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Tuesday
December 18, 1990

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

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

WHO: The Office of the Federal Register.

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

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

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

ATLANTA, GA

WHEN: January 11, at 9:00 a.m.
WHERE: Centers for Disease Control
1600 Clifton Rd., NE.
Auditorium A
Atlanta, GA (Parking available)
RESERVATIONS: 1-800-347-1997.

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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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-148-AD; Amdt. 39-6845]

Airworthiness Directives; Airbus Industrie Model A320-111, -211, and -231 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A320-111, -211, and -231 series airplanes, which requires replacing the existing standby generator control unit (GCU) with a new improved standby GCU. This amendment is prompted by reports of improper functioning of the standby GCU. This condition, if not corrected, could result in loss of the standby emergency generation system, which provides necessary back-up capability when both main generators fail.

EFFECTIVE DATE: January 28, 1991.

ADDRESSES: The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Airbus Industrie Model A320-111, -211 and -231 series airplanes, which requires replacing the existing standby generator control unit (GCU) with a new improved standby GCU, was published in the **Federal Register** on September 19, 1990 (55 FR 38555).

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

Air Transport Association (ATA) of America suggested that all of the suspect GCUs may have already have been modified; therefore, ATA requested that the proposed rule be withdrawn. The FAA does not concur. The FAA has received no documentation that all operators have accomplished the actions required by this rule. Furthermore, should additional Airbus Industrie Model A320 series airplanes be added to the U.S. registry in the future, an AD is necessary to ensure the accomplishment of these actions on all affected airplanes. The AD is the means by which the FAA ensures that the addressed unsafe condition is corrected. Therefore, the issuance of this AD is necessary.

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

It is estimated that 18 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for required parts is $450. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $9,180.

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

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Airbus Industrie: Applies to Model A320-111, -211, and -231 series airplanes; Serial Numbers 003 through 058, 060 through 067, 069 through 072, 074 through 083, and 085; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent loss of the emergency electrical generation system, accomplish the following:

A. Within 150 days after the effective date of this AD, in Zone 125 of the avionics compartment, remove one GCU identified as 1XE part number (P/N) 520754, and install a modified GCU identified as 1XE P/N 520915, in accordance with Airbus Industrie Service Bulletin A320-24-1035, Revision 1, dated February 27, 1990. Following installation, perform an operational test of the Emergency Generation System, the Emergency Generator Control Unit from Centralized Fault Display System, and the Static Inverter, in accordance with the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager,

Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM-113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Airbus Industrie, Airbus Support Division, Avenue Didier Daurat, 31700 Blagnac, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective January 28, 1991.

Issued in Renton, Washington, on December 10, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate Aircraft Certification Service.

[FR Doc. 90-29588 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 97

[Docket No. 26407; Amdt. No. 1441]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

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

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

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

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

For Examination—

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

For Purchase—

Individual SIAP copies may be obtained from:

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

By Subscription—

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

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

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

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

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

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

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference.

Issued in Washington, DC on December 7, 1990.

Thomas C. Accardi,

Acting Director, Flight Standards Service.

Adoption of the Amendment

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

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

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

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

Effective February 7, 1991

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Dumas, TX—Dumas Muni, RNAV RWY 19, Amdt. 2

Effective January 10, 1991

Carlisle, PA—Carlisle, NDB RWY 28, Orig.
Madison, WI—Dane County Regional-Traux FLD, VOR or TACAN RWY 13, Amdt. 23
Madison, WI—Dane County Regional-Traux FLD, VOR or TACAN RWY 18, Amdt. 20
Madison, WI—Dane County Regional-Traux FLD, VOR or TACAN RWY 31, Amdt. 24
Madison, WI—Dane County Regional-Traux FLD, NDB RWY 36, Amdt. 28
Madison, WI—Dane County Regional-Traux FLD, ILS RWY 18, Amdt. 7
Madison, WI—Dane County Regional-Traux FLD, ILS RWY 36, Amdt. 29
Madison, WI—Dane County Regional-Traux FLD, RADAR-1, Amdt. 15

Effective November 28, 1990

Orlando, FL—Orlando Intl, ILS RWY 35, Amdt. 2

[FR Doc. 90-29589 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Requirements for Child-Resistant Packaging; Requirements for Household Glue Removers Containing Acetonitrile and Home Cold Wave Permanent Neutralizers Containing Sodium Bromate or Potassium Bromate

AGENCY: Consumer Product Safety Commission.

ACTION: Final rules.

SUMMARY: Under the Poison Prevention Packaging Act of 1970, the Commission is issuing rules to require child-resistant packaging for (1) household glue removers, in liquid form, containing more than 500 mg of acetonitrile in a single container and (2) home permanent wave neutralizer, in liquid form, containing in a single container (a) more than 600 mg of sodium bromate or (b) more than 50 mg of potassium bromate. These requirements are issued because the Commission has determined that child-resistant packaging is required to protect children under five years of age from serious personal injury and serious illness resulting from ingesting such substances.

DATE: These rules shall become effective June 18, 1991.

FOR FURTHER INFORMATION CONTACT: Charles M. Jacobson, Division of Regulatory Management, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 492-6400.

SUPPLEMENTARY INFORMATION:

A. Background

The Poison Prevention Packaging Act of 1970 (the "PPPA"), 15 U.S.C. 1471-1476, authorizes the Commission to establish standards for the "special packaging" of any household substance if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance. Special

packaging, also referred to as "child-resistant packaging," is defined as packaging that is (1) designed or constructed to be significantly difficult for children under five years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and (2) not difficult for normal adults to use properly. (It does not mean, however, packaging which all such children cannot open, or obtain a toxic or harmful amount from, within a reasonable time.) Under the PPPA, effectiveness standards have been established for special packaging (16 CFR 1700.15), as has a procedure for evaluating the effectiveness (§ 1700.20). Regulations have been issued requiring special packaging for a number of household products (§ 1700.14).

By letter dated June 27, 1988, the American Association of Poison Control Centers (AAPCC) petitioned the Commission to require child-resistant packaging for household glue removers containing acetonitrile and home cold wave permanent neutralizers containing sodium bromate or potassium bromate. [1] * As justification for establishing special packaging standards for these products, the petitioner cited the high toxicity of acetonitrile and the bromates and cited cases of severe permanent disability and death to young children following accidental ingestion of these products. These requests were docketed as a petition for rulemaking, no. PP 88-2.

On January 25, 1989, the Commission received a similar request from the Cosmetic, Toiletry and Fragrance Association ("CTFA") to require child-resistant packaging for glue removers containing acetonitrile. [3] Since these glue removers were already addressed under petition PP 88-2, CTFA's request was considered a submission in support of that petition.

After considering the available information, the Commission proposed to require special packaging for (1) household glue removers, in liquid form, containing more than 500 mg of acetonitrile in a single container and (2) home permanent neutralizers, in liquid form, containing in a single container (a) more than 600 mg of sodium bromate or (b) more than 50 mg of potassium bromate. 55 FR 1456 (January 16, 1990). The Commission received one comment on the proposal, which is discussed below.

* Numbers in brackets indicate the number of a relevant document as listed in Appendix 1 to this notice.

B. Glue Removers Containing Acetonitrile

1. Toxicity

The statements in this section are based on reference [2], except where noted otherwise. Acetonitrile is used as a glue remover, often for sculptured nails, and the Commission's Directorate for Health Sciences reports that the acute oral toxicity of acetonitrile has been demonstrated in animals and humans. The mean lethal dose in humans is such that one ounce (24 grams) can be lethal to a 10 kilogram (kg) child. Acetonitrile is also toxic by inhalation and skin absorption. The toxic effects following exposure to the chemical are extremely serious and include respiratory distress, cardiac arrest, convulsions, coma, and possibly death. The toxicity of acetonitrile is most likely related to its metabolism to cyanide.

Medical treatment for acetonitrile poisoning is a lengthy procedure and may be complicated by the delayed onset of toxic effects following exposure. Toxic effects usually do not appear until several hours after exposure; this could cause a delay in seeking medical attention.

The petition contained information on two cases of accidental ingestion by young children of sculptured nail removers containing acetonitrile. The ingested products contained 98 percent acetonitrile. One case was a 16-month-old child weighing 12 kg., who may have ingested up to two tablespoons of the product (approximately 1.9 gram/kg.). The child vomited, later experienced respiratory difficulty, was put to bed, and was found dead the next morning. The second case involved a two-year-old child weighing 12.4 kg., who may have ingested as much as one ounce of the product (approximately 2 grams/kg.). This child became seriously ill but recovered after receiving intensive medical treatment.

At least two additional cases of injury to young children following accidental ingestion of acetonitrile glue remover products have been reported to poison centers since the petition was received. In-depth investigations of these cases by the Commission's staff showed that one case was a three-year-old boy who ingested less than a tablespoon of acetonitrile-containing glue remover which the mother had poured into an open dish. [11(d)] This child recovered after being hospitalized under intensive care for five days. The second case involved an 18-month-old boy who ingested approximately one ounce of the product. [11(e)] This child was hospitalized for two days and recovered.

A case reported in the literature of intentional ingestion of 40 grams of acetonitrile (approximately 0.5 gram/kg) by an adult male demonstrates further the severe toxicity of the chemical (at a dose less than that reported for the two cases above involving children). [2] This man experienced severe toxic effects, required extensive medical treatment, and took six months to recover.

The Directorate for Health Sciences concluded that the acute oral toxicity of acetonitrile has been demonstrated in animals and humans and that a one-ounce bottle of acetonitrile can be lethal to a child. Available medical data indicate that treatment of acetonitrile ingestion is complicated by delayed onset of toxicity, the severity of the effects, the complex emergency first aid required, and the protracted, difficult recovery. Thus, it appears that the accidental ingestion of acetonitrile-containing glue remover products by children can cause serious injury, serious illness, and death.

The limited available clinical data for acetonitrile indicate that serious injury or serious illness can occur in young children after ingestion of 0.5 gram/kg. Information is not available on a level of acetonitrile that will not produce serious injury or illness. In lieu of such data, the staff recommended that the known lowest-effect level of acetonitrile in humans be reduced by a factor of 10 (referred to as an "uncertainty factor"). [5] When this is done, using a weight of 10 kg (22.2 lb) for an average 2-year-old child, the Commission concludes that glue removers containing more than 500 mg of acetonitrile in a single container should be subject to child-resistant packaging standards.

2. Comment on the Proposal

The Commission received one comment on the proposal, from the Cosmetic, Toiletry and Fragrance Association ("CFTA"), which is the national trade association representing the personal-care products industry. [14] The CFTA agrees with the proposed special packaging regulation for household glue removers containing acetonitrile because of their extreme toxicity.

3. Economic Information [4]

Acetonitrile is used mainly as a solvent and as a chemical intermediate in industrial applications. Its other applications include use as a solvent in artificial fingernail glue removers and removers for cyanoacrylate or "super glues" for household use, and for use by

hobbyists in model building. These glue removers are marketed in liquid form. Alternative consumer products are available for these applications.

Artificial fingernail glue removers can be purchased in supermarkets, drug stores, and mass merchandise stores. In addition, products labeled "For Professional Use Only" are readily available for purchase by the general public in retail and "wholesale" beauty supply establishments. Both of the acetonitrile ingestion incidents reported by the petitioner were attributed to artificial fingernail glue removers labeled "For Professional Use Only" that had been purchased by the consumers in beauty supply establishments.

The estimated annual sales of glue removers for cosmetic use is one to two million units, with a market value of approximately $2.5–$5 million. The estimated hobby industry sales of glue removers is one million units annually, with a market value of approximately $3 million.

Although the number of accidental ingestions involving acetonitrile glue removers is low to date, the cost per incident and the potential for death are relatively high. The wide availability of acetonitrile-containing products and their accessibility to young children in the home provide the opportunity for continued accidental ingestions with the potential for serious consequences. At a minimum, all such ingestions require extensive medical treatment, and some may be fatal. The Commission's Directorate for Economic Analysis concludes that, although it is not possible to estimate the future annual costs of acetonitrile ingestions, it seems reasonable that avoiding even a small number of ingestions, and the possibility of death, by requiring child-resistant closures has the potential for large benefits to consumers.

Costs to industry to comply with a special packaging regulation are also difficult to estimate, since the Commission does not have information on the market share of acetonitrile-containing products targeted for cosmetic and hobby use. If manufacturers elect to use substitute chemicals, increased costs are unlikely, because the substitutes may cost even less. The subsequent effect on market share, however, is unknown. Manufacturers who do not reformulate their products may experience increased costs for child-resistant packaging.

4. Technical Feasibility, Practicability, and Appropriateness

In issuing a standard for special packaging under the PPPA, the Commission is required by section 3(a)(2) of the PPPA, 15 U.S.C. 1472(a)(2), to find that the special packaging is "technically feasible, practicable, and appropriate."

a. Technical Feasibility [7]

Household glue removers containing acetonitrile that are sold for use in removing or debonding glues for artificial, or sculptured, fingernails are marketed in small bottles of a liquid that consists almost entirely of acetonitrile. These bottles are supplied with screw-on caps, and these packages could be made child-resistant by substituting a readily available child-resistant closure for the non-child-resistant closures currently supplied. The glue removers should not be adversely affected by the materials that make up the child-resistant closures, and the glue removers should not affect the materials of the child-resistant closures. Since the closure design does not affect the use of storage of these glue removers, the Commission concludes that there are numerous package designs that meet the requirements of 16 CFR 1700.15(b) that are suitable for use with the form of this product.

b. Practicability

Because many existing designs suitable for use with the glue removers that are the subject of the proposed regulation are currently being used in the packaging of other products, special packaging for this product seems practicable in that it is adaptable to modern mass production and assembly line techniques. The Commission anticipates no major supply or procurement problems for the packagers of these glue removers or the manufacturers of child-resistant closures and capping equipment. In addition, there should be no serious problems experienced by manufacturers of the products in incorporating the child-resistant packaging features into their existing packaging lines.

c. Appropriateness

As shown by the discussion above, and by the use of many existing suitable designs with other products, special packaging is appropriate since it is available in forms that are not detrimental to the integrity of the substance and that do not interfere with its storage or use.

Accordingly, the Commission finds that special packaging for household glue removers containing acetonitrile is technically feasible, practicable, and appropriate.

C. Permanent Wave Neutralizers Containing Bromates

1. Toxicity

The statements in this section are based on reference [2], except where noted otherwise. The toxic effects of sodium and potassium bromates are similar; however, sodium bromate has been reported to be less toxic than potassium bromate. Based on cases reported in the literature, the possible lethal oral dose of sodium and potassium bromates ranges from 0.005 gram/kg. to 0.05 gram/kg.

The most devastating non-lethal effects of bromate poisoning are on renal function and hearing. Impaired kidney function can progress to complete renal failure requiring dialysis for the remainder of a person's life. Renal failure in young children is associated with decreased body growth, delayed maturation, bond fracture, learning disabilities, and decreased life expectancy. The alternative to chronic dialysis is kidney transplantation, which may be needed more than once. Hearing loss, which can occur as early as the day of ingestion, is irreversible. When impairment occurs early in childhood, the ability to learn to speak, write, and read are severely affected. In a child so compromised, psychological problems can also be expected. Other toxic effects of bromate ingestion include nausea and vomiting accompanied by abdominal pain and diarrhea, anemia, destruction of red blood cells, decreased blood pressure, convulsions, coma, respiratory depression, and possibly death.

During the 1940s and 1950s, when sodium and potassium bromates were commonly used as neutralizers, nine cases of accidental ingestion of neutralizers by children under age five were reported in the medical literature. Because of the severity of the bromate intoxication in these incidents, manufacturers reformulated their products and replaced the bromates with less toxic substances. However, bromates are again being used in some currently-available liquid home permanent wave neutralizer solutions.

The staff has reviewed 17 cases of accidental ingestion of bromate neutralizer solutions by children under age five. One case, which resulted in permanent hearing loss and kidney damage in a 16-month-old child, was reported by the petitioner. Sixteen cases were reported in the literature. There were no cases of accidental ingestion of bromate neutralizer solutions reported in the CPSC CAP data base. Eight of the 17 cases have been reported since 1984. One case was the death of a 17-month-

old child who ingested an unknown amount of a potassium bromate neutralizer solution. These incidents underscore the hazard to young children who may be exposed to these products.

The Commission concludes that accidental ingestion of bromate neutralizer solutions presents a risk of serious injury, serious illness, or death to young children. Based on the clinical reports reviewed, the lowest doses of the bromates that caused kidney damage and hearing loss were 0.05 gram/kg for potassium bromate and 0.59 gram/kg for sodium bromate. The levels of potassium and sodium bromates at which no effects can be observed are not known. In lieu of such data, the Directorate for Health Sciences reduced the known lowest effect levels of the bromates in humans by a factor of 10 (referred to as an "uncertainty factor"). When this is done, using a weight of 10 kg (22.2 lb) for an average 2-year-old child, the Commission concludes that permanent wave products containing more than 50 mg of potassium bromate or 600 mg of sodium bromate should be subject to child-resistant packaging standards. [5]

2. Comment on the Proposal

As noted above, the Commission received one comment on the proposal, from the Cosmetic, Toiletry and Fragrance Association ("CFTA"), which is the national trade association representing the personal-care products industry. [14] The CFTA agrees with the proposed special packaging regulation for household glue removers containing acetonitrile because of their extreme toxicity. CFTA also states, however, that the extreme hazards reported for acetonitrile are not shared by permanent wave neutralizers containing the bromates. CFTA argued that these neutralizers should not have to be in child-resistant packaging if they are formulated with a bittering agent that would make the product taste very bitter and prevent the ingestion of toxic amounts by children. CFTA supported the proposed child-resistant packaging standard for permanent wave neutralizers that do not contain a bittering agent.

The Commission disagrees with this comment. [16] As noted above, the hazards associated with the ingestion of potassium or sodium bromates are extremely serious, and the Commission has concluded that home permanent wave products containing more than 50 mg of potassium bromate or 600 mg of sodium bromate present an unacceptable risk to children. Fifty (50) mg of potassium bromate would be contained in approximately ½ teaspoon of a two-percent potassium bromate neutralizer solution, and 600 mg of sodium bromate would be contained in approximately one teaspoon of a ten-percent sodium bromate neutralizer solution. The estimated volume of a child's swallow is one teaspoonful. Thus, a child could swallow a harmful amount of either of these solutions in one swallow, which may not be prevented by a bittering agent.

Research with liquid detergents to which a bittering agent has been added has shown that while the presence of the bittering agent does reduce the amount swallowed and deters a second swallow, it does not necessarily deter the initial swallowing of small amounts that could be hazardous with these bromate solutions.

In addition, there is some question about the stability of denatonium benzoate, which is commonly used as a bittering agent, in alkaline-oxidizing solutions such as sodium and potassium bromates. Thus, while bittering agents may provide an added measure of deterrence, the Commission concludes that the presently available evidence does not show that they should be used as an alternative to child-resistant packaging, at least for the extremely toxic substances subject to the proposed rules.

3. Economic Information [4]

Sodium bromate is used as a laboratory analytical reagent, a food additive, and a maturing agent in flour, and in several industrial processes. Both sodium and potassium bromate were marketed in permanent wave neutralizers in the 1940s and 1950s. Following reports of bromate poisonings involving these products, manufacturers substituted less toxic neutralizing agents, such as perborate and hydrogen peroxide. Recent ingestion incidents involving bromate-containing neutralizers indicate, however, that new products containing bromates have become available. Five different brands of permanent wave neutralizers are implicated in these recent incidents.

Permanent wave products, including those containing bromates, can be purchased at supermarkets, drug stores, and mass merchandise stores. In addition, some beauty supply outlets sell permanent wave kits, labeled "For Professional Use Only", to the general public. Products designed for professional use tend to be stronger and faster acting than products intended for home use. At least three of the ingestion incidents involved products labeled "Professional Use Only."

The home permanent market has a "general" segment that includes all populations and a "targeted" segment that includes ethnic groups. Sales in the general segment amounted to $107.6 million in 1987. Market information on the targeted segment is not available but is believed to be substantially less than the general market segment.

All ingestions of products containing potassium or sodium bromate will require medical treatment, some of which may be prolonged, and bromate poisoning may have both acute and chronic effects. In addition to the immediate costs of hospitalization, medical costs for a bromate victim may include various combinations of auditory assistance, kidney transplantation, and dialysis treatments. Although it is not possible to estimate the cost savings of bromate poisonings averted, the relative severity of each case suggests that the savings would be considerable. The Commission preliminarily concludes that bromate ingestions can result in a reduced quality of life and that even one ingestion can result in large total costs to society. The potential benefit to consumers of avoiding accidental ingestions that have severe and permanent consequences probably outweighs the potential costs.

Effective alternative neutralizers—hydrogen peroxide and sodium perborate—are available for both home and professional permanents. A reformulation of neutralizing solutions to safer ingredients by manufacturers that currently use sodium or potassium bromate will cause virtually no major disruption to the industry and may actually result in a net savings due to the cost differential between hydrogen peroxide and the bromates. Requiring the use of child-resistant closures may lead to the use of safer ingredients (to avoid the need for child-resistant closures) or at most increase manufacturers' costs by $.02 per unit.

4. Technical Feasibility, Practicability, and Appropriateness

In issuing a standard for special packaging under the PPPA, the Commission is required by section 3(a)(2) of the PPPA, 15 U.S.C. 1472(a)(2), to find that the special packaging is "technically feasible, practicable, and appropriate."

a. Technical Feasibility [7]

Home permanent neutralizers containing sodium bromate or potassium bromate are marketed in liquid form. The containers of this product are intended for "one-time use," so that all of the contents of the package is used at once, and there is no need to store

leftover neutralizer. The types of packages in which this product is currently sold include: (1) A plastic bottle with an applicator that cannot be separated from the container and requires the user to cut off the applicator tip to gain access to the solution, (2) a plastic bottle with a non-child-resistant screw-type closure and a separate applicator tip, and (3) a plastic bottle with a flip-up spout in the cap. Design 1 above is already child-resistant. Designs 2 and 3 are readily adaptable to child resistance, either by replacing the present closure with a child-resistant one or by using an outer child-resistant cap. Neither change would affect the use of the product. Therefore, the Commission concludes that there are numerous package designs that meet the requirements of 16 CFR 1700.15(b) that are suitable for use with the form of this product.

b. Practicability

Because many existing designs suitable for use with these neutralizers that are the subject of the proposed regulation are currently being used in the packaging of other products, special packaging for this product seems practicable in that it is adaptable to modern mass production and assembly line techniques. The Commission anticipates no major supply or procurement problems for the packagers of these neutralizers or the manufacturers of child-resistant closure and capping equipment. In addition, there should be no serious problems experienced by manufacturers of the products in incorporating the child-resistant packaging features into their existing packaging lines.

c. Appropriateness

As shown by the discussion above, and by the use of many existing suitable designs with other products, special packaging is appropriate since it is available in forms that are not detrimental to the integrity of the substance and that do not interfere with its storage or use.

Accordingly, the Commission finds that special packaging of home permanent wave neutralizers containing sodium and potassium bromates is technically feasible, practicable, and appropriate.

D. Effective Date

The PPPA provides that, except for good cause, no regulation shall take effect sooner than 180 days or later than one year from the date such regulation is issued. Based on all available information, the Commission believes that six months (approximately 180 days) will provide an adequate period of time for manufacturers to obtain suitable child-resistant packaging and incorporate its use into their packaging lines. [9] Therefore, the special packaging requirement shall become effective June 18, 1991, which is 180 days after publication of the final rule, and will apply to all products subject to the rule that are packaged after that date.

E. Regulatory Flexibility Act Certification

When an agency undertakes a rulemaking proceeding, the Regulatory Flexibility Act (Pub. L. 96–354, 5 U.S.C. 601 et seq.) generally requires the agency to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities. The purpose of the Regulatory Flexibility Act, as stated in section 2(b) (5 U.S.C. 602 note), is to require agencies, consistent with their objectives, to fit the requirements of regulations to the scale of the businesses, organizations, and governmental jurisdictions subject to the regulations. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The Commission's Directorate for Economics has prepared a Final Regulatory Flexibility Act Analysis to examine the effect of the rule on small entities. [17] The findings of that analysis are repeated below.

The requirements of the rule have been explained previously. There appear to be no reasonable alternatives to the rule requiring child-resistant packaging for glue removers containing acetonitrile and home permanent wave neutralizers containing sodium or potassium bromates that would adequately reduce the risk of serious personal injury or serious illness to children.

Costs to manufacturers of glue removers containing acetonitrile who do not reformulate their products to use substitute chemicals may increase by two to seven cents per child-resistant closure. On an annual basis, this may amount to $15,000 for glue removers used for cosmetic purposes and $35,000 for glue removers used by hobbyists. Some informed sources believe that substitute chemicals may cost even less than acetonitrile. During the last few months, at least one manufacturer of a glue remover for cosmetic purposes has voluntarily reformulated from acetonitrile to a safer substitute chemical with no increase in retail price.

According to available information, about 93% of the marketers of home permanent wave neutralizers targeted to the general population do not use bromates. Definitive market information on products targeted to ethnic markets was unavailable, but a brief market survey revealed that products with and without bromates are available for sale. Costs to manufacturers of home permanent wave neutralizers who continue to use either sodium or potassium bromate may increase by two cents per child-resistant closure.

In addition, based on previous experience with products requiring child-resistant packaging, the Commission believes an effective date of 180 days from the date the regulation is issued will provide an adequate period of time for manufacturers who do not choose to reformulate their products to obtain suitable child-resistant packaging and incorporate its use into their packaging lines.

For the reasons mentioned above, the Commission concludes that the rule to require special packaging for household glue removers containing acetonitrile and for home permanent wave neutralizers containing sodium bromate or potassium bromate will not have any significant economic effect on a substantial number of small entities.

F. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with Poison Prevention Packaging Act ("PPPA") packaging requirements for glue removers containing acetonitrile and permanent wave neutralizers containing bromates.

The Commission's regulations, at 16 CFR 1021.5(c)(3), state that rules requiring special packaging for consumer products normally have little or no potential for affecting the human environment. Analysis of the impact of this rule indicates that child-resistant packaging requirements for these consumer products containing acetonitrile or either sodium or potassium bromates will have no significant effects on the environment. This is because manufacturers of affected products either will replace present closures with a child-resistant closure or will use substitute chemicals. If child-resistant packaging is used, non-child-resistant closure inventories will

be depleted by the time the rule becomes effective and will not need to be disposed of in bulk. The rule will not significantly increase the number of child-resistant closures in use, and, in any event, the manufacture, use, and disposal of the child-resistant closures present the same potential environmental effects as do the currently used non-child-resistant closures. If products are reformulated, the market for the bromates and acetonitrile will not be materially affected, because there is a ready market for these chemicals that would be unaffected by the rule issued below. Moreover, the available chemical substitutes have no known adverse effects on the environment. Therefore, because this rule has no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drug, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

G. Conclusion

For the reasons given above, the Commission amends 16 CFR 1700.14 as follows:

PART 1700—[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 88 Stat. 1231, 15 U.S.C. 2079(a).

2. Section 1700.14(a) is amended by adding new paragraphs (a)(18) and (a)(19), reading as follows (although unchanged, the introductory text of paragraph (a) is included below for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(18) *Glue removers containing acetonitrile.* Household glue removers in a liquid form containing more than 500 mg of acetonitrile in a single container.

(19) *Permanent wave neutralizers containing sodium bromate or potassium bromate.* Home permanent wave neutralizers, in a liquid form, containing in single container more than 600 mg of sodium bromate or more than 50 mg of potassium bromate.

* * * * *

Dated: December 12, 1990.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

Appendix 1—List of References

(This appendix will not be printed in the Code of Federal Regulations.)

1. Petition (PP 88–2) from American Association of Poison Control Centers, dated June 27, 1988.

2. Memorandum from CPSC's Directorate for Health Sciences, dated December 5, 1988.

3. Letter from the Cosmetic, Toiletry and Fragrance Association, dated January 25, 1989.

4. Memorandum from CPSC's Directorate for Economic Analysis, dated March 24, 1989.

5. Memorandum from CPSC's Directorate for Health Sciences, dated July 24, 1989.

6. Letter from Department of California Health Services, dated August 3, 1989.

7. Memorandum from CPSC's Directorate for Economic Analysis, dated August 23, 1989.

8. Memorandum from CPSC's Directorate for Economic Analysis, dated October 12, 1989.

9. Memorandum from CPSC's Directorate for Economic Analysis, dated October 23, 1989.

10. Memorandum from CPSC's Office of Program Management and Budget, dated December 11, 1989, with attached briefing package.

11. In-Depth Investigations:

a. 880929HCC2014

b. 880929HBC3017

c. 880929HBC3018

d. 881201HBC3059

e. 890517HCC1315

12. Memorandum to the Commission from the Office of General Counsel, with substitute page for **Federal Register** notice, dated December 22, 1989.

13. Proposed rule, 55 FR 1456 (January 16, 1990).

14. Comment on the proposal from the Cosmetic, Toiletry and Fragrance Association, dated April 2, 1990.

15. Briefing Package on Draft Final Rule, dated October 10, 1990.

16. Memorandum from the Directorate for Health Sciences, "Staff Response to Public Comments," July 10, 1990.

17. Final Regulatory Flexibility Analysis, Directorate for Economic Analysis, September 12, 1990.

[FR Doc. 90–29567 Filed 12–17–90; 8:45 am]

BILLING CODE 6355–01–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: Final rule; approval of amendment.

SUMMARY: The Director of OSM is approving a proposed amendment submitted by the State of Oklahoma as a modification to its permanent regulatory program (hereinafter referred to as the Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment revises the Oklahoma rules to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: James H. Moncrief, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 E. Skelly Drive, Suite 550, Tulsa, Oklahoma 74135, Telephone: (918) 581–6430.

SUPPLEMENTARY INFORMATION:

I. Background

The Oklahoma program was conditionally approved by the Secretary of the Interior on January 19, 1981. Information on the general background, modifications and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments, and detailed explanation of the conditions of approval of the Oklahoma program was published in the January 19, 1981, **Federal Register** (46 FR 4910). Subsequent actions on program amendments are identified at 30 CFR 936.15, 936.16, and 936.30.

II. Submission of Program Amendment

In accordance with the provisions of 30 CFR 732.17(d), OSM notified Oklahoma by letter dated February 12, 1990 (administrative record No. OK–910), of the changes that were necessary to ensure that the approved regulatory program was no less effective than the Federal regulations promulgated between September 8, 1988, and August 30, 1989 (commonly referred to as Regulatory Reform III).

Consistent with this February 12, 1990, notification, the Director in his decision on an Oklahoma program amendment

submitted prior to the notification (see 55 FR 11169, March 27, 1990), required Oklahoma respectively at 30 CFR 936.16 (b), (c), (e), and (f) to amend its approved program to (1) remove the authorization for land surveyors to prepare and/or certify plans for siltation structures, impoundments, and roads; (2) ensure that any person with an interest in bond release will at Oklahoma's discretion on a case-by-case basis be given access to areas under consideration for bond release; (3) ensure that any husbandry practices will be approved by the Director of OSM in accordance with 30 CFR 732.17 prior to being approved by the Director of the Oklahoma program; and (4) ensure that, in those instances where an operator is not required to separately salvage and store the topsoil of a prime farmland soil, the productive capacity of the reclaimed substituted prime farmland soil will exceed, rather than equal or exceed, the productive capacity of the prime farmland soil that existed prior to mining.

In response to the February 12, 1990, 30 CFR part 732 letter and to the required amendments at 30 CFR 936.16 (b) and (e), Oklahoma, by letter dated March 30, 1990 (administrative record No. OK-913), submitted a proposed amendment to its approved program. OSM announced receipt of the proposed amendment in the April 13, 1990, publication of the **Federal Register** (55 FR 13915). OSM opened a 30-day public comment period and provided an opportunity for a public hearing on the substantive adequacy of the revisions to the proposed amendment. The public comment period closed on May 14, 1990.

The regulations that Oklahoma proposed to amend concerned (1) selective husbandry practices that would not extend the period of responsibility for revegetation success and bond liability; (2) submission of plans to Oklahoma for impoundments meeting the size or other criteria of the Mine Safety Health Administration (MSHA); (3) design and certification of primary roads by qualified, registered professional land surveyors; and (4) incremental bonding.

During the review of the March 30, 1990, proposed amendment OSM identified concerns relating to normal husbandry practices, permanent and temporary impoundments, certification of primary roads, and bonding. In response to OSM's June 14, 1990, letter (administrative record No. OK-927) notifying Oklahoma of these concerns, Oklahoma submitted revisions to the proposed amendment on July 13, 1990 (administrative record No. OK-930).

In addition to addressing concerns raised in OSM's June 14, 1990, letter, Oklahoma's July 13, 1990, proposed amendment included:

(1) A revision to Oklahoma's Coal Reclamation Act, at 45 O.S. Supp. 1981, section 742.2(49)(a), concerning the definition of "surface coal mining operations," submitted in response to a previously unaddressed requirement of OSM's February 12, 1990, 30 CFR part 732 letter;

(2) Revisions to sections 784.20 and 817.121 of Oklahoma's rules, concerning damage caused by subsidence from underground mines, submitted in response to a letter from OSM, dated June 22, 1990 (administrative record No. OK-931), sent pursuant to 30 CFR 732.17(d), notifying Oklahoma of additional changes necessary to make the Oklahoma program no less effective than the Federal regulations;

(3) Revisions to section 800.40, concerning bond release inspections and section 823.12, concerning prime farmland soil substitution, submitted in response to previously unaddressed required amendments at 30 CFR 936.16 (c) and (f); and (4) a withdrawal of the proposed revision at § 800.11(b), concerning incremental bonding.

OSM announced receipt of the revisions to the proposed amendment in a notice in the August 6, 1990, publication of the **Federal Register** (55 FR 31844). In this notice, OSM reopened and extended the public comment period. The reopened public comment period closed on September 5, 1990.

III. Director's Findings

After a thorough review pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, the Director finds, as discussed below, that the proposed amendment as submitted on March 30, 1990, and revised on July 13, 1990, is no less stringent than SMCRA and no less effective than the corresponding Federal regulations.

1. Revisions to Oklahoma's Rules That Are Substantially Identical to the Counterpart Federal Regulations

Oklahoma proposes revisions to the following rules that either contain language that is the same or similar to the corresponding Federal regulations and are nonsubstantive in nature, or add specificity without adversely affecting other aspects of the program. The respective counterpart Federal regulations are shown in parentheses.

Sections 780.25(a)(2), 780.25(c)(2) and 784.16(c)(2), concerning the submission of plans for MSHA impoundments for surface and underground mines (30 CFR 780.25(a)(2), 780.25(c)(2), and 784.16(c)(2));

Sections 784.20(g)(2) and 817.121(c)(2), concerning damage caused by subsidence from underground mines (30 CFR 784.20(g)(2) and 817.121(c)(2));

Section 800.40(b)(1), concerning bond release inspections (30 CFR 800.40(b)(1));

Sections 816.116(c)(4) and 817.116(c)(4), concerning the approval of selective husbandry practices for surface and for underground mines (30 CFR 816.116(c)(4) and 817.116(c)(4)); and

Section 823.12(a)(1), concerning prime farmland soil substitution (30 CFR 823.12(a)(1)).

Oklahoma also proposes a revision to Oklahoma's Coal Reclamation Act, at 45 O.S. Supp. 1981, Section 742.2(49)(a), that contains language that is the same as the corresponding section 701(28)(A) of SMCRA, concerning the definition of "surface coal mining operations" as it applies to operations where the extraction of coal is incidental to the extraction of other minerals.

Because the proposed revisions to these Oklahoma rules and statute contain language that is the same as or similar to the corresponding section of the Federal regulations and statute, or add specificity without adversely affecting other aspects of the program, the Director finds that these proposed revisions to the Oklahoma program are no less effective than the corresponding Federal regulations and no less stringent than SMCRA. The Director approves the proposed revisions and removes the required amendments at (1) 30 CFR 936.16(c) regarding section 800.40(b)(1); (2) 30 CFR 936.16(e) regarding sections 816.116(c)(4) and 817.116(c)(4); and (3) 30 CFR 936.16(f) regarding section 823.12(a)(1).

2. Certification of Ponds and Impoundments, Siltation Structures, and Roads by Qualified, Registered Professional Land Surveyors

For an amendment previously submitted by Oklahoma on May 18, 1989, the Director found that the by-laws of the State Board of Registration for Professional Engineers and Surveyors did not authorize registered land surveyors in Oklahoma to prepare and/or certify engineered designs for impoundments, siltation structures, and roads (see 55 FR 11169, 11172, finding No. 9, March 27, 1990). He required at 30 CFR 936.16(b) that Oklahoma revise its rules to delete the authorization for land surveyors to prepare and/or certify plans for impoundments, siltation structures, and roads.

In response to the required amendment, Oklahoma proposes revisions to the following rules:

Sections 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), 784.16(a)(3)(i), concerning certification of ponds and impoundments by qualified, registered professional land surveyors;

Sections 816.46(b)(3) and 817.46(b)(3), concerning the certification of siltation structures by qualified, registered professional land surveyors; and

Sections 780.37(b), 784.24(b), 816.151(a), and 817.151(a), concerning the certification of primary roads for surface and for underground mines by qualified, registered professional land surveyors.

Oklahoma proposes rules that would allow qualified, registered professional land surveyors to provide "as-built" certifications for ponds, impoundments, siltation structures, and primary roads. "As-built" certifications specify that structures are constructed according to the design plans. Oklahoma has removed language that would have allowed qualified, registered professional land surveyors to prepare and/or certify engineered designs for ponds, impoundments, siltation structures, and roads. Oklahoma's proposed revisions are consistent with the by-laws of the Oklahoma State Board of Registration for Professional Engineers and Surveyors, which do not authorize registered land surveyors to prepare or certify engineered designs for siltation structures, impoundments, and roads, and satisfy the Director's required amendment at 30 CFR 936.16(b).

The Director finds that proposed sections 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), 784.16(a)(3)(i), 816.46(b)(3), 817.46(b)(3), 780.37(b), 784.24(b), 816.151(a), and 817.151(a) are no less effective than the corresponding Federal regulations at 30 CFR 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), 784.16(a)(3)(i), 816.46(b)(3), 817.46(b)(3), 780.37(b), 784.24(b), 816.151(a), and 817.151(a). The Director approves the proposed revisions and removes the required amendment at 30 CFR 936.16(b) regarding sections 780.25 (a)(1) and (a)(3)(i), 784.16 (a)(1)(i) and (a)(3)(i), 816.46(b)(3), 817.46(b)(3), 816.49(a)(2), 817.49(a)(2), 780.37(b), 784.24(b), 816.151(a) and 817.151(a).

IV. Public and Agency Comments

1. Public Comments

The Director solicited public comments on the proposed amendment and provided opportunity for a public hearing. No public comments were received. Because no one requested an opportunity to testify at a public hearing, no hearing was held.

2. Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), comments were solicited from various Federal agencies with an actual or potential interest in the Oklahoma program. Comments were also solicited from various State agencies. The Bureau of Land Management (BLM) and Soil Conservation Service (SCS) responded to OSM's solicitation.

By letter dated May 2, 1990, BLM responded that it had no objections to the proposed amendment (administrative record No. OK-923).

By letter dated April 20, 1990, SCS responded that it had no comments (administrative record No. OK-921).

3. Environmental Protection Agency (EPA) Concurrence

Pursuant to 30 CFR 732.17(h)(11)(ii), concurrence was solicited and received from the EPA (administrative record No. OK-916) for those aspects of the proposed amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act and the Clean Air Act.

By letter dated May 22, 1990, EPA stated that it had no comments and concurred with the proposed amendment (administrative record No. OK-925).

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

Pursuant to 30 CFR 732.17(h)(4), all amendments that may have an effect on historic properties are to be provided to the SHPO and ACHP for comment. Comments were solicited from these offices. By letter dated April 30, 1990, the SHPO responded that he had no comments on the proposed amendment (administrative record No. OK-920). No comments were received from ACHP.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment submitted by Oklahoma on March 30, 1990, as revised on July 13, 1990, and removes the required amendments at 30 CFR 936.16 (b), (c), (e) and (f).

The Federal regulations at 30 CFR part 936 codifying decisions concerning the Oklahoma program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Requirements

1. Compliance with the National Environmental Policy Act

The Secretary has determined that pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. Executive Order No. 12291 and the Regulatory Flexibility Act

On July 12, 1984, the Office of Management and Budget (OMB) granted OSM an exemption from sections 3, 4, 7, and 8 of Executive Order 12291 for actions directly related to approval or conditional approval of a State regulatory program. Accordingly, this action is exempt from preparation of a Regulatory Impact Analysis and regulatory review by OMB.

The Department of the Interior has determined that this rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This rule will not impose any new requirements; rather, it will ensure that existing requirements established by SMCRA and the Federal regulations will be met by the State.

3. Paperwork Reduction Act

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

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 10, 1990.

Raymond L. Lowrie,

Assistant Director, Western Support Center.

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

PART 936—OKLAHOMA

1. The authority citation for part 936 continues to read as follows:

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

2. Section 936.15 is amended by adding paragraph (k) as follows:

§ 936.15 Approval of regulatory program amendments.

* * * * *

(k) The revisions to the following sections of Oklahoma's statute and

permanent regulatory program rules submitted to OSM on March 30, 1990, as revised by Oklahoma on July 13, 1990, are approved effective December 18, 1990:

(1) A revision to Oklahoma statute at 45 O.S. Supp. 1981, Section 742.2(49)(a), concerning the definition of "surface coal mining operations" as it applies to operations where the extraction of coal is incidental to the extraction of other minerals;

(2) Revisions to Oklahoma's rules at sections 780.25(a)(1)(i), 780.25(a)(3)(i), 784.16(a)(1)(i), 784.16(a)(3)(i), 816.46(b)(3), 817.46(b)(3), 780.37(b), 784.24(b), 816.151(a), and 817.151(a) concerning the authorization of qualified, registered professional land surveyors to prepare and/or certify engineered designs for ponds, impoundments, siltation structures, and roads;

(3) Revisions to Oklahoma's rules at sections 780.25(a)(2), 780.25(c)(2) and 784.16(c)(2), concerning the submission of plans for Mine Safety and Health Administration-regulated impoundments for surface and underground mines;

(4) Revisions to Oklahoma's rules at section 780.37(b), concerning the design of primary roads for surface mines;

(5) Revisions to Oklahoma's rules at sections 784.20(g)(2) and 817.121(c)(2), concerning damage caused by subsidence from underground mines;

(6) Revisions to Oklahoma's rules at section 800.40(b)(1), concerning bond release inspections;

(7) Revisions to Oklahoma's rules at sections 816.116(c)(4) and 817.116(c)(4), concerning the approval of selective husbandry practices for surface and for underground mines; and

(8) Revisions to Oklahoma's rules at section 823.12(a)(1), concerning prime farmland soil substitution.

§ 936.16 [Amended]

3. Section 936.16 is amended by removing and reserving paragraphs (b) and (c), and removing paragraphs (e) and (f).

[FR Doc. 90-29517 Filed 12-17-90; 8:45 am]
BILLING CODE 4310-05-M

Bureau of Land Management

43-CFR Public Land Order 6823

[CO-930-4214-10: COC-49195]

Withdrawal of National Forest System Land for Protection of Recreational Values; Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 7,454 acres of National Forest System land from mining for a period of 20 years for the protection of existing and planned recreational facilities at the Copper Mountain Ski Resort. The land has been and remains open to such forms of disposition as may by law be made of National Forest System land and to mineral leasing.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Doris E. Chelius, BLM Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215-7076, 303-239-3706.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land, which is under the jurisdiction of the Secretary of Agriculture, is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. ch. 2), to protect existing and planned recreational values which are a part of the Copper Mountain Ski Resort:

Beginning at Angle Point 1 of Tract 37, T. 6 S., R. 78 W. Sixth Principal Meridian, Colorado

By metes and bounds;
S. 0°06'E., 3,963.30 feet to Angle Point 10, Tract 37;
West 660.00 feet to Angle Point 9, Tract 37;
S. 89°24'W., 661.98 feet to Angle Point 8, Tract 37;
N. 0°36'W., 660.00 feet to Angle Point 7, Track 37;
S. 89°24'W., 661.32 feet to Angle Point 6, Tract 37, identical with Angle Point 14, Tract 38;
S. 89°24'W., 3,153.48 feet, approximate west boundary of T. 6 S., R. 78 W.,
S. 89°24'W., 785.40 feet, to Angle Point 13, Tract 38 in T. 6 S., R. 79 W.;
West, 1,320.00 feet to Angle Point 12, Tract 38;
North, 660.00 feet to Angle Point 11, Tract 38;
North, 371.00 feet;
West, 535.00 feet;
North, 660.00 feet;
West, 2,640.00 feet;
North, 660.00 feet;
West, 660.00 feet;
North, 660.00 feet;
West, 3,300.00 feet;
South, 660.00 feet;
West, 660.00 feet;
North, 660.00 feet;
West, 1,320.00 feet;
South, 1,320.00 feet;
East, 660.00 feet;
South, 660.00 feet;
West, 660.00 feet;
South, 1,320.00 feet;
West, 1,320.00 feet;
South, 660.00 feet;
West, 660.00 feet;
South, 660.00 feet;
West, 660.00 feet;
South, 660.00 feet;
West, 660.00 feet;
South, 660.00 feet;
East, 660.00 feet;
South, 660.00 feet;
East, 660.00 feet;
South, 3,960.00 feet, approximate south boundary of T. 6 S., R. 79 W.,
South, 1,850.00 feet;
West, 660.00 feet;
South, 1,980.00 feet;
East, 660.00 feet;
South, 660.00 feet;
East, 660.00 feet;
South, 660.00 feet;
East, 660.00 feet;
South, 1,320.00 feet;
East, 660.00 feet;
South, 660.00 feet;
East, 1,980.00 feet;
South, 660.00 feet;
East, 9,240.00 feet, approximate east boundary of T. 7 S., R. 79 W.;
East, 2,789.00 feet;
North, 660.00 feet;
East, 660.00 feet;
North, 660.00 feet;
East, 660.00 feet;
North, 660.00 feet;
East, 660.00 feet;
North, 660.00 feet;
East, 660.00 feet;
North, 1,320.00 feet;
East, 660.00 feet;
North, 660.00 feet;
East, 660.00 feet;
North, 1,320.00 feet;
East, 660.00 feet;
North, 2,197.00 feet, approximate north boundary of T. 7 S., R. 78 W.,
North, 6,600.00 feet;
West, 660.00 feet;
North, 2,640.00 feet;
West, 660.00 feet;
North, 1,612.00 feet;
West, 1,731.84 feet to Angle Point 1 of Tract 37, T. 6 S., R. 78 W., the point of beginning, exclusive of patented lands within the perimeter above-described.

