-7	p. 226e, p. 226f.
MT90-8	p. 226g, p. 226h.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office

document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Florida:
FL90-13 (January 5, 1990). p. 131, p. 132.
FL90-17 (January 5, 1990). p. 143, p. 144.
Kentucky, KY90-5 (January 5, 1990). p. 309, pp. 311-313.
Massachusetts:
MA90-1 (January 5, 1990). p. 399, pp. 400-405.
MA90-3 (January 5, 1990). p. 431, pp. 432-434.
Mississippi:
MS90-21 (January 5, 1990). p. 557, pp. 558-558b.
MS90-23 (January 5, 1990). p. 561, pp. 562-563.
MS90-24 (January 5, 1990). p. 565, pp. 566-566b.
MS90-25 (January 5, 1990). p. 567, pp. 568-568b.
MS90-26 (January 5, 1990). p. 569, pp. 570-570b.
MS90-27 (January 5, 1990). p. 571, p. 572.
New York, NY90-5 (January 5, 1990). p. 777, p. 780.
Pennsylvania, PA90-6 (January 5, 1990). p. 965, pp. 967, 975.
Rhode Island, RI90-1 (January 5, 1990). p. 1105, pp. 1106-1109.
Virginia:
VA90-27 (January 5, 1990). p. 1281.
VA90-30 (January 5, 1990). p. 1329, p. 1330.

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Minnesota, MN90-5 (January 5, 1990). p. 553, pp. 554-560.
New Mexico:
NM90-1 (January 5, 1990). p. 747, pp. 749-754.
NM90-2 (January 5, 1990). p. 763, pp. 764-765.
NM90-3 (January 5, 1990). p. 769, pp. 770-774.
Oklahoma, OK90-18 (January 5, 1990). p. 971, pp. 972-974.

Volume III

California, CA90-2 (January 5, 1990). p. 41, p. 42.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 6th day of April 1990.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 90-8429 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance; Aileen, Inc., et al.

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 April 23, 1990.

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 April 23, 1990.

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, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC, this 2nd day of April 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Aileen, Inc. (workers)	Woodstock, VA	4/02/90	3/19/90	24,199	Womens' sportswear.
Aileen, Inc. (workers)	Flinthill, VA	4/02/90	3/19/90	24,200	Women's sportswear.
Alcatel Network Systems	Portsmouth, RI	4/02/90	3/20/90	24,201	Circuit boards.
Anchor Motor Freight (company)	Linden, NJ	4/02/90	3/15/90	24,202	Auto transport.
Blackstone Webbing Co., Inc.	Pawtucket, RI	4/02/90	3/19/90	24,203	Fabrics
Boos Indiana Wood (IUE)	Evansville, IN	4/02/90	3/23/90	24,204	Furniture.
Cottage Tailor, Inc. (ILGWU)	Worcester, MA	4/02/90	3/21/90	24,205	Ladies skirts and jackets.
Honeywell, Inc. (workers)	Ft. Washington, PA	4/02/90	3/20/90	24,206	Electronic devices.
Humko Chemical (OCAW)	Newark, NJ	4/02/90	3/08/90	24,207	Fatty acids.
J.W. Electronics (workers)	Tumwater, WA	4/02/90	3/12/90	24,208	Computers.
Kardiex Systems Inc. (USWA)	Reno, OH	4/02/90	3/07/90	24,209	Filing equipment.

APPENDIX—Continued

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Keene Corp. (workers)	Parkersburg, WV	4/02/90	3/20/90	24,210	Steel.
L.E. Smith Glass (AFGW)	Mt. Pleasant, PA	4/02/90	3/12/90	24,211	Glass.
Ladies Sportswear (ILGWU)	Kearny, NJ	4/02/90	3/21/90	24,212	Womens' sportswear.
National Sea Products (workers)	Rockland, ME	4/02/90	3/15/90	24,213	Sea Food.
Nortex International (company)	Philadelphia, PA	4/02/90	3/19/90	24,214	Yarn.
North Hoquiam Cedar (workers.)	Hoquiam, WA	4/02/90	3/21/90	24,215	Shakes and shingles.
Nu-Car Carriers, Inc. (workers)	Edison, NJ	4/02/90	3/15/90	24,216	Auto transport.
Portofino Sportswear, Inc. (ILGWU)	Brooklyn, NY	4/02/90	3/16/90	24,217	Bathing suits.
(The) Procter & Gamble Paper Products Co. (UPIU).	Cheboygan, MI	4/02/90	3/23/90	24,218	Panty liner.
Sekin River Shake (company)	Sekin, WA	4/02/90	3/19/90	24,219	Lumber.
Senjay Knitting Mills, Inc.	Brooklyn, NY	4/02/90	3/16/90	24,220	Knitted sportswear.
Seuko, Inc. (workers)	Baraboo, WI	4/02/90	3/13/90	24,221	Waste baskets, tumbers, etc.
Shellcraft Industries, Inc. (workers)	Winooski, VT	4/02/90	3/01/90	24,222	Castings.
Triangle Circuits formerly known as (Design Circuits).	Danbury, CT	4/02/90	3/08/90	24,223	Circuit boards.
V.J. Fashions (ALGWU)	Union City, NJ	4/02/90	3/13/90	24,224	Ladies' dresses.
Vassarette (workers)	Hamilton, AL	4/02/90	3/05/90	24,225	Ladies' lingerie.
WI Forest Products (WCOIW)	Cashmere, WA	4/02/90	3/14/90	24,226	Lumber.
WI Forest Products (WCOIW)	Peshastin, WA	4/02/90	3/14/90	24,227	Lumber.
Westend Cedar, Inc. (company)	Clallam Bay, WA	4/02/90	3/09/90	24,228	Lumber.

[FR Doc. 90-8668 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,647]

Hy Grade Corp.; Affirmative Determination Regarding Application for Reconsideration

By a letter dated March 9, 1990, the Scranton/Wilkes-Barre District Joint Board of the Amalgamated Clothing and Textile Workers Union (ACTWU) requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of Hy Grade Corporation, Taylor, Pennsylvania. The negative determination was issued on February 28, 1990 and published in the **Federal Register** on March 15, 1990 (55 FR 9784).

The company stated that the Hy Grade Corporation in Taylor, Pennsylvania and The Tailor Shop in Old Forge, Pennsylvania had the same owners and their production was integrated. Workers at The Tailor Shop were certified for adjustment assistance January 23, 1990 (TA-W-23,654).

Conclusion

After careful review of the application, I conclude that the claims are of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 3rd day of April 1990.

Stephen A Wandner,

Deputy Director, Office of Legislation and Acturial Services, UIS.

[FR. Doc. 90-8669 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,991]

Operators Inc.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 12, 1990 in response to a worker petition filed on behalf of workers at Operators, Incorporated, Fairfield, North Dakota.

An active certification covering the petitioning group of workers was issued May 22, 1989 and remains in effect until May 22, 1991 (TA-W-22,826). Consequently, further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed at Washington, DC, 6th day of April 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-8671 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23, 808-23,809]

Monroe Auto Equipment Co.; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated in response to a petition which was filed on January 8, 1990 on behalf of workers at Monroe Auto Equipment Company, Newark, Delaware and Anderson, South Carolina (TA-W-23,808 and TA-W-23,809, respectively).

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 6th day of April 1990.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 90-8670 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

[SGA/DAA 202-90]

Job Training Partnership Act; Experimental and Demonstration (E&D) Request for Application—EDWAA Dislocated Farmers and Ranchers Demonstration Project

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of availability of funds and of solicitation for grant applications (SGA).

SUMMARY: The Employment and Training Administration, U.S. Department of Labor, announces the intent to award grant(s) on a competitive basis for the conduct of demonstrations providing reemployment services and retraining to dislocated farmers, farm employees, farm family members and ranchers. This notice provides a synopsis of the proposed SGA. Grant awards will be made by June 30, 1990.

DATES: The applications will be available April 30, 1990. The requests must be made in writing to the address below. Telephone requests will not be honored. The requests must cite SGA/DAA 202-90 and must include two self-addressed labels. These requests will be honored on a first-come, first-serve basis until the supply is exhausted. The closing date for receipt of proposals will be May 30, 1990, 4:45 p.m., (Eastern Time).

ADDRESSES: Mail your request for Solicitation of Grant Application (SGA) to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Acquisition and Assistance, 200 Constitution Avenue NW., room C-4305, Washington, DC 20210, Attention: Gwendolyn Simms, Reference GSA/DAA 202-90.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration, U.S. Department of Labor, will award approximately five grants under the Job Training Partnership Act (JTPA), title III, for the conduct of demonstrations providing outreach, basic readjustment services, retraining services and/or needs related to payments to dislocated farmers, farmworkers, farm family members and ranchers. Funding for the grants is authorized by section 302(a)(2) of the Job Training Partnership Act (JTPA or the Act) (29 U.S.C. 1652(a)(2) as added by section 6302(a) of the Economic Dislocation and Worker Adjustment Assistance Act, Public Law 100-418, 102 Stat. 1107, 1525. The period for performance will be 15 months from the date of execution. It is anticipated that $1.5 million will be disbursed accordingly.

Awards under this solicitation will be made to State agencies responsible for the administration of the State agencies responsible for the administration of the State's EDWAA program. ETA encouraged applications that are developed jointly by State and local agencies. Local agencies may include public agencies, private non-profit organizations, and private businesses.

Signed at Washington, DC, on April 9, 1990.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 90-8673 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act; Announcement of Proposed Noncompetitive Grant Awards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award noncompetitive grants.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to award grants on a noncompetitive basis to organizations listed in this notice for the provision of specialized job training and placement services under the authority of the Job Training Partnership Act (JTPA).

DATES: Grant agreements will be executed by July 1, 1990, and will be funded for the 12-month period of program year 1990. Submit comments by 4:45 p.m. (Eastern Time), on April 30, 1990.

ADDRESSES: Submit comments regarding the proposed assistance awards to: U.S. Department of Labor, Employment and Training Administration, room C-4305, 200 Constitution Avenue NW., Washington, DC 20210, Attention, Janice E. Perry; Reference FR-DAA-004.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to award noncompetitive grants to various organizations for delivery of Federal assistance services to special client groups, practitioners and policy makers within the employment and training system.

Funding for these activities is authorized by the Job Training Partnership Act (JTPA, as amended, title IV-Federally Administered Programs, part D-National Activities. The approximate funding level for these 12-month grant agreements is $12.8.

The proposed grant recipients are nonprofit organizations that have been providers of employment and training services over a period of years. They have developed unique experience and specialized expertise in their respective areas of service capability. As such, they have established an ongoing relationship with the ETA in providing effective and responsive services to meet the specialized needs of various client groups within the employment and training system.

The proposed grant recipients and their respective funding levels are as follows:

Handicapped Programs	Funding Level
Mainstream, Inc.	360,082
National Association of Rehabilitation Facilities	309,000
Electronic Industries Foundation	297,000
Goodwill Industries	527,279
Association for Retarded Citizens	1,194,800
Epilepsy Foundation of America	715,850
National Federation of the Blind	251,320
Training Demonstration Activities	
International Union of Operating Engineers	154,500
Partnership Programs	
National Alliance of Business	5,800,000
OIC of America	1,383,143
Human Resource Development Institute	1,897,108

Signed at Washington, DC, on April 9, 1990.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 90-8672 Filed 4-12-90; 8:45 am]

BILLING CODE 4510-30-M

Job Training Partnership Act and Targeted Jobs Tax Credit; Lower Living Standard Income Level

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determiniation of lower living standard income level.

SUMMARY: The Job Training Partnership Act (JTPA) provides that the term "economically disadvantaged" may be defined as 70 percent of the "lower living standard income level" (LLSIL). To provide the meet accurate data possible, the Department of Labor is issuing revised figures for the LLSIL. The Internal Revenue Code also provides that the term "economically disadvantaged" may be defined as 70 percent of the LLSIL for purposes of the Targeted Jobs Tax Credit (TJTC).

EFFECTIVE DATE: This notice is effective on April 13, 1990.

ADDRESSES: Send written comments to: Mr. Hugh Davies, Acting Director, Office of Employment and Training Programs, Employment and Training Administration, Department of Labor, Room N-4703, 200 Constitution Avenue NW., Washington, DC 20210

FOR FURTHER INFORMATION CONTACT: Mr. Hugh Davies, Telephone: 202-535-0580 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: It is a purpose of the Job Training Partnership Act (JTPA) "to afford job training to those economically disadvantaged individuals * * * who are in special need of such training to obtain productive employment." JTPA section 2; see 20 CFR 626.1(A)(2). JTPA section

4(8) defines, for the purposes of JTPA eligibility, the term "economically disadvantaged" in part by reference to the "lower living standard income level" (LLSIL). See 20 CFR 626.4.

The LLSIL figures published in this notice shall be used to determine whether an individual is economically disadvantaged for applicable JTPA purposes. JTPA section 4(16) defines LLSIL as follows:

> The term "lower living standard income level" means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent "lower living family budget" issued by the Secretary.

Internal Revenue Code (I.R.C.) sections 44B and 51 established the Targeted Jobs Tax Credit (TJTC) for a portion of the wages paid by employers to employees from "targeted" groups. Certain of the targeted groups require that the worker be a member of "an economically disadvantaged family." See, e.g., 26 U.S.C. 51(d)(3)(A)(ii), (4)(C), (7)(B), (8)(A)(iv), and (12)(A)(iv). The LLSIL figures published in this notice shall be used to determine whether an individual is a member of an economically disadvantaged family for applicable TJTC purposes.

The most recent lower living family budget was issued by the Secretary in the fall of 1981. Using those data, the 1981 LLSIL was determined for programs under the now-repealed Comprehensive Employment and Training Act, and for the TJTC. The four-person urban family budget estimates previously published by the Bureau of Labor Statistics (BLS) provided the basis for the Secretary to determine the LLSIL for training and employment program operators. BLS terminated the four-person family budget series in 1982, after publication of the Fall 1981 estimates.

Under JTPA, the Employment and Training Administration (ETA) published in the 1989 updates to the LLSIL in the **Federal Register** of April 4, 1989. 54 FR 13575. ETA has again updated the LLSIL to reflect cost of living increases for 1989 by applying the percentage change in the December 1989 Consumer Price Index for All Urban Consumers (CPI-U), compared with the December 1988 CPI-U, to each of the April 4, 1989 LLSIL figures. Those updated figures for a family of four are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas. Since eligibility is determined by family income at 70 percent of the LLSIL, pursuant to section 4(8) of JTPA, those figures are listed below as well.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

Northeast

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virgin Islands

North Central

Illinois
Indiana
Iowa
Kansas
Michigan
Minnesota
Missouri
Nebraska
North Dakota
Ohio
South Dakota
Wisconsin

South

Alabama
American Samoa
Arkansas
Delaware
District of Columbia
Florida
Georgia
Northern Marianas
Oklahoma
Palau
Puerto Rico
South Carolina
Kentucky
Louisiana
Marshall Islands
Maryland
Mississippi
Micronesia
North Carolina
Tennessee
Texas
Virginia
West Virginia

West

Arizona
California
Colorado
Idaho
Montana
Nevada
New Mexico
Oregon
Utah
Washington
Wyoming

Additionally, separate figures have been provided for Alaska; Hawaii, and Guam as indicated in Table 2 below.

For Alaska, Hawaii, and Guam, the 1989 figures were updated by creating a "State Index" based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional nonmetropolitan change.

Data on 25 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on monthly, bimonthly or semiannual CPI-U changes for a 12-month period ending in December 1989. The updated LLSIL figures for these MSAs, and 70 percent of the LLSIL, rounded to the next highest ten, are set forth in Table 3 below.

Table 4 below is a listing of each of the various figures at 70 percent of the updated 1990 LLSIL for family sizes of one to six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding LLSIL figure, the figure is indicated in parentheses.

Section 4(8) of JTPA defines "'economically disadvantaged" as, among other things, an individual whose family income was not in excess of the higher of the poverty level or 70 percent of the LLSIL. The Department of Health and Human Services published the annual update of the poverty-level guidelines at 55 FR 5664 (February 16, 1990).

Use of These Data

Based on these data, Governors should provide the appropriate figures to service delivery areas (SDAs), State Employment Security Agencies (SESAs), and employers in their States to use in determining eligibility for JTPA and TJTC. The Governor should designate the appropriate LLSILs for use within the State from Tables 1 through 3. Table 4 may be used with any of the levels designated.

Information may be provided by disseminating information on MSAs and metropolitan and nonmetropoltian areas within the State, or it may involve

further calculations. For example, the State of New Jersey may have four or more figures: Metropolitan, nonmetropolitan, for portions of the State in the New York City MSA, and for those in Philadelphia MSA. If an SDA includes areas that would be covered by more than one figure, the Governor may determine which is to be used. Pursuant to the JTPA regulations at 20 CFR 627.1, guidelines, interpretations, and definitions adopted by the Governor shall be accepted by the Secretary to the extent that they are consistent with the JTPA and the JTPA regulations.

Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of detemining eligibility for applicable JTPA and TJTC programs. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI-U adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL but are not in the CPI-U.

Thus, these figures should not be used for any statistical purposes, and are valid only for eligibility determination purposes under the JTPA and TJTC programs.

Signed at Washington, DC, this 5th day of April, 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

TABLE 1.—LOWER LIVING STANDARD INCOME LEVEL BY REGION [1]

Region	1990 adjusted LLSIL	70 percent LLSIL
Northeast:		
Metro	21,950	15,370
Non-Metro	21,500	15,050
North Central:		
Metro	20,500	14,350
Non-Metro	19,280	13,500
South:		
Metro	19,450	13,620
Non-Metro	18,150	12,710
West:		
Metro	21,610	15,130
Non-Metro	21,320	14,930

[1] For ease of calculation, these figures have been rounded to the next highest ten dollars.

TABLE 2.—LOWER LIVING STANDARD INCOME LEVEL—ALASKA, HAWAII AND GUAM [1]

Region	1990 adjusted LLSIL	70 percent LLSIL
Alaska:		
Metro	27,380	19,170
Non-Metro	27,020	18,920
Hawaii-Guam		
Metro	28,570	20,000
Non-Metro	28,190	19,740

[1] Rounded to the next highest ten dollars.

TABLE 3.—LOWER LIVING STANDARD INCOME LEVEL—25 MSA'S [1]

REGION MSA	1990 adjusted LLSIL	70 percent LLSIL
Anchorage, AK	27,380	19,170
Atlanta, GA	19,830	13,890
Baltimore, MD	20,830	14,590
Boston, MA	23,410	16,390
Buffalo, NY	19,510	13,660
Chicago, IL/ Northwestern IN	21,380	14,970
Cincinnati, OH/KY/IN	20,800	14,560
Cleveland, OH	21,350	14,950
Dallas-Ft. Worth, TX	18,610	13,030
Denver-Boulder, CO	19,910	13,940
Detroit, MI	19,820	13,880
Honolulu, HI	28,570	20,000
Houston, TX	18,200	12,740
Kansas City, MO/KS	19,980	13,990
Los Angeles-Long Beach-Anaheim, CA	22,790	15,960
Milwaukee, WI	20,210	14,150
Minneapolis-St. Paul, MN	20,270	14,190
New York, NY/ Northeastern NJ	22,670	15,870
Philadelphia, PA/NJ	21,390	14,980
Pittsburgh, PA	20,300	14,210
San Diego, CA	23,020	16,120
San Francisco-Oakland, CA	22,650	15,860
Seattle-Everett, WA	21,940	15,360
St. Louis, MO/IL	20,300	14,210
Washington, DC/MD/ VA	23,750	16,630

[1] Rounded to the next highest ten dollars.

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TABLE 4. - SEVENTY PERCENT OF UPDATED 1990 LLSIL, BY FAMILY SIZE*

Family of One	Two	Three	Four	Five	Six
(4,580)	(7,500)	(10,300)	12,710	15,000	17,540
(4,590)	(7,520)	(10,320)	12,740	15,040	17,590
(4,700)	(7,690)	10,560	13,030	15,380	17,990
(4,860)	(7,970)	10,940	13,500	15,930	18,630
(4,910)	(8,040)	11,040	13,620	16,080	18,800
(4,920)	(8,060)	11,070	13,660	16,120	18,860
(5,000)	(8,190)	11,250	13,880	16,380	19,160
(5,000)	(8,200)	11,260	13,890	16,390	19,170
(5,020)	9,230	11,300	13,940	16,450	19,240
(5,040)	8,260	11,340	13,990	16,510	19,310
(5,100)	8,350	11,470	14,150	16,700	19,530
(5,110)	8,380	11,500	14,190	16,750	19,590
(5,120)	8,390	11,510	14,210	16,770	19,610
(5,170)	8,470	11,630	14,350	16,940	19,810
(5,250)	8,590	11,800	14,560	17,190	20,100
(5,260)	8,610	11,820	14,590	17,220	20,140
(5,380)	8,810	12,100	14,930	17,620	20,610
(5,390)	8,830	12,110	14,950	17,650	20,640
(5,390)	8,840	12,130	14,970	17,670	20,660
(5,400)	8,840	12,140	14,980	17,680	20,680
(5,420)	8,880	12,200	15,050	17,760	20,770
(5,450)	8,930	12,260	15,130	17,860	20,880
(5,530)	9,070	12,450	15,360	18,130	21,200
(5,540)	9,070	12,450	15,370	18,140	21,220
(5,710)	9,360	12,850	15,860	18,720	21,890
(5,720)	9,370	12,860	15,870	18,730	21,910
(5,750)	9,420	12,930	15,960	18,840	22,030
(5,810)	9,520	13,060	16,120	19,030	22,250
(5,900)	9,670	13,280	16,390	19,340	22,620
(5,990)	9,820	13,470	16,630	19,630	22,950
6,820	11,170	15,330	18,920	22,330	26,110
6,910	11,310	15,530	19,170	22,630	26,460
7,110	11,650	15,990	19,740	23,300	27,250
7,200	11,800	16,200	20,000	23,600	27,600

*Figures provided in Tables 1-3 of this notice are for a family size of four persons. To use Table 4, the appropriate figure should be found in the Family of Four column. Then one may read across the row for family sizes other than four in the appropriate columns. For ease of calculation, these figures are rounded to the next hhighest ten dollars.

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Job Training Partnership Act; Titles II-A and III Performance Standards for Program Years (PY) 1990-91

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of performance standards for PY 1990-91.

SUMMARY: The Department of Labor is announcing performance standards for Job Training Partnership Act (JTPA) titles II-A (Adult and Youth Training) and III (Dislocated Workers) for Program Years (PY) 1990-91 (July 1, 1990-June 30, 1992).

EFFECTIVE DATE: July 1, 1990.

FOR FURTHER INFORMATION CONTACT: Steven Aaronson, Chief, Adult and Youth Performance Standards Unit, Telephone (202) 535-0687.

SUPPLEMENTARY INFORMATION: Section 106 of the Job Training Partnership Act (JTPA or the Act) requires the Secretary of Labor (Secretary) to prescribe performance standards for adult and youth training programs under JTPA title II-A, and for dislocated worker programs under JTPA title III, as amended by the Economic Dislocation and Worker Adjustment Assistance Act (EDWAA). To measure and achieve national goals of long-term employability and economic self-sufficiency, six core performance standards are being issued for the next two Program Years (PY) 1990-91 (July 1, 1990-June 30, 1992). Four of the six standards involve measures of postprogram employment and earnings for adults and adult welfare recipients. Two youth standards focus on employment and longer-term employability development. Governors are required to use all six core standards for purposes of making incentive determinations, but may also include additional non-cost standards as State policy dictates.

On January 5, 1990, proposed revisions to the performance standards for JTPA title II-A adult and youth programs and for JTPA title III dislocated worker programs were published in the **Federal Register** 55 FR 514. Interested parties were invited to submit written comments through January 25, 1990.

A. Purpose of Performance Standards

The Secretary issues performance standards in order to determine whether the basic objectives of JTPA, increased earnings and employment and reduced welfare dependency, are being met. On the basis of the Secretary's performance standards, Governors must set standards for each of their Service Delivery Areas (SDAs) and substate areas (SSAs). In the January 5, 1990, issuance, the Secretary proposed a reduction in the number of required national measures (Governors must currently select eight from a menu of 12), a shift in emphasis to reward programs successfully serving adults based on postprogram outcomes, and the addition of a new outcome for youth programs that fully recognizes the value of dropout prevention. A new measure for programs serving welfare clients—Weekly Earnings at Follow-up—was proposed because earnings are the best proxy available for assessing a "good" job leading to reduced welfare dependency. In addition, cost measures have been excluded from the core standards in support of the Department's policy goal of fostering expanded and improved service to more at-risk individuals. Numerical levels for the six core standards were proposed. The attached directive presents the final Secretary's standards and also consolidates into one document the implementation instructions for performance standards.

The core standards support important Departmental policy goals, including promoting employability skills and advanced training for youth and adults, assisting in the acquisition of educational credentials for youth through dropout prevention and recovery programs, directing resources to those most in need of employment and training services, and encouraging investments in long-term, quality training to meet the needs of such participants. The Department intends to evaluate the implementation of these core standards as soon as it is feasible to do so to determine whether the intended effects are occurring—i.e., whether Departmental objectives are being achieved.

B. Authority To Issue Performance Standards

Section 106 of the Act directs the Secretary to establish performance standards for title II-A adult and youth programs and title III dislocated worker programs.

C. Discussion of Comments

The Department of Labor (DOL) received 121 written comments on the proposed performance standards issuance within the comment period. Nineteen of the letters explicitly expressed endorsement of the direction which the Department was taking in establishing performance standards policy for 1990-91. In general, most of the comments requested clarifications or raised issues about specific refinements. The following summarizes the major issues raised by the commenters and the Department's response.

Elimination of the Optional Approach to Standard-Setting

The Department specifically sought comments on whether requiring a set of core standards, rather than giving States optional measures upon which to formulate incentive policies, would allow a State sufficient flexibility to use performance standards to further its own policy goals. Of those respondents commenting on this issue, most fully endorsed the approach of having core standards; or acknowledged that States could continue to pursue their own policy goals, as long as the Department permitted States to add non-core standards to their incentive policies. The adult entered employment rate was the most frequently mentioned non-core measure that States wanted to include as a required measure.

The Department believes that streamlining the number of performance measures to a focused set of core standards sends an explicit policy message on what national JTPA priorities and program expectations should be promoted in State and local performance management policies. At the same time, continuing to collect information on non-core measures, and providing States with adjustments for setting additional non-core standards, will offer States ample opportunity to tailor their incentive policies, provide valuable information on how JTPA's employment and training programs are being operated, and assist States and SDAs in their oversight and guidance of local programs.

Elimination of Cost Standards in Incentives

The vast majority of the comments received on this issue supported the policy of eliminating costs from incentives as a major step in redirecting the JTPA system toward providing more intensive services to harder-to-serve participants. Eight States indicated that cost standards have already been removed from their incentive awards systems.

Those who disagreed with this policy were concerned that, in the absence of cost standards, or at least a specified upper limit on costs, there would no longer be any incentives for maintaining systemwide cost efficiency. The financial incentives tied to the performance standards have undoubtedly contributed to keeping program costs low. It is not at all clear, however, that the cost standards by themselves contribute to ensuring cost

efficiency. Recent research shows that basing incentive payments on exceeding cost standards may reward differences in the local availability of other training resources as much as differences in management quality. Moreover, State policies that emphasize exceeding cost standards unintentionally have led SDAs to serve fewer welfare recipients and dropouts and to design short-term, less intensive service strategies. Treating costs as a compliance issue rather than a performance standards issue—through more rigorous State oversight of SDA fiscal practices, and greater SDA monitoring of local service providers—is a more direct approach to ensuring fiscal accountability and sound program management.

A few respondents indicated that promoting intensive services for harder-to-serve participants would more likely be accomplished through tighter targeting provisions than by dropping the cost standards from incentive policies. The Department believes that tighter targeting provisions alone cannot accomplish the policy objective of directing resources to those groups most in need of employment and training services, without a complementary performance management goal that encourages programs to make training investments to address the long-term employability needs of these participants.

Postprogram Standards

The majority of the commenters endorsed the use of postprogram standards as a measure of long-term employability and economic self-sufficiency. Most of those who disagreed with the Department's shift from termination measures to longer term measures of performance raised a number of technical and theoretical concerns which will be addressed below.

Technical Concerns

The technical concerns centered on the quality of postprogram data and the feasibility of using alternative data sources. Use of the telephone survey method to collect information and the variability of response rates were identified as factors which may bias follow-up results. Other commenters felt they could be more supportive of follow-up measures if alternative sources of data, such as direct contact with employers or administrative records (e.g., Unemployment Insurance data) could be used.

Additional concerns that were raised included:

- The necessity for a 70 percent response rate;
- Adequate transition from a performance management system totally based on termination measures to one that measures success based on postprogram outcomes;
- The costliness of postprogram data collection and the adequacy of funds available for follow-up; and
- The need for intensive technical assistance.

The Department shares the system's desire for reliable data and has, since the inception of postprogram data collection, reviewed the follow-up process and its results. To date, there is no conclusive evidence to suggest marked differences in the overall quality of follow-up data as compared to termination data. The distribution of outcomes and those factors (client characteristics and economic factors) that affect outcomes are very similar when the termination-based and follow-up measures are compared, indicating that there is no undue measurement error in the follow-up data. Furthermore, the follow-up models for the adult and welfare employment outcomes have a higher explanatory power than the termination-based models.

An important measure of the adequacy of postprogram data is the response rate. If response rates to the follow-up interviews are too low, performance of SDAs will not be estimated reliably. Thus, the 70 percent requirement for completed interviews for all respondents was arrived at, in consultation with experts in survey research methods, to ensure reliable estimates of performance. Most SDAs are meeting or nearly meeting this response rate: in PY 1987, 60 percent of all SDAs had a response rate higher than 70 percent, and 85 percent had a rate in excess of 60 percent.

Locating JTPA participants who were not placed at termination continues to be a major challenge to those conducting follow-up. To address the problem of response bias, SDAs are required to adjust their reported follow-up performance to account for differences in response rates between those employed and those not employed at termination. Most SDAs are making the required adjustments, and such adjustments are therefore correcting for this bias. Differences in response rates appear to have no impact on measured performance for any outcome.

The Department believes that the need for a further transition period from a termination-based to a postprogram-based performance management system is not warranted. This forthcoming program year marks the fifth year of required follow-up data collection, and it was in PY 1986 that the Department first indicated its intention to use this information as the basis for performance standards in the next two year cycle. In PY 1988, the Department indicated explicitly its goal to implement postprogram performance measures, describing the PY 1988–9 cycle as a transition period for the system to make necessary program design changes before narrowing the mix of performance measures in PY 1990. In the Department's view this represents a sufficient period of time to develop the needed capacity and resolve any start-up problems.

Some commenters expressed concern about the high costs of conducting telephone surveys, rather than using less costly alternative data sources. A recent examination of State and local follow-up procedures shows considerable variability in the costs of conducting follow-up; however, some States and SDAs have managed to keep their unit costs considerably lower than others. Studies by the Department suggest that the range appears to be from $10–$20 per completed interview; other studies put the cost higher. Obtaining complete and timely "locator" information on all participants as they leave the program may help to reduce the additional costs associated with locating hard-to-reach respondents—judged to be a major expense in telephone surveys. The Department shares the system's concern about the cost of postprogram data collection and will continue to explore less costly sources of postprogram information on JTPA participants, including the use of unemployment insurance wage record data, for purposes of future performance standards and long-term evaluation. In addition, the Department will provide technical assistance to help States and SDAs recognize the potential value of follow-up data as a rich and timely source of information from which they can better manage their programs.

A revised and updated technical assistance guide on follow-up data collection is being developed and will be issued in the near future. Recognizing the operational implications of requiring follow-up standards, the topic will be a major item at the regional performance standards conferences to be held in the spring. It is expected that these sessions will serve as a forum for identifying general problem areas and specific technical assistance needs which the Department plans to address through a capacity-building initiative directed to those States/SDAs requiring the most assistance with follow-up. Interested parties who are unable to attend the conferences are also invited to inform

the Department of their concerns and technical assistance needs in this area.

Theoretical Concerns

A small number of commenters questioned whether the implementation of required postprogram measures would actually create greater incentives for providing quality training and services to a less employable population. These commenters felt that such an approach would more likely exacerbate the "creaming" problem in the absence of tighter targeting provisions.

Although tighter targeting provisions are not yet mandated, increased service to more at-risk populations and enhancing the quality of JTPA training and services have been explicit objectives of the performance management system for the past two years. A performance management system that emphasizes postprogram outcomes will complement current State and local efforts to increase employability, through longer-term higher quality basic education and occupational skills training to respond to these goals. In addition, eliminating cost competition in the awarding of incentives will allow programs to make increased investments to more fully address the training needs of a less employable JTPA population in the future.

Average Number of Weeks Worked in Follow-up Period

The Department specifically sought comments on whether this measure should be included in the core set of required standards. Few responded to this question and nearly all of those that did respond indicated that it should not be included. Performance on the average number of weeks worked and the follow-up entered employment rate is redundant; i.e., they are highly correlated and, from a statistical point of view, can be viewed as alternative measures of the same dimension of performance. While the commenters acknowledged that the weeks worked measure served as the only proxy for employment intensity, unlike the follow-up entered employment rate, there was no support for replacing the follow-up entered employment rate with average weeks worked. This is consistent with data showing that in PY 1988 only one fifth of all States selected the measure for use in distributing incentive funds, and that where it was selected, it had a low weight compared to other measures. Although the Department decided not to include "average weeks worked" as a core measure, States may still choose to use this measure of employment intensity, in combination with the follow-up employment rate, when making incentive award determinations.

Youth Standards

In establishing the two core measures for youth programs, most commenters agreed with the Department's intent to provide a balance of program choices for youth—attainment of employability skills and employment, and acquisition of educational credentials which contribute to long-term employability. The new youth employability enhancement measure expands the program design options for which programs can be credited—GED attainment and school completion, basic education and occupational skills development, dropout prevention and recovery—addressing both the JTPA Advisory Committee concerns and issues raised by many State and local representatives during the performance standards consultation process.

A small number of SDAs viewed the youth core standards as discouraging employment-directed programs and service to out-of-school youth because all youth programs will be assessed against an employability enhancement measure. The basic premise of the core youth standards in general, and the entered employment rate in particular, was that relevant outcomes be associated with particular segments of the youth population. Implicit in these measures is the assumption that each program is expected to enhance the employability of every youthful participant. Employment continues to be credited as a valued outcome for that segment of the youth population for whom job placement is appropriate. In fact, SDAs which can both enhance a youth's skills and place a youth in a job will continue to receive credit under both the employment and enhancement measures.

The proposed youth entered employment rate (YEER) excludes youth terminees who are in dropout prevention programs, based on the assumption that employment is not an appropriate outcome for this group and may, in fact, work against the goal of school retention for students who are potential dropouts. While this was generally accepted, a number of commenters suggested that other "in-school" termination categories, especially dropouts who are in dropout recovery programs, also be excluded from the calculation of the entered employment standard. Because many dropout recovery programs are similar in nature to dropout prevention programs, and also have school retention and skills acquisition as a primary program goal, some commenters felt such programs should not be "penalized" when their primary emphasis is on school achievements and not on job placements. Therefore, the "returned to school" termination category will be revised to be consistent with the "remained in school" definition, and both categories will be excluded from the calculation of the YEER.

The greatest number of comments centered on the program implications of eliminating the outcome specifically designed for programs serving 14–15 year olds. Some commenters were opposed to eliminating the outcome "completed program objective," because the new employability enhancement is limited to dropout prevention programs, and thus will reduce efforts "to provide needed vocational guidance to 14 and 15 year olds and early intervention services to this age group."

The Department would like to emphasize that the elimination of the undefined outcome "completed program objective" should, in no way, discourage service to 14–15 year olds during their crucial school years. Rather it will focus program efforts on those youth at risk of school failure to make a better transition from school to work. Programs can opt to serve these participants through two types of interventions—the youth competency system and dropout prevention—and receive credit on their performance standards. The new remained in school outcome focuses more indepth remedial services on that subgroup of youth who are at risk of dropping out of school and in need of intensive services. Accordingly, the definition of the remained in school outcome, as it applies to 14–15 year olds, will be tailored to include the most relevant interventions permitted under the provisions of section 205(c) of JTPA, which specifies allowable services to 14–15 year olds. Thus, the competency requirement has been revised so that pre-employment/work maturity replaces occupational skills as one of the competency options which will be required if the retention and satisfactory progress components of the definition are met.

Most commenters accepted the rationale behind the strengthened enhancements, but requested clarifications of various components of the definitions. These included a detailed definition of being "dropout prone" and more specific information on what constitutes making "satisfactory progress" in school, whether it is appropriate to require minimum periods of participation in school or in training programs, and what the appropriate

duration should be (semester, reporting period, calendar days, or hours).

The Department does not intend to issue a uniform definition of a potential dropout; however, it is important to have a consistent definition within a State across JTPA, chapter 1, elementary and secondary education, and vocational education agencies. The Governor, in consultation with the State education agency, is better equipped to identify the conditions most likely to lead to dropping out of school in that State. This is consistent with the delegation to States of other responsibilities in JTPA's performance management system to promote Statewide client and service priorities, and also is designed to encourage constructive partnerships between JTPA and education agencies.

The rationale for requiring evidence of some measurable academic improvement during a specified period of school participation is that it will serve as a proxy for gains in learning and skill attainment. At the request of a number of commenters, the definition of satisfactory progress has been included. At a minimum, the SDA and local school system must agree to a written policy that specifies in what form progress will be measured, either by test or school grades, against some baseline achievement level established at the time each individual student was enrolled in the program and over some specified minimum period of time that is one semester or no less than 120 calendar days.

Two separate concerns were raised about the specified minimum period of retention in school. The use of "semester" as the basis for measuring retention in school was questioned by a sizable number of commenters. The use of such a school reporting period is not consistent across States and local areas. To address this concern, while at the same time recognizing the importance of long-term retention and skill development, the Department is requiring a minimum period of school participation. The definition will require that participants remain in/return to school for one semester or a minimum of 120 calendar days during which the program will continue to provide services.