The area described contains approximately 7,454 acres of National Forest System land in Summit County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of National Forest System land under lease, license, or permit, or governing the disposal of its mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f), the Secretary

determines that the withdrawal shall be extended.

Dated: December 11, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-29555 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-JB-M

43 CFR Public Land Order 6824

[AK-923-00-4214-10; AA-367]

Partial Revocation of Executive Order No. 1919 1/2 for Selection of Land by the State of Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive Order insofar as it affects approximately 9.76 acres of public land withdrawn for railroad townsite purposes at Talkeetna, Alaska. The land is no longer needed for the purpose for which it was withdrawn. This action also opens the land for selection by the State of Alaska, if such land is otherwise available. Any land described herein that is not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Sandra C. Thomas, BLM Alaska State Office, 222 W. 7th Avenue, No. 13, Anchorage, Alaska 99513-7599, 907-271-5477.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), and by section 17(d)(1) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(d)(1)(1988), it is ordered as follows:

1. Executive Order No. 1919 1/2 which withdrew public land for railroad townsite purposes is hereby revoked insofar as it affects the following described land:

Lots 1 and 2, Block 31 of U.S. Survey No. 1260, Alaska, Talkeetna Townsite.

The area described contains approximately 9.76 acres.

2. Subject to valid existing rights, the land described above is hereby opened to selection by the State of Alaska under either the Alaska Statehood Act of July 7, 1958, 48 U.S.C. prec. 21 (1988), or section 906(b) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(b)(1988).

3. The State of Alaska selection made under section 906(e) of the Alaska National Interest Lands Conservation Act, 43 U.S.C. 1635(e) (1988), becomes effective without further action by the State upon publication of this public land order in the **Federal Register**, if such land is otherwise available. Land not conveyed to the State will be subject to the terms and conditions of withdrawals of record.

Dated: December 12, 1990.

Dave O'Neal,

Assistant Secretary of the Interior.

[FR Doc. 90-29554 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-JA-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 89-257; RM-6934]

Radio Broadcasting Services; Waukon, IA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of David H. Hogendorn, substitutes Channel 278C2 for Channel 280A at Waukon, Iowa, and modifies the license of Station KNEI-FM to specify operation on the higher powered channel. See 54 FR 26220, June 22, 1989. Channel 278C2 can be allotted to Waukon in compliance with the Commission's minimum distance separation requirements with a site restriction of 10.6 kilometers (6.6 miles) north to avoid a short-spacing to unoccupied and unapplied-for Channel 277C3 at Asbury, Iowa. The coordinates for Channel 278C2 at Waukon are North Latitude 43-21-55 and West Longitude 91-29-27. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 28, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-257, adopted November 19, 1990, and released December 13, 1991. The full text of this Commission decision 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 of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Iowa, is amended by removing Channel 280A and adding Channel 278C2 at Waukon.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29573 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-394; RM-6864]

Radio Broadcasting Services; North Mankato, MN

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 244C3 for Channel 244A at North Mankato, Minnesota, in response to a petition filed by Minnesota Valley Broadcasting Company. See 54 FR 40140, September 29, 1989. We shall also modify the license for Station KDOG(FM) to specify operation on Channel 244C3. The coordinates for Channel 244C3 are 44-06-38 and 94-07-49. There is a site restriction 10.4 kilometers (6.5 miles) southwest of the community.

EFFECTIVE DATES: January 28, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-394, adopted November 19, 1990, and released December 13, 1990. The full text of this Commission decision 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 of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Minnesota, is amended by removing Channel 244A and adding Channel 244C3 at North Mankato.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29575 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-391; RM-7216]

Radio Broadcasting Services; La Monte, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 246C3 for Channel 246A at La Monte, Missouri, and modifies the construction permit for Station KOSY to specify the new channel, in response to a petition filed by Valkyrie Broadcasting, Inc. See 55 FR 36298, September 5, 1990. The coordinates for Channel 246C3 are 38-45-09 and 93-18-09.

EFFECTIVE DATES: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 90-391, adopted November 14, 1990, and released December 13, 1990. The full text of this Commission decision 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 of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Missouri, is amended by removing Channel 246A and adding Channel 246C3.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29574 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 89-226; RM-6937]

Radio Broadcasting Services; La Grande, OR

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Grande Ronde Broadcasting, Inc., substitutes Channel 260C1 for Channel 261A at La Grande, Oregon, and modifies the license of Station KWRL(FM) to specify operation on the higher powered channel. Channel 260C1 can be allotted to La Grande in compliance with the Commission's minimum distance separation requirements and can be used at Station KWRL(FM)'s licensed transmitter site. The coordinates for Channel 260C1 at La Grande are North Latitude 45-20-54 and West Longitude 118-07-04. With this action, this proceeding is terminated.

EFFECTIVE DATE: January 28, 1991.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-226, adopted November 19, 1990, and released December 13, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Docket Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Oregon, is amended by removing Channel 261A and adding Channel 260C1 at La Grande.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29572 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 88-145; RM-6201, RM-6408, RM-6409]

Radio Broadcasting Services; Bowman, Summerton, and Summerville, SC

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Millennium Communications of Charleston, Inc., substitutes Channel 227C2 for Channel 228A at Summerville, South Carolina, and modifies its license for Station WWWZ-FM to specify operation on the higher powered channel. At the request of Robert C. Rickenbacker, Jr., the Commission allots Channel 233A to Bowman, South Carolina, as its first local service. At the request of Savannah Radio Partnership, the Commission allots Channel 238A to Summerton, South Carolina, as its first local service. Channel 227C2 can be allotted to Summerville with a site restriction of 23.7 kilometers (14.7 miles) northeast, to avoid a short-spacing to Station WEAS-FM, Channel 226C1, Savannah, Georgia, at coordinates North Latitude 33-11-17 and West Longitude 80-01-27. Channel 233A can be allotted to Bowman with a site restriction of 5.4 kilometers (3.4 miles) northwest, avoid a short-spacing to the construction permit of Station WSSX-FM, Channel 236C, Charleston, South Carolina, at coordinates 33-22-14 and 80-44-02. Channel 238A can be allotted to Summerton with a site restriction of 9.7 kilometers (6.1 miles) northwest, to avoid a short-spacing to the construction permit of Station WAVF, Channel 241C,

Hanahan, South Carolina, at coordinates 33-40-43 and 80-23-55. With this action, this proceeding is terminated.

DATES: Effective January 15, 1991. The window period for filing applications for Channel 233A at Bowman, South Carolina, will open on January 28, 1991, and close on February 28, 1991. A Public Notice will be issued announcing the opening of the application filing window period for Channel 238A at Summerton, South Carolina, after the effective date of the pending appeal in *Chester County Broadcasting Co.* v. *FCC*, Nos. 90-1496 *et al.* (DC Cir. Oct. 19, 1990). Millennium may submit an application for Channel 227C2 at Summerville within 90 days of the effective date of the appeal in *Chester County Broadcasting Co.* v. *FCC*.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 88-145, adopted November 27, 1990, and released December 13, 1990. The full text of this Commission decision 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 of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments under South Carolina, is amended by removing Channel 228A and adding Channel 227C2 at Summerville, by adding Channel 233A at Bowman, and by adding Channel 238A at Summerton.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29576 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 95

[DA 90-1776]

Editorial Amendment of the Commission's Rules Regarding the General Mobile Radio Service (GMRS)

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action conforms two conflicting GMRS rules that prohibit employees of individual GMRS system licensees from operating GMRS stations and communicating messages. The GMRS rules are also amended to conform them to the provisions of the new statutory fee schedule. In both instances, the rule changes are necessary so that GMRS licensees will have access to current operational practices and to procedures relating to submission of fees. The effect of the rule changes is to provide GMRS licensees with correct and accurate information.

EFFECTIVE DATE: February 1, 1991.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, Federal Communications Commission, Washington, DC 20554, (202) 632-4964.

SUPPLEMENTARY INFORMATION:

Order

Adopted: December 5, 1990.
Released: December 12, 1990.
By the Chief, Private Radio Bureau:

1. By *Report and Order* [1] of October 13, 1988, the Commission amended the General Mobile Radio Service (GMRS) Rules to increase the flexibility of the service for personal communications. At that time, § 95.179 of the Commission's Rules, 47 CFR 95.179, was amended to prohibit employees of individual GMRS system licensees from being operators of GMRS stations. Section 95.181(b) of the Commission's Rules, 47 CFR 95.181(b), however, was not amended to prohibit such employees from communicating two-way voice messages while acting within the scope of their employment. This action removes § 95.181(b) from the GMRS Rules in order to conform these rule sections.

2. By this action, we are also amending various other GMRS Rules to conform them to the new fee schedule adopted by the Congress in section 3001 of the Omnibus Budget Reconciliation Act of 1989, which was signed into law on December 19, 1989.[2] In addition, certain rules have been changed to reflect the correct address of the Bureau's Licensing Division in Gettysburg, Pennsylvania.

3. Because the rule amendments adopted herein are nonsubstantive in nature, the notice and comment provisions of section 553 of the Administrative Procedure Act, 5 U.S.C. 553, need not be complied with. Authority for this action is contained in § 0.331(a)(1) of the Commission's Rules, 47 CFR 0.331(a)(1).

4. Accordingly, part 95, subpart A, is amended, effective February 1, 1991.

List of Subjects in 47 CFR Part 95

Communications, Fees, Operators, Radio.

Federal Communications Commission.

Ralph A. Haller,

Chief, Private Radio Bureau.

Rule Changes

PART 95—[AMENDED]

Part 95 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. The authority citation for part 95 continues to read as follows:

Authority: Sections 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Section 95.71 is amended by revising the last sentence of paragraph (a) and the first sentence of paragraph (f) to read as follows:

§ 95.71 Applying for a new or modified license.

(a) * * * Individuals should submit their applications, together with the filing fee, to the address specified in the Private Radio Services Fee Filing Guide.

* * * * *

(f) A GMRS system licensee may notify the FCC of a change of name or a change of mailing address by sending a letter to the Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325-7245. * * *

3. Section 95.72 is added to read as follows:

§ 95.72 Applying for an STA or waiver of the rules.

Applicants requesting an STA or waiver of the rules should submit their requests, together with the filing fee, to the address specified in the Private Radio Services Fee Filing Guide.

4. Section 95.89 is amended by revising paragraph (a) to read as follows:

[1] 3 FCC Rcd 6554 (1988).

[2] Public Law No. 101-239, 103 Stat. 2106 (1989).

§ 95.89 Renewing a license.

(a) The licensee of a GMRS system may apply to the FCC to renew the license for another term (*see* § 95.105) by filling out FCC Form 574–R (or FCC Form 405–A when the licensee has not gotten FCC Form 574–R within 30 days of the expiration of the license), and sending it, together with the filing fee, to the address specified in the Private Radio Services Fee Filing Guide (unless the licensee is a governmental entity, in which case the renewal application should be sent to the Federal Communications Commission, 1270 Fairfield Road, Gettysburg, PA 17325–7245).

* * * * *

5. Section 95.107 is amended by revising paragraph (d) to read as follows:

§ 95.107 Keeping the license.

* * * * *

(d) If the license is lost, the licensee must request a duplicate document from the FCC. The request for a duplicate license, together with the filing fee, should be sent to the address specified in the Private Radio Services Fee Filing Guide.

* * * * *

6. Section 95.111 is revised to read as follows:

§ 95.111 Transfer of control of a corporation.

If the licensee of a GMRS system is a corporation, and there is a change in the control of the corporation, the licensee must request consent for the change of control from the FCC by filling out Form 703 and sending it, together with the filing fee, to the address specified in the Private Radio Services Fee Filing Guide. The FCC document granting such consent must be kept as part of the GMRS system records (*see* § 95.113).

7. Section 95.117 is amended by revising paragraph (b) to read as follows:

§ 95.117 Where to contact the FCC.

* * * * *

(b) Write to: Federal Communications Commission, Attention: GMRS, 1270 Fairfield Road, Gettysburg, PA 17325–7245.

(1) To ask a question about an application or about these Rules;

(2) [Reserved]

(3) [Reserved]

(4) To notify the FCC of a new name or mailing address (*see* § 95.103);

(5) [Reserved]

(6) To return a license to the FCC for cancellation (*see* §§ 95.103 and 95.107).

(7) [Reserved]

* * * * *

§ 97.181 [Amended]

8. Section 97.181 is amended by removing and reserving paragraph (b).

[FR Doc. 90–29483 Filed 12–17–90; 8:45 am]
BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

Pacific Coast Groundfish Fishery

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

ACTION: Notice of closure and request for comments.

SUMMARY: NMFS announces closure of the commercial fishery for widow rockfish caught off the coast of Washington, Oregon, and California, and requests public comment on this action. This closure is authorized under the regulations implementing the Pacific Coast Groundfish Fishery Management Plan (FMP), which prohibits further retention or landings of widow rockfish after the 1990 quota is reached. The Director, Northwest Region, NMFS (Regional Director), has determined that the 1990 quota for widow rockfish of 9,800–10,000 metric tons was reached on November 30, 1990. This closure is intended to avoid overfishing widow rockfish.

DATES: Effective from 0001 hours, December 12, 1990, until 2400 hours, December 31, 1990 (local times), unless modified, superseded, or rescinded. Comments will be accepted until January 2, 1991.

ADDRESSES: Send comments to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., Bldg. 1, Seattle, WA 98115; or E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at (206) 526–6140; or Rodney R. McInnis at (213) 514–6202.

SUPPLEMENTARY INFORMATION: The regulations implementing the FMP at 50 CFR 663.21(b) require that when a species quota is reached, retention or landings of that species be prohibited. The 1990 quota for widow rockfish is 9,800–10,000 mt (55 FR 1036). Management measures in 1990 were intended to achieve landings of 9,800 mt, but the fishery was not to close unless 10,000 mt had been landed. The best available information as of December 3, 1990, indicated that 9,838 mt had been landed by November 24, 1990.

After consultation with the Washington Department of Fisheries, the Oregon Department of Fish and Wildlife, the California Department of Fish and Game, and the Pacific Fishery Management Council (Council), the Regional Director decided, based on the latest catch projection, to close the fishery for widow rockfish at the beginning of the next fishing week, December 12, 1990. The closure will continue until January 1, 1991, when the 1991 fishing season begins. Retention or landing widow rockfish before January 1, 1991, is prohibited. The States of Washington, Oregon, and California will close state ocean waters during the same period.

Secretarial Action

For the reasons stated above, the Secretary of Commerce announces that:

(1) From 0001 hours, December 12, 1990, through 2400 hours, December 31, 1990 (local times), it is unlawful to retain or land widow rockfish.

(2) This restriction applies to all widow rockfish taken between 0 and 200 nautical miles offshore of Washington, Oregon, and California. All widow rockfish possessed between 0 and 200 nautical miles offshore of, or landed in, Washington, Oregon, or California are presumed to have been taken and retained between 3 and 200 nautical miles offshore of Washington, Oregon, or California unless otherwise demonstrated by the person in possession of those fish.

Classification

The determination to prohibit further retention or landings of widow rockfish is based on the most recent data available. The aggregate data upon which the determination is based are available for public inspection at the Office of the Director, Northwest Region (see **ADDRESSES**) during business hours until the end of the comment period.

Because of the immediate need to prevent the quota from being exceeded, the Secretary finds that advance notice and public comment on this closure are impracticable and not in the public interest, and that no delay should occur in its effective date. Public comments also will be accepted for 15 days after publication of this notice in the **Federal Register**. The Secretary therefore finds good cause to waive the 30-day delayed effectiveness provision of 50 CFR 663.23(c).

This action is taken under the authority of 50 CFR 663.21(b),

663.22(a)(3), and 663.23, and is in compliance with Executive Order 12291. The action is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

List of Subjects in 50 CFR Part 663

Administrative practice and procedure, Fish, Fisheries, Fishing, Reporting and recordkeeping requirements.

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

Dated: December 12, 1990.

Joe P. Clem,

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

[FR Doc. 89-29514 Filed 12-12-89; 5:09 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 55, No. 243
Tuesday, December 18, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 985

[FV-91-213 PR]

Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1991-92 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would establish the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 1991-92 marketing year, which begins on June 1, 1991. This action is taken under the marketing order for spearmint oil produced in the Far West in order to avoid extreme fluctuations in supplies and prices and thus help to maintain stability in the spearmint oil market. This action was unanimously recommended by the Spearmint Oil Administrative Committee (Committee), which is responsible for local administration of the order.

DATES: Comments must be received by February 1, 1991.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rule. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Sheila A. Young, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 475-5992.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Order No. 985, as amended (7 CFR part 985), regulating the handling of spearmint oil produced in the Far West. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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

The Far West spearmint oil industry is characterized by primarily small producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (part of the area covered under the marketing order). Spearmint oil is also produced in the Midwest. The production area covered by the marketing order normally accounts for more than 75 percent of U.S. production of spearmint oil annually.

The Committee reports that there are approximately 9 handlers and 253 producers of spearmint oil under the marketing order for spearmint oil produced in the Far West. Of the 253 producers, 160 producers hold "Class 1" (Scotch) oil allotment base, and 136 producers hold "Class 3" (Native) oil allotment base.

Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.1) as those having average gross annual revenues for the last three years of less than $500,000, and small agricultural service firms are defined as those whose average gross annual receipts are less than $3,500,000. The majority of Far West spearmint oil producers and handlers may be classified as small entities.

This proposed rule would establish salable quantities of 1,010,943 pounds and 1,117,648 pounds, respectively, for Scotch and Native spearmint oils produced in the Far West and an allotments percentage of 59 percent both for Scotch and Native spearmint oils produced in the Far West. This action would limit the amount of spearmint oil that may be purchased from or handled for producers by handlers, during the 1991-92 marketing year, which begins on June 1, 1991. Such salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980. The amounts recommended for sale reflect moderate and steady increases in trade demand for both Scotch and Native spearmint oil over the past four years. Information available to the Committee indicates that additional increases in trade demand are likely in the 1991-92 marketing year. The proposed salable quantities are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market needs up to 150,000 pounds which may develop for Native spearmint oil can be satisfied by an increase in the salable quantity which producers can fill with reserve stocks. For Scotch oil, reserve stocks are depleted. However, both Scotch and Native spearmint oil producers who produce more than their annual allotments during the 1991-92 season may transfer such excess spearmint oil to a producer with spearmint oil production less than his or her annual allotment.

This proposed regulation, if adopted, would be similar to those which have been issued in prior seasons. Costs to producers and handlers resulting from this proposed action are expected to be offset by the benefits derived from improved returns.

The salable quantities and allotment percentages were unanimously recommended by the Committee at its October 16, 1990, meeting.

The proposed salable quantity and allotment percentage for each class of spearmint oil for the 1991-92 marketing year, which begins on June 1, 1991, is based upon recommendations of the Committee and the following data and estimates:

(1) "Class 1" (Scotch) Spearmint Oil

(A) Estimated carrying on June 1, 1991—0 pounds.

(B) Estimated trade demand (domestic and export) for the 1991-92 marketing year—1,000,000 pounds.

(C) Recommended desirable carryout on May 31, 1992)—0 pounds.

(D) Salable quantity required from 1991 regulated production—1,000,000 pounds.

(E) Total allotment bases for Scotch oil for the 1991-92 marketing year—1,713,463 pounds.

(F) Computed allotment percentage—58.4 percent.

(G) Recommended allotment percentage—59 percent.

(H) The Committee's recommended salable quantity—1,010,943 pounds.

(2) "Class 3" (Native) Spearmint Oil

(A) Estimated carryin on June 1, 1991—57,210 pounds.

(B) Estimated trade demand (domestic and export) for the 1991-92 marketing year—1,150,000 pounds.

(C) Recommended desirable carryout on May 31, 1992—0 pounds.

(D) Salable quantity required from 1991 production—1,092,790 pounds.

(E) Total allotment bases for Native oil—1,894,319 pounds.

(F) Computed allotment percentage—57.7 percent.

(G) Recommended allotment percentage—59 percent.

(H) The Committee's recommended salable quantity—1,117,648 pounds.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil.

The establishment of these salable quantities and allotment percentages would allow for anticipated market needs based on historical sales, changes and trends in production and demand, and information available to the Committee. Adoption of this proposed rule would provide spearmint oil producers with information on the amount of oil which should be produced for next season.

Based on available information, the Administrator of the AMS has determined that the issuance of this proposed rule would not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 985

Marketing agreements, Oils and fats, Reporting and recordkeeping requirements, Spearmint oil.

For the reasons set forth in the preamble, 7 CFR part 985 is proposed to be amended as follows:

PART 985—SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR part 985 continues to read as follows:

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

2. A new § 985.211 under Subpart—Salable Quantities and Allotment Percentages is added to read as follows:

Subpart—Salable Quantities and Allotment Percentages

§ 985.211 Salable quantities and allotment percentages—1991-92 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins on June 1, 1991, shall be as follows:

(a) "Class 1" (Scotch) oil—a salable quantity of 1,010,943 pounds and an allotment percentage of 59 percent.

(b) "Class 3" (Native) oil—a salable quantity of 1,117,648 pounds and an allotment percentage of 59 percent.

Dated: December 11, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-29407 Filed 12-17-90; 8:45 am]

BILLING CODE 3410-02-M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Government Auditing Standards

AGENCY: Small Business Administration.

ACTION: Notice of proposal rule; deferral of final action.

SUMMARY: This Notice announces the deferral of final action on the proposed rule, published August 23, 1990, (55 FR 34650), requiring that audits of small business investment companies (SBICs) be performed in accordance with government auditing standards (GAS) for financial audits issued by the Comptroller General of the United States. Final action on the proposed rule will not be taken until an audit guide has been published and an opportunity for review and comment has been afforded the public.

DATES: This Notice is effective on December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik, Associate Administrator for Investment, U.S. Small Business Administration, 1441 L Street, N.W., Washington, DC 20016, (202) 653-6879.

SUPPLEMENTARY INFORMATION: On August 23, 1990, the Small Business Administration published a proposed rule which, if adopted in final form, would require that audits of SBICs be conducted pursuant to GAS. Comments on the proposed rule were received and reviewed by the Agency. Many commenters argued that, without audit guidelines established by the Agency, the regulatory compliance audit required under GAS would be extremely difficult to perform and could be prohibitively costly.

The Small Business Administration agrees that the magnitude of the impact of the adoption of GAS on the SBIC industry can not be fully ascertained by the industry without a set of guidelines which define SBA's expectations regarding the parameters of a regulatory compliance audit. Consequently, the Agency is publishing this notice to inform all interested parties that final action on the proposed rule adoption GAS is being deferred until an audit guide containing the Agency's audit guidelines has been published and an opportunity for review and comment has been afforded the public. It is expected that the audit guide will be published shortly.

(Authority: Title III of the Small Business Investment Act, 15 U.S.C. 681 et seq., as amended, Pub. L. 100-590 and Pub. L. 101-162. 15 U.S.C. 687(c); 15 U.S.C. 683, as amended by Pub. L. 101-162; 15 U.S.C. 687(d); 15 U.S.C. 687g; 15 U.S.C. 687b; 15 U.S.C. 687m, as amended by Pub. L. 100-590)

Dated: December 4, 1990.

Susan Engeleiter,

Administrator.

[FR Doc. 90-29104 Filed 12-17-90; 8:45 am]

BILLING CODE 8025-01-M

13 CFR Part 121

Small Business Size Regulations; Waiver of the Nonmanufacturer Rule

AGENCY: Small Business Administration.

ACTION: Notice of intent to issue a waiver of the "Nonmanufacturer Rule".

SUMMARY: This notice advises the public that the Small Business Administration (SBA) is considering a waiver of the "Nonmanufacturer Rule" for the following product lines:

PSC	Product line
3805	Loaders.
3820	Drill Rigs.
4710	Pipe and Tubing, High Nickel Alloy.
5805	Digital EPBX Equipment.
6810	Soda Ash, Ethyl Acetate, Propylene Glycol, Custic Soda, Methylene Chloride, Acetone, 1,1,1,-Trichloroethane, Sulfuric Acid, Heptane HPLC, Methanol, Nitric Acid, Toluene, Hydrochloric Acid, NN-Dimethyl Formamide, Ammonium Sulfate, Benzene.
7220	Vinyl Surface, Tile and Roll; Carpet Title; Woven Carpet, 6-Feet Vinyl Back Broadloom.
8905	Poultry.
9510	Bars and Rods, High Nickel Alloy.
9515	Plate, Sheet, Strip and Foil; Stainless Steel and High Nickel Alloy.
9520	Structural Shapes, High Nickel Alloy.
9525	Wire, Nonelectrical, High Nickel Alloy.
9530	Bars and Rods, High Nickel Alloy, Titanium, Aluminum, Nickel-Copper, Nickel-Copper-Aluminum, Copper, Copper-Nickel, Aluminum-Bronze and Naval Brass.
9535	Plate, Sheet and Strip; Titanium, Aluminum, Nickel-Copper, Nickel-Copper-Aluminum, Copper-Nickel and Copper.
9540	Structural Shapes, Angles, Channels, Tees and Zees, Aluminum and High Nickel Alloy.
9545	Plate, Sheet, Strip, Foil and Wire; High Nickel Alloy.

After an initial survey of these product lines, SBA proposes a waiver of the Nonmanufacturer Rule for each. The basis for a waiver is that no small business manufacturer or processor is supplying a specific product line to the Federal Government. The effect of a waiver is to allow an otherwise qualified regular dealer to supply the product of any domestic manufacturer or processor on a Federal contract set aside for small business or awarded through the SBA 8(a) program. This notice is to solicit comments or additional information from interested parties.

DATES: Comments must be submitted on or before January 17, 1991. If granted, the waiver will become effective immediately upon publication of the Final Notice.

ADDRESSES: Comments to: Mr. Robert J. Moffitt, Chairman, Size Policy Board, Small Business Administration, 1441 L Street, NW., room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: James Fairbairn, Industrial Specialist, phone (202) 653-6637.

SUPPLEMENTARY INFORMATION: On November 15, 1988, Public Law 100-656 incorporated into the Small Business Act the existing policy that recipients of contracts set aside for small business or SBA 8(a) Program shall provide the products of small business manufacturers or processors. The requirement to provide the products of small businesses in contracts set aside for small business or for 8(a) contracts is already in SBA regulations. This requirement is commonly referred to as the "Nonmanufacturer Rule". The SBA regulations imposing this requirement are found in 13 CFR 121.906(b) and 121.1106(b).

Section 303(h) of the law provided for waiver of this requirement by SBA for any "class of products" for which there are no small business manufacturers or processors in the Federal market. A class of products is considered to be a particular Product and Service Code (PSC) under the Federal Procurement Data System or an SBA recognized product line within a PSC. To be considered in the Federal market, a small business must have been awarded a contract by the Federal government to supply that particular class of products within the past three years. SBA has been requested to issue a waiver for the subject product lines due to a lack of any small business manufacturers or processors within the Federal market. SBA has searched the Procurement Automated Source System (PASS) for small business manufacturers or processors that have sold to the Federal government. No small business manufacturers or processors were identified within the Federal market.

This notice proposes to waive the Nonmanufacturer Rule for the subject product lines. The public is invited to submit comments or supply information which would identify any small business manufacturers or processors within the Federal market for these product lines.

Dated: December 4, 1990.

Susan S. Engeleiter,

Administrator.

[FR Doc. 90-29105 Filed 12-17-90; 8:45 am]

BILLING CODE 8025-01-M

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13 CFR Part 121

RIN 3245-AC17

Nonmanufacturer Rule Waiver Procedures; Small Business Size Regulations

AGENCY: Small Business Administration.

ACTION: Proposed rule.

SUMMARY: The Small Business Administration (SBA) proposes to amend its regulations to provide for the granting of waivers of the so-called "nonmanufacturer rule," pursuant to the Business Opportunity Development Reform Act of 1988 (Pub. L. 100-656). That Act establishes in law the previously existing regulation which required that recipients of small business set-asides and 8(a) contracts be themselves small businesses and that they also provide the product of a small business manufacturer or processor. The new legislation also authorizes SBA to grant waivers for classes of products for which there are no small business manufacturing or processing concerns in the Federal market. Under the proposed rule, a small business would be permitted to supply a product manufactured or produced by a domestic manufacturing or processing concern which is other than a small business if such a product is among a class of products for which there are no small business manufacturing or processing concerns in the Federal market, as determined under the conditions established by SBA in these regulations.

DATES: Comments will be accepted until January 17, 1991.

ADDRESSES: Written comments should be addressed to: Mr. Robert J. Moffitt, Chairperson, Size Policy Board, Small Business Administration, 1441 L Street, NW, room 600, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: James Fairbairn, Procurement Analyst, Office of Procurement Policy and Liaison, 202/653-6637.

SUPPLEMENTARY INFORMATION: On November 15, 1988, the enactment of Public Law 100-656 incorporated into

the Small Business Act the previously existing regulation that recipients of small business set-asides and 8(a) contracts be themselves small businesses and that they also provide the product of a small business manufacturing or processing concern.

Section 303(h) of the Act provided for waiver of this requirement by SBA for any class of products for which there are no small business manufacturing or processing concerns in the Federal market. The requirement that a small business supplier provide a product manufactured or produced by a domestic small business concern in a contract set-aside for small business or under an 8(a) contract is already in SBA regulations, 13 CFR 121.906(b) and 121.1106(b). These proposed regulations would implement the statutory provisions for waivers of those requirements. Under the proposed rule, a small business would be permitted to supply a product manufactured or produced by a domestic manufacturing or processing concern which is other than a small business if such a product is among a class of products for which there are no small business manufacturing or processing concerns in the Federal market, as determined under the conditions established by SBA in these regulations.

This proposed rule follows a proposal on the same subject published in the **Federal Register** on May 17, 1990 (55 FR 20467). SBA has considered the first proposal in the light of the comments received, as summarized below, and offers this new proposed rule for further comment.

Overview of Public Comments

While the number of comments was not large, the focus of most of them was an objection to two principal parts of the proposal: The timeframes involved (approximately 90 days to grant a waiver); and, the organizational level for approvals. SBA has modified the proposed regulations in response to those comments. Time requirements have been reduced from 90 days to 45 days, and as part of that effort, the approval level has been changed from the Deputy Administrator of the Small Business Administration to the Chairman of the Size Policy Board. We have also established an expedited procedure for use in emergency situations which would take only 5 days. SBA has not accepted the suggestion that approval be issued by Regional Administrators, since the criteria for issuance or denial are basically national in scope.

A third concern was related to those already mentioned: Commentors believed that waivers should be available for individual contracts rather than issued on a "class" basis. Although SBA is precluded by statute from issuing waivers on a contract-by-contract basis, the revised description of a product line will allow for the issuance of a waiver for a specific item requested in a solicitation. Another objection was to the exclusion from the definition of "Federal market" those small business manufacturers/processors which supply the Government through dealers. The definition has been revised to include such small businesses in this proposed rule.

Comments on other areas were also received. One commentor suggested that SBA specifically address various international trade agreements by including a provision which would apply the waiver to permit small businesses to provide products of foreign manufacturers which have been granted equal status with U.S. manufacturers. This change has not been incorporated in the new proposal because the language of the underlying statute specifically establishes the requirement for provision of the products of "domestic small business manufacturers or processors" and provides for a waiver in the absence of small manufacturers or processors without reference to the question of "domestic" production. SBA infers that the domestic requirement was intended not to be waived. Another comment suggested that the nonmanufacturer rule was newly-established. The rule is, in fact, a long-standing one which was given greater visibility by being incorporated into statute. However, the authority to grant a waiver to the non-manufacturer rule was established in section 303(h) of Public Law 100-656.

Section by Section Review

Section 121.2101 would describe the underlying policy of the statute that the SBA may waive the nonmanufacturer rule for any class of products for which there are no small manufacturing or processing concerns in the Federal market.

Section 121.2102 would provide definitions of the pertinent terms: "class of products", "Federal market", and "nonmanufacturer rule."

A "class of products" is defined as a Product and Service Code (PSC) established for use by the Federal Procurement Data System, or a product line within a PSC. SBA will consider products named in solicitations by contracting officers as being a product line within a PSC.

The experience of processing waiver requests has resulted in a decision to relax the more restrictive description of product line published in the original proposed rule on May 17, 1990. This broader interpretation of product lines is pragmatically necessary and is consistent with the intent of Congress.

SBA will presume that the United States is the relevant Federal market area for a product, unless it is demonstrated that a class of products is not procured on a national basis. If the practical aspects of providing an item create a geographic limitation on competition, SBA will consider waivers on that basis.

Section 121.2103 would set forth the single statutory standard which must be met to justify issuance of a waiver. Specifically, a waiver would be granted when there are no small business manufacturing or processing concerns of the class of products in the Federal market. Section 121.2103 would also identify the principal data, and set forth examples of situations in which geographic waivers would be appropriate.

Section 121.2104 would describe the procedures to be followed in granting waivers. Any person or concern wishing to suggest a waiver for a specific class of products would submit a request to SBA along with supporting evidence that a waiver is justified under the criterion established by Public Law 100-656. SBA will promptly conduct a preliminary analysis of the class of products. If no small business manufacturing or processing concerns are identified within the Federal market, SBA will publish notices in the Commerce Business Daily and the Federal Register stating that the Agency is trying to identify small business manufacturing or processing concerns for the class of products, and giving a 15-day public comment period. If any small business manufacturing or processing concerns are identified within the Federal market, the waiver will be denied. If, as a result of our preliminary analysis and the notices, no small business manufacturing or processing concerns are identified in the Federal market, a waiver would be published by the Chairman of the Size Policy board in the Federal Register as a Notice. This revised procedure would take a maximum of 45 days from SBA's receipt of the waiver request. The party requesting a waiver would be notified promptly if SBA is identified any small business manufacturing or processing concerns in our preliminary analysis of the class of products. If notices are published for public comment, a waiver would be issued or denied within 45 days from receipt of the request. An expedited procedure is provided that

will take only five days. Under the expedited procedure, if a small business manufacturer is not identified in the preliminary analysis, SBA will publish a notice in the federal Register that a waiver has been granted, and solicit public comment at that time. The expedited procedure will be used only when a contracting officer submits to the chairman of the size Policy Board a written statement that either the procurement is proceeding under the authority of FAR 6.302–2 for "unusual and compelling urgency", or the facts would justify such action.

Section 121.2105 would contain a list of the classes of products for which waivers have been granted.

Compliance with Executive Orders 12291 and 12612, the Regulatory Flexibility Act (55 U.S.C. 601, et seq.) and the Paperwork Reduction Act (45 U.S.C. ch. 35)

Based on the inquiries received to date, SBA anticipates that requests for waivers will not exceed 50 annually. Since there are literally millions of procurement actions each year, SBA considers that these few waivers are not significant in number, and are not expected even to approach the threshold of $100 million. Therefore, SBA has determined that this proposed rule would not constitute a major rule for the purposes of Executive Order 12291.

SBA certifies that this proposed rule does not warrant the preparation of a Federalism Assessment in accordance with Executive Order 12612.

For purposes of compliance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, this proposed rule, if promulgated in final form, would not have a significant economic effect on a substantial number of small entities since SBA estimates requests will not exceed 50 annually.

For purposes of the Paperwork Reduction Act, 44 U.S.C. ch. 35, § 121.2103 will require reporting of information to SBA because it sets forth specific information needed in a request for a waiver. SBA is currently seeking approval of this requirement by the Office of Management and Budget.

List of Subjects in 13 CFR Part 121

Small businesses, Size Standards.

For the reasons set forth above, subpart B of part 121 of title 13, Code of Federal Regulations (CFR), is proposed to be amended as follows:

PART 121—[AMENDED]

1. The authority citation for part 121 would continue to read as follows:

Authority: Secs. 3(a) and 5(b)(6) of the Small Business Act, as amended (15 U.S.C. 632(a), 634(b)(6)), and Public Law 100–656 (102 Stat. 3853 (1988)).

2. Subpart B of part 121 would be amended by adding a new center heading consisting of §§ 121.2101 through 121.2104 to read as follows:

Waiver of the Nonmanufacturer Rule

§ 121.2101 Policy.

(a) The Small Business Act (15 U.S.C. 630(f), as amended by Public Law 100–656), provides that suppliers of products under small business set-asides or 8(a) contracts shall not only themselves be small businesses but shall also supply the products of domestic small business manufacturing or processing concerns. This requirement is known as the "nonmanufacturer rule." (See 13 CFR 121.906 and 121.1106.)

(b) Recognizing that this requirement may be impossible for some qualified dealers to meet, Congress authorized SBA in Public Law 100–656 to waive the requirement for any class of products for which there are no small business manufacturing or processing concerns in the Federal market. Federal market is defined in § 121.2102(b).

§ 121.2102 Definitions.

(a) *Class of products* means a Product and Service Code (PSC) established for use by the Federal Procurement Data System, or a product line or similar breakout within a Product and Service Code. SBA will consider products named in solicitations by contracting officers as being a product line within a PSC.

(b) *Federal market* means acquisition by the Federal Government from offerors located in the entire geographic United States, except as provided in paragraph (b)(3) of this section.

(1) For this purpose, participants in the Federal market are firms who have been awarded or have performed on a contract to supply this class of products to the Federal government within the last calendar year, either directly or through a dealer;

(2) Potential contractors within the geographic United States who have not supplied this class of product on a contract within the last year, either directly or through a dealer, are not included in the definition of the Federal market; and

(3) More narrowly defined geographic market areas may be considered for purposes of evaluating a waiver request if it is demonstrated that a class of products is not supplied on a national basis, e.g., if the practical aspects of providing an item create a geographic limitation on competition, SBA will consider waivers on that basis. See § 121.2103(c).

(c) *Nonmanufacturer rule* means the requirement set forth in 13 CFR 121.906 that a contractor under a small business set-aside or 8(a) contract be a small business under the applicable size standard and provide its own product or that of another domestic small business manufacturing or processing concern.

(d) *Person* means an individual, partnership, corporation, association, or other business entity.

(e) *United States* includes the several States, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the District of Columbia.

§ 121.2103 Conditions justifying waiver.

(a) The only condition which justifies waiver of the nonmanufacturer rule is the absence from the Federal market of any small concern which manufactures or processes the class of products at issue.

(b) The following sources will be used to evaluate whether small manufacturing or processing concerns are in the Federal market:

(1) Procurement Automated Source System (PASS), U.S. Small Business Administration;

(2) Responses to notices published in the Commerce Business Daily and the Federal Register seeking identification of small business manufacturing or processing concerns that exist in the Federal market, as defined by § 121.2102(b).

(c) In considering the market area for a product, SBA will presume that the entire geographic United States is the relevant Federal market area, unless it is demonstrated that a class of products is not procured on a national basis. This presumption will be particularly difficult to overcome in the case of manufactured products, as typically such items have a very large market area, generally encompassing the entire United States.

(d) When considering geographic segmentation of a Federal market, SBA will not necessarily use market definitions dependent on airline radius or political or SBA regional boundaries. Market areas typically follow established transportation routes rather than jurisdictional borders. As appropriate, SBA may examine the following factors, among others, for a class of products in cases where geographic segmentation is urged:

(1) Whether perishability effects the area in which the product can, practically, be sold.

(2) Whether transportation costs are high as a proportion of the total value of the product so as to limit the economic distribution of the product.

(3) Whether there are legal barriers to transportation of the item.

(4) Whether a fixed, well-delineated boundary exists for the purported market area and whether this boundary has been stable over time.

(5) Whether a small business, not currently selling in the defined market area, could potentially enter the market from another area and supply the market at a reasonable price.

§ 121.2104 Procedures for requesting and granting waivers.

(a) SBA may, at its own initiative, institute examination of a class of products for possible waiver of the nonmanufacturer rule.

(b) Any interested person may submit a request for a waiver of the nonmanufacturer rule for a particular class of products. Requests should be addressed to the Chairman, Size Policy Board, Small Business Administration, Washington, DC 20416.

(c) Waiver requests need not be in any particular form but shall, at a minimum, include:

(1) Identification of the specific class of products for which the waiver is sought;

(2) A description of attempts made to locate a small business source;

(3) Identification of one or more procuring agencies responsible for acquisition of products from the named class;

(4) Any available documentation of information which supports the view that there are no small business manufacturing or processing concerns in the Federal market for the specified class of products; and,

(5) Name, address, and telephone number of any individual(s) who may provide further information or explanation of the request.

(d)(1) SBA shall examine the information provided and such other preliminary data as it deems relevant and shall search the Procurement Automated Source System (PASS) for small business manufacturers within the named class of products. If small business manufacturers in that class of products are identified through PASS, they will be contacted to determine whether or not they have been awarded a contract or have performed on a contract for that class of products, either directly or through a dealer, within the past year.

(2) If the PASS search and follow-up telephone calls reveal a small business manufacturing or processing concern in the Federal market for that class of products, the waiver request will be denied, and the requestor will be notified promptly.

(3) If the PASS search and follow-up telephone calls do not identify a small business manufacturing or processing concern in the Federal market for that class of products, notices will be published in the **Federal Register** and the Commerce Business Daily. The notices will state that SBA is trying to determine if any small business manufacturing or processing concern exists within the Federal market in that class of products and will solicit public comment for 15 days. Any small business manufacturing or processing concern for that class of products that has been awarded or has performed on a contract within the past year, either directly or through a dealer, will be requested to respond to the notice. SBA will require such information as it deems necessary to verify the accuracy of such response.

(4) If the responses to the notices identify a small business manufacturing or processing concern within that class of products in the Federal market, the waiver will be denied, and the requestor will be promptly notified.

(5) If the responses to the notices do not identify a small business manufacturing or processing concern within the Federal market, a notice will be published in the **Federal Register** that a waiver to the nonmanufacturer rule is granted for that class of products, and the waived class of products will be added to the list contained in § 121.2105 of this part. Waivers will be issued within 45 days of receipt of the request unless the expedited procedure described in § 121.2104(d)(6) is invoked.

(6) An expedited procedure for issuing a waiver will be used for emergency situations. Under the expedited procedure, if a small business manufacturer is not identified in the PASS search, SBA will publish a notice in the **Federal Register** that a waiver has been granted, and solicit public comment at that time. The expedited procedure will be used only when a contracting officer advises the Chairperson of the Size Policy Board in writing that, although the procurement may not be proceeding under the authority of FAR 6.302-2 for "unusual and compelling urgency", the facts justify such action.

(7) The determination to grant or deny a waiver by the Chairperson of the Size Policy Board shall be the final administrative ruling by the SBA.

(8) Waivers shall be issued for an indefinite period; however, SBA will publish a "sources sought" notice in the Commerce Business Daily on an annual basis for every waiver granted.

(9) If the Chairperson of the Size Policy Board receives evidence that a small business manufacturing or processing concern exists in the Federal market after a waiver is granted, the waiver shall be terminated by the Chairperson by publishing a notice in the **Federal Register.** Termination of a waiver will be effective 90 days after publication of the notice. This decision shall be the final administrative action of the SBA.

§ 121.2105 Classes of products for which waivers have been previously granted by SBA.

Backhoes (PSC 3805)
Cranes, Construction (PSC 3810)
Graders, Road (Construction Machinery) (PSC 3805)
Scrapers, Construction (PSC 3805)
Dictionaries and Thesauruses (PSC 7610)
Warehouse Sweepers (PSC 3930)
Street Sweepers (PSC 3825)
Aluminum Sheet (PSC 9535)
Copper Cathodes (PSC 9650)
Nickel Cathodes (PSC 9650)
Nickel Brickettes (PSC 9650)

Dated: October 25, 1990.

Susan S. Engeleiter,

Administrator.

[FR Doc. 90-29106 Filed 12-17-90; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-206-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which would require that landing gear brake wear limits be incorporated into the FAA-approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway. An investigation revealed that eight out of ten brakes on the airplane were near the maximum allowable wear limits before the RTO and were unable to absorb the required RTO energy thus contributing to the accident. This condition, if not

corrected, could result in loss of brake effectiveness during a high energy RTO and cause further incidents/accidents.

DATES: Comments must be received no later than February 1, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-206-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2672. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-206-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In 1988, a McDonnell Douglas Model DC-10 series airplane was involved in an aborted takeoff accident in which eight of the ten brakes failed, and the airplane ran off the end of the runway. Investigation revealed that there were failed pistons on each of the eight brakes, with O-rings damaged by over-extension due to extensive wear. Fluid leaking from the damaged pistons caused the hydraulic fuses to close, releasing all brake pressure.

This accident prompted a review of the methodology used in the determination of the allowable wear limits for all transport category airplane brakes. Worn brake rejected takeoff (RTO) dynamometer testing and analysis were conducted for the Model DC-10 series brakes and a new set of reduced allowable wear limits were established; the use of these limits for the Model DC-10 is required by AD 90-01-01, Amendment 39-6431 (54 FR 53048, December 27, 1989).

The FAA and the Aerospace Industries Association (AIA) worked together to develop a set of dynamometer test guidelines that could be used to validate appropriate wear limits for all airplane brakes. The final test guidelines were sent from the FAA to the AIA on March 2, 1990. It should be noted that this worn-brake accountability determination validates brake wear limits with respect to brake energy capacity only, and is not meant to account for any reduction in brake force due solely to the wear state of the brake. Any reduction in brake force (or torque) that may develop over time as a result of brake wear is to be evaluated and accounted for as part of a separate rulemaking project. The guidelines for validating brake wear limits allow credit for use of reverse thrust to determine energy level absorbed by the brake during the dynamometer test.

The FAA has requested that U.S. airframe manufacturers (1) determine required adjustments in allowable wear limits for all of its brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be initiated.

Boeing Commercial Airplane Group has submitted, and the FAA has evaluated, a series of dynamometer test data and analyses concerning brakes installed on the Model 767 series airplanes. Based on this data, the FAA has determined that the maximum brake wear limits currently recommended in the Component Maintenance Manuals for the Model 767 series airplanes are not properly defined or incorporated into the FAA-approved maintenance inspection program. The FAA has determined that the following criteria for the Model 767 brakes, specifically the manufacturer's currently recommended wear limits indicated in the last column, are necessary:

Series airplane	Brake part no.	Type of brake	Total no. of airplanes	Planes of U.S. registry	Maximum wear limit (inches)
767	2607092-1	Steel	Unknown	Unknown	* 2.15
	2607092-2				
	2607092-3	Steel	53	10	* 2.15
	2606092-4	Steel	164	90	* 2.15
	2608812-4	Carbon	100	15	2.97
	2608812-6				

* Dynamometer tests to be conducted shortly to validate this wear limit.

Since this condition is likely to exist on other airplanes of the same type design, an AD is proposed which would require incorporation of specified maximum wear limits for certain Model 767 brake part numbers into the FAA-approved maintenance inspection program.

This is one of several rulemaking actions on this subject. A future action will address additional brake part numbers used on Model 767 series airplanes and propose to implement new maximum brake wear limits, based on dynamometer test and analyses provided to the FAA by the manufacturer. Separate rulemaking actions will similarly address brake part numbers used on other Boeing models.

There are approximately 317 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 115 Model 767 airplanes of U.S. registry and 7 operators would be affected by this AD. Although the proposed rule would require the

incorporation of maximum brake wear limits into the FAA-approved maintenance inspection program, it would not impose new or reduced limits different from those currently recommended; it would merely mandate the brake wear limits currently used by operators. Therefore, no actual additional inspection or part replacement costs are involved. However, it is estimated that it will require 20 manhours, at an average labor cost of $40 per manhour to incorporate the requirement in an operator's FAA-approved maintenance inspection program. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $5,600.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 767 series airplanes equipped with brake part numbers identified in paragraph A. of this AD, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

A. Within 180 days after the effective date of this AD, incorporate the maximum brake wear limits, shown below, into the FAA-approved maintenance inspection program.

Brake part no.	Maximum wear limit
2607092-1	2.15 in.
2607092-2	2.15 in.
2607092-3	2.15 in.
2607092-4	2.15 in.
2608812-4	2.97 in.
2608812-6	2.97 in.

B. An alternative means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on November 29, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29585 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-255-AD]

Airworthiness Directives; Aerospatiale Model ATR42-300 and ATR42-320 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Aerospatiale Model ATR42-300 and ATR42-320 series airplanes, which would require high frequency eddy current inspections to detect cracks in the webs of main Frame 25 and Frame 27 between Stringer 6 and Stringer 7, and repair, if necessary. This proposal is prompted by reports of cracks found on blank forgings used for the manufacture of Frames 25 and 27. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

DATES: Comments must be received no later than February 11, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-255-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Holt, Standardization Branch, ANM-113; telephone (206) 227-2140. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to

Docket Number 90-NM-255-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Aerospatiale Model ATR42-300 and ATR42-320 series airplanes. There have been reports of cracks found on blank forgings used for the manufacture of main Frame 25 and Frame 27. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

Aerospatiale has issued Service Bulletin ATR42-53-0057, Revision 2, dated November 9, 1990, which describes procedures for a high frequency eddy current (HFEC) inspection to detect cracks in the webs of main Frame 25 and Frame 27 between Stringer 6 and Stringer 7, and repair, if necessary. The DGAC has classified this service bulletin as mandatory, and has issued Airworthiness Directive 90-109-029(B) addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require an HFEC inspection to detect cracks in the webs of main Frame 25 and Frame 27 between Stringer 6 and Stringer 7, and repair, if necessary, in accordance with the service bulletin previously described.

It is estimated that 56 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $6,720.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291, (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Aerospatiale: Applies to all Model ATR42-300 and ATR42-320 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent reduced structural integrity of the fuselage, accomplish the following:

A. Within 250 hours time-in-service after the effective date of this AD, perform a high frequency eddy current (HFEC) inspection of the webs of main Frame 25 and Frame 27 (right and left sides) between Stringer 6 and Stringer 7, in accordance with Aerospatiale Service Bulletin ATR42-53-0057, Revision 2, dated November 9, 1990.

B. If no crack is found, the airplane may be returned to service.

C. If the crack length is less than 50.8 mm (2 inches), prior to further flight, stop drill holes at the ends of the crack, in accordance with Aerospatiale Service Bulletin ATR42-53-0057, Revision 2, dated November 9, 1990; and

1. Perform a detailed visual inspection of the cracked ends within 250 hours time-in-service following repair. If the crack length is more than 50.8 mm (2 inches), proceed to paragraph D. of this AD.

2. Within 425 hours time-in-service following repair, accomplish modification 15 S 535 R 00 38, in accordance with the service bulletin.

D. If the crack length is more than 50.8 mm (2 inches), prior to further flight, repair in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

E. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

Note: The request should be submitted directly to the Manager, Standardization Branch, ANM-113, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Manager, Standardization Branch, ANM-113.

F. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Route de Bayonne, 31060 Toulouse, Cedex 03, France. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on December 10, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29581 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-203-AD]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 727 series airplanes, which would require that all landing gear brakes be inspected for wear and replaced if the wear limits prescribed in this amendment are not met, and that the new wear limits be incorporated into the FAA-approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway. An investigation revealed that eight out of ten brakes on the airplane were near the maximum allowable wear limits before the RTO and were unable to absorb the

required RTO energy, thus contributing to the accident. This condition, if not corrected, could result in loss of brake effectiveness during a high energy RTO and cause further incidents/accidents.

DATES: Comments must be received no later than February 1, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-203-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. David Herron, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2672. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-203-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In 1988, a McDonnell Douglas Model DC-10 series airplane was involved in an aborted takeoff accident in which eight of the ten brakes failed and the airplane ran off the end of the runway. Investigation revealed that there were failed pistons on each of the eight brakes, with O-rings damaged by over-extension due to extensive wear. Fluid leaking from the damaged pistons caused the hydraulic fuses to close, releasing all brake pressure.

This accident prompted a review of the methodology used in the determination of the allowable wear limits for all transport category airplane brakes. Worn brake rejected takeoff (RTO) dynamometer testing and analysis were conducted for the Model DC-10 series brakes and a new set of reduced allowable wear limits were established; the use of these limits for the Model DC-10 is required by AD 90-01-01, Amendment 39-6431 (54 FR 53048, December 27, 1989).

The FAA and the Aerospace Industries Association (AIA) worked together to develop a set of dynamometer test guidelines that could be used to validate appropriate wear limits for all airplane brakes. The final test guidelines were sent from the FAA to the AIA on March 2, 1990. It should be noted that this worn-brake accountability determination validates brake wear limits with respect to brake energy capacity only and is not meant to account for any reduction in brake force due solely to the wear state of the brake. Any reduction in brake force (or torque) that may develop over time as a result of brake wear is to be evaluated and accounted for as part of a separate rulemaking project. The guidelines for validating brake wear limits allow credit for use of reverse thrust to determine energy level absorbed by the brake during the dynamometer test.

The FAA has requested that U.S. airframe manufacturers (1) determine required adjustments in allowable wear limits for all of its brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be initiated.

Boeing Commercial Airplane Group has submitted, and the FAA has evaluate, a series of dynamometer test data and analyses concerning brakes installed on the Model 727 series airplanes. The FAA also witnessed some of the dynamometer tests, which were conducted in August 1990. Based on this data, the FAA has determined that the brake wear limits currently recommended in the Component Maintenance Manuals for the Model 727 series airplanes are not acceptable as they related to the effectiveness of the brakes during a high energy RTO. Further, these limits are only recommended values. The FAA has determined that the following criteria for the Model 727 brakes, specifically the *new* maximum brake wear limits indicated in the last column, are necessary:

Series airplane	Brake part No.	Type of brake	Total No. of airplanes	Planes of U.S. registry	Maximum wear limit (inches)
727	2601182-6	Steel	407	301	1.70
	2-1147	Steel	1140	626	1.60
	2-1147-1				
	2-1147-3				
	2-1147-4				
	2-1147-				

Since this condition is likely to exist or develop on other airplanes of the same type design, an AD is proposed which would require (1) inspection of certain Model 727 landing gear brake part numbers for wear, and replacement if the new wear limits are not met, and (2) incorporation of specified maximum wear limits into the FAA-approved maintenance inspection program.

This is one of several rulemaking actions on this subject. A future action will address additional brake part numbers used on Model 727 series airplanes and propose to implement new maximum brake wear limits, based on dynamometer test and analyses provided to the FAA by the manufacturer. Separate rulemaking actions will similarly address brake part numbers used on other Boeing models.

There are approximately 1,547 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 927 airplanes of U.S. registry would be affected by this AD,

that it would take approximately 15 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The cost of parts to accomplish the change (cost resulting from the requirement to change the brakes before they are worn to their previously approved limits for a one-time change) is estimated to be $2,048 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,454,696.

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 727 series airplanes equipped with brake part numbers identified in paragraph A. of this AD, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

A. Within 180 days after the effective date of this AD, inspect the brake part numbers shown below for wear. Any brake worn more than the maximum wear limit specified below must be replaced, prior to further flight, with a brake within this limit.

Brake part No.	Maximum wear limit (inches)
2601182-6	1.7
2-1147	1.6
2-1147-1	1.6
2-1147-3	1.6
2-1147-4	1.6
2-1190	1.6

B. Within 180 days after the effective date of this AD, incorporate the maximum brake wear limits specified in paragraph A. of this AD into the FAA-approved maintenance inspection program.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

D. Special Flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on November 29, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29582 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-204-AD]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, which would require that landing gear brake wear limits be incorporated into the FAA—approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway. An investigation revealed that eight out of ten brakes on the airplane were near the maximum allowable wear limits before the RTO and were unable to absorb the required RTO energy thus contributing to the accident. This condition, if not corrected, could result in loss of brake effectiveness during a high energy RTO and cause further incidents/accidents.

DATES: Comments must be received no later than February 1, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-204-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2672. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-204-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In 1988, a McDonnell Douglas Model DC-10 series airplane was involved in an aborted takeoff accident in which eight of the ten brakes failed, and the airplane ran off the end of the runway. Investigation revealed that there were failed pistons on each of the eight brakes, with O-rings damaged by over-extension due to extensive wear. Fluid leaking from the damaged pistons caused the hydraulic fuses to close, releasing all brake pressure.

This accident prompted a review of the methodology used in the determination of the allowable wear limits for all transport category airplane brakes. Worn brake rejected takeoff (RTO) dynamometer testing and analysis were conducted for the Model DC-10 series brakes and a new set of reduced allowable wear limits were established; the use of these limits for the Model DC-10 is required by AD 90-01-01, Amendment 39-6431 (54 FR 53048, December 27, 1989).

The FAA and the Aerospace Industries Association (AIA) worked together to develop a set of dynamometer test guidelines that could be used to validate appropriate wear limits for all airplane brakes. The final test guidelines were sent from the FAA to the AIA on March 2, 1990. It should be noted that this worn-brake accountability determination validates brake wear limits with respect to brake energy capacity only, and is not meant to account for any reduction in brake force due solely to the wear state of the brake. Any reduction in brake force (or torque) that may develop over time as a result of brake wear is to be evaluated and accounted for as part of the separate rulemaking project. The guidelines for validating brake wear limits allow credit for use of reverse thrust to determine energy level absorbed by the brake during the dynamometer test.

The FAA has requested that U.S. airframe manufacturers (1) determine required adjustments in allowable wear limits for all of its brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be initiated.

Boeing Commercial Airplane Group has submitted, and the FAA has evaluated, a series of dynamometer test data and analyses concerning brakes installed on the Model 747 series airplanes. Based on this data, the FAA has determined that the maximum brake wear limits currently recommended in the Component Maintenance Manuals for the Model 747 series airplanes are not properly defined or incorporated into the FAA-approved maintenance inspection program. The FAA has determined that the following criteria for the Model 747 brakes, specifically the manufacturer's currently recommended wear limits indicated in the last column, are necessary:

Series airplane	Brake part No.	Type of brake	Total No. of airplanes	Planes of U.S. registry	Maximum wear limit (inches)
747	2603703-13-14	Hybrid	5	0	1.55
	2605662-1-3	Steel	248	39	2.50
					2.70
	2-1515-1-2	Carbon	79	9	2.16

Since this condition is likely to exist on other airplanes of the same type design, an AD is proposed which would require incorporation of specified maximum wear limits for certain Model 747 brake part numbers into the FAA-approved maintenance inspection program.

This is one of several rulemaking actions on this subject. A future action will address additional brake part numbers used on Model 747 series airplanes and propose to implement new maximum brake wear limits, based on dynamometer test and analyses provided to the FAA by the manufacturer. Separate rulemaking actions will similarly address brake part numbers used on other Boeing models.

There are approximately 300 Model 747 series airplanes of the affected design in the worldwide fleet. It is estimated that 48 Model 747 airplanes of U.S. registry and 11 operators would be affected by this AD. Although the proposed rule would require the incorporation of maximum brake wear limits into the FAA-approved maintenance inspection program, it would not impose new or reduced limits different from those currently recommended; it would merely mandate the brake wear limits currently used by operators. Therefore, no actual additional inspection or part replacement costs are involved. However, it is estimated that it will require 20 manhours, at an average labor cost of $40 per manhour, to incorporate the requirement into an operator's FAA-approved maintenance inspection program. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $8,800.

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

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes equipped with brake part numbers identified in paragraph A. of this AD, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

A. Within 180 days after the effective date of this AD, incorporate the maximum brake wear limits, shown below, into the FAA-approved maintenance inspection program.

Brake part No.	Maximum wear limit
2603703-13	1.55 inches.
2603703-14	1.55 inches.
2605662-1	2.50 inches.
2605662-3	2.70 inches.
2-1515-1	2.16 inches.
2-1515-2	2.16 inches.

B. An alternative means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on November 29, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29853 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-205-AD]

Airworthiness Directives: Boeing Model 757; Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which would require that landing gear brake wear limits be incorporated into the FAA-approved maintenance inspection program. This proposal is prompted by an accident in which a transport category airplane executed a rejected takeoff (RTO) and was unable to stop on the runway. An investigation revealed that eight out of ten brakes on the airplane were near the maximum allowable wear limits before the RTO and were unable to absorb the required RTO energy thus contributing to the accident. This condition, if not corrected, could result in loss of brake effectiveness during a high energy RTO and cause further incidents/accidents.

DATES: Comments must be received no later than February 1, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-205-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. David M. Herron, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2672. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-205-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

In 1988, a McDonnell Douglas Model DC-10 series airplane was involved in an aborted takeoff accident in which eight off the ten brakes failed, and the airplane ran off the end of the runway. Investigation revealed that there were failed pistons on each of the eight brakes, with O-rings damaged by over-extension due to extensive wear. Fluid leaking from the damaged pistons caused the hydraulic fuses to close, releasing all brake pressure.

This accident prompted a review of the methodology used in the determination of the allowable wear limits for all transport category airplane brakes. Worn brake rejected takeoff (RTO) dynamometer testing and analysis were conducted for the Model DC-10 series brakes and a new set of reduced allowable wear limits were established; the use of these limits for the Model DC-10 is required by AD 90-01-01, Amendment 39-6431 (54 FR 53048, December 27, 1989).

The FAA and the Aerospace Industries Association (AIA) worked together to develop a set of dynamometer test guidelines that could be used to validate appropriate wear limits for all airplane brakes. The final test guidelines were sent from the FAA to the AIA on March 2, 1990. It should be noted that this worn-brake accountability determination validates brake wear limits with respect to brake energy capacity only, and is not meant to account for any reduction in brake force due solely to the wear state of the brake. Any reduction in brake force (or torque) that may develop over time as a result of brake wear is to be evaluated and accounted for as part of a separate rulemaking project. The guidelines for validating brake wear limits allow credit for use of reverse thrust to determine energy level absorbed by the brake during the dynamometer test.

The FAA has requested that U.S. airframe manufacturers (1) Determine required adjustments in allowable wear limits for all of its brakes in use, (2) schedule dynamometer testing to validate wear limits as necessary, and (3) submit information from items (1) and (2) to the FAA so that appropriate rulemaking action(s) can be in initiated.

Boeing Commercial Airplane Group has submitted, and the FAA has evaluated, a series of dynamometer test data and analyses concerning brakes installed on the Model 757 series airplanes. Based on this data, the FAA has determined that the maximum brake wear limits currently recommended in the Component Maintenance Manuals

for the Model 757 series airplanes are not properly defined or incorporated into the FAA-approved maintenance inspection program. The FAA has determined that the following criteria for the Model 757 brakes, specifically the manufacturer's currently recommended wear limits indicated in the last column, are necessary:

Series airplane	Brake part No.	Type of brake	Total No. of airplanes	Planes of U.S. registry	Maximum wear limit (inches)
757	AHA 1301	Carbon	129	96	2.46
	AHA 1637				
	AHA 1676				
	AHA 1693				
	AHA 1884				2.8
	2-1510	Carbon	22	15	2.4

Since this condition is likely to exist on other airplanes of the same type design, an AD is proposed which would required incorporation of specified maximum wear limits for certain Model 757 brake part numbers into the FAA-approved maintenance inspection program.

This is one of several rulemaking actions on this subject. A future action will address additional brake part numbers used on Model 757 series airplanes and propose to implement new maximum brake wear limits, based on dynamometer test and analyses provided to the FAA by the manufacturer. Separate rulemaking actions will similarly address brake part numbers used on other Boeing models.

There are approximately 151 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 111 model 757 airplanes of U.S. registry and 8 operators would be affected by this AD. Although the proposed rule would require the incorporation of maximum brake wear limits into the FAA-approved maintenance inspection program, it would not impose new or reduced limits different from those currently recommended; it would merely mandate the brake wear limits currently used by operator. Therefore, no actual additional inspection or part replacement costs are involved. However, it is estimated that it will require 20 manhours, at an average labor cost of $40 per manhour, to incorporate the requirement into an operator's FAA-approved maintenance inspection program. Based on these figures, the total cost impact of this AD on U.S. operators is estimated to be $6,400.

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

For the reasons discussed above, I certify that this proposed regulation (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 757 series airplanes equipped with brake part numbers identified in paragraph A. of this AD, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the loss of main landing gear braking effectiveness, accomplish the following:

A. Within 180 days after the effective date of this Ad, incorporate the maximum brake wear limits, shown below, into the FAA-approved maintenance inspection program.

Brake part Number	Maximum wear limit
AHA 1301	2.46 inches
AHA 1637	2.46 inches
AHA 1676	2.46 inches
AHA 1693	2.46 inches
AHA 1884	2.8 inches
2-1510	2.4 inches

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Northwest Mountain Region.

Note: The request should be submitted directly to the Manager, Seattle ACO, and a copy sent to the cognizant FAA Principal Inspector (PI). The PI will then forward comments or concurrence to the Seattle ACO.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Renton, Washington, on November 29, 1990.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-29584 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-ASO-25]

Proposed Amendment to Control Zone, Eglin AF Aux No. 9, Hurlburt Field, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hurlburt Field, FL Control Zone. This action would eliminate the arrival area extension southeast of the airport which was designed to provide airspace protection for instrument flight rules (IFR) aircraft executing the standard instrument approach procedure (SIAP) utilizing the Eglin VOR. The Elgin VOR was destroyed by a tornado in 1989 and will not be rebuilt

at the original location. Additionally, a minor correction would be made in the latitude/longitude position of Hurlburt Field Airport.

DATES: Comments must be received on or before January 28, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, System Management Branch, Docket No. 90-ASO-25, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASO-25." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the Eglin AF Aux No. 9, Hurlburt Field, FL control zone. This proposed action would eliminate the arrival area extension the southeast of the airport. This extension is no longer required for protection of (IFR) aircraft executing the SIAP based on the Eglin VOR was destroyed by tornado in 1989 and will not be rebuilt at the original location. Additionally, a minor correction would be made to the latitude/longitude coordinate position of Hurlburt Field Airport. Section 71.171 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Eglin AF Aux No. 9 Hurlburt Field, FL [Revised]

Within a 5-mile radius of Eglin AF Aux No. 9 Hurlburt Field (lat., 30° 25' 43" N., long. 86° 41' 20" W.).

Issued in East Point, GA, on December 5, 1990.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 90-29586 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR part 71

[Airspace Docket No. 90-ASO-26]

Proposed Revision of Control Zone and Transition Area, Beaufort, SC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to revise the Beaufort, SC Control Zone and Transition Area. Arrival area extensions would be added to the control zone southwest and northwest of the airport. The extensions would provide additional airspace protection for instrument flight rules (IFR) aircraft executing standard instrument approach procedures (SIAPs) to runway 5 and 14 at Beaufort MCAS. The transition area would be revised to eliminate the arrival area extension northeast of MCAS Beaufort. Additionally, minor corrections would be made in the latitude/longitude coordinate position of Beaufort MCAS and Beaufort County Airports.

DATES: Comments must be received on or before: January 30, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, ASO-530, Manager, System Management Branch, Docket No. 90-ASO-26, P.O. Box 20636, Atlanta, Georgia 30320.

The official docket may be examined in the Office of the Assistant Chief

Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344; telephone (404) 763-7646.

FOR FURTHER INFORMATION CONTACT: James G. Walters, Airspace Section, System Management Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone (404) 763-7646.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASO-26." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Assistant Chief Counsel for Southern Region, room 652, 3400 Norman Berry Drive, East Point, Georgia 30344, both before an dafter the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NRM) by submitting a request to the Federal Aviation Administration, Manager, System Management Branch (ASO-530), Air Traffic Division, P.O. Box 20636, Atlanta, Georgia 30320. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.171 and § 71.181 of part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Beaufort, SC Control Zone and Transition Area. The proposed action would add arrival area extensions southwest and northwest of MCAS Beaufort. The extensions are needed for airspace protection for IFR aircraft executing instrument approach procedures to Runways 5 and 14. The transition area extension northeast of MCAS Beaufort is no longer required and would be eliminated. Additionally, minor corrections would be made to the latitude/longitude coordinate positions of Beaufort MCAS and Beaufort County Airports. Sections 71.171 and 71.181 of part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, control zones.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

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

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Public Law 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.171 [Amended]

2. Section 71.171 is amended as follows:

Beaufort, SC [Revised]

Within a 5-minute radius of Beaufort MCAS (lat. 32°28'38" N., long. 80°43'24" W.); within 2 miles each side of Beaufort TACAN (lat. 32°28'44" N., long. 80°43'03" W.) 036°, 229° and 302° radials extending from the 5-mile radius zone to 7 miles NE, SW and NW of the TACAN.

§ 71.181 [Amended]

3. Section 71.181 is amended as follows:

Beaufort, SC [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Beaufort MCAS (lat. 32°28'38" N., long. 80°43'24" W.); within a 6-mile radius of Beaufort County Airport (lat. 32°24'43" N., long. 80°38'05" W.); excluding that portion that coincides with the Hilton Head Island, SC Transition Area.

Issued in East Point, GA, on December 5, 1990.

Don Cass,

Acting Manager, Air Traffic Division, Southern Region.

[FR Doc. 90-29587 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 347

[Docket No. 78N-021D]

RIN 0905-AA06

Skin Protectant Drug Products for Over-the-Counter Human Use; Proposed Rulemaking for Diaper Rash Drug Products; Limited Extension of Time for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of proposed rulemaking; limited extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the period for submission of comments to March 18, 1991, on issues relating to the use of vitamins A and D (cholecalciferol) included in the proposed rulemaking to establish conditions under which over-the counter (OTC) skin protectant drug products for the treatment or prevention of diaper rash are generally recognized as safe and effective and not misbranded. FDA is taking this action in response to two requests to extend the comment period for an additional 90 days to allow time

to develop adequate documentation for comments related to the use of vitamins A and D in OTC skin protectant diaper rash drug products. FDA is limiting the extension of the comment period to comments related to these specific ingredients only.

DATES: Written comments by March 18, 1991.

ADDRESSES: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drug Evaluation and Research (HFD-210), Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 20, 1990 (55 FR 25204), FDA issued a notice of proposed rulemaking to establish conditions under which OTC skin protectant drug products for the treatment or prevention of diaper rash are generally recognized as safe and effective and not misbranded. This notice of proposed rulemaking is part of the ongoing review of OTC drug products being conducted by the agency. Interested persons were given until December 17, 1990, to submit comments on the proposal.

One manufacturer requested a 90-day extension of the comment period for the limited purpose of providing adequate time to develop documentation for comments related to the use of vitamins A and D in OTC skin protectant diaper rash drug products. The company expressed concern that the proposed FDA dosage limitations and related proposals are unsupported, not applicable, and impractical for diaper rash drug products containing vitamins A and D. The company noted that FDA's proposals were based on an evaluation of hemorrhoidal drug products and not diaper rash drug products. A drug manufacturers association also requested an extension of time to address FDA's proposed maximum dosage limitation for vitamins A and D content of cod liver oil. The association noted that additional time is needed to address these limitations, e.g., validation methods for assaying ingredient concentrations and stability testing. Both requests indicated that the extra time for these comments will enable them to present FDA with a full and timely record for its review of the use of these ingredients for the treatment or prevention of diaper rash.

FDA has carefully considered the requests and believes that additional time for comment on these ingredients is in the public interest. The agency also believes that such additional information may be of assistance in establishing conditions under which over-the-counter (OTC) skin protectant drug products for the treatment or prevention of diaper rash are generally recognized as safe and effective and not misbranded. Thus, the agency considers a limited extension of the comment period to be appropriate.

Interested persons may, on or before March 18, 1991, submit to the Dockets Management Branch (address above) written comments related to the use of vitamins A and D in OTC skin protectant diaper rash drug products. Three copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in the brackets in the heading of this document. Comments received may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 11, 1990.

Alan L. Hoeting,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 90-29482 Filed 12-17-90; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[PS-107-88]

RIN 1545-AM60

Normalization: Inconsistent Procedures and Adjustments

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (PS-107-88), which was published on Tuesday, November 27, 1990, (55 FR 49294). The proposed regulations relate to the application of the normalization requirements of sections 167(l) and 168(i)(9) of the Internal Revenue Code to utility companies that file consolidated federal income tax returns.

FOR FURTHER INFORMATION CONTACT: Martin Schaffer, (202) 566-3553 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of this correction proposes to add new §§ 1.167(l)-1(h)(7) and 1.168(i)-1 to part 1 of title 26 of the Code of Federal Regulations (CFR). The final regulations will be added to part 1 of title 26 of the CFR in accordance with the Internal Revenue Service's specific regulatory authority under 26 U.S.C. 167(l) and 26 U.S.C. 168(i)(9)(B)(iii), as well as its general regulatory authority under 26 U.S.C. 7805.

Need for Correction

As published, the proposed regulations contains typographical errors that, if not corrected, might cause confusion to taxpayers and practitioners.

Correction of Publication

Accordingly, the publication of the proposed regulations (PS-107-88) which was subject of FR Doc. 90-27702, is corrected as follows:

1. On page 49300, third column, in § 1.168(i)-1(d)(2), under the example for 1992, the line immediately preceding the caption "(D) Cumulative Consolidated Tax Savings." which reads "section is 3.88 for 1991." should be removed and the language "section 3.88 for 1992." added in its place.

Dale D. Goode,

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

[FR Doc. 90-29566 Filed 12-17-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF EDUCATION

34 CFR Part 668

RIN 1840-AB39

Student Assistance General Provisions

AGENCY: Department of Education.

ACTION: Extension of comment period for notice of proposed rulemaking.

SUMMARY: On October 1, 1990 at 55 FR 40148, the Secretary published in the **Federal Register** a Notice of Proposed Rulemaking for the Student Assistance General Provisions that contain requirements relating to clock hour/credit hour conversion. The proposed rules provided for a comment period ending October 31, 1990.

In accordance with the Excellence in Mathematics, Science, and Engineering Education Act of 1990 (Pub. L. 101-589, enacted November 16, 1990), the Secretary extends the comment period for these regulations. The Act requires the Secretary to extend the comment period through January 1, 1991. However, since January 1 is a Federal

holiday, the Secretary extends the comment period to January 2, 1991.

DATES: Comments must be received on or before January 2, 1991.

ADDRESSES: All comments concerning these proposed regulations should be addressed to Ms. Carney M. McCullough, Chief, Pell Grant Policy Section, Division of Policy and Program Development, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., (ROB-3, rm. 4318), Washington, DC 20202-5346.

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Andrade, Program Specialist, Pell Grant Section, Division of Policy and Program Development, Office of Student Financial Assistance, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202-5346. Telephone (202) 708-7888.

Dated: December 12, 1990.

Leonard L. Haynes III,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 90-29511 Filed 12-17-90; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-3870-7]

National Oil and Hazardous Substances Pollution Contingency Plan, National Priorities List

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the M&T DeLisa Landfill Site from the National Priorities List: Request for Comments.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces its intent to delete the M&T DeLisa Landfill site (Site) from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New Jersey have determined that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the State have determined that CERCLA activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning this Site may be submitted on or before February 7, 1991.

ADDRESSES: Comments may be mailed to: Richard L. Caspe, P.E., Director, Emergency and Remedial Response Division, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 737, New York, New York 10278.

Comprehensive information on this site is available through the EPA Region II public docket, which is located at EPA's Region II office and is available for viewing, by appointment only, from 9 a.m. to 5 p.m., Monday through Friday, excluding holidays. Requests for appointments to view this information in the Regional public docket should be directed to: Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 13100, New York, New York 10278, (212) 264-6695.

Background information from the Regional public docket is also available for viewing at the Site's Administrative Record depository located at: Neptune Township Public Library, 25 Neptune Boulevard, Neptune Township, New Jersey.

FOR FURTHER INFORMATION CONTACT: Mr. Lance R. Richman, P.G., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, Room 13100, New York, New York 10278, (212) 264-6695.

SUPPLEMENTARY INFORMATION:

Table of Contents:

I. Introduction.
II. NPL Deletion Criteria.
III. Deletion Procedures.
IV. Basis for Intended Site Deletions.

I. Introduction

The Environmental Protection Agency (EPA) Region II announces its intent to delete the Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. The EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the Site warrant such action.

The EPA will accept comments concerning this Site for thirty (30) days (or until February 7, 1991) after publication of this notice in the **Federal Register.**

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider whether any of the criteria have been met:

(i) EPA, in consultation with the State, has determined that responsible or other parties have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and EPA, in consultation with the State, has determined that no further cleanup by responsible parties is appropriate; or

(iii) Based on a remedial investigation, EPA, in consultation with the State, has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

III. Deletion Procedures

The NCP provides that EPA shall not delete a site from the NPL until the state in which the release was located has concurred, and the public has been afforded an opportunity to comment on the proposed deletion. Deletion of a site from the NPL does not affect responsible party liability or impede agency efforts to recover costs associated with response efforts. The NPL is designed primarily for informational purposes and to assist Agency management.

EPA Region II will accept and evaluate public comments before making a final decision to delete. The Agency believes that deletion procedures should focus on notice and comment at the local level. Comments from the local community may be most pertinent to deletion decisions. The following procedures were used for the intended deletion of the Site:

1. On September 20, 1990, EPA Region II executed a Record of Decision (ROD) which states that the Site should be addressed under the authorities designated to close and monitor solid

waste landfills. The State concurred with the ROD and indicated that they would address potential problems associated with solid waste disposal "for the Site pursuant to the New Jersey Solid Waste Management Act and the regulations promulgated pursuant thereto, once the Site has been de-listed from the National Priorities List (NPL)."

2. EPA Region II has subsequently recommended deletion and has prepared the relevant documents. The Region has also made all relevant documents available in the Regional office and local site information repository.

3. Concurrent with this National Notice of Intent to Delete, a local notice has been published in local newspapers and has been distributed to appropriate federal, state and local officials, and other interested parties. This local comment announces a thirty (30) day public comment period on the deletion package starting on January 7, 1991, and concluding on February 7, 1991.

The comments received during the comment period will be evaluated before any final decision is made. EPA Region II will prepare a Responsiveness Summary which will address the comments received during the public comment period.

The deletion process will be completed upon the EPA Region II Regional Administrator placing a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region II.

IV. Basis for Intended Site Deletion

The Site is located in the southeastern corner of Monmouth County, northwest of the City of Asbury Park in Ocean Township, New Jersey. The 132-acre Site contains three major building complexes, the Seaview Square Mall complex (Mall), the Seaview Movie Theater complex, and the Acme Supermarket, each of which is surrounded by a paved parking area.

The landfill was in operation from 1941 until 1974 under a New Jersey Department of Environmental Protection (NJDEP) permit. There is no documented evidence which demonstrates that the landfill was used for the disposal of hazardous wastes. The landfill was closed in 1974 in accordance with NJDEP requirements of the time. After closure an investigation of the landfill area was undertaken by Woodward-Gardner and Associates, Inc., for the Goodman Company. Subsequently the Goodman Company constructed the Mall on 30 acres of the 39-acre former landfill for Equitable Real Estate Investment Management, Inc., the present owner of the Mall property. The report recommended control measures to protect against the possible impact of gas and/or leachate generation from the landfill and described other measures that would be needed to provide a stable soil for the construction of the proposed buildings. These recommendations were incorporated into the design and construction of the Mall which was completed in 1977.

Subsequent to the listing of the Site on the NPL, on September 8, 1983, Fred C. Hart and Associates under contract by the owners of the Mall (the Equitable Life Assurance Society of the United States) conducted two environmental investigations, one in 1984 and more recently in 1988, both under EPA oversight. An endangerment assessment was completed by EPA in June of 1990 to determine the baseline risk (an evaluation of the potential threat to human health and the environment in the absence of any remedial action) due to the release of hazardous substances that may be attributable to the Site. Upon completion of these investigations, the following conclusions were reached.

- Groundwater quality in the local shallow Kirkwood aquifer immediately underlying the Site and in direct physical contact with landfill materials, does not appear to have been significantly impacted by hazardous substances. Due to the absence of any significant water quality degradation in the shallow Kirkwood aquifer, together with the laterally extensive presence of the Shark River Marl which locally serves as a confining layer below the Kirkwood aquifer, groundwater quality in the deeper Vincentown aquifer is not anticipated to be at risk as a result of past disposal practices at the Site.
- No volatile organic compounds (VOCs) or pesticide/polychlorinated biphenyl (PCB) compounds were detected above laboratory method detection limits during either sampling round in groundwater samples from private potable wells. Only one semi-volatile compound, di-n-octylphthalate, was detected during the 1988 round of sampling, and it was below levels of concern. Several metals, including copper, lead, nickel, and zinc, were also present below Safe Drinking Water Act (SDWA) standards in potable water samples collected during the 1984 sampling effort.
- Surface water and sediment samples collected did not find any significant environmental quality degradation due to the presence of hazardous substances at the down-gradient surface water locations.
- Although landfill gas is being generated at the Site, and there is evidence of slightly elevated levels of VOC accumulation along the unventilated northern edge of the mall, the sampling and analysis of specific VOC target compounds, such as benzene, toluene, and xylene, did not indicate a definitive pattern of gas infiltration. Therefore, it was determined that the landfill is not the source of detectable levels of VOCs in the Mall. In addition, concentrations of VOCs in the Mall are not outside the range of VOC concentrations typically found in other public and private indoor spaces.

Upon the completion of the remedial investigations and the endangerment assessment, it became evident that this Site should be handled under the authorities designated for closure and post-closure activities at solid waste landfills. Contaminants found at the Site are indicative of solid waste landfills. Unlike typical CERCLA sites, the landfill is not releasing significant concentrations of CERCLA hazardous substances.

Although remedial action under CERCLA is not warranted, EPA has recommended to the New Jersey Department of Environmental Protection's (NJDEP) Division of Solid Waste Management that a number of environmental controls be implemented and maintained at the Site to address potential problems associated with solid waste disposal. NJDEP's Division of Solid Waste Management regulates solid waste landfill activities in the State of New Jersey.

Dated: November 29, 1990.

Constantine Sidamon-Eristoff,

Regional Administrator, USEPA, Region II.

[FR Doc. 90-29549 Filed 12-17-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket No. 81-893, FCC 90-398]

Common Carrier Services; Procedures for Implementing The Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; Tentative Decision on Remand.

SUMMARY: This action initiates proceedings in response to *AT&T*

Information Systems, Inc. v. *FCC*, 854 F.2d 1442 (D.C. Cir. 1988)(*ATTIS* v. *FCC*). The FCC tentatively concludes that the American Telephone and Telegraph Company (AT&T) should pay the Bell Operating Companies (BOCs) net book value for the refurbished inventory customer premises equipment (CPE) the BOCs transferred to AT&T Information Systems, Inc. ("ATTIS") on January 1, 1984.

DATES: Comments on the FCC's proposal may be filed on or before January 18, 1991. Reply comments may be filed on or before February 4, 1991.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: William A. Kehoe III, (202) 632-7500.

SUPPLEMENTARY INFORMATION:

Summary of Tentative Decision on Remand

This is a summary of the FCC's *Tentative Decision on Remand*, Procedures for Implementing The Detariffing of Customer Premises Equipment and Enhanced Services (Second Computer Inquiry), CC Docket No. 81-893, adopted November 21, 1990, and released December _____, 1990. The full text of the FCC's decision 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 of this decision will be published in the FCC Record and may also be purchased from the FCC's copy contractor, International Transcription Services, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

In *ATTIS* v. *FCC*, the United States Court of Appeals for the District of Columbia Circuit reviewed in order in which the FCC required AT&T to pay the BOCs net book value plus refurbishment costs for the refurbished inventory CPE the BOCs transferred to ATTIS when AT&T divested the BOCs on January 1, 1984. This CPE has been removed from service and refurbished, but not returned to service, prior to the transfer. The Court concluded that the FCC had not explained how a transfer price of net book value plus refurbishment costs properly balanced investor and ratepayer interests. The Court remanded the case to the FCC for further proceedings.

The *Tentative Decision on Remand* initiates those proceedings. It determines that the transfer price for refurbished inventory CPE should equal its economic value as of the January 1, 1984, transfer date. The *Tentative Decision* states, however, that the FCC believes that there is no workable method for exactly measuring that economic value and that a reasonable surrogate for that value must be used to set the transfer price. The *Tentative Decision* tentatively concludes that in view of the risks and opportunities the transfer created for AT&T, the most acceptable and reasonable surrogate is the CPE's net book value.

The FCC certified in the *Tentative Decision on Remand* that the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1982), is not applicable to the changes being proposed in this proceeding. Those changes would apply to BOCs that have dominant positions in their local service areas and to AT&T which is a dominant interexchange carrier. These companies are not "small entit[ies]" within the meaning of the Regulatory Flexibility Act, which incorporates the definition of a "small business" in section 3 of the Small Business Act as a definition of "small entity." 15 U.S.C. 633. In accordance with section 605 of the Regulatory Flexibility Act, 5 U.S.C. 605, a copy of the certification is being sent to the Chief Counsel for Advocacy of the Small Business Administration.

The proposal made in the *Tenative Decision on Remand* was analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501-20, and was found to propose no new or modified information collection requirement on the public.

Ordering Clauses

1. Accordingly, *It is ordered*, That pursuant to sections 1, 4(i), 4(j), 201-205, 213, 218, 220, and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 201-05, 213, 218, 220, and 403, and section 553 of the Administrative Procedure Act, 5 U.S.C. 553, notice is hereby given of the proposals set forth in this Tentative Decision. We hereby give notice that in reaching our decision in this proceeding we will not necessarily be limited to the comments and reply comments that may be filed, and that we may utilize other information, analyses, and reports, provided that in each such case a copy of the material relied upon will be associated with the record of this proceeding.

2. *It is further ordered*, That interested persons may file comments on the specific proposals discussed in this Tentative Decision on or before January 18, 1991. Reply comments shall be filed on or before February 4, 1991. In accordance with the provisions of § 1.419 of the Commission's Rules, 47 CFR 1.419, an original and five (5) copies of all comments shall be furnished to the Commission. Copies of the comments will be available for public inspection in the Commission's Docket Reference Room, 1919 M Street, NW., Washington, DC.

3. *It is further ordered*, That the Secretary shall serve a copy of this Tentative Decision on state regulatory commissions.

List of Subjects in 47 CFR Part 32

Station apparatus, Communications common carriers.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-29484 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[MM Docket No. 90-601, RM-7531]

Radio Broadcasting Services; Lenwood, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed on behalf of Desert Broadcasting seeking the allotment of Channel 245A to Lenwood, California, as that community's third local FM broadcast service. Coordinates for this proposal are 34-52-30 and 117-06-48. Mexican concurrence will be requested for this allotment.

DATES: Comments must be filed on or before February 1, 1991, and reply comments on or before February 19, 1991.

ADDRESSES: Federal Communications Commission, Washington, D.C.,20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Daniel F. Van Horn, Esq., Arent, Fox, Kintner, Plotkin & Kahn, 1050 Connecticut Avenue, NW., Washington, DC 20036-5339.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-601, adopted November 21, 1990, and released December 13, 1990. The full text of this Commission decision 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 of this decision may also

be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Beverly McKittrick,

Assistant Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-29577 Filed 12-17-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-ABA2

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Five Idaho Aquatic Snails

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to list the Idaho springsnail (also called the Homedale Creek springsnail) (*Fontelicella idahoensis*). The Utah valvata snail (*Valvata utahensis*), the Snake River Physa snail (*Physa natricina*), an undescribed limpet species (Banbury Springs limpet) in the genus *Lanx* and the Bliss Rapids snail (an undescribed monotypic genus in the family Hydrobiidae) as endangered. With the exception of the Utah valvata snail which has a population in the American Falls Dam tailwaters near the Eagle Rock damsite, all of the populations of these snails are found only in Snake River environments from the Indian Cove Bridge near Hamett, upstream to the Banbury Springs area in South Central Idaho. The Bliss Rapids snail, Utah valvata snail, and the Banbury Springs limpet extend into one of the larger Snake River Plain Aquifer Spring tributaries (Box Canyon Springs) to the Snake River. The Banbury Springs limpet is also found in nearby Banbury Springs. The free-flowing, well oxygenated Snake River habitats required by these species are threatened by proposed large hydroelectric dam developments, current peak-loading operation of existing hydroelectric water projects, water pollution, reduction in oxygen concentration, and possibly competition from a recently introduced hydrobiid snail, *Potomapyrgus antipodarum* (= *P. jenkinsi*). The two large Snake River Plain Aquifer Spring tributaries, Box Canyon Springs and Banbury Springs, are threatened by diversion of water for aquaculture, and small hydroelectric development. This proposal, if made final, would implement the protections provided by the Endangered Species Act (Act) of 1973, as amended. The Service requests comments and data from the public on this proposal.

DATES: Comments from all interested parties must be received by February 19, 1991. Public hearing requests must be received by February 1, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Boise Field Station, U.S. Fish and Wildlife Service, 4696 Overland Road, Room 576, Boise, Idaho 83705. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Charles Lobdell at the above address, 208/334-1931 or FTS 554-1931.