Some commenters questioned the relevance of specifying any minimum period of program participation for those participants who are in GED preparation, in school completion programs, or in non-title II training. The Department recognizes that many SDAs offer intensive GED programs which may last less than 90 days. Similarly, vocational training programs and other proprietary school programs may provide courses of less than 90 days. Recognizing program practicalities, without losing sight of the Department's commitment that JTPA should enhance the employability of its participants, reporting requirements for these two enhancements will be modified to allow for 200 hours or 90 calendar days of participation. In addition, credit will also be permitted for program leavers who complete non-title II training programs in a shorter period if a formal certificate of occupational skill attainment from the training institution can be provided. The appendix also contains definitions of the four employability enhancement outcomes that have been changed.

Performance Standards Levels

Few comments were critical of the numerical values of the standards, with the exception of the weekly earnings at follow-up. A total of nine commenters felt that the levels were too high; thus discouraging service to some groups, such as welfare recipients, single parents with young children, and older workers, who may prefer part-time work.

Although the earnings standard reflects the increase in the minimum wage scheduled to take effect in April 1990, the standard is still based on a level that is easy to attain (the lowest quartile of PY 1988 performance). In addition, the level of previous performance already accounts for part-time employment in that it represents an average of all reported earnings during a year from both full- and part-time employment. While a small percentage of older workers are served in JTPA programs, on average, they have a higher starting wage than most adults. In the event that any factor not already accounted for in the optional adjustment model, including service to a particular population or a local economic condition, can be shown to lower performance, Governors are encouraged to make appropriate adjustments to an SDA's performance standards.

Performance Standards Incentives Policy

In the January 5, 1990, issuance, the Secretary proposed that "Governors must use the six Secretary's measures as the basis for making awards and imposing sanctions." A number of States have requested clarification of the meaning of this language. It was the Department's intention that each of the core standards have a measurable influence on the amount of an incentive award. Toward that end, the language in the issuance has been changed to read as follows: "Governors must use; i.e., cannot 'zero weight', the six Secretary's performance measures as the basis for making awards and imposing sanctions and a substantial part of a State's performance standards award must be based on these six measures."

Governors will be permitted to use additional non-cost measures in their incentives system as dictated by individual State policy and program emphases.

Certifications

This issuance is procedural in character and gives direction to States and local service deliverers on the implementation of performance standards for programs under titles II–A and III of JTPA. Therefore, it is not classified as "major" under Executive Order 12291 and no impact analysis is required. This issuance has been assessed according to the Federalism policymaking criteria outlined in Executive Order 12612 and the Department has determined that this issuance will not limit the policymaking discretion of the States. This issuance both addresses Departmental policy objectives and permits States discretionary authority in the application of performance standards. The procedural framework included in this issuance enables States to better assist localities in more effective, efficient and consistent program design and management.

Signed at Washington, DC, this 3rd day of April, 1990.

Robert T. Jones,

Assistant Secretary of Labor.

Appendix

Training and Employment Guidance Letter _____

Performance Standards for PY 1990

Authority: Job Training Partnership Act, Pub. L. 97–300, Section 106, Implementing Regulations, 20 CFR 629.46.

March 15, 1983

1. *Purpose.* To transmit to State JTPA Liaisons the Secretary's national numerical standards and implementing instructions for Program Years (PYs) 1990 and 1991.

2. *Background.* Section 106 of JTPA (as amended by the Economic Dislocation and Worker Adjustment Assistance (EDWAA) Act) directs the Secretary to establish performance standards for adult, youth, and dislocated worker programs. These standards are updated every two years based on the most recent JTPA program

experience and on program emphases and goals established by the Department of Labor. The Secretary also issues instructions for implementing standards and parameter criteria for States to follow in adjusting the Secretary's standards for service delivery areas (SDAs) and substate areas (SSAs).

3. *Performance Management Goals for PYs 1990–1991.* Program Year 1990 will begin the fourth two year cycle of the performance management system under JTPA. The effects of performance standards on program design, service delivery, and participants served are reflected in the JTPA Advisory Committee Report and recent legislative proposals. In response, the Department has set the following goals for the performance management system in PY 1990–1991:

- Targeting services on a more at-risk population;
- Improving the quality and intensity of services that lead to long-term employability and increased earnings;
- Placing greater emphasis on basic skills acquisition to qualify for employment or advanced education or training; and
- Promoting comprehensive, coordinated human resource programs to address the multiple needs of at-risk populations.

These goals are reflected in the Secretary's six core measures, national numerical standards for these measures, and associated reporting requirements. However, Governors retain their discretion to establish additional standards to reflect State policy, to make further adjustments to SDA standards, and to use their authority to develop innovative incentive policies. Thus, SDAs could be rewarded for successful performance against national priorities and for addressing the Governor's "special" program emphases.

This issuance introduces the six required national standards for PY 1990. Included in the six core measures are five currently in use, and one (Welfare Weekly Earnings at Follow-up) which is derived from currently reported data. Data to support additional non-cost measures will continue to be reported, and Governors will be able to use those in incentive policies. Cost data will continue to be collected for purposes of program oversight and fiscal management only. Numerical levels for PYs 1990–1991 for the six core standards are updated and included along with implementing instructions for the standards.

4. *Core Performance Measures for PYs 1990–1991.* Six performance measures will be used for title II–A for PYs 1990–91. These measures are the Adult Follow-Up Employment Rate, Adult Weekly Earnings at Follow-Up, the Welfare Follow-Up Employment Rate, Welfare Weekly Earnings at Follow-Up, the Youth Entered Employment Rate, and the Youth Employability Enhancement Rate.

The adult and welfare follow-up measures will indicate a program's ability to contribute to participants' long-term employability and economic self-sufficiency, as measured 13 weeks after leaving the program. The youth measures reinforce Departmental emphases on the development of employability skills and employment, including the acquisition of educational and vocational credentials, and dropout prevention and recovery. By redefinition, the entered employment rate will apply only to those youth for whom employment is an appropriate outcome. Excluded from the computation of the youth entered employment rate are those youth who are in-school and enrolled in dropout prevention or recovery programs.

Program data for EDWAA will not be available until August 1990; therefore, the Department will maintain the current entered employment rate standard for PYs 1990 and 1991.

5. *Secretary's National Numerical Standards for PYs 1990–1991.* The title II–A numerical standards are derived from PY 88 performance data reported on the JTPA Annual Status Report (JASR) and are generally set at a level that approximately 75% of the SDAs are expected to exceed. Earnings, however, have been adjusted to reflect increased minimum wage rates. The employability enhancement standard for youth is set at a level comparable to previous performance derived from those States that in PY 88 chose a combination of youth standards similar to the two proposed core measures. The level of the youth entered employment rate will remain unchanged from PY 88 as the data needed to calculate the redefined rate are not yet available.

The Secretary's standards for title II–A for PYs 1990–1991 are as follows:

Adults

A. Adult Follow-up Employment Rate: 62%.

B. Adult Weekly Earnings at Follow-up: $204.

Welfare

A. Welfare Follow-up Employment Rate: 51%.

B. Welfare Weekly Earnings at Follow-up: $182.

Youth

A. Youth Entered Employment Rate: 45%.

B. Youth Employability Enhancement Rate: 33%.

The Secretary's Standard for title III will remain unchanged from that issued in PY 89 and is as follows:

A. Entered Employment Rate: 64%.

6. *Implementing Provisions.* The following implementation requirements must be followed:

A. *Required Standards.* For title II–A, Governors are required to set, for each SDA, a numerical performance standard for each of the six Secretary's measures; for Title III, Governors are required to set, for each substate area (SSA), a numerical performance standard for entered employment.

B. *Setting the Standards.* The Governor may set the standards for SDAs/SSAs by using the Secretary's numerical standards or by adjusting these standards. Such adjustments must conform to the Secretary's parameters described below:

1. Procedures must be:
- Responsive to the intent of the Act,
- Consistently applied among the SDAs/SSAs,
- Objective and equitable throughout the State,
- In conformance with widely accepted statistical criteria;

2. Source data must be:
- Of public use quality,
- Available upon request;

3. Results must be:
- Documented,
- Reproducible; and

4. Adjustment factors must be limited to:
- Economic factors,
- Labor market conditions,
- Characteristics of the population to be served,
- Geographic factors,
- Types of services to be provided.

The Department has developed an adjustment methodology which is available for Governors to use at their option. The Department's methodology conforms to the parameter criteria cited above. Should the Governor choose to use an alternate methodology, or further adjust the Departmental model, it must conform to the parameter criteria and be documented in the Governor's Coordination and Special Services Plan prior to the program year to which it applies.

In the case of an appeal from an SDA concerning the imposition of a reorganization plan for failure to meet the performance standards for two consecutive years, the Secretary will

make the final decision in accordance with section 106(h) of the Act and 20 CFR 629.46(d). In making this decision, the Secretary will be predisposed to uphold the Governor's determination concerning the application of the performance standards if the Governor elects to use the nationally developed adjustment methodology to vary the performance standards. If the Governor, however, uses an alternative methodology to vary the standards, the Secretary will review, on a case-by-case basis, the validity of the methodology and its uniform application throughout the State.

The State Job Training Coordinating Council must have an opportunity to consider adjustments to the Secretary's standards and to recommend variations.

C. *Performance Standards Definitions.* Governors must compute the performance of their SDAs/SSAs according to the definitions included in the attachments.

D. *Application of the Performance Standards.* Performance standards for title II–A are to be applied to all programs funded under section 202(a)(1) of the Act. Performance standards may be applied to those programs funded from incentive funds received under section 202(b)(3)(B). In applying the Secretary's standards, Governors must use the six core measures and may select additional non-cost measures to form the basis of incentive policies as long as the following criteria are met:

1. The Governors must use (i.e., cannot "zero weight") the six Secretary's performance measures as the basis for making awards and imposing sanctions and a substantial part of a State's performance standards award must be based on these six measures.

2. Cost standards cannot be used for incentive purposes.

3. To determine whether an SDA has met/exceeded a performance standard, Governors must use actual end-of-year program data to recalculate the performance standards.

4. Incentive policies may include adjustments to the incentive award amount based upon such factors as grant size, service to the hard-to-serve, intensity of service, and expenditure level.

5. An SDA cannot be precluded from receiving an incentive award in accordance with section 202(b)(3)(B) if it exceeds the six Secretary's measures. Additional non-cost measures can also be considered in making awards.

6. An SDA can only have sanctions imposed under section 106(h) for failure to meet the Secretary's measures.

7. The Governor's policy on imposing sanctions may provide for imposing sanctions on SDAs for missing fewer than all six of the Secretary's measures. The imposition of sanctions is required, however, if an SDA fails to meet for two consecutive years all six Secretary's measures.

8. Governors must specify their incentive award policy under section 202(b)(3)(B) and imposition of sanctions policy under section 106(h). State policy on imposing sanctions must include a definition of "failure to meet" and the timeframe that constitutes the period on which action will be taken. The failure to receive incentive funds for two consecutive years does not necessarily constitute failure to meet the standards under section 106(h).

9. In PY 1990, Governors will continue to have the discretion to exclude "hard-to-serve" projects funded from incentive funds (6 percent set-aside funds) in computing their standards and actual performance. Consolidated data for 78 percent and 6 percent set-aside projects (expenditures and terminee characteristics) will continue to be required on the JTPA Annual Status Reports. Experience has shown that in some SDAs, incentive projects are indistinguishable from those that provide general training, and therefore should not be exempt from performance standards.

7. *Performance Standards Provisions for Title III.* Performance standards for title III are to be applied to the following programs funded under section 302: all of section 302(c)(1) State activities, and sections 302 (c)(2) and 302 (d) substate area activities. Performance outcomes will be reported for programs operated under section 302(a)(2) Secretary's National Reserve; however, Standards will not apply. Explanatory note: Performance outcomes will be reported in lieu of applying performance standards (numerical expressions of minimal acceptable performance) for activities funded under the Secretary's National Reserve because these funds are typically used for one time projects rather than ongoing programming.

While rewards and the imposition of sanctions are not required for PYs 1990–1991, Governors may use a portion of the 40 percent funds reserved for State activities under section 302(c)(1) for rewarding substate area performance, particularly lengthier, substantive training which will better ensure the long-term employability of participants. Although no statutory requirement exists for monetary incentives, Congress requires State plans to include incentives to insure that long-term training is provided to those who need it.

8. *Inquiries.* Questions concerning this issuance may be directed to Steven Aaronson (202) 535–0687.

9. *Attachments.*

1. Definitions for Performance Standards.

2. Youth Employability Enhancement Definitions.

Attachment 1

Definitions for Performance Standards

The following defines the title II–A performance standards:

Adult

1. *Adult Follow-up Employment Rate*—Total number of adult respondents who were employed (full-time or part-time) during the 13th full calendar week after termination, divided by the total number of adult respondents (i.e., terminees who completed follow-up interviews).

2. *Adult Average Weekly Earnings at Follow-up*—Total weekly earnings for all adult respondents employed during the 13th full calendar week after termination, divided by the total number of adult respondents employed at the time of follow-up.

Welfare

3. *Welfare Follow-up Employment Rate*—Total number of adult welfare respondents who were employed (full-time or part-time) during the 13th full calendar week after termination, divided by the total number of adult welfare respondents (i.e., terminees who completed follow-up interviews).

4. *Welfare Weekly Earnings at Follow-up*—Total weekly earnings for all welfare respondents employed during the 13th full calendar week after termination, divided by the total number of welfare respondents employed at the time of follow-up.

Youth

5. *Youth Entered Employment Rate*—Total number of youth who entered employment at termination divided by the total number of youth who terminated excluding those potential dropouts who are reported as remained in school and dropouts who are reported as returned to school.

Note: Youth terminees who remain in/return to school and enter employment will be reported on the JTPA Annual Status Report as "Also Attained Any Adult/Youth Employability Enhancement." Such terminees will not be excluded from the termination pool reflected in the denominator in the calculation of the Youth Entered Employment Rate.

6. *Youth Employability Enhancement Rate*—Total number of youth who attained one of the employability enhancements at termination, whether or not they also obtained a job, divided by the total number of youth who terminated.

• Youth Employability Enhancements include:

a. Attained (two or more) PIC-Recognized Youth Employment Competencies.

b. Completed Major Level of Education Following Participation of At Least 90 Calendar Days or 200 Hours in JTPA Activity.

c. Entered and Retained for at Least 90 Calendar Days or 200 Hours in Non-Title II Training or received a certification of occupational skill attainment.

d. Returned to and Retained in Full-Time School for one semester or at least 120 Calendar Days (dropouts only), attained a basic or job-specific skill, and made satisfactory progress.

Note: For the purposes of this outcome, "full-time school" includes alternative schools, defined as a specialized, structured curriculum offered inside or outside of the public school system which may provide work/study and/or GED preparation.

e. Remained in School for one semester or at least 120 Calendar Days (Youth At-Risk of Dropping Out of School), attained a basic or job-specific skill competency, and made satisfactory progress.

Note: For 14–15-year-olds, the acceptable competencies will be basic skills or preemployment/work maturity.

The following defines the title III performance standard:

1. *Entered Employment Rate*—Total number of individuals who entered employment at termination, excluding those who were recalled or retained by original employer after receipt of a layoff notice, divided by total terminations excluding those who were recalled or retained by original employer after receipt of a layoff notice.

Attachment 2

Youth Employability Enhancement Definitions

"Youth Employability Enhancement" means an outcome for youth, other than entered unsubsidized employment, which is recognized as enhancing long-term employability and contributing to the potential for a long-term increase in earnings and employment. Outcomes which meet this requirement shall be restricted to the following: (1) Attained PIC-Recognized Youth Employment Competencies (two or more); (2) Returned to Full-Time School; (3) Remained in School; (4) Completed Major Level of Education; or (5) Entered Non-Title II Training.

1. *Attained PIC-Recognized Youth Employment Competencies*—This definition remains the same as it is in the PY 88–89 Annual Status Report (JASR).

2. *Returned to Full-Time School*—The total number of youth who, (1) had returned to full-time secondary school (e.g., junior high school, middle school and high school), including alternative school, if, at the time of intake the participant was not attending school, exclusive of summer, and had not obtained a high school diploma or equivalent and (2) prior to termination had been retained in school for one semester or at least 120 calendar days.

Alternative school—a specialized, structured curriculum offered inside or outside of the public school system which may provide work/study and/or GED preparation.

Note: To obtain credit for Returned to Full-Time School and Remained in School (below), SDAs must be prepared to demonstrate that retention results from continuing participation in JTPA activities and the youth must (1) be making satisfactory progress in school, and (2) for youth aged 16–21: attain a PIC-approved Youth Employment Competency in Basic Skills or Job Specific Skills and (3) for individuals aged 14–15: attain a PIC-approved Youth Employment Competency in Pre-employment/Work Maturity or Basic Skills.

Satisfactory progress in school—An SDA, in cooperation with the local school system, must develop a written policy which defines an individual standard of progress that each participant is required to meet. Such a standard should, at a minimum, include both a qualitative element of a participant's progress, (e.g., performance on a criterion referenced test or a grade point average) and a quantitative element (e.g., a time limit for completion of the program or course of study). This policy may provide for exceptional situations in which students who do not meet the standard of progress are nonetheless making satisfactory progress during a probationary period because of mitigating circumstances.

3. *Remained in School*—The total number of youth who, prior to termination, had been retained in full-time secondary school, including alternative school, for one semester or at least 120 calendar days. A youth may be recorded on this line only if she/he was attending school at the time of intake, had not received a high school diploma or equivalent, and was considered "at risk of dropping out of school", as defined by the Governor in consultation with the State Education Agency.

4. *Completed Major Level of Education*—The total number of adults/youth who, prior to termination, had completed, during enrollment, a level of educational achievement which had not been reached at entry. Levels of educational achievement are secondary and postsecondary. Completion standards shall be governed by State standards and shall include a high school diploma, GED Certificate or equivalent at the secondary level, and shall require a diploma or other written certification of completion at the postsecondary level.

Note: To obtain credit, completion of a major level of education must result primarily from JTPA program participation of at least 90 calendar days or 200 hours.

5. *Entered Non-Title II Training*—The total number of adults/youth who, prior to termination, had entered an occupational-skills employment/training program, not funded under title II of the JTPA, which builds upon and does not duplicate training received under title II.

Note: To obtain credit, the participant must have been retained in that program for at least 90 calendar days or 200 hours or must have received a certification of occupational skill attainment. During the period the participant is in non-title II training, s/he may or may not have received JTPA services.

[FR Doc. 90–8676 Filed 4–12–90; 8:45 am]

BILLING CODE 4510–30–M

Wagner-Peyser Act; Final Planning Allotments for Program Year (PY) 1990

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: This notice announces the final planning allotments for Program Year (PY)1990 (July 1, 1990 through June 30, 1991) for basic labor exchange activities provided under the Wagner-Peyser Act.

FOR FURTHER INFORMATION CONTACT: Robert A. Schaerfl, Director, U.S. Employment Service, 200 Constitution Avenue NW., Room N–4470, Washington, DC 20210. Telephone: (202) 535–0157.

SUPPLEMENTARY INFORMATION: In accord with section 6(b)(5) of the Wagner-Peyser Act, the Employment and Training Administration is publishing final planning allotments for each State. Preliminary planning estimates were published in the **Federal Register** on February 1, 1990, 55 FR 3497. The total amount of funds currently

available for distribution is $779,039,000. Funds are distributed in accordance with formula criteria established in section 6 (a) and (b) of the Wagner-Peyser Act. Civilian labor force (CLF) and unemployment data for Calendar Year 1989 are used in making the formula calculations.

The Secretary of Labor set aside 3 percent of the total available funds to assure that each State will have sufficient resources to maintain statewide employment services, section 6(b)(4). In accord with this provision, $22,903,747 is set aside for administrative formula allocation. These set-aside funds are included in the total planning allotment. Set-aside funds are distributed in two steps to States which have lost in relative share of resources from the prior year. In Step one, States which have a CLF below one million and are below the median CLF density are maintained at 100 percent of their relative share of prior year resources. The remainder is distributed in Step 2 to all other States losing in relative share from the prior year but which do not meet the size and density criteria for Step one.

While objectives for allocating the Secretary's 3-percent set-aside are unchanged from the prior year, a technical change has been made in the administrative formula used for calculating PY 1990 preliminary and final planning estimates. As indicated in the **Federal Register** notice releasing the preliminary estimates, the technical change compares a State's relative share of *total* current year resources to its relative share of total prior year resources to determine eligibility for the Step two distribution.

Postage costs incurred by States during the conduct of employment service (ES) activities are billed directly to the Department of Labor by the U.S. Postal Service. The total final planning estimate reflects $15,580,780, or 2 percent of the total amount available, withheld from distribution to finance postage costs associated with the conduct of ES business.

Differences between preliminary and final planning estimates are caused by the use of a Calendar Year data base as opposed to the earlier data used for preliminary planning estimates.

Ten percent of the total sums allotted to each State shall be reserved for use by the Governor to provide performance incentives for public ES offices; services for groups with special needs; and for the extra costs of exemplary models for delivering job services.

Signed at Washington, DC, this 6 day of April 1990.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION FINAL PY 1990 WAGNER-PEYSER ALLOTMENT TO STATES

	Basic formula				Total Allotment [3]
	3 percent Distribution	Step 1 [1]	Step 2 [2]	Total	
Alabama	11,761,902				11,761,902
Alaska	7,244,616	1,054,540		1,054,540	8,299,156
Arizona	9,453,130		190,918	190,918	9,644,048
Arkansas	7,078,450		148,429	148,429	7,226,879
California	79,705,761				79,705,761
Colorado	9,721,115		284,508	284,508	10,005,623
Connecticut	8,785,740				8,785,740
Delaware	2,068,342		64,130	64,130	2,132,472
District of Columbia	4,830,839		450,142	450,142	5,280,981
Florida	35,168,336				35,168,336
Georgia	18,055,446		144,846	144,846	18,200,292
Hawaii	2,584,868		240,860	240,860	2,825,728
Idaho	6,036,053	878,620		878,620	6,914,673
Illinois	34,887,236		38,418	38,418	34,925,654
Indiana	15,460,849		148,393	148,393	15,609,242
Iowa	8,249,125		768,660	768,660	9,017,785
Kansas	6,591,340		185,422	185,422	6,776,762
Kentucky	10,243,698		455,016	455,016	10,698,714
Louisiana	12,440,242		1,159,191	1,159,191	13,599,433
Maine	3,589,584	522,507		522,507	4,112,091
Maryland	12,632,805		250,847	250,847	12,883,652
Massachusetts	16,262,326				16,262,326
Michigan	28,438,081		345,312	345,312	28,783,393
Minnesota	12,274,763				12,274,763
Mississippi	7,506,667		371,529	371,529	7,878,196
Missouri	14,709,127		42,212	42,212	14,751,339
Montana	4,932,695	718,012		718,012	5,650,707
Nebraska	5,928,129	862,910		862,910	6,791,039
Nevada	4,795,098	697,984		697,984	5,493,082
New Hampshire	3,006,431				3,006,431
New Jersey	20,527,740				20,527,740
New Mexico	5,535,350	805,736		805,736	6,341,086
New York	49,776,633		4,638,225	4,638,225	54,414,858
North Carolina	16,770,628				16,770,628
North Dakota	5,022,958	731,151		731,151	5,754,109
Ohio	30,616,409		173,869	173,869	30,790,278
Oklahoma	11,381,050		1,060,494	1,060,494	12,441,544
Oregon	8,414,896		453,476	453,476	8,868,372
Pennsylvania	30,997,746		475,432	475,432	31,473,178
Puerto Rico	9,346,503				9,346,503
Rhode Island	2,685,965		12,959	12,959	2,698,924
South Carolina	9,095,713				9,095,713
South Dakota	4,642,368	675,752		675,752	5,318,120
Tennessee	13,028,068		274,216	274,216	13,302,284

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION FINAL PY 1990 WAGNER-PEYSER ALLOTMENT TO STATES—Continued

	Basic formula				Total Allotment [3]
	3 percent Distribution	Step 1 [1]	Step 2 [2]	Total	
Texas	51,102,036		398,187	398,187	51,500,223
Utah	10,153,423	1,477,952		1,477,952	11,631,375
Vermont	2,174,752	316,561		316,561	2,491,313
Virginia	15,992,926				15,992,926
Washington	14,379,689				14,379,689
West Virginia	5,313,649	773,465		773,465	6,087,114
Wisconsin	13,690,357		88,585	88,585	13,778,942
Wyoming	3,601,774	524,281		524,281	4,126,055
Formula total	738,693,427	10,039,471	12,864,276	22,903,747	761,597,174
Guam	357,239				357,239
Virgin Islands	1,503,807				1,503,807
Indicia Postage	15,580,780				15,580,780
National total	756,135,253	10,039,471	12,864,276	22,903,747	779,039,000

[1] Funds are allocated to the 13 States whose relative share decreased from PY 1989 to the PY 1990 basic formula amount and which have a civilian labor force (CLF) below one million and are below the median CLF DENSITY. These States held harmless at 100% of their PY 1989 relative share.
[2] The balance of the 3% funds are distributed to the remaining 26 States losing in relative share from PY 1989 to the PY 1990 total allotment amount.
[3] Hold harmless provisions required under section 6(B) of the Wagner-Peyser Act, as amended, are maintained at the revised allotment level.

[FR Doc. 90-8677 Filed 4-12-90; 8:45 am]
BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-90-50-C]

Enlow Fork Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Enlow Fork Mining Company, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1700 (oil and gas wells) to its Enlow Fork Mine (I.D. No. 36-07416) located in Greene and Washington Counties, Pennsylvania. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternate method, petitioner proposes to seal, clean out, and plug oil and gas wells using specific techniques and procedures as outlined in the petition.

3. In addition, petitioner proposes to mine through the plugged oil or gas well. Prior to mining through, the petitioner would confer with the MSHA District Manager for approval of the specific mining procedures, and appropriate officials would be allowed to observe the process and all mining would be under the direct supervision of a certified official.

4. Methane monitors would be calibrated prior to the shift and tests would be made during mining approximately every 10 minutes; and

5. When the wellbore is intersected, all equipment would be deenergized and safety checks would be made before mining would continue in by the well a sufficient distance to permit adequate ventilation around the area of the wellbore.

6. Petitioner states that the proposed alternate method will provide the same degree of safety for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 14, 1990. Copies of the petition are available for inspection at that address.

Dated: April 6, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-8675 Filed 4-12-90; 8:45 am]
BILLING CODE 4510-43-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 90-26]

NASA Advisory Council, Space Systems and Technology Advisory Committee; 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 (NAC), Space Systems and Technology Advisory Committee (SSTAC).

DATES: May 4, 1990, 8:30 a.m. to 4:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, room 625, Federal Office Building 10B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Catherine Smith, Office of Aeronautics, Exploration and Technology, National Aeronautics and Space Administration, Washington, DC 20546, 202/453-2367.

SUPPLEMENTARY INFORMATION: The NAC Space Systems and Technology Advisory Committee (SSTAC) was established to provide overall guidance and direction to the space research and technology activities in the Office of

Aeronautics, Exploration and Technology (OAET). The Committee, chaired by Dr. Joseph F. Shea, is comprised of 20 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:

May 4, 1990

8:30 a.m.—Opening Remarks.
8:45 a.m.—National Aeronautics and Space Administration Budget Status/OAET Organization.
9 a.m.—Fiscal Year 1990 Program Status.
9:45 a.m.—Fiscal Year 1990 Program.
10:15 a.m.—Fiscal Year 1992 and Outyear Planning.
11:15 a.m.—Exploration Program Mission Studies and Innovative Technology Outreach.
1:15 p.m.—Exploration Technology Program.
3 p.m.—Long Duration Exposure Facility Recovery.
3:30 p.m.—Ad Hoc Review Team Status Update.
3:35 p.m.—Ad Hoc Review Team Interim Report—Human Performance.
4:15 p.m.—Summary Session.
4:30 p.m.—Adjourn.

Dated: April 6, 1990.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 90-8602 Filed 4-12-90; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Proposed Availability of Fiscal Year 90 Funds for Financial Assistance (Cooperative Agreements) to Support Research at Historically Black Colleges and Universities (HBCU) and the Exchange of Information

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice.

SUMMARY: The Nuclear Regulatory Commission (NRC), Office of Nuclear Regulatory Research, and Office of Small and Disadvantaged Business Utilization and Civil Rights, announces proposed availability of Fiscal Year (FY) 90 funds to initiate a financial assistance program for Historically Black Colleges and Universities (HBCUs). The FY90 ceiling for the program is $150,000 which will be administered in accordance with the Federal Grant and Cooperative Agreement Act of 1977. Because of the limited sum, HBCU's should restrict proposed research cooperative agreement budgets to no more than $50,000 per year, with total project funding not exceeding $100,000 over a two-year period. Proposals for FY90 research cooperative agreements should be submitted between April 16 and June 15, 1990. Proposals received after June 15, 1990 may or may not be considered for funding in FY90, which ends September 30, 1990.

ADDRESSES: Attention: Cooperative Agreement Officer, Division of Contracts and Property Management, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

FOR FURTHER INFORMATION CONTACT: Mrs. Michelle DeBose, ADM/CNB1, (301) 492-4210 or Mrs. Kimberly Parrott, (301) 492-4297.

SUPPLEMENTARY INFORMATION:

Background

On May 2, 1989, the Executive Office of the President published in the **Federal Register** (54 FR 18869) Executive Order 12677 of April 28, 1989, informing each Executive Department and those Executive agencies designated by the Secretary of Education to estabish an annual plan to increase the ability of HBCUs to participate in federally sponsored programs. On September 1, 1989, the NRC FY90 Federal Plan for Assistance was submitted to the Executive Director of the White House Initiative on Historically Black Colleges and Universities, U.S. Department of Education. On October 27, 1989, the White House Initiative approved the financial assistance to HBCUs as part of the NRC Federal Plan which described specific strategies for involving HBCUs in NRC research activities.

Scope and Purpose of This Announcement

Pursuant to Executive Order 12677 of April 28, 1989, and the NRC Federal Plan, the NRC Office of Nuclear Regulatory Research and the Office of Small and Disadvantaged Business Utilization and Civil Rights has a limited amount of funds (FY90 ceiling of $150,000) to support research cooperative agreements to HBCUs.

The proposed HBCU research cooperative agreement program is part of a larger NRC effort to increase university involvement in nuclear safety research, and in direct response to Executive Order 12677, directing Federal agencies to find ways to increase participation of HBCUs in the programs of the Federal government. In addition, the proposed research program takes advantage of the strong interest of HBCU institutions in increasing student involvement in research activities.

The purpose of this program is to stimulate research at HBCUs in the area of nuclear safety using cooperative agreements to reduce the financial and personnel burden to the institutions of initiating the research activity. Each research cooperative agreement should contain elements which will potentially benefit the undergraduate and graduate research programs of the institution, as well as show creativity in attracting support from the private sector to extend or expand the research activity.

The results of this program will—

a. Broaden public understanding relating to nuclear safety;

b. Pool the funds of theoretical and practical knowledge and technical information;

Enhance the protection of the public health and safety;

d. Advance the development of human potential;

e. Strengthen the capacity to provide quality education; and

f. Ensure the long-term viability of HBCU institutions.

The NRC encourages HBCUs to submit research cooperative agreement proposals in the following areas:

1. Development of steady state and transient pump models for estimate code applications.

2. Advantages and disadvantages of water addition to a degraded core.

3. Behavior of hot hydrogen while exiting a break in the primary pressure boundary.

4. Modeling and experimentation on two-phase flow, interfacial relations, and heat transfer in nuclear reactor coolant systems.

5. Severe accident evaluation, including: high temperature chemistry of severe accident reactor radionuclides; advanced thermal hydraulic modeling of fluids including combustible gases and molten core materials in reactor primary systems during severe accidents.

6. Advanced demographic models or statistical methods to predict propulation density and distribution around future nuclear power reactor sites.

7. High temperature material interactions during severe accidents (e.g., core/concrete, core debris/vessel components).

8. Human factors evaluation including criteria and guidelines to determine the risk reduction from application of human factors requirements on nuclear power plant operations and maintenance.

9. Methods for the nuclear industry to use the growing pool of human performance data.

10. Development of methodology for Risk and Reliability Analysis of closed loop control systems, including advanced digital based control systems.

11. Develop and codify pragmatic, statistically valid, methods for updating severe accident frequency and consequence analysis to reflect results of new operational, experimental, and calculation data.

12. Develop merit of methods and procedures for establishing the degree to which Probabilistic Risk Assessment (PRA) results converge with operational data.

13. Development of methods to analyze and understand the aging effects, improved examination and testing methods for determining the condition of structures and components and methods to assess residual lifetime of structures and components.

14. Development of methods for assuring component structural reliability and realistic methods to define the probabilities of radioactive release due to earthquakes.

15. Development of methods for assuring integrity of the primary system, i.e., pressure vessels, piping, steam generator tubing.

16. Development of methods to establish and validate decomissioning criteria and effects of water chemistry on the primary system integrity.

17. Devlopment and/or validation of models to explain the tectonics of the Central and Eastern United States (east of 106 degrees W.)

18. Development and/or validation of models to predict the propagation of seismic ground motions in the Central and Eastern United States or in a shallow soil column.

19. Investigations/studies including field observation of the paleoseismicity of the Central and Eastern United States.

20. Design of concepts to increase the safety of industrial radiography devices.

21. Long-term load deformation characteristics of a low-level waste disposal facility.

22. Simplified modeling of thermohydrologic phenomena in high-level radioactive waste geological repositories.

23. Thermodynamic considerations in modeling groundwater flows in unsaturated media used for nuclear waste disposal.

24. Development of a continum approach for modeling unsaturated fractured rock.

25. Development of improved instrumentation or techniques for measuring activities, radiation dose, and dose rates, especially from small radioactive particles.

26. Devlopment of methods for contamination prevention, measurement, and control; and improved radiological air sampling methodology.

27. Investigation of the types, sensitivity, and linearity of various biological effects of radiation that could be used as biological dosimeters.

28. Research on the metabolism of radionuclides and their compounds relative to the calculation of internal dose.

29. Investigation of the efficacy of radioactive protective agents.

30. Develop methodology for implementation of a nonprescription regulatory process, considering such factors as—

(a) The most effective framework;

(b) the pros/cons and practical aspects of its implementation; and

(c) the changes needed in current process and legislation to implement such a change.

31. Investigation of neutron polarization effects on reactivity control for advanced reactor application (use of a magnetic field to modulate neutron diffusion/core reactivity).

Eligible Applicants

Historic Black Colleges and Universities are eligible to apply for a cooperative agreement under this announcement.

Factors Generally Indicating Support Through Cooperative Agreements

The NRC's benefit from the result of Cooperative Agreements should be no greater than for other interested parties, i.e., the public must be the primary beneficiary of the work performed. Surveys, studies, or research which provide specific information or data necessary for the NRC to exercise its regulatory or research mission responsibilities will not be funded by a Cooperative Agreement. Applicants requesting support for work which has a direct regulatory application should submit their requests as an unsolicited proposal for consideration as a contract rather than a Cooperative Agreement.

1. The primary purpose of NRC Cooperative Agreements is to support the development of knowledge or understanding of the subject or phenomena under study.

2. The exact course of the work and its outcome are usually not defined precisely, and specific points in time for achievement of significant results do not need to be specified.

3. The NRC desires that the nature of the proposed investigation be such that the recipient will bear prime responsibility for the conduct of the research and exercise judgment and original thought toward attaining the scientific goals within broad parameters of the proposed research areas and the resources provided.

4. Meaningful technical reports (as distinguished from Semi-Annual Status Reports) may be prepared only as new findings are made, rather than on a predetermined time schedule.

5. Simplicity and economy in execution and administration are mutually desirable.

Proposal Format

Proposals should be concise and provide a thorough understanding of the proposed project. Neither unduly elaborate applications nor voluminous supporting documentation is desired.

HBCUs shall submit proposals utilizing the standard forms stipulated in OMB Circular A-110 (Attachment M).

The format used for project proposals shoud give a clear presentation of the proposed project and its relation to the specific objectives contained in this notice. Each proposal should follow the format outlined below unless the NRC specifically authorizes exception.

1. *Cover Page.* The Cover Page should be typed according to the following format (submit separate cover pages if the proposal is multi-institutional):

Title of Proposal—To include the term "research," "study," or other similar designation to assist in the identification of the project;

Names of Principal Researchers or Participants;

Total Cost of Proposal; (Identify Cost by Fiscal Year) Period of Proposal;

Organization or Institution and Department;

Required Signatures;

Principal Participants;

Name: _____

Address: _____

Telephone No: _____

Required Organization Approval:

Name: _____

Date: _____

Address: _____

Telephone No: _____

Organization Financial Officer:

Name: _____

Date: _____

Address: _____

Telephone No: _____

2. *Project Description.* Each proposal shall provide, in ten pages or less, a complete and accurate description of the proposed project. This section should provide the basic information to be used in evaluating the proposal to determine its priority for funding. Applicants must

identify other possible sources of financial support for a particular project, and list those sources from which financial support has been or will be requested.

The information provided in this section must be brief and specific. Detailed background information may be included as supporting documentation to the proposal.

The following format shall be used for the project description:

(a) *Project Goals and Objectives.* The project's objectives must be clearly and unambiguously stated. The proposal should justify the project including the problems it intends to clarify and the development it may stimulate.

(b) *Project Outline.* The proposal should show the project format and agenda, including a list of principal areas or topics to be addressed.

(c) *Project Benefits.* The proposal should indicate the direct and indirect benefits that the project seeks to achieve and to whom these benefits will accrue.

(d) The proposal should describe the physical facilities required for the conduct of the project. Further, the proposal should include brief biographical sketches of individuals responsible for planning the project.

(e) *Project Costs.* As education institutions, HBCUs shall adhere to the cost principles set forth in OMB Circular A-21.

The proposal must provide a detailed schedule of project costs, identifying in particular—

(1) Salaries—in proportion to the time or effort directly related to the project;

(2) Equipment (rental only);

(3) Travel and Per Diem/Subsistence in relation to the project;

(4) Publication Costs;

(5) Other Direct Costs (specify)—e.g., supplies or registration fees; (Note: Dues to organizations, federations or societies, exclusive of registration fees, are not allowed as a charge.)