SUPPLEMENTARY INFORMATION:

Background

The Bliss Rapids snail (Family Hydrobiidae n. sp.), Snake River Physa snail (*Physa natricina*), and Idaho springsnail (*Fontelicella idahoensis*) are "living fossils," in that they are relicts from ancient lakes. The Bliss Rapids snail and Idaho springsnail are survivors of the late Pliocene (Blancan) Lake Idaho (Taylor 1966). Fossil material of the Pliocene *Lanx* is needed to confirm the identity of the newly discovered species as being conspecific with the Lake Idaho *Lanx*, though this is a new species in any case. Fossils of these species have been found in Lake Idaho deposits 3.5 million years old, where they lived in the surf zone. The Snake River Physa snail is a relict from Pleistocene lakes in the area (Taylor 1988).

The Bliss Rapids snail is pale tan to amber in color, 2-2.5mm long, with three whorls, and is roughly ovoid in shape. This snail has not been described in the literature. This snail lives only on cobbles and boulders in swift current. In the Snake River, it is found only in and just below the canyon segments in rapids or on boulder bars just below rapids. The Bliss Rapids snail historically was found from boulder bars above King Hill, approximately river mile 546, to lower Salmon Falls Dam, river mile 573 (27 total river miles), and in Box Canyon Springs. The species is currently found throughout its historic range at five sites that are on boulders in swift "white water" rapid areas, and in Box Canyon Springs (Taylor 1982a).

The Utah valvata snail (*Valvata utahensis*) is 4.5mm long, the shell is turbinate (about equally high and wide) with up to four whorls. Call (1884, as cited by Taylor 1982b) described the species from Utah Lake, Utah, as *Valvata Sincera* var. *utahensis*. Walker (1902, as cited by Taylor 1982b) revised the genus *Valvata* and determined *V. utahensis* to be a species. In the Snake River, *V. utahensis* lives on a substratum of fine silt among beds of submergent aquatic plants or among the marginal sedges. Water current is steady, providing continuous oxygen, and fluctuation of river levels is slight. The Utah valvata snail historically was discontinuously distributed in the Snake River. It primarily occurred from river mile 492 (near Grandview) to river mile 585 just above Thousand Springs; a disjunct isolated site is in the American Falls Dam tailwater near Eagle Rock damsite at river mile 709. The Utah valvata snail has been collected at seven locales: Four populations of this species are found at four locales along a 3.5 mile stretch of the mainstem Snake River, below Thousand Springs. The fifth population is located between Thousand Springs and Box Canyon, the sixth population is in Box Canyon, and the seventh population occurs upstream near Eagle Rock damsite.

The amber to brown Snake River Physa snail is about 5-7mm long with 3-3.5 whorls. The Snake River Physa snail was named *Physa natricina* and described by Taylor in 1988. Fossil records of the species were collected from southeastern Idaho and northern Utah. The type locality is the Snake River, Gooding County, Idaho (SW¼ SE¼ Sec. 21, T6S, R13E). Modern collections have been made in the Snake River from the vicinity of Bliss to Hammett, Idaho (Taylor 1982c). The species is restricted to the mainstem of the Snake River on gravel to boulder substratum in steady current. Living specimens have been found on boulders

in the deepest accessible part of the river, at the margins of rapids. The Snake River Physa snail historically occurred from river mile 524 (Indian Cove) to river mile 573 (lower Salmon Falls Dam). Presently it is known from two locales between river mile 553 and river mile 570, a reduction in range from 49 river miles to 17 miles.

The Idaho springsnail has a narrowly elongate shell reaching a length of 5–7mm, with up to 5.5–6 whorls. Using material collected near Homedale, Idaho by H.M. Tucker in 1930, H.A. Pilsbry described this species as *Amnicola idahoensis* (Pilsbry 1933, as cited by Taylor 1982d) Gregg and Taylor (1965) established the new genus *Fontelicella* and placed *F. idahoensis* in the proposed new subgenus *Natricola*. This species is found only in the free flowing mainstem of the Snake River; the snail is not found in any of the Snake River tributaries or in marginal springs (Taylor 1982d). Historically, the Idaho springsnail was found from river mile 415 (Homedale) to river mile 553 and has been collected at 10 locales. It is currently known from river mile 524 (Indian Cove) to river mile 553 (Bancroft Springs) in three sites, a reduction of nearly 80 percent from its historic range. The status of this species at Alkali Creek (river mile 533) and Three Island Crossing (river mile 536) has not been verified recently.

The Banbury Springs limpet (*Lanx* n. sp.) has a subcentral apex, with its length and height exceeding its width. The species requires unpolluted, clear and well oxygenated water. This limpet was newly discovered in 1988 at Banbury Springs (river mile 589). A second population was found in nearby Box Canyon Springs in 1989 (river mile 588). According to Frest (1989a), Dr. Dwight Taylor, Dr. Peter Bowler, and Dr. Frest * * * "have surveyed nearly all of the available habitat in the Snake River system in the past 25 years and it is very unlikely that many more additional populations will be found, or that any will be substantial in size." Today the Banbury Springs limpet exists only at the above two locations.

These five species require clean, well-oxygenated water, and a rapid, free-flowing river or large spring habitat for survival. The Utah valvata snail is able to exist in slower flowing micro-environments in these settings, but none can tolerate true impoundment or reservoir (dammed) conditions (Frest 1989b). The free-flowing river habitat for these species has been reduced. Adjacent reaches of the Snake River in southern Idaho have been impounded for large hydroelectric facilities and for irrigation. The Swan Falls, C. J. Strike, Bliss, Lower Salmon Falls, and Upper Salmon Falls Dams on the mainstem Snake River inundated free-flowing habitat and have extirpated populations of these species. These species remain in the isolated free-flowing segments between the dams and for some species in a few spring tributaries of the Snake River (Taylor 1982a, b, c, and d, Frest 1989a).

The bed of the Snake River is held in Public Trust by the State of Idaho. Snake River water flowing over the bed is subject to State and Federal water law and water can be appropriated for beneficial uses. Water in Box Canyon Springs Creek is also subject to appropriation. Land in the upper half of Box Canyon Springs Creek is privately owned and developed by Earl M Hardy, Land in the lower end of Box Canyon Springs Creek is managed by the Bureau of Land Management (Taylor 1985).

Listing the subject species would result in increased protection of free-flowing river and large spring habitat needed by other candidate species such as the giant Columbia River limpet (*Fisherola nuttalli*) (Taylor 1982a, b, c and d) and the Shoshone sculpin (*Cottus greenei*). These sites are the last mainstem Snake River habitats with the full range of molluscan species present, and thus represent a unique aquatic community.

Federal action on these five mollusks began as a result of several petitions submitted under section 4(B)(3) of the Act. Dr. Peter Bowler submitted a petition to list the Snake River Physa snail and the undescribed Bliss Rapids snail as endangered on February 7, 1980. A finding that this petition presented substantial information that the requested action may be warranted was published on April 23, 1980 (45 FR 27723). The Idaho springsnail was the subject of a petition submitted on November 12, 1987, by Dr. Bowler. The Service published on December 29, 1988. a finding that the petition to list the Idaho springsnail presented substantial information supporting the listing of the snail as endangered. Following the positive substantiality (90-day) findings, the Service initiated a status review on these species.

Section 4(b)(3)(B) of the Act requires the Service to make a finding within 1-year of the date a petition is received as to whether or not the requested action is warranted. If the Service finds that the requested action is warranted, but precluded by other pending proposals of higher priority, the Service must reevaluate the petition annually and make findings on whether or not the requested action is warranted. In the case of the Snake River Physa and Bliss Rapids snails, the first 12-month finding was published in the **Federal Register** on January 20. 1984 (49 FR 2485). Annual warranted, but precluded, findings have been made since 1984. This proposed rule constitutes the next 1-year finding that the listing of the Snake River Physa snail and Bliss Rapids snail is warranted. This proposed rule also constitutes the notice of the first 1-year finding that the listing of the Idaho springsnail as an endangered species is warranted.

Randall Morgan and others petitioned the Service to list an undescribed species in the genus *Lanx*, the Banbury Springs limpet, as endangered using the emergency provisions of the Act on November 13, 1989. Whereas the Service's status review does not disclose the existence of an emergency within the meaning of section 4(b)(7) of the Act, it does indicate that proposing the *Lanx* for listing under the normal procedures of section 4 is warranted. This constitutes the required petition findings, and this species is, therefore, included in this proposed rule.

Acting on its own information and volition the Service also proposes endangered status for the Utah valvata snail. This proposed rule is based upon status surveys conducted by Taylor (1982a, c and d and 1988) and Frest (1989b) on the Bliss Rapids, Idaho spring, and Snake River Physa snails, by Taylor (1982b) for the Utah valvata snail, and by Frest (1989a) and the Service for the Banbury Springs limpet. These surveys document the threats facing these species and support this proposed rule.

The petitions and accompanying data described these five snail species as threatened because the reach of the upper Snake River where these species are found is the last remaining free-flowing portion of the river within their historic range (Taylor 1982a, b, c, and d). With the exception of a small population of *Valvata utahensis* at a gently flowing site in the upper Salmon Falls impoundment, none of these species are able to survive in local impoundment habitats which segment their current distributions (Taylor 1982a, b, c, and d).

Summary of Factors Affecting the Species

Section 4 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 the Idaho springsnail (*Fontelicella idahoensis*), Utah valvata snail (*Valvata utahensis*), Snake River Physa snail (*Physa natricina*), Bliss Rapids snail (Family Hydrobiidae, n. sp.), and the Banbury Springs limpet (*Lanx* n. sp) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Eleven sites support populations of one or more of the snails proposed for listing. Nine of these sites occur in free-flowing Snake River waters between river mile 524 (Indian Cove) and river mile 585 (Thousand Springs). The other two sites occur upriver in tributary springs at Box Canyon Springs (river mile 588) and at Banbury Springs (river mile 589). Box Canyon Springs and free-flowing Snake River waters at Bancroft Springs support the greatest diversity of snails (three species each). Parts of Box Canyon Springs are located on Federal lands that have been designated by the Bureau of Land Management (Bureau) as an area of critical environmental concern. Lands adjacent to the Snake River are patented lands or public lands administered by the Bureau. Activities that could further threaten the continued existence of the Bliss Rapids snail, Utah valvata snail, Idaho springsnail, Banbury Springs limpet, or Snake River Physa snail include proposed large hydroelectric dam developments, peak-loading operations of existing hydroelectric water projects, water pollution, diversion of water for irrigation and aquaculture and small hydroelectric development.

The combined threats would substantially impact all but three of the known snail localities within the main stem Snake River and one of the two tributary spring localities. All known populations of the Bliss Rapids and Snake River Physa snails would most likely be extirpated. The *Lanx* and Idaho springsnail would be confined to a single locality, and the Utah valvata snail to only two sites.

Two proposed hydroelectric dams would damage or destroy two free flowing river reaches inhabited by these snails. The Idaho Power Company studied the area in the early 1980's, and the Federal Energy Regulatory Commission (Commission) denied their license requests when a mid-1980's power supply needs study revealed that the Northwest United States would have a power surplus into the early 1990's. Since Idaho Power's denial, there have been other preliminary permit filings on the free-flowing river reaches along the upper Snake River gradient from King Hill to Shoshone Falls. Idaho Power continues to review the possibility of constructing dams in this area.

Recently, the City of Tacoma, Washington, revived its interest in constructing a hydropower project (A.J. Wiley, Federal Energy Regulatory Commission No. 9106) on the lower Salmon Falls Dam tailwater (approximately river mile 565). This impoundment would inundate a population of Snake River Physa and three populations of the Bliss Rapids snail. Dike Hydroelectric Company (Federal Energy Regulatory Commission No. 8168) has considered another location, the Bliss Dam tailwaters (river mile 552), for a potential large hydropower development. This development would inundate populations of the Idaho springsnail, the Bliss Rapids snail, and the Snake River Physa snail that occur at Bancroft Springs. Construction of these two proposed dams would inundate four out of six known sites that are currently supporting populations of the Bliss Rapid snail; both of the two known sites that are currently supporting populations of the Snake River Physa snail, and one out of the three known sites in 1989 supporting a population of the Idaho springsnail. These two proposed dams would not inundate habitat for the Utah valvata snail since this snail is well upstream. The Banbury Springs limpet occurs in two tributary springs that flow into the Snake River and these would not be inundated by the two dams.

Peak-loading, the practice of artificially raising and lowering river levels to meet short-term electrical needs by local run-of-the-river hydroelectric projects also may threaten these species. The Bliss Rapids Dam is approximately 6 miles above Bancroft Springs and may adversely affect the three known populations (as of 1989) of the Idaho springsnail, two populations of the Bliss Rapids snail, and a population of the Snake River Physa snail, by restricting littoral habitat during the late summer peak-loading operation. Peak-loading operation of the lower Salmon Falls Power Plant may harm three down river populations of the Bliss Rapids snail, and a population of the Snake River Physa snail. The combined peak-loading effects from the two proposed dams would damage all three populations of the Idaho springsnail, five populations of the Bliss Rapids snail, and both of the Physa snail populations.

These species of snails have not been found between Milner Dam (river mile 639.1) and Shoshone Falls (river mile 614.8) because this river section is essentially dewatered during the irrigation season; the remaining low flows have poor water quality. It is unlikely that these species could exist in this river stretch. During the irrigation season water quality and quantity below Shoshone Falls is poor, but both are gradually improved by inflow from Snake River Plain Spring tributaries.

The quality of water in these habitats has a direct effect on the species' survival. The species require cold, well-oxyenated unpolluted water for survival. Any factor that leads to a deterioration in water quality would likely extirpate these taxa. For example, the Banbury Springs limpet lacks either lungs or gills and respires through unusually heavy vascularized mantles. This species cannot withstand temporary episodes of poor water quality conditions. Because of its stringent oxygen requirements, any factor that reduces dissolved oxygen contact for even a few days would very likely prove fatal to most or all of the populations. Factors that would degrade water quality include reduction in flow rate, warming, and increases in the concentration of fertilizers, herbicides or pesticides from irrigation waste water return. Irrigation runoff and waste water return do not as yet affect the Hagerman Valley Reach of the Snake River (where the snails occur) as severely as upstream and downstream stretches. This canyon reach receives massive unpolluted cold water recharge from the Thousand Springs aquifer complex.

Only two tributary springs of the upper Snake River, Banbury Springs and Box Canyon Springs, contain populations of the species proposed in this rule. The Banbury Springs limpet is found only in the two tributary springs. The Utah valvata and Bliss Rapids snail occur in Box Canyon Springs and the mainstem Snake River. Banbury Springs has no known threats, but Box Canyon Springs is threatened by a small hydroelectric project at the upper end of Box Canyon and a water diversion dam at the lower end of Box Canyon.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Not known to be applicable. However, some species have become vulnerable to over-collection following listing under the Act.

C. *Disease or predation.* Not known to be applicable.

D. *The inadequacy of existing regulatory mechanisms.* The Federal Energy Regulatory Commission

(Commission) is the agency responsible for issuing licenses for hydroelectric projects. The Commission solicits input from the Service regarding environmental impacts that may result from proposed projects. The Service's comments regarding impacts to candidate species, such as the five invertebrates proposed herein, are advisory in nature. The Commission relies upon the developer and the Service to resolve issues with respect to candidate species. Unless the developer is willing to mitigate voluntarily for impacts to these species, it is unlikely that the Commission would require mitigation by a project proponent. Consequently, the Commission's review of projects does not provide protection to the snails and limpet addressed in this proposed rule.

The U.S. Army Corps of Engineers (Corps) is also involved in the permitting of projects on the Snake River through their authority under section 404 of the Clean Water Act. The Corps issues individual and nationwide permits for projects that would result in the fill of navigable waters of the United States. Nationwide permits are issued for relatively small projects (hydroelectric projects producing less than 5 megawatts and some bridge crossings) that presumably have minimal environmental impacts. Projects requiring individual permits undergo more extensive environmental review and the permits often include conditions that mitigate for environmental impacts. Virtually any project within the range of these mollusks would require a permit as described in section 404 of the Clean Water Act. The Corps does solicit input from the Service regarding impacts to wildlife resources. Although the Corps gives full consideration to the Service's comments on permits, these comments regarding candidate species are advisory. In practice, the Corps' actions under the Clean Water Act do not adequately protect the five invertebrates considered herein.

If these species were federally listed as endangered, the Corps and the Commission would be required to initiate formal consultation pursuant to section 7 of the Act on any project that may affect one or more of these species. Such consultation would result in a Biological Opinion on whether or not the project proposed to be authorized is likely to jeopardize the continued existence of the species. If these species were listed, both the Commission and Corps would be required to insure that any project they authorize would not be likely to jeopardize the continued existence of these species. Conditions that would provide protection to the species could be incorporated into permits or licenses issued. The provisions of section 7 of the Act are more fully discussed later in this proposed rule.

E. *Other natural or manmade factors affecting their continued existence.* Although not fully understood, an introduced hydrobiid snail (*Potomapyrgus antipodarum* (= *P. jenkinsi*)) may complicate survival for these native species. This non-native species occurs throughout the range of these invertebrates (Bowler 1989a; 1989b). This exotic species may have been introduced by the trout aquaculture industry in this area. This hydrobiid snail is native to New Zealand and has also spread to Europe and Australia. By December, 1988, *P. antipodarum* was the dominant species in the riffle-rapid habitat of the Hagerman Reach and the Bliss Dam tailwater (Bowler 1989a). It formed dark mats of hundreds of individuals in habitat formerly preferred by native species. Subsequent observations during the summer of 1989 indicate that it may be more tolerant to the effects of hydroelectric peak-loading (which results in rapid water level fluctuation) than the native snail fauna. *Potomapyrgus antipodarum* may reproduce without fertilization and can build large populations rapidly.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Idaho springsnail (*Fontelicella idahoensis*), Utah valvata snail (*Valvata utahensis*), Snake River Physa snail (*Physa natricina*), Bliss Rapids snail (undescribed), and the Banbury Springs limpet (*Lanx* n. sp.) as endangered because these species have very restricted ranges and are vulnerable to adverse habitat modification and to water quality changes from dams, hydroelectric projects, and irrigation associated with agriculture. These species may also be vulnerable to competition from an exotic snail. For reasons discussed below, critical habitat is not being proposed at this time.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. The Service determines that critical habitat designation for these species is not prudent. Some populations are in localized springs and over-collecting by malacologists or vandalism could occur if their whereabouts were widely known. Regulations implementing section 4 of the Act provide that a designation of critical habitat is not prudent when a species is threatened by taking or other human activity and identification of critical habitat can be expected to increase the degree of such threat (50 CFR 424.12).

Available Conservation Measures

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

Federal actions that may be affected by this proposal are the granting of licenses by the Commission for hydroelectric/power dam development and the issuing of permits under Section 404 of the Clean Water Act by the Corps. The Commission would be required to consult with the Service on the previously mentioned hydroelectric/power dam proposals (A.J. Wiley, Idaho

Power Company and Dike Hydroelectric Company). The Corps would be required to consult with the Service on the Box Canyon water diversion dam. In addition, joint consultation by the Corps and the Commission with the Service would be necessary if any of the projects under licensing consideration by the Commission include plans for filling.

The Act and implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt to engage in any such conduct), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed animal species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

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 these species;

(2) The location of any additional populations of these 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 these species; and

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

The final decision on this proposal 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 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 at the Boise Field Station address referred to in the **ADDRESSES** section.

National Environmental Policy Act

The 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).

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Author

The primary author of this proposed rule is James F. Gore, Boise Field Station (See address section).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and record-keeping requirements, and Transportation.

Proposed Regulation Promulgation.

PART 17—[AMENDED]

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:

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

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

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Snails to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Snails							
*	*	*	*	*	*	*	
Limpet, Banbury Springs	*Lanx* n. sp	USA (ID)	NA	E		NA	NA

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Snail, Bliss Rapids	Family Hydrobiidae n. sp.	USA (ID)	NA	E		NA	NA
Snail, Snake River Physa	*Physa natricina*	USA (ID)	NA	E		NA	NA
Snail, Utah valvata	*Valvata utahensis*	USA (ID)	NA	E		NA	NA
Springsnail, Idaho	*Fontelicella idahoensis*	USA (ID)	NA	E		NA	NA
*	*	*	*	*	*	*	

Dated: December 3, 1990.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 90-29544 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 17

RIN 1018-AB52

Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for Three Florida Plants

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to list three plants from the Florida panhandle as threatened species pursuant to the Endangered Species Act of 1973 (Act), as amended. They are: *Euphorbia telephioides* (Telephus spurge, spurge family), *Macbridea alba* (white birds-in-a-nest, mint family), and *Scutellaria floridana* (Florida skullcap, mint family). The plants occur in four counties in the Florida panhandle. All three species are threatened by habitat degradation due to forestry practices, including shading by planted pine trees, mechanical site preparation for tree planting, and drainage improvement. *Euphorbia telephioides* is also threatened by destruction of its habitat by real estate development. This proposal, if made final, would implement the protection and recovery provisions afforded by the Act for the three plants. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by February 19, 1991. Public hearing requests must be received by February 1, 1990.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, Jacksonville Field Office, U.S. Fish and Wildlife Service, 3100 University Boulevard South, Suite 120, Jacksonville, Florida 32216. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: David J. Wesley, Field Supervisor, at the above address (telephone: 904-791-2580 or FTS 946-2580).

SUPPLEMENTARY INFORMATION:

Background

These three plant species were described by A.W. Chapman (1860), a physician and distinguished botanist of Apalachicola, Florida.

Euphorbia telephioides is a member of the spurge family (Euphorbiaceae). Small (1933) split the huge genus *Euphorbia* into smaller genera, renaming this species *Galarhoeus telephioides*. Webster (1967) established a new subsection of the genus *Euphorbia*, Inundatae, that includes *Euphorbia telephioides* and two other species native to the Florida panhandle: *Euphorbia floridana* and *E. inundata*.

Euphorbia telephioides is a perennial herb with a stout storage root. Stems are numerous, giving the plant a bushy appearance, up to 30 centimeters (1 foot) tall. Stems and leaves are smooth and have latex (milky sap). The largest leaves are 3-6 centimeters (1-2 inches) long, elliptic or oblanceolate, with the midrib and margins usually maroon. The inflorescence is a cyathium (a structure resembling a flower, containing several male flowers, each reduced to a single stamen, plus a single stalked female flower). Flowering is from April through July (Kral 1983). Clewell (1985) and Kral (1983) provide guidance for distinguishing this species from the most similar species, *Euphorbia inundata*, a taller plant of moister habitats.

Euphorbia telephioides is known from only 22 sites (Florida Natural Areas Inventory (FNAI) 1989; D. White, FNAI, pers. comm. 1990), all within 4 miles of the Gulf of Mexico (FNAI 1989; D. White, *in litt.* 1990). The plant occurs in Bay, Gulf, and Franklin Counties from Panama City Beach to east of Apalachicola.

The genus *Macbridea* belongs to the mint family (Lamiaceae or Labiatae). The earliest specimens were collected about 1860 by A.W. Chapman and a friend named Gausman (Roger Sanders, Fairchild Tropical Garden, *in litt.* 1977). The genus consists of two species, *Macbridea alba* and *Macbridea caroliniana* (Kral 1983, Godfrey and Wooten 1981). *Macbridea alba* is an upright, usually single-stemmed, odorless perennial herb with fleshy rhizomes. It is about 30-40 centimeters (1 foot) tall with opposite leaves up to 10 centimeters (4 inches) long, 1-2 centimeters (0.5-1 inches) broad, with winged petioles. With one exception, all the plants at a site are either smooth or hairy (L. Anderson, Florida State University, pers. comm. 1990; Anderson *in* FNAI 1989). The flowers are clustered at the top of the plant in a short spike with bracts. Each flower has a green calyx about 1 centimeter (0.5 inch) long and a brilliant white corolla 3 centimeters (1 inch) long. The corolla is two-lipped, the upper lip hoodlike. Flowering is from May into July (Kral 1983, Godfrey and Wooten 1981). In flower, *Macbridea alba* is conspicuous and unmistakable. The other species of *Macbridea*, *M. caroliniana*, has rose-purple flowers (Kral 1983) and is a candidate for Federal listing (55 FR 6184).

Macbridea alba occurs in Bay, Gulf, Franklin, and Liberty counties, Florida. The Apalachicola National Forest has 41 of the 63 known sites for this species, including the sites with the largest numbers of individuals (FNAI 1989; D. White, *in litt.* 1990).

Scutellaria floridana is a member of the mint family. Chapman's (1860) treatment of this plant was upheld by Epling (1942). It is a perennial herb, with swollen storage roots. Its stems are quadrangular and sparingly branched, solitary or in small groups. The leaves are opposite, 2-4 centimeters (1-1.5 inches) long, linear, with the margins strongly inrolled and a blunt, purplish tip. The flowers are solitary in the axils of short leafy bracts. Flower stalks are 5 mm (.20 inches) or less long. The flower has a bell shaped calyx with a cap or "scutellum" on its upper side. The corolla is bright lavender-blue, at least 2.5 cm (1 inch) long, with a throat and an

upper and lower lip. The lower lip is white in the middle. Flowering is in May and June (Kral 1983). The Florida panhandle has eight other species of *Scutellaria* (Clewell 1985).

Scutellaria floridana is presently known to occur at 11 sites in Gulf, Franklin, and Liberty counties, Florida, including 5 sites in Apalachicola National Forest (FNAI 1989; D. White, *in litt.* 1990). The plant is not nearly as widespread in Apalachicola National Forest as *Macbridea alba* (J. Walker, USDA Forest Service, Tallahassee, pers. comm. 1990).

These three plant species are restricted to the Gulf coastal lowlands near the mouth of the Apalachicola River, roughly from the southwestern part of Apalachicola National Forest west to the vicinity of Panama City. The three plant species inhabit grassy vegetation on poorly drained, infertile sandy soils. The wettest sites occupied by these plants are grassy seepage bogs on gentle slopes at the edges of forested or shrubby wetlands. Less permanently wet sites are savannahs (also spelled savanna; also called grass-sedge bogs or wet prairies) (Frost et al. 1986), which are nearly treeless and shrubless but have rich floras of grasses, sedges, and herbs. All three species occur in seepage bogs and savannahs. *Macbridea alba* also occurs sparingly on drier sites with longleaf pine and runner oaks (mesic flatwoods) (J. Walker, USDA Forest Service, pers. comm. 1990). *Euphorbia telephioides* also occurs in scrubby oak vegetation near the shoreline of the Gulf of Mexico (FNAI 1989).

The grassy understory of flatwoods (largely wiregrass, *Aristida stricta*) and the grassy vegetation of savannahs and seepage bogs is maintained by frequent fires. Lightning fires tend to occur during the growing season, but the region has a long and complex history of fire-setting by humans, and in the twentieth century, there has also been fire suppression. The frequency and season of fire is very important to the plant species that make up the vegetation, but fire effects can be subtle and considerably more research is needed if fire management is to be applied scientifically to conserving the native flora (Robbins and Myers in preparation, Clewell 1986). Growing season fire can serve to stimulate and/or synchronize flowering in many species (Platt et al. 1988), including *Macbridea alba* (J. Walker, pers. comm. 1990).

The Apalachicola region has many endemic (locally distributed) plant species including *Liatris provincialis*, whose coastal distribution parallels that of *Euphorbia telephioides*. Savannah plants include *Cuphea aspera*, *Justicia crassifolia*, *Verbesina chapmanii* and *Lythrum curtissii* (Anderson 1989): and *Pinguicula ionantha* (violet butterwort) inhabits wet areas. Other areas in the Southeast have savannahs with rich floras, including the Cape Fear region of North Carolina (Walker and Peet 1985) and coastal Mississippi (Norquist 1984).

Savannahs in this area are economically valueless unless they are planted to pine trees or converted to pasture. Before pines are planted, sites are typically prepared by bedding and other mechanical methods, which is destructive to these plants (Kral 1983). After site preparation, and for the first few years after a new crop of pines is planted, surviving native herbs often prosper. For example, all six sites where *Scutellaria floridana* was found in 1988 are in recently cutover or replanted pine plantations. Understory grasses and herbs on such sites are usually adversely affected by shading as pines grow taller (Kral 1983). Savannah plants often persist on road rights-of-way (for example, the endangered *Harperocallis flava*), power line rights-of-way (*Euphorbia telephioides*), or other areas where infrequent mowing or bush-hogging substitutes for fire.

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to the Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report as a petition in the context of section 4(c)(2) (now section 4(b)(3)) of the Act, as amended, and of its intention to review the status of the plant taxa contained within. *Euphorbia telephioides* and *Scutellaria floridana* were included in these documents as threatened species; *Macbridea alba* was considered endangered. On June 16, 1976, the Service published a proposed rule (41 FR 24524) to determine some 1,700 U.S. vascular plant species recommended by the Smithsonian report (including *Macbridea alba*) to be endangered species pursuant to section 4 of the Act. This proposal was withdrawn in 1979 (44 FR 12382).

On December 15, 1980, the Service published a notice of review for plants (45 FR 82480), which included *Euphorbia telephioides*, *Macbridea alba*, and *Scutellaria floridana*, as category 1 candidates (taxa for which the Service currently has on file substantial data on biological vulnerability and threats to support proposing to list them as endangered or threatened species). A supplement to the notice of review published on November 28, 1983 (48 FR 53640) changed all three species to category 2 candidates (taxa for which data in the Service's possession indicate listing is possibly appropriate); the three species retained category 2 status in a notice of review published September 27, 1985 (50 FR 39526). The notice of review published on February 21, 1990 (55 FR 6184) made all three species category 1 candidates, based on field work conducted by Loran Anderson, Wilson Baker, and Angus Gholson in the Apalachicola National Forest in 1987 (D. White, *in litt.* 1990) and outside the National Forest in 1988 (FNAI 1989).

Section 4(b)(3)(B) of the Act, as amended in 1982, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 Amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for these three species because the Service had accepted the 1975 Smithsonian report as a petition. In each October of 1983 through 1989, the Service found that the petitioned listing of these species was warranted but precluded by other listing actions of a higher priority, and that additional data on vulnerability and threats were still being gathered. Publication of this proposal constitutes the final petition finding.

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 *Euphorbia telephioides* Chapman (Telephus spurge), *Macbridea alba* Chapman (white birds-in-a-nest), and *Scutellaria floridana* Chapman (Florida skullcap) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Destruction of habitat is most important for *Euphorbia telephioides*, which is being affected by road construction and real estate development near Panama City Beach. Because its entire distribution is within four miles of the Gulf coast, this species is highly vulnerable to coastal

residential and resort development in Franklin and Gulf Counties. A coastal golf resort community for Franklin County was proposed in 1989.

All three species occur adjacent to the town of Port St. Joe, so expansion of the town would affect them as well as the endangered Chapman rhododendron, *Rhododendron chapmanii*, which occurs in the same vicinity. Development of improved cattle pasture probably has destroyed habitat of these species (Kral 1983), but documentation of the extent of such habitat loss is not available.

All three species are affected by habitat modification by the forest products industry to plant and harvest slash pine. Site preparation that precedes tree planting may destroy these plants (Kral 1983, FNAI 1989), although populations of these species may recover in the sunny conditions that prevail for several years in young pine stands. Shading of these plants by neighboring grasses and by pine trees after canopy closure probably affects these plants seriously (Kral 1983, FNAI 1989), although long-term data on these species are not available.

Lack of prescribed fire or prescribed fire in the dormant season is detrimental for much of the pineland flora (Robbins and Myers in prep.; Platt et al. 1988). Landowner liability for prescribed fire has recently discouraged prescribed burning of pinelands in Florida, but the problem was addressed by the Florida legislature in 1990.

Power line rights-of-way provide valuable habitat for these three species, especially for *Euphorbia telephioides* in Franklin County (FNAI 1989). On such right-of-way, use of herbicides to control the vegetation, rather than bush-hogging or mowing, could adversely affect *Euphorbia telephioides* and the other species.

The recorded occurrences of *Macbridea alba* (FNAI 1989; D. White, *in litt*, 1990) provide evidence that this species has declined in most of its range. Although the plant occurs in 4 counties, 41 of its 63 known localities are in the Post Office Bay area of Apalachicola National Forest, within 15 miles of each other. Ten of the 13 sites with at least 100 *Macbridea alba* plants are in the National Forest, including the largest site with an estimated 1500 plants. The distribution data for this plant are relatively complete and very reliable because the species is conspicuous and nearly all of the locality data were gathered by the same botanists whose 1988 field work outside the Forest provided reports on 171 sites with endemic plant species in 4 counties. Their data show that Gulf County has a richer flora of endemic plants than the National Forest, and that the National Forest is at the edge of the distribution of *Macbridea alba*. It is unlikely that the land that was included in the National Forest originally had the most, or the largest populations of *Macbridea alba*. The present distribution and abundance of *Macbridea alba* is consistent with Godfrey's (1979 assertion that "modern forestry practices are destroying this species," and Kral's (1983) opinion that drainage, lack of fire, and mechanical site preparation for tree planting reduces or eliminates this and other species, such as *Verbesina chapmanii*, *Justicia crassifolia*, *Scutellaria floridana*, and *Cuphea aspera*. *Scutellaria floridana* is a rarer plant than *Macbridea alba*, so forestry activities would seem to affect it more seriously.

The Forest Service conducts some prescribed burns during the growing season to reduce the incidence of brown-spot infection of longleaf pine seedlings (Robbins and Myers in preparation). This practice may favor *Macbridea alba* and other herbs. Most private land is planted with slash pine. Forest Service management practices are intended to benefit *Macbridea alba*, *Scutellaria floridana*, and other sensitive species including the endangered *Harperocallis flava*, but management to date has been based on casual observation rather than scientific monitoring to observe whether practices actually benefit the plants (J. Walker and D. White, pers. comm. 1990).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* None known. *Macbridea alba* has handsome flowers, but it is apparently not cultivated, nor is it known to be taken in the Apalachicola National Forest (where taking of spider lilies has recently been observed in the same habitat) (J. Walker, Forest Service, pers. comm. 1990).

C. *Disease or predation.* Not applicable.

D. *The inadequacy of existing regulatory mechanisms.* All three species are listed as endangered species under the Preservation of Native Flora of Florida law (section 581.185–187, Florida Statutes), which regulates taking, transport, and sale of plants but does not provide habitat protection. The Endangered Species Act will provide additional protection through sections 7 and 9, and through recovery planning.

E. *Other natural or manmade factors affecting its continued existence.* The limited geographic distributions of these plants, and the consistent habitat alteration through most of the ranges of these plants exacerbate the risks posed to the three species by the preceding four factors, making it possible that unless conservation measures are taken, each species might become extinct in a significant portion of its range in the foreseeable future.

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 the rule. Based on this evaluation, the preferred action is to list *Euphorbia telephioides*, *Macbridea alba*, and *Scutellaria floridana* as threatened. As discussed under Factor E., each of these species is likely to become extinct in a significant portion of its range within the foreseeable future, fitting the Act's definition of a threatened species. Endangered classification would not be appropriate, as none of the species are in imminent danger of extinction, having at least short-term security due to the number of populations and their distribution over several counties. Additionally, two of the species receive some protection by their occurrence in the Apalachicola National Forest.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that, to the maximum extent prudent and determinable, the Secretary propose critical habitat at the time the species is proposed to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for these species. Most of the populations of these species are small and localized. Although none of the plants is presently known to be affected by take (as discussed for *Macbridea alba* under Factor B in the Summary of Factors Affecting the Species), the proposal to list these species as threatened could lead to collecting or deliberate destruction of populations. Listing as threatened would protect *Euphorbia telephioides*, *Macbridea alba* and *Scutellaria floridana* from removal and reduction to possession from lands under Federal jurisdiction; however, since the Act does not otherwise protect threatened plants on either Federal or private lands, publication of critical habitat descriptions and maps would only add to the threats faced by these species. Furthermore, although the removal and possession of listed plants from Federal lands is prohibited, such provisions are difficult to enforce. The Forest Service is aware of the locations of all populations of *Macbridea alba* and *Scutellaria floridana* on its lands, and other involved parties and principal landowners can be notified of the location and importance of protecting this species' habitat through several

mechanism, including Florida's system for protecting endangered and threatened species from pesticide application, as well as Florida's regional and local planning procedures. Protection of these species' habitat will be addressed through the recovery process and through the Section 7 consultation process. For these reasons, it would not be prudent to determine critical habitat for *Euphorbia telephioides, Macrbridea alba,* or *Scutellaria floridana.*

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 destrroy or advesely 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 populations of *Macbridea alba* and *Scutellaria floridana* in Apalachicola National Forest are already managed with the intention of benefitting these and other sensitive plant species. Listing will encourage further research and management efforts by the Forest Service. On private lands, listing of these species will probably result in measures to ensure that they are not adversely affected by pesticide (especially herbicide) use under a state program approved by the Environmental Protection Agency. Listing of these plants will also encourage their conservation through Florida's planning procedures, supervised by the Florida Department of Community Affairs.

The Act and its implementing regulations found at 50 CFR 17.71 and 17.72 for threatened plants, set forth a series of general trade prohibitions and exceptions for 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 these species in interstate or foreign commerce, or to remove and reduce to possession these species from areas under Federal jurisdiction. Seeds from cultivated specimens of threatened plant species are exempt from these prohibitioins provided that a statement of "cultivated origin" appears on their containers. In addition, for endangered 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 endangered plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulations. This protection may apply to threatened plants once revised regulations are promulgated. 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 will be sought or issued because the three species are not cultivated. Requests for copies of the regulations on listed plants and inquiries regarding prohibitions and permits may be addressed to the Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 432, Arlington, VA 22203 (703/358–2104).

Public Comments Solicited

The Service intends that any final rule 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 these species;

(2) The location of any additiional populations of these 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 ranges, distributions, and population sizes of these species; and

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

Final promulgation of the regulation on these 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 Jacksonville, Florida, Field Office (see "**ADDRESSES**" section).

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).

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Author

The primary author of this proposed rule is Mr. David Martin (see **"ADDRESSES"** section).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

PART 17—[AMENDED]

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:

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

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

2. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order, 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					
Euphorbiaceae—Spurge family:						
*	*	*	*		*	
Euphorbia telephioides	Telephus spurge	U.S.A. (FL)	T		NA	NA
*	*	*	*		*	
Lamiaceae—Mint family:						
*	*	*	*		*	
Macbridea alba	White birds-in-a-nest	U.S.A. (FL)	T		NA	NA
*	*	*	*		*	
Scutellaria floridana	Florida skullcap	U.S.A. (FL)	T		NA	NA
*	*	*	*		*	

Dated: November 21, 1990.

Richard N. Smith,

Acting Director, Fish and Wildlife Service.

[FR Doc. 90–29545 Filed 12–17–90; 8:45 am]

BILLING CODE 4310-55-M

Notices

Federal Register
Vol. 55, No. 243
Tuesday, December 18, 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

Office of the Secretary

Science and Education, National Research Initiative Advisory Committee

Notice is hereby given that the Secretary of Agriculture intends to reestablish the Science and Education Competitive Research Grants Office Advisory Committee, and rename it the Science and Education National Research Initiative Advisory Committee. This Committee will advise the Secretary of Agriculture with respect to areas of agricultural research to be supported, priorities to be adopted, and procedures to be followed in implementing programs of research grants to be awarded competitively.

This Committee will meet annually in Washington, DC. The duties of this Committee are to advise the Secretary on Grant policies for the Agencies, examine needs as related to ongoing programs, provide an overview of research needs in areas considered for U.S. Department of Agriculture grants, assess program progress and recommend resource shifts, and advise on ways to improve guidelines and evaluation procedures.

It has been determined that the reestablishment of this Advisory Committee is in the public interest in connection with the work of the U.S. Department of Agriculture.

Interested parties are invited to submit written comments, views, or data concerning this proposal to John Patrick Jordan, Administrator, Cooperative State Research Service U.S. Department of Agriculture, Washington, DC 20250–2200, by January 2, 1991.

Done at Washington, DC, this 11th day of December, 1990.

Adis M. Vila,

Assistant Secretary for Administration.

[FR Doc. 90–29502 Filed 12–17–90; 8:45 am]

BILLING CODE 3410-22-M

Cooperative State Research Service

Competitive Research Grants Program (National Research Initiative Competitive Grants Program) for Fiscal Year 1991; Solicitation of Applications

Correction

In the Notice of Solicitation of Applications for the Competitive Research Grants Program (National Research Initiative Competitive Grants Program) for Fiscal Year 1991, appearing in FR Vol. 55, No. 228, part II, November 27, 1990, make the following correction:

On page 49380, in the second column, in the eighth line, "Plant Systems ($33.960M)" should read "Plant Systems (33.180M)".

Done at Washington, DC, this 4th day of December, 1990.

William D. Carlson,

Associate Administrator, Office of Grants and Program Systems, Cooperative State Research Service.

[FR Doc. 90–29501 Filed 12–17–90; 8:45 am]

BILLING CODE 3410-22-M

DEPARTMENT OF COMMERCE

Minority Business Development Agency

Business Development Center Applications: Los Angeles, CA

December 10, 1990.

AGENCY: Minority Business Development Agency.

ACTION: Cancellation of notice.

SUMMARY: This cancels the advertisement as it appears in the issue of September 12, 1989 for the Minority Business Development Agency (MBDA) announcing that it was soliciting competitive applications under its Los Angeles, California Minority Business Development Center (MBDC) Program to operate an MBDC for a 3-year period.

Closing Date: The closing date was October 31, 1989. Applications were to be postmarked on or before October 31, 1989.

ADDRESS: Washington Regional Office, Minority Business Development Agency, U.S. Department of Commerce, Room 6723, Washington, DC 20230, 202-377-8275.

FOR FURTHER INFORMATION CONTACT: Gina A. Sanchez, Regional Director, Washington Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information can be obtained at the above address.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Dated: December 10, 1990.

Gina A. Sanchez,

Regional Director, Washington Regional Office.

[FR Doc. 90–29524 Filed 12–17–90; 8:45 am]

BILLING CODE 3510-21-M

National Institute of Standards and Technology

[Docket No. 900101-0219]

RIN 0693-AA59

Approval of Revisions to Federal Information Processing Standards (FIPS) Family of Input/Output Interface Standards

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: The purpose of this notice is to announce that the Secretary of Commerce has approved revisions to the Federal Information Processing Standards (FIPS) family of input/output interface standards, and has approved discontinuation of the exclusion and verification lists for these standards.

SUMMARY: On March 20, 1990, notice was published in the **Federal Register** (55 FR 10272) proposing revision of Federal Information Processing Standards (FIPS) 60–2, 61–1, 62, 63–1, 97, 111, 130, and 131 to make them non-mandatory, and discontinue the exclusion and verification lists for these standards. This proposal superseded the proposal for revision of these standards announced in the **Federal Register** (52 FR 44462) of November 19, 1987. Procedures for the Exclusion List for FIPS 60, 61, 62, 63, and 97 were published in the **Federal Register** on

September 3, 1982 (47 FR 38959–38960). Procedures for the Verification List for FIPS 60, 61, 62, 63, and 97 were published in the **Federal Register** on December 11, 1979 (44 FR 71444–71445) and on April 7, 1981 (46 FR 20719–20720).

The written comments submitted by interested parties and other material available to the Department relevant to these proposed revisions were reviewed by NIST. On the basis of this review, NIST recommended that the Secretary approve revisions to the input/output family of standards and approve discontinuation of the exclusion and verification lists for these standards. NIST prepared a detailed justification document for the Secretary's review in support of those recommendations.

This notice provides only the changes to the revised standards.

EFFECTIVE DATE: These revisions are effective December 18, 1990.

ADDRESSES: Interested parties may obtain copies of FIPS PUBS 60–2, 61–1, 62, 63–1, 97, 111, 130, and 131 from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22161.

FOR FURTHER INFORMATION CONTACT: Ms. Shirley Radack, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone (301) 975–2833.

SUPPLEMENTARY INFORMATION: Under the provisions of 40 U.S.C. 759(d), the Secretary of Commerce is authorized to promulgate standards and guidelines for Federal computer systems, and to make such standards compulsory and binding to the extent to which the Secretary determines necessary to improve the efficiency of operation, or security and privacy of Federal computer systems.

The family of I/O interface standards currently includes:

a. FIPS 60–2, I/O Channel Interface, revised July 29, 1983.

b. FIPS 61–1, Channel Level Power Control Interface, revised July 13, 1982.

c. FIPS 62, Operational Specifications for Magnetic Tape Subsystems, revised December 30, 1980.

d. FIPS 63–1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems, revised April 14, 1983; Supplement to FIPS PUB. 63–1, Additional Operational Specifications for Variable Block Rotating Mass Storage Subsystems, April 14, 1983.

e. FIPS 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, February 4, 1983.

f. FIPS 111, Storage Module Interfaces (with extensions for enhanced storage module interfaces), April 18, 1985.

g. FIPS 130, Intelligent Peripheral Interface (IPI), July 16, 1987.

h. FIPS 131, Small Computer System Interface (SCSI) July 16, 1987.

The following revisions are being made effective immediately upon publication. A delayed effective date is not required because these standards are exempt from the Administrative Procedure Act by U.S.C. 553(a)(2).

Revisions to Federal Information Processing Standards 60–2, 61–1, 62, 63–1, 97, 111, 130, and 131.

FIPS 60–2, I/O Channel Interface, is revised as follows:

Applicability. This standard addresses the interconnection of computer peripheral equipment as a part of ADP systems for the following types of peripherals: (1) Magnetic tape equipment employing open reel-to-reel magnetic tape storage devices, specifically excluding magnetic tape cassette and tape cartridge storage devices, (2) magnetic disk storage equipment employing disk drives each having a capacity greater than 7 megabytes per storage module, excluding flexible disk and disk cartridge devices having a smaller storage capacity per device, and (3) other peripheral equipment employing peripheral device types for which operational specifications standards have been issued as Federal Information Processing Standards. This standard is recommended for use in the acquisition of peripheral equipment for ADP systems with input/output channel interfaces as specified in the technical specifications, when it is determined that interchange of equipment between different systems is likely.

Implementation. The original version of this standard became effective December 13, 1979. The first revision became effective June 23, 1980, and the second revision became effective July 29, 1983. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 61–1, Channel Level Power Control Interface, is revised as follows:

Applicability. This standard addresses the power control interface in connecting computer peripheral equipment to ADP systems. It is recommended for use then FIPS 60–2 is used, when it is determined that interchange of equipment between different systems is likely.

Implementation. The original version of this standard became effective June 23, 1980, and the first revision became effective July 13, 1982. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 62, Operational Specifications for Magnetic Tape Subsystems, is revised as follows:

Applicability. This standard addresses magnetic tape equipment connected to ADP systems through FIPS 60 interfaces. It is recommended for use in the acquisition of such equipment, when it is determined that interchange of equipment between different systems is likely.

Implementation. The original version of this standard became effective June 23, 1980. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 63–1, Operational Specifications for Variable Block Rotating Mass Storage Subsystems, is revised as follows:

Applicability. This standard addresses peripheral device dependent operational interfaces for connecting variable block rotating mass storage equipment to ADP systems through FIPS 60 interfaces. It is recommended for use in the acquisition of such variable block rotating mass storage equipment for connection to ADP systems, when it is determined that interchange of equipment between different systems is likely.

Implementation. This standard became effective June 23, 1980, and the first revision became effective April 14, 1983. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 97, Operational Specifications for Fixed Block Rotating Mass Storage Subsystems, is revised as follows:

Applicability. This standard addresses the peripheral device dependent operational interface specifications for connecting fixed block rotating mass storage equipment to ADP systems through FIPS 60 interfaces. It is recommended for use in the acquisition of such fixed block rotating mass storage equipment for connection to ADP systems, when it is determined that interchange of equipment between different systems is likely.

Implementation. The original version of this standard became effective February 4, 1983. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 111, Storage Module Interfaces, is revised as follows:

Applicability. This standard addresses connection of a disk drive to a controller as part of an ADP system. This standard is recommended for use in the acquisition of disk systems that are

connected to small and medium sized computer systems, when it is determined that interchange of equipment between different systems is likely.

Implementation. This standard became effective May 18, 1985. This revision becomes effective December 18, 1990.

Waivers. This standard is non-mandatory. No waivers are required.

FIPS 130, Intelligent Peripheral Interface (IPI), is revised as follows:

Section 8, Applicability. This standard applies to the connection of computers to storage peripheral device controllers. This standard is recommended for use in the acquisition of magnetic disk drives, optical disk drives, and tape drives to be connected to minicomputer systems, when it is determined that interchange of equipment between different systems is likely.

Section 10, Implementation. This standard became effective December 16, 1987. This revision becomes effective December 18, 1990.

Section 11, Waivers. This standard is non-mandatory. No waivers are required.

FIPS 131, Small Computer System Interface (SCSI) is revised as follows:

Section 8, Applicability. This standard addresses the connection of small computers to peripheral devices with integral controllers. This standard is recommended for use in the acquisition of storage peripherals and small computer systems for office or laboratory use, when it is determined that interchange of equipment between different systems is likely.

Section 10, Implementation. This standard became effective December 16, 1987. This revision becomes effective December 18, 1990.

Section 11, Waivers. This standard is non-mandatory. No waivers are required.

Dated: December 12, 1990.

John W. Lyons,

Director.

[FR Doc. 90-29563 Filed 12-17-90; 8:45 am]

BILLING CODE 3510-CN-M

National Oceanic and Atmospheric Administration

Atlantic Swordfish Fishery

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

ACTION: Notice of withdrawal of an amendment to a fishery management plan from Secretarial review under the Magnuson Fishery Conservation and Management Act.

SUMMARY: The South Atlantic Fishery Management Council (Council) submitted Amendment 1 to the Fishery Management Plan for Atlantic Swordfish (Amendment 1 to the FMP) on November 1, 1990, for Secretarial review, approval, and implementation under provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act); Secretarial review began on November 7, 1990. On November 28, 1990, the President signed into law Public Law 101-627 (Pub. L. 101-627), which transfers full responsibility for management of swordfish, including preparation of fishery management plans and amendments, to the Secretary of Commerce (Secretary). Consequently, NOAA is withdrawing Amendment 1 from Secretarial review. The Secretary will undertake any necessary and appropriate management actions for the future management of Atlantic swordfish. The existing management measures in the FMP will continue in effect until superseded by the Secretary.

DATES: Amendment 1 is withdrawn from Secretarial review on December 12, 1990.

ADDRESSES: Inquiries regarding this action should be addressed to Mr. Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, NOAA, 1335 East-West Highway, Silver Spring, Maryland 20910; telephone 301-427-2334.

FOR FURTHER INFORMATION CONTACT: Richard B. Stone, National Marine Fisheries Service, telephone 301-427-2347.

SUPPLEMENTARY INFORMATION: The Council submitted Amendment 1 to the FMP on November 1, 1990, for Secretarial review, approval, and implementation under the Magnuson Act; a notice of availability of Amendment 1 for public review and comment was published on November 13, 1990 (55 FR 47372). On November 28, 1990, the President signed into law Public Law 101-627, which gives the Secretary authority over any highly migratory species fishery that is within the geographical area of authority of more than one of the following fishery management councils: New England Council, Mid-Atlantic Council, South Atlantic Council, Gulf Council, and Caribbean Council; "highly migratory" is defined by Public Law 101-627 to include swordfish (species *Xiphias gladius*). Public Law 101-627 instructs that any fishery management plan that addresses a highly migratory species (as defined by Pub. L. 101-627), that was prepared by one or more Regional Fishery Management Councils, and that was in force and effect on January 1, 1990, shall remain in effect until superseded by a fishery management plan and implementing regulations prepared by the Secretary. Since Amendment 1 was not in force and effect on January 1, 1990, and since the Secretary not has the responsibility for preparing any future amendments to the FMP, Amendment 1 is withdrawn from Secretarial review. The Secretary will follow the requirements of the Magnuson Act, as amended by Public Law 101-627, in preparing any future amendments to the FMP.

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

Dated: December 12, 1990.

Joe P. Clem,

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

[FR Doc. 90-29485 Filed 12-12-90; 4:07 pm]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Snapper-Grouper Amendment 4 Public Hearings and Wreckfish Public Scoping Meetings

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

ACTION: Notice of public hearings and scoping meetings and request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold a series of public hearings and provide a comment period to solicit public input for proposed Amendment 4 to the Snapper-Grouper Fishery Management Plan (FMP). Proposed minimum sizes, gear restrictions, recreational bag limits, commercial quotas, and spawning season/area closures will be discussed during the public hearings for Amendment 4. During the wreckfish public scoping meetings, input will be received on options for the proposed limited entry program for the wreckfish fishery.

DATES: See "**SUPPLEMENTARY INFORMATION**" for dates and locations of the hearings and public scoping meetings. All public hearings for Amendment 4 will begin at 6 p.m. Written comments for Amendment 4 must be received by February 8, 1991. The wreckfish public scoping meetings will be held from 1 p.m., to 4 p.m.

ADDRESSES: All written comments should be addressed to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, suite 306, Charleston, South Carolina 29407–4699.

FOR FURTHER INFORMATION CONTACT: Carrie Knight, Public Information Officer, South Atlantic Fishery Management Council, 803–571–4366.

SUPPLEMENTARY INFORMATION: Amendment 4 to the FMP was prepared by the Council. The intended effect of this amendment is to increase the spawning stock for the different species of snapper-grouper above 30 percent. (This would be an increase in the number of adult fish which are able to reproduce to a level of 30 percent of what it would be if there were no fishing occurring for that species.) These proposed management measures also would standardize regulations, where feasible, with the Gulf of Mexico Fishery Management Council.

The dates and locations of the snapper-grouper public hearings are scheduled as follows:

1. Monday, January 7, 1991—Holiday Inn—Beachside, N. Roosevelt Boulevard, Duval room, Key West, Florida.
2. Tuesday, January 8, 1991—Royce Hotel, 1601 Belvedere Road, West Palm Beach, Florida.
3. Wednesday, January 9, 1991—Holiday Inn Ocean Front, 1617 First Street, N., Jacksonville Beach, Florida.
4. Thursday, January 10, 1991—Holiday Inn Mid-Town, 7100 Abercorn Street, Savannah, Georgia.
5. Friday, January 11, 1991—South Carolina Wildlife and Marine Resources Department, 240 Fort Johnson Road, Charleston, South Carolina.
6. Monday, January 14, 1991—Quality Royale Beach Cove Inn, 4800 S. Ocean Boulevard, North Myrtle Beach, South Carolina.
7. Tuesday, January 15, 1991—Hilton Inn, 301 N. Water Street, Wilmington, North Carolina.
8. Wednesday, January 16, 1991—Carteret Community College, 3505 Arendell Street, Morehead City, North Carolina.

The dates and locations of the public scoping meetings are scheduled as follows:

1. Wednesday, January 9, 1991—Holiday Inn Ocean Front, 1617 First Street, N., Jacksonville Beach, Florida.
2. Friday, January 11, 1991—South Carolina Wildlife and Marine Resources Department, 240 Fort Johnson Road, Charleston, South Carolina.
3. Tuesday, January 15, 1991—Hilton Inn, 301 N. Water Street, Wilmington, North Carolina.

Dated: December 12, 1990.

Joe P. Clem,

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

[FR Doc. 90–29486 Filed 12–17–90; 8:45 am]

BILLING CODE 3510-22-M

New England Fishery Management Council; Statement of Organization, Practices and Procedures

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

Pursuant to section 302(f)(6) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 *et seq.*, each Regional Fishery Management Council (Council) is responsible for carrying out its function under the Magnuson Act, in accordance with such uniform standards as are prescribed by the Secretary of Commerce (Secretary). Further, each Council must make available to the public a statement of its organization, practices and procedures (SOPP).

On January 17, 1989, NOAA published in the **Federal Register** (54 FR 1700) a final rule that revised the regulations (50 CFR parts 600, 601, 604 and 605) and guidelines concerning the operation of the Councils under the Magnuson Act. The final rule, effective February 16, 1989, implemented parts of title 1 of Public Law 99–659, amending the Magnuson Act, and among other things, clarified instructions of the Secretary on other statutory requirements affecting the Councils.

In accordance with the above-mentioned final rule, the New England Fishery Management Council (New England Council) has prepared its revised SOPP. Interested parties may obtain a copy of the New England Council's revised SOPP by contacting Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01906; telephone (617) 231–0422.

Dated: December 13, 1990.

Joe P. Clem,

Acting Director, Office of Fisheries Conservation and Management.

[FR Doc. 90–29542 Filed 12–17–90; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Macau

December 12, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATE: January 1, 1991.

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) 343–6495. 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).

The Governments of the United States and Macau met November 26–28, 1990 and reached agreement on the issue of circumvention. Therefore, the United States has withdrawn its letter of intent to terminate the bilateral agreement.

The Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes December 28, 1983 and January 9, 1984, as amended and extended, between the Governments of the United States and Macau establishes limits for the period January 1, 1991 through December 31, 1991. The aggregate and Group I limits and limits for Categories 345, 445/446, 645/646 and 845/846 have been reduced.

A copy of the agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647–1998.

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 41573, published on October 12, 1990.

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 bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 12, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Agreement, effected by exchange of notes dated December 28, 1983 and January 9, 1984, as amended and extended, between the Governments of the United States and Macau; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Macau and exported during the twelve-month period beginning on January 1, 1991 and extending through December 31, 1991, in excess of the following restraint limits:

Cagetory	Twelve-month restraint limit
200-239, 300-369, 400-469, 600-670 and 800-899, as a group.	81,155,694 square meters equivalent.
Group I:	
200-239, 300-369, 600-670 and 800-899, as a group.	77,952,813 square meters equivalent.
Sublevels Within Group I:	
237	61,000 dozen.
239	93,387 kilograms.
331/831	300,000 dozen pairs.
333/334/335/833/834/835.	175,871 dozen of which are not more than 92,642 dozen shall be in Categories 333/335/833/835.
336/836	23,000 dozen.
338	226,406 dozen.
339	948,335 dozen.
340	214,294 dozen.
341	138,215 dozen.
342	39,326 dozen.
345	19,000 dozen.
347/348/847	535,897 dozen.
349	145,833 dozen.
350/850	18,000 dozen.
351/851	27,000 dozen.
352	66,636 dozen.
359/859	137,892 kilograms.
631	231,386 dozen pairs.
633/634/635	372,422 dozen.
636	15,453 dozen.
638/639/838	1,159,731 dozen.
640	82,457 dozen.
641/840	141,723 dozen.
642/842	82,569 dozen.
645/646	90,959 dozen.
647/648	389,923 dozen.
649	145,833 dozen.
651	13,462 dozen.
652/852	160,000 dozen.
659	89,762 kilograms.
670	340,194 kilograms.
845/846	30,452 dozen.
Group II:	
400-469, as a group	1,405,436 square meters equivalent.
Sublevels Within Group II:	
434	1,852 dozen.
438	6,667 dozen.
442	5,556 dozen.
445/446	37,510 dozen.

Imports charged to these category limits for the period January 1, 1990 through December 31, 1990 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

The limits set forth above are subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and Macau.

The conversion factors are listed below:

Category	Conversion factor
333/334/335/833/834/835.	34.2
359/859	8.5
633/634/635	34.5
638/639/838	12.9
641/840	12.1
652/852	13.4

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has dertermined 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. 90-29526 Filed 12-17-90; 8:45 am]

BILLING CODE 3510-DR-M

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

December 12, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: December 19, 1990.

FOR FURTHER INFORMATION CONTACT: Anne Novak, 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) 343-6498. 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).

The current limits for certain categories are being adjusted, variously, for swing, carryover and carryforward.

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 in the United States (see **Federal Register** notice 54 FR 50797, published on December 11, 1989). Also see 54 FR 48293, published on November 22, 1989.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 12, 1990.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive of November 16, 1989 issued to you by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or

manufactured in Pakistan and exported during the twelve-month period which began on January 1, 1990 and extends through December 31, 1990.

Effective on December 19, 1990, you are directed to adjust the limits for the following categories, as provided under the terms of the current bilateral agreement between the Governments of the United States and Pakistan:

Category	Adjusted twelve-month limit [1]
226/313	76,056,711 square meters.
315	50,853,757 square meters.
331/631	1,430,901 dozen pairs.
334	46,950 dozen.
335	46,275 dozen.
336	171,818 dozen.
340	188,533 dozen.
341	317,885 dozen.
342	108,783 dozen.
347/348	415,171 dozen.
351	53,610 dozen.
352	262,160 dozen.
363	29,603,779 numbers.
369-D [2]	1,250,548 kilograms of which not more than 416,753 kilograms shall be in plied dish towels—HTS number 6302.60.0010.
613/614	2,424,370 square meters.
615	18,379,506 square meters.
636	46,482 dozen.
638/639	112,252 dozen.
641	112,725 dozen.
647/648	381,063 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 11, 1989.
[2] Category 369-D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

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. 90-29527 Filed 12-17-90; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in the Philippines

December 12, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing limits for the new agreement year.

EFFECTIVE DATES: January 1, 1991.

FOR FURTHER INFORMATION CONTACT: Kim-Bang Nguyen, 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) 535-6735. 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).

The Bilateral Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Agreement of March 4, 1987, as amended, between the Governments of the United States and the Philippines establishes import limits for the period January 1, 1991 through December 31, 1991.

A copy of the agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-3889.

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 55 FR 50756, published on December 10, 1990).

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 bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 12, 1990

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textiles and Textile Products and Silk Blend and Other Vegetable Fiber Apparel Agreement of March 4, 1987, as amended, between the Governments of the United States and Philippines; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on January 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textiles and textile products and silk blend and other vegetable fiber apparel in the following categories, produced or manufactured in the Philippines and exported during the period beginning on January 1, 1991 and extending through December 31, 1991, in excess of the following levels of restraint:

Category	12-month restraint limit
Group I	
237, 239, 331, 333/334, 335, 336, 338/339, 340/640, 341/641, 342/642, 345, 347/348, 351/651, 352/652, 359-S/659-S [1], 361, 363, 369-S [2], 431, 433, 443, 445/446, 447, 604, 631, 633, 634, 635, 636, 638/639, 643, 645/646, 647/648, 649, 650, 659-H [3] and 847, as a group.	346,686,495 square meters equivalent.
Sublevels in Group I	
237	1,262,477 dozen.
239	6,774,556 kilograms.
231	946,853 dozen pairs.
333/334	175,886 dozen of which not more than 25,250 dozen shall be in Category 333.
335	114,484 dozen.
336	416,617 dozen.
338/339	1,388,725 dozen.
340/640	732,318 dozen of which not more than 402,774 dozen shall be in shirts made with two or more colors in the warp and/or filling in Categories 340-Y/640-Y.[4]
341/641	648,115 dozen.
342/642	347,250 dozen.
345	107,311 dozen.
347/348	1,262,477 dozen.
351/651	378,743 dozen.
352/652	1,514,972 dozen.
363	10,600,000 numbers.
359-S/659-S	859,925 kilograms.
369-S	544,018 kilograms.
431	157,652 dozen pairs.
433	4,178 dozen.
443	24,653 numbers.
445/446	25,638 dozen.
447	8,202 dozen.
604	1,272,227 kilograms.
631	3,093,069 dozen pairs.
633	23,219 dozen.
634	277,612 dozen.
635	285,664 dozen.
636	1,085,730 dozen.
638/639	1,426,599 dozen.
643	554,609 numbers.
645/646	513,253 dozen.
647/648	761,768 dozen.
649	5,179,716 dozen.
650	65,523 dozen.
659-H	824,614 kilograms.
847	593,390 dozen.

Category	12-month restraint limit
Group II	
200, 201, 218-229, 300-326, 330, 332, 349, 350, 353, 354, 359-O [5], 360, 362, 369-O [6], 400, 410, 414, 432, 434-442, 444, 448, 459, 464-469, 600-603, 606-629, 630, 632, 644, 653, 654, 659-O [7], 665-670, 831-846 and 850-859, as a group.	91,735,669 square meters equivalent.

[1] Category 359-S: only HTS numbers 6112.39.0010, 6112.49.0010, 6211.11.2010, 6211.11.2020, 6211.12.3003 and 6211.12.3005; Category 659-S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[2] Category 369-S: only HTS number 6307.10.2005.

[3] Category 659-H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6505.90.7060 and 6505.90.8060.

[4] Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[5] Category 359-O: all HTS numbers except 6112.39.0010, 6112.49.0010, 6211.11.2010, 6211.11.2020, 6211.12.3003 and 6211.12.3005 (Category 359-S).

[6] Category 369-O: all HTS numbers except 6307.10.2005 (Category 369-S).

[7] Category 659-O: all HTS numbers except 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5060, 6505.90.6080, 6506.90.7060, 6505.90.8060 (Category 659-H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659-S).

Imports charged to these category limits for the period beginning on January 1, 1990, June 1, 1990 and July 1, 1990 and extending through December 31, 1990 shall be charged against 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.

The levels set forth above are subject to adjustment in the future according to the provisions of the current bilateral agreement between the Governments of the United States and the Philippines.

The conversion factors are as follows:

Category	Conversion factor
333/334	34.53
352/652	11.3
359-S/659-S	11.8
638/639	12.96

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception 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. 90-29528 Filed 12-7-90; 8:45 am]

BILLING CODE 3510-DR-M

Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States: Changes to the 1991 Correlation

December 12, 1990.

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

ACTION: Changes to the 1991 Correlation.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

The Correlation: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (1991) presents the Harmonized Tariff Schedule numbers under each of the cotton, wool, man-made fiber, silk blend and other vegetable fiber categories used by the United States in monitoring imports of these textile products and in the administration of the bilateral agreement program. The attached list of Harmonized Tariff Schedule numbers are currently in effect and will be published in the next supplement to the Harmonized Tariff Schedule of the United States (1991). The Correlation should be amended to reflect the changes indicated below:

Category	Changes in the 1991 correlation
331	Change 6116.10.1520 to 6116.10.1820.
	Change 6116.10.2520 to 6116.10.4565.
	Change 6116.10.3510 to 6116.10.7010.
	Change 6116.10.6010 to 6116.10.9010.
	Change 6116.92.2010 to 6116.92.6010.
	Change 6116.92.2020 to 6116.92.6020.
	Change 6116.92.2030 to 6116.92.6030.
	Change 6116.92.2040 to 6116.92.6040.
	Change 6116.92.2050 to 6116.92.6050.
	Change 6116.92.2060 to 6116.92.6060.
	Change 6116.92.2070 to 6116.92.6070.
	Change 6116.92.3000 to 6116.92.9000.
	Change 6116.99.9010 to 6116.99.8010.
	Change 6216.00.1520 to 6216.00.1220.
	Change 6216.00.2020 to 6216.00.1820.
	Change 6216.00.2710 to 6216.00.2810.
	Change 6216.00.3110 to 6216.00.3210.
	Change 6216.00.3811 to 6216.00.3910.
	Change 6216.00.3821 to 6216.00.3920.
410	Change 5111.20.6001 to 5111.20.9000.
	Change 5111.30.6001 to 5111.30.9000.
	Change 5111.90.7000 to 5111.90.9000.
	Change 5112.19.6011 to 5112.19.9010.
	Change 5112.19.6021 to 5112.19.9020.
	Change 5112.19.6041 to 5112.19.9040.
	Change 5112.19.6051 to 5112.19.9050.
	Change 5112.90.6011 to 5112.90.9010.
	Change 5112.90.6091 to 5112.90.9090.
414	Change 5112.19.1001 to 5112.19.2000.
431	Change 6116.93.1510 to 6116.93.6010.
	Change 6116.93.1520 to 6116.93.6020.
	Change 6116.99.9020 to 6116.99.8020.
	Change 6216.00.4910 to 6216.00.5210
	Change 6216.00.4920 to 6216.00.5220.
	Change 6216.00.5000 to 6216.00.8000
631	Change 6116.10.1530 to 6116.10.1830.
	Change 6116.10.2530 to 6116.10.4575.
	Change 6116.10.3520 to 6116.10.7020.
	Change 6116.10.6025 to 6116.10.9025.
	Change 6116.93.2011 to 6116.93.9010.
	Change 6116.93.2021 to 6116.93.9020.
	Change 6116.99.6021 to 6116.99.5020.
	Change 6116.99.6041 to 6116.99.5040.
	Change 6116.99.9030 to 6116.99.8030.
	Change 6216.00.1530 to 6216.00.1230.
	Change 6216.00.2030 to 6216.00.1830.
	Change 6216.00.2725 to 6216.00.2825.
	Change 6216.00.3125 to 6216.00.3225.
	Change 6216.00.4935 to 6216.00.5235.
	Change 6216.00.4945 to 6216.00.5245.
831	Change 6116.10.1540 to 6116.10.1840.
	Change 6116.10.2540 to 6116.10.4595.
	Change 6116.10.3530 to 6116.10.7030.
	Change 6116.10.6030 to 6116.10.9030.
	Change 6116.99.9050 to 6116.99.8050.
	Change 6116.99.9060 to 6116.99.8060.
	Change 6216.00.1540 to 6216.00.1240.
	Change 6216.00.2040 to 6216.00.1840.
	Change 6216.00.2730 to 6216.00.2830.
	Change 6216.00.3130 to 6216.00.3230.
	Change 6216.00.6000 to 6216.00.9000.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 90-29529 Filed 12-17-90; 8:45 am]

BILLING CODE 3510-DR-M

Amending the Coverage of Certain Part-Categories for Wool Textile Products Produced or Manufactured in Various Countries

December 13, 1990.

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

ACTION: Issuing a directive to the Commissioner of Customs amending coverage of certain part-categories.

EFFECTIVE DATES: December 20, 1990.

FOR FURTHER INFORMATION CONTACT: Lori E. Goldberg, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-3400.

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).

To facilitate the implementation of bilateral textile agreements and export visa arrangements based upon the Harmonized Tariff Schedule (HTS), for goods entered into the United States for consumption or withdrawn from warehouse for consumption on and after

November 5, 1990, regardless of the date of export, coverage of part-Categories 410–A and 410–B is being amended on all visa and certification arrangements and all import controls for countries with part-Categories 410–A and 410–B.

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; and FR 50756, published on December 10, 1990).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

December 13, 1990.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on September 28, 1990 which amends all import control and counting directives issued to you by the Chairman of CITA, which include part-Categories 410–A and 410–B, produced or manufactured in various countries and entered into the United States for consumption or withdrawn from warehouse for consumption on and after October 1, 1990, regardless of the date of export.

This directive amends, but does not cancel, all directives issued to you which establish visa requirements for all countries for which visa arrangements are in place with the United States Government.

Effective on December 20, 1990, you are directed to make the changes shown below for all countries with part-Categories 410–A and 410–B. These changes are effective for goods entered into the United States for consumption or withdrawn from warehouse for consumption on and after November 5, 1990, regardless of the date of export.

Category	Obsolete No.	New No.
410–A	5111.20.6001	5111.20.9000
	5111.30.6001	5111.30.9000
	5111.90.7000	5111.90.9000
410–B	5112.19.6011	5112.19.9010
	5112.19.6021	5112.19.9020
	5112.19.6030	5112.19.9030
	5112.19.6041	5112.19.9040
	5112.19.6051	5112.19.9050
	5112.19.6060	5112.19.9060
	5112.90.6011	5112.90.9010
	5112.90.6091	5112.90.9090

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. 90–29530 Filed 12–17–90; 8:45 am]

BILLING CODE 3510-DR-M

COMMISSION OF FINE ARTS

Meeting

The Commission of Fine Arts' next meeting is scheduled for Thursday, 17 January 1991 at 10 am in the Commission's offices in the Pension building, Suite 312, Judiciary Square 441F Street, NW., Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the Commission offices (202–504–2200) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, DC 13 December 1990.

Charles H. Atherton

Secretary.

[FR Doc. 90–29490 Filed 12–17–90; 8:45 am]

BILLING CODE 6330-01-M

COMMISSION ON INTERSTATE CHILD SUPPORT

Public Hearing

The Commission on Interstate Child Support will hold a public hearing on January 23, 1991, in Los Angeles, CA. The public hearing includes two sessions. The first will be from 10 a.m. until 1 p.m. and the second will be from 6 p.m. until 8:00 p.m. Both sessions will be at the Hyatt at Los Angeles Airport, 6225 Century Blvd, Los Angeles, CA.

The Commission has identified specific issues on which it is most interested in receiving testimony. Individuals and organizations interested in presenting testimony are requested to address one or more of the following issues:

Legal Remedies Available in Interstate Cases

When there is no existing order or when no party resides in the original rendering state, would it be beneficial to authorize jurisdiction in the child's state of residence for purposes of establishing and modifying a child support award against a non-resident defendant? What are ideas/suggestions for federal and state statutes and procedures that would improve interstate child support? Are there existing federal and state statutes that facilitate or impede the process? What specific changes are needed in the Uniform Reciprocal Enforcement of Support Act? Which state's law should govern the establishment of paternity, the establishment of support, enforcement, and modification? How are long arm statutes now used and would a federally imposed long arm statute improve the interstate process? Should the Congress mandate "minimum" or "qualified" standards for recognition of child support orders in other states? Has the prohibition against retroactive modification of arrears improved interstate enforcement or created problems?

Policy and Procedural Factors That Affect Processing of Interstate Cases

What has been the experience of states and families in the implementation of interstate income withholding? what are the expected impacts on interstate cases of the recent federally regulated performance standards, the provisions for periodic updating of awards, and the planned automated interstate network? How well do the child support functions of locate, paternity and support establishment, monitoring, and enforcement work in interstate cases and what can be done to improve them? What improvements are needed regarding the establishment and enforcement of support orders against military obligors? Should the responding or initiating jurisdiction be responsible for the selection of appropriate remedy, on-going monitoring, and initiation of enforcement actions for interstate cases? Do states receive adequate direction and program support from the federal Office of Child Support Enforcement? Are units composed of staff who process interstate cases exclusively more effective than other staffing configurations? Should service of process for interstate cases be performed by mail or personal service? Does the present funding and financial incentive structure foster action on interstate cases?

Communication and Education Concern

What has been the experience of both custodial and noncustodial parents in obtaining information about interstate child support enforcement and actually being able to access services at the state and local level? Are states able to obtain information on the processes used in sister states to initiate and

enforce interstate cases? Do the regional offices of the federal Office of Child Support Enforcement assist states and parents in securing information required to process interstate cases? Are the rights and responsibilities of all parties to an interstate action fully explained and understood? Is there adequate training for attorneys (public and private), child support staff, decision makers, and court administrators involved in the processing of interstate cases? What techniques have been most successful in communication between jurisdictions?

Details on Submissions of Requests To Be Heard

Individuals and organizations interested in presenting oral testimony before the Commission at either hearing should submit their requests and a copy of their prepared statement to Vernon Drew, Commission on Interstate Child Support, 1120 Vermont Ave. NW., suite 680, Washington, DC 20005, on or before January 14, 1991. Requests should specify whether the testimony will be given for an organization or individual, what topic(s) will be addressed, and whether the morning or evening session is preferred. Individuals scheduled to testify will be contacted by the Commission staff as soon after the closing date as possible. Any questions concerning the scheduled appearance should be directed to Vernon Drew.

It is urged that persons and organizations having a common position make every effort to designate one spokesperson to represent them in order for the Commission to hear as many points of view as possible. Time for oral presentations will be strictly limited to five minutes with the understanding that a more detailed statement may be presented to the Commission. This process will afford more time for members to question witnesses. In addition, witnesses may be grouped as panelists with strict time limitations for each panelist.

Written Statements In Lieu of Personal Appearance

Persons wishing to submit a written statement should do so by close of business on January 21, 1991. Statements should be addressed to Vernon Drew, Executive Director, Commission on Interstate Child Support, 1120 Vermont Avenue, NW., suite 680, Washington, DC, 20005.

Margaret Campbell Haynes,

Chair.

[FR Doc. 90-29546 Filed 12-17-90; 8:45 am]

BILLING CODE 6820-64-M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

State Student Incentive Grant Program

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Receipt of State Applications for Fiscal Year 1991.

SUMMARY: The Secretary gives notice of the closing date for receipt of State applications for fiscal year 1991 funds under the State Student Incentive Grant (SSIG) Program. This program, through matching formula grants to States for student awards, provides a nationwide delivery system of grants for students with substantial financial need.

A State that desires to receive SSIG funds for any fiscal year must have an agreement with the Secretary as provided for under the authorizing law and must submit an application through the State agency that administered its SSIG Program on July 1, 1985.

The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, and the Republic of Palau, provided it remains a trust territory. (The future eligibility of the Republic of Palau will determined by the provisions of the Compact of Free Association.) Authority for this program is contained in sections 415A through 415E of the Higher Education Act of 1965, as amended (HEA). (20 U.S.C. 1070c–1070c–4).

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for fiscal year 1991 SSIG Program funds must be mailed or hand-delivered by February 1, 1991.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to the U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, DC 20202–5447, Attention: Mr. Fred Sellers, Chief, State Student Incentive Grant Section, room 4018, ROB #3.

An applicant must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a Commercial Carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. The Department of Education encourages applicants to use registered or at least first-class mail.

Each late applicant will be notified that it cannot be assured that its application will be considered for fiscal year 1991 funding.

APPLICATIONS DELIVERED BY HAND: An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., room 4018, GSA Regional Office Building #3, Washington, DC. Hand-delivered applications will be accepted between 8:00 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The Secretary requires an annual submission of an application for receipt of SSIG funds. In preparing an application, each State agency should be guided by the table of allotments provided in the application package.

State allotments are determined by the statutorily mandated formula and are not subject to negotiation. The States may also request a share of reallotments, in addition to their basic allotments, contingent upon the availability of those funds from allotments. In FY 1990, all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and the Northern Mariana Islands participated in the SSIG assistance delivery network.

APPLICATION FORMS: The required application form for receiving SSIG Program funds will be mailed to officials of appropriate State agencies at least 30 days before the closing date. Applications must be prepared and submitted in accordance with the HEA and the program regulations cited in this notice. The Secretary strongly urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: The following regulations are applicable to the SSIG Program:

(1) The SSIG Program regulations (34 CFR part 692).

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 82 (New Restrictions on Lobbying), part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)) and Part 86 (Drug-Free Schools and Campuses).

(3) The regulations in 34 CFR part 604 that implement section 1203 of the HEA (Federal-State Regulationship Agreements).

(4) The Student Assistance General Provisions in 34 CFR part 668.

FOR FURTHER INFORMATION CONTACT: For further information contact Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202-5447; telephone (202) 708-4607. (20 U.S.C. 1070c-1070c-4).

(Catalog of Federal Domestic Assistance Number 84.069, State Student Incentive Grant Program)

Dated: December 12, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90-29510 Filed 12-17-90; 8:45 am]

BILLING CODE 4000-01-M

Paul Douglas Teacher Scholarship Program

AGENCY: Department of Education.

ACTION: Notice of Closing Date for Receipt of State Applications for Fiscal Year 1991.

SUMMARY: The Secretary gives notice of the closing date for receipt of State applications for fiscal year 1991 State allotments under the Paul Douglas Teacher Scholarship Program for scholarships for academic year 1991-92. This program is a federally funded program to provide college scholarships to outstanding high school graduates to enable and encourage them to pursue teaching careers at the preschool, elementary school, or secondary school level.

Authority for this program is contained in title V, part D, subpart 1 of the Higher Education Act of 1965, as amended (HEA).

A State that desires to receive fiscal year 1991 Paul Douglas Teacher Scholarship Program funds must submit an application as provided for under the authorizing law. The State must provide the information requested in section 553 of the HEA and should be guided by the program regulations (34 CFR 653.20). The Secretary is authorized to accept applications from the 50 States, the District of Columbia, Puerto Rico, American Samoa, Guam, the Northern Mariana Islands, the Virgin Islands, and the Republic of Palau, provided it remains a trust territory. (The future eligibility of the Republic of Palau will be determined by the provisions of the Compact of Free Association.) However, a State that has submitted an application for Douglas funds in a previous fiscal year and had its application approved by the Secretary, need not submit an application to receive its fiscal year 1991 program allotment. Unless a State notifies the Secretary in writing that it does not wish to continue participation, the Secretary will issue a Paul Douglas fiscal year 1991 allotment to each State for which he has an approved Paul Douglas Program application.

CLOSING DATE FOR TRANSMITTAL OF APPLICATIONS: An application for fiscal year 1991 Paul Douglas Teacher Scholarship Program funds must be mailed or hand-delivered by February 1, 1991.

APPLICATIONS DELIVERED BY MAIL: An application sent by mail must be addressed to Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Room 4018, ROB #3, U.S. Department of Education, Office of Student Financial Assistance, 400 Maryland Avenue, SW., Washington, DC 20202-5447.

An applicant must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a Commercial Carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office. An applicant is encourged to use registered or at least first-class mail.

Each late applicant will be notified that it cannot be assured that its application will be considered for fiscal year 1991 funding.

APPLICATIONS DELIVERED BY HAND: An application that is hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., room 4018, GSA Regional Office Building #3, Washington, DC. Hand-delivered applications will be accepted between 8 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

An application that is hand-delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: The Secretary requires the submission of an application followed by the approval of that application by the Secretary for a State to receive Paul Douglas Teacher Scholarship Program funds. State allotments are determined by the statutorily mandated population formula and are not subject to negotiation.

APPLICATION INFORMATION: There is no required application form for receiving Paul Douglas Teacher Scholarship Program funds. Applications must be prepared and submitted in accordance with the authorizing law and the program regulations cited in this notice. The Secretary strongly urges that applicants not submit information that is not requested.

APPLICABLE REGULATIONS: The following regulations are applicable to the Paul Douglas Teacher Scholarship Program:

(1) The Paul Douglas Teacher Scholarship Program final regulations (34 CFR part 653).

(2) The Education Department General Administrative Regulations (EDGAR) in 34 CFR part 76 (State-Administered Programs), part 77 (Definitions that Apply to Department Regulations), part 79 (Intergovernmental Review of Department of Education Programs and Activities), part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments), part 82 (New Restritions on Lobbying), part 85 (Governmentwide Debarment and Suspension (Nonprocurement), and Governmentwide Requirements for Drug-Free Workplace (Grants)) and part 86 (Drug-Free Schools and Campuses).

INTERGOVERNMENTAL REVIEW: This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and strengthened federalism by relying on processes developed by State and

local governments for coordination and review of proposed Federal financial assistance.

Immediately upon receipt of this notice, applicants that are governmental entities must contact the appropriate State single point of contact to find out about, and to comply with, the State's process under the Executive Order. Applicants proposing to perform activities in more than one State should contact, immediately upon receipt of this notice, the single point of contact for each State and follow the procedures established in those States under the Executive Order. A listing containing the single point of contact for each State is included in the appendix to the "Notice Inviting Applications for New Awards for Fiscal Year 1991," published in the **Federal Register** on Monday, September 17, 1990.

In States that have not established a process for or chosen this program for review, State, area-wide, regional, and local entities may submit comments directly to the Department.

All comments from State single points of contact and all comments from State, area-wide, regional, and local entities must be mailed or hand delivered by February 19, 1991 to the following address: The Secretary, U.S. Department of Education, Room 4181, (CFDA No. 84.176), 400 Maryland Avenue, SW., Washington, DC 20202-0101.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send application to the above address.*

FOR FURTHER INFORMATION: For further information contact Mr. Fred Sellers, Chief, State Student Incentive Grant Section, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202-5447; telephone (202) 708-4607.

(Catalog of Federal Domestic Assistance Number 84.176, Paul Douglas Teacher Scholarship Program)

Dated: December 12, 1990.

Leonard L. Haynes III,

Assistant Secretary for Postsecondary Education.

[FR Doc. 90-29509 Filed 12-17-90; 8:45 am]

BILLING CODE 4000-01-M

Office of Vocational and Adult Education

Retraining Services for Dislocated Workers; Notice of Availability

AGENCY: Department of Education.

ACTION: Availability of retraining services for dislocated workers.

SUMMARY: The Department of Education (Department) has conducted a Fiscal Year 1991 competition to provide vocational education and placement services for dislocated workers. This competition was announced in the April 16, 1990 **Federal Register** (55 FR 14182-14205). This competition is completed, and the Department is in the process of awarding one grant in the amount of $493,000.

The Department has received an increasing number of inquiries on availability of funds for this purpose. Therefore, we wish to advise individuals, organizations, and prospective applicants that funding is available under a separate program for similar purposes.

The Department of Labor provides retraining services for dislocated workers under Title III of the Job Training Partnership Act (JTPA) as amended by the Economic Dislocation and Workers Adjustment Assistance Act. For more information on the Title III JTPA training program, contact Robert N. Colombo, Office of Employment and Training Programs, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone: (202) 535-0577.

FOR FURTHER INFORMATION CONTACT: Paul R. Geib, Jr., Special Programs Branch, Division of National Programs, Office of Vocational and Adult Education, U.S. Department of Education, 400 Maryland Avenue, SW. (room 4512 Mary E. Switzer Building), Washington, DC 20202-7247. Telephone (202) 732-2364.

Dated: December 7, 1990.

Betsy Brand,

Assistant Secretary, Office of Vocational and Adult Education.

[FR Doc. 90-29512 Filed 12-17-90; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Department of Energy Metric Transition Plan

AGENCY: Office of Administration and Human Resource Management, DOE.

ACTION: Notice.

SUMMARY: This notice provides a metric transition plan that describes a comprehensive and integrated program to convert to the metric system of measurement in compliance with the law. The Omnibus Trade and Competitiveness Act of 1988, which amended the Metric Conversion Act of 1975, requires that each agency of the Federal Government establish guidelines to carry out the policy set forth in the law. Department of Energy Order 5900.2, Use of the Metric System of Measurement, which will be revised and this plan will meet those requirements within the Department of Energy.

DATES: Comments or suggestions may be submitted in writing on or before February 1, 1991.

ADDRESSES: Comments or suggestions should be addressed to the DOE Metric Transition Committee, Office of Administration and Human Resource Management, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Robert L. Boettner, DOE Office of Administration and Human Resource Management, (202) 586-4551.

SUPPLEMENTARY INFORMATION:

A. Background

Section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418) designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce. The law requires Federal agencies to use the metric system in procurement, grants, and other business-related activities by a date certain and to the extent economically feasible by the end of fiscal year 1992. The law also requires Federal agencies to establish guidelines to implement fully the metric system of measurement.

B. Purpose

The purpose of this notice is to inform the public (particularly commercial firms doing business with DOE), and other government entities of DOE intent to use the metric system of measurement in its procurement, grants, and other business-related activities to the extent feasible by the end of fiscal year 1992. DOE commitment stems from the fact that the United States is the only industrially developed nation in the world that has not converted, or taken steps to convert, to the metric system. In connection with this fact, Congress found, in section 5164 of Public Law 100-418, that:

- World trade is increasingly geared towards the metric system of measurement.
- Industry in the United States is often at a competitive disadvantage when dealing in international markets because of its nonstandard measurement system, and is sometimes excluded when it is unable to deliver goods which are measured in metric terms.
- The inherent simplicity of the metric system of measurement and standardization of weights and measures have led to major

cost savings in certain industries which have converted to that system.

- The Federal Government has a responsibility to develop procedures and techniques to assist industry, especially small business, as it voluntarily converts to the metric system of measurement.
- The metric system of measurement can provide substantial advantages to the Federal Government in its own operations.

DOE recognizes the importance of U.S. industries' need to convert to the metric system, particularly for export purposes. The need becomes more important as EC 92 approaches, where the goal of the European Community is to form a single, common market in 1992, and where the metric system will be the standard measurement system.

The DOE metric transition plan is an internal agency document that is published with this notice to give the public, commercial firms doing business with DOE, and other government entities maximum opportunity to become aware of what DOE is doing with the metric system, why, and how DOE plans to do it. Although the purpose of this notice is not to solicit comments regarding the plan, DOE will consider positive suggestions or information that may help implementation of section 5164 of Public Law 100–418 by DOE and firms doing business with DOE.

DOE recommends that commercial firms doing business with DOE become familiar with the law and actively pursue the use of the metric system in their product and service lines and in their other business-related activities.

C. Paperwork Reduction Act

The metric transition plan does not contain a collection of information for purposes of the Paperwork Reduction Act.

Dated: December 12, 1990.

John J. Nettles, Jr.,

Director of Administration and Human Resource Management.

Introduction

The United States must operate in a global and increasingly metric marketplace. The conversion to metric by the automotive industry, farm equipment manufacturers, and, to some extent other industries, plus the move to the metric system by virtually all other countries make it inevitable that the United States become a metric-based Nation. Regional economic blocks consisting of metric countries may restrict the acceptance of nonmetric products. A new trade agreement with metric Canada will expand the number of potential customers in that country. Our technical leadership is being challenged by many countries throughout the world. Domestic firms wishing to meet their international customers' desires or requirements will need to change to metric or produce their items in foreign plants.

Additionally, the metric system, specifically the International System of Units (or SI from the French "Le System International d'Unites"), is inherently simpler to use than the inch-pound system (often referred to as the English system). The potential benefits to the United States of using metric become more and more apparent as metrication progresses.

Therefore, section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100–418) designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce. It requires that:

> * * * Each Federal agency, by a date certain and to the extent economically feasible by the end of fiscal year 1992, use the metric system of measurement in its procurement, grants, and other business-related activities, except to the extent that such use is impractical or is likely to cause significant inefficiencies or loss of markets to United States firms, such as when foreign competitors are producing competing products in nonmetric units.

The law also requires each agency to issue implementing guidelines, and to report annually to Congress on actions taken or planned to implement the metric system. Together with this Plan, Department of Energy (DOE) Order 5900.2, Use of the Metric System of Measurement, will provide implementing guidelines required by the 1988 Act. These guidelines will be revised in the future to include the specific requirements of the 1988 Act and to reflect the strategy described in this Metric Transition Plan.

This plan describes a comprehensive and integrated program to comply with section 5164. The plan is intended as a practical approach to metric transition. Many of the transition tasks to be accomplished under this plan will, as they progress, make it easier to acquire metric supplies and services. Recognizing our dependence upon the transition efforts of our suppliers, our actions will be closely coordinated with the private sector and should act as stimulants to U.S. industries to increase their competitiveness in the world's metric marketplace.

This plan discusses our overall strategy for metrication, defines general requirements and procedures for transition efforts, and details the tasks to be accomplished by designated DOE organizations. Each task description includes a background section on current status and needs, a list of required actions, goals (milestones), and responsibility assignments. The plan will be dynamic through periodic updating to redefine the tasks when needed, add actions and goals, and to include new tasks as necessitated by the transition activities of other agencies or the private sector. The plan, however, is not intended to be an implementation plan; each program and field office is expected to develop an implementation plan after approval of the individual task plans. These implementation plans will encompass the policies, strategies, and objectives of the Metric Transition Plan, but will be tailored to the specific mission of the DOE element.