(6) Indirect Costs (attach negotiated agreement/cost allocation plan); and

(7) Supporting Documentation. The supporting documentation should contain any additional information that will strengthen the proposal.

Proposal Submission and Deadline

The notice is valid for part of the Federal Government Fiscal Year 90 (March 30, 1990 to September 30, 1990). Potential grantees are advised that due to the limited funding available, proposals received after June 15, 1990 may or may not be considered for funding in Fiscal Year 90.

FY90 Funds

For Fiscal Year 90, the U.S. Nuclear Regulatory Commission, Office of Nuclear Regulatory Research, anticipates making a total of $150,000 available for funding research Cooperative Agreements to HBCU institutions. Because of the limited funds proposed Cooperative Agreement budgets should be restricted to no more than about $50,000 per year, with total project funding not exceeding $100,000 over a period of two years.

Evaluation Process

All proposals received as a result of this announcement will be evaluated by an NRC review panel.

Evaluation Criteria

The award of NRC Cooperative Agreements is discretionary. Generally, projects are supported in order of merit to the extent permitted by available funds.

Evaluation of proposals for research projects will employ the following criteria. No level of importance is implied by the order in which these criteria are listed.

1. Adequacy of the research design.
2. Scientific significance of proposal.
3. Technical adequacy of the investigators and their institutional base.
4. Relevance to a research area(s) described above.
5. Reasonableness of estimated cost in relation to the work to be performed and anticipated result.
6. Potential benefit of the project to the overall benefit of the institution's undergraduate and graduate research program.

Disposition of Proposals

Notification of award will be made by the Grant (Cooperative Agreement) Officer and organizations whose proposals are unsuccessful will be so advised.

Proposal Instructions and Forms

Questions concerning the preceding information, copies of application forms, and applicable regulations shall be obtained from or submitted to U.S. Nuclear Regulatory Commission, ATTN: Grant Officer, Division of Contracts and Property Management, Mail Stop P-1042, Office of Administration, Washington, DC 20555. (Note: Cooperative Agreement application packages. Standard Form 424 must be requested in writing.)

The address for hand-carried applications is: U.S. Nuclear Regulatory Commission, ATTN: Grant Officer, Division of Contracts and Property Management, Office of Administration, Mail Stop P-1042, 7920 Norfolk Avenue, Bethesda, MD 20814.

(Note: Upon delivery of the application to the NRC guard desk (at the above address), the guard should be requested to telephone the Division of Contracts and Property Management (Extension x24297) for a pick-up of the application.)

Nothing in this solicitation should be construed as committing the NRC to dividing available funds among all qualified applicants.

Dated at Bethesda, MD this 9th day of April 1990. For the U.S. Nuclear Regulatory Commission.

Mary H. Mace,

Grant Officer, Contract Negotiation Branch #2, Division of Contracts and Property Management, Office of Administration.

[FR Doc. 90-8628 Filed 4-12-90; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Revised Meeting Agenda

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will continue its 360th meeting on April 18-19, 1990, in Room P-110, 7920 Norfolk Avenue, Bethesda, Maryland. Notice of this meeting was published in the **Federal Register** on March 21 (55 FR 10557) and April 3, 1990 (55 FR 12432). This revised meeting notice consists of continued sessions to complete Committee deliberations regarding items considered during this meeting, namely SECY-90-016, Evolutionary Light Water Reactor Certification Issues and Their Relationship to Current Regulatory Requirements and the proposed NRC Severe Accident Research Program Plan. The schedule for these sessions is noted below.

Wednesday April 18, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

3:15 p.m.-6:30 p.m.: Preparation of ACRS Reports to the NRC (Open)—The Committee will continue discussion of the proposed ACRS reports to the NRC regarding SECY-90-016, Evolutionary Light Water Reactor Certification Issues and Their Relationship to Current Regulatory Requirements and the proposed NRC Severe Accident Research Program Plan.

Thursday, April 19, 1990, Room P-110, 7920 Norfolk Avenue, Bethesda, Md.

8:30 a.m.-1230 p.m.: Preparation of ACRS Reports to the NRC (Open)—The Committee will continue discussion of

the proposed ACRS reports noted above.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on September 27, 1989 (54 FR 39594). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be limited to selected portions of the meeting may be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley, prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chariman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 301/492-8049), between 7:45 a.m. and 4:30 p.m.

Dated: April 10, 1990.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 90-8623 Filed 4-12-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-309]

Maine Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 115 to Facility Operating License No. DPR-36 issued to Maine Yankee Atomic Power Station located in Lincoln County, Maine. The amendment was effective as of the date of issuance.

The amendment modifies specifications with respect to section 5.12, High Radiation Area. The amendment addresses the administrative controls for locked high radiation area access and provides clarification for determining the high radiation area dose value.

The application for 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 1, which is 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 February 8, 1990 (55 FR 4499). No request for a hearing or petition for leave to intervene was filed following this notice.

The Commission has prepared an Environmental Assessment and Finding of No Significant Impact (55 FR 12970) related to the action and has concluded that an environmental impact statement is not warranted and that the issuance of this amendment will not have a significant adverse effect on the quality of the human environment.

For further details with respect to the action see (1) The application for amendment dated December 22, 1989 (2) Amendment No. 115 to License No. DPR-36 and (3) the Commission's related Safety Evaluation and Environmental Assessment.

All of these items are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Wiscasset Public Library, High Street, P.O. Box 367, Wiscasset, Maine 04578.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects I/II.

Dated at Rockville, Maryland, this 6th day of April, 1990.

For the Nuclear Regulatory Commision.

Eric J. Leeds,

Project Manager, Division of Reactor Projects I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-8627 Filed 4-12-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-423]

Northeast Nuclear Energy Co., et al.: Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-49, issued to Northeast Nuclear Energy Company, et al. (the licensee), for operation of Millstone Unit No. 3 located in New London County, Connecticut.

On March 15, 1990, a leak in the Millstone Unit No. 3 yard fire water supply header was detected. To make a repair, it was determined that an underground section of the northeast fire water header needed to be isolated. On March 19, 1990, bypass jumper 390-16 was approved by the plant operations review committee (PORC) which established compensatory measures to be taken during the isolation and repair of the northeast fire water supply header to be isolated and removed from service for excavation, location and repair of the leak. Additional lengths of fire hose were supplied to hydrant hose No. 4. A continuous fire patrol was established at the reserve station service transformer and alternate sources of fire protection water were supplied to the fuel and engineered safety features buildings to ensure compliance with the Limiting Condition for Operation of Technical Specification (TS) 3.7.12.1 Subsequently, on March 30, 1990, Millstone Unit 3 shutdown for unrelated causes. Since Millstone Unit 3 was being operated within the "Action Statement" of TS 3.7.12.1, the requirements of TS 3.0.4 would not allow restart of the plant without repair of the fire water supply header.

The NRC staff has recognized that TS 3.0.4 has been applied in an inconsistent fashion. In this regard, TS which allow unlimited operation with compensatory measures being taken for inoperable equipment, restart of the facility with the same inoperable equipment should not be prevented. The NRC staff position on TS 3.0.4 is contained in Generic Letter (GL) 87-09, "Sections 3.0 and 4.0 of the Standard Technical Specifications (STS) on the Applicability of Limiting Conditions for Operations and Surveillance Requirements," which we issued on June 4, 1987. A resolution for generic problems associated with TS 3.0.4 was proposed by GL 87-09.

By letter dated April 1, 1990 the licensee requested a Temporary Waiver

of Compliance to allow start-up within the "Action Statement" of TS 3.7.12.1 and while the application for license amendment (dated April 2, 1990) is being processed. The Temporary Waiver of Compliance was subsequently issued on April 2, 1990.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the April 2, 1990 amendment request involves no significant hazards considerations. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The licensee has determined that the Technical Specifications Change Request involves no significant hazards considerations as defined in 10 CFR 50.92. That determination is as follows:

The proposed change does not involve a significant consideration because the change would not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. Specification 3.0.3 requires when an LCO is not met, except as provided in the associated ACTION Statement, within one hour action shall be initiated to place the plant in a mode in which the Specification does not apply. Since Specification 3.7.12.1 applies at all times, Specification 3.0.3 cannot be met. It is noted that the systems, such as sprays, sprinklers and hoses that are supplied by the fire suppression water system and that protect safety-related equipment are individually controlled by other Technical Specifications. These individual Technical Specifications already have an exception to Specification 3.0.3. Since compensatory measures are required for those systems affected by the fire suppression water system, it is concluded that there is no significant impact on the reliability of the systems. Specification 3.0.4 states that an entry into an operation mode shall not be made unless the LCO is met without reliance on ACTION statements. In this case, the ACTION statement requires compensatory measures that provide a level of safety that is comparable to the LCO. Also, ACTION Statement 'c' allows operation for an unlimited period of time. Changing modes has no impact on the level of safety provided by the compensatory measures. Therefore, exception to Specification 3.0.4 will have no impact on the reliability of the safety systems. The proposed change has no impact on the probability of an accident. There are no design basis accidents impacted by the proposed change. The fire suppression water system is not credited in any accident analysis nor is a fire an initiator assumed in any accident analysis. Therefore, there is no impact on the consequences or probability of any design basis accident.

2. Create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change will not affect plant response in any way, and there are no new failure modes associated with the change that would create a new accident. Compensatory measures are provided for the inoperable portion of the fire suppression water system so that the likelihood of fire that is not suppressed is not affected. Therefore, there is no impact on the probability of an unmitigated fire such that it should be considered part of the design basis.

3. Involves a significant reduction in safety margin. The proposed change only affects the availability of the fire suppression water system and the compensatory measures, such as a backup fire suppression water system, are provided for the inoperable portion of the fire suppression water system. Therefore, protective boundaries are not affected. Allowing the plant to start-up in accordance with ACTION Statement 'c' is consistent with the basis of this Technical Specification.

The staff has reviewed the licensee's no significant hazards consideration determination analysis and agrees with its conclusion. Therefore, the staff proposes to determine that the applicant for amendment does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 15 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of the **Federal Register** notice. Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By May 14, 1990, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rule of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Learning Resources Center, Thomas Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to

which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such as amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30 days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards considerations, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves significant hazards considerations, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John F. Stolz: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Garald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1) (i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated April 2, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, the Learning Resources Center, Thomas Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Dated at Rockville, Maryland, this 6th day of April 1990.

For the Nuclear Regulatory Commission.

John F. Stolz,

Director, Project Directorate I-4, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-8626 Filed 4-12-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 15000033-SC/ClvP; ASLBP No. 90-601-01-SC/ClvP, E.A. 88-265]

Atomic Safety and Licensing Board; Basin Services, Inc. Cancellation of Prehearing Conference

April 9, 1990.

Before Administration, Judges: Charles Bechhoefer, Chairman, Dr. James H. Carpenter, and Dr. Richard F. Cole.

In the matter of Basin Testing Laboratory, Inc. dba Basin Services, Inc., General Licensee (10 CFR 150.20).

Based on telephone advice from the NRC Staff on April 9, 1990, to the effect that the parties have tentatively agreed to settle the issues in this proceeding, the prehearing conference scheduled for Tuesday, April 24, 1990, in Williston, North Dakota (see 55 FR 9789, March 15, 1990), is hereby canceled. After receiving and examining the settlement agreement, the Board will determine whether further activities in this proceeding are warranted.

It is so ordered.

For the Atomic Safety and Licensing Board.

Bethesda, Maryland, April 9, 1990.

Charles Bechhoefer,

Chairman, Administrative Judge.

[FR Doc. 90-8625 Filed 4-12-90; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-17415; 811-5354]

Dreyfus New Jersey Tax Exempt Bond Fund, L.P.; Application for Deregistration

April 9, 1990.

Agency: Securities and Exchange Commission ("SEC").

Action: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

Applicant: Dreyfus New Jersey Tax Exempt Bond Fund, L.P.

Relevant Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company under the Act.

Filing Dates: The application on Form N-8F was filed on May 26, 1989, and was amended and restated on December 19, 1989 and February 2, 1990.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 7, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

Addresses: Secretary, SEC, 450 Fifth Street NW., Washington, DC 20549. Applicant, 666 Old Country Road, Garden City, New York 11530.

For Further Information Contact: Patricia Copeland, Legal Technician, (202) 272-3009, or Jeremy Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

Supplementary Information: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or by contacting the SEC's commercial copier (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a limited partnership organized under the laws of Delaware. On October 8, 1987, applicant registered as an open-end non-diversified management investment company under the Act. On the same date, applicant filed a registration statement on Form N-1A under the Securities Act of 1933, which was declared effective on October 30, 1987. Applicant's initial public offering commenced on November 6, 1987.

2. At a meeting held on January 21, 1988, applicant's managing general partners determined that it was advisable and in the best interest of the applicant and its partners for applicant to exchange all of its assets and liabilities for shares of common stock, par value $.001 per share, of Dreyfus New Jersey Tax Exempt Bond Fund, Inc. (File No. 811-5454), a Maryland corporation. On August 17, 1988, applicant's partners approved the exchange.

3. The shares received by applicant in the exchange were distributed to its partners in liquidation of the partnership. At the close of business on August 31, 1988, applicant's partners exchanged their shares of applicant, at the then current net asset value per share of $11.85, for an amount of shares of common stock of Dreyfus New Jersey Tax Exempt Bond Fund, Inc. with an equivalent aggregate net asset value as determined on August 31, 1988. The portfolio securities of the Applicant were acquired by Dreyfus New Jersey Tax Exempt Bond Fund, Inc. in connection with the exchange.

4. On August 31, 1988, 11,732,976 shares of limited partnership interest were outstanding at a net asset value of $11.85 per share. On that same date, applicant's aggregate net assets totaled $138,998,026.

5. Portfolio securities transferred were valued in accordance with the common valuation procedures of both applicant and Dreyfus New Jersey Tax Exempt Bond Fund, Inc. Applicant paid approximately $120,020 for expenses incurred in connection with the exchange. No brokerage commissions were paid.

6. Applicant intends to dissolve the limited partnership and to withdraw its qualification to do business in those states where it is permitted to do so. Applicant has no assets, liabilities or shareholders and has ceased doing business. No activities will be engaged in by applicant other than those in connection with the winding-up of applicant's affairs.

7. Applicant is current on its required filings with the SEC, including its N-SAR filings, and will make all final filings required by the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8615 Filed 4-12-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC—17413; 811-3736]

Pacific Horizon California Tax-Exempt Bond Portfolio, Inc.; Application for Deregistration

April 6, 1990.

Agency: Securities and Exchange Commission ("SEC").

Action: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "Act").

Applicant: Pacific Horizon California Tax-Exempt Bond Portfolio, Inc.

Relevant Act Section: Section 8(f).

Summary of Application: Applicant seeks an order declaring that it has ceased to be an investment company.

Filing Date: The application on Form N-8F was filed on March 22, 1990.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 3, 1990 and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 156 W. 56th Street, Suite 1902, New York, New York 10019.

FOR FURTHER INFORMATION CONTACT: Nicholas D. Thomas, Staff Attorney, at (202) 504-2263, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or by contacting the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations

1. Applicant is a Maryland corporation and an open-end diversified management investment company registered under the Act. On May 18, 1983, applicant filed a notification of registration on Form N-8A pursuant to section 8(a) of the Act. On the same date, applicant filed a registration statement on Form N-1A under the Securities Act of 1933. The registration statement became effective on March 29, 1984. Applicant's initial public offering commenced on March 30, 1984.

2. After a series of meetings, the last of which was held on July 21, 1989, applicant's board of directors adopted a plan of reorganization under which the applicant would transfer all of its assets and liabilities to a corresponding "shell" portfolio of Pacific Horizon Funds, Inc., a registered open-end management investment company (File No. 811-4293), in exchange for shares in the new portfolio, and then making a liquidating distribution to its shareholders of a like number of full and fractional shares of the new portfolio. Applicant's shareholders approved this plan by vote at a meeting held on January 5, 1990.

3. The exchange of shares between applicant and Pacific Horizon Funds, Inc. took place on January 19, 1990. The liquidating distribution of the new share to the applicant's shareholders took place shortly thereafter.

4. The share registration expenses incurred in connection with the reorganization were assumed by Pacific Horizon Funds, Inc. One-third of the other reorganization expenses were borne by the applicant, Pacific Horizon Funds, Inc., and the other funds which were parties to the reorganization agreement. The other two-thirds of the expenses were borne by the Concord Holding Corporation, applicant's administrator, and the Security Pacific National Bank, applicant's investment adviser.

5. As of the time of filing the application, applicant had no shareholders, assets, or liabilities. Applicant is not a party to any litigation or administrative proceeding. Applicant is not presently engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8617 Filed 4-12-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 35-25070]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

April 6, 1990.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 30, 1990 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified by any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The Columbia Gas System, Inc. (70-7678)

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly owned subsidiary company, Columbia Gas System Service Corporation ("Service"), both located at 20 Montchanin Road, Wilmington, Delaware 19807, have filed a post-effective amendment under section 12(b) of the Act and Rule 45 thereunder to their previous declaration filed under section 12(c) of the Act.

By order dated October 24, 1989 (HCAR No. 24973), Service was authorized to repurchase and retire its common stock from proceeds to be derived from a sale and leaseback transaction for Columbia's headquarters building. Columbia now requests that the Commission also authorize it to provide a guarantee not to exceed $55 million over 20 years for all lease payments of Service under any such leaseback transaction. The guarantee of Columbia will be proportionally reduced as payments are made on the lease.

Maine Yankee Atomic Power Company (70-7702)

Maine Yankee Atomic Power Company ("Maine Yankee"), Edison Drive, Augusta, Maine 04330, an electric public-utility subsidiary company of New England Electric System and Northeast Utilities, both registered holding companies, has filed an application pursuant to sections 9(a)(1) and 10 of the Act.

Maine Yankee proposes to acquire, through December 31, 1994, up to $115 million of nuclear fuel in connection with the operation of its pressurized water nuclear-powered electric generating plant in Wiscasset, Maine. Maine Yankee will derive funds to be used for the proposed acquisitions of nuclear fuel from the proceeds of previously contracted short-term debt lines and bank revolving credit facilities, as authorized by orders of the Commission dated December 9, 1987 (HCAR No. 24521), July 18, 1989 (HCAR No. 24925) and January 26, 1990 (HCAR No. 25031). The nuclear fuel will be acquired through long-term contracts and by purchases on the spot market, on terms that are commercially reasonable at the time of the contract or spot market purchase.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90-8616 Filed 4-12-90; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-20129]

Application and Opportunity for Hearing; USAir, Inc.

April 6, 1990.

Notice is hereby given that USAir, Inc. (the "Company", which term shall include Piedmont Aviation, Inc. which was merged into USAir, Inc. on August 5, 1989) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 as amended (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Meridian Trust Company (the "Bank") under thirty-three indentures between the Company and the Bank, four dated as of December 1, 1989, amended and restated as of March 1, 1990 relating to the 1990 Equipment Trust Certificates, Series A, B, C and D ("March 1990 Indentures"), two dated as

of November 1, 1988 relating to the 1988 Equipment Trust Certificates, Series J and K, and two dated as of October 15, 1988 relating to the 1988 Equipment Trust Certificates, Series H and I (such four indentures, collectively the "October Indentures"), four dated as of September 15, 1988 (the "September Indentures"), eight dated as of May 16, 1988 (the "May Indentures"), seven dated as of March 1, 1988 (the "March Indentures"), and six dated as of November 30, 1987 (the "December Indentures"), each of which were heretofore qualified under the Act (collectively, the "Indentures"), is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any one of the Indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of that section provides, with certain exceptions stated therein, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture of the same obligor.

The Company alleges:

(1) Pursuant to the March 1990 Indentures, the Company will issue up to $85,000,000 aggregate principal amount of its Equipment Trust Certificates (the "March 1990 Certificates"), Series A, B, C and D (the "March 1990 Series"), respectively. Each March 1990 Series will be issued, each under a March 1990 Indenture, in the principal amount of $_____. The March 1990 Certificates were registered under the Securities Act of 1933 (the "1933 Act"), and the March 1990 Indentures were qualified under the Act.

(2) Pursuant to the October Indentures, the Company has issued $89,600,000 aggregate principal amount of its Equipment Trust Certificates (the "October Certificates"), Series H, I, J and K (the "October Series"), respectively. Each October Series was issued, each under an October Indenture, in the principal amount of $22,400,000. The October Certificates were registered under the 1933 Act, and the October Indentures were qualified under the Act.

(3) Pursuant to the September Indentures, the Company has issued $89,600,000 aggregate principal amount of its Equipment Trust Certificates (the "September Series"). A Series has been issued under each September Indenture. Each of Series D, E, F and G was issued in the principal amount of $22,400,000. The September Certificates were registered under the 1933 Act and the September Indentures were qualified under the Act.

(4) Pursuant to the May Indentures, the Company has issued $166,400,000 aggregate principal amount of its Equipment Trust Certificates (the "May Certificates"); Series E–L (the "May Series"). A Series has been issued under each May Indenture. Each of Series E, F, G, H, I, J, K and L was issued in the principal amount of $20,800,000. The May Certificates were registered under the 1933 Act and the May Indentures were qualified under the Act.

(5) Pursuant to the March Indentures, the Company has issued $137,349,000 aggregate principal amount of its Equipment Trust Certificates (the "March Certificates"), Series A–C (where Piedmont Aviation, Inc. was the issuer) and Series A–D (where USAir, Inc. was the issuer) (collectively, the "March Series"). A Series has been issued under each March Indenture. Each of Series A, B and C (where Piedmont Aviation, Inc. was the issuer) was issued in the principal amount of $19,617,000. Each of the Series A and B (where USAir, Inc., was the issuer) was issued in the principal amount of $19,828,000 and each of the Series C and D (where USAir, Inc. was the issuer) was issued in the principal amount of $19,421,000. The March Certificates were registered under the 1933 Act and the March Indentures were qualified under the Act.

(6) Pursuant to the December Indentures, the Company has issued $124,800,000 aggregate principal amount of its Equipment Trust Certificates (the "December Certificates"), Series A–F (the "December Series"). A Series has been issued under each December Indenture. Each of Series A, B, C, D, E and F was issued in the principal amount of $20,800,000. The December Certificates were registered under the 1933 Act and the December Indentures were qualified under the Act.

(7) There is no default under any of the Indentures.

(8) The Company's obligations with respect to each Series of Certificates are and will be secured under separate Indentures by separate security interests in separate and distinct property.

(9) Such differences as exist among the Indentures referred to herein and the respective obligations of the Company as obligor are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under any of the Indentures.

The Company has waived notice of hearing, hearing and any and all rights to specify procedures under the Rules of Practice of the commission in connection with this matter.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the Offices of the Commission's Public Reference Section, File Number 22–20129, 450 Fifth Street, NW., Washington, DC 20549.

Notice is further given that any interested person may, not later than May 1, 1990, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and for the protection of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 90–8618 Filed 4–12–90; 8:45 am]

BILLING CODE 8010–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Trade Policy Staff Committee; Generalized System of Preferences (GSP); Deadlines 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 and Review To Consider Requests to Reinstate GSP Eligibility to Former Beneficiaries

SUMMARY: The purpose of this notice is: (1) To announce the deadline for the submission of petitions in the 1990 GSP annual review; (2) to announce the acceptance for review of petitions to consider requests for the reinstatement of GSP eligibility for the Central African Republic, Chile and Paraguay; and (3) to

announce the timetable for public hearings to consider these petitions.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 600 17th Street, NW., room 414, Washington, DC 20506. The telephone number is (202) 395-6971 (please note the new room number, effective April 23). 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 1990 GSP Annual Review

Notice is hereby given that, in order to be considered in the 1990 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 Information Center no later than 5 p.m., Friday, June 1, 1990. 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, and has been implemented by Executive Order 11888 of November 24, 1975, and modified by subsequent Executive Orders and Presidential Proclamations.

1. 1990 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 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 Act (19 U.S. 2662 (b) and (c)); and (4) to otherwise modify GSP coverage.

2. Identification of Product Requests With Respect to the Harmonized System Tariff Nomenclature

The Harmonized Tariff System nomenclature (HTS) was implemented by the United States on January 1, 1989, and replaces the previous Tariff Schedules of the United States (TSUS) nomenclature. Certain changes in the information required in petitions are necessary as a result of the change to the HTS 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. The petition should also identify the former TSUS headings for the HTS products contained in the petition and provide the petition history for those TSUS products. Trade data for the last three years should be provided in the HTS categories. Where the conversion to the new nomenclature makes this difficult, HTS estimates can be provided along with the relevant TSUS data. The method used to arrive at HTS estimates should also be described. Finally, those petitions which are being submitted, in the view of the petitioner, as a result of a change in a product's GSP status solely due to the conversion from the TSUS to the HTS should indicate this on the first page of the petition. A change in status could include the addition or removal of GSP eligibility for a product, changes in a country's eligibility due to competitive need exclusions or its eligibility for redesignation, as well as other changed circumstances.

3. 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 414, Washington, DC 20506 (please note the new room number, effective April 23). 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 Sysem of Preferences (GSP)" (October 1988), 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 15 CFR 2006.10. Petitions and requests must be submitted in twenty copies in English. If the petition or request contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve 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 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 Information Center and is included in the publication "A Guide to the U.S. Generalized System of Preferences" (October 1988). 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 Information Center. The phone number of the center is (202) 395-6971.

Notice of petitions and requests accepted for review will be published in the **Federal Register** on or about Tuesday, July 17, 1990. 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 1990 GSP annual review will be announced on or about April 1, 1991 and will take effect on July 1, 1991.

II. Acceptance of Petitions for Review

1. Requests to Reinstate Countries to GSP Eligibility.

Notice is hereby given of acceptance for review of petitions from the Governments of the Central African Republic, Chile and Paraguay requesting reinstatement of GSP eligibility. These

beneficiaries were subject to prior reviews of their GSP eligibility pursuant to section 50(b)(7) of the GSP statute (19 U.S.C. 2642) and were removed from GSP eligibility after determinations that they did not meet the standards of the law. A request from the Government of Myanmar (Burma), which was suspended from the program on the same ground, was found not to warrant further review.

These petitions will be reviewed pursuant to regulations codified at 15 CFR part 2007. A previous notice in the **Federal Register** explained these procedures as they apply specifically to reinstatement reviews (55 FR 4932).

Acceptance for review of the petitions listed herein does not indicate any opinion with respect to a disposition on the merits of the petitions. Acceptance indicates only that the listed petitions have been found to be eligible for review by the GSP Subcommittee and the Trade Policy Staff Committee (TPSC), and that such review will take place.

2. Information Subject to Public Inspection

Information submitted in connection with the hearings 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 and 15 CFR 2006.10. Briefs or statements must be submitted in twenty copies in English. If the document contains business confidential information, twenty copies of a nonconfidential version of the submission along with twelve 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 page of the document. 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 "non-confidential").

3. Deadline for Receipt of Requests to Participate in the Public Hearings

The GSP Subcommittee of the TPSC invites submissions in support of or in opposition to any petition contained in this notice. All such submissions should conform to 15 CFR part 2007, particularly §§ 2007-0, 2007.1(a)(1), 2007.1(a)(2), and 2007.1(a)(3).

Hearings will be held on June 27, 1990, beginning at 10 a.m. in the U.S. International Trade Commission's Hearing Room, 7th and E Streets, SW., Washington, DC. The hearings will be open to the public and a transcript of the hearings made available for public inspection or purchase from the reporting company. No electronic media coverage will be allowed..

Requests to present oral testimony in connection with public hearings should be accompanied by twenty copies, in English, of all written pre-hearing briefs or statements and should be received by the Chairman of the GSP Subcommittee no later than 5 p.m. Wednesday, June 6. Oral testimony before the GSP Subcommittee will be limited to five minute presentations that summarize or supplement information contained in briefs or statements submitted for the record. 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 by 5 p.m. Wednesday, June 6. Parties not wishing to appear may submit post-hearing written briefs or statements. These submissions will be accepted if they conform with the regulations cited above and are submitted in twenty copies, in English, no later than 5 p.m. Wednesday, July 18. Rebuttal briefs should be submitted in twenty copies, in English, by 5 p.m. Wednesday, August 22. This schedule is subject to change by a subsequent **Federal Register** notice.

As noted in the previous **Federal Register** notice concerning reinstatement reviews (55 FR 4932), no date for final decisions is being announced at this time. Decisions will be made and announced for each case as soon as information sufficient to warrant a determination has been collected and reviewed.

David A. Weiss,

Chairman, Trade Policy Staff Committee.

[FR Doc. 90-8598 Filed 4-12-90; 8:45 am]

BILLING CODE 3190-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Order To Show Cause; Joint Application of American Airlines, Inc., Eastern Air Lines, Inc. and Continental Air Lines, Inc. for Certificate Transfer Under Section 401(h) of the Federal Aviation Act

AGENCY: Office of the Secretary, DOT.

ACTION: Order 90-4-11.

SUMMARY: By Order 90-4-11, the Department is directing all interested persons to show cause why the Department should not (1) approve, subject to conditions, the transfer to American Airlines of Eastern Airlines' Central and South American route certificates, its Miami-Brazil exemption authority, its Miami-Argentina and Miami-Ecuador frequency allocations, its Miami-Madrid exemption authority, and Continental Airlines' Miami-London certificate; (2) decline to impose labor protective provisions; and (3) institute a proceeding to (a) determine if the Miami/Tampa-Toronto route should be transferred to American, and (b) if not, to select a carrier to operate that service.

DATES: Answers to the show cause order shall be filed by April 13, 1990, with replies to the answers to be filed by April 16, 1990.

ADDRESSES: The above pleadings should be filed in Docket 46703, and addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590.

Dated: April 6, 1990.

Patrick V. Murphy,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 90-8592 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-62-M

Research and Special Programs Administration

Hazardous Materials Transportation; Applications for Exemptions

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applicants for exemptions.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. Each mode of transportation for which a particular exemption is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle; 2—Rail freight; 3—Cargo vessel; 4—Cargo-only aircraft; 5—Passenger-carrying aircraft.

DATES: Comments must be received on or before May 14, 1990.

ADDRESSES: Address comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street, SW., Washington, DC.

NEW EXEMPTIONS

Application No.	Applicant	Regulation(s) affected	Nature of exemption thereof
10349-N	Uniroyal Chemical Company, Inc., Middlebury, CT.	49 CFR 173.31(b), (c)	To authorize a one-time shipment of a DOT specification 103W tank car tank, which is overdue for retest, containing a residue of styrene monomer, inhibited, classed as a flammable liquid. (Mode 2)
10351-N	Warren Petroleum Company/Division of Chevron USA Tulsa, OK.	49 CFR 173.304	To authorize shipment of ethylene, compressed, classed as a flammable gas in DOT specification MC-331 cargo tanks. (Mode 1)
10352-N	Muller AG, Verpackugen CH-4142 Munchenstein, Switzerland.	49 CFR 171.12(c), 175.3, 178.116-6(a)	To manufacture, mark and sell non-DOT specification metal drums of all 19 gauge construction with optimal-drainable lid for shipment of hazardous materials presently authorized to be packaged in 55—gallon capacity DOT steel drums. (Modes 1, 2, 3, 4)
10355-N	Chemtech Industries, Inc., St. Louis, MO.	49 CFR 173.264	To authorize the use of DOT-111A100W-5 tank cars equipped with safety relief valve with rubber or Halar lining for shipment of Hydrofluoric acid solution up to 70% classed as a corrosive material. (Mode 2)
10356-N	FMC Corporation, Gastonia, NC	49 CFR 173.154	To authorize shipment of water reactive solid, n.o.s., classed as flammable solid in DOT specification 4BW welded steel cylinder of 1000 pounds water capacity, with a minimum service pressure of 240 p.s.i. (Mode 1)
10357-N	Global Future Technologies, Inc., Tonawanda, NY.	49 CFR 172.504(a)	To authorize shipment of limited quantities of Fireworks, special, classed as explosives B, without placarding transport vehicles or freight containers. (Mode 1)
10358-N	Betco Corporation, Toledo, OH	49 CFR 173.245	To authorize shipment of compound cleaning liquid classed as a corrosive liquid in 5—gallon plastic bags overpacked in 12B fiberboard box—no more than one bag per box. (Mode 1)
10359-N	High Pressure Integrity, Inc., New Orleans, LA.	49 CFR 173.246, 175.3	To authorize shipment of bromine trifluoride, classed as oxidizer, in non-specification cylinders. (Modes 1, 2, 3, 4)
10360-N	ICI Americas Inc., Agricultural Products, Wilmington, DE.	49 CFR 173.346	To authorize shipment of Bipyridilium pesticide liquid, NOS (Paraquat) classed as Poison B in 110 gallon non-specification polyethylene portable tank. (Mode 1)
10361-N	American Cyanamid Company, Wayne, NJ.	49 CFR 173.377	To authorize shipment of organic phosphate compound mixtures, dry, containing not more than 21% terbufos or 21% phorate in a high density polyethylene container with top and bottom openings, containing a maximum net weight of 1,500 lbs. (Modes 1, 2)
10362-N	Jefferson Smurfit Corp./Container Corp. of America, Carol Stream, IL.	49 CFR 173.245(b), 173.365	To manufacture, mark and sell composite type packaging consisting of fiberboard box and inner polyethylene bulk bag for transportation of certain corrosive solids and Poison B solids. (Mode 1)

This notice of receipt of applications for new exemptions is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 6, 1990.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 90-8595 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-60-M

Hazardous Materials Transportation; Applications for Renewal or Modification of Exemptions or Applications To Become a Party to an Exemption

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications for renewal or modification of exemptions or application to become a party to an exemption.

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR part 107, subpart B), notice is hereby given that the Office of Hazardous Materials Transportation has received the applications described herein. This notice is abbreviated to expedite docketing and public notice. Because the sections affected, modes of transportation, and the nature of application have been shown in earlier **Federal Register** publications, they are not repeated here. Except as otherwise noted, renewal applications are for extension of the exemption terms only. Where changes are requested (e.g. to provide for additional hazardous materials, packaging design changes, additional mode of transportation, etc.) they are described in footnotes to the application number. Application numbers with the suffix "X" denote renewal; application numbers with the suffix "P" denote party to. These applications have been separated from the new applications for exemptions to facilitate processing.

DATES: Comments must be received on or before April 30, 1990.

ADDRESSES: Address comments to: Dockets Branch, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

Comments should refer to the application number and be submitted in triplicate.

FOR FURTHER INFORMATION CONTACT: Copies of the applications are available for inspection in the Dockets Branch, Room 8426, Nassif Building, 400 7th Street SW., Washington, DC.

Application No.	Applicant	Renewal of exemption
3187-X	PPG Industries, Inc., Pittsburgh, PA.	3187
3216-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	3216
3330-X	General Electric Company, Schenectady, NY.	3330
5038-X	Solkatronic Chemicals, Inc., Fairfield, NJ.	5038
5232-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	5232
5493-X	Montana Sulphur & Chemical Company, Billings, MT.	5493
5704-X	Atlantic Research Corporation, Gainesville, VA.	5704
5704-X	U.S. Department of Defense, Falls Church, VA.	5704
5704-X	IRECO, Incorporated, Salt Lake City, UT.	5704
5704-X	Olin Corporation—Winchester Group, East Alton, IL.	5704
6071-X	Walter Kidde, Wilson, NC.	6071
6530-X	Acme Welding Supply Company, Inc., Bismarch, ND.	6530
6543-X	Solkatronic Chemicals, Inc., Fairfield, NJ.	6543
6610-X	Catalyst Resources, Inc., Elyria, OH.	6610
6694-X	Arbel-Fauvet-Rail, Paris, France.	6694
6695-X	Atochem, Inc.—Chemical Division, Glen Rock, NJ.	6695
6762-X	Taylor Technologies, Inc., Sparks, MD.	6762
6810-X	U.S. Department of Interior, Amarillo, TX.	6810
6810-X	Air Products and Chemicals, Inc., Allentown, PA.	6810
6859-X	OEA Pyronetics Division, Denver, CO.	6859
6874-X	ICI Americas, Inc., Wilmington, DE.	6874
6890-X	U.S. Department of Defense, Falls Church, VA.	6890
6932-X	Atochem, Inc.—Chemical Division, Glen Rock, NJ.	6932
6944-X	U.S. Department of Defense, Falls Church, VA.	6944
7023-X	PVS Chemicals, (New York), Inc., Buffalo, NY.	7023
7052-X	Computer Components Corporation, Dallas, TX.	7052
7052-X	Tracor Technology Resources, Inc., Rockville, MD.	7052
7052-X	Tauber Electronics, Inc., San Diego, CA.	7052
7092-X	Fike Corporation, Blue Springs, MO.	7096
7259-X	Exxon Chemical Americas, Houston, TX.	7259
7285-X	Arbel-Fauvet-Rail, Paris, France.	7285
7285-X	Parlefer S.A.R.L., Paris, France.	7285
7285-X	Atochem, Inc.—Chemical Division, Glen Rock, NJ.	7285
7544-X	Eastman Kodak Company, Rochester, NY.	7544
7573-X	U.S. Department of Defense, Falls Church, VA.	7573
7607-X	Dynamac Corporation, Fort Lee, NJ.	7607
7770-X	Parlefer S.A.R.L., Paris, France.	7770
7823-X	Allied Corporation, Morristown, NJ.	7823
7840-X	Weber Aircraft, Inc., Fullerton, CA.	7840
7945-X	HTL—Division of Pacific Scientific Company, Duarte, CA (see footnote 1).	7945
7959-X	Woods Hole, Marthas Vineyard & Nantucket Steamship, Woods Hole, MA.	7959
8013-X	Linde Gases of Southern California, Inc., Santa Ana, CA.	8013
8013-X	UNIGAS, Inc., Mercedita, PR.	8013
8013-X	Linde Gases of the South, Inc., Houston, TX.	8013
8013-X	Air Products and Chemicals, Inc., Allentown, PA.	8013
8013-X	Linde Gases of the West, Inc., San Ramon, CA.	8013
8013-X	Linde Gases of Florida, Inc., Tampa, FL.	8013
8013-X	Linde Gases of New England, Inc., West Hartford, CT.	8013
8013-X	Linde Gases of the Great Lakes, Inc., Cleveland, OH.	8013
8013-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	8013
8013-X	Linde Gases of the Midwest, Inc., Hillside, IL.	8013
8023-X	EFI Corporation, d/b/a EFIC, San Jose, CA.	8023
8037-X	Mauser Packaging Limited, Litchfield, CT.	8037
8125-X	Arbel-Fauvet-Rail, Paris, France.	8125
8127-X	Societe Nationale des Poudres et Explosifs (SNPE), Bergerac, France.	8127
8141-X	Altus Corporation, San Jose, CA.	8141
8241-X	Boeing Aerospace Company, Seattle, WA.	8141
8308-X	MHC Messengers, Inc., Avenel, NJ.	8308
8308-X	Associated Couriers, Inc., Maryland Heights, MO.	8308
8426-X	Containerized Chemical Disposal, Inc., Montclair, CA.	8426
8436-X	Organic Peroxides, Division of Atochem North America, Buffalo, NY.	8436
8439-X	Walter Kidde, Wilson, NC.	8439
8451-X	Rocket Research Company, Redmond, WA.	8451
8451-X	Quantic Industries, Inc., San Carlos, CA.	8451
8451-X	Olin Chemicals Group Research Center, Stamford, CT.	8451
8451-X	ICI Americas, Inc., Byron, GA.	8451
8451-X	Talley Defense Systems, Inc., Mesa, AZ.	8451
8458-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	8458
8526-X	Phelco, Inc., St. Louis, MO.	8526
8526-X	North Star Transport, Inc., St. Paul, MN.	8526
8526-X	National Starch and Chemical Corporation, Bridgewater, NJ.	8526
8538-X	Atlas Powder Company, Dallas, TX.	8538
8538-X	Hercules, Inc., Wilmington, DE.	8538
8554-X	Austin Powder Company, Cleveland, OH.	8554
8554-X	Atlas Powder Company, Dallas, TX.	8554
8554-X	Quick Supply Company, Des Moines, IA.	8554
8760-X	Barton Solvents, Inc., Des Moines, IA.	8760
8820-X	SLEMI, Paris, France	8820
8820-X	Arbel-Fauvet-Rail, St. Laurent-Balngy, France.	8820
8845-X	Wedge Wireline, Inc., Arlington, TX.	8845
8850-X	Hoover Group, Inc., Beatrice, NE.	8850
8854-X	Arbel-Fauvet-Rail, Neuilly-Sur-Seine, France.	8854
8860-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	8860
8862-X	Linde Puerto Rico, Inc., Gurado, PR.	8826
8862-X	Linde Gases of the West, Inc., San Ramon, CA.	8862
8862-X	Linde Gases of Southern California, Inc., Santa Ana, CA.	8862
8862-X	Linde Gases of the South, Inc., Houston, TX.	8862
8862-X	Linde Gases of New England, Inc., West Hartford, CT.	8862
8862-X	Linde Gases of Florida, Inc., Tampa, FL.	8862
8862-X	Linde Gases of the Southeast, Inc., Wilmington, NC.	8862
8862-X	Unigas, Inc., Mercedita, PR.	8862
8862-X	Linde Gases of the Mid-Atlantic, Inc., Moorestown, NJ.	8862
8862-X	Linde Gases of the Midwest, Inc., Hillside, IL.	8862
8862-X	GenEx, Ltd., Des Moines, IA.	8862

Application No.	Applicant	Renewal of exemption
8865-X	Carleton Technologies, Inc., Orchard Park, NY.	8865
8873-X	Akzo Chemicals, Inc., Chicago, IL.	8873
8877-X	Mallinckrodt Specialty Chemicals Company, Paris, KY.	8877
8877-X	Hoechst Celanese Corporation, Somerville, NJ.	8877
8893-X	Atlas Powder Company, Dallas, TX.	8893
8915-X	Liquid Air Corporation, Walnut Creek, CA.	8915
8931-X	Marsulex, Inc., North York, Ontario, Canada.	8931
8932-X	Catalyst Resources, Inc., Elyria, OH.	8932
9092-X	Witt International Trucks, Midland, TX.	9092
9213-X	Bulk-Pack, Inc., West Monroe, LA.	9213
9221-X	Applied Companies, San Fernando, CA.	9221
9233-X	Occidental Chemical Corporation, Dallas, TX.	9233
9266-X	National Refrigerants, Inc., Plymouth Meeting, PA.	9266
9277-X	Rhone-Poulenc Ag Company, Research Triangle Park, NC.	9277
9296-X	Honeywell, Inc., Minneapolis, MN.	9296
9316-X	Fluoroware, Inc., Chaska, MN (see footnote 2).	9316
9502-X	Callery Chemical Company, Pittsburgh, PA.	9502
9551-X	Connie Kalitta Services, Inc., Ypsilanti, MI.	9551
9571-X	Central Intelligence Agency, Washington, DC.	9571
9610-X	Hercules, Inc., Wilmington, DE.	9610
9610-X	Honeywell, Inc., New Brighton, MN.	9610
9610-X	E.I. du Pont de Nemours & Company, Wilmington, DE.	9610
9632-X	Arbel-Fauvet-Rail, Douai, Cedex, France.	9632
9642-X	Allied-Signal, Inc., Morristown, NJ.	9642
9761-X	Systron Donner Corporation, Concord, CA.	9761
9840-X	Kenai Air Alaska, Inc., Kenai, AK.	9840
9844-X	Theodor Fries Gesellschaft MBH & Co., Sulz, Austria (see footnote 3).	9844
9856-X	Shadyside Hospital, Pittsburgh, PA.	9856
9872-X	Bowater Drums, Ltd., Cheshire, England.	9872
9874-X	Dow Chemical Company, Midland, MI.	9874
9888-X	Powerplex Technologies, Inc., Ontario, Canada.	9888
9899-X	Williams International, Walled Lake, MI.	9899
9937-X	Van Leer Verpackungen GmbH, D-5000 Koln, West Germany.	9937
9956-X	DPC Industries, Inc., Houston, TX.	9956
9977-X	Hercules Aerospace Company, Magna, UT.	9977
10174-X	Ethyl Corporation, Baton Rouge, LA (see footnote 4).	10174

[1] Deviate from flattening test, delete use by aircraft only, authorize the attachment of 3 actuating cartridges to cylinders (fire extinguishers) containing bromotrifluoromethane pressurized w/nitrogen.

[2] To amend exemption to include 5 gallon teflon/polyethylene composite containers for shipment of corosive material.

[3] To authorize shipment of hydrogen peroxide, classed as oxidizer in DOT-34 specification 55 gallon molded polyethylene drum.

[4] To renew exemption originaly issued on an emergency basis to authorize shipment of metallic sodium in a tank car tank conforming to DOT 105A300W without safety valve and openings blind flanged

Application No.	Applicant	Parties to exemption
3095-P	Copeland Acid Service, Inc., Augusta, KS.	3095
4453-P	Pepin-Ireco, Inc., Ishpeming, MI.	4453
4453-P	Bob Gibson Powder Company, Inc., Vansant, VA.	4453
5600-P	Liquid Air Corporation,	5600
6016-P	National Gas Equipment, Inc., Westborough, MA.	6016
6418-P	DowElanco, Midland, MI	6418
6695-P	Atochem, S.A. Paris, France.	6695
6735-P	AmeriBrom, Inc., New York, NY.	6735
6765-P	Golden State Gases & Cryogenics, Inc., Sacramento, CA.	6765
6932-P	Atochem, S.A., Paris, France.	6932
7052-P	Micro Power Electronics, Beaverton, OR.	7052
7052-P	Amtech Technology Corporation, Sante Fe, New Mexico.	7052
7285-P	Atochem, S.A., Paris, France.	7285
8582-P	Wisconsin Central, Ltd., Rosemont, IL.	8582
8582-P	Elgin, Joliet and Eastern Railway Company, Joliet, IL.	8582
9331-P	International Dioxcide, Inc., Clark, NJ.	9331
9723-P	North East Solvents Reclamation Corp., North Andover, MA.	9723
9723-P	Harold Marcus Limited, Ontario, Canada.	9723
9723-P	Services Sanitaires Blainville, Inc., Blainville, Quebec, Canada.	9723
10001-P	Wilson Welding Supply, Inc., Warren, MI.	10001
10166-P	Bergen Barrel and Drum Company, Kearney, NJ.	10166
10171-P	Ermetainer, Case Postale 873, France.	10171
10285-P	Cream of the Crop, Salinas, CA.	10285

This notice of receipt of applications for renewal of exemptions and for party to an exemption is published in accordance with part 107 of the Hazardous Materials Transportations Act (49 U.S.C. 1806; 49 CFR 1.53(e)).

Issued in Washington, DC, on April 6, 1990.

J. Suzanne Hedgepeth,

Chief, Exemptions Branch, Office of Hazardous Materials Transportation.

[FR Doc. 90-8596 Filed 4-12-90; 8:45 am]

BILLING CODE 4910-60-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

April 9, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New collection.

Title: Conducting 1990 Focus Group Interviews on Federal Tax Forms.

Description: Focus group interviews are necessary to obtain public input on revised tax forms and several experimental forms. The results will be used to further simplify and improve the forms so that taxpayers will more easily understand them.

Respondents: Individuals or households.

Estimated Number of Respondents: 600.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: Other (one-time Focus group interview).

Estimated Total Reporting Burden: 1,200 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and

Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Department Reports, Management Office.

[FR Doc. 90-8621 Filed 4-12-90; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

April 9, 1990

The Department of Treasury has made revisions and resubmitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: 1545—0390.

Form Number: IRS Form 5306.

Type of Review: Resubmission.

Title: Application for Approval of Prototype or Employer Sponsored Individual Retirement Account.

Description: This application is used by employers who want to establish an individual retirement account trust to be used by their employees. The application is also used by persons who want to establish approved prototype individual retirement accounts or annuities. The data collected is used to determine if plans may be approved.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Respondents/Recordkeepers: 600.

Estimated Burden Hours Per Response/Recordkeeping: Recordkeeping—11 hrs., 29 min.; Learning about the law 18 min.; or the form—Preparing the form and sending the form to IRS—30 min.

Frequency of Response: On occasion.

Estimated Total Recordkeeping/Reporting Burden: 7,368 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 90-8622 Filed 4-12-90; 8:45 am]

BILLING CODE 4810-25-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 72
Friday, April 13, 1990

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 MARITIME COMMISSION

TIME AND DATED: 10:00 a.m.—April 18, 1990.

PLACE: Hearing Room One—1100 L Street, NW., Washington, DC 20573–0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Memphis Forwarding Company, Inc.—Licensed Ocean Freight Forwarder (FMC 3050).

2. Petition for Declaratory Order Regarding "Me-Too" Service Contract Request—Evergreen Marine Corporation.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523–5725.

Joseph C. Polking,

Secretary.

[FR Doc. 90–8792 Filed 4–11–90; 2:15 pm]

BILLING CODE 6730-01-M

Corrections

Federal Register
Vol. 55, No. 72
Friday, April 13, 1990

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 301

[Docket No. 89-040]

Citrus Canker Regulations

Correction

In proposed rule document 90-6893 beginning on page 11209, in the issue of Tuesday, March 27, 1990, make the following corrections:

1. On page 11209, in the third column, in the fifteenth line from the bottom the zip code should read "20782".

2. On page 11210, in the third column, in the third line, insert "not" after "should".

3. On page 11216, in the second column, in the first complete paragraph, in the sixth line "destruction" should read "Destruction".

4. On the same page and in the same column, in the seventh line "infested" should read "infected".

§ 301.75-4 [Corrected]

5. On page 11218, in the first column, in § 301.75-4(a), in the next-to-last line 'Marie" should read "Maria".

6. On page 11220, in the first column, in § 301.75-11(b), in the eighth line "51.5" should read "51.6".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-3620-4]

RIN 2060-AC41

National Emission Standards for Hazardous Air Pollutants; Benzene Emissions From Maleic Anhydride Plants, Ethylbenzene/Styrene Plants, Benzene Storage Vessels, Benzene Equipment Leaks, and Coke Byproduct Recovery Plants

Correction

In rule document 89-21429 beginning on page 38044 in the issue of Thursday, September 14, 1989 make the following correction:

§ 61.138 [Corrected]

On page 38076, in § 61.138, in third column, the OMB control number in the parenthetical phrase following paragraph (i)(2) was inadvertently omitted. It should read "2060-0185".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

[Wh-FRL 3751-4]

State and Local Assistance; Grants for Construction of Treatment Works (Title II) and State Water Pollution Control Revolving Funds (Title VI) Under the Clean Water Act

Correction

In notice document 90-7450 beginning on page 12006 in the issue of Friday, March 30, 1990, make the following corrections:

1. On page 12006, in the second column, in the first complete paragraph, in the ninth line, "alloment" should read "allotment".

2. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, in the 12th line, add a period after "guidelines.".

3. On the same page, in the same column, under **SUPPLEMENTARY INFORMATION**, in the 25th line, "ajdustments" should read "adjustments".

4. On page 12007, in the table, in the entry for "Virginia", in the fifth column, "20,178,500" should read "20,168,500".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 610 and 640

[Docket No. 88N-0433]

Blood and Blood Products; Amendment to Allow for Alternative Procedures; Removal of a Labeling Requirement

Correction

In rule document 90-6342 beginning on page 10420 in the issue of Wednesday, March 21, 1990, make the following correction:

On page 10421, in the second column, in the second complete paragraph, in the seventh line, add "or collected from a donor known to be reactive when tested for HBsAg," after "HBsAg".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90N-0110]

Drug Export: Coulter™ HIV p24 AG Assay, and Coulter™ HIV p24 AG Neutralization Kit

Correction

In notice document 90-6400 appearing on page 10504 in the issue of Wednesday, March 21, 1990, make the following correction:

In the first column, under **SUMMARY**, in the seventh line, add "Ag" after "p24".

BILLING CODE 1505-01-D

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 89N-0483]

Urethane in Alcoholic Beverages; Research and Survey Reports; Availability

Correction

In notice document 90-6597 beginning on page 10816 in the issue of Friday, March 23, 1990, make the following correction:

On page 10816 in the third column, in the third paragraph, in the eighth line "and" should read "a".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Virginia Regulatory Program

Correction

In proposed rule document 90-1429 beginning on page 2240 in the issue of January 23, 1990, make the following corrections:

1.On page 2242 in the second column, in the heading designated 8, "VR 480.15" should read "VR 480-03-19.830.15".

2.On the same page in the same column, under the heading designated 9, in the first paragraph, sixth and seventh lines, and in the second paragraph, seventh and eighth lines, "VR 480-03-19.834.11" should read "VR 480-03-19.830.11"..

3.On the same page in the third column, in the fifth line from the top, "remaining" should read "remining".

4.On page 2243 in the first column, under the heading designated 11, in the second paragraph, first line "VR 480-03-19.816(b)(1)" should read "VR 480-03-19.816.106(b)(1)".

5.On the same page in the second column, in paragraph (b), in the next to last line "19.916.74" should read "19.816.74".

6.On page 2244 in the third column, in the second paragraph, in the fourth line from the bottom "512(b)(22)" should read "515(b)(22)".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-010-00-4212-14: GPO-138]

Realty Action; Direct Sale of Public Land in Lake County, Oregon

Correction

In notice document 90-6088 beginning on page 10008 in the issue of Friday, March 16, 1990, make the following correction:

On page 10009 in the table, in the second column, in the legal description the section portion should read "Sec. 11: S½NE¼".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Office of the Secretary

29 CFR Part 18

Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

Correction

In rule document 90-7740 beginning on page 13218 in the issue of Monday, April 9, 1990, make the following correction:

§ 18.609 [Corrected]

On page 13222, in the second column, in § 18.609(e), in the fourth line "pendence" should read "pendency".

BILLING CODE 1505-01-D

DEPARTMENT OF LABOR

Wage and Hour Division

[Administrative Order No. 660]

Special Industry Committee fo All Industry in American Samoa; Appointment; Convention; Hearing

Correction

In notice document 90-7026 appearing on page 11454 in the issue of Wednesday, March 28, 1990, make the following corrections:

1. In the second column, in paragraph 4, in the 5th line, "that" should read "than".

2. In the same column, in paragraph 5, in the 13th line, "comleted" should read "completed".

BILLING CODE 1505-01-D

POSTAL RATE COMMISSION

[Docket No. R90-1; Order No. 862]

Postal Rate and Fee Changes, 1990; Filing of Proposed Changes in Postal Rates and Fees and Order Designating Officer of the Commission, Fixing Date for Prehearing Conference, and Establishing Procedures

Correction

In notice document 90-5879 beginning on page 9792 in the issue of Thursday, March 15, 1990, make the following correction:

On page 9814, in the first column, under **Attachment B**, in the last line, "November 4," should read "November 14".

BILLING CODE 1505-01-D

federal register

Friday
April 13, 1990

Part II

Department of Transportation

Maritime Administration

46 CFR Part 221

Regulated Transactions Involving Documented Vessels and Other Maritime Interests; Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Maritime Administration

46 CFR Part 221

[Docket No. R-125]

RIN 2133-AA79

Regulated Transactions Involving Documented Vessels and Other Maritime Interests

AGENCY: Maritime Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Maritime Administration ("MARAD") is proposing to amend regulations that were issued as an interim final rule, with opportunity for public comment, in order to facilitate implementation of Pub. L. 100-710 with minimal transitional uncertainty. MARAD herein proposes regulations that further deregulate the financing and transfer of U.S. documented vessels.

DATES: Comments on the proposed rule must be received on or before June 12, 1990.

ADDRESSES: Send an original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. To expedite review of the comments, the agency requests, but does not require, submission of an additional ten (10) copies. All comments will be made available for inspection during normal business hours at the above address. Commenters wishing MARAD to acknowledge receipt of comments should enclose a stamped, self-addressed envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Robert J. Patton, Jr., Deputy Chief Counsel, Maritime Administration, Washington, DC 20590, tel. (202) 366-5711.

SUPPLEMENTARY INFORMATION:

Background

The amendment and codification of the former Ship Mortgage Act, 1920, at new 46 U.S.C. Ch. 313, Subch. II contained in section 102 of Pub. L. 100-710 (enacted November 23, 1988), introduces significant changes that are at variance with prior law and implementing regulations of the Maritime Administration (MARAD). For example, the codification expands the categories of persons that can be approved mortgagees of preferred mortgages on documented vessels, whether or not a "citizen of the United States" as defined in section 2 of the Shipping Act, 1916 (46 U.S.C. app. 802). The codification also allows any noncitizen to hold a preferred mortgage on a documented vessel operated only as a fishing vessel, a fish processing vessel, a fish tender vessel or a vessel operated only for pleasure. The Secretary of Transportation ("the Secretary") is likewise given broad authority to prescribe criteria for approval of trustees, without regard to citizenship, for a mortgage held by a noncitizen that cannot qualify as a preferred mortgagee.

Public Law 100-710 also amended section 9 of the Shipping Act, 1916 (46 U.S.C. app. 808), to reflect established administrative and judicial interpretation of the prior law that requires, among other things and with new exceptions, the Secretary's approval of transfers to noncitizens of "control" of citizen-owned documented vessels.

The provisions of Public Law 100-710 that required changes in MARAD's regulations became effective on January 1, 1989. While there was no statutory mandate that implementing regulations be in place when the law became effective, MARAD concluded that it was imperative in the interest of all concerned to publish revised regulations as an interim final rule to facilitate implementation of the new law and to minimize transitional uncertainty.

An interim final rule amending part 221 was published, effective February 2, 1989 (54 FR 5382) (and amended to clarify § 221.17 on February 27, 1989 (54 FR 8195)), soliciting comments from interested persons by April 3, 1989. As of that date, 24 submissions had been received. Subsequently, nine additional late-filed comments were received. In view of the importance of the issues involved, all comments received have been considered and, to the extent warranted, have been reflected in this notice of proposed rulemaking. The interim final rule also allowed fine-tuning of the regulations based on the opportunity for considered evaluation of comments from interested persons, before adoption of a final rule.

Apart from the substantive provisions implementing Public Law 100-710, MARAD also made revisions in part 221 in the interest of a more coherent and orderly statement of its regulatory responsibilities with respect to transactions involving citizen-owned documented vessels. These include not only established policy principles but certain tentative new policy guidelines. In addition, technical corrections to Public Law 100-710, contained in Public Law 101-225, have been incorporated.

In view of the significant changes made by Public Law 100-710 in the statutory provisions to which the regulations in part 221 are addressed, the interim final rule published on February 2, 1989, adopted a conservative approach to interpretation and application of the new law, pending the opportunity to obtain comments from all interested parties.

Having received and evaluated such comments, a number of amendments and clarifications of the interim final rule appear to be warranted, as reflected in this notice of proposed rulemaking. Mindful of Congress' admonition that MARAD should "temper the consideration of a transfer in interest or control to a [noncitizen] with a concern that the vessel may be needed in time of war or national emergency", and in an attempt to balance this national security role with the desire of many that MARAD completely relinquish its regulatory role in these transactions, MARAD herein proposes a regulation that significantly deregulates the financing and transfer of documented vessels. For example:

- General approval for all charters (other than demise charters) to noncitizens is granted for periods of up to five years. The current general approval period is six months.
- Certain limited charters, such as space charters, slot charters, drilling contracts, and contracts of affreightment (except where a named vessel is dedicated to the contract), are granted general approval, regardless of their duration.
- U.S. citizen shipowners and others are permitted to pledge their stock to a U.S. citizen trustee for a noncitizen mortgagee as security for a loan, as long as voting rights are retained by the U.S. citizen shipowner.
- Vessels of up to 1,000 gross tons and vessels operating on inland lakes or waters, where there is no navigable exit to an ocean for those vessels, can be sold, chartered (except bareboat), or transferred foreign without MARAD consent.
- Trustees will be required to submit renewal applications every five years. Currently, they have to renew annually.
- "Shelf-approval" of bareboat charters to foreign affiliates of U.S. citizen shipowners will be granted, except for title XI-financed vessels.

Comments carefully considered but not incorporated in the proposed rulemaking are discussed in this preamble. These amendments to part 221 are not being published in the form of a final rule because it is believed to be in the public interest that all concerned have the opportunity to comment further on the new regulatory regime as herein proposed.

In this connection, the views of interested parties are invited with regard to further liberalization of § 221.17. One possibility might encompass general approval for transactions involving transfers of an interest in or control of citizen-owned documented vessels to persons who are noncitizens for purposes of 46 U.S.C. app. 808, but who, nevertheless, are eligible to document a vessel pursuant to 46 U.S.C. 12102. Another possibility might be general approval for transactions under 46 U.S.C. 808(c)(1) so as to place U.S. citizens on an exact par with documentation citizens, which need not apply for such approvals. In all events, bareboat/demise charters to non-section 2 citizens for coastwise trade would be excepted.

The interim final rule will govern until final publication of these regulations. However, persons involved in transactions covered by that regulation are encouraged to consult MARAD's Chief Counsel for an interpretive ruling or guidance.

Discussion of Rulemaking Text

The discussion that follows explains the basis for MARAD's proposed changes to the interim final rule and, where relevant, why particular recommendations in response to the invitation for comments on that interim rule have not been adopted. To facilitate evaluation of comments in response to this notice of proposed rulemaking, it would be appreciated if commenters would, where applicable, suggest specific alternative language for provisions with which they take issue for reasons of substance or in the interest of further precision or clarity.

Subpart A—Introduction

Section 221.1 Purpose

No substantive change.

Section 221.3 Definitions

(a). (New; former paragraph (a) would be redesignated as paragraph (b).) A definition of "Bowaters Corporation" has been added, based on 46 U.S.C. app. 883–1, which "deems" such corporations to be citizens of the United States for purposes of 46 U.S.C. app. 808 and 883 (which deal with ownership and documentation of barges and small propulsion vessels for proprietary carriage, or carriage as a service for a parent or subsidiary, in the coastwise trade). These corporations are generically known as "Bowaters corporations" because the Bowaters Southern Paper Company, a U.S. subsidiary of a Canadian parent corporation, was the company for whose benefit the legislation was originally introduced.

(b). (Former paragraph (a).) The definition of "charter" would be revised to reflect the definition used in the 1918 statute, "An Act to confer on the President power to prescribe charter rates and freight rates and in return to requisition vessels, and for other purposes." (46 Stat. 900, 913.) That statutory definition was applied to the term as used in 46 U.S.C. app. 808 by the Supreme Court in *The Lake Monroe*, 250 U.S. 246 (1919). General approval for certain transactions encompassed by that definition is contained in proposed new § 221.17(d).

(c) (Former paragraphs (b) and (k).) The definition of "citizen of the United States" would be expanded to include an individual who meets the criteria previously specified in former paragraph (b), as well as those entities included in former paragraph (k). The substance of former paragraph (k) as included herein would be amended in several respects:

(i) The preamble would be expanded to reflect the longstanding policy of MARAD that when an owner or operator of a documented vessel is a direct or indirect subsidiary of, or is controlled by, one or more "upstream" persons, each such person must meet the citizenship criteria of 46 U.S.C. app. 802 applicable to the vessel owner or operator;

(ii) Paragraph (1) would be amended to reflect the proposed transfer of the criteria for individual citizenship to this § 221.3(c);

(iii) Paragraph (2) would be amended to incorporate the statutory language of 46 U.S.C. app. 802 concerning citizenship requirements for corporate directors, to reflect the longstanding MARAD policy that corporate officers authorized to act on behalf of the president or other chief executive officer or the chairman of the board must also be citizens and to reflect the fact that "controlling interest" is now a defined term;

(iv) Paragraph (3) would be revised to make clear that it is applicable to both general partnerships and limited partnerships and to reflect the fact that "controlling interest" is now a defined term;

(v) Paragraph (4) would be amended to conform to comparable changes in paragraph (2);

(vi) Paragraph (5) would be unchanged; and

(vii) A new paragraph (6) would be added to reflect citizenship requirements for a vessel ownership trust.

With respect to the citizenship requirements for a partnership (former paragraph (k)(3) of this section, now proposed paragraph (c)(3)), strong exception was taken by several commenters to the requirement that all general partners must be citizens, claiming that this represents a departure from past practice on the part of MARAD and that 46 U.S.C. app. 802 either authorizes only an economic "controlling interest" test to be applied in determining the citizenship status of partnerships or, at most, requires only that a majority (or 75 percent) of the general partners be citizens. One commenter alternatively suggested that only "managing" general partners need be subject to the citizenship requirement.

Concerning the issue of statutory construction, MARAD does not view the injunction in 46 U.S.C. app. 802(a) that "no * * * partnership * * * shall be deemed a citizen of the United States unless the controlling interest therein is owned by citizens of the United States" as the exclusive criterion of citizenship for that form of business entity. The economic "controlling interest" test is a statutory declaration of who may not be deemed a citizen of the United States for purposes of the Shipping Act, 1916.

In this connection, it is also instructive to note the following comment by Congressman Saunders of Virginia during House floor discussion of the "controlling interest" test:

> The amendment [enacted as section 802(a)] intends to make it impossible for any arrangement to be effected by which such a corporation, partnership, or association shall be a citizen of the United States, when the real control is in the hands of aliens. We have sought to make the language so sweeping and comprehensive that no lawyer, however ingenious, would be able to work out any device under this section to keep the letter, while breaking the spirit of the law.

56 Cong. Rec. 8029 (June 19, 1918).

As a matter of longstanding policy MARAD has interpreted section 802(a) to require that each general partner of a partnership qualify as a citizen of the United States in order for the partnership itself to qualify. This threshold test is consistent with the statutory requirement concerning eligibility of a partnership to document a vessel under the laws of the United States, 46 U.S.C. 12102(a)(3). It would be anomalous for MARAD to treat as a citizen for purposes of 46 U.S.C. app. 802 a partnership that could not satisfy the test of citizenship necessary to document a vessel. Proposed paragraph (c)(3) of this section merely continues MARAD'S longstanding policy concerning the requirement for citizenship of general partners for purposes of 46 U.S.C. app. 802, and in no

way imposes a new or different regulatory standard.

(d) (New; former paragraph (c) would be redesignated as paragraph (e).) A definition of U.S.-citizen "controlling interest" in vessel-owning business entities has been included, based on the economic interest and voting power criteria contained in 46 U.S.C. app. 802. (Indicia of "control" of a documented vessel for purposes of 46 U.S.C. app. 808 are addressed in proposed § 221.13(a) of this part.)

Note that in paragraph (d)(1)(i), the citizen-ownership requirement would not be imposed for any stock to which only certain limited voting rights apply. For example, citizen-ownership would not be required for preferred stock that has class voting rights only with respect to proposals for sale of all or substantially all of the corporate assets; a merger, consolidation or corporate reorganization; issuance of additional preferred shares that could dilute the preferences, rights, powers or privileges of an extant class; issuance of any obligation or convertible security that might adversely affect the ranking of previously issued preferred shares; or election of specified corporate officers or a specified number of directors in the event dividends are in arrears for a stated number of consecutive quarters. However, to the extent exercise of such limited voting rights may give noncitizen owners of such stock the ability to elect more than a minority of the number of directors necessary to constitute a quorum or to direct the appointment or election of the chairman of the board of directors or the president or other chief executive officer or of any officer authorized to act in the absence or disability of such persons, appointment or election of noncitizens to those positions would cause the corporation to cease being a citizen of the United States under 46 U.S.C. app. 802 (see proposed paragraph (c) of this section).

MARAD will apply paragraph (d)(1)(ii) whenever noncitizen stockholders, regardless of the amount of stock owned, possess the ability to veto corporate actions directly related to the management and policies of the corporation. For example, pursuant to the Articles of Incorporation, Bylaws or other corporate document, a stockholder vote of 80 percent is required in order to implement major management decisions and policies of the corporation; U.S. citizens own 75 percent of the stock and noncitizens own 25 percent of the stock. The noncitizens' votes would, therefore, be required in order for the corporation to undertake key business decisions. By virtue of possessing "veto" power over the U.S.-citizen stockholder actions, the noncitizens would have effective "control" of the corporation.

(e) (Former paragraph (c).) The reference to duration of documentation would be restated to identify the statutory derivation and to clarify its effect.

(f) (Former paragraph (d).) No substantive change.

(g) (Former paragraph (e).) No change.

(h) (Former paragraph (f).) No change.

(i) (Former paragraph (g).) The modifier "shoreside" preceding "fish processing facility" would be deleted.

(j) (Former paragraph (h).) The definition of "mortgagee" would be amended to track the statutory definition in 46 U.S.C. 31301(3) so that, for purposes of these regulations, unless the context indicates otherwise, the term would also include a trustee of a mortgage on a documented vessel that involves a trust.

(k) (Former paragraph (i).) No change.

(l) (New; former paragraph (l) would be redesignated as paragraph (o).) The definition of "operation under the authority of a foreign country" would be transferred to this section from paragraph (b) of § 221.11, which paragraph would accordingly be stricken as redundant.

(m) (Former paragraph (j).) The definition of "person" would be amended to include trusts.

(n) (Former paragraph (l).) The definition of "pleasure vessel" would be modified to parallel the statutory criterion for issuance of a recreational license under 46 U.S.C. 12109.

(o) (Former paragraph (m).) No change.

(p) (New; the former paragraph (n) definition of "trustee" which would otherwise have become paragraph (q) would be stricken as redundant, in view of proposed new paragraph (j)(2) of this section.) A definition of "transfer" would be added to include involuntary transfers of ownership pursuant to foreclosure on documented vessels in foreign jurisdictions. This is consistent with the long-standing interpretation that 46 U.S.C. app. 808 has extraterritorial reach. *See In re McLean Industries,* 74 B.R. 589, 1987 A.M.C. 2833, 2847 (Bankruptcy Court, S.D.N.Y. 1987).

As indicated in proposed § 221.59 of this part, an approved mortgagee or trustee that is party to a foreclosure proceeding in a foreign jurisdiction would have an affirmative obligation as a condition of such approval to give prompt notice to the Maritime Administrator of commencement of such proceeding and to ensure that the foreign court or other tribunal has proper notice of 46 U.S.C. app. 808(c), § 221.11 of this part and this definition of "transfer."

(q) (New.) Definitions of "trust" for purposes of ownership trusts and mortgage trusts of documented vessels would be added.

(r) (Former paragraph (o).) No substantive change.

(s) (Former paragraph (p).) No substantive change.

Section 221.5 Citizenship Declarations

(a) This paragraph would be amended to designate the original text as paragraph (a)(1) and to make minor editorial changes. A new paragraph (a)(2) would be added to make clear that a citizenship declaration need not be filed in connection with transactions referred to in 46 U.S.C. app. 808(c)(1) for documented vessels used in the fisheries or for pleasure that meet the requirements of § 221.15(b) of this part. Note, however, that if the transaction involves the sale of any such vessel, a citizenship declaration will be required if the vessel's eligibility to participate in the coastwise trade is to be preserved, because the Coast Guard will assume, in the absence of a Form MA-899, that the vessel is being "sold foreign" for purposes of the first proviso of 46 U.S.C. app. 883.

(b) No change.

Section 221.7 Applications and Fees

Minor editorial clarifications would be made.

Subpart B—Transfers to Noncitizens or to Registry or Operation under Authority of a Foreign Country

Section 221.11 Required Approvals

(a) (Former.) The paragraph designation would be stricken and former subparagraphs (1) and (2) would be redesignated as proposed new paragraphs (a) and (b) of this section, respectively, and reference to the statutory requirements for MARAD approval of the enumerated transactions would be added.

(b) (Former.) This paragraph would be stricken, and the definition of "operation under the authority of a foreign country" would be transferred to proposed new § 221.3(1) of this part.

Section 221.13 Noncitizen Control of a Documented Vessel (Formerly "Transfer of Control.")

(a) *Presumptions.* (Formerly "Criteria.") Paragraph (a)(1) of this section would be amended to include a conclusive presumption of a transfer of control of a citizen-owned documented vessel if a noncitizen acquires the

ability, directly or indirectly, to direct the day-to-day management of the citizen-owner or -operator of a documented vessel, whether or not that authority is actively exercised.

Control of the owner or operator of a vessel is, perforce, tantamount to direct control of the vessel itself.

This proscription is not intended to prohibit covenants in loan agreements or other financing transactions that require prior approval of a noncitizen creditor for the vessel-owning debtor to sell all or a substantial part of the assets of the business, to enter into a merger, consolidation or corporate reorganization, to undertake new borrowing or contingent liabilities, to exceed a specified debt-to-equity ratio, to purchase other than dollar-denominated investment-grade securities, bankers' acceptances or commercial paper, or to enter into similar undertakings that could manifestly affect the debtor's creditworthiness or ability to service its debt. These are legitimate constraints. On the other hand, the ability of a noncitizen actively to direct the citizen-vessel owner to terminate a particular business activity, to do—or not do—business with particular persons, to raise or lower prices for its goods or services, to enter or relinquish a particular trade, to implement or terminate particular marketing strategies, to use—or not use—a particular domestic or foreign shipyard for non-emergency maintenance and repairs (unless reasonably based on cost-control purposes only), or the other myriad judgmental day-to-day "nuts and bolts" decisions involved in running a business can hardly be correlated with a passive creditor-debtor relationship. That degree of control over the business affairs of the owner would be incompatible with 46 U.S.C. app. 808 (b)(d) or (c)(d) and could give the noncitizen "control" of the citizen-owner's documented vessel(s) as well.

Paragraph (a)(2) of this section, as published in the interim final rule, dealing with rebuttable presumptions that a transfer of control of a citizen-owned documented vessel to a noncitizen has taken or will take place, occasioned by far the most extensive response by commenters. The common thread was that the indicia of control as proposed were far too general and/or too encompassing, particularly when applied to vessel financing arrangements. The pivotal factor is, of course, identifying the kinds of transactions, including debtor-creditor relationships, involving citizen-owned documented vessels that are "of real concern" to MARAD.

At the threshold, the most pervasive concern to MARAD in implementing 46 U.S.C. app. 808 is whether a noncitizen will or may exercise operational control of a citizen-owned documented vessel to a degree that might effectively negate the statutory right of the United States in a national emergency to requisition or charter the vessel pursuant to section 902 of the Merchant Marine Act, 1936 (46 U.S.C. app. 1242) or to regulate transactions involving that vessel under section 37 of the Shipping Act, 1916 (46 U.S.C. app. 835). Some commenters suggested that this concern could be allayed by a covenant in mortgages or related financing documents in which a noncitizen creditor undertakes to comply with, or not to contest, the U.S. Government's statutory rights in this regard. In MARAD's view, that might help, but would not entirely suffice. Given the mobility of ocean-going vessels, if a noncitizen controls the vessel, such control may frustrate the statutory prerogatives of the United States to requisition the vessel. This would represent a right without effective means of enforcement.

A second concern relates to effective control of citizen-owned documented vessels, and the economic benefit derived from their operation, in the coastwise trade. The Jones Act (section 27 of the Merchant Marine Act, 1920; 46 U.S.C. app. 883) expressly reserves carriage in that trade to U.S.-built and citizen-owned documented vessels. Unlike 46 U.S.C. app. 835 or 1242, this is not a "national emergency" statute; it is a declaration of Congressional policy that the cabotage trade should be conducted with U.S.-built vessels owned and operated by citizens of the United States as defined in 46 U.S.C. app. 802.[1] To the extent a noncitizen may exercise operational control over a citizen-owned documented vessel in the coastwise trade tantamount to that of an owner or bareboat charterer, there is cause for concern about the integrity of the Jones Act and MARAD review of such transactions pursuant to 46 U.S.C. app. 808 is clearly warranted.

With respect to vessel financing transactions, it is believed the interests of noncitizen mortgagees can be served adequately by assurance of physical access to the vessel in the event of default for the sole purpose of perfecting their security interest. (See 46 U.S.C. 31329(a)(2), under which a noncitizen mortgagee may purchase a documented vessel pursuant to a foreclosure sale ordered by a U.S. District Court, and proposed paragraphs (a)(2)(iv) and (a)(3) of this section that would permit access to the vessel without foreclosure by a mortgagee that is eligible to document a vessel under 46 U.S.C. 12102 or through an approved trustee of the mortgage.)

Taking into account the foregoing considerations, items (i) and (ii) of this paragraph in the interim final rule would be deleted and replaced with new items (i)–(vii), providing specific guidance concerning elements of a transfer transaction that will give rise to a rebuttable presumption that control of a documented vessel, other than to perfect a security interest, would pass into the hands of a noncitizen. This should allow the vast majority of transactions involving vessel financing to be structured in a manner that avoids questions concerning the applicability of 46 U.S.C. app. 808.