Metrication Strategy

DOE has supported use of the metric system of measurement in its program since the passage of the Metric Conversion Act of 1975. Because of the emphasis on voluntary transition efforts in the act, our actions were primarily limited to monitoring industry and procuring metric products meeting our needs if and when they became available.

The new national policy on metric usage, however, necessitates a significant broadening of the scope of our transition efforts. All procurement, grants, and business-related activities are now affected. DOE's efforts will be fully integrated with the efforts of the entire Government. We must complete our transition by a date to be established and if feasible by the end of fiscal year 1992. Therefore, rather than each DOE component implementing metric policy according to its particular needs and resources, an integrated approach is necessary.

Our basic strategy will consist of several different approaches to achieving metric transition which will represent the most effective overall strategy for DOE. One component of the strategy, which recognizes the commercial marketplace in which we deal, will be to procure in metric when metric is the accepted industry measurement system. However, where metric is not yet the accepted industry system, DOE will actively promote the use of metric, soft metric, hybrid, or dual systems during transition. As soon as practical, soft, dual, and hybrid measurements will be replaced with hard metric measurements. This policy should encourage our suppliers to learn to use the metric system if they have not already done so.

Part of DOE's active promotion of metrication will be that DOE will

require that significant projects (such as Major System Acquisitions, Major Projects, large-scale capital equipment) shall be metric, with waivers (or partial waivers) to be obtained at appropriately high decision-making levels. These waivers will be issued only upon the submission of documentation demonstrating the economic or technical infeasibility of metrication based on evaluation criteria that include initial life cycle costs and other factors. The primary factor affecting the waiver decision would be, per section 5164, economic feasibility over the life of the project. Significant "high visibility" projects, such as the Superconducting Super Collider, would be subject to special emphasis because of their potential impact on the nation's industry. Repair and replacement of parts for existing facilities would not require metrication, unless demonstrably more efficient. DOE will conduct an annual review cycle to determine the current progress of metrication and how far to expand metric requirements.

Another part of the strategy will be to develop an education and training program to include training sessions, the development of brochures and briefings for DOE personnel and contractors, and the publication of a Metrication Handbook. This approach will be supplemented by an internal and public affairs program designed to inform both the public and DOE employees of the impact, content, and need for the metrication program.

The tasks defined below address metric transition issues affecting all of DOE. Successful completion of the tasks will facilitate DOE's transition to the metric system. The use of a management information system, regular reviews and periodic reports, and a well planned public affairs program will enable DOE to define objectives and track accomplishments while obtaining needed support by keeping DOE personnel and the public aware of what we are doing and where we are going.

The Director of Administration and Human Resource Management (AD-1) is responsible for managing the implementation of this plan. The DOE Metric Transition Committee (MTC) will review transition efforts and provide assistance and coordination as appropriate. A Secretarial Program Office is designated as Office of Primary Responsibility (OPR) for each task. Supporting the task OPR will be other components, i.e., Offices of Collateral Responsibility (OCR), having adequate authority and expertise for the actions needed. Ad hoc panels and groups will be established by the task OPR as needed.

The DOE MTC will, based on its review of the task plans, develop an implementation plan with proposed measurable DOE-wide objectives and schedules for completion of the tasks. The proposed objectives and dates will be coordinated with the Secretarial Program Offices and forwarded by AD-1 to the Secretary by December 15, 1991, in a status report.

DOE and other Federal agencies must each establish a date, per section 5164, by which they will use the metric system of measurement in procurement, grants, and other business-related activities. Significant progress must be made under the tasks before such a date can be determined. Additionally, our transition is dependent to an extent on the transition efforts of other agencies. The selection of a date must be coordinated with them even if the same date is not used by all agencies. The DOE MTC will, by April 1, 1992, recommend a date or, if not possible at that time, will identify when the date can be established. Once the date has been established, appropriate changes will be made to existing policies, directives, and procedures to reduce or eliminate barriers to use of the metric system.

General Requirements and Procedures

The general metric transition initiatives and efforts needed to comply with the law are addressed in the next section as tasks. Each task description includes major milestones or goals. Unless otherwise indicated, each task OPR will prepare a task plan detailing specific efforts, approaches to preparing DOE directives, initiation and completion milestones, team membership, other Government and non-Government organizations to be involved, and methods to measure accomplishments. Draft task plans will be submitted through the MTC to AD-1 by March 30, 1991, for review. Final task plans will be submitted through the DOE MTC to AD-1 by September 30, 1991, for approval. The task descriptions will be updated to include the major goals cited in the approved task plans.

Tasks will be added, revised, or closed by AD-1 as recommended by the MTC. The MTC may authorize minor revisions to the approved task plans, and will review the progress under each task quarterly or more often when necessary. Each MTC member will ensure that task OPRs within his or her organization are adequately supported.

AD-1 will provide management support to the DOE MTC as detailed under Task 1. Task OPRs will provide brief quarterly progress reports in letter format to AD-1 (August 1, November 1, February 1, and May 1). Quarterly meetings of the MTC will be held shortly after the submission of the quarterly reports. The annual report to the Congress will be prepared by AD-1 based on input from the MTC, task OPRs, and field offices. The report will be coordinated with the MTC and approved by the Secretary. Most of the tasks will require close cooperation with other agencies and the private sector. OPRs should contact the Office of Metric Programs within the Department of Commerce (202-377-3036), the U.S. Metric Association (USMA) (818-715-2382), or the American National Metric Council (ANMC) (202-857-0474) for information on transition activities outside of DOE. Recognizing that transition is inevitable, it is imperative that actions be planned and executed to ensure the transition is as efficient and economical as possible.

A common requirement under all tasks will be the identification and elimination of barriers to the procurement and/or use of metric products. Recommendations for change will be submitted to the MTC (via AD-1) for review and concurrence, after which the task OPR will forward the recommendation to the cognizant organization for appropriate action. The task OPR will inform AD-1 if any approved recommendation is not being implemented expeditiously.

I. Task 1. Transition Management

A. Background

Implementation of this plan will require the involvement of organizations throughout DOE. The various tasks must be integrated and activities closely monitored. A central source of information is required to avoid duplicating efforts. An annual report to Congress is required. A small group of dedicated individuals is needed to assist the DOE Metric Transition Committee (MTC) and to provide a focal point for transition activities.

B. Action Required

Establish an Energy Metric Transition Management Office (EMTMO) under AD-1 to:

- Provide management support to the DOE MTC.
- Assist task OPRs.
- Maintain a reference library of metric transition publications, metric standards, and related items.
- Prepare necessary reports, including the Annual Report to Congress.

• Create and operate a management information system to monitor and report on all tasks.
• Be a point of contact for external organizations.
• Receive all correspondence from the task groups for the MTC.
• Provide guidance in the form of suggested policies, procedures, and information to the OPRs of individual task committees.

C. Goals

• Activate DOE Metric Transition Committee: 11/24/89 (Accomplished).
• Name Metric Transition Committee. (Accomplished).
• Designate DOE coordinator. (Accomplished)
• Define space, personnel, and equipment requirements (for EMTMO).
• Revise DOE Order 5900.2: 3/1/91

II. Task 2. Operations and Safety

A. Background

It is the policy of the Department of Energy (DOE), as expressed in DOE Order 5900.2 (revised), that operational and safety considerations shall be taken into account when implementing the use of the metric system in DOE activities. The effect of use and nonuse of the metric system must be monitored to ensure that mission capabilities and operational safety are not degraded during the transition and that changeover actions are well planned and coordinated. Users must receive adequate education and training prior to any transition that will effect safety or personnel or equipment, with periodic refresher training after the transition occurs.

B. Action Required

Establish a central activity/function to coordinate and integrate metric transition efforts related to operations and safety. Identify opportunities to use the metric system to enhance capabilities and simplify operations. Interface with other agencies and the private sector as needed to resolve safety or operational issues. Evaluate the use of differing measurement systems on operations and safety and develop a plan to minimize detrimental effects. Address such important areas of operations and safety as personnel and equipment aspects of maintenance, reporting, M&O contractors, design changes, and training. Safety should have the highest priority in metrication decisions.

C. Goals

Submit task plan to the Energy Metric Transition Management Office no later than September 30, 1991.

III. Task 3. Education and Training

A. Background

Because the law requires agencies to use the metric system in procurement, grants, and other business-related activities, a comprehensive program to educate personnel throughout the Department of Energy (DOE) is needed. Many personnel who use or maintain metric-based systems will require specific training. Experience in the private sector indicates that 1 or 2 days may be sufficient for a basic education program. Rather than have each component or subordinate organization develop education courses, a single package can be developed and used by all appropriate program areas. A shorter program should be developed for managers with responsibility for program policies and objectives as well as issues to be addressed in managing the transition. To the extent necessary, supplemental training requirements as identified by particular Task Committees and the Metrication Handbook (see Task 12) should be coordinated through the education and training group. It may also be appropriate to provide brochures and briefings to all personnel, explaining the metric system and why and how DOE is going to use it.

B. Action Required

Develop and implement a comprehensive metric education program including brochures and briefings for DOE personnel and contractors. Identify specific metric education and training requirements for different personnel categories. Develop guidance for including appropriate metric proficiency requirements in job standards.

C. Goals

• Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
• (Others per task plan.)

IV. Task 4. Specifications and Standards

A. Background

Specifications and standards currently used by the Department of Energy (DOE) may be inch-pound, metric, or nonmeasurement sensitive. Only a small percentage of the documents used by DOE to specify procurement requirements are metric. This lack of appropriate metric documentation can be used to justify not specifying metric measurements for use in DOE systems. Priority should be given to the identification and conversion of measurement-sensitive documents to metric. Ideally, the new documents should be "hard" metric rather than just "soft" (converting inch-pound units to metric equivalents). However, because DOE acquires commercial supplies and services which constitute a large enough market to be invulnerable to Federal market pressure in the short run, or in such cases as process or test specifications and standards, it may be appropriate to "soft convert" or use dual English/metric measurements. In the latter situation, it may be appropriate to "soft" convert. In these cases, the preparing activities should be able to publish documents quickly, with limited (if any) coordination.

The transition to metric should be used as an opportunity to use non-Government standards in lieu of preparing new documents (in accordance with OMB Circular A-119, "Use of Voluntary Standards," and DOE Order 1300.2, Department of Energy Standards Program, dated December 18, 1980). DOE should attempt to avoid the proliferation of part sizes, and to combine similar documents whenever possible. Also, DOE can utilize existing foreign metric standards as a basis for new DOE standards. When, as in the area of radiation measurements and health physics, possible instrumentation issues are involved, they should be investigated and analyzed with the TMDE task committee (Task 5).

B. Action Required

Develop a master list of needed metric and measurement and nonmeasurement sensitive documents that require revisions or fundamental changes because of the metrication process. Establish a joint program with industrial and non-Government standards organizations to expedite the development and coordination of the documents in accordance with OMB Circular A-119 and DOE Order 1300.2. Evaluate the feasibility of providing seed money for the development of needed documents in the near term and propose such a program, if appropriate.

C. Goals

• Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
• (Others per task plan.)

V. Task 5. Test, Measurement, and Diagnostic Equipment (TMDE)

A. Background

The majority of existing TMDE was designated for use on equipment built to inch-pound standards. Measurements should be traceable to legal national standards maintained by the National Institute of Standards and Technology

(NIST) of the Department of Commerce, or to accepted values of fundamental physical constants. New or modified TMDE and new calibration standards must be available to support the development and production of new metric products and services.

B. Action Required

Coordinate with other agencies who use TMDE to establish a joint group of metrology experts and TMDE developers to work with NIST and industry in planning and implementing a metric TMDE and calibration standards program. Survey vendors for availability of metric specifications and standards, in concert with DOD and others who are developing data bases on such availability.

C. Goals

Submit task plan to Energy Metric Transition Management Office no later than September 30, 1991.

VI. Task 6. Construction

A. Background

Construction in the United States is almost totally in inch-pounds and will probably be one of the last industries to transition fully to metric. The long life of buildings, dams, factories, etc., means that inch-pound repair parts may be needed for decades after transition. However, as products to be installed in buildings, etc., transition to metric, the construction industry will have to accommodate them. Construction projects overseas by U.S. firms are based on the measurement system required by the customers. Industry already has experience adapting to metric in the design of construction projects at overseas locations. The export of metric building material by U.S. companies is very limited, but growing. To satisfy the requirements of the law, the Department of Energy (DOE) must work closely with the construction industry in the development of short- and long-range transition plans.

B. Action Required

Establish a DOE metric transition working group responsible for developing and implementing plans in coordination with appropriate industry associations (construction, architecture, building materials and supplies, etc.). This group may identify projects which should be metric. The working group should, however, identify bulk materials and such items as heating, plumbing, and electrical equipment, door and window sizes, floor coverings, etc., which can be procured in metric quantities and measurements. The working group will develop a phased schedule for transitioning such items as heating, plumbing, and electrical equipment.

C. Goals

- Submit task plan to Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

VII. Task 7. Electronics

A. Background

Electronic devices were designed for years throughout the world using the inch-pound system. Currently, electronic devices are also designed in metric, particularly by foreign manufacturers, or with dual or hybrid systems. Some domestic manufacturers are reported to have voluntarily adopted the metric system. DOE will continue to use the inch-standard until a sufficiently important conversion to metric has occurred. However, the Department of Energy (DOE) needs to establish a long-term comprehensive transition program while avoiding the proliferation of electronic parts.

B. Action Required

Determine the extent to which the metric system is currently used in the electronics industry, both domestic and foreign. In concert with the Department of Defense (DOD) and others, survey vendors, etc., for information on the availability of electronic devices in metric specifications and who are developing corresponding data bases on the availability of such products. Develop a plan to encourage the electronics industry to transition fully to the metric system. Participate in joint General Services Administration/DOD industry groups to coordinate transition efforts in electronics. Develop DOE metric design guidelines for electronic parts and associated wire and cables.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

VIII. Task 8. Small Business

A. Background

Public Law 100-418 specifies that the Federal Government has a responsibility to develop procedures and techniques to assist industry, especially small businesses, as they voluntarily convert to the metric system. The Department of Energy (DOE) must work with other Federal agencies and State governments to encourage essential small businesses to transition to the metric system.

B. Action Required

Develop and implement a plan to inform small businesses of the intent of Public Law 100-418 and to assist them in adopting the metric system.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

IX. Task 9. Internal and Public Affairs

A. Background

Even though Congress established the metric system as the preferred system of measurement, many individuals lack interest in or feel threatened by transition efforts. Some people believe their businesses will be hurt or their jobs put in turmoil. Most opposition is caused by lack of understanding of the metric system and how it will be used in and by the Government.

An integrated public affairs program is needed to ensure consistent and sufficiently detailed information is provided to the public and to internal DOE audiences.

DOE's metric transition efforts are likely to succeed with DOE employees and the private sector in proportion to how well DOE informs them of what the agency is doing, and why. This, in turn, hinges on cooperation between the DOE services and staff offices introducing new uses of the metric system and the Office of Public Affairs.

Each DOE Program Secretarial Office has the responsibility of consulting with Public Affairs at an early stage in introducing a new use of metric standards or a new metric program. At the initial consultation, a program office should provide factual written explanations of the metric transition change; how DOE is introducing the change; what it will mean to client agencies, supplier businesses, the general public, and/or DOE employees; the types of reference materials the audience will need or want and where to get them; and contact points for telephone or written inquiries.

The Office of Public Affairs has the responsibility of wording metric transition information effectively, shaping it for internal or external audiences, finding appropriate modes of presentation (news releases, posters, pamphlets, speakers, audiovisuals), supervising production of print or visual items, and targeting distribution.

B. Action Required

Each service and staff office with primary responsibility for a task in the transition plan should contact the Office of Public Affairs once tasks outlined in the metric transition plan are moving into action and program changes are underway.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

X. Task 10. Interface With Metric Countries

A. Background

In recent years many countries have converted to metric systems of measurement. To avoid duplication of effort and to take advantage of what has been learned from the experiences of others, the Department of Energy (DOE) needs to review these experiences, particularly in the energy area. Also, some of the efforts under other tasks may require contact or coordination with other countries.

There may be many metric specifications and standards in use in foreign countries which could be applied here without compromising our technology. Points of contact with other countries and international standards organizations need to be identified and publicized. It may be well to coordinate this effort with other interested Federal agencies; in some cases it may be required.

B. Action Required

Establish an activity plan and coordinate contacts with other nations and international organizations regarding metrication. Collect and maintain records of international contacts and experiences in the area of metrication.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

XI. Task 11. Metrication Handbook

A. Background

During the transition period many new management challenges will arise. Some systems may be a mix of metric and nonmetric. The effective control of interfaces among the metric and nonmetric parts requires special management procedures. Program offices must determine how much of the system will be hard metric, soft metric, dual English/metric, hybrid, or nonmetric. Should exceptions be included in the contract or should each require specific approval? What units should be used in technical data, drawings, reports, briefings, etc.? How were sources of metric parts identified? The lessons learned by organizations experienced in the development and acquisition of metric products should be shared. The creation or adaptation of handbook materials describing potential metrication issues and suggested solutions would be a valuable guide for acquisition offices and provide consistency in the way they approach metrication. The handbook content should initially be provided by the acquisition organizations currently managing metric programs. Additions could then be provided by acquisition offices to keep the handbook current.

B. Action Required

Develop or adapt a metrication handbook for acquisition offices based on experiences of organizations currently acquiring metric supplies and services. Issue revisions to the handbook in the future.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

XII. Task 12. Procurement and Assistance

A. Background

Implementation of this task will require the cooperation of both Department of Energy (DOE) program and procurement personnel as well as their counterparts in DOE's management and operating contractor community. Approximately 76 percent of DOE's contracting budget goes directly to its M&O contractors. Approximately 30 percent of DOE's contracting budget goes to subcontracts issued by the M&O contractors.

An employee and contractor awareness program is essential to the success of this effort. Employee awareness is covered at Task 3, Education and Training, of this plan. Awareness on the part of contractor personnel is covered, in part, by Task 8, Small Business, and Task 9, Internal and Public Affairs, but will need augmentation by this specialized task.

B. Action Required

1. *General.* Determine whether generic solicitation provisions and contract clauses can be expected to be developed for Government-wide application in the Federal Acquisition Regulation (FAR) and whether they will accommodate DOE's needs. To the extent feasible, DOE will adopt and adapt FAR coverage to fit our plans. To the extent that metric implementation may be driven by a project-by-project implementation in its early stages, DOE will probably develop specialized provisions to fit these projects. Later, DOE may need to conduct a rulemaking to adopt DOE unique provisions if it becomes apparent that this is necessary.

Develop a specialized series of detailed training sessions for DOE personnel. This will be necessary to ensure preparation of adequate specifications and procurement requests by program personnel and adequate solicitation and award documents by procurement personnel.

Similar actions will be required for grants and other business-related activities. Determine the extent to which the above procedures and training activities can be equally applied to grants and other business instruments and adapt them as necessary.

2. *Management and Operating Contractors.* Develop the necessary outreach program to ensure that management and operating contractor's purchasing activities move through the metric transition in tandem with DOE and other Federal agencies' own purchasing activities. Ensure that steps are taken to amend M&O contractor's purchasing systems to reflect the evolving metric transition. The M&O contractors will be tasked to review the items they procure so they can plan an orderly metric transition. As a part of this review, each M&O contractor will be required to study the commodities they purchase (electricity, gasoline, etc.) or sell (isotopes, uranium) and evaluate alternatives which would lead to a timely metric transition. Each M&O contractor with significant purchasing responsibility will be required to furnish reports of their progress in implementing their metric transition plans, which would include the results of the studies cited above. Consider the inclusion of progress in metrication as part of the performance appraisal plan in new contract awards and modifications to current contracts.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

XIII. Task 13. Cost Evaluation Guidelines

A. Background

Many companies who have made the conversion to metric have discovered minimal incremental costs in doing so. A rationalization process, in which companies take advantage of the opportunity to reduce the variety of part sizes and types utilized, with a consequent reduction in the need for storage space, can result in significant savings over time. Having made a decision to convert to metric standards, companies often see no requirement for expending funds in tracking conversion costs, since the decision had been made.

Added costs will frequently be used to justify the nonuse of metric standards on new projects (Major System Acquisitions, Major Projects, and Large-Scale Capital Equipment). According to some data, however, the costs associated with metrication projects may be less than 5 percent, while in some cases it may be cheaper to use metric standards. Any decision concerning the metrication of any project should take into account the overall life-cycle cost of a particular project, as well as initial costs associated with design, start-up, and other key decisions.

B. Action Required

Develop and issue cost evaluation guidelines to be used throughout DOE in making and evaluating cost estimates for metrication of DOE projects. These guidelines should focus on the life-cycle costs associated with a project, and will be incorporated into future DOE orders concerning metrication.

C. Goals

- Submit task plan to DOE Energy Metric Transition Management Office no later than September 30, 1991.
- (Others per task plan.)

[FR Doc. 90-29569 Filed 12-17-90; 8:45 am]
BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed During Week of October 5 Through October 12, 1990

During the week of October 5 through October 12, 1990, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy. Submissions inadvertently omitted from earlier lists have also been included.

Under DOE procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: December 12, 1990.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of October 5 through October 12, 1990]

Date	Name and location of applicant	Case No.	Type of submission
9/18/90	ARCO/Kelly Williamson Co., Washington, DC	RR304-9	Request for modification/rescission in the Atlantic Richfield Company Refund Proceeding. If granted: The August 31, 1990 Decision and Order (Case No. RF304-2152) issued to Kelly Williamson Co. would be modified regarding the firm's Application for Refund submitted in the Atlantic Richfield Company special refund proceeding.
9/18/90	ARCO/Watkins Oil., Washington, DC	RR304-10	Request for modification/rescission in the Atlantic Richfield Company Refund Proceeding. If granted: The August 31, 1990 Decision and Order (Case No. RF304-2154) issued to Watkins Oil Co., Inc. would be modified regarding the firm's Application for Refund submitted in the Atlantic Richfield Company special refund proceeding.

REFUND APPLICATIONS RECEIVED

[Week of October 5 through October 12, 1990]

Received	Name of firm	Case No.
10/5/90 thru 10/12/90	Crude oil refund applications received	RF272-82409 thru RF272-82625.
10/5/90 thru 10/12/90	Gulf oil refund applications received	RF300-12620 thru RF300-12732.
10/5/90 thru 10/12/90	Texaco refund applications received	RF321-9989 thru RF321-10073.
10/9/90	PVM/New York	RQ30-565.
10/9/90	Daughters of Jacob Geriatric	RC272-99.
10/9/90	Tires Unlimited #2	RF309-1416.
10/9/90	Trahan's Station, Inc.	RF304-12031.
10/10/90	Pacer Oil Company	RF304-12032.
10/10/90	Reverman Shell	RF315-10058.
10/10/90	Dwight Estby EMT	RF315-10059.
10/12/90	Earnsworth Shell	RF315-10061.
10/12/90	Elmwood Shell	RF315-10060.
10/12/90	Beasley Spur	RF309-1417.
10/12/90	Bellemore Heating Oil	RF323-28.

[FR Doc. 90-29570 Filed 12-17-90; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3865-1]

Science Advisory Board; Nonionizing Electric and Magnetic Fields Subcommittee, Open Meeting

AGENCY: U.S. Environmental Protection Agency.

ACTION: Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Nonionizing Electric and Magnetic Fields Subcommittee of the Science Advisory Board's Radiation Advisory Committee will meet January 14-16, 1991, at the National Museum for Women in the Arts, 1250 New York Avenue, NW., Washington, DC, in the Auditorium. The meeting will begin at 9 a.m. Monday and adjourn on Wednesday no later than 5 p.m.

SUMMARY: On January 14, 1991, the Subcommittee will begin its review of a draft document prepared by the EPA's Office of Health and Environmental Assessment entitled "Evaluation of the Potential Carcinogenicity of Electromagnetic Fields" (EPA/600/6-90-005B). The draft document on EM fields reviews and evaluates published information pertaining to the potential carcinogenicity of EM fields. The information includes epidemiology studies, chronic lifetime animal tests, and laboratory studies of biological phenomena related to carcinogenesis. **While there are epidemiological studies that indicate an association between EM fields or their surrogates and certain types of cancer, other epidemiological studies do not substantiate this association. There are insufficient data to determine whether or not a cause and effect relationship exists.** The document clearly reveals the need for further research.

DATES: The meeting will be held January 14, 15, and 16, 1991. In accordance with Public Law 92-463, the meeting is open to the public, and members of the public may provide comments to the SAB Subcommittee. However, seating is limited and is on a first-come basis.

ADDRESSES: To obtain a single copy of the draft document on EM fields, interested parties should contact the ORD Publications Office, CERI-FRN, U.S. Environmental Protection Agency, 26 W. Martin Luther King Drive, Cincinnati, OH 45268, telephone (513) 569-7562 or FTS/684-7562. FAX: (513) 569-7566 or FTS/684-7566. Please provide your name and mailing address and request the document by title and EPA number. A copy of the document will be sent to those individuals who have previously requested it.

The draft document will be available for public inspection and copying in the Public Information Reference Unit of the EPA Library, U.S. Environmental Protection Agency Headquarters, Waterside Mall, 401 M Street, SW., Washington, DC 20460.

A limited number of copies will be available at the meeting. The document is not available from the SAB.

FOR FURTHER INFORMATION CONTACT: Members of the public wishing to provide written comments or to present oral comments at the meeting should contact Mrs. Kathleen Conway, Designated Federal Official, at (202) 382-2552 by 3:00 p.m., January 2, 1991. Written comments to be mailed to the Subcommittee in advance of the meeting must be given to Mrs. Conway by noon Friday, January 4, 1991. Written comments may also be submitted at the Subcommittee meeting. If possible, please provide at least 20 copies for distribution to the Subcommittee. Oral comments should not duplicate written materials and opportunity for oral comment is limited.

SUPPLEMENTARY INFORMATION: The draft document on EM fields has been reviewed previously by scientists within EPA's Office of Research and Development and several federal agencies, and, at a June 1990 workshop, by a panel of scientists from outside the Agency. These reviewers' comments have been addressed and many incorporated into the current draft. There are no changes in the conclusions between the workshop review draft and the current draft. There is, however, disagreement among the reviewers from various Agencies about the weight of evidence and the conclusions presented in the Executive Summary. This report is now being submitted to the Agency's SAB for review. In addition, the Agency is requesting comments from the Federal Coordinating Council for Science, Engineering and Technology's (FCCSET) Committee on Interagency Radiation Research and Policy Coordination (CIRRPC). Based on these reviews, the draft report will be revised as necessary and EPA will provide an opportunity for public review and comment before developing the final version of the document.

The scientific issues concerning the relationship between electromagnetic (EM) fields and adverse health effects are very complex and difficult to interpret. The final document stating the Agency's findings and conclusions will consider and address comments made by the groups mentioned above. **Given the controversial and uncertain nature of the scientific findings of this report and other reviews of this subject, the external review draft should not be construed as representing Agency policy or position.**

Dated: December 13, 1990.

Donald G. Barnes,

Staff Director, Science Advisory Board.

Dated: December 13, 1990.

Erich Bretthauer,

Assistant Administrator for Research and Development.

[FR Doc. 90-29087 Filed 12-17-90; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Hutchison Broadcasting Co. et al.

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city and state	File No.	MM docket No.
A. Charlotte Hutchison TR/as Hutchison Broadcasting Company; Knoxville, TN.	BPH-880823MB	90-520
B. Frazier Broadcasting Company; Knoxville, TN.	BPH-880823MC	
C. Knoxville FM, Inc.; Knoxville, TN.	BPH-880824MA	
D. Knox County Broadcasters, Inc.; Knoxville, TN.	BPH-880824MO	
E. McDonald Communications, Inc.; Knoxville, TN.	BPH-880824MP	
F. Glen Allen Powers; Knoxville, TN.	BPH-880824MT	
G. Reeves Communications Corporation; Knoxville, TN.	BPH-880824MV	
H. Spacecom, Inc.; Knoxville, TN.	BPH-880825MD	
I. CAB Communication LTD Partnership; Knoxville, TN.	BPH-880825MP	
J. TLD Communications, Inc.; Knoxville, TN.	BPH-880825NC	
K. Barden Radio, Inc.; Knoxville, TN.	BPH-880825NM	
L. Thomas M. Elles; Knoxville, TN.	BPH-880825NP	
M. The Scott Media Group LTD Partnership; Knoxville, TN.	BPH-880825NQ	

Applicant, city and state	File No.	MM docket No.
N. Kerman Radio Corporation; Knoxville, TN.	BPH-880825OE	
O. Frederick C. Jacob; Knoxville, TN.	BPH-880825OF	
P. Patrick D. McDonnell; Knoxville, TN.	BPH-880825OI	
Q. Valentine Broadcasting Company c/o James M. Valentine; Knoxville, TN.	BPH-880825OM	
R. Anne L. Moss Knoxville, TN.	BPH-880825OP	

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 heading at 51 F.R. 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 and applicant(s)

1. (See Appendix), J
2. (See Appendix), J
3. (See Appendix), J
4. Air hazard, N,Q
5. Comparative, A-R
6. Ultimate, A-R

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) 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.

Appendix

1. To determine whether Sonrise Management Services, Inc. was an undisclosed party-in-interest in the applicantion of J (TLD).

2. To determine whether J's (TLD's) organizational structure is a sham.

3. To determine, from the evidence adduced pursuant to Issues 1 and 2 above, whether J (TLD) possesse the basic qualifications to be a licensee of the facilities sought herein.

[FR Doc. 90-29500 Filed 12-17-90; 8:45am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement(s) is Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011141-015

Title: Gulfway.

Parties:

South Atlantic Cargo Shipping, N.V.
Lykes Bros. Steamship Co., Inc.
Hapag Lloyd AG
Sea-Land Service, Inc.
P&O Containers Limited
Deppe Linie GmbH & Co.
Compagnie Generale Maritime
Nedlloyd Lijnen, BV
Euro-Gulf International, Inc.
Atlantic Container Line AB
Transportation Maritime Mexicana

Synopsis: The proposed amendment would delete South Atlantic Cargo Shipping, N.V. as a party to the Agreement. It would also make other nonsubstantive changes.

Agreement No.: 207-011310.

Title: DSR/Stinnes West Indies Services.

Parties:

Hugo Stinnes Schiffahrt GmbH
Deutsche Seereederei Rostock GmbH

Synopsis: The proposes Agreement would establish a joint service in the trade between parts ports and points in Mexico and ports and points in Puerto Rico.

Dated: December 13, 1990.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 90-29551 Filed 12-17-90; 8:am 45]

BILLING CODE 6730-01-M

Request for Additional Information; Asia North American Eastbound Rate Agreements

Agreement No.: 202-010776-057

Title: Asia North America Eastbound Rate Agreement

Parties:

American President Lines, Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner Systems, Ltd.
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1705) ("the Act"), has requested additional information from the parties of the Agreement in order to complete the statutory review of Agreement No. 202-010776-057 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By Order of the Federal Maritime Commission.

Dated: December 13, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 89-29552 Filed 12-17-89; 8:45 am]

BILLING CODE 6730-01-M

Request for Additional Information; Transpacific Westbound Rate Agreement

Agreement No.: 202-010689-040

Title: Transpacific Westbound Rate Agreement

Parties:

American President Lines, Ltd.
Hanjin Container Lines, Ltd.
Hyundai Merchant Marine Co., Ltd.
Kawasaki Kisen Kaisha, Ltd.
A.P. Moller-Maersk Line
Mitsui O.S.K. Lines, Ltd.
Neptune Orient Lines, Ltd.
Nippon Liner Systems, Ltd.
Nippon Yusen Kaisha Line
Sea-Land Service, Inc.

Synopsis: Notice is hereby given that the Federal Maritime Commission, pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1705) ("the Act"), has requested additional information from the parties of the Agreement in order to complete the

statutory review of Agreement No. 202-010689-040 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By Order of the Federal Maritime Commission.

Dated: December 13, 1990.

Joseph C. Polking,

Secretary.

[FR Doc. 89-29553 Filed 12-17-90; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms under Review

December 12, 1990.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before January 2, 1991.

ADDRESSES: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, instructions, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

Proposal to approve under OMB delegated authority the extension, without revision, of the following report:

1. *Report title:* Quarterly and Annual Reports of Repurchase Agreements on U.S. Government and Federal Agency Securities with Specified Holders.

Agency form number: FR 2090a, FR 2090q.

OMB Docket number: 7100-0205.

Frequency: Annually and quarterly.

Reporters: Commercial banks, S&Ls, MSBs, FSBs and U.S. agencies and branches of foreign banks.

Annual reporting hours: 2221.

Estimated average hours per response: .5.

Number of respondents: 2840.

Small businesses are not affected.

General description of report: This information collection is voluntary (12 U.S.C. 248(a) and 3105(b)) and is given confidential treatment (5 U.S.C. 552(b)(4)).

These reports provide data on wholesale overnight RPs, wholesale term RPs, and retail RPs which are used in the computation of the repurchase agreement (RP) component of the monetary aggregates.

Proposal to approve under OMB delegated authority to extension, with revisions, of the following reports:

1. *Report title:* Report of Selected Deposits in Foreign Branches Held by U.S. Addresses.

Agency form number: FR 2050.

OMB Docket number: 7100-0068.

Frequency: Weekly.

Reporters: Foreign branches of U.S. banks and of Edge and Agreement corporations.

Annual reporting hours: 7,020.

Estimated average hours per response: 2.25.

Number of respondents: 60.

Small businesses are not affected.

General description of report: This information collection is authorized by law [12 U.S.C. 248(a), 355, 461]. Individual respondent data are exempt from disclosure under the Freedom of Information Act [5 U.S.C. 552 (b)(4), (b)(8)].

This report collects data from a selection of foreign branches of U.S. banks on overnight Eurodollar deposits held by U.S. nonbank residents. Data are used in construction of the monetary aggregates and analysis of liability management. A revision in the panel selection criteria will reduce the size of the panel by approximately 13 percent.

2. *Report title:* Weekly Report of Assets and Liabilities for Large Banks and Weekly Report of Selected Assets.

Agency form number: FR 2416 and 2644, respectively.

OMB Docket number: 7100-0075.

Frequency: Weekly.

Reporters: U.S. commercial banks.

Annual reporting hours: 47,975.

Estimated average hours per response: 2.3 (FR 2416), 0.5 (FR 2644).

Number of respondents: 162 (FR 2416), 1,100 (FR 2644).

Small businesses are not affected.

General description of report: This information collection is authorized by law (12 U.S.C. 225(a), and 248(a)) and is given confidential treatment (5 U.S.C. 552(b) (4) and (8)).

These reports provide basic data from U.S. commercial banks for estimating bank credit and nondeposit funds and for analyzing banking and monetary developments. The proposed revisions affect the FR 2416 report, including minimal changes to the current reporting panel. The proposal includes the elimination of two data items previously required on the FR 2416 (Memorandum items 2 and 3 on nontransaction savings deposits and Treasury securities holdings). The proposal also adds an item, Memorandum item 4, "Loans defined as highly leveraged transactions to commercial and industrial firms (nonfinancial) domiciled in the U.S." This item, which is to be reported beginning April 3, 1991, is needed to prevent distortions in the analysis of business borrowing.

Proposal to approve under OMB delegated authority the discontinuance of the following report:

Report title: Ownership of Demand Deposit Accounts of Individuals, Partnerships, and Corporations.

Agency form number: FR 2591.

OMB Docket number: 7100-0082.

Frequency: Quarterly.

Reporters: Commercial banks.
Annual reporting hours: 763.
Estimated average hours per response: 1.23.
Number of respondents: 155.
Small businesses are affected.
General description of report: This information collection is voluntary (12 U.S.C. 248 (a) and (i) and is given confidential treatment (5 U.S.C. 552(b)(4).

This report collects data from a sample of 155 commercial banks on demand deposit balances held by individuals, partnerships, and corporations (IPC). The data are reported for five ownership categories of the IPC customer group: U.S. financial businesses, U.S. nonfinancial businesses, U.S. individuals, foreign holders, and all other. The sample data are used by the Federal Reserve to construct estimates of IPC demand deposits held by the five ownership categories at all "weekly reporting" banks (banks that file the FR 2416, Weekly Report of Assets and Liabilities for Large Banks) and at all insured commercial banks.

Because of the very small sample size, the standard errors of the share estimates for all commercial banks are so large that quarter-to-quarter changes in ownership are no longer statistically meaningful. However, given the cost of reporting DDOS data, it is unlikely that the panel could be enlarged appreciably. Indeed, the burden of reporting on current respondents is heavy. At the same time, the use of DDOS data by the Federal Reserve has waned in recent years. In light of these factors, the Federal Reserve proposes that the survey be discontinued.

Board of Governors of the Federal Reserve System, December 12, 1990.

William W. Wiles,

Secretary of the Board.

[FR Doc. 90-29523 Filed 12-17-90; 8:45 am]

BILLING CODE 6210-01-M

Firstar Corporation of Arizona; Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1) 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 commence or to engage *de novo*, either directly or through a subsidiary, 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 January 8, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Firstar Corporation of Arizona, Milwaukee, Wisconsin; to engage *de novo* in providing portfolio investment advisory services pursuant to § 225.25(b)(4)(iii) of the Board's Regulation Y.

Board of Governor of the Federal Reserve System, December 12, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-29519 Filed 12-17-90; 8:45 am]

BILLING CODE 6210-01-M

Fleet/Norstar Financial Group, Inc., et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have 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.

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 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.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than January 8, 1991.

A. Federal Reserve Bank of Boston (Robert M. Brady, Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02106:

1. Fleet/Norstar Financial Group, Inc., Providence, Rhode Island; to acquire Robinson Securities Division of John Dawson & Associates, Inc., Chicago, Illinois, and thereby engage in providing retail securities brokerage service solely to as agent for the account of customers pursuant to § 225.25(b)(15) of the Board's Regulation Y. Comments on this application must be received by December 31, 1990.

B. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. The Summit Bancorporation, Chatham, New Jersey; to acquire O & T Interim Federal Savings Bank, Chatham, New Jersey, and thereby engage in the acquisition and assumption of certain assets and liabilities of two branches of Anchor Savings Bank FSB and transfer of those branches (one each) to The Trust Company of Princeton, Princeton, New Jersey, and Ocean National Bank,

Point Pleasant, New Jersey, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Community Bancshares, Inc., Noblesville, Indiana; to acquire The Lapel, Indiana branch of Colonial Central Savings Bank, F.S.B., Mt. Clemens, Michigan, and thereby engage in owning and operating a savings association pursuant to § 225.25(b)(9) of the Board's Regulation Y. These activities will be conducted in Lapel, Indian, and the surrounding area.

2. MetroBancorp, Indianapolis, Indiana; to form a subsidiary, Metro Federal Savings Bank, Indianapolis, Indiana, with the purpose of assuming certain deposit liabilities and purchasing certain assets of Colonial Central Savings Bank, F.S.B., Mt. Clemens, Michigan, pursuant to § 225.25(b)(9) of the Board's Regulation Y.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Assistant Vice President) 101 Market Street, San Francisco, California 94105:

1. The Kyowa Bank, Ltd., Tokyo, Japan; to acquire Saitama Bank Trust Company of New York, New York, New York, and thereby engage in trust activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, December 12, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-29529 Filed 12-17-90; 8:45 am]

BILLING CODE 6210-01-M

John D. O'Brien, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have 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 the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they 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 December 31, 1990.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. John D. O'Brien and JDOB, Inc., Sandston, Minnesota; to acquire 25 percent of the voting shares of First Security Bank of Missoula, Missoula, Montana.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Martha Steed Lyne Management Trust, Dallas, Texas, to acquire 60.38 percent, and Gunn Oil Company, Wichita Falls, Texas, to acquire an additional 4.31 percent for a total of 64.69 percent of the voting shares of Heritage Bankshares, Inc., Dallas, Texas, and thereby indirectly acquire Turtle Creek National Bank, Dallas, Texas.

Board of Governors of the Federal Reserve System, December 12, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-29518 Filed 12-17-90; 8:45 am]

BILLING CODE 6210-01-M

Investors Financial Corporation, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 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 January 8, 1991.

A. Federal Reserve Bank of Atlanta (Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303:

1. Investors Financial Corporation, Bainbridge, Georgia; to become a bank holding company by acquiring 100 percent of the voting shares of Bainbridge National Bank, Bainbridge, Georgia.

B. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. First Midwest Corporation of Delaware, Elmwood Park, Illinois; to acquire 100 percent of the voting shares of Oquawka Bancshares, Inc., Oquawka, Illinois, and thereby indirectly acquire Bank of Oquawka, Oquawka, Illinois.

C. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Pinnacle Banc Group, Inc., Oak Brook, Illinois; to acquire 100 percent of the voting shares of The Henry County Bank, Green Rock, Illinois.

2. Royal American Corporation, Inverness, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of Royal American Bank, Inverness, Illinois, a *de novo* bank.

D. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. CBX Corporation, Carrollton, Illinois; to become a bank holding company by acquiring at least 80 percent of the voting shares of The Carrollton Bank and Trust Company, Carrollton, Illinois.

E. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Ellsworth Bancshares, Inc., Ellsworth, Minnesota; to become a bank holding company by acquiring 81.17 percent of the voting shares of Ellsworth State Bank, Ellsworth, Minnesota.

F. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Midwest Banco Bancorporation, Cozad, Nebraska; to acquire 100 percent of the voting shares of Enders Company, Enders, Nebraska, and thereby indirectly acquire First State Bank, Enders, Nebraska.

Board of Governors of the Federal Reserve System, December 12, 1990.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 90-29521 Filed 12-17-90; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 112690 AND 120790

Name of Acquiring Person, Name of Acquired Person, Name of Acquired Entity	PMN Number	Date terminated
R & B Investment Partnership, L.P., Reading & Bates Corporation, Reading & Bates Corporation	91-0220	11/27/90
S. A. Louis Dreyfus et Cie, Enron Corp., Enron GasBank, Inc	91-0224	11/27/90
Michigan Mutual Insurance Company, The American Fire Insu. Co. of Charleston, S.C., The American Fire Insu. Co. of Charleston, S.C	91-0244	11/27/90
CS Holding, CS First Boston, Inc., CS First Boston, Inc	91-0133	11/28/90
Chas. Kurz & Co., Inc., Sun Company, Inc., 667 Leasing Company	91-0229	11/28/90
Norman N. Green, Howard L. Baldwin, North Stars Hockey Club, Inc	91-0230	11/28/90
Oshkosh Truck Corporation, Trillium Management, Inc., Miller Trailers, Inc	91-0234	11/28/90
Pacific Gas and Electric Company, Corpus Christi Exploration Company, Corpus Christi Exploration Company	91-0248	11/28/90
Hadson Energy Resources Corporation, Baruch-Foster Corporation, Baruch-Foster Corporation	91-0196	11/29/90
Burlington Northern Inc., IP Partners II, INB Corp	91-0287	11/30/90
W.R. Grace & Co., Outline Trust, Hokes Shipping Ltd. & Saneca Shipping Ltd	91-0181	12/03/90
BTR plc, Peter Kiewit Sons', Inc., Continental PET Technologies, Inc	91-0225	12/03/90
N.V. Gemeenschappelijk Bezit Van Aandeelen Philips GN, N.V. Gemeenschappelijk Bezit Van Aandeelen Philips GN, Philips and du Pont Optical Company	91-0254	12/03/90
Sealright Co., Inc., Jaite Packaging, Inc., Jaite Packaging, Inc	91-0265	12/03/90
Jack W. Milton, Charles S. Foresman, Southworth Machinery, Inc	91-0270	12/03/90
Corporate Property Investors, Corporate Property Investors, Livingston Mall Ventures	91-0272	12/03/90
Qual-Med, Inc., Heals Individual Practice Association, Inc., Heals, The Personal Care Physician Health Plan	91-0277	12/03/90
Capercaillie Holdings, Inc., Reading & Bates Corporation, Reading & Bates Corporation	91-0214	12/04/90
AMAX Inc., General Electric Company, Ladd Petroleum Corporation	91-0269	12/04/90
Mr. Yoshinobu Aizawa, Itoman & Co., Ltd., Summitpointe Golf Club Corporation	91-0273	12/04/90
Loews Corporation, R. H. Macy & Co., Inc., R. H. Macy & Co., Inc	91-0295	12/04/90
Mutual Series Fund Inc., R. H. Macy & Co., Inc., R. H. Macy & Co., Inc	91-0296	12/04/90
Santa Fe Pacific Corporation, Mission Resources Partners, L.P., Mission Operating Partnership, L.P	91-0200	12/05/90
ITT Corporation, John Hancock Mutual Life Insurance, Sheraton Bal Harbour Joint Venture (Partnership)	91-0231	12/05/90
Dover Corporation, T.E. Jernigan, Marathon Corporation	91-0280	12/05/90
A. Alfred Taubman, R. H. Macy & Co., Inc., R. H. Macy & Co., Inc	91-0294	12/05/90
Carl C. Icahn, USX Corporation, USX Corporation	91-0250	12/06/90
Syntex Corporation, E. I. du Pont de Nemours and Company, Vista Immunoassay System	91-0236	12/07/90
Ford Motor Company, Xerox Corporation, LMV Leasing, Inc. and XRX Fleet Management Corporation	91-0245	12/07/90

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580, (202) 326-3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 90-29564 Filed 12-17-90; 8:45 am]

BILLING CODE 6750-01-M

[Dkt. C-3314]

Atlantic Richfield Co., et al., Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, ARCO Chemical Company, a subsidiary of Atlantic Richfield Company and a producer of urethane polyether polyols and propylene glycol, to divest, within twelve months of this order, to a Commission-approved acquirer: the propylene glycol assets and businesses of Union Carbide; and the urethane polyether polyol assets and businesses in the United States and Canada which ARCO acquired from Texas Chemical Company in 1987. The consent order also requires ARCO, for ten years, to secure prior Commission approval before making certain acquisitions.