Proposed new item (i) of paragraph (a)(2) is explicitly directed, in contrast with the more general business decisions of the vessel owner referred to in paragraph (a)(1), to business decisions of the owner concerning disposition of the vessel itself. Where a noncitizen creditor has reserved the right to approve the sale, charter or further encumbrance to a third party of a vessel in which the creditor has a security interest, that degree of "control" would be acceptable to MARAD. Indeed, even if a noncitizen creditor holds a fleet mortgage on documented vessels that contains a covenant concerning prior approval of sale, charter or further encumbrance of any of those vessels, even if they constitute the owner's principal assets, such a covenant would violate neither paragraphs (a)(1) nor (a)(2)(i) of this section because it represents a right that can be invoked only if the vessel owner chooses to initiate action that triggers the covenant.

Concerning proposed new item (ii), the right to select or discharge the master, officers or crew of a vessel, either directly or through an agent, is one of the prerogatives of ownership unless the operator is a demise or bareboat charterer, in which event the prerogative is that of the charterer. In the latter case, of course, when the charterer of a citizen-owned documented vessel is a noncitizen and the vessel is not exempt by statute or one for which a general approval of transactions has been given under these regulations, then such transfer of control would be subject to prior approval under 46 U.S.C. app. 808. (It should also be noted that if a citizen-owner

[1] A limited exception is provided in the Bowaters Amendment (section 27A of the Merchant Marine Act, 1920; 46 U.S.C. app. 883–1), discussed *infra*.

proposes to retain a noncitizen vessel manager who may exercise the selection or discharge function on behalf of the owner, that would also constitute a regulated transaction, unless the vessel is exempt by statute or one for which general transactional approval has been given under these regulations.) In a financing transaction, MARAD would not object to a noncitizen lender holding a mortgage on a documented vessel reserving the right to require the owner to discharge the master for cause and to furnish a qualified replacement, so long as satisfactory evidence is submitted that the elements of cause are reasonably identified and the creditor has no participatory role in the selection of a replacement other than to verify that the individual is, in fact, qualified. This would not be viewed as an impermissible exercise of "control" of the vessel.

Proposed new item (iii) is the mirror image of proposed new item (ii) and the same narrative comments concerning noncitizen charterers (in this instance, including time charterers) and vessel managers are generally applicable. With respect to financing transactions, covenants reasonably related to the safety of the vessel, such as restrictions on operation or navigation in hazardous waters or in zones of war or civil strife, would not be in conflict with this restriction. A creditor with a security interest in the vessel has a legitimate interest in whether the vessel will sail in harm's way, and such restrictive covenants do not impinge on the owner's or the charterer's prerogatives concerning routine day-to-day operation of the vessel pursuant to their own commercial interests.

Proposed new item (iv) is addressed specifically to covenants in ship mortgages or related financing documents that provide for "self help" repossession of a vessel in the event of the mortgagor's default, in anticipation of or in lieu of resort to the statutory foreclosure procedure provided in 46 U.S.C. 31326 and 31329. Clearly, exercise of such a possessory right would give the mortgagee direct control of the vessel. However, if the mortgagee is eligible to own a documented vessel under 46 U.S.C. 12102, that mortgagee may take possession of the vessel, subject to the constraints on operation or sale of the vessel contained in proposed new § 221.57 of this part, without violating this proscription.

Proposed new item (v) is self-explanatory.

Proposed new item (vi) is self-explanatory.

Proposed new item (vii) is self-explanatory.

It should be noted that proposed new items (vi) and (vii) of this paragraph are addressed not to control of the vessel itself, but rather to indicia of control of the vessel owner. Thus, the items in question would be applicable not only in determining who has imputed control of a vessel for purposes of 46 U.S.C. app. 808(c)(1), but also to citizenship determinations based on the "controlling interest" test contained in 46 U.S.C. app. 802(b).

Proposed new paragraph (a)(3) is intended to provide a "safe haven" for vessel financing transactions where rebuttable presumptions of transfer of control of a citizen-owned documented vessel to a noncitizen referred to in paragraph (a)(2) (i), (iii), (iv) or (v) of this section may arise or be in doubt by allowing interposition of a trustee that has been approved pursuant to subpart C of this part, in which case the Maritime Administrator will deem the presumption(s) to have been rebutted. Noncitizen control over the hiring or firing of the master, other officers or crew of a vessel has been excluded because accountability of a ship's complement to the vessel owner is perhaps the ultimate mechanism of control in the operational sense. By the same token, it is believed that pledge of a citizen vessel-owner's stock to a noncitizen, even under the constraints in the pledge agreement imposed by paragraph (a)(2)(vii) is of sufficient sensitivity that only a section 2 citizen-custodian can be authorized, as explicitly provided in that paragraph.

(b). *Acquisition of convertible nonvoting securities of the vessel owner.* For purposes of 46 U.S.C. app. 808, citizenship of the owner of a documented vessel is determined principally by reference to ownership of its equity and who may exercise voting rights. Accordingly, to take an extreme example, a corporation that has 1,000 shares of common stock issued and outstanding that are owned by citizens and issued and outstanding nonvoting preferred shares, debentures or stock warrants owned by noncitizens that are convertible into 1,001 shares of common stock in 1995 without concurrence of the issuer would satisfy the "controlling interest" test for citizenship today, but the full conversion of those securities in 1995 would, perforce, cause loss of citizenship of the vessel owner for purposes of these regulations, hence a transfer of control of the vessel to noncitizens at that time. Because the proscription of 46 U.S.C. app. 808(c)(1) encompasses, in addition to an actual transfer, any agreement to transfer to a noncitizen control of a documented vessel owned by a citizen of the United States (other than a vessel described in § 221.15(b) or § 221.17(a) of this part); issuance by a corporate owner of such vessel of securities that are convertible into voting stock not subject to the definitional exclusion in § 221.3(d)(1) of this part could, therefore, be deemed by the Maritime Administrator to be voting interests for purposes of the "controlling interest" test; once acquired, the legal or beneficial owner has a legal right to convert those securities in accordance with the terms and conditions of the issue, notwithstanding that the voting rights cannot be exercised unless and until such conversion occurs. However, it is not believed that a useful regulatory purpose would be served by requiring MARAD review of the "voting interest" test prior to issuance of such securities, particularly since if the issue is of convertible nonvoting preferred stock, the citizen-ownership requirement of the "controlling interest" test would be applicable in any event. It should be stressed, however, that if exercise of the conversion rights attached to convertible securities results in less than a controlling interest in the class of stock into which they are convertible remaining in the hands of citizens, a violation of 46 U.S.C. app. 808 may occur by reason of the conversion. Accordingly, corporate vessel owners contemplating use of such securities may wish to take that fact into account prior to issuance, since one statutory consequence of an unlawful transfer of an interest in or control of a citizen-owned documented vessel to a noncitizen is that the transaction giving rise to such transfer is void.

Section 221.15 Unrestricted Transfers

(a). No substantive change.

(b). This paragraph would be amended by designating the original text as proposed paragraph (b)(1), with the requirement for one year's operation for one of the specified uses following conversion for such use deleted to provide consistent treatment for such vessel and newly constructed vessels.

The exemption from 46 U.S.C. app. 808(c)(1) for fishing vessels, fish processing vessels, fish tender vessels and pleasure vessels is conditioned on their use "only" for one or more of those purposes. Proposed new paragraph (b)(2) would make clear that a fishing vessel, fish processing vessel or fish tender vessel is not ineligible for that exemption if it also holds or has held a license or endorsed registry for the coastwise trade, so long as any trading under that authority has been only incidental to the vessel's principal

employment in the fisheries and directly related to such employment.

(c). (New; former paragraph (c) would be stricken.) Pursuant to 46 U.S.C. app. 883–1, a "Bowaters Corporation" is deemed to be a citizen of the United States for purposes of owning certain vessels for limited use in the coastwise trade. Accordingly, 46 U.S.C. app. 808 is inapplicable to the sale of such documented vessels to such corporations, but is applicable to any other transfer to such corporations of an interest in or control of a documented vessel owned by a citizen of the United States. (See discussion of proposed new § 221.17(b), *infra.*) It should be noted that, unless subject to the general approval granted in § 221.17(a), the sale to noncitizens of documented vessels owned by such corporations would require prior approval.

Section 221.17 General Approval

(a). *All transactions.* This paragraph would be amended to remove from the preamble the exclusionary caveat concerning applicability to transactions in which a Bowaters Corporation is the transferee of an interest in or control of a documented vessel. Sales to such corporations of vessels they are permitted to own are exempt from 46 U.S.C. app. 808 since such corporations are "deemed" to be citizens with respect to ownership of such vessels, by virtue of 46 U.S.C. app. 883–1 (see proposed new § 221.15(c) of this part), and general approval for time charters to such corporations of documented vessels of the type they may own would be given in proposed new paragraph (b) of this section. In addition, this paragraph (a) would be clarified to indicate that the general approval for transactions involving a documented vessel operating on inland lakes or waters applies so long as there is no navigable exit to the ocean for that particular vessel, *e.g.*, a Great Lakes ore carrier that is too large to transit the St. Lawrence Seaway, and to eliminate the distinction between self-propelled and non-self-propelled vessels because MARAD has been advised that the Department of Defense no longer objects to foreign transfers of LASH and SEABEE type barges.

Concerning the 1,000 gross tons test contained in this paragraph, one commenter suggested that this threshold was too low, and one suggested that this threshold was too high, in relation to national security interests. Prior to publication of the interim final rule, the gross tonnage threshold was agreed to by the Department of Defense with respect to national emergency sealift requirements.

(b) *Bowaters Corporations.* (New; former paragraph (b) would be redesignated as paragraph (c).) Upon consideration of comments received, it has been concluded that time charters and leases (other than bareboat charters) to Bowaters corporations of vessels of the type they are permitted by statute to own (see 46 U.S.C. app. 883–1) should be granted general approval, subject to the same restrictions on use in the coastwise trade that are applicable to the vessels they may own and to the further restriction that the sum of the aggregate insured value of vessels time-chartered or leased by such corporations plus the aggregate book value of vessels owned by such corporation may not exceed 10 per centum of the aggregate book value of the assets of such corporation. To the extent either the number or size of barges owned, time-chartered or leased by such corporations would require a self-propelled towing vessel of 500 or more gross tons for movement in the coastwise trade, the charter services of a larger propulsion vessel owned and operated by a coastwise-qualified citizen would have to be obtained, a transaction that would require prior approval of the Maritime Administrator pursuant to 46 U.S.C. app. 808. Accordingly, it is believed that there would continue to be ample regulatory control over coastwise use of non-owned barges by such corporations to ensure that a significant competitive detriment to citizens of the United States would not result from this limited general approval.

It is recognized that the distinction between a time charter and a demise or bareboat charter of an unmanned, non-self-propelled vessel may be difficult to establish. However, the commercial towing industry is very close-knit, and it can be expected that transactions with Bowaters corporations would be carefully monitored by the industry itself to ensure that vessel charters or leases to such corporations would be consistent with this proposed general approval.

A number of commenters argued that the Maritime Administrator has no authority to impose restrictions on non-ownership acquisitions of an interest in or control of documented vessels by a Bowaters Corporation, positing that under 46 U.S.C. app. 883–1 Bowaters corporations are deemed to be citizens of the United States for all purposes of 46 U.S.C. app. 808 and 883.

MARAD does not share that view.

One commenter suggested that, in approving time charters of self-propelled vessels of 500 gross tons or more to Bowaters corporations, MARAD not restrict use of the vessel to proprietary carriage only, arguing that such a restriction precludes a subcharter of the vessel even to a citizen, thereby depriving a Bowaters Corporation of the opportunity for the vessel's gainful use during idle or surplus time and foreclosing even a potential citizen-subcharterer from access to a Jones Act-qualified vessel for which, in the larger tonnages, the market is represented to be "tight." That consequence is undeniable, and unfortunate. However, 46 U.S.C. app. 883–1 is explicit in restricting out-charters of vessels owned by Bowaters corporations to a "demise or bareboat charter at prevailing rates to a common or contract carrier subject to part 3 of the Interstate Commerce Act, as amended * * *." Subcharter out of a time-chartered vessel by a Bowaters Corporation to a shipper, even if a citizen, simply does not fit with this explicit constraint on use of vessels that it owns and would, therefore, be inconsistent with the statutory scheme. The general approval of contracts of affreightment and service agreements embodied in proposed new paragraph (d)(3) of this section should provide opportunities to accommodate any less-than-fulltime need of a Bowaters Corporation for access to a suitable vessel, while allowing the citizen-owner or citizen-bareboat charterer itself to serve other users who may have need for such a vessel when the Bowaters Corporation does not, thus preserving the integrity of both 46 U.S.C. app. 808 and 883–1. The same may be said for including a clause in time charters by Bowaters corporations that would provide for temporary release of the vessel to the citizen -owner or -operator by the Bowaters Corporation time-charterer when not needed for the latter's use.

(c) *Mortgages.* (Former paragraph (b); former paragraph (c) would be redesignated as paragraph (e).) This paragraph would be amended to reflect the fact that mortgage of a documented vessel owned by a citizen of the United States to a noncitizen mortgagee that is authorized to hold a preferred mortgage on the vessel does not require prior approval of the Maritime Administrator. (See 46 U.S.C. app. 808(c)(1) and 46 U.S.C. 31322(a)(1)(D).) However, a distinction must be made between the mortgage itself and the separate issue under 46 U.S.C. app. 808(c)(1) whether, incident to the mortgage transaction, "control" of the vessel will or may pass into the hands of the noncitizen mortgagee.

Indicia of control that may be present in a mortgage transaction are described in proposed new § 221.13(a)(2), and a noncitizen may not be a preferred mortgagee of a documented vessel other than one described in §§ 221.15 (a) or (b) or § 221.17(a) of this part if the mortgage or a related financing document contains any such indicia without applying for and receiving prior approval of the Maritime Administration under 46 U.S.C. app. 808(c)(1), except as provided in proposed new items (i) or (iv)–(vii) of new § 221.13(a)(2).

(d). *Charters without time limit.* (New; former paragraph (d) would be redesignated as paragraph (f).)

New paragraph (d) would grant general approval for certain types of transactions with noncitizens that would be considered regulated charters under the definition of that term in new § 221.3(b); *viz.*, space or slot charters of less than one-half the full capacity of the vessel, time charters or drilling contracts involving MODU or other offshore drilling vessels where command and control over movement of the vessel remains in a citizen of the United States, contracts of affreightment or service agreements that do not specify or require use of a particular vessel or vessels and service contracts in foreign trade authorized pursuant to 46 U.S.C. app. 1707(c). Based on comments received, it is believed that no useful regulatory purpose would be served by requiring MARAD's approval of these transactions. However, an information copy of each contract of affreightment or service agreement would be required to be filed with the official identified in § 221.7 of this part within 30 days of execution. It should be noted that MARAD will look to the substance of the transaction; the mere fact that a document may be captioned "contract of affreightment" or "service agreement" will not be controlling in a determination whether the transaction is, in fact, subject to this general approval.

With respect to charters of drilling vessels, several commenters urged that bareboat charters to foreign affiliates of a citizen-owner of the vessel should also be granted general approval, because contractual opportunities for the services of such vessels frequently arise and close rapidly and MARAD transactional approval is time-consuming. MARAD is sympathetic to that concern, but wishes to point out that this obstacle may be overcome by the simple expedient of "shelf approval." Subject to the prohibition on bareboat charters of Title XI-financed vessels in 46 CFR 298.10, "shelf approval" can be given for a *pro forma* form of bareboat charter of any vessel to any foreign affiliate based on itemized listings of vessels and of affiliates appended to the *pro forma*, the only condition for such approval being that a copy of the charter be furnished to the Maritime Administrator within 30 days of execution. Accordingly, justification for general approval of bareboat charters of drilling vessels to foreign affiliates of the owners seems neither compelling nor warranted.

Because charters of drilling vessels are included in this rulemaking, further consideration of MARAD's proposed rule "Approval of Vessels Chartered to Noncitizens", RIN2133–AA73 (Docket R–124), published at 54 FR 10168, has been merged herein.

(e). *Charters not to exceed five years.* (Former paragraph (c); former paragraph (e) would be redesignated as paragraph (g).) This paragraph would be amended to extend the period for which general approval of other charters of documented vessels by citizens to noncitizens is granted from six months to five years, subject to filing requirements and the exceptions contained in proposed paragraph (e) (1)–(3), together with certain editorial clarifications.

One commenter questioned the reason for excluding bareboat or demise charters for use in the coastwise trade from the general approval of charters not to exceed six months (herein proposed to be five years) (former paragraph (c)(1), now proposed paragraph (e)(1)), citing the holding in *Alaskan Excursion Cruises* v. *United States*, 595 F. Supp. 14, 16 (D.D.C. 1984); 603 F. Supp. 541, 548 (D.D.C. 1984) that the citizenship requirement of the Jones Act (46 U.S.C. app. 883) applies only to the owner, not the operator, of a documented vessel and that the Administrator is not precluded from approving a demise or bareboat charter of such vessel to a noncitizen for operation in that trade.

Since 1975 MARAD has had a policy of not approving demise or bareboat charter to noncitizens for operation in the coastwise trade (see 40 FR 28832, July 9, 1975). The approval granted in the case of Alaskan Excursion Cruises, *supra*, stands for the proposition that the Administrator is not precluded from such approvals, not that the Administrator is required to grant such approvals.

Reservation of this nation's cabotage trade to vessels built in the United States and owned and operated by United States citizens is a principle almost as old as this nation itself.

Absent specific legislative relief for particular vessels or in extraordinary circumstances, that policy principle has been uniformly adhered to. The fact that a demise or bareboat charter of a vessel to a noncitizen would carry with it many of the indicia of ownership such as possession, operational control and the direct benefits of its employment in domestic commerce, renders the rationale for not approving such charters to noncitizens for use in the coastwise trade readily apparent.

(f). *Charters for trade with the USSR.* (Former paragraph (d).)

No substantive change.

(g). Transfer to foreign registry or operation under the authority of a foreign country. (Former paragraph (e).)

No substantive change, except to raise the exemption based on tonnage from 200 gross tons to 1,000 gross tons and an editorial change to conform paragraph (g)(2) to the revised textual designations within this section. It should be noted that prior written approval of the Maritime Administrator is required for the transfer of any documented vessel in excess of 1,000 gross tonnage, including vessels described in § 221.15 (a) and (b) of this part.

Section 221.19 Conditional Approval

(New; former § 221.19 would be redesignated as § 221.21.) This new section would incorporate into the body of part 221 MARAD's foreign transfer policy guidelines previously set forth in the appendix to part 221. No substantive changes would be made, but the format would be altered to present its contents in regulatory format rather than as a policy statement.

Section 221.21 Prohibited Transactions

(Former § 221.19; former § 221.21 would be redesignated as § 221.23.)

No substantive change, other than to remove the constraints of paragraph (a) from transactions involving vessels referred to in § 221.15, for which unrestricted transfers are allowed by statute. Note, however, that such vessels remain subject to the requirements of 46 U.S.C. app. 808(c)(2) and of the restriction in § 221.19 of this part concerning approval for transfer of such vessels to foreign ownership or to registry or operation under the authority of a foreign country, unless the vessel is under 1,000 gross tons.

Section 221.23 Sale of a Documented Vessel by Order of a District Court

(a). No substantive change, but a footnote reference to the definition of mortgagee to include a trustee in

proposed new § 221.3(j) has been included.

(b). No substantive change; editorial clarifications.

(c). The original text would be designated as paragraph (c)(1) and minor editorial clarifications would be made. A proposed new paragraph (c)(2) would be added, authorizing a noncitizen mortgagee-purchaser not eligible to own a documented vessel that has acquired the vessel at a court-ordered sale to operate the vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes while it is being held for resale to a qualified purchaser.

Subpart C—Preferred Mortgages on Documented Vessels: Mortgagees and Trustees

Section 221.41 Purpose

No substantive change.

Section 221.43 Applications for Approval as Mortgagee or Trustee

(Former § 221.53; former § 221.43 would be redesignated as § 221.45.)

No substantive change, other than to extend the period of approval of trustees from one to five years. An approved mortgagee may continue to serve without reapproval unless subsequently disapproved.

Section 221.45 Approval of Certain Mortgagees

(Former § 221.43; former § 221.45 would be redesignated as § 221.47.)

(a)(1) No substantive change; editorial clarifications. Other noncitizens are, of course, free to participate without prior approval of the Maritime Administrator in financing of documented vessels referred to in §§ 221.15 (a) and (b) of this part (see proposed new paragraph (d) of this section) and also, subject to the constraints in proposed new paragraph (c) of this section, of documented vessels referred to in § 221.17(a) of this part.

(a)(2) This paragraph would be amended to make clear that noncitizen federally insured depository institutions not meeting the criteria of paragraph (a)(1) of this section may nevertheless be approved by the Maritime Administrator as preferred mortgagees (*e.g.*, unincorporated Federal or insured U.S. branches of foreign banks) on a case-by-case basis, subject to appropriate conditions, and to incorporate by reference the proscriptions of proposed new § 221.13(a)(2) of this part concerning acquisition by a noncitizen federally insured depository institution mortgagee of indicia of control of a documented vessel incident to the mortgage transaction.

(b). (The former text of this paragraph would be stricken in its entirety. The concept of "control" as applied to a noncitizen mortgagee would be dealt with in paragraph (a)(2) of this section and proposed §§ 221.13(a)(2) and 221.17(c) of this part.)

(New text.) Because transactions, including mortgages, involving vessels of the types referred to in § 221.17(a) have been granted broad general approval, the Maritime Administrator would exercise his statutory authority under 46 U.S.C. 31322(a)(1)(D)(vi) to authorize any noncitizen to be a mortgagee of such vessels except as provided in paragraph (c) of this section, thereby entitling the mortgage to preferred status if other statutory criteria are complied with.

(c). This paragraph would be amended to ensure that governmental instrumentalities of countries identified in § 221.17(e)(3) are subject to the same restrictions on entitlement to serve as mortgagees of documented vessels as are persons who are citizens of those countries.

(d). (New.) This paragraph sets forth the statutory provision contained in 46 U.S.C. 31322(a)(2) that any noncitizen may be a mortgagee of a documented vessel referred to in § 221.15 (a) and (b) of this part.

Section 221.47 Permitted Mortgage Trusts

(Former § 221.45; former § 221.47 would be redesignated as § 221.49.)

(a). No change.

(b). No substantive change; editorial clarifications.

(c). Editorial changes have been made in paragraphs (c) (1) and (2). Paragraph (c)(3) would be revised to require that if an approved trustee becomes disqualified, it is the responsibility of that entity to take corrective action or risk the loss of preferred status of the mortgage. It has been determined that this is not the vessel owner's, or MARAD's, concern.

Section 221.49 Approval of Corporate Citizen Trustee

(Former § 221.47; former § 221.49 would be redesignated as § 221.51.)

No substantive change.

Section 221.51 Approval of Noncorporate Citizen Trustee

(Former § 221.49; former § 221.51 would be redesignated as § 221.53.)

The preamble would be amended to clarify that approval will, rather than "may", be granted if the requirements of this section are satisfied.

Section 221.53 Approval of Noncitizen Trustee

(Former § 221.51; former § 221.53 would be redesignated as § 221.43.)

(a). No substantive change in the preamble. One commenter noted that the requirement for corporate trust powers would limit the eligibility of a noncitizen federally insured depository institution to serve as a trustee to such institutions that have been federally chartered. MARAD has no information whether there are any foreign-controlled U.S. banking institutions with State-authorized trust powers. In any event, at least until there has been the opportunity to gain experience with noncitizen trustees, it is believed prudent to confine eligibility of banking institutions to those that meet the present requirements of this section.

(a)(1) This paragraph would be amended to reflect the statutory language of 46 U.S.C. 31328(b)(1).

(a)(2) This paragraph would be amended to reflect the statutory language of 46 U.S.C. 31328(b)(2).

(a)(3) No change.

(a)(4) No substantive change.

(a)(5) (New.) This paragraph would be added to preclude a noncitizen federally insured depository institution that is a person or instrumentality referred to in § 221.45(c) from serving as trustee for any purpose under this part. This restriction is based on the same national defense and foreign policy considerations that warrant the economic sanctions against certain countries reflected in proposed § 221.17(e)(3).

(b). No change.

(c). (New.) The text of this paragraph in the interim final rule would be stricken in its entirety as surplusage, and replaced with new language indicating that noncitizen trustees other than those identified in paragraph (b) of this section may be approved by the Maritime Administrator on a case-by-case basis, subject to appropriate conditions.

(d) This paragraph in the interim final rule would be eliminated as redundant, since former paragraph (c) would be stricken.

Section 221.55 Renewal of Approval of Trustee

No substantive change, other than a conforming amendment to reflect a five-year period for renewal of prior approvals.

Section 221.57 Possession or Sale of Vessels by Mortgagees or Trustees Other Than Pursuant to Court Order (New)

Proposed new paragraph (a) of this section would permit a mortgagee that is eligible to own a documented vessel under 46 U.S.C. 31329 or a citizen-trustee of the mortgage to take possession of a documented vessel in the event of default in lieu of a foreclosure proceeding ordered by a U.S. District Court pursuant to new §§ 221.13(a)(2)(iv) and 221.17(c) of these regulations, but would prohibit operation of the vessel in commerce. Operation other than in commerce or sale to a noncitizen would be prohibited without the prior written approval of the Maritime Administrator, unless such sale occurred by order of a District Court pursuant to 46 U.S.C. 31329.

Proposed new paragraph (b) of this section would permit operation of the vessel by the mortgagee or trustee under the same exigent circumstances for which permission has been granted to a mortgagee-purchaser of a vessel at a court-ordered sale of the vessel under proposed new § 221.23(c)(2) of this part and, in addition would authorize operation of the vessel for the purpose of its direct return to the jurisdiction of the United States or for its movement within the United States.

Proposed paragraph (c) of this new section would reflect the fact that when a noncitizen mortgagee brings a civil action *in rem* to enforce a preferred mortgage lien on the vessel pursuant to 46 U.S.C. 31325(b)(1), the mortgagee may also petition the court pursuant to 46 U.S.C. 31325(e)(1) for appointment of a receiver and, if the receiver is a citizen of the United States under 46 U.S.C. app. 802, to authorize the receiver to operate the vessel on such terms and conditions as the court deems appropriate.

Section 221.59 Conditions Attaching to Approvals (New)

Proposed paragraph (a) of this new section would provide that the Maritime Administrator's approval of a noncitizen mortgagee does not constitute approval for such mortgagee to hold a preferred mortgage on a citizen-owned documented vessel if the transaction contains indicia of a transfer of "control" of that vessel in contravention of the restrictions contained in § 221.13(a)(2) of this part, unless the vessel is one that is exempt from transactional approval pursuant to § 221.15(b) of this part or for which general transactional approval has been given pursuant to § 221.17(a) of this part. However, because the circumstances referred to in § 221.13(a)(2) constitute a rebuttable presumption concerning an actual or prospective transfer of control of the vessel to a noncitizen, a noncitizen mortgagee may seek specific approval of a transaction under 46 U.S.C. app. 808 upon a showing that under the facts of the particular case the presumption can be overcome.

Proposed paragraph (b) of this new section would provide that whenever an approval of a mortgagee or trustee is granted by the Maritime Administrator pursuant to 46 U.S.C. 31322(a)(2)(D) (iii) or (iv) or 31328(a) (3) or (4), that approval shall be conditional on prompt response by the mortgagee or trustee to written requests by the Maritime Administrator for information or reports concerning its continuing compliance with the terms or conditions upon which such approval was granted. The terms or conditions may be those imposed generally by provisions in this part, or specifically in the approval itself.

Because there is no renewal required of approvals to serve as mortgagees, and § 221.55 of this part provides that renewal of approvals to serve as trustees is only required every five years, it is necessary that the Maritime Administrator be able to verify from time to time that the person is continuing to abide by such terms and conditions. For example, an approved noncitizen mortgagee may not hold mortgages that contain certain indicia of "control" of the documented vessel in contravention of proposed new § 221.13(a)(2) of this part, absent specific transactional approval by the Maritime Administrator pursuant to 46 U.S.C. app. 808.

Failure by a person to respond promptly to such requests for information or reports shall be grounds for disapproval of that person's authority to act as a mortgagee or trustee.

Proposed paragraph (c) of this new section would impose an obligation on an approved mortgagee or trustee to notify the Maritime Administrator promptly of the commencement of a foreclosure action in a foreign jurisdiction involving a documented vessel to which 46 U.S.C. app. 808(c) and §§ 221.3(p) and 221.11 of this part are applicable and to ensure that the court or other tribunal has proper notice of those provisions. This requirement is intended to give the foreign court or other tribunal notice that sale of the vessel to a noncitizen without prior approval of the Maritime Administrator would be void under U.S. law, and also that a noncitizen purchaser of the vessel could not lawfully transfer the vessel to foreign registry without prior approval of the Maritime Administrator. The notice to the Maritime Administrator of commencement of a foreign foreclosure action is intended to permit consideration of whether such approvals should be given and, if not, an opportunity for the Maritime Administration to intervene in the proceeding. This option could be important if, for example, the vessel had been built with Construction Differential Subsidy or a Title XI ship financing guarantee, because of the contractual obligation running with title to the vessel that the owner be a citizen of the United States.

Proposed paragraph (d) of this new section would prohibit an approved trustee from assuming any fiduciary obligation in favor of noncitizen beneficiaries that would be in conflict with these regulations. Since these regulations have the force and effect of law, trust obligations that violate them would be unenforceable.

Subpart D—Transactions Involving Maritime Interests in Time of War or National Emergency under 46 U.S.C. app. 835

This subpart continues to be reserved for later promulgation.

Subpart E—Civil Penalties

General Discussion

Subpart E is new.

The former Ship Mortgage Act of 1920 and section 9 of the Shipping Act, 1916 did not provide for civil penalties for violations of its provisions. Title 46 U.S.C. Chapter 313, however, provided for civil penalties in sections 31309 and 31330. Section 31309 provides a civil penalty of up to $10,000 against a person violating Chapter 313 or a regulation prescribed thereunder, except as otherwise provided. Section 31330(b)(2) provides a civil penalty of up to $25,000 against a person who violates section 31328 or 31329. Subparagraph (c) additionally provides that the president or chief executive officer of the person that is not an individual is also subject to the $25,000 civil penalty.

Similarly, section 304 of Public Law 101-225 (The Coast Guard Authorization Act of 1989) authorized a civil penalty of up to $10,000 for violation of the provisions of section 9 of the Shipping Act, 1916, as amended (46 U.S.C. app. 808(d)(4)). In addition, Public Law 101-225 also added a new section 336 to title 49 U.S.C. establishing the broad parameters for assessment of civil penalties.

Subpart E proposes procedures MARAD would utilize to assess civil penalties for violations of 46 U.S.C. chapter 313 and of section 9 of the Shipping Act, 1916, as amended. The proposed regulations adopt the informal assessment procedure used by many administrative agencies, and, in particular, those used by the Coast Guard, which has shared responsibilities under chapter 313.

The Coast Guard's hearing procedure at 33 CFR 1.07 is informal rather than "on the record" within the meaning of the Administrative Procedure Act. District Court review is based on "substantial evidence in the record" rather than a "de novo" proceeding. *See, e.g., Green* v. *United States Coast Guard*, 642 F. Supp. 638 (N.D. Ill. 1986). Accordingly, MARAD's hearing procedure would adopt the well established Coast Guard procedure, subject to some modifications due to MARAD's organization and the expected lesser volume of penalty cases. These procedures are authorized by 49 U.S.C. 336. A discussion of each section follows.

Section 221.101 Purpose

The purpose of subpart E is to establish penalty assessment procedures for 46 U.S.C. 31309 and 31330 for provisions of chapter 313 administered by MARAD, and for section 9 of the Shipping Act, 1916, as amended.

Section 221.103 Definitions

This section defines terms used in this subpart.

Section 221.105 Investigations

The Vessel Transfer and Disposal Officer, or that person's delegate, is given authority to gather information on possible violations. If that Officer decides that a *prima facie* case exists, then the Officer may either enter into a stipulation with the alleged violator, or may refer the matter directly to a Hearing Officer, who is an individual designated as such by the Maritime Administrator.

Section 221.107 Stipulation Procedure

If the Vessel Transfer and Disposal Officer decides to enter into a stipulation with the party, the party is advised of the alleged violation and pertinent statutes and regulations, the maximum penalty that may be assessed, a summary of the evidence, the right to examine all the material in the case file and to have a copy of all written documents, and other pertinent information. A party is not required to enter into a stipulation, but if it does so, the party waives its right to an informal hearing and to further contest the penalty.

Section 221.109 Hearing Officer Referral

If a party elects not to enter into a stipulation and requests referral to a Hearing Officer, the Vessel Transfer and Disposal Officer may decide to close the case or to refer the matter to a Hearing Officer.

Section 221.111 Initial Hearing Officer Consideration

The Hearing Officer is an individual previously unconnected with the case. When the Hearing Officer receives a case, that person reviews the material in the file and decides whether there is sufficient evidence to proceed. If there is, then the party is advised of this fact, the nature of the proceeding and its rights.

Section 221.113 Response by Party

This section describes the actions a party may take upon receipt of notice from a Hearing Officer.

Section 221.115 Disclosure of Evidence

A party is entitled to a copy of all the evidence in the case file.

Section 221.117 Request for Confidential Treatment

This section prescribes the rules for protection of confidential information.

Section 221.119 Counsel

A party may be represented by counsel in a proceeding.

Section 221.121 Witnesses

A party may present testimony of witnesses.

Section 221.123 Hearing Procedure

This section governs the procedures which the Hearing Officer will follow in conducting an informal hearing, and the rights accorded a party during a hearing.

Section 221.125 Records

The hearing is not "on the record." Accordingly, the Hearing Officer will prepare notes of the hearing that summarize in sufficient detail the points raised and the arguments presented at the hearing. A party may, if it chooses, arrange at its own expense to have a verbatim transcript made.

Section 221.127 Hearing Officer's Decision

The Hearing Officer will render a written decision. A finding of a violation must be supported by substantial evidence in the record. The Hearing Officer's decision constitutes final agency action.

Section 221.129 Collection of Civil Penalties

This section provides that assessed penalties must be paid within 30 days and that failure to pay will result in the institution of appropriate collection action.

Subpart F—Other Transfers Involving Documented Vessels

In the interim final rule this subpart, as printed, contained a form—"Uniform Bareboat Charter of a Government-owned dry-cargo vessel under section 705 of the Merchant Marine Act, 1936, as amended." That charter agreement form is in many respects outdated and it is not used. Should the Department of Transportation enter into charters pursuant to section 705, appropriate agreements will be prepared. This subpart is, therefore, reserved for later promulgation.

Subpart G—Savings Provisions (New)

Section 221.161 Status of Approvals—Controlling Dates

Paragraph (a) of this section would reflect the fact that, while the new statutory provisions became effective on January 1, 1989, the implementing interim final rule was not issued until February 2, 1989. In fairness to those affected by the uncertainties inherent in this sequential transition period, the Maritime Administrator proposes retroactive approval for any transaction occurring on or after January 1, 1989 that was lawful under the interim final rule.

Paragraph (b) of this section would provide that a pre-January 1, 1989 transaction that was lawful when entered into shall continue to be lawful in accordance with the statutory and regulatory provision in effect at that time.

Analysis of Regulatory Impact

This rulemaking has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies, or geographic regions. Furthermore, it will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

While this rulemaking does not involve any change in important Departmental policies, it is considered significant because it implements statutory changes that will substantially effect the regulation of transactions involving U.S.-documented vessels, and may be expected to generate significant public interest. However, because the economic impact should be minimal, further regulatory evaluation is not necessary. Moreover, the Maritime Administrator certifies that this amendment will not have a significant economic impact on a substantial number of small entities.

This rulemaking does not significantly affect the environment. An environmental impact statement is not required under the National Environmental Policy Act of 1969. It has also been reviewed under Executive Order 12612, Federalism, and it has been determined that it does not have sufficient implications for federalism to warrant preparation of a Federalism Assessment.

Finally, this rulemaking contains reporting requirements that either have previously been approved by the Office of Management and Budget (Approval No. 2133-0006), or are being submitted for its approval, pursuant to provision of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). Use of present Maritime Administration forms will be continued pending approval of proposed revisions.

List of Subjects in 46 CFR Part 221

Maritime carriers.

Accordingly, 46 CFR part 221 is revised to read as follows:

PART 221—REGULATED TRANSACTIONS INVOLVING DOCUMENTED VESSELS AND OTHER MARITIME INTERESTS

Subpart A—Introduction

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221.1 Purpose.
221.3 Definitions.
221.5 Citizenship declarations.
221.7 Applications and Fees.

Subpart B—Transfers to Noncitizens or to Registry or Operation under Authority of a Foreign Country

221.11 Required approvals.
221.13 Noncitizen control of a documented vessel.
221.15 Unrestricted transfers.
221.17 General approval.
221.19 Conditional approval.
221.21 Prohibited transactions.
221.23 Sale of a documented vessel by order of a District Court.

Sec.
Subpart C—Preferred Mortgages on Documented Vessels: Mortgagees and Trustees

221.41 Purpose.
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221.57 Possession or sale of vessels by trustees other than pursuant to court order.
221.59 Conditions attaching to approvals.

Subpart D—Transactions Involving Maritime Interests in Time of War or National Emergency Under 46 U.S.C. app. 835 [Reserved]

Subpart E—Civil Penalties

221.101 Purpose.
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221.129 Collection of civil penalties.

Subpart F—Other Transfers Involving Documented Vessels [Reserved]

Subpart G—Savings Provisions

221.161 Status of prior transactions—controlling dates.

Authority: Secs. 2, 9, 37, 41 and 43, Shipping Act, 1916, as amended; Secs. 204(b) and 705, Merchant Marine Act, 1936, as amended (46 U.S.C. app. 802, 803, 808, 835, 839, 841a, 1114(b), 1195); 46 U.S.C. chs. 301 and 313; 49 U.S.C. 336; 49 CFR 1.66.