DATES: Complaint and Order issued November 26, 1990.[1]

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H-130, 6th Street & Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Rhett Krulla, FTC/S-3302, Washington, DC 20580. (202) 326-2608.

SUPPLEMENTARY INFORMATION: On Thursday, September 13, 1990, there was published in the **Federal Register**, 55 FR 37759, a proposed consent agreement with analysis In the Matter of Atlantic Richfield Company, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

No comments having been received, the commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered an order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

Authority: Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18.

Donald S. Clark,

Secretary.

[FR Doc. 90-29565 Filed 12-17-90; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Meeting, End-Stage Renal Disease Data Advisory Committee

Pursuant to Public Law 92-463, notice is hereby given of the first meeting of the End-Stage Renal Disease Data Advisory Committee on February 1, 1991. The meeting will begin at 8 a.m. to approximately 5 p.m. in Confernce room 9, Building 31, National Institutes of Health, Bethesda, Maryland. The meeting, which will be open to the public, is being held to review data collection and analysis efforts on End-Stage Renal Disease. This review will focus on biomedical research studies funded by the National Institute of Diabetes and Digestive and Kidney Diseases, including the outcomes of experimental therapies for ESRD, and relevant studies funded by the Health Care Financing Administration on economic/cost-effectiveness/reimbursement issues related to ESRD. Attendance by the public will be limited to space available.

Dr. John Kusek, Executive Director, End-Stage Renal Disease Data Advisory Committee, Westwood Building, room 619, Bethesda, Maryland 20892, (301) 496-7133, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contacting his office.

Dated: December 10, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-29505 Filed 12-17-90; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Aging; Meeting of the National Commission on Sleep Disorders Research

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Sleep Disorders Research, National Institute on Aging, on January 10 and 11, 1991 in Conference room A, #1, third floor at the Good Samaritan Hospital & Medical Center, 1015 NW., Twenty-Second Avenue, Portland, Oregon. For additional information please call Bobby Heagerty at 503-229-7348.

The meeting will be open to the public from 9 a.m. to 4:30 p.m. on January 10th, and from 8:30 a.m. to 11:30 a.m. on January 11th. On January 10th, the Commission will accept testimony on Sleep and Sleep Disorders from patients, health professionals, and interested persons. January 11th will be a working meeting which will include review of the public testimony and development of the National Plan. Attendance by the public will be limited to space available.

Interested persons and those who desire to present testimony should contact Ms. Gladys Bohler, Secretary, DHHS/NIH/NIA, 9000 Rockville Pike, Building 31C, room 5C35, Bethesda, Maryland 20892, 301-496-9350, for further details of the meeting.

Andrew A. Monjan, Ph.D., M.P.H., Executive Secretary, National Commission on Sleep Disorders Research, National Institute on Aging, 9000 Rockville Pike, Building 31C, room 5C35, Bethesda, Maryland 20892, 301-496-9350, will provide substantive program information.

Dated: December 11, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-29506 Filed 12-17-90; 8:45 am]

BILLING CODE 4140-01-M

National Institute on Aging; Meeting of the National Commission on Sleep Disorders Research

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the National Commission on Sleep Disorders Research, National Institute on Aging, on January 8 and 9, 1991, at the Andrus Gerontology Center, University of Southern California, Main Campus—University Park, Los Angeles, California. The Commission will meet on Tuesday, January 8 in the Auditorium and in room 224 on Wednesday, January 9. For additional information please call Gitta Morris at 213-740-1354.

The meeting will be open to the public from 9 a.m. to 4:30 p.m. on January 8th, and from 8:30 a.m. to 11:30 a.m. on January 9th. On January 8th, the Commission will accept testimony on Sleep and Sleep Disorders from patients, health professionals, and interested persons. January 9th will be a working meeting which will include review of the public testimony and development of the National Plan. Attendance by the public will be limited to space available.

Interested persons and those who desire to present testimony should contact Ms. Gladys Bohler, Secretary, DHHS/NIH/NIA, 9000 Rockville Pike, Building 31C, room 5C35, Bethesda, Maryland 20892, 301-496-9350, for further details of the meeting.

Andrew A. Monjan, Ph.D., M.P.H., Executive Secretary, National Commission on Sleep Disorders Research, National Institute on Aging, 9000 Rockville Pike, Building 31C, room 5C35, Bethesda, Maryland 20892, 301-496-9350, will provide substantive program information.

Dated: December 11, 1990.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 90-29507 Filed 12-17-90; 8:45 am]

BILLING CODE 4140-01-M

Public Health Service

Centers for Disease Control; Delegation of Authority

Notice is hereby given that in furtherance of the September 17, 1990, delegation of authority (55 FR 39211) from the Secretary of Health and Human Services to the Assistant Secretary for Health, I have delegated to the Director, Centers for Disease Control, with authority to redelegate, section 6507 of the Omnibus Budget Reconciliation Act of 1989, as amended hereafter (Pub. L. 101-239), as it pertains to the functions assigned to the Centers for Disease Control. The authority is to be exercised only after consultation and in cooperation with the Health Care Financing Administration. This delegation excluded the authority to promulgate regulations and to submit reports to the Congress.

This delegation became effective on December 6, 1990. In addition, I have affirmed and ratified any actions taken by the Director, Centers for Disease Control, or his subordinates which, in effect, involved the exercise of this authority prior to the effective date of the delegation.

Dated: December 6, 1990.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 90-29593 Filed 12-17-90; 8:45 am]

BILLING CODE 4160-18-M

Office of the Assistant Secretary for Health; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health on September 17, 1990, by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Administrator, Health Resources and Services Administration, certain authorities under the Omnibus Budget Reconciliation Act of 1989, as amended hereafter, as follows:

Section 6506(a), Development of Model Application for Maternal and Child Assistance Programs (42 USC 701 note).

Section 6508, Health Insurance for Medically Uninsurable Children (42 USC 701 note).

Section 6509, Maternal and Child Health Handbook (42 USC 701 note).

These authorities are to be exercised only after consultation and in cooperation with the Health Care Financing Administration.

This delegation excluded the authority to promulgate regulations and to submit reports to the Congress.

Redelegation

This authority may be redelegated.

Prior Delegations

None.

Effective Date

This delegation was effective on December 6, 1990.

In addition, I hereby affirm and ratify any actions taken by the Administrator or his subordinates which, in effect, involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Dated: December 6, 1990.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 90-29592 Filed 12-17-90; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-060-01-4410-08]

Rescission of Pilot Knob Plan Decision; Notice of Intent to Reconsider Changes in Pilot Knob Allotment in a Plan Amendment

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of rescission/notice of intent.

SUMMARY: Notice is hereby given that, based on public comments regarding procedural concerns, the Bureau of Land Management (BLM) is rescinding its California Desert Conservation Area (CDCA) Plan amendment decision to reclassify the Pilot Knob grazing allotment from an ephemeral allotment to a perennial allotment. The referenced decision was identified as Amendment 20 of the 1988 Amendment to the CDCA Plan of 1980. The record of decision (ROD) on the amendment was approved on January 11, 1990.

Notice is further given that the BLM intends to reconsider the reclassification of the Pilot Knob grazing allotment from an ephemeral allotment to a perennial allotment through an amendment to the CDCA Plan. The public is invited to comment on this proposed amendment. Comments will be accepted for thirty (30) days following publication of this notice. Individuals or organizations who commented previously on this action do not need to resubmit their comments. Earlier comments will be automatically considered along with any new comments.

SUPPLEMENTARY INFORMATION: Amendment Nine of the 1983 Amendments to the CDCA Plan addressed whether or not to change the grazing class of the Pilot Knob allotment. At that time BLM deferred a decision on Amendment Nine pending preparation of an allotment management plan (AMP). The draft AMP was prepared in 1988-89 and mailed out for public review in May, 1989. Public comments were incorporated into the AMP and environmental assessment (EA).

BLM informally consulted with the U.S. Fish and Wildlife Service (USFWS) on the AMP and EA in October, 1989, and expected to complete formal consultation shortly thereafter. Amendment 20 of the 1988 Amendments to the CDCA Plan was initiated to complete deferred Amendment Nine of the 1983 Amendments. It was anticipated that the AMP would be completed before the ROD for the 1988 Amendments was signed. However, due to unforseen circumstances, consultation with the USFWS was not completed. Thus the ROD in regards to the Pilot Knob Amendment was signed prematurely.

Furthermore, due to changes in circumstances since the 1983 analysis of the proposed Pilot Knob Amendment, it is necessary to update the environmental analysis of proposed allotment changes before reissuing the proposed amendment. This will allow opportunity for public comment and protest in accordance with the BLM's planning regulations (43 CFR 1610.5-2).

DATES: Comments will be accepted until January 22, 1991.

WHERE: Please send your comments to Gerald E. Hillier, District Manager, California Desert District, Bureau of Land Management, 1695 Spruce Street, Riverside, California 92507.

FOR FURTHER INFORMATION: Please contact Lee Delaney, Area Manager, Ridgecrest Resource Area at (619) 375-7125, if you have any questions regarding the proposed Pilot Knob Amendment.

Dated: December 12, 1990.

Lee Delaney,

Acting District Manager.

[FR Doc. 90-29535 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-40-M

[AZ-050-7122-14-X218; AZA 23896]

Temporary Closure of Selected Public Lands in La Paz County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Temporary Closure of Selected Public Lands in La Paz County, Arizona (East of Parker, North of Bouse) During the Operation of the 1991 SCORE Parker 400 Off-Road Vehicle Race.

SUMMARY: The District Managers of the Yuma District and the Phoenix District jointly announce the temporary closure of selected public lands under their respective administration. This action is being taken to provide for public safety and prevent unnecessary environmental degradation during the official permitted running of the 1991 SCORE Parker 400 off-road vehicle race.

DATES: January 23, 1991, through January 27, 1991.

FURTHER INFORMATION CONTACT: James Green, Natural Resource Specialist, Havasu Resource Area, 3189 Sweetwater Avenue, Lake Havasu City, Arizona 86403, 602-855-8017; Rich Hanson or John Reid, Natural Resource

Specialists, Lower Gila Resource Area, 2015 West Deer Valley Road, Phoenix, Arizona 85027, 602-863-6711.

SUPPLEMENTARY INFORMATION: Specific restrictions and closure periods are as follows:

Arizona Course

1. The portion of the course comprised of Bureau of Land Management (BLM) roads and ways is closed to public vehicle use from noon Wednesday, January 23, 1991, to noon Sunday, January 27, 1991 (MST).

2. Vehicles are prohibited from the following three wildernesses and one wilderness study area:

a. Gibraltar Mountain Wilderness.

b. Swansea Wilderness.

c. East Cactus Plain Wilderness.

d. Cactus Plain Wilderness Study Area.

3. The entire area encompassed by the Arizona course and all areas within 2 miles outside the Arizona course are closed to vehicles unless otherwise posted. Access routes leading to the course are closed to vehicles. All closed routes will be posted throughout the closure period.

4. Spectator viewing is limited to two designated spectator areas located at:

a. Arizona Start/Finish Area (along Shea Road east of Parker Arizona).

b. Bouse Road (about 1½ miles north of Bouse, Arizona).

Camping is allowed only in the two designated spectator areas. Vehicle travel or parking outside these designated locations is prohibited. All vehicles operated within these two locations shall be legally registered for street and highway operation. No off-highway vehicle (OHV) play areas are present in the race area. Spectators should not bring their OHVs to the race as this activity is prohibited.

5. Spectators and vehicle parking along Bouse Road, Shea Road, and Swansea Road are prohibited except for the two designated spectator areas.

6. All vehicles operated within designated pit areas shall be legally registered for street and highway operation.

Signs and maps directing the public to the Arizona spectator areas will be provided by the BLM and the event sponsor.

7. An airspace closure over the race course will be in effect from 6 a.m. to 6 p.m. on race day, January 26, 1991. This closure will restrict unauthorized private aircraft from flying within ¼ mile of the race course centerline with a ceiling of 1,200 feet above ground surface. These limits will not interfere with existing airways, airports, or landing strips in the area.

The above restrictions do not apply to emergency vehicles and vehicles owned by the United States, the State of Arizona, or to La Paz County. Vehicles and aircraft under permit for operation by event promoter and participants must follow race permit stipulations. Operators of permitted vehicles shall maintain a maximum speed limit of 30 mph on all BLM roads and ways. This speed limit shall not apply to vehicles entered in the race during the race day, Saturday, January 26, 1991.

Authority for closure of public lands is found in 43 CFR part 8340, subpart 8341; 43 CFR part 8360, subpart 8364.1; and 43 CFR part 8372. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined not more than $1,000 and/or imprisoned for not more than 12 months.

Dated: December 11, 1990.

Mervin G. Boyd,

Acting Yuma District Manager.

Dated: December 12, 1990.

Henri Bisson,

Phoenix District Manager.

[FR Doc. 90-29534 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-32-M

[ID-943-01-4212-13; IDI-26430]

Order Providing for Opening of Public Land, Correction; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Opening Order.

SUMMARY: This order will correct an error in paragraph 3 and add a new paragraph 5 in an order providing for opening of public lands received in a private exchange.

EFFECTIVE DATE: April 18, 1990.

FOR FURTHER INFORMATION CONTACT: Sally Carpenter, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706 (208) 334-1720.

The opening order published on March 22, 1990, on pages 10696 and 10697 contained language opening lands to the mineral leasing laws. Part of the lands received in the exchange is not open to oil and gas leasing, since those minerals were reserved by the exchange proponent.

The first sentence of paragraph 3 is corrected to read: "At 9 a.m. on April 18, 1990, the lands described in paragraph 1, except for the lands described in paragraph 4, will be opened to locate and entry under the United States mining laws and to applications and offers under the mineral leasing laws, except those lands described in paragraph 5, which are closed to applications for oil and gas leasing."

A new paragraph 5 is added at the end of the order to read as follows:

"5. The following-described lands will remain closed to applications for oil and gas leasing:

Boise Meridian

T. 16 S., R. 21 E.,
Sec. 25, SW¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
Sec. 26, SE¼NE¼.
T. 16 S., R. 22 E.,
Sec. 31, lot 1, W½NE¼, and NE¼NW¼.
The area described contains 446.24 acres in Cassia County."

Dated: December 7, 1990.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 90-29533 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-010-00-4760-10; IDI-6872, IDI-27435]

Public Land in Canyon County, Idaho, Realty Action

AGENCY: Bureau of Land Management, Interior.

ACTION: Amended Notice of Realty Action, Direct Sale of Public Land in Canyon County, Idaho.

SUMMARY: A Notice of Realty Action was published September 20, 1990 (55 FR 38755) and corrected October 02, 1990 (55 FR 40260) terminating a Bureau of Land Management classification near Pickles Butte and making the land Involved available for disposal by sale. This amendment corrects the previous Notice of Realty Action to change the date which the land must be purchased by from December 31, 1990 to June 30, 1991. All other terms of the previous Notice of Realty Action remain in effect.

ADDRESSES: The sale offering will be held at the Boise District Office, Bureau of Land Management, 3948 Development Avenue, Boise, ID 83705.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning the sale can be obtained by contacting Effie Schultsmeier, Realty Specialist, at (208) 384-3357 or at the above address.

SUPPLEMENTARY INFORMATION: All other terms and conditions of the original Notice of Realty Action dated September 20, 1990 (55 FR 38755) and corrected October 02, 1990 (55 FR 40260) remain unchanged.

Dated: December 7, 1990.

Barry C. Cushing,

Acting District Manager.

[FR Doc. 90-29531 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-GG-M

[ID-060-91-4212-13; I-25297]

Coeur d'Alene District, Idaho; Exchange of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Exchange of Public Lands in Shoshone County, Idaho.

SUMMARY: This Notice is to advise the public that the Emerald Empire Resource Area, Coeur d'Alene District, of the Bureau of Land Management and Bunker Limited Partnership are proposing a land exchange. The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Boise Meridian, Idaho

T. 48 N., R. 2 E.,
Sec. 12: Lot 19.
T. 48 N., R. 3 E.,
Sec. 7: Lot 4 (a portion), NE¼NE¼, S½NE¼ (a portion), E½SW¼ (a portion), SE¼ (a portion);
Sec. 8: S½ (a portion);
Sec. 17: Lots 1–8, inclusive (portions thereof);
Sec. 18: Lot 1 (a portion), Lots 21, 22.

The area described above aggregates approximately 634(±) acres in Shoshone County, Idaho. The specific legal descriptions will be subject to an approved resurvey.

In exchange for these lands, the United States will acquire the following described lands from Bunker Limited Partnership:

Boise Meridian, Idaho

T. 47 N., R. 1 E.,
Sec. 2: S½SW¼, SW¼SE¼.
T. 48 N., R. 1 E.,
Sec. 24: that portion of patent 1102665 which falls within the section.
T. 48 N., R. 2 E.,
Sec. 19: that portion of patent 1102665 which falls within that section;
Sec. 29: E½NW¼, N½SW¼;
Sec. 30: That portion of patent 1102665 which falls within that section.

The area described above aggregates approximately 315(±) acres in Shoshone County, Idaho.

The purpose of the land exchange is to facilitate the construction and maintenance of the "Kellogg Gondola" project which was authorized by the Omnibus Budget Reconciliation Act of 1987, Public Law 100–203. The public lands to be exchanged are isolated parcels. The private lands being offered have very important values for timber, watershed and wildlife habitat that merit acquisition into public ownership. The exchange is consistent with the Bureau of Land Management land use plans and the public interest will be well served by making this exchange.

The value of the lands to be exchanged is approximately equal, and the acreage will be adjusted to equalize the value upon completion of the final appraisal.

Lands to be conveyed from the United States will be subject to the following reservations:

1. A reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All other valid existing rights, including but not limited to any right-of-way, easement or lease of record.

The publication of this notice in the **Federal Register** will segregate the public lands described above to the extent that they will not be subject to appropriation under the public land laws, including the mining laws but not from exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976. As provided by the regulations of 43 CFR 2201.1(b), any subsequently tendered application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of this Notice will terminate upon issuance of patent or in two years, whichever occurs first.

ADDRESSES: Detailed information concerning the exchange is available for review at the Coeur d'Alene District Office, 1808 North Third Street, Coeur d'Alene, Idaho 83814.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager at the above address. Objections will be reviewed by the State Director who may sustain, vacate, or modify this reality action. In the absence of any objections, this reality action will become the final determination of the Department of the Interior.

Date of Issue: December 10, 1990.

John B. O'Brien III,

Acting District Manager.

[FR Doc. 90–29492 Filed 12–17–90; 8:45 am]

BILLING CODE 90-29492

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

Applicant: Florida Museum of Natural History, Gainesville, FL; PRT-740483.

The applicant requests amendment of their current permit to allow the import of up to 300 male and female reproductive tracts, up to 50 carapaces and associated skeletal elements, and up to 5 whole Central American river turtles (*Dermatemys mawii*) for the purpose of scientific research. These materials will be salvaged from turtles already slaughtered for consumptive purposes in Belize. Previous permit authorized the import of skeletal material and up to 96 male reproductive tracts of the Central American river turtle.

Applicant: Staten Island Zoological Society, Staten Island, NY; PRT-753354.

The applicant requests a permit to purchase one captive born female ocelot (*Felis pardalis*) from the Woodland Park Zoological Gardens, Seattle, Washington, for captive breeding and zoological display purposes.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 a.m. to 4:15 p.m.) room 430, 4401 N. Fairfax Dr., Arlington, VA 22203, or by writing to the Director, U.S. Office of Management Authority, 4401 N. Fairfax Drive, room 432, Arlington, VA 22203.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: December 12, 1990.

Karen Willson,

Acting Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 90–29503 Filed 12–17–90; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Submitted by the Minerals Management Service Subpart O—Training of 30 CFR Part 250

The collection of information contained in this rule has been submitted to the Office of Management and Budget as required by the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Copies of the proposed

information collection may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be made directly to the Information Collection Clearance Officer; Minerals Management Service; Mail Stop 2300; 381 Elden Street; Herndon, Virginia 22070–4817, telephone (703) 787–1239 or to the Office of Management and Budget; Paperwork Reduction Project 1010–0078; Washington, DC 20503. Information collection requirements contained in existing rules and approved under existing number 1010–0078 will be collected until approval of collection under this amended rule has been approved.

Title: Subpart O—Training, 30 CFR part 250.

OMB approval number: 1010–0078.

Abstract: The Outer Continental Shelf Lands Act, 43 U.S.C. 1331 *et seq.*, provides to the Secretary of the Interior (Secretary) the responsibility for ensuring the safety of operations and protection of the environment during oil and gas and sulphur operations in the Outer Continental Shelf (OCS). To carry out these responsibilities, the Secretary has authorized the Director of Minerals Management Service (MMS) to issue regulations governing operations on OCS oil and gas and sulphur leases. To carry out these responsibilities, the Director of MMS has issued rules governing training requirements for lessee and contractor personnel working in the OCS.

Bureau form number: None.

Frequency: On occasion.

Estimated completion time: 5 hours.

Description of respondents: Oil and gas and sulphur lessees and operators and training institutions.

Annual responses: 330.

Annual burden hours: 3,944.

Bureau clearance officer: Dorothy Christopher, (703) 787–1239.

Dated: November 20, 1990.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 90–29493 Filed 12–17–90; 8:45 am]

BILLING CODE 4310–MR–M

Outer Continental Shelf (OCS); Advisory Board Scientific Committee (SC); Plenary Session Meeting

This Notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Public Law 92–463, 5 U.S.C., Appendix I, and the Office of Management and Budget Circular A–63, Revised.

The OCS Advisory Board SC will meet from Tuesday, January 15 through Thursday, January 17, 1991, at the Holiday Inn, 555 McMurray Road, Buellton, California, telephone (805–688–1000). Below is a schedule of meetings that will occur.

An Information Management Workshop will be held from 8 a.m. to 5 p.m. on Tuesday, January 15. The agenda for the Workshop will cover the following subjects:

- A demonstration of the new Environmental Studies Database.
- Presentations on information management systems in other Federal agencies.
- Discussion of the MMS Environmental Studies information management needs for the future.

The Scientific Committee will meet in subcommittees on Wednesday, January 16, from 8 a.m. to 5 p.m.

The agenda for the plenary session scheduled for Thursday, January 17, from 8 a.m. to 5 p.m., will include the following subjects:

- Committee business and resolutions
- Environmental Studies Program Status Review

A detailed agenda is not yet available but may be requested from the MMS.

The meetings are open to the public. Approximately 30 visitors can be accommodated on a first-come-first served basis at the plenary session.

All inquiries concerning the Information Management Workshop should be addressed to Mr. Norman Hurwitz, Branch of Environmental Studies. All inquiries concerning the Scientific Committee meeting and Subcommittee meetings should be addressed to Dr. Don Aurand, Chief, Branch of Environmental Studies. Their address is the Minerals Management Service, Offshore Environmental Assessment Division, Mail Stop 4310, 381 Elden Street, Herndon, Virginia 22070, telephone (703) 787–1717.

Dated: December 11, 1990.

Thomas Gernhofer,

Acting Associate Director for Offshore Minerals Management.

[FR Doc. 90–29525 Filed 12–17–90; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before December 8, 1990. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013–7127. Written comments should be submitted by January 2, 1991.

Carol D. Shull,

Chief of Registration, National Register.

ALABAMA

Tallapoosa County

Coley, A. J. and Emma E. Thomas, House, 416 Hillabee St., Alexander City, 90002109

ARIZONA

Maricopa County

Willo Historic District, Roughly bounded by Central Ave., McDowell Rd., 7th Ave. and Thomas Rd., Phoenix, 90002099

CALIFORNIA

San Bernardino County

Redlands Central Railway Company Car Barn, 746 E. Citrus Ave., Redlands, 90002119

CONNECTICUT

Hartford County

Darling, Robert and Julia, House, 720 Hopmeadow St., Simsbury, 90002117

FLORIDA

Charlotte County

Punta Gorda Residential District (Punta Gorda MPS), Roughly bounded by W. Retta Esplanade, Berry St., West Virginia Ave. and Taylor St., Punta Gorda, 90002103

GEORGIA

Fulton County

Howell, Mrs. George Arthur, Jr., House (West Paces Ferry Road MPS), 400 W. Paces Ferry Rd. NW., Atlanta, 90002101

Greene County

Union Point Historic District, Roughly bounded by Lamb Ave., Washington, Rd., Old Crawfordville Rd. and Hendry St., Union Point, 90002100

MINNESOTA

Douglas County

Alexandria Residential Historic District, Roughly bounded by Cedar and Douglas Sts. and Lincoln and Twelfth Aves., Alexandria, 90002120

MISSISSIPPI

Leflore County

Black Site, Address Restricted, Sidon vicinity, 90002107

Rebecca Site, Address Restricted, Sidon vicinity, 90002105

Stratton Site, Address Restricted, Sidon vicinity, 90002106

Noxubee County

Old Noxubee County Jail of 1870, 503 S. Washington St., Macon, 90002102

Oktibbeha County

Gay, C. E., House, 110 E. Gillespie St., Starkville, 90002108

Washington County

Arcola Mounds, Address Restricted, Arcola vicinity, 90002118

NEW YORK

Rockland County

Rockland County Courthouse and Dutch Gardens, Jct. of S. Main St. and New Hempstead Rd., New City, 90002104

VERMONT

Windsor County

Norwich Villiage Historic District, Main St. from S. of Elm St. to Turnpike Rd. and adjacent portions of Elm, Church, Mechanic, Hazen and CLIFF Sts., Norwich, 90002116

VIRGINIA

Buckingham County

Bryn Arvon and Gwyn Arvon, VA 675, Arvonia, 90002111

Fairfax County

Herndon Historic District, Roughly bounded by Locust, Spring, Pearl, Monroe, Station and Vine Sts., Herndon, 90002121

Montgomery County

Miller—Southside Residential Historic District (Montgomery County MPS), Roughly bounded by Miller St., S. Main St., Airport Rd. and Preston Ave., Blacksburg, 90002110

Northampton County

Cape Charles Historic District, Roughly bounded by Washington, Bay and Mason Aves. and Fig. St., Cape Charles, 90002122

Orange County

Madison—Barbour Rural Historic District, Roughly bounded by US 15, the Rapidan Rd. and the Albermarle and Greene County lines, Barboursville vicinity, 90002115

Stafford County

White Oak Church, 8 Caisson Rd., Falmouth, 90002112

Alexandria Independent City

Fairfax—Moore House, 207 Prince St., Alexandria 9002113

Petersburg Independent City

Second Presbyterian Church, 419 W. Washington St., Petersburg, 90002114

Richmond Independent City

Monument Avenue Historic District (Boundary Increase), Roughly, Franklin St. from Roseneath Rd. to Cleveland St., Richmond, 90002098

St. John's Church Historic District (Boundary Increase), Roughly bounded by 21st, E. Marshall, 22nd and E. Franklin Sts., Richmond, 90002097

[FR Doc. 90-29515 Filed 12-17-90; 8:45 am]

BILLING CODE 4310-70-M

DEPARTMENT OF JUSTICE

Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on December 4, 1990, a proposed consent decree and consent decree modification in *United States* v. *American Cyanamid Company*, was lodged with the United States District Court for the Western District of Virginia. The decree pertains to the U.S. Titanium Superfund Site in Nelson County, Virginia.

The proposed consent decree and consent decree modification require American Cyanamid Company to perform the remedy for the Site selected by the Regional Administrator of the United States Environmental Protection Agency (Region III) and the Executive Director of the Virginia Department of Waste Management in the November 1989 Record of Decision and September 1990 Explanation of Significant Differences for the Site. In addition, the proposed consent decree requires American Cyanamid Company to pay the United States $338,152 in past response costs, to pay the Commonwealth of Virginia $66,930 in past response costs, and to reimburse the United States and the Commonwealth for all Oversight Response Costs and Further Response Costs for the Site.

The Department of Justice will receive comments relating to the proposed consent decree and consent decree modification for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC, 20530, and should refer to *United States* v. *American Cyanamid Company* (W.D. Va.) and DOJ Ref. No. 90-11-2-562. The proposed consent decree and consent decree modification may be examined at the office of the United States Attorney, Western District of Virginia, Poff Federal Building, 210 Franklin Road, SW., Roanoke, Virginia, or at the office of the Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania. A copy of the proposed consent decree and consent decree modification may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004. A copy of the proposed consent decree and consent decree modification may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $67.50 (25 cents per page reproduction costs) payable to "Consent Decree Library".

George Van Cleve,

Acting Assistant Attorney General, Environmental and Natural Resources Division.

[FR Doc. 90-29494 Filed 12-17-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on November 14, 1990, a proposed consent decree in *United States* v. *Cerro Copper Products Company*, Civil Action No. C89-5083, was lodged with the United States District Court for the Southern District of Illinois. The proposed consent decree concerns a complaint filed by the United States that alleged violations of section 307 of the Clean Water Act, 33 U.S.C. 1307, at Cerro's copper forming facility in Sauget, Illinois. The complaint alleges that Cerro violated National Categorical Pretreatment Standards by exceeding pretreatment discharge limitations for certain of its processes, and for failure to comply with reporting requirements of general pretreatment regulations promulgated under the Clean Water Act. The complaint seeks injunctive relief to require Cerro to comply with applicable pretreatment standards and to pay civil penalties for past violations.

The consent decree requires Cerro to come into compliance with National Categorical Pretreatment Standards and the Clean Water Act. Cerro is also required to pay a civil penalty of $1.4 million in settlement of the government's civil penalty claims.

The Department of Justice will receive for a period of thirty (30) days from the date of the publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Cerro Copper Products Company*, D.J. Ref. No. 90-5-1-1-3037.

The proposed consent decree may be examined at the Region V Office of the United States Environmental Protection

Agency, 230 S. Dearborn Street, Chicago, Illinois 60604. Copies of the consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600 Washington, DC 20004, 202-347-7829. A copy of the proposed decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $8.00 (25 cents per page reproduction cost) payable to "Consent Decree Library." In requesting a copy, please refer to the referenced case name and the D.J. Ref. number

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-29495 Filed 12-17-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to Resource Conservation and Recovery Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 5, 1990, a proposed Consent Decree in *United States* v. *GSX Chemical Services, Inc.*, Civil Action No. C86-4815, was lodged with the United States District Court for the Northern District of Ohio. The proposed Consent Decree concerns the GSX facility located at 7415 Bessemer Avenue in Cleveland, Ohio. The proposed Consent Decree requires the defendant to close certain waste files at its facility and to pay the United States $350,000 in a civil penalty for defendant's violations of the Resource Conservation and Recovery Act, 42 U.S.C. 9601 *et seq.*

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *GSX Chemical Services, Inc.*, D. J. Ref. 90-7-1-370.

The proposed Consent Decree may be examined at the office of the United States Attorney, Northern District of Ohio, 1404 East Ninth Street, suite 500, Cleveland, Ohio 44114, and at the Region V Office of the Environmental Protection Agency, 111 West Jackson Street, Chicago, Illinois 60604. The proposed Consent Decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, 202/347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $9.00 (25 cents per page reproduction cost), payable to Consent Decree Library.

George Van Cleve,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-29496 Filed 12-17-90; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on December 6, 1990, a proposed Consent Decree in *United States* v. *The Town of Oyster Bay*, Civil No. 90-4183, was lodged with the United States District Court for the Eastern District of New York resolving the matter. The proposed Consent Decree concerns the response to the existence of hazardous substances at the Syosset Landfill Site located in the hamlet of Syosset in the Town of Oyster Bay, Nassau County, New York pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended.

Under the terms of the Consent Decree, the defendant will implement the remedy selected for the first operable unit at the Site, reimburse the United States for its future oversight costs related to the first operable unit at the Site and reimburse the United States for a portion of its past costs related to the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Central Maine Power*, D.J. Ref. 90-11-2-491.

The proposed Consent Decree may be examined at the Region 2 Office of the Environmental Protection Agency, 26 Federal Plaza, New York, New York 10278. Copies of the Consent Decree may be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20044, (202) 347-7829. A copy of the proposed Consent Decree (including Appendices) may be obtained in person or by mail from the Document Center. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $22.50 (25 cents per page reproduction cost) made payable to Consent Decree Library.

George Van Cleve,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-29497 Filed 12-17-90; 8:45 am]

BILLING CODE 4410-01-M

Consent Judgment in Action To Enjoin Violation of the Clean Water Act ("CWA")

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR. 19029, notice is hereby given that a Consent Decree in *United States* v. *Robesonia-Wernersville Municipal Authority*, Civil Action No. 88-5703 (E.D. Pa.), was lodged with the United States District Court for the Eastern District of Pennsylvania on December 5, 1990. The Consent Decree requires defendant to pay civil penalties for violations of its National Pollutant Discharge Elimination System ("NPDES") permit, issued pursuant to section 402 of the CWA, 33 U.S.C. 1342. The Decree enjoins further violations of the CWA and establishes a timetable for defendant's compliance with the conditions of its NPDES permit, including construction of a treatment works upgrade.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Robesonia-Wernersville Municipal Authority*, D.O.J. Ref. No. 90-5-1-1-3138.

The Consent Decree may be examined at the Office of the United States Attorney, Eastern District of Pennsylvania, Suite 1300, Philadelphia Life Building, 615 Chestnut Street, Philadelphia, Pennsylvania 19106, at the Region III office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, and at the Environmental Enforcement Section Document Center, 1333 F Street, NW., Suite 600, Washington, DC 20004, Telephone Number (202) 347-2072. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center at the address listed above. In requesting a copy, please tender a check in the amount of $7.75 (25

cents per page reproduction charge) payable to Consent Decree Library.

George Van Cleve,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 90-29498 Filed 12-17-90; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

[Docket No. M-90-178-C]

Lonesome Pine Mining Co., Inc., Petition for Modification of Application of Mandatory Safety Standard

Lonesome Pine Mining Company, Inc., P.O. Box 2560, Wise, Virginia 24293 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its No. 1 Mine (I.D. No. 15-16495) located in Letcher County, Kentucky. 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 canopies be installed on the mine's electric face equipment.

2. Due to the uneven bottom and dips in the mine, petitioner states that the installation of canopies on the mine's electric face equipment would dislodge roof support and create a hazardous condition for the miners.

3. For this reason, petitioner requests a modification of 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 January 17, 1991. Copies of the petition are available for inspection at that address.

Dated: December 10, 1990.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 90-29547 Filed 12-17-90; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

[Docket No. NRTL-1-89]

ETL Testing Laboratories, Inc.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of expansion of current recognition as a nationally recognized testing laboratory.

SUMMARY: This notice announces the Agency's final decision on the ETL Testing Laboratories, Inc. application for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

FOR FURTHER INFORMATION CONTACT: James J. Concannon, Director, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

Notice of Final Decision

ETL Testing Laboratories, Inc. (ETL), previously made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 9-83 (48 FR 35763), and 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory (see 54 FR 8411, 2/28/89), and was so recognized (see 54 FR 37845, 9/13/89).

ETL subsequently applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory pursuant to 29 CFR 1910.7. (See Exhibits 13 A and 13 B.) A notice of ETL's application together with a positive preliminary finding was published in the **Federal Register** on October 26, 1990 (55 FR 43229-30). (See Exhibit 14.)

There was one response to this **Federal Register** notice of application, and preliminary finding. (See Exhibit 15-1.) The respondent questioned the recognition of ETL as an NRTL for ANSI/UL 1069, *Hospital Signaling and Nurse Call Equipment.*

The respondent contended that the listing of products under ANSI/UL 1069 in the *Directory of ETL Listed Products* was inadequate and, furthermore, did not meet the intent of the term "Listed" as defined in Article 100 of the 1990 edition of ANSI/NFPA 70, National Electrical Code, and quoted the definition of "Listed" to support its contention. However, upon review of this definition and the incorporated "Fine Print Note" (FPN), OSHA concluded that the respondents claim was not substantiated and that the listing information supplied by ETL met the requirements and the intent of the definition of "Listed" as found in Article 100, ANSI/NFPA 70, 1990.

The respondent also protested that information concerning a listed piece of equipment was not supplied to them by ETL, upon request. It is OSHA's contention that ETL supplied sufficient information to the respondent who was, in fact, a competitor of the manufacturer of the listed product. However, according to the respondent, ETL did state that additional information would be supplied to an authority having jurisdiction if such were requested.

The NRTL program does not require accredited laboratories to compromise their technical information and provide potentially sensitive information to a client's competitor. The program does require the NRTL to have a system to address field complaints.

ETL notified the respondent that one issue raised appeared to be the result of a discrepancy and that appropriate action would be taken after an investigation. The respondent complained that they had not subsequently been informed by ETL of any resolution relating to the discrepancy. This is in keeping with the requirements of the NRTL program since it is not the respondent's prerogative to partake in the investigation nor evaluate the appropriate action.

It is OSHA's determination that the respondent's concerns have been resolved to it's (OSHA's) satisfaction and that ETL Testing Laboratories, Inc. has demonstrated that it can adequately test and certify products under the ANSI/UL 1069 standard.

Notice is hereby given that ETL's recognition as a Nationally Recognized Testing Laboratory has been expanded to include the test standards (product categories) listed below.

Copies of all pertinent documents (Docket No. NRTL-1-89), are available for inspection and duplication at the Docket Office, Room N-2634, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, DC 20210.

The addresses of the concerned laboratories are:

ETL Testing Laboratories, Inc., Cortland Safety Division, Industrial Park, Cortland, New York 13045

ETL Testing Laboratories, Inc., 5855-P Oakbrook Parkway, Norcross, Georgia 30093

FTL Testing Laboratories, Inc., West Coast Division, 660 Forbes Boulevard, South San Francisco, California 94080.

Final Decision and Order

Based upon the facts found as part of the ETL Testing Laboratories, Inc. original recognition, including details of necessary test equipment, procedures, and special apparatus or facilities needed, adequacy of the staff, the application(s) and documentation submitted by the applicant (see Exhibits 13 A and 13 B), the OSHA staff finding including the original On-Site Review Report, as well as the evaluation of the current request (see Exhibit 13 C), OSHA finds that ETL Testing Laboratories, Inc. has met the requirements of 29 CFR 1910.7 for expansion of its present recognition to test and certify certain equipment or materials.

Pursuant to the authority in 29 CFR 1910.7, the ETL Testing Laboratories, Inc. recognition is hereby expanded to include the 29 additional test standards (product categories) cited below, subject to the conditions listed below. This recognition is limited to equipment or materials which, under 29 CFR part 1910, require testing, listing, labeling, approval, acceptance, or certification by a Nationally Recognized Testing Laboratory. This recognition is limited to the use of the following 29 additional test standards for the testing and certification of equipment or materials included within the scope of these standards. ETL has stated that these standards are used to test equipment or materials which can be used in environments under OSHA's jurisdiction, and OSHA has determined that they are appropriate within the meaning of 29 CFR 1910.7(c).

ANSI/UL 5—Surface Metal Electrical Raceways and Fittings
ANSI/UL 44—Rubber-Insulated Wires and Cables
UL 181—Factory Made Air Ducts and Connectors
UL 378—Draft Equipment
ANSI/UL 510—Insulating Tape
ANSI/UL 561—Floor-Finishing Machines
ANSI/UL 651—Schedule 40 and 80 PVC Conduit
ANSI/UL 674 [1]—Electric Motors and Generators for Use in Hazardous Locations, Class I, Groups C and D, Class II, Groups E, F, and G
ANSI/UL 698 [1]—Industrial Control Equipment for Use in Hazardous (Classified) Locations
UL 746C—Polymeric Materials—Use in Electrical Equipment Evaluations
ANSI/UL 756—Coin and Currency Changers and Actuators
ANSI/UL 823 [1]—Electric Heaters for Use in Hazardous (Classified) Locations
ANSI/UL 844 [1]—Electric Lighting Fixtures for Use in Hazardous (Classified) Locations
ANSI/UL 857—Electric Busways and Associated Fittings
ANSI/UL 894 [1]—Switches for Use in Hazardous (Classified) Locations
UL 910—Test Method for Fire and Smoke Characteristics of Electrical and Optical-Fiber Cables Used in Air Handling Spaces
ANSI/UL 916—Energy Management Equipment
ANSI/UL 924—Emergency Lighting and Power Equipment
ANSI/UL 961—Hobby and Sports Equipment
ANSI/UL 1002 [1]—Electrically Operated Valves for Use in Hazardous Locations, Class I, Groups A, B, C, and D, and Class II, Groups E, F, and G
ANSI/UL 1037—Antitheft Alarms and Devices
ANSI/UL 1069—Hospital Signaling and Nurse Call Equipment
UL 1459—Telephone Equipment
UL 1581—Reference Standard for Electrical Wires, Cables, and Flexible Cords
UL 1604—Electrical Equipment for Use in Class I and II, Division 2, and Class III Hazardous (Classified) Locations
UL 1666—Standard Test for Flame Propagation Height of Electrical and Optical-Fiber Cables Installed Vertically in Shafts
UL 1950—Information Technology Equipment Including Electrical Business Equipment
ANSI Z21.64 [2]—Direct Vent General Furnaces
ANSI Z83.18 [2]—Direct Gas-Fired Industrial Air Heaters

Note: The use of ANSI/UL 913—*"Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous Locations"*, for which ETL has previously received recognition for the testing and certification of products, is hereby also limited to Class I, Division I locations.

ETL Testing Laboratories, Inc. must also abide by the following conditions of this expansion of its recognition, in addition to those already required by 29 CFR 1910.7:

This recognition does not apply to any aspect of any program which is available only to qualified manufacturers and is based upon the NRTL's evaluation and accreditation of the manufacturer's quality assurance program;

The Occupational Safety and Health Administration shall be allowed access to ETL's facilities and records for purposes of ascertaining continuing compliance with the terms of its recognition and to investigate as OSHA deems necessary;

If ETL has reason to doubt the efficacy of any test standard it is using under this program, it shall promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based;

ETL shall not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, ETL agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, or that its recognition is limited to certain products;

ETL shall inform OSHA as soon as possible, in writing, of any change of ownership or key personnel, including details;

ETL will continue to meet the requirements for recognition in all areas where it has been recognized; and

ETL will always cooperate with OSHA to assure compliance with the letter as well as the spirit of its recognition and 29 CFR 1910.7.

EFFECTIVE DATE: This recognition will become effective on *(December 18, 1990)*, and will be valid for a period of five years from the date of the original recognition, September 13, 1989, until September 13, 1994, unless terminated prior to that date, in accordance with 29 CFR 1910.7.

Signed at Washington, DC this 11th day of December, 1990.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 90-29548 Filed 12-17-90; 8:45 am]

BILLING CODE 4510-26-M

[1]—Testing and certification is limited to Class I, Division I locations.

[2]—Testing and certification is limited to equipment designed for use with "liquefied petroleum gas" ("LPG" or "LP-Gas").

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Establishment of Education Advisory Committee

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Establishment of Education Advisory Committee.

SUMMARY: Pursuant to the Federal Advisory Committee Act the National Endowment for the Humanities hereby gives notice that it has established an Education Advisory Committee to receive advice with respect to broad range of issues confronting education. This committee was established on December 12, 1990.

FOR FURTHER INFORMATION CONTACT: Catherine Wolhowe, Alternate Advisory Committee Management Officer,

National Endowment for the Humanities, Washington, DC 20506; telephone (202) 786-0322.

Catherine Wolhowe,

Alternate, Advisory Committee Management Officer.

[FR Doc. 90-29543 Filed 12-17-90; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Final Subagreement Pertaining to State Resident Engineers Between NRC and the State of Illinois

AGENCY: Nuclear Regulatory Commission.

ACTION: Publication of Subagreement No. 3 between NRC and the State of Illinois.

SUMMARY: Section 274i of the Atomic Energy Act of 1954, as amended, allows the Nuclear Regulatory Commission (NRC or Commission) to enter into an agreement with a State "to perform inspections or other functions on a cooperative basis as the Commission deems appropriate." This section 274i agreement typically in the form of a Memorandum of Understanding (MOU), differs from an agreement between NRC and a State under the "Agreement State" program; the latter is accomplished only by entering into an agreement under section 274b. of the Atomic Energy Act. A State can enter into a section 274i MOU whether or not it has a section 274b agreement.

In April of 1984, NRC and the State of Illinois signed an "umbrella" MOU, providing principles of cooperation between the State and NRC in areas of concern to both.

In June of 1984, NRC and the State of Illinois signed Subagreement No. 1 which provided the basis for mutually agreeable procedures whereby the State may perform inspection functions for and on behalf of the Commission at certain reactor and materials licensees' facilities which generate low-level radioactive waste.

On June 7, 1990, following signature by NRC and the Illinois Department of Nuclear Safety, NRC published Subagreement No. 2 (55 FR 23317) regarding ASME Code inspections with the State of Illinois.