Subpart A—Introduction

§ 221.1 Purpose.

This part implements statutory responsibilities of the Secretary of Transportation (the "Secretary") with respect to: (a) Approval of mortgagees and trustees of preferred mortgages on vessels documented under the laws of the United States pursuant to 46 U.S.C. ch. 313, subch. II; (b) the regulation of transactions involving transfers of (1) an interest in or control of vessels owned by citizens (including the transfer of a controlling interest in such owners) and documented under the laws of the United States to noncitizens or (2) any documented vessel to registry or operation under the authority of foreign countries pursuant to 46 U.S.C. app. 808; and (c) transactions involving maritime interests in time of war or national emergency under 46 U.S.C. app. 835. Those responsibilities have been delegated by the Secretary to the Maritime Administrator.

§ 221.3 Definitions.

For the purpose of this part:

(a) *Bowaters Corporation* means a noncitizen corporation organized under the laws of the United States or of a State that has satisfied the requirements of 46 U.S.C. app. 883-1(a)-(e) and holds a valid Certificate of Compliance issued by the Coast Guard, which entitles it to own and document self-propelled vessels of less than 500 gross tons and non-self-propelled vessels of any tonnage for carriage of proprietary cargo or carriage as a service for a parent or subsidiary in the coastwise trade;

(b) *Charter* means any agreement or commitment by which the possession or services of a vessel are secured for a period of time, or for one or more voyages, whether or not a demise of the vessel.

(c) *Citizen of the United States* means a person (including receivers and trustees and successors or assignees of such persons as provided in 46 U.S.C. app. 803), including any person who has a controlling interest in such person at each tier of ownership, who, in both form or substance, satisfies the following requirements—

(1) An individual who is a citizen of the United States;

(2) A corporation organized under the laws of the United States or of a State, the controlling interest of which is owned by and vested in citizens of the United States and whose president or chief executive officer, chairman of the board of directors and all officers authorized to act in the absence or disability of such persons are citizens of the United States, and no more of its directors than a minority of the number necessary to constitute a quorum are noncitizens;

(3) A partnership organized under the laws of the United States or of a State, if all general partners (if any) are citizens of the United States and a controlling interest in the partnership is owned by citizens of the United States;

(4) An association organized under the laws of the United States or of a State, whose president or other chief executive officer, chairman of the board of directors (or equivalent committee or body) and all officers authorized to act in their absence or disability are citizens of the United States, no more than a minority of the number of its directors, or equivalent, necessary to constitute a

quorum are noncitizens, and a controlling interest in which is vested in citizens of the United States;

(5) A joint venture organized under the laws of the United States or of a State, if each coventurer is a citizen of the United States; or

(6) A trust described in paragraph (q)(1) of this section.

(d) "Controlling interest" owned by or vested in citizens of the United States means that—

(1) In the case of a corporation:

(i) Legal or beneficial ownership of a majority of each class of stock issued and outstanding is vested in citizens of the United States, free and clear of any trust or fiduciary obligation in favor of any noncitizen, and any voting rights associated with such class are held free and clear of any obligation in favor of a noncitizen (but if the voting rights of any such class are restricted by statute or contract to extraordinary circumstances recognized under the laws of the State of incorporation or otherwise acceptable to the Maritime Administrator, then only the voting rights of those classes of stock that are not subject to such restriction shall be considered); and

(ii) No noncitizen minority stockholder has the ability to veto decisions directly related to the management or policies of the company;

(2) In the case of a partnership, ownership and control of a majority of the equity, free and clear of any trust or fiduciary obligation in favor of any noncitizen, is vested in a partner or partners each of whom is a citizen of the United States;

(3) In the case of an association, a majority of the voting power is vested in citizens of the United States, free and clear of any trust or fiduciary obligation in favor of any noncitizen; and

(4) In the case of a joint venture, a controlling interest in each coventurer is owned by or vested in citizens of the United States free and clear of any trust or fiduciary obligation in favor of any noncitizen;

(5) But, in the case of a corporation, partnership, association or joint venture owning or operating a vessel in the coastwise trade, the amount of interest or voting power required to be owned by or vested in citizens of the United States shall be not less than 75 percent as required by 46 U.S.C. app. 802.

(e) *Documented vessel* means a vessel documented under chapter 121, title 46, United States Code, including a vessel for which a registry has been issued pursuant to section 12105 of that title. As provided in 46 U.S.C. 12111(c)(1)(B), a vessel is deemed to be documented under this part until such time as the Certificate of Documentation or Certificate of Registry has been surrendered to the United States Coast Guard with the approval of the Secretary of Transportation. *See also* 46 U.S.C. 12110(d).

(f) *Federally insured depository institution* means a corporation or association organized and doing business under the laws of the United States or of a State, authorized by such law to accept deposits from the public and whose deposit accounts are insured by either of the following agencies—

(1) Federal Deposit Insurance Corporation (FDIC); or

(2) National Credit Union Administration (NCUA).

(g) *Fishing vessel* means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(h) *Fish processing vessel* means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(i) *Fish tender vessel* means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing vessel, fish processing vessel, or fish tender vessel or a fish processing facility.

(j) *Mortgagee* means—

(1) A person to whom a documented vessel or other property is mortgaged; or

(2) When a mortgage on a vessel involves a trust, the trustee that is designated in the trust agreement, unless the context indicates otherwise.

(k) *Noncitizen* means a person who is not a citizen of the United States within the meaning of paragraph (c) of this section.

(l) *Operation under the authority of a foreign country* means any agreement, undertaking or device by which a documented vessel is voluntarily subjected to any restriction or requirement, actual or contingent, under the laws or regulations of a foreign country or instrumentality thereof concerning use or operation of the vessel that is or may be in derogation of the rights and obligations of the owner, operator or master of the vessel under the laws of the United States, unless such restriction or requirement is of general applicability and uniformly imposed by such country or instrumentality in exercise of its sovereign prerogatives with respect to public health, safety or welfare, or in implementation of accepted principles of international law regarding cabotage or safety of navigation.

(m) *Person* includes individuals and corporations, partnerships, joint ventures, associations and trusts existing under or authorized by the laws of the United States or of a State or, unless the context indicates otherwise, of any foreign country.

(n) *Pleasure vessel* means a vessel that has been issued a recreational vessel license pursuant to 46 U.S.C. 12109 and has been operated only for pleasure.

(o) *State* means a State of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States.

(p) *Transfer* includes the involuntary conveyance by a foreign judicial or administrative tribunal of any interest in or control of a documented vessel owned by a citizen of the United States to a noncitizen that is not eligible to own a documented vessel.

(q) *Trust* means:

(1) In the case of ownership of a documented vessel, a trust that is domiciled in and existing under the laws of the United States or of a State, of which the trustee is a citizen of the United States and the controlling interest in the trust estate is held for the benefit of citizens of the United States, or control of a documented vessel owned by a citizen of the United States; or

(2) In the case of a mortgage trust, a trust that is domiciled in and existing under the laws of the United States, for which the trustee is authorized so to act on behalf of noncitizen beneficiaries pursuant to 46 U.S.C. 31328(a) and subpart C of this part.

(r) *United States*, when used in the geographic sense, means the States of the United States, Guam, Puerto Rico, the Virgin Islands, American Samoa, the District of Columbia, the Northern Mariana Islands, and any other territory or possession of the United States; when used in other than the geographic sense, it means the United States Government.

(s) *United States Government* means the Federal Government acting by or through any of its departments or agencies.

§ 221.5 Citizenship Declarations.

(a)(1) Except as provided in paragraph (a)(2) of this section, when an instrument transferring an interest in a documented vessel owned by a citizen of the United States is presented to the United States Government for filing or recording, the person filing shall submit therewith a written declaration on Maritime Administration Form No. MA-

899 (available from the Coast Guard Documentation Office at the home port of the vessel or from the Vessel Transfer and Disposal Officer (MAR-745.1), Maritime Administration, United States Department of Transportation, Washington, DC 20590), that the transferee is a citizen of the United States, is an authorized mortgagee or trustee under 46 U.S.C. 31322 or 31328 or is exempt from the approval requirement of section 9 of the Shipping Act, 1916, as amended (46 U.S.C. app. 808) pursuant to § 221.17(a) of this part.

(2) Form MA-899 need not be filed if the documented vessel is exempt from transactional approval by the Maritime Administrator pursuant to 46 U.S.C. app. 808(c)(1) and § 221.15(b) of this part, unless preservation of its eligibility to participate in the coastwise trade is desired in connection with sale of the vessel.

(b) A declaration filed by any person other than an individual shall be signed by an official authorized by that person to execute the declaration.

§ 221.7 Applications and fees.

(a) *Applications.* Whenever approval of the Maritime Administrator is required under § 221.11 of this part, or pursuant to a Maritime Administration contract or Order, an application on Maritime Administration Form MA-29 or MA-29B giving full particulars of the proposed transaction shall be filed with the Vessel Transfer and Disposal Officer (MAR 745.1), Maritime Administration, United States Department of Transportation, Washington, DC 20590.

(b) *Fees.* Applications for approval of any of the following transactions shall be accompanied by the specified fee:

(1) Transactions requiring approval under § 221.11:

(i) Sale and delivery by a citizen of the United States to a noncitizen, or transfer to foreign registry or operation under the authority of a foreign government, of a documented vessel, per vessel—
(A) Of 3,000 gross tons and over.....$325
(B) Of less than 3,000 gross tons..... 170
(ii) Mortgage, or transfer of any interest in, or control of, a documented vessel owned by a citizen of the United States to a noncitizen, per vessel.....250
(iii) Charter of a documented vessel owned by a citizen of the United States to a noncitizen, per vessel.....250
(iv) Sale or transfer of stock of a corporation that is a citizen of the United States and owns, or is the direct or indirect parent of a corporation that owns, any documented vessel, if by such sale or transfer the controlling interest in the corporation is vested in, or held for the benefit of any noncitizen.....325
(v) Application for approval to act as mortgagee or trustee for an indebtedness secured by a mortgage on a documented vessel, and all required renewal applications.....215

(2) Transactions requiring approval pursuant to a Maritime Administration contract or Order:

(i) Transfer of ownership or registry, or, both, of the vessel, per vessel.....$260
(ii) Sale or transfer to a noncitizen of stock in the owner of the vessel.....235
(iii) Charter of the vessel to a noncitizen, per vessel.....240
(iv) Transfer of title to a vessel subject to a mortgage in favor of the United States and to have the mortgage assumed by a new mortgagor per vessel..... 400

(c) *Modification of applications or approvals.* An application for modification of any pending application or prior approval, or of an outstanding Maritime Administration contract or Order, shall be accompanied by the fee established for the original application.

(d) *Reduction or waiver of fees.* The Maritime Administrator, in appropriate circumstances, and upon a written finding, may reduce any fee imposed by paragraph (b) or (c) of this section to conform the fee charged more closely to administrative costs, or may waive the fee entirely in extenuating circumstances where the interest of the United States Government would be served.

Subpart B—Transfers to Noncitizens or to Registry or Operation Under Authority of a Foreign Country

§ 221.11 Required approvals.

A person may not, without the prior written approval of the Maritime Administrator pursuant to 46 U.S.C. app. 808(c) or 1181(a):

(a) Sell, mortgage, lease, charter, deliver, or in any manner transfer, or agree to sell, mortgage, lease, charter, deliver, or in any manner transfer to a noncitizen, any interest in or control of a documented vessel owned by a citizen of the United States, except as provided in 46 U.S.C. 31322(a)(1)(D) or 31328 or §§ 221.15 (b) and (c) or 221.17(a) of this part; or

(b) Place any documented vessel under foreign registry or operate that vessel under the authority of a foreign country, except as provided in § 221.17(g) of this part.

§ 221.13 Noncitizen control of a documented vessel.

(a) *Presumptions.* (1) A conclusive presumption that a transfer to a noncitizen of control of the citizen-owner or -operator of a documented vessel, hence of the vessel itself, has taken, or will take, place will arise if:

(i) The owner or operator of the vessel ceases to be a citizen of the United States, or

(ii) A noncitizen acquires the ability in any manner to direct the day-to-day management of the owner or operator of the vessel, whether or not actively exercised.

(2) A rebuttable presumption that a transfer of control of a documented vessel has taken, or will take, place will arise if the owner is a citizen of the United States and a noncitizen:

(i) Acquires the right, directly or indirectly, to direct business decisions of the owner or operator concerning disposition of the vessel, other than pursuant to a requirement for approval by a creditor of a sale, charter or encumbrance of the vessel to a third party when the vessel is security for a loan or other extension of credit by the creditor to the owner;

(ii) Acquires the right, directly or through a vessel manager, to select or discharge the master, other officers or crew of the vessel;

(iii) Acquires the right, directly or through a vessel manager, to direct the operation or navigation of the vessel;

(iv) Acquires the right under a mortgage or a related financing document to take possession of the vessel in the event of default other than as provided in 46 U.S.C. 31329(a)(2), unless the mortgagee is a person eligible to own a documented vessel under 46 U.S.C. 12102;

(v) Acquires the right to sell or charter the vessel to a noncitizen, either in its own capacity or as attorney-in-fact of the owner;

(vi) Except for restricted class voting rights of preferred stockholders referred to in § 221.3(d)(1) of this part, acquires the right to direct the election, appointment or discharge of any officer or director of the owner of the vessel or any parent thereof; or

(vii) Is the pledgee of common stock of the owner of the vessel that, either alone or when aggregated with other common stock of the owner that is owned or controlled by noncitizens, would leave less than a controlling interest in such stock owned or controlled by citizens of the United States, unless the owner retains the voting rights and such stock and associated stock powers, if any, are held by a third-party that meets the requirements of 46 U.S.C. 31328(a)(3) and of § 221.49 of this part, and the pledge and custody agreements each provide that the stock and associated stock powers, if any, cannot be voted by or on behalf of or delivered to the

pledgee and may not be sold to a noncitizen without the prior written approval of the Maritime Administrator.

(3) If the presumptions of a transfer of control of a documented vessel to a noncitizen referred to in paragraph (a)(2) (i), (iii), (iv) or (v) of this section arise or are in doubt in connection with a financing transaction involving a citizen-owned documented vessel that is subject to transactional approval of a transfer of control, the Maritime Administrator will deem such presumptions to have been rebutted if the mortgage is held in trust by a trustee approved pursuant to § 221.49 of this part.

(b) *Acquisition of convertible nonvoting securities of the vessel owner.* In determining whether a transfer of an interest in or control of a documented vessel owned by a citizen of the United States has taken or may take place by reason of transfer to a noncitizen of a "controlling interest" in the citizen owner, voting interests or their equivalent are a relevant consideration, as reflected in § 221.3(d) of this part. When a corporate citizen-owner of a documented vessel has nonvoting securities, other than stock, issued and outstanding that are convertible at some future date into common stock or other voting shares, the convertibility of those securities will not be taken into account for purposes of determining voting power under the "controlling interest" test of 46 U.S.C. app. 802 until the conversion rights are exercised. However, if the securities are convertible nonvoting shares (of any class), the citizen-ownership requirement of the "controlling interest" test would be applicable to those shares. *See* § 221.3(d)(1).

§ 221.15 Unrestricted transfers.

(a) None of the transactions specified in § 221.11(a) of this part shall require approval of the Maritime Administrator if the owner of a documented vessel is not a citizen of the United States and that owner is not otherwise required to obtain approval pursuant to a Maritime Administration contract or Order.

(b)(1) None of the transactions specified in § 221.11(a) of this part shall require approval of the Maritime Administrator if the vessel has been operated exclusively and with *bona fides* for one or more of the following uses, under the appropriate license or endorsed registry and no other, since initial documentation following construction, conversion, or transfer from foreign registry—

(i) A fishing vessel;

(ii) A fish processing vessel;

(iii) A fish tender vessel; or

(iv) A pleasure vessel.

(2) A vessel of a type specified in paragraphs (b)(1) (i)–(iii) of this section will not be ineligible for the exemption granted by this paragraph by reason of also holding or having held a coastwise license or endorsed registry, so long as any trading under that authority has been only incidental to the vessel's principal employment in the fisheries and directly related thereto. *See* § 221.45(d) concerning noncitizen mortgagees.

(c) Sale of a self-propelled vessel of under 500 gross tons or of a non-self-propelled vessel to a Bowaters Corporation shall not require approval of the Maritime Administrator, since such corporation is "deemed" to be a citizen of the United States for purposes of owning and documenting such vessels for operation in the coastwise trade subject to statutory restrictions. However, any other transaction specified in § 221.11(a) that involves transfer to such a corporation of an interest in or control of a documented vessel owned by a citizen of the United States shall require prior written approval of the Maritime Administrator.

§ 221.17 General approval.

(a) *All transactions.* Except as otherwise limited by paragraphs (b) and (d) of this section and §§ 221.19 and 221.45(c) of this part, the Maritime Administrator hereby grants prior approval for each of the transactions described in § 221.11(a) of this part for the following documented vessel types:

(1) A vessel under 1,000 gross tons; and

(2) A vessel operating on inland lakes or waters from which there is no navigable exit to an ocean for that vessel.

(b) *Bowaters Corporations.* The Maritime Administrator hereby grants prior approval for the time charter or lease of a documented self-propelled vessel of less than 500 gross tons, and for the time charter or lease of a documented non-self-propelled vessel of any tonnage, by a citizen of the United States to a Bowaters Corporation, subject to the following conditions:

(1) No such vessel shall engage in the fisheries;

(2) No such vessel shall engage in the transportation of merchandise or passengers for hire between points in the United States (as provided in 46 U.S.C. app. 883), except as a service for a parent or subsidiary corporation, or as allowed under paragraph (b)(3) of this section;

(3) No such vessel may be subchartered or subleased from any such Bowaters corporation except (i) at prevailing rates (ii) for use otherwise than in the domestic noncontiguous trades (iii) to a common or contract carrier subject to part 3 of the Interstate Commerce Act, as amended, which otherwise qualifies as a citizen of the United States and which is not connected, directly or indirectly, by way of ownership or control with such corporation;

(4) The sum of the aggregate insured value of vessels time-chartered or leased by such corporation plus the aggregate book value of vessels owned by such corporations may not exceed 10 per centum of the aggregate book value of the assets of such corporation; and

(5) This approval shall terminate immediately if the corporation shall cease for any reason to be qualified under 46 U.S.C. app. 883–1 or if any of the foregoing conditions is breached.

(c) *Mortgages.* Mortgages of documented vessels by citizens of the United States and by Bowaters corporations to a noncitizen mortgagee that meet the requirements of 46 U.S.C. 31322(a)(1) (D)(iii) or (vi) are exempt from approval of the Maritime Administrator. However, covenants in the mortgage instrument or in related financing documents may present a collateral question whether "control" of the vessel for purposes of 46 U.S.C. app. 808 is also being or may be relinquished to the noncitizen mortgagee. Indicia of "control" that are relevant to this question are described in § 221.13(a)(2) of this part, and a regulated noncitizen mortgagee may not hold a preferred mortgage where such indicia are present, except as provided in that section, without the prior approval of the Maritime Administrator pursuant to 46 U.S.C. app. 808.

(d) *Charters without time limit.* Except as provided in paragraph (e)(3) of this section, the Maritime Administrator hereby grants prior approval for the following charters to a noncitizen of a documented vessel owned by a citizen of the United States:

(1) Space or slot charters of less than one-half of the full capacity of the vessel;

(2) Time charters and drilling contracts involving mobile offshore drilling units or other offshore drilling vessels in which it is expressly provided that a citizen of the United States is at all times to be in command of the vessel and to have exclusive control over any movement of the vessel;

(3) Contracts of affreightment or service agreements on an "as needed" or "as required" basis that do not specify or require use of a particular vessel or vessels; and

(4) Service contracts authorized pursuant to 46 U.S.C. app. 1707(c).

An information copy of each agreement referred to in this paragraph (d) shall be filed with the official identified in § 221.7 of this part within 30 days of execution.

(e) *Charters not to exceed five years.* The Maritime Administrator hereby grants prior approval for other charters to noncitizens, subject to the conditions specified below, of documented vessels owned by citizens of the United States, not to exceed five (5) years. Prior approval of charters of any duration to noncitizens of the vessel types referred to in paragraph (a) of this section has been granted therein, except for demise or bareboat charters.

(1) An information copy of each such charter shall be submitted to the Maritime Administrator not later than thirty days following the execution thereof. The respective dates for commencement and termination of a charter, as set forth in its provisions, shall be accepted as *prima facie* evidence of the dates of the events.

(2) The Maritime Administrator shall consider the charter period to include any extension period granted to the same noncitizen charterer or to any affiliate thereof, irrespective of the inclusion of a provision in the agreement that either makes any charter period extension beyond five (5) years subject to the approval of the Maritime Administrator or permits the substitution of another vessel, including other than a documented vessel. For such a charter, the vessel owner shall submit the charter party to the Maritime Administrator for approval prior to the commencement date of the first five (5) year period. Any new charter of the same or a different documented vessel within thirty (30) days after the date of any charter approved under this paragraph to the same noncitizen charterer shall be considered to be a renewal or extension of the original charter and, if the cumulative period of time of the charters exceeds five (5) years, the new charter shall be submitted for approval prior to execution. This requirement shall apply notwithstanding any provision in a new charter that permits the substitution of another vessel during either charter period, including other than a documented vessel.

(3) This approval excludes and does not apply to the following charters:

(i) Demise or bareboat charters; or

(ii) Except for vessels meeting the criteria of § 221.15(b) or § 221.17(a) for exemption or general approval and as provided in paragraph (f) of this section, charters for the carriage of cargoes of any kind to or from the USSR, Latvia, Lithuania, Estonia, Libya, Iran, Czechoslovakia, Bulgaria, Albania, North Korea, German Democratic Republic (including East Berlin), Laos, Kampuchea, Vietnam, Mongolian Peoples Republic, Manchuria or Cuba. This list of countries is subject to change from time to time. Information concerning current restrictions may be obtained from the official identified in § 221.7(a) of this part.

(f) *Charters for trade with the USSR.* Notwithstanding paragraph (e)(3), of this section, the Maritime Administrator hereby approves charters to noncitizens of documented bulk cargo vessels engaged in carrying bulk raw and processed agricultural commodities from the United States to ports in the USSR, or to other permissible ports of discharge for transshipment to the USSR, pursuant to an operating-differential subsidy agreement that is consistent with the requirements of parts 252 and 294 of this chapter.

(g) *Transfer to foreign registry or operation under the authority of a foreign country.* (1) The Maritime Administrator grants prior approval for the transactions described in § 221.11(b) of this part for documented vessels of under 1000 gross tons.

(2) This approval shall not apply if the vessel is to be placed under the registry, or operated under the authority, of any country listed in paragraph (e)(3)(iii) of this section.

§ 221.19 Conditional approval.

(a) *Vessels of 1,000–2,999 gross tons.* Upon application, the Maritime Administrator will approve the transfer of ownership to a noncitizen of a documented vessel of 1,000–2,999 gross tons owned by a citizen of the United States or for the transfer of any documented vessel of such size to foreign registry or to operation under the authority of a foreign country (hereinafter collectively referred to as a "foreign transfer") upon a determination that the vessel is not needed for reasons of national defense and that the foreign transferee and the foreign country of which the transferee is a citizen, or under the registry or authority of which the vessel is to be operated, are acceptable to the Maritime Administration. Except in unusual circumstances, no conditions will be imposed on the transfer.

(b) *Vessels of 3,000 gross tons or more.* Applications for approval of foreign transfer of a documented vessel of 3,000 gross tons or more will be evaluated in light of—

(1) The type, size, speed, general condition, and age of the vessel;

(2) The acceptability of the owner, proposed transferee and the country of registry or under the authority of which the vessel is to be operated; and

(3) The need to retain the vessel under U.S. documentation, ownership or control for purposes of national defense, maintenance of an adequate merchant marine, foreign policy considerations or in the national interest.

If the application is found to be acceptable under the criteria of this paragraph, approval will be granted upon acceptance of such terms and conditions referred to in paragraph (c) of this section as are contained in an Approval Notice and Agreement ("Contract") executed prior to issuance of the Transfer Order. The terms and conditions shall remain in effect for the period of the remaining economic life of the vessel or for the duration of a national emergency proclaimed by the President prior or subsequent to such transfer, whichever period is longer. The economic life of a vessel for purposes of this regulation is deemed to be twenty-five (25) years from the date the vessel was originally accepted for delivery from the shipbuilder, but may be extended for such additional period of time as may be determined by the Maritime Administrator if the vessel has been substantially rebuilt or modified in a manner that warrants such extension.

(c) *Foreign transfer other than for scrapping.* If the foreign transfer of a vessel referred to in paragraph (b) of this section is other than for the purpose of scrapping the vessel, the following conditions will be imposed:

(1) Without the prior written approval of the Maritime Administrator, there shall be no transfer of ownership, change in the registry or operation of such vessel under the authority of a foreign country.

(2) Without the prior written approval of the Maritime Administrator, there shall be no transfer of a controlling economic or voting interest in the owner of the vessel to any person not a citizen of the United States.

(3) The restrictions contained in paragraphs (c)(1) and (2) of this section, shall not be applicable to a change in ownership or to a transfer of an ownership interest resulting from the death of the vessel owner or of any holder of an ownership interest in the vessel, so long as notification of any such transfer of ownership or ownership interest occurring by reason of death shall be filed with the Maritime Administrator within 60 days from the date of such transfer identifying with

particularity the name, legal capacity, citizenship, current domicile or address of, or other method of direct communication with, the transferee(s).

(4) The vessel shall, if requested by the United States, be sold or chartered to the United States on the same terms and conditions upon which a vessel owned by a citizen of the United States could be requisitioned for purchase or charter pursuant to section 902 of the Merchant Marine Act, 1936, as amended (46 U.S.C. app. 1242). If the vessel is under the flag of a country that is a member of the North Atlantic Treaty Organization (NATO), the Administrator will consider this condition satisfied if the owner furnishes satisfactory evidence that the vessel is already in noncommercial service under the direction of the government of a NATO country.

(5)(i) Except in the case of charters to a parent, subsidiary or affiliate of the owner identified in an attachment to the Approval Notice and Agreement, the vessel shall not be chartered to a person other than a citizen of the United States on a demise or bareboat basis without the prior written approval of the Maritime Administrator; and

(ii) There shall be no charter or other foreign transfer of an interest in the vessel other than to a citizen of the United States for carriage of cargoes of any kind to or from a country referred to in § 221.17(e)(3) of this part.

(6) In the event of default under conditions in paragraph (c) (1), (2), or (3) of this section, the owner shall pay to the Maritime Administration, without prejudice to any other rights that the United States may have, as liquidated damages and not as a penalty, the sum of not less than $50,000 or more than $1,000,000, as specified in the Contract, and the vessel shall be subject to the penalties imposed by section 41 of the Shipping Act, 1916, as amended (46 U.S.C. app. 839). Pursuant to the provisions of section 38 of the Shipping Act, 1916, as amended (46 U.S.C. app. 836), the Maritime Administrator may remit forfeiture of the vessel upon such conditions as may be required under the circumstances of the particular case, including the payment of a sum in lieu of forfeiture and execution of a new agreement containing substantially the same conditions set forth above and such others as the Maritime Administrator may deem appropriate and which will be applicable to the vessel for the remaining period of the original agreement. In order to secure the payment of any such sums of money as may be required as a result of default, the owner shall contractually agree, in form and substance approved by the Chief Counsel of the Maritime Administration, to comply with the above conditions and to provide a United States commercial surety bond or other surety acceptable to the Maritime Administrator for an amount not less than $50,000 and not more than $1,000,000, depending upon the type, size and condition of the vessel. "Other surety" may be any one of the following:

(i) An irrevocable letter of credit, issued or guaranteed by a citizen of the United States, which is acceptable to the Maritime Administrator;

(ii) Pledge of United States Government securities;

(iii) The written guarantee of a friendly government of which the owner is a national;

(iv) A written guarantee or bond by a United States corporation found by the Maritime Administrator to be financially qualified to service the undertaking to pay the stipulated amount;

(v) If the owner is controlled in any manner by one or more citizens of the United States, the owner and the U.S.-citizens with authority to exercise such control shall contractually agree, in form and substance approved by the Chief Counsel of the Maritime Administration, jointly and severally to pay the stipulated amount, such agreement to be secured by the written guarantee of each of the parties or other form of guarantee as may be required by the Maritime Administrator; or

(vi) Any other surety acceptable to the Maritime Administrator and approved as to form and substance by the Chief Counsel of the Maritime Administration.

(d) *Foreign transfer for scrapping.* If the foreign transfer is for the purpose of scrapping the vessel abroad, the following conditions may be imposed:

(1) The vessel or any interest therein shall not be subsequently sold to any person without the prior written approval of the Maritime Administration, nor shall it be used for the carriage of cargo or passengers.

(2) Within a period of 18 months from the date of approval of the sale, the hull of the vessel shall be completely scrapped, dismantled, dismembered, or destroyed in such manner and to such extent as to prevent the further use thereof, or any part thereof, as a ship, barge, or any other means of transportation.

(3) The scrap resulting from the demolition of the hull of the vessel, the engines, machinery, and major items of equipment shall not be sold to, or utilized by, any citizen or instrumentality of a country referred to in § 221.17(e)(3) of this part, nor may such scrap be exported to these countries. The engines, machinery and major items of equipment shall not be exported to destinations within the United States.

(4) In the event of default under any or all of the conditions set forth in paragraphs (d) (1), (2) or (3) of this section, the seller shall pay to the Maritime Administration, without prejudice to any other rights that the United States may have, as liquidated damages and not as a penalty, the sum of not less than $50,000 or more than $1,000,000, as specified in the Contract, depending upon the size, type and condition of the vessel. This payment shall be secured by a surety company bond or other guarantee satisfactory to the Maritime Administrator. "Other guarantee" may be one of those set out in paragraphs (c)(6)(i)–(vi) of this section.

(5) There shall be filed with the Maritime Administrator a certificate or other evidence satisfactory to the Chief Counsel of the Maritime Administration, duly attested and authenticated by a United States Consul, that the scrapping of the vessel (hull only) and disposal or utilization of the resultant scrap and the engines, machinery and major items of equipment have been accomplished in accord with paragraphs (d) (2) and (3), of this section.

(e) *Resident agent for service.* (1) Any proposed foreign transferee shall, prior to the issuance and delivery of the Transfer Order covering the vessel or vessels to be transferred, designate and appoint a resident agent in the United States to receive and accept service of process or other notice in any action or proceeding instituted by the United States relating to any claim arising out of the approved transaction.

(2) The resident agent designated and appointed by the foreign transferee shall be subject to approval by the Maritime Administrator. To be acceptable, the resident agent must maintain a permanent place of business in the United States and shall be a banking or lending institution, a ship-owner or ship-operating corporation or other business entity that is satisfactory to the Maritime Administrator.

(3) Appointment and designation of the resident agent shall not be terminated, revoked, amended or altered without the prior written approval of the Maritime Administrator.

(4) The foreign transferee shall file with the Maritime Administrator a written copy of the appointment of the resident agent, which copy shall be fully endorsed by the resident agent stating that it accepts the appointment, that it will act thereunder and that it will notify the Maritime Administrator in writing in

the event it becomes disqualified from so acting by reason of any legal restrictions. Service of process or notice upon any officer, agent or employee of the resident agent at its permanent place of business shall constitute effective service on, or notice to, the foreign transferee.

(f) *Administrative provisions.* (1) The subsequent transfer of ownership or registry of vessels that have been transferred to foreign ownership or registry or both, or to operation under the authority of a foreign government, that remain subject to Maritime Administration contractual control as set forth above, will be subject to substantially the same Maritime Administration policy considerations that governed the original transfer, including such changes or modifications that have subsequently been made and continued in effect. Approval of these subsequent transfers will be subject to the same terms and conditions governing the foreign transfer at the time of the previous transfer, as modified (if applicable).

(2) The authorization for all approved transactions, either by virtue of sections 9, 37 or 41 of the Shipping Act, 1916, as amended (46 U.S.C. app. 808, 835 and 839), or the Maritime Administration's Contract with the vessel owner, will be by notification in the form of a Transfer Order upon receipt of the executed Contract, the required bond or other surety, and other supporting documentation required by the Contract.

(3) In order that the Maritime Administration's records may be maintained on a current basis, the transferor and transferee of the vessel are required to notify the official identified in § 221.7(a) of this part of the date and place where the approved transaction was completed, and the name of the vessel, if changed. This information relating to the completion of the transaction and any change in name shall be furnished as soon as possible, but not later than ten days after the same has occurred.

§ 221.21 Prohibited transactions.

(a) Transactions that are otherwise approved under § 221.17 (a) or (d) of this part are prohibited if the transferee or a person with a controlling interest in the transferee is a citizen or operates under the laws of any country identified in § 221.17(e)(3) of this part, unless such transferee is an individual who has been lawfully admitted into, and resides in the United States.

(b) No approval shall be granted if the vessel is to be placed under the registry, or operated under the authority, of any country identified in § 221.17(e)(3) of this part.

§ 221.23 Sale of a documented vessel by order of a District Court.

(a) A documented vessel may be sold by order of a district court only to a person eligible to own a documented vessel or to a mortgagee (as defined in § 221.3(j) of this part) of the vessel. Unless waived by the Maritime Administrator, a person purchasing the vessel pursuant to court order or from an intervening noncitizen mortgagee-purchaser must document the vessel under chapter 121 of Title 46, United States Code.

(b)(1) A person purchasing the vessel pursuant to court order or from an intervening noncitizen mortgagee-purchaser wishing to obtain waiver of that documentation requirement must submit a request on Maritime Administration Form MA-29 to the official identified in § 221.7(a) of this part.

(2) The Form MA-29 must identify the present and former name(s) and Official Number of the vessel; present and former owner(s) of the vessel; vessel type; vessel gross tonnage; and the intended country of registry and/or the country under the authority of which the vessel is intended to be operated, or such other reason as there may be for seeking the waiver.

(c)(1) Except as provided in paragraph (c)(2) of this section, a mortgagee-purchaser not eligible to own a documented vessel shall not operate, or cause operation of, the vessel in commerce, nor may the vessel be operated for any other purpose unless approved in writing by the Maritime Administrator. For restrictions on vessel operation by a mortgagee-trustee of mortgaged vessel interests that has taken possession of the vessel other than pursuant to a court-ordered sale, *see* § 221.57(b) of this part.

(2) The Maritime Administrator hereby grants prior approval for a mortgagee-purchaser not eligible to own a documented vessel to operate the vessel to the extent necessary for the immediate safety of the vessel or for repairs, drydocking or berthing changes, but only under the command of a citizen of the United States.

Subpart C—Preferred Mortgages on Documented Vessels: Mortgagees and Trustees

§ 221.41 Purpose.

The purpose of this subpart is to implement responsibilities of the Maritime Administrator with respect to approving mortgagees and trustees of preferred mortgages on documented vessels pursuant to 46 U.S.C. 31322(a)(1)(D) (iii) and (vi) and 31328(a) (3) and (4).

§ 221.43 Application for approval as mortgagee or trustee.

(a) Except as provided in §§ 221.45 (b) and (d) of this part, no person may serve as a mortgagee or trustee of a mortgage on a documented vessel owned by a citizen of the United States unless an application has been filed with and approved in writing by the Maritime Administrator establishing the qualifications set forth in the applicable sections of this subpart.

(b)(1) Each applicant for specific approval as a mortgagee in a particular transaction shall submit a completed Maritime Administration Form MA-29 to the official identified in § 221.7(a) of this part.

(2) Each applicant for approval as a mortgagee or as a trustee under §§ 221.45, 221.49, 221.51 or § 221.53 of this part shall submit a completed Maritime Administration Form MA-579 to that official.

(c) Each approval of an application to be an approved mortgagee or trustee shall be in writing and an original copy of such approval shall be provided by the Maritime Administrator to the approved mortgagee or trustee.

(d) Each approval of a trustee shall be effective for a period of five (5) years from the date of issuance, subject to renewal for additional five (5) year periods upon satisfaction of the provisions of § 221.55.

(e) A list of approved trustees will be published from time to time in the **Federal Register**, but current information as to the status of a particular person may be obtained from the official identified in § 221.7(a) of this part.

§ 221.45 Approval of certain mortgagees.

(a)(1) The Maritime Administrator will approve as a preferred mortgagee of documented vessels a federally insured depository institution that is a noncitizen if it—

(i) Is organized and doing business in and under the laws of the United States or of a State;

(ii) Has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000; and

(iii) Is federally insured by an agency identified in § 221.3(f) of this part and is subject to examination by an official of that agency or of the Federal agency having primary supervisory responsibility.

(2) The Maritime Administrator hereby disapproves any federally insured depository institution as a preferred mortgagee that is a noncitizen unless and until it shall have complied fully with the requirements of paragraph (a)(1) of this section or has otherwise been approved by the Maritime Administrator, but no such approved noncitizen federally insured depository institution may be a mortgagee with respect to any mortgage that contravenes the proscriptions of § 221.13(a)(2) of this part, without the prior approval of the Maritime Administrator and pursuant to 46 U.S.C. app. 808.

(b) Subject to paragraph (c) of this section, the Maritime Administrator hereby approves any noncitizen as a preferred mortgagee of documented vessels referred to in § 221.17(a) of this part.

(c) The approvals granted in paragraph (b) of this section shall not apply if the mortgagee is a person who is an instrumentality or a citizen, or whose parent is organized and existing under the laws, or who is subject, directly or indirectly to control, of any country identified in § 221.17(e)(3) of this part.

(d) Any noncitizen may be a mortgagee of vessels referred to in § 221.15 (a) and (b) of this part.

§ 221.47 Permitted mortgage trusts.

(a) An instrument or evidence of indebtedness secured by a mortgage on a documented vessel may be issued to the United States Government or to a State acting in the capacity of trustee for the benefit of a person not qualifying as a citizen of the United States. No application to, approval by or notice to the Maritime Administrator is required on the part of the United States Government or such State, or on the part of the mortgagor.

(b) As to all other persons, an instrument or evidence of indebtedness secured by a mortgage on a documented vessel to a trustee may be issued, assigned, transferred to, or held in trust by a trustee for the benefit of, a noncitizen only if the trustee has been approved by the Maritime Administrator under this subpart, in which event no further application to, approval by or notice to the Maritime Administrator is required.

(c) If an approved trustee at any time shall no longer qualify to serve in such capacity under this part:

(1) The trustee shall immediately notify the official identified in § 221.7(a) of this part;

(2) The Maritime Administrator shall publish a disapproval notice and order and provide the trustee and the Coast Guard with a copy thereof; and

(3) Within thirty (30) days of the date of notification provided for in paragraph (c)(1) of this section, the trustee shall have transferred its fiduciary responsibilities to a successor trustee that has been approved by the Maritime Administrator pursuant to this subpart.

§ 221.49 Approval of corporate citizen trustee.

A corporate trustee will be approved under 46 U.S.C. 31328(b) if it—

(a) Is a citizen of the United States (the Maritime Administrator reserves the right to require proof of citizenship);

(b) Is organized as a corporation, and is doing business, under the laws of the United States or of a State;

(c) Is authorized under those laws to exercise corporate trust powers;

(d) Is subject to supervision or examination by an official of the United States Government or of a State; and

(e) Has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000.

§ 221.51 Approval of noncorporate citizen trustee.

A noncorporate trustee will be approved under 46 U.S.C. 31328(a)(4) if it—

(a) Is a citizen of the United States (the Maritime Administrator reserves the right to require proof of citizenship);

(b) Is otherwise organized and doing business under the laws of the United States or of a State;

(c) Is authorized under those laws to exercise trust powers;

(d) Is subject to supervision or examination by an official of the United States Government or of a State; and

(e) Has a combined capital and surplus or the equivalent (as stated in its most recently published report of condition) of at least $3,000,000.

§ 221.53 Approval of noncitizen trustee.

(a) No federally insured depository institution that is not a citizen of the United States may serve as a trustee unless it shall first have filed with the Maritime Administrator an application, executed by the chief executive officer or other authorized official, and accompanied by supporting documentation, establishing that it—

(1) Is organized as a corporation, and is doing business under, the laws of the United States or of a State;

(2) Is authorized under those laws to exercise corporate trust powers;

(3) Has a combined capital and surplus (as stated in its most recent published report of condition) of at least $3,000,000;

(4) Is federally insured by an agency referred to in § 221.3(f) of this part and is subject to examination by an official of that agency or of the Federal agency having primary supervisory responsibility; and

(5) Is not a person or instrumentality described in § 221.45(c) of this part.

(b) Pursuant to 46 U.S.C. 31328 (a)(4) and (b)(5), a noncitizen federally insured depository institution that complies with the requirements of paragraph (a) of this section may act as a trustee without specific transactional approval of the Maritime Administrator.

(c) Other noncitizen trustees may be approved by the Maritime Administrator on a case-by-case basis, subject to appropriate conditions.

§ 221.55 Renewal of approval of trustee.

(a) Upon filing of an acceptable Maritime Administration Form MA-580, approval of a trustee continuing to meet the requirements of this subpart will be extended for an additional period of five (5) years.

(b) The form shall be submitted to the official identified in § 221.7(a) of this part not later than the last business day of, and not earlier than the thirtieth (30th) calendar day before expiration of, the five (5) year period then in effect.

§ 221.57 Possession or sale of vessels by mortgagees or trustees other than pursuant to court order.

(a) A mortgagee that is eligible to own a documented vessel under 46 U.S.C. 31329 or a trustee of a preferred mortgage on a documented vessel is authorized to take possession of the vessel in the event of default by the mortgagor other than by foreclosure pursuant to 46 U.S.C. 31329, if provided for in the mortgage or a related financing document, but in such event the vessel may not be operated, or caused to be operated, in commerce, nor, except as provided in paragraph (b) of this section, may the vessel be operated for any other purpose unless approved in writing by the Maritime Administrator, nor may the vessel be sold to a noncitizen without the prior written approval of the Maritime Administrator other than as provided in 46 U.S.C. 31329.

(b) The Maritime Administrator hereby grants prior approval for such mortgagee or trustee to operate the vessel to the extent necessary for the immediate safety of the vessel, for its direct return to the United States or for its movement from one jurisdiction in the United States to another such

jurisdiction, or for repairs, drydocking or berthing changes, but only under the command of a citizen of the United States.

(c) A noncitizen mortgagee that has brought a civil action *in rem* for enforcement of a preferred mortgage lien on a citizen-owned documented vessel pursuant to 46 U.S.C. 31325(b)(1) may petition the court pursuant to 46 U.S.C. 31325(e)(1) for appointment of a receiver and, if the receiver is a citizen of the United States under 46 U.S.C. app. 802, to authorize the receiver to operate the mortgaged vessel on such terms and conditions as the court deems appropriate.

§ 221.59 Conditions attaching to approvals.

Every approval granted by the Maritime Administrator pursuant to 46 U.S.C. 31322(a)(1)(D) (iii) or (vi) or 31328(a) (3) or (4) shall be subject to the following conditions whether or not incorporated into the document evidencing such approval:

(a) No approval of a noncitizen mortgagee shall entitle such mortgagee to hold a preferred mortgage on a citizen-owned documented vessel, other than one referred to in § 221.15(b) or § 221.17(a) of this part, that would be in violation of the restrictions on "control" of a documented vessel contained in § 221.13(a)(2) of this part, unless prior written approval has been granted by the Maritime Administrator pursuant to 46 U.S.C. app. 808(c)(1) for such transfer of control.

(b) An approved mortgagee or trustee shall promptly respond to such written requests as the Maritime Administrator may make from time to time for information or reports concerning its continuing compliance with the terms or conditions upon which such approval was granted;

(c) An approved mortgagee or trustee shall promptly notify the Maritime Administrator of commencement of a foreclosure proceeding in a foreign jurisdiction involving a documented vessel to which 46 U.S.C. app. 808(c) and § 221.11 of this part are applicable, and shall ensure that the court or other tribunal has proper notice of those provisions and of the definition of "transfer" in § 221.3(p) of this part; and

(d) An approved trustee shall not assume any fiduciary obligation in favor of noncitizen beneficiaries that is in conflict with any of the restrictions or requirements of this part 221.

Subpart D—Transactions Involving Maritime Interests in Time of War or National Emergency under 46 U.S.C. App. 835 [Reserved]

Subpart E—Civil Penalties

§ 221.101 Purpose.

This subpart describes procedures for the administration of civil penalties that the Maritime Administration may assess under 46 U.S.C. 31309 and 31330, and section 9(d) of the Shipping Act, 1916, as amended (46 U.S.C. app. 808(d)), pursuant to 49 U.S.C. 336.

§ 221.103 Definitions.

For the purpose of this subpart:

(a) *Hearing Officer* means an employee of the Maritime Administration designated by the Maritime Administrator to conduct hearings under this subpart and assess civil penalties.

(b) *Party* means the person alleged to have violated the statute or regulations for which a civil penalty may be assessed.

(c) *Vessel Transfer Officer* means the Vessel Transfer and Disposal Officer referred to in § 221.7(a) of this part, or that person's delegate.

§ 221.105 Investigation.

(a) When the Vessel Transfer Officer obtains information that a person may have violated a statute or regulation for which a civil penalty may be assessed under this subpart, that Officer may investigate the matter and decide whether there is sufficient evidence to establish a *prima facie* case that a violation occurred.

(b) If that officer decides there is a *prima facie* case, then that Officer may enter into a stipulation with the alleged violator in accordance with § 221.107 of this subpart, or may refer the matter directly to a Hearing Officer for proceedings in accordance with §§ 221.111 to 221.127 of this subpart.

§ 221.107 Stipulation Procedure.

(a) When the Vessel Transfer Officer decides to proceed under this section, that Officer shall notify the party in writing—

(1) Of the alleged violation and the applicable statute and regulations;

(2) Of the maximum penalty that may be assessed for each violation;

(3) Of a summary of the evidence supporting the violation;

(4) Of the amount of the penalty that the Maritime Administration will accept in settlement of the penalty;

(5) Of the right to examine all the material in the case file and have a copy of all written documents provided upon request;

(6) That by paying the penalty, the party waives the right to have the matter considered by a Hearing Officer in accordance with §§ 221.111 to 221.127 of this subpart, and that if the party elects to have the matter considered by a Hearing Officer, the Hearing Officer may assess a penalty less than, equal to, or greater than the amount stipulated in settlement if the Hearing Officer finds that a violation occurred; and

(7) That a violation will be kept on record for three years and may be used by the Maritime Administration in aggravation of an assessment of a penalty for a subsequent violation by that party.

(b) Upon receipt of the notification specified in paragraph (a) of this section, a party may within 30 days—

(1) Pay the stipulated penalty in the manner specified in the notification; or

(2) Notify in writing the Vessel Transfer Officer that the party elects to have the matter considered by a Hearing Officer in accordance with the procedure specified in §§ 221.111 to 221.127 of this subpart.

(c) If, within 30 days of receipt of the notification specified in paragraph (a) of this section, the party neither pays the penalty nor elects the informal hearing procedure, the party will be deemed to have waived its right to the informal hearing procedure, the penalty will be considered due and payable to the United States, and the Maritime Administration may initiate appropriate action to collect the penalty.

§ 221.109 Hearing Officer referral.

If, pursuant to § 221.107(b)(2) of this subpart, a party elects to have the matter referred to a Hearing Officer, the Vessel Transfer Officer may—

(a) Decide not to proceed with penalty action, close the case, and notify the party in writing that the case has been closed; or

(b) Refer the matter to a Hearing Officer.

§ 221.111 Initial Hearing Officer consideration.

(a) When a case is received for action, the Hearing Officer shall examine the material submitted. If the Hearing Officer determines that there is insufficient evidence to proceed, the Hearing Officer shall return the case to the Vessel Transfer Officer with a written statement of the reason. The Vessel Transfer Officer may close the case or investigate the matter further. If additional evidence supporting a violation is discovered, the Vessel

Transfer Officer may resubmit the matter to the Hearing Officer.

(b) If the Hearing Officer determines that there is reason to believe that a violation has been committed, the Hearing Officer notifies the party in writing of—

(1) The alleged violation and the applicable statute and regulations;

(2) The maximum penalty that may be assessed for each violation;

(3) The general nature of the procedure for assessing and collecting the penalty;

(4) The amount of the penalty that appears to be appropriate, based on the material then available to the Hearing Officer;

(5) The right to examine all the material in the case file and have a copy of all written documents provided upon request; and

(6) The right to request a hearing.

§ 221.113 Response by party.

(a) Within 30 days after receipt of notice from the Hearing Officer, the party, or counsel for the party, may—

(1) Pay the amount specified in the notice as being appropriate;

(2) In writing request a hearing, specifying the issues in dispute; or

(3) Submit written evidence or arguments in lieu of a hearing.

(b) The right to a hearing is waived if the party does not submit a request to the Hearing Officer within 30 days after receipt of notice from the Hearing Officer.

(c) The Hearing Officer has discretion as to the venue and scheduling of a hearing.

(d) A party who has requested a hearing may amend the specification of the issues in dispute at any time up to 10 days before the scheduled date of the hearing. Issues raised later than 10 days before the scheduled hearing may be presented only at the discretion of the Hearing Officer.

§ 221.115 Disclosure of evidence.

The party shall, upon request, be provided a free copy of all the evidence in the case file, except material that would disclose or lead to the disclosure of the identity of a confidential informant and any other information properly exempt from disclosure.

§ 221.117 Request for confidential treatment.

(a) In addition to information treated as confidential under § 221.115 of this subpart, a request for confidential treatment of a document or portion thereof may be made by the person supplying the information on the basis that the information is—

(1) Confidential financial information, trade secrets, or other material exempt from disclosure by the Freedom of Information Act (5 U.S.C. 552);

(2) Required to be held in confidence by 18 U.S.C. 1905; or

(3) Otherwise exempt by law from disclosure.

(b) The person desiring confidential treatment must submit the request to the Hearing Officer in writing and state the reasons justifying nondisclosure. The Hearing Officer shall forward any request for confidential treatment to the appropriate official of the Maritime Administration for a determination hereon. Failure to make a timely request may result in a document being considered as nonconfidential and subject to release.

(c) Confidential material shall not be considered by the Hearing Officer in reaching a decision unless—

(1) It has been furnished by a party; or

(2) It has been furnished pursuant to a subpoena.

§ 221.119 Counsel.

A party has the right to be represented at all stages of the proceeding by counsel. After receiving notification that a party is represented by counsel, the Hearing Officer will direct all further communications to that counsel.

§ 221.121 Witnesses.

A party may present the testimony of any witness either through a personal appearance or through a written statement.

§ 221.123 Hearing procedures.

(a) The Hearing Officer shall conduct a fair and impartial proceeding in which the party is given a full opportunity to be heard. At the opening of a hearing, the Hearing Officer shall advise the party of the nature of the proceedings and of the alleged violation.

(b) The material in the case file pertinent to the issues to be determined by the Hearing Officer shall first be presented. The party may examine, respond to and rebut this material. The party may offer any facts, statements, explanations, documents, sworn or unsworn testimony, or other exculpatory items that bear on the issues, or which may be relevant to the size of an appropriate penalty. The Hearing Officer may require the authentication of any written exhibit or statement.

(c) At the close of the party's presentation of evidence, the Hearing Officer may allow the introduction of rebuttal evidence. The Hearing Officer may allow the party to respond to rebuttal evidence submitted.

(d) In receiving evidence, the Hearing Officer shall not be bound by the strict rules of evidence. In evaluating the evidence presented, the Hearing Officer shall give due consideration to the reliability and relevance of each item of evidence.

(e) After the evidence in the case has been presented, the party may present argument on the issues in the case. The party may also request an opportunity to submit a written statement for consideration by the Hearing Officer. The Hearing Officer shall allow a reasonable time for submission of the statement and shall specify the date by which it must be received. If the statement is not received within the specified time, the Hearing Officer may render a decision in the case without consideration of the statement.

§ 221.125 Records.

(a) A verbatim transcript of a hearing will not normally be prepared. The Hearing Officer will prepare notes on material and points raised by the party in sufficient detail to permit a full and fair review of the case.

(b) A party may, at its own expense, cause a verbatim transcript to be made, in which event the party shall submit, without charge, two copies to the Hearing Officer within 30 days of the close of the hearing.

§ 221.127 Hearing officer's decision.

(a) The Hearing Officer shall issue a written decision. Any decision to assess a penalty shall be based on substantial evidence in the record, and shall state the basis for the decision.

(b) If the Hearing Officer finds that there is not substantial evidence in the record establishing the alleged violation, the Hearing Officer shall dismiss the case. A dismissal is without prejudice to the Vessel Transfer Officer's right to refile the case if additional evidence is obtained. A dismissal following a rehearing is final and with prejudice.

(c) The decision of the Hearing Officer constitutes final agency action in the case.

§ 221.129 Collection of civil penalties.

Within 30 days after receipt of the Hearing Officer's decision, the party must submit payment of any assessed penalty in the manner specified in the decision letter. Failure to make timely payment will result in the institution of appropriate action to collect the penalty.

Subpart F—Other Transfers Involving Documented Vessels. [Reserved]

Subpart G—Savings Provisions

§ 221.161 Status of prior transactions—controlling dates.

(a) The Maritime Administrator hereby grants approval for any transaction occurring on or after January 1, 1989 and prior to the effective date of this final rule that was lawful under 46 CFR part 221 as embodied in the interim final rule published on February 2, 1989 (54 FR 5382–5403).

(b) Any transaction approved by the Maritime Administrator prior to January 1, 1989, or any transaction that did not require such approval prior to that date, shall continue to be governed by the statutory and regulatory provisions then in effect.

Dated: April 6, 1990.

By order of the Maritime Administrator.

James E. Saari,

Secretary, Maritime Administrator.

[FR Doc. 90–8401 Filed 4–12–90; 8:45 am]

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Friday
April 13, 1990

Part III

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Section 202 Loans for Housing the Elderly and Nonelderly Handicapped Families and Individuals; Announcement of Fund Availability; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[Docket No. N-90-3015; FR 2764-N-01]

Section 202 Loans for Housing the Elderly; Announcement of Fund Availability, Fiscal Year 1990

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of Fiscal Year 1990 loan authority under the Section 202 Housing for the Elderly Direct Loan Program. The loan authority will be used to provide direct Federal loans for a maximum term of 40 years under section 202 of the Housing Act of 1959 to assist private, nonprofit corporations and nonprofit consumer cooperatives in the development of housing and related facilities to serve the elderly. The Department of Housing and Urban Development—Independent Agencies Appropriations Acts, 1990 (Pub. L. 101-144, approved November 9, 1989 (Fiscal Year 1990 Appropriations Act) requires that 25 percent of the direct loan authority appropriated for Fiscal Year 1990 shall be used only to provide housing for nonelderly handicapped families and individuals. A separate Notice of Fund Availability is published elsewhere in the **Federal Register** today for that portion of the funds.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given under title 24 Code of Federal Regulations part 885, that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Sponsors for direct loans for the construction or substantial rehabilitation of housing and related facilities for dwelling use by the elderly under the provisions of section 202 of the Housing Act of 1959. (See 24 CFR 885.5 for the definition of "Sponsor" and other terms.)

The Assistant Secretary for Housing is fair sharing Fiscal Year 1990 section 202 loan fund authority to the HUD Regional or Field Offices identified below in conformance with the provisions of section 213(d) of the Housing and Community Development Act of 1974, as amended by section 101 of the Department of Housing and Urban Development Reform Act of 1989 (HUD Reform Act). The "fair share" data elements are (1) a measure of the total number of elderly renter households and (2) a measure of the one- and two-person elderly renter households with incomes at or below the Very-Low-Income standard with housing deficiencies, primarily those households paying more than 30 percent of their incomes for rent. HUD utilizes 1980 Census data updated by the percentage change in elderly population (age 65 or older) from 1980 to 1985.

In view of the limited Fiscal Year 1990 funds for housing for the elderly, and in keeping with the provisions of the HUD Reform Act, which requires allocations of sufficient size to assure feasible projects and to accommodate facilities for supportive services appropriate to the needs of the frail elderly, the funds will not be suballocated below the Regional Office level, except for the metropolitan areas of Chicago, New York, Jacksonville and Los Angeles, each of which has an allocation of 225 or more units and is sufficient to promote meaningful competition. Allocations to the Field Office level would result in such small dollar amounts in many Field Offices that feasible projects could not be developed.

While the precise number of units to be funded depends upon the number of approvable applications received, the following distribution plan shows the estimated numbers of units and Fiscal Year 1990 loan authority under which applications may be funded in each Office jurisdiction identified below. Although the jurisdiction for oversight and monitoring of the Caribbean Field Office (Puerto Rico and the Virgin Islands) may be transferred from Region II (New York) to Region IV (Atlanta) later this year, for purposes of the allocation plan, the Caribbean Field Office has been included in Region II and applications from that Field Office will be processed by Region II this Fiscal Year. No funds are being retained in Headquarters, except for amendments.

FISCAL YEAR 1990 SECTION 202

[Distribution Plan By HUD Field Office Jurisdiction]

	Estimated number of units	Estimated loan authority
Boston Regional Office	402	$24,394,000
New York Regional Office	423	22,727,000
New York	416	32,090,000
Philadelphia Regional Office	554	28,901,000
Atlanta Regional Office	737	30,160,000
Jacksonville	250	11,365,000
Chicago Regional Office	772	34,694,000
Chicago	241	13,270,000
Fort Worth Regional Office	493	18,423,000
Kansas City Regional Office	309	11,942,000
Denver Regional Office	131	5,904,000
San Francisco Regional Office	336	18,896,000
Los Angeles	370	23,409,000
Seattle Regional Office	166	6,825,000
National total	5,600	283,000,000

The foregoing distribution plan is a guide for prospective Sponsors. It estimates the loan authority that is expected to be available for projects for the elderly in each HUD Regional Office and four Field Office jurisdictions. Each HUD Field Office will publish an Invitation for Applications for Section 202 Fund Reservations (Invitation)

indicating the amount of loan authority and the maximum number of units this amount is expected to assist on a Regional or Field Office basis, as well as the total number of units available for metropolitan and nonmetropolitan areas. Whether an area is "metropolitan" or "nonmetropolitan" will be determined in accordance with the redefinitions of metropolitan statistical areas established by the Office of Management and Budget and in effect as of July 1989.

Priority Categories for Selection

The purpose of the priority system for the section 202 program is to assure that applications from localities that have been relatively underfunded over the years receive priority consideration and are treated in an equitable manner.

In view of the limited Fiscal Year 1990 funds, and in order to assure open competition, Regional Offices will not suballocate funds within their jurisdiction, except as previously indicated. Nationally, 20–25 percent of the funds available for new units for the elderly will be allocated to nonmetropolitan areas to meet rural housing needs. Field Office Invitations will identify the total number of units available for metropolitan and for nonmetropolitan areas under the Regional Office's jurisdiction. Except as noted, applications received for projects in metropolitan areas will compete against each other on a regional basis; applications received for projects in nonmetropolitan areas similarly will compete against each other.

In order to assure that applications are funded in the areas of greatest need, approvable applications will be divided into two categories, each of which shall have two subcategories. The categories and subcategories are as follows:

Category A—Applications for the elderly projects which will be located in localities which have previously been underfunded relative to their needs and the funding needs of other localities.

(1) Such applications for elderly projects which are in localities within jurisdictions having rental vacancy rates of 5 percent or less;

(2) Such applications for elderly projects which are in localities within jurisdictions having rental vacancy rates in excess of 5 percent or less.

Category B—Applications for elderly projects which will be located in localities which have not been underfunded relative to their needs and the funding needs of other localities.

(1) Such applications which are in localities within jurisdictions having rental vacancy rates of 5 percent or less;

(2) Such applications which are in localities within jurisdictions having rental vacancy rates in excess of 5 percent or less.

In determining whether a locality is relatively underfunded, the Field Office considers the number of project-based assisted housing units for the elderly for the metropolitan and nonmetropolitan portions of the State, or portion thereof within the Field Office's jurisdiction, funded since 1974, but not initially occupied as of the 1980 Census against the "specified need" of one-person elderly renter households which are section 8 eligible. The amount of assistance provided for each portion of the State is then calculated as a percentage of the "specified need" for that portion of the State. The same calculations are then made for the localities. If a locality's percentage is less than the respective State's percentage, it is relatively underfunded and is placed in Category A; if it is equal to or greater, it is placed in Category B.

Subcategory determinations are based on 1980 Census data for renter-occupied and vacant units for rent with complete plumbing. If the vacancy rate is five percent or less, the application is placed in Subcategory (1); if the vacancy rate is greater, it is placed in Subcategory (2). Sponsors may submit with their applications more current information supporting a change from Subcategory (2) to (1).

Applications shall be selected for funding first from Category A(1), second from Category A(2), third from Category B(1), and finally from Category B(2). An application in a lower subcategory which is judged clearly superior to one in the next higher subcategory, i.e., its score is at least 10 points higher, may be selected for funding. For example, if an application in Category A(1) has a score of 57, and an application in Category A(2) has a score of 67, the higher-scored application may be selected over the lower-scored application. The rule would not apply to projects that are more than one subcategory apart, as for example, a higher-scored project in either B(1) or B(2) could not be selected over a lower-scored project in A(1).

Criteria for Selection

In accordance with the requirements of the Department of Housing and Urban Development Reform Act of 1989, following are the selection factors and maximum points on which applications will be rated:

	Points
Sponsor's capacity to carry through to long-term operation a project for housing and related facilities	20
Sponsor's financial capacity	25
Desirability of the proposed location	20
Compliance with modest design and cost containment objectives	25
Total possible score	90

Schedule for Section 202 Invitations, Workshops and Application Deadline

Although the Fiscal Year 1990 funds for the most part are allocated on a Regional Office basis, all applications for Section 202 Fund Reservations submitted by eligible Sponsors must be filed with the appropriate HUD Field Office and must contain all exhibits and additional information as required by 24 CFR 885.210, except as modified by this Notice.

In April 1990, HUD Field Offices will publish a one-time-Invitation in newspapers of general circulation, and in any minority newspapers serving the Field Office jurisdiction. Field Offices will accept applications after publication of the Invitation. No application will be accepted after the regular closing time of the appropriate Field Office on June 13, 1990, unless that time is extended by a Notice published in the **Federal Register**. Applications received after that date and time will not be accepted, even if postmarked by the deadline date.

Organizations interested in applying for a section 202 Fund Reservation should provide the appropriate Field Office with their names, addresses and telephone numbers, advise the Field Office whether they wish to attend the workshop described below and secure the program handbook and Application Package. HUD encourages minority organizations to participate in this program as Sponsors. Field Offices, at the date and time specified in the Invitations, will conduct workshops to explain the Section 202 Program and the Seed Money Loan program under section 106(b) of the Housing and Urban Development Act of 1968. Under this latter program, HUD makes direct, interest-free loans to approved nonprofit section 202 eligible Borrowers to cover certain preconstruction expenses. At the workshops, Application Packages will be distributed, application procedures and requirements (including the Department's equal opportunity, environmental, design and cost containment requirements and required exhibits) will be discussed, and concerns such as local market conditions, building codes, historic

preservation, floodplain management, relocation payments, zoning and housing costs will be addressed. HUD strongly recommends that prospective applicants attend the local Field Office workshop. More detailed information covering the time and place of the particular workshops will be sent out in the Field Office to assure that any necessary arrangements can be made for them to be able to attend and participate in the workshop.

Section 162 of the Housing and Community Development Act of 1987 (Pub. L. 100-242, approved February 5, 1988) amended section 202 to better serve the special housing and related needs of nonelderly handicapped families and individuals. Section 162 authorized a new type of project assistance payment to replace assistance made under section 8. On June 20, 1989 (54 FR 25960) HUD published a final rule implementing the program. A separate Notice of Fund Availability for the Fiscal Year 1990 nonelderly handicapped program will announce the deadline for filing applications as well as the workshops to be conducted for the nonelderly handicapped program.

Additional Information

(1) Part 885 currently requires the Borrower to be in existence when the application for the section 202 fund reservation is submitted, and requires the application to include specific information concerning the Borrower. In Fiscal Years 1986, 1988 and 1989, the section 202 NOFA permitted the Sponsor to delay the formation and submission of information on the Borrower until after the issuance of the fund reservation. Based on this experience, HUD has determined that the deferral of the formation of the Borrower results in more and better applications, reduces the costs to Sponsors that are not funded, and reduces HUD processing time and effort thus helping to meet the tight deadline for application processing. Accordingly, the formation of the Borrower corporation will not be a prerequisite to submission of an Application for Fund Reservation this fiscal year. The submission requirements for Borrowers described in § 885.210(b) must be satisfied by the Sponsor with the exception of paragraph (b)(9).

Because the formation of the Borrower corporation is not required at the Application stage, the applicants will be the Sponsors and the applications will be reviewed and rated based solely on the qualifications of the Sponsor, as well as other program requirements, as modified by this NOFA. If a Sponsor submits information on the Borrower, the information will not be reviewed, and approval of the application will NOT constitute approval of the Borrower.

The requirements under § 885.225 for issuance of the fund reservation to the Borrower are modified to provide that the fund reservation shall be issued to the Sponsor and transferred to a separate single-purpose Borrower corporation upon satisfactory compliance by the Borrower with all submission requirements and approval of its Conditional Commitment Application. When the Conditional Commitment Application is submitted, the newly-formed Borrower must include submissions to satisfy § 885.210(b)(8), (9), and (13) and, if different from previous submission, (12) and (14).

The request for direct loan financing and Conditional Commitment Application under § 885.400 shall be submitted by an eligible single-purpose Borrower corporation created by the Sponsor receiving a fund reservation which shall submit with such Application evidence of compliance with the requirements waived at the fund reservation application submission stage. Any information below that makes reference to an eligible Borrower corporation is provided as guidance for use at the Conditional Processing stage.

(2) In evaluating applications for Section 202 Fund Reservations, the Department's equal opportunity requirements which prohibit discrimination in the development and operation of the housing, environmental requirements concerning the effect of the proposed construction or rehabilitation on the environment, and cost containment requirements which prohibit costly design featues and materials are significant factors in the rating process. Further, in order to eliminate minimally qualified applications, only those proposals that meet a threshold score of 50 points on the standard rating criteria format will be considered for funding. Details of these requirements will be included in the Section 202 Application Package available at the local HUD Field Office. The section 202 workshops will include detailed discussions of these and other application requirements.

(3) Religious bodies may serve as project Sponsors, but must establish a Borrower corporation as a separate legal entity to be the owner, prior to the submission of a Conditional Commitment Application. When the Borrower corporation is created, no reference to religion or religious purposes may be included in the Articles of Incorporation or By-Laws of that corporation. The mere recital in a Borrower's Articles of Incorporation that it is organized exclusively for religious, charitable, scientific, literary or educational purposes within the meaning of section 501(c)(3) of the Internal Revenue Code will not by itself make a Borrower ineligible. However, the dissolution clause must provide that, upon dissolution or winding up of the corporation, its assets remaining after payment of all debts and liabilities, shall be distributed to a nonprofit fund, foundation or corporation other than one created for a religious purpose, which has established its tax exempt status under section 501(c)(3) of the Internal Revenue Code.

(4) Borrower corporations will not be permitted to engage in any other business or activity, including the operation of any other rental project, or to incur any liability or obligation not in connection with the proposed project. The intent of this requirement is to give HUD sole claim to the assets of the Borrower corporation in case of default under the Regulatory Agreement.

(5) Sponsors, including churches, must have an effective nonprofit tax exemption ruling under the IRS Code.

(6) Applications will be accepted only from eligible Sponsors which must be eligible entities as defined in 24 CFR 885.5.

(7) Because of the nonprofit nature of the section 202 program, no officer or director of the Sponsor or Borrower, or trustee, member, stockholder or authorized representative of the Borrower is permitted to have any financial interest in any contract in connection with the provision of services, the provision of goods or supplies, project management, procurement of furnishings and equipment, construction of the project, procurement of the site or other matters whatsoever, except that this prohibition does not apply to any management contracts (or management fees associated therewith) entered into by the Borrower with the Sponsor or its nonprofit affiliate.

(8) Where the proposed project site is being optioned or acquired from a general contractor or its affiliate, the Section 202 Borrower will be prohibited from selecting that contractor to construct the project for which an Application for funding is being made. Further, the proposed contractor may not be the attorney, architect, housing consultant or management agent for the project. This prohibition extends to any

firm or subsidiary having an identity of interest with the contractor.

(9) The Sponsor must have control of the project site at the time of submission of its loan application. The contract of sale, option agreement, or other binding agreement must have been executed prior to the application deadline date.

In cases involving sites to be acquired from a local public body, satisfactory evidence of site control consists of evidence that the public body (a) possesses clear title to the land and (b) has entered into a legally binding commitment to the Sponsor to convey the property to a Borrower corporation created by the Sponsor upon its receiving section 202 funding. A mere recitation of intent to convey the land to a Borrower to be created by the Sponsor made by an official of the public body to the Sponsor or preliminary actions on the part of the public body are not adequate evidence of site control.

(10) Under 24 CFR 885.215, no single Sponsor may submit an Application or Applications in any HUD Region for more than 300 units.

(11) Reservations for projects intended for the elderly in metropolitan areas will not be approved for more than 125 units or less than 50 units.

(12) To be responsive to the Invitation, Sponsors must not request in a single application more units than advertised for the respective metropolitan or nonmetropolitan areas designated in the Invitation or 125 units, whichever is lesser. Applications not complying with the limits set forth in (10), (11) and (12) herein will be rejected.

(13) If the Sponsor elects to use a housing consultant, it should be careful to select a consultant who is knowledgeable about the section 202 housing program. Failure to meet program requirements will be a cause for rejection of the application, whether or not a housing consultant is used by the Sponsor. Sponsors are encouraged to contact groups which have used the consultant under consideration in order to make a determination as to the consultant's qualifications.

(14) Deficiency letters will be issued by the Field Offices and the Sponsors have 14 calendar days from the date of the letter to deliver the identified missing information or to explain inconsistencies in the application submission. Responses must be in the Field Office within the 14-day period and postmarks will not be considered. No amendments or corrections to applications will be permitted after the June 13, 1990 application filing deadline. Further all necessary actions (i.e., adoption of corporate resolutions) must have been taken on or before the deadline date for filing applications.

In accordance with the HUD Reform Act, other than acknowledgement/deficiency letters, notifications of rejection based on threshold requirements or failure to respond to deficiency letters within the 14-day period, and compliance or noncompliance with a Housing Assistance Plan, HUD staff may not disclose any findings concerning an application prior to final funding announcements. The Act authorizes the Secretary to impose civil money penalties against any HUD employee who knowingly discloses covered selection information to anyone other than one authorized by the Secretary.

(15) Applications will be rejected at the Preliminary Evaluation Stage which do not meet one or more of the following threshold requirements.

—Proposed facilities or occupants are eligible under section 202.
—Sponsor has previous experience in developing and/or operating housing, medical or other facilities and/or providing services to the elderly, families or minority groups.
—Reasonable expectation that Sponsor can meet the minimum capital investment and preliminary development cost requirements.
—Sponsor is eligible to participate in the section 202 program.
—Even without a site visit, it is reasonable to expect the proposed project meets site and neighborhood standards, including minority concentration considerations and not being in a floodway and/or Coastal High Hazard Area.
—Proposed project meets cost containment and modest design requirements, including limits on types and sizes of amenities; size of units and number of baths; two-bedroom units and commercial space.
—Proposed project is responsive to the Field Office Invitation (i.e., does not request more units than advertised).
—Provides documentary evidence of site control.
—Sufficient market demand for number of units proposed based on preliminary review.

(16) HUD will make contract authority and budget authority under section 8 of the United States Housing Act of 1937 available for successful Sponsors.

(17) A notice of approval will be sent to the Sponsors selected in accordance with the requirements of 24 CFR 885.220 (Review of Application for Fund Reservation) and on the basis of information furnished by the Sponsors as set forth in the Field Office Application Package.

(18) To be considered for Fiscal Year 1990 funding, new applications must be submitted under this Notice of Fund Availability.

(19) 24 CFR 885.410(j) contains a minimum capital investment requirement. This requirement applies to all section 202 projects receiving fund reservations in Fiscal Year 1990. The minimum capital investment is currently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed $10,000. Section 106(b) Seed Money Loan Funds, under 24 CFR part 271, may not be used to satisfy the minimum capital investment requirement.

(20) HUD's regulations at 24 CFR part 885 do not reflect several recent changes made to the section 202 program that may be relevant to Sponsors making applications under this NOFA. These changes were contained in the Housing and Community Development Act of 1987 (Pub. L. 100–242, approved February 5, 1988) (1987 Act); and the Housing and Urban Recovery Act of 1983 (Pub. L. 98–181), approved November 30, 1983) (HURRA). Three statutory changes made in section 223(e) of HURRA have not, as yet, been covered by HUD's regulations. The statutory changes include:

—HURRA added a provision specifying that, unless otherwise requested by the Sponsor, a maximum of 25 percent of the units in a project may be efficiency units. The Department no longer requires that projects for the elderly include 25 percent efficiency units. At its discretion, a Sponsor may elect to include efficiency units in any number it chooses provided those units are marketable. (In a final rule revising Part 885 published August 5, 1987 (52 FR 29010), HUD indicated that this change would be incorporated into a pending proposed rule. HUD now intends to include this HURRA requirement in a proposed rule that addresses certain 1987 Act changes.)
—HURRA also added a provision prohibiting the Secretary from denying any Sponsor the opportunity voluntarily to pay for amenities or design features not included in the loan. A Sponsor may elect to pay for excess amenities that would not be permitted under the Department's cost containment guidelines, provided that the residential characteristic of the proposal is not altered. (This provision also will be incorporated in a proposed rule implementing the 1987 Act changes.)

—Finally, HURRA added a provision requiring the Secretary to take into account special design features necessary for housing for the elderly and handicapped and to adjust cost limits at least once annually to reflect changes in construction costs. The Department modifies the base cost limits published in 24 CFR 885.410, as necessary, by adjusting upward or downward the high cost percentages for each base locality. HUD annually reviews the high costs percentages to assure that adjustments are made to reflect changes in construction costs. In addition, special design features provided by Section 202, such as multi-purpose space, central dining rooms, etc., are not included in the calculations for the Section 202 per unit cost limits. In a final rule published on March 18, 1988 (53 FR 8874), HUD revised the base unit costs for various programs, including the base unit costs for the Section 202 program.

(21) Covered dwelling units (all units in elevator structures and ground floor units of non-elevator structures) which will be first occupied after March 13, 1991 must be designed and constructed to meet the accessibility and adaptability requirements contained in the final rule published January 23, 1989 (54 FR 3232) implementing the Fair Housing Amendments of 1988 (Pub. L. 100–430, approved September 13, 1988. To meet program requirements, 10 percent of the units must be designed for persons needing an accessible unit as defined by the Uniform Federal Accessibility Standards (UFAS) or an equivalent or stricter standard.

To meet Section 504 requirements, the 10 percent requirements may be reduced to no lower than 5 percent (at least one unit) where justified by local needs assessment, with provisions for an additional 2 percent for persons with hearing or vision impairments in accordance with 25 CFR 8.22. The accessible units will be available for occupancy by both elderly and non-elderly handicapped individuals.

(22) On March 2, 1989, the Department of Transportation (DOT) published in the **Federal Register** (54 FR 8912) a final governmentwide rule implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), codified at 49 CFR 24. That rule supersedes 24 CFR part 42 and applies to all HUD-assisted programs, including Section 202 projects.

Under the new URA statutory changes and the new rule at 49 CFR part 24 all persons (families, individuals, businesses, nonprofit organizations and farms) displaced (forced to move permanently) on or after April 2, 1989 as a direct result of privately undertaken rehabilitation, demolition or acquisition for a HUD-assisted project are entitled to relocation payments and other assistance under the URA.

The application of the URA rule to a displacement does not depend on the date when the HUD assistance was approved. The new rule is triggered if the person moved on or after April 2, 1989 and the move is determined to be "for the HUD-assisted project." Even a person forced to move before HUD approval of a project may be determined to have been displaced "for the HUD-assisted project."

(23) In accordance with the Department of Housing and Urban Development Reform Act of 1989, sponsors must provide information regarding any related assistance from Federal, state or local government, or any agency or instrumentality thereof, expected to be made available with respect to the project or activities for which the sponsor is seeking assistance. Such related assistance includes, but is not limited to, any loan, grant, guarantee, insurance, payment, rebate subsidy, credit, tax benefit, or any other form of direct or indirect assistance.

(24) The sponsor shall include in its application the certification required by the regulations at 24 CFR part 87 (published on February 26, 1990 at 55 FR 6750), which implement a statutory prohibition against the use of appropriated funds received from the Federal Government for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant or loan. The disclosure form also must be submitted by the sponsor, if applicable. As indicated in the certification and disclosure, the law provides substantial monetary penalties for failure to file the required certification and disclosure.

(25) The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each potential grantee must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

(26) Sponsors are invited to submit applications for Section 202 Fund Reservations in accordance with this notice and 24 CFR part 885.

Findings and Certification

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations that implement Section 101(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Washington, DC 20410.

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 the family as an institution. It does not significantly affect family formation, maintenance, or general well-being, and, thus, is not subject to review under the order.

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that this Notice does not have substantial direct effects on States or their political subdivisions, or on the relationship between the Federal government and the States, or on the distribution of power and responsibilities among the various levels of government. The Notice merely notifies the public of the availability of direct Federal government loans to private entities seeking to build housing for the elderly.

It has been determined that the identity of interest and disclosure certifications already required for the development team members are sufficient to determine those parties having a pecuniary interest in the project and the nature of their interest as required by the HUD Reform Act.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–220), the information collection requirements contained in these section 202 application requirements have been assigned OMB Control Numbers 2502–0267 and 2502–0433.

The Catalog of Federal Domestic Assistance Program title and number is 14.157, Housing for the Elderly or Handicapped.

Authority: Section 202, Housing Act of 1959 (12 U.S.C. 1701q), Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).)

Dated: April 2, 1990.

C. Austin Fitts,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 90–8683 Filed 4–12–90; 8:45 am]

BILLING CODE 4210-27-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-90-3014; FR-2768-N-01]

Section 202 Loans for Housing for Nonelderly Handicapped Families and Individuals; Announcement of Fund Availability Fiscal Year 1990

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of fund availability.

SUMMARY: HUD is announcing the availability of Fiscal Year 1990 loan authority under the section 202 Direct Loan Program for Housing for Nonelderly Handicapped Families and Individuals. This notice announces loan authority to be used to provide direct Federal loans for a maximum term of 40 years under Section 202 of the Housing Act of 1959 to assist private, nonprofit corporations and nonprofit consumer cooperatives in the development of housing and related facilities to serve nonelderly handicapped residents. The Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1990 (Pub. L. 101-144, approved November 9, 1989) (Fiscal Year 1990 Appropriations Act) requires that 25 percent of the direct loan authority appropriated for Fiscal Year 1990 shall be used only to provide housing for handicapped people, with priority for housing homeless chronically mentally ill people. Submission and review requirements are discussed below. Loan authority to support development of housing and related facilities to serve the elderly is announced elsewhere in the **Federal Register** today.

DATES: The deadline date for submission of applications in response to this Notice of Fund Availability is June 13, 1990.

FOR FURTHER INFORMATION CONTACT: The HUD Field Office for your jurisdiction.

SUPPLEMENTARY INFORMATION: Notice is hereby given under title 24 Code of Federal Regulations part 885, that the Department of Housing and Urban Development will be accepting Applications for Fund Reservations from eligible Sponsors (see 24 CFR 885.5 for the definition of "Sponsor" and other terms) for direct loans for the construction or substantial rehabilitation of housing and related facilities for section 202 housing for nonelderly handicapped families and individuals. Applications will also be accepted for loans for acquisition, with or without moderate rehabilitation, of housing and related facilities for use as group homes.

The Assistant Secretary for Housing is assigning Fiscal Year 1990 section 202 loan authority designated for projects for nonelderly handicapped people to the HUD Regional Offices identified below. While the precise number of units to be funded depends upon the number of approvable applications received, the following distribution plan shows the estimated numbers of units and Fiscal Year 1990 loan authority under which applications may be funded in each Regional Office jurisdiction. Although the jurisdiction for oversight and monitoring of the Caribbean Field Office (Puerto Rico and the Virgin Islands) may be transferred from Region II (New York) to Region IV (Atlanta) later this year, for purposes of the allocation plan the Caribbean Field Office has been included in Region II and applications from that Field Office will be processed by Region II this Fiscal Year. No funds are being retained in Headquarters, except for amendments.

FISCAL YEAR 1990, SECTION 202 HOUSING FOR HANDICAPPED PEOPLE, DISTRIBUTION PLAN BY HUD REGIONAL OFFICE, JURISDICTION

	Estimated number of units	Estimated loan authority
Boston Regional Office	112	$6,093,000
New York Regional Office	215	13,014,000
Philadelphia Regional Office	251	11,779,000
Atlanta Regional Office	572	21,372,000
Chicago Regional Office	384	17,401,000
Fort Worth Regional Office	258	9,454,000
Kansas City Regional Office	112	4,042,000
Denver Regional Office	54	2,104,000
San Francisco Regional Office	247	14,023,000
Seattle Regional Office	69	2,718,000
National total	2,274	102,000,000

The foregoing distribution plan is a guide for prospective Sponsors. It estimates the loan authority that is expected to be available in each HUD Regional Office jurisdiction. Each HUD Field Office will publish an Invitation for Applications for Section 202 Fund Reservation (Invitation) for its jurisdiction indicating the amount of loan authority available in the Region for housing for handicapped people and the maximum number of units this amount is expected to assist. The relative need for housing for handicapped people is based on census data which provides a measure of the number of persons identified with a public transportation and/or work disability. (A separate Invitation will announce the amount available for housing for the elderly.)

The loan authority available in each Region will not have a specific percentage designated for use in metropolitan or nonmetropolitan areas. The emphasis of this program is primarily on the range of services provided to the handicapped residents in the projects, the opportunities for independent living and participation in normal activities, and access by the handicapped residents to the community at large and to employment opportunities. HUD believes that it is in the best interest of the program to fund the highest ranked applications designed to meet these objectives, regardless of whether the location of the project is in a nonmetropolitan or metropolitan area. Accordingly, the program regulations do not include a nonmetropolitan allocation requirement.

In accordance with the Appropriations Act reference to providing priority for homeless chronically mentally ill people, each Regional Office will give priority in funding projects to serve this category, by using the first 35 percent of its fund allocation for approvable applications from Sponsors proposing projects for people with chronic mental illness. In addition, ten bonus points will be awarded to any approvable application submitted in conjunction with a research demonstration grant application which is funded under the Fiscal Year 1990 NIMH McKinney Research Demonstration Program for Homeless Mentally Ill Adults. For this purpose, the term "homeless chronically mentally ill people" includes deinstitutionalized persons and those who are at risk of becoming homeless.

Schedule for Section 202 Invitations, Workshops and Application Deadline

To be considered for FY 1990 funding, applications for projects for nonelderly physically handicapped, developmentally disabled or chronically mentally ill people must be submitted under this Notice of Fund Availability. Sponsors must identify proposed project occupancy requirements that limit occupancy to one or more of the eligible groups. Proposals to serve more than one occupancy group in a single project require Headquarters review for approval.

Persons with physical handicaps incurred as a result of infection with AIDS or the human immunodeficiency virus (HIV) are eligible occupants for projects for physically handicapped

people, provided they meet the statutory definition of handicap provided in section 202(d)(4). While projects for physically handicapped people cannot be limited to occupancy by persons with a particular handicap, the service plan described in paragraph (7) below may provide for special services targeted to a particular need. Persons with AIDS or HIV infection who have a physical handicap, mental illness or developmental disability unrelated to AIDS or HIV infections may also qualify for occupancy in a Section 202 project serving these groups. Applications proposing to serve only a subcategory of physical disability or chronic mental illness are not eligible for funding.

All applications for Section 202 Fund Reservations must be filed with the appropriate HUD Field Office by eligible sponsors as defined in 24 CFR 885.5 and must contain all exhibits and additional information as required by the regulation at § 885.710.

In April 1990, HUD Field Offices will publish a one-time Invitation in newspapers of general circulation, and in any minority newspapers serving the Field Office jurisdiction. Field Offices will accept applications after publication of the Invitation. Applications must be received at the appropriate Field Office by its regular closing time on June 13, 1990 unless that time is extended by Notice published in the **Federal Register**. Applications received after that date and time will not be accepted, even if postmarked by the deadline date.

Organizations interested in applying for a Section 202 Fund Reservation should provide the appropriate Field Office with their names, addresses and telephone numbers, advise the Field Office whether they wish to attend the workshop described in the following paragraph, and secure the Housing Notice and Application Package. HUD encourages minority organizations to participate in this program as Sponsors.

Field Offices will conduct workshops during April of May 1990 to explain the section 202 program and the Seed Money Loan program under section 106(b) of the Housing and Urban Development Act of 1968. Under this latter program, HUD makes direct, interest-free loans to approved nonprofit section 202 eligible Borrowers to cover certain pre-construction expenses. At the workshops, Application Packages will be distributed, application procedures and requirements (including the Department's equal opportunity, design and cost containment guidance and required exhibits) will be discussed, and concerns such as local market conditions, building codes, environmental requirements, zoning and housing costs will be addressed. HUD strongly recommends that prospective Sponsors attend the local Field Office workshop. More detailed information covering the time and place of the particular workshops will be set out in the Field Office Invitation. Interested persons with disabilities should contact the Field Office to assure that any necessary accommodations are made for them to be able to attend and participate in the workshop, i.e., accessible meeting spaces, sign language interpreters, assistive listening systems, taped or brailled materials.

Additional Information

(1) On June 20, 1989, HUD published a final rule at 54 FR 25960 implementing section 162 of the Housing and Community Development Act of 1987. This section amended section 202 of the Housing Act of 1959 as it applies to development of housing for nonelderly handicapped people. The Fiscal Year 1990 funding selections will be governed by the new regulation, codified at 24 CFR part 885, subpart C.

(2) Because of the concern expressed by Congress for homeless chronically mentally ill people, Sponsors serving primarily this population are encouraged to submit applications under this NOFA.

(3) Applications for Section 202 Fund Reservations for housing for handicapped residents that meet the following threshold requirements will be eligible for technical processing: (a) The application was received by HUD at the appropriate address by June 13, 1990 and all exhibits are complete; (b) the sponsor is eligible to participate in the program; (c) the proposed facilities and occupancy types are eligible; and (d) the service plan description meets program requirements. Applications in technical processing are evaluated on the following standard rating criteria: Sponsor's capacity and commitment to carry through to long-term operation a project for housing and related facilities, and extent of support from local community (25 points); proposed service plan (20 points); Sponsor's financial capacity and commitment (25 points); and extent of effective demand (5 points). The section 202 workshops will include discussions of this and other application requirements.

(4) Applications that meet the following optional criteria will be eligible for additional points on the standard rating format:

(a) Applications that include evidence of control of an approvable site under 885.780 will be awarded up to 10 points.

(b) Group Home applications receiving points for site control and which propose to use acquisition with or without moderate rehabilitation will receive up to five additional points.

(c) Approvable applications from Sponsors participating in a research proposal approved by the National Institute of Mental Health (HIMH) for funds under the FY 1990 McKinney Research Demonstration Program for Homeless Mentally Ill Adults, authorized by section 612 of Public Law 100–77, the Stewart B. McKinney Homeless Assistance Act, will receive ten additional points. (This factor replaces the Special Needs factor under which Regional Administrators awarded up to 10 points for special needs previously identified in section 213(d)(4) as criteria for award of funds from the Headquarters Reserve. There is no Headquarters Reserve for the section 202 program this fiscal year.)

(5) HUD unit limits for housing for nonelderly handicapped people permit group homes to serve up to 15 disabled persons on one site. Independent living complexes for persons with developmental disabilities or physical disabilities may include up to 24 units serving no more than 24 households on one site. Independent living complexes for persons with chronic mental illness may be proposed for no more than 20 disabled persons per site. For purposes of this requirement, a household is a family or any individual. Two unrelated individuals sharing a unit will be counted as two houeholds in calculating the 24 household limit. Independent living complexes comprised of three or more bedroom units may be developed only to serve one or two parents or guardians with children; these complexes may not be developed to serve large numbers of single unrelated persons. Larger projects may be approved if criteria specified in § 885.720(b) are met.

(6) To be responsive to the Invitation, an application must not request more units in a given Region than advertised for that Region in the Invitation. Applications exceeding these limits will be rejected.

(7) Sponsors will be required to complete a Service Plan Description, describing how their proposed projects will be linked to supportive services needed to maintain their handicapped residents in the community. Since funds for such services cannot be provided from the rental assistance subsidy, evidence of other funding sources must be provided, with assurances that the funds will be secured by the time the project is ready for occupancy and will continue to be available for a reasonable time thereafter. Sponsors are

advised that if at any time these supporting funds are not available, the project will have to be converted to occupancy by handicapped persons or families capable of living independently without such services being provided by the Sponsor. To assist HUD in evaluating the Sponsor's capabilities with regard to supportive services for the residents of group homes or independent living complexes, HUD will invite a representative from the State Mental Health Agency (SMHA), the State Rehabilitation Agency, or the State Administrative Agency for Developmental Disabilities, as appropriate, to evaluate and make recommendations about the Service Plan Description. To this end, prospective Sponsors may be required to submit a copy of the Application to the appropriate State Agency. The HUD Field Office will advise prospective Sponsors of further details in this regard. Since the review and evaluation is at the option of the State Agency, HUD will conduct its own independent review for those States that do not wish to participate.

(8) Section 202 loans may be used for the acquisition of existing housing and related facilities, with or without moderate rehabilitation ("acquisition") for group homes for the nonelderly handicapped. To qualify as moderate rehabilitation, the cost of rehabilitation may not exceed 15 percent of the loan amount. Proposals involving housing units already owned and operated by the Sponsor as group homes for handicapped residents at the time Applications are submitted (often referred to as "refinancing") are not eligible for acquisition or rehabilitation under the Section 202 program.

(9) Where the proposed project site is being optioned or acquired from a general contractor or its affiliate, the Section 202 Borrower will be prohibited from selecting that contractor to construct the project for which an Application for funding is being made. Further, the proposed contractor may not be the attorney, architect, housing consultant or management agent for the project. This prohibition extends to any firm or subsidiary having an identity-of-interest with the contractor.

(10) Religious bodies may serve as project Sponsors, but must establish a Borrower corporation as a separate legal entity to be the owner, prior to the submission of a loan Commitment Application. When the Borrower corporation is created, no reference to religion or religious purposes may be included in the Articles of Incorporation or By-Laws of that corporation. The mere recital on a Borrower's Articles of Incorporation that it is organized exclusively for religious, charitable, scientific, literary or educational purposes within the meaning of Section 501(c) (3) of the Internal Revenue Code will not by itself make a Borrower ineligible. However, the dissolution clause must provide that, upon dissolution or winding up of the corporation, its assets remaining after payment of all debts and liabilities shall be distributed to a nonprofit fund, foundation or corporation, other than one created for a religious purpose, which has established its tax-exempt status under Section 501(c) (3) of the Internal Revenue Code.

(11) Sponsors, including churches, must have a current IRS nonprofit tax exemption ruling.

(12) Because of the nonprofit nature of the Section 202 program, no officer or director of the Sponsor or Borrower, or trustee, member, stockholder or authorized representative of the Borrower is permitted to have any financial interest in any contract in connection with the provision of services, the provision of goods or supplies, project management, procurement of furnishings and equipment, construction of the project, procurement of the site or other matters whatsoever, except that this prohibition does not apply to management contracts (or management fees associated therewith) entered into by the Borrower with the Sponsor or its nonprofit affilitate.

(13) 24 CFR 885.810(i) contains a minimum capital investment requirement. This requirement applies to all Section 202 projects receiving fund reservations in Fiscal Year 1990. The minimum capital investment is currently established at one-half of 1 percent (0.5%) of the total HUD-approved mortgage amount, not to exceed $10,000. Section 106(b) Seed Money Loan Funds, under 24 CFR part 271, may not be used to satisfy the minimum capital investment requirement.

(14) In accordance with the Department of Housing and Urban Development Reform Act of 1989, sponsors must provide information regarding any related assistance expected to be made available with respect to the proposed project, including, but not limited to Federal, State or local government loans, grants, guarantees, subsidies, rebates, tax benefits or any other forms of direct or indirect assistance.

(15) The Sponsor shall include in its application the certification and disclosure required by the regulations at 24 CFR part 87 (published on February 26, 1990 at 55 FR 6750), which implement a statutory prohibition against the use of appropriated funds received from the Federal Government for lobbying the Executive or Legislative branches of the Federal Government in connection with a specific contract, grant or loan. As indicated in this certification and disclosure, the law provides substantial monetary penalties for failure to file the required certification or disclosure.

(16) The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each potential grantee must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

(17) Applications missing two or more exhibits will be rejected. If Applications are found to have incomplete exhibits, the Sponsor will be advised in writing of the deficiencies and that missing documents will be accepted on or before a specified date. Further, all necessary actions (*e.g.*, adoption of corporate resolutions) must have been taken on or before the deadline date for filing applications. Sponsors may be contacted if clarification of any part of the application is needed in order to evaluate the application.

(18) HUD will make contract and budget authority under section 202(h)(4) of the Housing Act of 1959 available for successful Sponsors, subject to the availability of funds.

(19) A notice of approval will be sent to the Sponsors selected in accordance with the requirements of 24 CFR 885.750 (Review of Application for Fund Reservation) and on the basis of information furnished by the Sponsors as set forth in the Field Office Application Package.

(20) Sponsors are invited to submit applications for Section 202 Fund Reservations for Housing for nonelderly handicapped persons in accordance with this notice and with 24 CFR part 885.

(21) To be considered for Fiscal Year 1990 funding, new applications must be submitted under this Notice of Fund Availability.

Findings

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50 which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection during business hours in the

Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

It has been determined that the identity of interest and disclosure certification already required for the development team members are sufficient to determine those parties having a pecuniary interest in the project and the nature of their interest as required by the HUD Reform Act.

The General Counsel, as the Designated Official under Executive Order No. 12606—The Family, has determined that the notice will not have a significant impact on family formation, maintenance or well being.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611—Federalism, has determined that the notice does not involve the preemption of State law by Federal statute or regulation and does not have federalism impacts.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–220), the information collection requirements contained in these section 202 application requirements have been assigned OMB Control Numbers 2502–0627 and 2502–0433.

The Catalog of Federal Domestic Assistance Program number and title is 14.157, Housing for the Elderly or Handicapped.

(Section 202, Housing Act of 1959 (12 U.S.C. 1701q as amended by Section 162, Housing and Community Development Act of 1987 (P.L. 100–242, Feb. 5, 1988)), Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: April 5, 1990.

C. Austin Fitts,

Assistant Secretary for Housing, Federal Housing Commissioner.

[FR Doc. 90–8684 Filed 4–12–90; 8:45 am]

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federal register

Friday
April 13, 1990

Part IV

Department of Labor

Occupational Safety and Health Administration

29 CFR Part 1910

Hazardous Waste Operations and Emergency Response; Final Rule; Corrections

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

RIN 1218-AB13

Hazardous Waste Operations and Emergency Response

AGENCY: Occupational Safety and Health Administration; Labor.

ACTION: Final rule; corrections.

SUMMARY: This notice makes corrections to the preamble and final rule on Hazardous Waste Operations and Emergency Response issued by OSHA on March 6, 1989, at 54 FR 9294–9336.

EFFECTIVE DATE: April 13, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, Room N-3647, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, Telephone: (202) 523-8148.

SUPPLEMENTARY INFORMATION: This document contains corrections to the preamble to the final rule on Hazardous Waste Operations and Emergency Response and to the final standard, 29 CFR 1910.120 as amended effective March 6, 1990, which were published in the **Federal Register** on March 6, 1989, at 54 FR 9294–9336.

As published, the preamble and standard contain typographical errors, incorrect citations and certain ambiguities which may prove to be misleading and are in need of clarification. This document corrects these errors and makes clearer certain areas in both the standard and the preamble.

The attempt is made to correct all errors in the standard. However, generally this document does not correct typographical or grammatical errors in the preamble unless a correction is needed to clarify meaning. The following paragraphs explain several of the corrections.

The definition of "hazardous substance" includes "any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA". That cross reference is inconvenient and is grammatically confusing because section 101(33) includes extraneous language. Accordingly OSHA is correcting the standard by directly including the relevant language of section 101(33) rather than incorporating it by reference and making clear that OSHA just covers persons. (It should be noted that OSHA specifically decided that petroleum products and gasses are covered by 29 CFR 1910.120. See 54 FR 9301–2.)

Paragraph (f)(3)(i)(D) makes clear OSHA's intent that medical surveillance be provided to employees who develop signs or symptoms due to possible over exposure from hazardous substances whether the employee is engaged in hazardous waste operations or emergency response. Paragraph (f)(2)(iii) is slightly ambiguous in this regard and is being corrected to be fully consistent with paragraph (f)(3)(i)(D) and state clearly that both hazardous waste operation and emergency response employees are to receive medical surveillance in these situations.

The exception subparagraph of paragraph (a)(2)(iii) and the introductory language of paragraph (p) are clarified. Any treatment, storage and disposal (TSD) operation must comply with all the requirements of paragraph (p) if it is required to have an EPA or authorized state permit or interim status (see 42 U.S.C. 6925(e)), and if it is regulated by EPA under 40 CFR parts 264 and 265 or by a state that has been authorized by EPA.

Certain employers ("excepted employers") are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR parts 264, 265, and 270. In the final preamble and standard OSHA has summarily referred to these employers as small quantity generators and as large quantity generators of hazardous waste who store those wastes less than 90 days. These excepted employers are not covered by paragraphs (p)(1) through (p)(7) of this section. Excepted employers only need comply with paragraph (p)(8).

Excepted employers who are required by EPA or state regulations to have their employees engage in emergency response, or who direct their employees to engage in emergency response are covered by paragraph (p)(8). Excepted employers who are not required to have their employees engage in emergency response, who do not direct their employees to do so, and who meet the requirements of (p)(8)(i) are also exempt from the balance of (p)(8). In general employers who qualify as conditionally exempt small quantity generators under 40 CFR 261.5 will be in the last category. If a generator qualifies for exemption under 40 CFR 262.34, EPA or state regulations usually require the generator to have its employees engage in emergency response.

However, the regulatory language explaining this result was not as clear as it could have been because the language used did not track EPA language as closely as intended. OSHA hoped "to assure consistency and compatibility between this rule and the rules and regulations of the EPA and DOT." (52 FR 29624; August 10, 1987.) OSHA has received many requests for clarification. This is a complex area and consistency is likely to lead both to better understanding and consequently better compliance with the regulations.

Accordingly the language has been changed in format to a lengthened "Notes and Exceptions" that explains which employers are covered by paragraph (p), which are exempted and which are required to meet emergency response requirements. See correction 13 below. OSHA believes that this "Notes and Exceptions" will be clearer because it more closely follows the organization of EPA regulations. Employers already know whether they are permitted or have interim status and should already know whether they are required to follow the cited EPA or parallel state regulations. The new language does not change any substantive requirements. This "Notes and Exceptions" provision does include an interpretation which OSHA has already stated, that employers covered by the emergency response provisions of paragraph (p)(8) may follow the more stringent requirements of paragraph (q) and be deemed to have complied with paragraph (p)(8). Employers who have some employees covered by (p)(8) and some employees covered by (q) may find it administratively convenient to have both sets of employees simply meet the requirements of paragraph (q).

In several provisions covering emergency response evacuation the term "workplace" has been corrected to "danger area". When an emergency occurs it is not always necessary to evacuate the entire workplace. It is necessary to evacuate the danger area.

Correction 4 has been made because the omitted paragraph had incorrectly indicated that the final rule had first added a provision when that provision had indeed been included in the proposal.

Some information was omitted from the non-mandatory appendices. This material is inserted because it may be useful to the public, but it is not mandatory. Correction 34 adds certain references to Appendix C which may be useful for developing training materials. Correction 36 adds to Appendix C information on new technologies

available to control hazardous waste spills.

Accordingly the final rule document published March 6, 1989 at 54 FR 9294–9336, **Federal Register** Document No. 89–4992, and 29 CFR 1910.120 as amended effective March 6, 1990 are corrected as follows:

Preamble

1. On page 9305, column 3, lines 24 and 25 are corrected to read, "established in paragraphs (f)(2)(iii), (f)(3)(i)(D) and (f)(3)(ii) of the final rule."

1.A. On page 9306, column 2, fifth full paragraph, line 4 is corrected to read "protocols. Eastman, Kodak (10–36)".

2. On page 9306, column 3, first full paragraph, lines 2 and 3 are corrected to read "argument can be addressed by citing to recommended criteria for medical" and lines 21–23 are corrected to read "Guide manual cited in Appendix D also provides guidance. OSHA believes that the language of that chapter will".

3. On page 9307, column 2, lines 21 to 27 are corrected to read "exposure".

4. On page 9308, column 2, under the heading "*Paragraph (p)—Certain operations . . .*", the second full paragraph is omitted.

5. On page 9309, column 1, line 42 is corrected to read "Paragraph (q)—Emergency response to".

6. On page 9311, column 1, the heading at lines 51 to 54 is corrected to read "III. Summary of the Final Regulatory Impact and Regulatory Flexibility Analysis and Environmental Impact Assessment".

7. On page 9311, column 2, first full paragraph, line 2 is corrected to read "requirements, OSHA has prepared a final".

8. On page 9311, column 2, third full paragraph, lines 12 to 14 are corrected to read, "follows: about 50 contractors that perform hazardous waste site cleanups; about 100 engineering or technical".

9. On page 9311, column 3, line 10 is corrected to read "manufacturers that use in-house".

10. On page 9311, column 3, third full paragraph, lines 1 and 2 are corrected to read "This standard will protect 1.758 million employees, police officers and firefighters from" and lines 6 and 7 are corrected to read "in Chapter 3 of the Final Regulatory Impact Analysis (RIA). The RIA indicates that".

11. On page 9312, column 1, in lines 4 and 13 the initials "FRA" are corrected to read "RIA".

12. On page 9312, column 1, fifth full paragraph, certain cost estimates are corrected as follows:

(a) On line 4, "$153.422 million" is corrected to read "$157.915 million" and "$27.966 million" is corrected to read "$28.435 million";

(b) Line 7 is corrected by adding an omitted estimate after the comma to read "$5.841 million will be spent by contractors on privately—initiated hazardous waste site cleanups,";

(c) On line 14, "$29.17 million" is corrected to read "$33.156 million"; and

(d) On line 18, "$92.978 million" is corrected to read "$97.466 million".

Regulatory Text

§ 1910.120 [Corrected]

The following corrections are made to 29 CFR 1910.120 which was amended effective March 6, 1990:

13. Paragraph (a)(2)(iii) is corrected by revising the "Exceptions" subparagraph to read as follows:

Notes and Exceptions: (A) All provisions of paragraph (p) of this section cover any treatment, storage or disposal (TSD) operation regulated by 40 CFR parts 264 and 265 or by state law authorized under RCRA, and required to have a permit or interim status from EPA pursuant to 40 CFR 270.1 or from a state agency pursuant to RCRA.

(B) Employers who are not required to have a permit or interim status because they are conditionally exempt small quantity generators under 40 CFR 261.5 or are generators who qualify under 40 CFR 262.34 for exemptions from regulation under 40 CFR parts 264, 265 and 270 ("excepted employers") are not covered by paragraphs (p)(1) through (p)(7) of this section. Excepted employers who are required by the EPA or state agency to have their employees engage in emergency response or who direct their employees to engage in emergency response are covered by paragraph (p)(8) of this section, and cannot be exempted by (p)(8)(i) of this section. Excepted employers who are not required to have employees engage in emergency response, who direct their employees to evacuate in the case of such emergencies and who meet the requirements of paragraph (p)(8)(i) of this section are exempt from the balance of paragraph (p)(8) of this section.

(C) If an area is used primarily for treatment, storage or disposal, any emergency response operations in that area shall comply with paragraph (p)(8) of this section. In other areas not used primarily for treatment, storage, or disposal, any emergency response operations shall comply with paragraph (q) of this section. Compliance with the requirements of paragraph (q) of this section shall be deemed to be in compliance with the requirements of paragraph (p)(8) of this section.

14. Paragraph (a)(3), definition of "Hazardous substance", subparagraph (B) is corrected by revising it to read as follows: (B) Any biological agent and other disease-causing agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person, either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations in such persons or their offspring;

15. In paragraph (a)(3), definition of "Post emergency response", the reference to "paragraph (g)(11) is corrected by revising it to read "paragraph (q)(11)".

16. In paragraph (e)(3)(iv), the reference to "paragraphs (a)(3)(ii) and (a)(3)(iii)" is corrected by revising it to read "paragraphs (e)(3)(ii) and (e)(3)(iii)".

17. In paragraph (e)(9), the clause reading "However, certified employees new to a site shall receive" is corrected by revising it to read "However, certified employees or employees with equivalent training new to a site shall receive".

18. Paragraph (f)(2)(iii) is corrected by revising it to read "All employees who are injured, become ill or develop signs or symptoms due to possible overexposure involving hazardous substances or health hazards from an emergency response or hazardous waste operation; and".

19. In paragrpah (g)(1)(ii), the first clause which reads "Whenever engineering controls and work practices are not feasible, PPE shall be used" is corrected by revising it to read "Whenever engineering controls and work practices are not feasible or not required, any reasonable combination of engineering controls, work practices and PPE shall be used".

20. In paragraph (h)(1)(i), the last clause which reads "which exceed permissible exposure limits or published exposure levels for hazardous substances" is corrected by revising it to read "which exceed permissible exposure limits, or published exposure levels if there are no permissible exposure limits, for hazardous substances.".

21. In paragraph (l)(1)(i), the first clause which reads "An emergency response plan shall be developed and implemented by all employers within the scope of this section" is corrected by revising it to read "An emergency response plan shall be developed and implemented by all employers within the scope of paragraphs (a)(1) (i)–(ii) of this section".

22. In paragraph (l)(1)(ii), the word "workplace" is corrected by revising it to read "danger area".

23. The introduction to paragraph (p) is corrected by revising it to read

"Employers conducting operations at treatment, storage and disposal (TSD) facilities specified in paragraph (a)(1)(iv) of this section shall provide and implement the programs specified in this paragraph. See the "Notes and Exceptions" to paragraph (a)(2)(iii) of this section for employers not covered.)".

24. In paragraph (p)(7)(i), the first sentence is corrected by revising it to read "The employer shall develop and implement a training program, which is part of the employer's safety and health program, for employees exposed to health hazards or hazardous substances at TSD operations to enable the employees to perform their assigned duties and functions in a safe and healthful manner so as not endanger themselves or other employees."

25. In paragraph (q)(1), the word "workplace" in the third sentence is corrected by revising it to read "danger area".

26. Paragraph (q)(3)(iii) is corrected by deleting the last two words, "or site".

27. In paragraph (q)(3)(viii), the third to the last word "an" is corrected by revising it to read "the".

28. In paragraph (q)(6)(i), the word "materials" in subparagraphs (A), (B), (C) and (D) of that paragraph is corrected by revising it to read "substances".

29. In paragraph (q)(7), the name "U. S. Fire Academy" is corrected by revising it to read "U.S. National Fire Academy".

Appendices to § 1910.120 [Corrected]

The following corrections are made to the Appendices to 29 CFR 1910.120 which were amended effective March 6, 1990:

30. In Appendix A, paragraph B. 4.1, is corrected by revising it to read "A supply of concentrated aqueous ammonium hydroxide (58% by weight).".

31. In Appendix A, paragraph B. 5.2, the number "50 ppm" is corrected by revising it to read "35 ppm as a 15 minute STEL".

32. In Appendix B, the third paragraph of the introductory material, the last clause which reads "or the exposure after breakthrough may not pose a hazardous level" is corrected by being deleted.

33. In Appendix B, part B, section IV the second citation following the second paragraph of the Note is corrected by revising it to read "NFPA 1992—Standard on Liquid Splash-Protective Suits for Hazardous Chemical Emergencies (EPA Level B Protective Clothing)".

34. Appendix C is corrected by adding at the end of section 2, "Training", a new paragraph to read as follows:

There are two National Fire Protection Association standards, NFPA 472—"Standard for Professional Competence of Responders to Hazardous Material Incidents" and NFPA 471—"Recommended Practice for Responding to Hazardous Material Incidents", which are excellent resource documents to aid fire departments and other emergency response organizations in developing their training program materials. NFPA 472 provides guidance on the skills and knowledge needed for first responder awareness level, first responder operations level, hazmat technicians, and hazmat specialist. It also offers guidance for the officer corp who will be in charge of hazardous substance incidents.

35. In Appendix C, section 3, the cross reference to "Appendix F" is corrected by revising it to read "Appendix D".

36. Appendix C is corrected by adding at its end a section 9 to read as follows:

9. *New Technology and Spill Containment Programs.* Where hazardous substances may be released by spilling from a container that will expose employees to the hazards of the materials, the employer will need to implement a program to contain and control the spilled material. Diking and ditching, as well as use of absorbents like diatomaceous earth, are traditional techniques which have proven to be effective over the years. However, in recent years new products have come into the marketplace, the use of which complement and increase the effectiveness of these traditional methods. These new products also provide emergency responders and others with additional tools or agents to use to reduce the hazards of spilled materials.

These agents can be rapidly applied over a large area and can be uniformly applied or otherwise can be used to build a small dam, thus improving the workers' ability to control spilled material. These application techniques enhance the intimate contact between the agent and the spilled material allowing for the quickest effect by the agent or quickest control of the spilled material. Agents are available to solidify liquid spilled materials, to suppress vapor generation from spilled materials, and to do both. Some special agents, which when applied as recommended by the manufacturer, will react in a controlled manner with the spilled material to neutralize acids or caustics, or greatly reduce the level of hazard of the spilled material.

There are several modern methods and devices for use by emergency response personnel or others involved with spill control efforts to safely apply spill control agents to control spilled material hazards. These include portable pressurized applicators similar to hand-held portable fire extinguishing devices, and nozzle and hose systems similar to portable fire fighting foam systems which allow the operator to apply the agent without having to come into contact with the spilled material. The operator is able to apply the agent to the spilled material from a remote position.

The solidification of liquids provides for rapid containment and isolation of hazardous substance spills. By directing the agent at run-off points or at the edges of the spill, the reactant solid will automatically create a barrier to slow or stop the spread of the material. Clean-up of hazardous substances is greatly improved when solidifying agents, acid or caustic neutralizers, or activated carbon adsorbents are used. Properly applied, these agents can totally solidify liquid hazardous substances or neutralize or absorb them, which results in materials which are less hazardous and easier to handle, transport, and dispose of. The concept of spill treatment, to create less hazardous substances, will improve the safety and level of protection of employees working at spill clean-up operations or emergency response operations to spills of hazardous substances.

The use of vapor suppression agents for volatile hazardous substances, such as flammable liquids and those substances which present an inhalation hazard, is important for protecting workers. The rapid and uniform distribution of the agent over the surface of the spilled material can provide quick vapor knockdown. There are temporary and long-term foam-type agents which are effective on vapors and dusts, and activated carbon adsorption agents which are effective for vapor control and soaking-up of the liquid. The proper use of hose lines or hand-held portable pressurized applicators provides good mobility and permits the worker to deliver the agent from a safe distance without having to step into the untreated spilled material. Some of these systems can be recharged in the field to provide coverage of larger spill areas than the design limits of a single charged applicator unit. Some of the more effective agents can solidify the liquid flammable hazardous substances and at the same time elevate the flashpoint above 140 °F so the resulting substance may be handled as a nonhazardous waste material if it meets the U.S. Environmental Protection Agency's 40 CFR part 261 requirements (See particularly § 261.21).

All workers performing hazardous substance spill control work are expected to wear the proper protective clothing and equipment for the materials present and to follow the employer's established standard operating procedures for spill control. All involved workers need to be trained in the established operating procedures; in the use and care of spill control equipment; and in the associated hazards and control of such hazards of spill containment work.

These new tools and agents are the things that employers will want to evaluate as part of their new technology program. The treatment of spills of hazardous substances or wastes at an emergency incident as part of the immediate spill containment and control efforts is sometimes acceptable to EPA and a permit exception is described in 40 CFR 264.1(g)(8) and 265.1(c)(11).

37. Appendix D, Reference 18, the organization name is corrected by revising it to read "National Fire

Protection Association, Batterymarch Park,".

Signed at Washington, DC, this 28th day of March 1990.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 90-8117 Filed 4-12-90; 8:45 am]

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H.R. 4099/Pub. L. 101-270

To suspend section 332 of the Agricultural Adjustment Act of 1938 for the 1991 crop of wheat. (Apr. 10, 1990; 104 Stat. 134; 1 page) Price: $1.00

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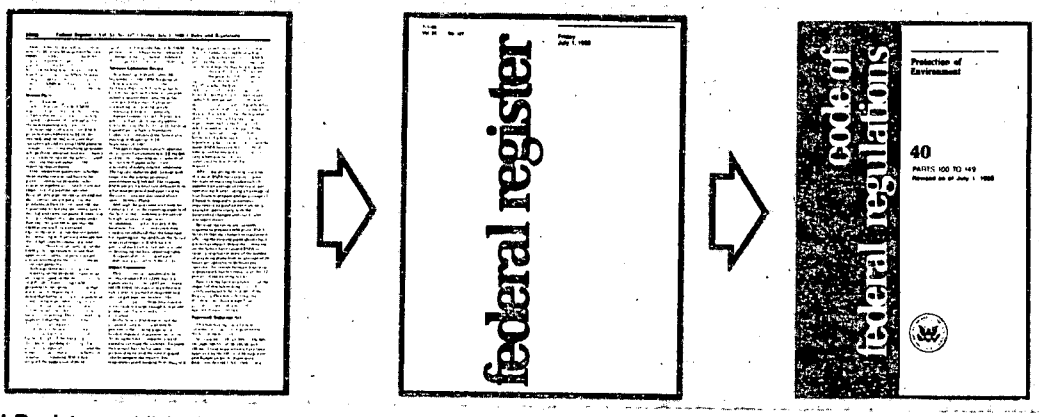

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