In Subagreement No. 3, NRC and the Illinois Department of Nuclear Safety (IDNS) seek to allow Illinois Resident Engineers to participate in NRC inspections at nuclear power plants in Illinois. This Subagreement is one of the first to be signed under the NRC's policy regarding "Cooperation With States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530; 2/22/89). As stated in the policy, "The NRC will consider State proposals to enter into instruments of cooperation for State participation in NRC inspection activities when these programs have provisions to ensure close cooperation with NRC."

Analysis: On March 27, 1990, the proposed Subagreement Pertaining to State Resident Engineers Between NRC and the State of Illinois was published in the **Federal Register** for public comment, at 55 FR 11275. One set of comments was received from Commonwealth Edison Co. (CECo). The comments are addressed individually, as follows:

Comment: CECo should be allowed to express its views formally on whether a particular meeting or inspection will involve sensitive matters. Sections VI.C.8 and VI. D.3 establish the NRC's discretion to determine whether the Senior Resident Engineer may attend certain meetings with CECo or participate in certain inspections of its activities. One factor in the exercise of that discretion is the potentially sensitive nature of the subject, meeting or inspection. To ensure that the potential for sensitivity is fully appreciated, CECo should be given a formal opportunity to express its views on whether a particular meeting or inspection will involve sensitive matters.

Response: The Subagreement provides that the State recognize that there may be occasions when, because of the sensitive nature of certain inspections and meetings, it will be necessary for the NRC, at its discretion, to conduct such activities privately and separately. The Subagreement does not preclude the license from communicating its opinion on these matters to the NRC.

Correction to Section VI.C.13—CECo states that the last sentence of section VI.C.13. should read, "NRC will forward the report to the licenses with a cover letter discussing the issues, if any, that the NRC believes warrant action by the licensee." The words "the report to the licensee with" were inadvertently omitted from the **Federal Register** Notice. The comment is accepted, and the text of the Subagreement has been changed.

Comment: NRC, IDNS and CECo should work together to agree on which IDNS issues warrant CECo action. Section VI.C.13 would require IDNS to submit all written communications concerning CECo inspection activity to the NRC. The NRC will review those communications and inform CECo as to which issues the NRC believes warrant action by CECo. CECo believes that a more efficient process would result if the NRC, IDNS and CECo would work together to agree on which IDNS issues warranted CECo action.

Response: The Subagreement specifically indicates that State activities will be performed in accordance with Federal standards and requirements and NRC practices. Also consistent with NRC's Policy Statement on Cooperation With States at Commercial Nuclear Power Plants and Other Production or Utilization Facilities, the Subagreement specifically states that nothing in this agreement confers upon the State or the State Resident Engineer authority to: (1) Interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; and (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC. Clearly there is no option for a collaborative process in interpreting or imposing NRC requirements on a licensee.

Comment: Differences in Freedom of Information Acts. Sections VI.D.5 and VI.D.6 imply that IDNS will apply the Illinois Freedom of Information Act (IFOIA) to the fullest extent possible to protect sensitive and proprietary information just as the NRC applies the Federal Freedom of Information Act (FOIA). It is not clear that IFOIA provides the same level of protection as FOIA. There are far fewer judicial interpretations of IFOIA than of FOIA; Illinois judges may take a broader view of the public's right to know than have federal judges. Therefore, greater protection would be provided if IDNS had unlimited access to information covered by the Subagreement but did not physically retain any information which IFOIA could not clearly protect from unwarranted public disclosure.

Response: In practice, CECo must identify any proprietary or sensitive information submitted to the NRC which it wishes to have withheld from public disclosure (10 CFR 2.790(b)(1)). Any information so submitted and determined to be protected from public disclosure under the criteria in 10 CFR 2.790 is accorded protection from disclosure to the full extent of FOIA and NRC regulations. If such information is shared with the State under Illinois Subagreement No. 3, it should still be protected from disclosure to the same

extent as it would be at the NRC. Therefore, if the IFOIA provided less protection than FOIA, the NRC would be concerned regarding a method of providing an equal level of protection for the documents provided to the State under this Subagreement.

However, CECo does not specifically contend that IFOIA provides less protection to sensitive or proprietary information than FOIA. Indeed, a facial comparison shows that IFOIA seems to provide a similar level of protection to that afforded by FOIA. Additionally, in paragraph VI.D.5. of proposed Illinois Subagreement No. 3, the State agrees to conform its practices regarding information disclosure to those of the NRC. In paragraph VI.D.6., the State and NRC agree to consult with each other before releasing sensitive or proprietary information related to this Subagreement. IFOIA and these provisions would appear likely to provide protection. At this time it is impossible to predict with complete confidence how Illinois will interpret and implement this Subagreement and the relevant IFOIA provisions. However, the NRC-State consultations pursuant to paragraph VI.D.6. should insure that the NRC is aware of Illinois practices and procedures in releasing information. If additional protective measures are required, they can be tailored to address the specific requirements of the situation.

Comment: Consultation. Section VI.D.6 also would require IDNS and the NRC to consult with each other before releasing sensitive or proprietary information related to this Subagreement. To ensure that the sensitivity of particular information is fully appreciated, CECo should have an opportunity to participate in the consultation before a final decision to release information is made. Moreover, any disagreements over release should be resolved in accordance with the dispute resolution provisions set forth in section VIII.

Response: The release of sensitive or proprietary information in this situation is governed by the FOIA, NRC related regulations, and IFOIA. If CECo is concerned about the release of sensitive or proprietary information, CECo must first be certain that any such information is submitted pursuant to the regulations contained in 10 CFR 2.790. This information, if it has been properly submitted to the NRC and determined to be properly withheld from disclosure, should be protected by operation of these statutes and regulations, and also by the consultation process between the State and NRC (pursuant to paragraph VI.D.6.). CECo's participation in the process would be unworkable and inconsistent with the NRC's and the State's conduct of their own procedures, which are governed by the applicable statutes and regulations.

Comment: Regulatory Confusion. CECo expressed concern that the addition of another regulatory observer may create confusion and administrative burdens for plant management.

Response: Both the Subagreement and the Commission's Policy Statement on Cooperation With States reflect that State activities must be conducted in accordance with Federal standards and requirements and NRC practices, with no undue burden on the NRC or its licensees.

Comment: Recommendation to Monitor Implementation. CECo strongly recommends that NRC monitor implementation of the Subagreement.

Response: The NRC has provided a number of controls in the Subagreement so that it can be confident in the State Resident Inspector's ability to perform inspections, is aware of and has accounted for the inspections planned by the State, and communicates with the licensee on all follow-up actions and enforcement. It is intended that there will be communication between NRC and State staff members on day-to-day activities. Further, the Subagreement requires a formal review, not less than six months after the effective date, to be performed by the NRC to evaluate implementation of the Subagreement and resolve any problems identified. In addition, periodic reviews are called for thereafter.

Conclusion: After careful consideration of the comments submitted, the Commission has determined to approve Subagreement No. 3 Pertaining to State Resident Engineers Between the U.S. Nuclear Regulatory Commission and the State of Illinois. Certain minor editorial changes to the text of the Subagreement have been made, including the change to section VI.C.13 discussed in the NRC response to comments.

FOR FURTHER INFORMATION CONTACT: Frederick C. Combs, Assistant Director of State, Local and Indian Relations, State Programs, Office of Governmental and Public Affairs, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492-0325.

Dated at Rockville, MD this 10th day of December 1990.

For the Nuclear Regulatory Commission.

Carlton Kammerer,

Director, State Programs, Office of Governmental and Public Affairs.

Subagreement No. 3 Pertaining to State Resident Engineers Between the U.S. Nuclear Regulatory Commission and the State of Illinois

I. Authority

The U.S. Nuclear Regulatory Commission (NRC) and the State of Illinois (State) enter into this Subagreement under the authority of the Memorandum of Understanding (MOU) dated April 27, 1989, between NRC and the State, section 274i of the Atomic Energy Act of 1954, as amended, and section 4 of the Illinois Nuclear Facility Safety Act.

The State recognizes the Federal Government, primarily the NRC, as having the exclusive authority and responsibility to regulate the radiological and national security aspects of the construction and operation of nuclear production or utilization facilities, except for certain authority over air emissions granted to States by the Clean Air Act.

II. Background

A. The Atomic Energy Act of 1954, as amended, and the Energy Reorganization Act of 1974, as amended, authorize the NRC to license and regulate, among other activities, the manufacture, construction, and operation of utilization facilities (nuclear power plants) in order to assure the common defense and security and to protect the public health and safety. Under these statutes, NRC is the responsible agency regulating nuclear power plant safety.

B. NRC believes that its mission to protect the public health and safety can be served by a policy of cooperation with State governments and has formally adopted a policy statement on "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530, February 22, 1989). The policy statement provides that NRC will consider State proposals to enter into instruments of cooperation for State participation in NRC inspection activities when these programs have provisions to ensure close cooperation with NRC. NRC will only consider State proposals for instruments of cooperation to conduct inspection programs of NRC-regulated activities that provide for close cooperation with, and oversight by, the NRC.

C. NRC fulfills its statutory mandate to regulate nuclear power plant safety by, among other things, conducting safety inspections of nuclear power plants to assure that the plants are designed, constructed, tested, maintained, operated, and decommissioned in accordance with NRC regulatory requirements.

The NRC operating reactor inspection program is conducted by Headquarters personnel, region-based inspectors, and Resident Inspectors. NRC Resident Inspectors are located at each nuclear power plant site. Resident Inspectors provide the major onsite NRC presence for direct observation and

verification of licensee activities. The NRC Resident Inspector also acts as the primary onsite evaluator for the NRC inspection effort related to such items as Licensee Event Reports, events, and incidents. NRC Resident Inspectors also interact with local officials, the press, and the public.

D. This Subagreement is intended to be consistent with and implement the provisions of the NRC's policy statement on "Cooperation with States at Commercial Nuclear Power Plants and Other Nuclear Production or Utilization Facilities" (54 FR 7530, February 22, 1989) which relates to State proposals to enter into instruments of cooperation with the NRC concerning State participation in NRC inspections at operating commercial nuclear power plants.

III. Scope

A. This Subagreement defines the way in which NRC and the State, with the assistance of State Resident Engineers, will cooperate in planning and conducting inspections of nuclear power plants in the State to ensure compliance with NRC regulations. This Subagreement does not apply to investigations or inquiries conducted by NRC.

B. For the purpose of this Subagreement, inspection is defined as the examination, review, or evaluation of any program or activity of a licensee to determine the effectiveness of the program or activity in ensuring that the health and safety of the public and plant personnel are adequately protected and that the facility is operated safely; and to determine compliance with any applicable NRC rule, order, regulation, or license condition pursuant to the Atomic Energy Act of 1954, as amended, and commitments made to NRC.

C. Nothing in this Subagreement is intended to restrict or expand the statutory authority of NRC or the State or to affect or otherwise alter the terms of any agreement in effect under the authority of section 274b of the Atomic Energy Act of 1954, as amended; nor is anything in this Subagreement intended to restrict or expand the authority of the State on matters not within the scope of this Subagreement.

D. Nothing in this Subagreement confers upon the State or State Resident Engineers authority to (1) interpret or modify NRC regulations and NRC requirements imposed on the licensee; (2) take enforcement actions; (3) issue confirmatory letters; (4) amend, modify, or revoke a license issued by NRC; and (5) direct or recommend nuclear power plant employees to take or not to take any action. Authority for all such actions is reserved exclusively to the NRC.

E. Under this Subagreement, one State Resident Engineer may be assigned to each nuclear power plant site in the State.

IV. NRC's General Responsibilities

NRC is responsible for conducting safety inspections of nuclear power plants to ensure that the plants are designed, constructed, tested, operated, maintained, and decommissioned in accordance with NRC regulatory requirements. These inspections are conducted in accordance with the NRC Inspection Manual using personnel appropriately qualified and trained to perform the necessary tasks. Only the NRC may take appropriate enforcement actions for all inspections conducted under this Subagreement.

V. The State's General Responsibilities

A. The State, through its State Resident Engineer, will cooperate with NRC in performing safety inspections. Such inspections shall be conducted in accordance with NRC regulatory requirements and procedures governing operating nuclear power plants in the State and under the oversight of an authorized NRC representative.

B. The State will cooperate with the NRC in such inspections as necessary for the NRC to ensure that power reactors in the State continue to be operated without undue risk to the public health and safety and the environment.

C. State activities will be performed in accordance with Federal standards and requirements and NRC practices, with no undue burden on the NRC or its licensees.

VI. Implementation

The State and NRC agree to work in concert to assure that the following staffing, training, inspection and enforcement, communications and information exchange, and conflict resolution protocol regarding the State Resident Engineer Program are followed.

A. Staffing

1. The State will select its State Resident Engineers in accordance with its own procedures and qualifications, patterned after those for NRC Resident Inspectors.

2. State Resident Engineers will have education and experience equivalent to that required for an NRC Resident Inspector.

3. The State is responsible for obtaining security clearances for State Resident Engineers that are acceptable to the nuclear power plant licensee.

4. The State is responsible for ensuring that State Resident Engineers comply with all requirements established by the nuclear power plant licensee, including fitness for duty, site access, and onsite space and support. NRC is not responsible for ensuring access or space for State personnel.

5. The State will certify to NRC that each State Resident Engineer has no financial or other interests that may call into question his or her objectivity or that create a conflict of interest or the appearance of a conflict of interest.

B. Training

1. State Resident Engineers performing inspection functions will be qualified and certified by the State in accordance with the NRC Inspection Manual or its equivalent. Such qualification and certification will be made for each inspection activity in which a State Resident Engineer will participate, such as:

Reactor operations (boiling-water reactor (BWR))
Reactor operations (pressurized-water reactor (PWR))
Reactor engineering—electrical
Reactor engineering—instrumentation

2. NRC will use its best efforts to make space available to its inspector training courses and special orientation programs to accommodate the training needs of State Resident Engineers.

3. The State will pay the travel and per diem expenses of State Resident Engineers attending training courses. Where NRC establishes special training classes, the State agrees to reimburse NRC for its costs of training State Resident Engineers, if requested.

4. NRC will provide one week of on-the-job training and orientation for the State Resident Engineer at each site.

5. Information acquired by NRC relating to the ability of a State Resident Engineer to perform inspections satisfactorily in accordance with NRC regulations, requirements, standards, and procedures will be provided to the State for appropriate action.

C. Inspections and Enforcement

1. The State Resident Engineer's activities are intended to assist NRC in the conduct of its regulatory activities.

2. The State Resident Engineers are responsible for meeting all requirements imposed by a licensee related to personal safety, radiological protection, and access at the plant site.

3. To the extent practicable, it is intended that the State Resident Engineers will arrange their schedules of inspection activities in coordination with NRC personnel in order to provide the widest possible coverage of the plant and its operations.

4. If the State intends to participate in the inspection process, the State will provide recommendations for the NRC inspection plan, consistent with NRC Inspection Manual chapter 2515, generally describing proposed inspection activities for the upcoming month. These recommendations will include a schedule of the inspections and a listing of NRC procedures to be used by the State Resident Engineer. In accordance with section VI.C.1 above, such recommendations shall be designed to assist NRC site inspection activities. NRC shall take such recommendations into account in formulating its Master Inspection Plans.

5. The State will submit the monthly inspection recommendations to the NRC Resident Inspector in sufficient time to allow NRC review before preparation of the inspection plan. NRC will review the State's inspection recommendations and will inform the State of any activities that appear inappropriate, untimely, or impose an undue burden on NRC or the licensee, such as schedular conflicts with NRC special inspections, management meetings, or Institute for Nuclear Power Operations (INPO) visits. The State will make adjustments to the State inspection recommendations, as necessary, to address NRC comments. Taking into account recommendations made by the State, NRC will be responsible for developing a single site inspection plan. NRC staff inspection activity will not be reduced for a facility below minimum program requirements on the

basis of the availability of State's inspection resources.

6. NRC will coordinate with the State Resident Engineers, to the extent practicable, unscheduled inspections conducted in response to events, issues, and allegations.

7. An NRC Resident Inspector will initially accompany each State Resident Engineer on at least two inspections to review the performance of the State Resident Engineer. On the basis of these reviews, the NRC Resident Inspector will make recommendations to the State Resident Engineer regarding the preparation, conduct, and technical adequacy of the inspections. On a monthly basis, the NRC Senior Resident Inspector shall determine and authorize which, if any, inspections may be conducted by the State Resident Engineer on an unaccompanied basis. Such inspections shall be conducted in accordance with sections VI.C.4 and VI.C.5. State Resident Engineers may perform as members of NRC inspection teams, provided State Resident Engineers are qualified in the activity to be examined by the NRC inspection team and the NRC inspection team leader authorizes the State Resident Engineer's participation. All inspections performed by State Resident Engineers shall be in accordance with the NRC site inspection plans and NRC inspection practices.

8. The NRC Resident Inspectors may accompany the State Resident Engineers on any inspection. The State Resident Engineers may, at the NRC's discretion, accompany the NRC Resident Inspectors on inspections, at inspection entrance and exit interviews, and at enforcement meetings. The State recognizes that there may be occasions when, because of the sensitive nature of certain inspections and meetings, it will be necessary for NRC, at its discretion, to conduct such activities privately and separately.

9. NRC will provide the State with a copy and current updates of the NRC Inspection Manual and Master Inspection Plan (MIP) for each reactor site in the State at which a State Resident Engineer is stationed. The State will hold the MIP in confidence and will not release it to the public or licensees except in accordance with section VI.D.6 of this Subagreement.

10. Allegations received by the State Resident Engineers will be provided to the NRC Resident Inspections and processed in accordance with NRC procedures. Upon request by NRC, the State Resident Engineers will be made available to assist the NRC in addressing allegations.

11. The results of all State Resident Engineers' inspections will be discussed in a timely manner with the NRC Resident Inspectors. Matters that may require action by the licensee will be discussed with licensee management by the NRC Resident Inspectors, or by the State Resident Engineers in the presence of the NRC Resident Inspectors, except as may be necessary under section VI.C.12.

12. If a State Resident Engineer identifies situations with immediate safety significance, he or she will immediately communicate this information to the licensee and the NRC Resident Inspectors. It is essential that this information be discussed with an NRC representative immediately upon discovery so that NRC may take prompt action as dictated by the situation. If the NRC Resident Inspectors are unavailable, a State Resident Engineer will transmit this information immediately to NRC, Region III (the Regional Duty Officer during non-business hours).

13. All written communications with the licensee will be made through NRC. If a State Resident Engineer prepares a written report of the results of an inspection activity covered by this Subagreement, the report will not be sent directly to the licensee, but will be sent to the NRC Region III office and to the NRC Resident Inspectors. The State is responsible for the technical adequacy of State Resident Engineers' inspection reports. NRC will forward the report to the licensee with a cover letter discussing the issues, if any, that the NRC believes warrant action by the licensee.

14. If NRC identifies potential violations of NRC regulatory requirements as a result of the State's inspection activities, NRC may take appropriate enforcement action as set forth in appendix C of 10 CFR part 2. The State Resident Engineers will assist NRC in the preparation of enforcement actions and during any enforcement conferences or hearings for those matters that were identified as a result of the State's inspection activities. Enforcement action, if any, will be taken only by NRC.

D. Communications and Information Exchange

1. The State and NRC agree in good faith to make available to each other information within the intent and scope of this Subagreement.

2. NRC and the State agree to meet periodically, at least annually, at mutually agreeable times to exchange information on matters of common concern pertinent to this Subagreement. Unless otherwise agreed, such meetings will be held in the NRC Region III Office or at the NRC Resident Inspector's Office.

3. NRC will inform the State of formal meetings with licensee management involving a site to which a State Resident Engineer is assigned and provide the State the opportunity to attend, with the exception of those meetings that NRC determines should be closed as provided in section VI.C.8 of this Subagreement.

4. The State and NRC agree to consider each other's identified information needs and concerns when developing inspection plans.

5. The State will conform to NRC practices regarding information disclosure. For instance, the State must abide by NRC protocol not to publicly disclose inspection findings prior to the release of the NRC inspection report.

6. To preclude the premature public release of sensitive information, the State and NRC shall protect sensitive information to the extent permitted by the Federal Freedom of Information Act, the Illinois Freedom of Information Act and other applicable authority. The State and NRC shall consult with each other before releasing sensitive or proprietary information related to this Subagreement.

7. Press releases regarding State's activities or NRC inspections in which the State has been involved under this Subagreement which are prepared by one party will be provided to the other party before issuance. Press releases are to conform to information disclosure restraints of sections VI.D.5 and VI.D.6.

8. The State will provide NRC with written notice at least 60 days before the stationing of a State Resident Engineer at a site.

VII. Contacts

A. The principal senior management contacts for this Subagreement will be the Director, Division of Reactor Projects, Region III, NRC, and the Manager, Office of Nuclear Facility Safety, Illinois Department of Nuclear Safety. These individuals may designate appropriate staff representatives for the purpose of administering this Subagreement.

B. Identification of these contacts is not intended to restrict communication between NRC and State staff members on technical and other day-to-day activities.

VIII. Resolution of Conflicts

A. If disagreements or conflicts arise about matters within the scope of this Subagreement, NRC and the State will work together to resolve these differences.

B. Resolution of differences between the State and NRC staff over the significance of findings will be the initial responsibility of the Director, Division of Reactor Projects, Region III, NRC.

C. Differences that cannot be resolved in accordance with sections VIII.A and VIII.B will be reviewed and resolved by the Regional Administrator, Region III, NRC and the Director, Illinois Department of Nuclear Safety. The decision of the Regional Administrator will be final.

D. The NRC's general Counsel has the final authority to interpret the NRC's regulations.

IX. Effective Date

This Subagreement shall become effective upon signing by the Director, Illinois Department of Nuclear Safety, and the Executive Director for Operations, NRC, and shall remain in effect permanently unless terminated by either party on 30 days written notice.

X. Duration, Termination, and Modification

A formal review, not less than six months after the effective date, will be performed by the NRC to evaluate implementation of the Subagreement and resolve any problems identified. This Subagreement will be subject to periodic reviews and may be amended or modified upon written agreement by both parties, and may be terminated upon 30 days written notice by either party.

XI. Separability

If any provision(s) of this Subagreement, or the application of any provision(s) to any person or circumstances is held invalid, the remainder of this Subagreement and the application of such provisions to other persons or circumstances shall not be affected.

For the U.S. Nuclear Regulatory Commission.

Dated: November 14, 1990.

James M. Taylor,

Executive Director for Operations.

For the State of Illinois.

Dated: November 20, 1990.

Thomas W. Ortciger,

Illinois Department of Nuclear Safety.

[FR Doc. 90-29562 Filed 12-17-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Request for Expedited Review for Clearance of RI 92-22 Submitted to OMB

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1980 (title 44, U.S. Code, chapter 35), this notice announces the clearance of an information collection, RI 92-22, 1990 Annuity Supplement Earnings Report. The information collected via the RI 92-22 is required to determine the amount of an annuity supplement accurately, and will allow the Office of Personnel Management, Federal Employees' Retirement System, to determine if the earnings from work performed while entitled to the annuity supplement have exceeded the earnings limitation established by the Social Security Administration.

It is estimated that approximately 4,600 RI 92-22, 1990 Annuity Supplement Earnings Reports, will be processed annually. We estimate that the form requires approximately 15 minutes to complete, including the time required for reviewing instructions, obtaining the necessary data, and reviewing the completed form. An average annual burden of 1,150 hours is estimated.

For copies of this proposal, call C. Ronald Trueworthy on (202) 606-2261.

DATES: Comments on this proposal should be received by December 28, 1990.

ADDRESSES: Send or deliver comments to: Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, room 3002, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mary Beth Smith-Toomey, (202) 606-0623.

U.S. Office of Personnel Management.

Constance Berry Newman.

Director.

BILLING CODE 6325-01-M

DRAFT

UNITED STATES
OFFICE OF PERSONNEL MANAGEMENT
RETIREMENT AND INSURANCE GROUP
WASHINGTON, D.C. 20415

Form Approved:
OMB No. 3206-

1990 ANNUITY SUPPLEMENT EARNINGS REPORT

Dear Annuitant:

The annuity supplement part of your FERS benefit is subject to an earnings test similar to the one applied to social security benefits and using the same exempt amount, as required by law in 5 U.S.C.§8421a. If you exceeded the exempt amount ($6,840.00 for 1990), your annuity supplement will be reduced by $1.00 for each $2.00 by which you exceeded it, effective January 1, 1991.

You must complete the earnings report on the reverse side and return it in the enclosed envelope. Your report must be received in OPM within 30 days from the date of this notice. After we receive your earnings report, we will determine if any adjustment is required to your annuity supplement. By law, all adjustments will be effective January 1, 1991.

If we do not receive your earnings report within 30 days, we will suspend the annuity supplement part of your benefit and begin recovery of any annuity supplement payments you may receive after January 1, 1991. The earnings test will not result in any reduction in the basic annuity part of your FERS benefit.

HOW TO DETERMINE AMOUNT OF EARNINGS YOU SHOULD REPORT

If your FERS Annuity Supplement began after January 1, 1990, you must report earnings you received from the day your FERS Annuity Supplement began through December 31, 1990. (If you retired at age 55 or older, your FERS Annuity Supplement began on the same date as your FERS Basic Annuity benefit.) If your FERS Annuity Supplement began before January 2, 1990, you must report the earnings you received during the entire year of 1990.

If you retired under one of the special provisions for law enforcement officers, firefighters, air traffic controllers, or military reserve technicians separated for loss of military membership, report only earnings received after the date you became age 55.

INCLUDE AS YOUR EARNINGS YOUR INCOME FROM:

- All wages from employment covered by social security.
- All cash pay for: agriculture work, domestic work in a private home, service not in the course of your employer's trade or business.
- All pay, cash or non-cash, for work as a homeworker for a nonprofit organization, no matter the amount. (The social security $100.00 tax test does not apply.)
- All net earnings from self-employment.
- Cash tips in excess of $20.00 per month.
- All pay for work not covered by social security, if the work is done in the U.S., including pay for:
  - Family employment
  - Work as a student, student nurse, intern, newspaper and magazine vendor
  - Work for State or foreign governments or instrumentalities
  - Work covered by the Railroad Retirement Act.

DRAFT

DO NOT INCLUDE AS EARNINGS ANY INCOME FROM THE FOLLOWING SOURCES:

- Gifts
- Pensions or annuities
- Social Security Benefits
- Insurance proceeds
- Unemployment compensation
- Rents or royalties not involved or resulting from personal service
- Interest or dividends not resulting from your own trade or business
- Monies which you earned before retirement
- Capital gains
- Fellowships or scholarships
- Net business losses

BEFORE COMPLETING YOUR REPORT, PLEASE CAREFULLY READ THE INSTRUCTIONS

1. First, read the section on the front entitled: *HOW TO DETERMINE AMOUNT OF EARNINGS YOU SHOULD REPORT.*
2. All information you provide must be clear and legible.
3. Be sure to fill in, sign, and mail this report in the envelope we have provided. If you have misplaced the envelope, mail the report to:

Office of Personnel Management
FERS Annuity Supplement Survey
Room 4429
1900 E Street, N.W.
Washington, D.C. 20415

4. You may be required to furnish evidence supporting your claimed earnings level. Retain copies of such evidence for this purpose.

Do not include your annuity payments from OPM. Include as earnings all income from wages and self-employment that you actually received plus deferred income you actually earned.

Enter your FERS claim number CSA	Did you have earnings in 1990? ☐ Yes ☐ No
If you answered yes above, write in the full amount of those earnings. If your annuity supplement began in 1990, write only the earnings for the period during which you received the supplement.	
Enter your earnings $	
WARNING - Any intentional false statement or willful misrepresentation is punishable by fine, imprisonment, or both (18 USC 1001). Notice: If you do not complete and return this report, the annuity supplement portion of your annuity will be suspended.	

Signature	Daytime telephone number, including area code	Date

PRIVACY ACT STATEMENT

Solicitation of this information is authorized by the Federal Employees' Retirement law (Chapter 84, title 5, U.S. Code). The information you furnish will be used to identify records properly associated with your application for Federal benefits, to obtain additional information if necessary, to determine and allow present or future benefits, and to maintain an uniquely identifiable claim file. The information may be shared and is subject to verification, via paper, electronic media, or through the use of computer matching programs, with national, state, local or other charitable or social security administrative agencies in order to determine benefits under their programs, to obtain information necessary for determination or continuation of benefits under this program, or to report income for tax purposes. It may also be shared and verified, as noted above, with law enforcement agencies when they are investigating a violation or potential violation of the civil or criminal law. Executive Order 9397 (November 22, 1943) authorizes use of the social security number. Furnishing the social security number, as well as other data, is voluntary, but failure to do so may delay or make it impossible for us to determine your eligibility to receive benefits.

PUBLIC BURDEN STATEMENT

We think this form takes an average 15 minutes per response to complete, including the time for reviewing instructions, getting the needed data, and reviewing the completed form. Send comments regarding our estimate or any other aspect of this form, including suggestions for reducing completion time, to the Office of Management and Budget, Paperwork Reduction Project, (3206-XXXX), Washington, D.C. 20503.

[FR Doc. 90-29539 Filed 12-17-90; 8:45 am]
BILLING CODE 6325-01-C

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-28687; File No. SR-Amex-90-28]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Notice of Filing of Proposed Rule Change Relating to Equity Index Participations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on November 20, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Item I, II, and III below, which Items have been prepared by the Amex. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to amend Exchange Rules 900F *et seq.* relating to Equity Index Participations ("EIPs") to provide for daily exercise based on the liquidating index value at the close of trading on the date of exercise.

The text of the proposed rule change is available at the Office of the Secretary, Amex and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Amex has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

(1) Purpose

In Securities Exchange Act Release No. 26709 (April 11, 1989), 54 FR 15280, the Commission approved Amex Rules 900F *et seq.* to accommodate trading of EIPs based on the Standard & Poors 500 Stock Index ("S&P 500") and the Amex Major Market Index ("MMI") (File No. SR-Amex-88-10). As approved by the Commission, EIPs provided for (1) a quarterly cash-out privilege under which an EIP holder could exercise an EIP position to receive cash payment of the "liquidating index value" derived from the opening prices of the stocks in the S&P 500 or MMI Indexes, as applicable, on the third Friday of March, June, September and December ("Expiration Friday"); and (2) a "physical delivery privilege" under which a holder of one or more "delivery units"—50,000 EIPs per unit for the S&P 500 Index, and 25,000 EIPs per unit for the MMI—could request actual physical delivery of shares of the component index stocks based on their opening value on Expiration Friday.

On August 18, 1989, the United States Court of Appeals for the Seventh Circuit set aside the Commission's order approving Amex's EIPs rules, as well as rules accommodating the Philadelphia Stock Exchange's ("Phlx") Cash Index Participations ("CIPs"), the Chicago Board Options Exchange's ("CBOE") Value of Index Participations ("VIPs"), and applicable rules of the Options Clearing Corporation ("OCC") (*Chicago Mercantile Exchange et al.* v. *Securities and Exchange Commission*, 883 F.2d 537 (7th Cir. 1989).

While the court found that index participations ("IPs") could not be neatly classified as securities or futures contracts, the court determined that IPs have characteristics of futures contracts and are therefore under the exclusive jurisdiction of the Commodity Futures Trading Commission. The court's determination was based in part on a comparison of the obligations of long and short positions in IPs and futures contracts in view of the quarterly cash-out dates for EIPs and CIPs (semi-annual cash-out for VIPs) and the quarterly settlement date for futures contracts. The Court specifically did not address the daily cash-out (with penalty) feature proposed by the Phlx, the physical delivery privilege proposed by the Amex, or the ability of the short to exercise proposed by the CBOE.

The Exchange, with a view to eliminating any vestige of a futures contract from its version of index participations and thus assure retention of jurisdiction thereof by the Commission, is proposing to amend its EIPs rules to provide that an EIP holder may exercise the cash-out privilege on any business day instead of quarterly. An exercising holding would have the right to obtain the liquidating index value derived from closing prices in the S&P 500 [1] or MMI on the day of exercise. For any component stock that does not open for trading, the closing price on the last preceding day on which such stock traded on the primary market would be used for purposes of determining the liquidating index value. The quarterly physical delivery privilege of EIPs, as originally approved by the Commission, would be retained. Procedures relating to the physical delivery privilege and the role of the physical delivery facilitator, as described in Amendment No. 2 to SR-Amex-88-10 (Securities Exchange Act Release No. 34-26243, (November 2, 1988), 53 FR 45407, would remain unchanged.

Rule 910F, paragraph (a) would provide that, with respect to exercise of the cash-out privilege, the Exchange will specify the time by which the clearing member in whose account with OCC the EIP position is carried must tender an exercise notice to OCC in order for the holder to receive the liquidating index value calculated that day. The Exchange anticipates that this time will be 3 p.m. Eastern time.

The proposed amendments are intended to provide for trading of EIPs as securities under the jurisdiction of the Commission in a manner not inconsistent with the Seventh Circuit's decision. The purpose of permitting exercise of the cash-out privilege on any business day, with receipt by the holder of the liquidating index value based on closing prices on date of exercise, is to eliminate any element of futurity. In addition, the proposed amendment will assure that the index price will track the spot index value of the underlying index.

The proposed procedures relating to daily exercise are comparable to exercise provisions applicable to a number of currently-traded Amex securities, including foreign index warrants, which provide for daily exercise and receipt by holders of a cash settlement value based on index valuation determined after exercise day consistent with the specific characteristics of the security and index.

In addition, the Exchange believes that the quarterly physical delivery privilege can provide an additional convenient mechanism for institutional investors to acquire market baskets of index securities, or for persons having large EIP short positions and who also hold the underlying index stocks to make convenient physical delivery. The Exchange continues to view the physical delivery feature as adding to product

[1] The Exchange currently is discussing with Standard & Poor's Corporation the applicability of the Exchange's existing license relating the EIPs based on the S&P 500 Index to the revised EIPs described herein.

flexibility and market utility, consistent with the recommendations of various commentators, including the Commission following the October 1987 market break, that new market basket products and basket trading mechanisms may help reduce market volatility.

(2) Basis

The proposed rule change is consistent with section 6(b) of the Act in general and furthers the objectives of section 6(b)(5) in particular in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to facilitate transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Amex consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to File No. SR-Amex-90-28 and should be submitted by January 8, 1991.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: December 10, 1990.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-29504 Filed 12-17-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-28690; File No. NASD-90-01]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc; Order Approving a Proposed Rule Change Requiring Certain Members to Utilize Reconfirmation and Repricing Services

December 11, 1990.

I. Introduction

On January 4, 1990, the National Association of Securities Dealers, Inc. ("NASD") filed a proposed rule change (SR-NASD-90-01) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] Notice of the proposal was published in the **Federal Register** on September 26, 1990, to solicit comments from interested persons.[2] No comments were received.[3] As discussed below, the Commission is approving the NASD's proposal.

II. Description

The NASD's proposal requires those NASD members that are participants in a registered clearing agency to participate in the reconfirmation and repricing services offered by such clearing agency. Currently, the National Securities Clearing Corporation ("NSCC") is the only registered clearing agency that offers a reconfirmation and repricing service ("RECAPS") to its members.[4] NSCC's RECAPS is a facility through which NSCC members submit data to NSCC's main office or one of the NSCC's branch offices regarding transactions in RECAPS-eligible securities which have previously been compared but have failed to settle. NSCC advises members of transactions eligible for RECAPS no less than three months prior to the next RECAPS cycle and of the age of fails eligible for submission no less than six weeks prior to such cycle. NSCC runs RECAPS cycles quarterly or more frequently as circumstances may require.

Currently, NSCC members input RECAPS fail information ("RECAPS Input") on Friday. NSCC distributes RECAPS contract sheets and settlement information on Sunday for compared RECAPS Input. The compared transactions then settle on Tuesday. Members submit deletes of RECAPS Input, advisories, and as-of trades ("Supplemental RECAPS Input") on Monday.[5] On Tuesday, NSCC distributes RECAPS contract sheets and settlement information for compared Supplemental RECAPS Input. These compared transactions settle on Wednesday.[6]

To permit NASD members to receive the full benefits of RECAPS, the NASD's proposal also provides for the cancellation of buy-in notices[7] that are

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[1] 15 U.S.C. 78s(b)(1) (1982).

[2] Securities Exchange Act Release No. 28447 (September 17, 1990), 55 FR 39340.

[3] The Commission notes that the NASD received seven comment letters on its proposal. Five commentators endorsed the NASD's proposal. Two commentators, while expressing no opinion on the proposal, sought further clarification of the costs and benefits of the proposal. The NASD obtained such information and forwarded it to these commentators.

[4] Securities Exchange Act Release No. 28447 (September 17, 1990), 55 FR 39340. *See also* Securities Exchange Act Release No. 28339 (August 13, 1990), 55 FR 34109 (Order approving NSCC's RECAPS) ("RECAPS Order").

[5] A "delete" is a process used to delete trades mistakenly compared through NSCC. An "Advisory" is a procedure by which one firm's version of a trade is accepted by the firm named by the first firm as the counterparty to the trade. The term "as-of" is used to describe a trade that is submitted for processing after the actual trade date but relates back to the trade date.

[6] NSCC's rule describes the time frames for RECAPS Input, distribution of contract sheets and settlement information, and settlement days in general terms to allow NSCC to vary the RECAPS processing schedule according to its members' needs. The time frames discussed herein are those NSCC currently uses.

[7] Under the NASD's rules, a contract for sale of securities which has not been completed by the seller according to its terms may be closed by the buyer not sooner than the third business day following the day delivery of the security was due. The buyer must deliver written notice of a proposed buy-in to the seller two business days preceding the execution of the proposed buy-in. NASD Uniform Practice Code, section 59.

pending during a RECAPS processing cycle and prohibits entry of a new notice of buy-in until the first day after the last RECAPS settlement date.

III. NASD's Rationale

The NASD believes that the proposed rule change is consistent with section 15A of the Act because it will foster cooperation and coordination with persons engaged in clearing, settling, and faciltating transactions in securities and will assist the NASD in enforcing compliance by its members with the provisions of the Act and the rules and regulations thereunder.

IV. Discussion

As discussed below, the Commission believes that the NASD's proposal is consistent with the Act. In particular, the Commission believes that the NASD's proposal is consistent with section 15A(b)(2) and (b)(6) of the Act. Section 15A(b)(2) of the Act provides that the rules of a national securities association must be designed to enforce compliance by its members with the provisions of the Act and the rules and regulations promulgated thereunder.[8] Section 15A(b)(6) of the Act provides that the rules of a national securities association must be designed to foster cooperation and coordination with persons engaged in clearing and settling securities transactions.[9]

The Commission believes the proposal will foster compliance by NASD members that participate in a registered clearing agency with the broker-dealer financial responsibility requirements of the Act. As registered broker-dealers, NASD members must generally maintain the level of capital prescribed by the Commission's uniform net capital rule.[10] As the Commission has previously stated, a significant rise in a clearing agency member's failed transactions can be the cause of significant losses to that member and can threaten a member's financial viability.[11] NSCC's RECAPS program, as modified to track recycling RECAPS submissions, provides a mechanism for reducing member fails and for adding discipline to clearing up outstanding fails. Thus, assuming RECAPS is successful in reducing outstanding fails, participation in RECAPS can foster compliance with the Commission's financial responsibility requirements by reducing the potential for member financial difficulties.[12] In this regard, the Commission urges the NASD to monitor independently the extent to which RECAPS promotes resolution of member fails and to work with NSCC to maximize RECAPS' effectiveness.[13]

The NASD's proposal also will enhance member compliance with section 17 of the Act. For example, under Rule 17a-3 of the Act, registered broker-dealers must maintain and keep current books and records reflecting all of their securities failed to receive and failed to deliver obligations.[14] As discussed in more detail in the RECAPS Order,[15] Mandatory participation in RECAPS may increase the likelihood that a member's fails will be settled against members on the other side of those fails during a RECAPS cycle. This, in turn, may simplify the member's operations by reducing its recordkeeping obligations unde Rule 17a-3.

Finally, the Commission believes that the NASD's proposal to modify its buy-procedures is appropriate. One of the benefits RECAPS provides is to streamline the process of resolving outstanding fails. However, to achieve the full benefits of RECAPS, the Commission believes that it is necessary to consolidate as many outstanding fails as possible through mandatory RECAPS participation requirements. Permitting members to resolve open fails through the buy-in procedure outside the RECAPS system would fragment the fails resolution process and would decrease the potential for RECAPS to benefit members to the maximum extent possible. Accordingly, the Commission believes the NASD's proposal to modify its buy-in procedures so that members can receive the full benefits of RECAPS participation is consistent with the Act.

V. Conclusion

For the reasons described above, the Commission finds that NASD's proposal is consistent with section 15A of the Act.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (SR-NASD-90-01) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 90-29556 Filed 12-17-90; 8:45 am]

BILLING CODE 8010-01-M

[8] 15 U.S.C. 78o-3(b) (2) (1982).

[9] 15 U.S.C. 78o-3(b)(6) (1982).

[10] 17 CFR 240.15c3-1 (1990).

[11] RECAPS Order, *supra* note 4.

[12] The Commission notes that NSCC recently added a settlement reporting mechanism to RECAPS which will permit NSCC to analyze the efficacy of RECAPS on an objective basis. More specifically, commencing December, 1990, NSCC will provide the Commission with the following information after each RECAPS cycle: (1) The total number of fails submitted to RECAPS; (2) the extent to which such fails were recompared in a previous RECAPS cycle but did not settle; and (3) the ratio of previously compared items to the number of total fails submitted on an individual and aggregate member basis.

[13] The Commission also believes that the NASD's proposal will assist its members in complying with the uniform net capital rule in other respects. Under the uniform net capital rule, broker-dealers must make certain deductions from their net worth for failed to deliver contracts and failed to receive contracts which are outstanding for more than prescribed periods of time. 17 CFR 240.15c3-1(c)(2)(iv)(E) and (c)(2)(ix)(1990). However, because RECAPS permits member fails to be made current through reconfirmation and market-to-market, participation in RECAPS will assist members in satisfying their net capital requirements by providing them with a more accurate assessment of their capital positions. *See* letter from Michael Macchiaroli, Assistant Director, Division of Market Regulation, Commission, to Michael J. Simon, Associate General Counsel, NSCC, dated June 11, 1987.

[14] 17 CFR 240.17a-3(a)(4)(v) (1990).

[15] RECAPS Order, *supra* note 4.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Receipt of Noise Compatibility Program and Request for Review, Oakland International Airport (OAK), Oakland, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed Noise Compatibility Program that was submitted by the Port of Oakland for Oakland International Airport (OAK), Oakland, California under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150. This program was submitted subsequent to a determination by the FAA that associated Noise Exposure Maps submitted under 14 CFR part 150 for were in compliance with applicable requirements effective May 3, 1990. The proposed Noise Compatibility Program will be approved or disapproved on or before June 6, 1991.

EFFECTIVE DATE: The effective date of the start of the FAA's review of the Noise Compatibility Program is December 6, 1990. The public comment period ends February 6, 1991.

FOR FURTHER INFORMATION CONTACT: David L. Cross, FAA San Francisco Airports District Office, 831 Mitten Road, Burlingame, California 94010-1303, Telephone: 415-876-2779. Comments on the proposed Noise

Compatibility Program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed Noise Compatibility Program for which will be approved or disapproved on or before June 6, 1991. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted Noise Exposure Maps that are found by the FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a Noise Compatibility Program for the FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the Noise Compatibility Program for Oakland International Airport (OAK), effective on December 6, 1990. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a Noise Compatibility Program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of Noise Compatibility Programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 6, 1991.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the Noise Exposure Maps, the FAA's evaluation of the maps, and the proposed Noise Compatibility Program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591

Federal Aviation Administration, Western-Pacific Region, Airports Division, AWP-600, 15000 Aviation Boulevard, room 6E25, Hawthorne, California

Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007.

Port of Oakland, 530 Water Street, Jack London's Waterfront, Oakland, California 94604-2064.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on December 6, 1990.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 90-29590 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

Receipt of Noise Compatibility Program and Request for Review; San Diego International Airport-Lindbergh Field (SAN), San Diego, CA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed noise compatibility program that was submitted for San Diego International Airport-Lindbergh Field (SAN) under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96-193) (hereinafter referred to as "the Act") and 14 CFR part 150 by the San Diego Unified Port District. This program was submitted subsequent to a determination by FAA that associated noise exposure maps submitted under 14 CFR part 150 for San Diego International Airport-Lindbergh Field were in compliance with applicable requirements effective on January 30, 1989. The proposed noise compatibility program will be approved or disapproved on or before June 5, 1991.

EFFECTIVE DATE: The effective date of the start of FAA's review of the noise compatibility program is December 5, 1990. The public comment period ends February 5, 1991.

FOR FURTHER INFORMATION CONTACT: David B. Kessler, Airport Planner, Planning Section, AWP-611.2, Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007, Telephone 213/297-1534.

Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed noise compatibility program for San Diego International Airport-Lindbergh Field which will be approved or disapproved on or before June 5, 1991. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the noise compatibility program for San Diego International Airport-Lindbergh Field, effective on December 5, 1990. It was requested that the FAA review this material and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before June 5, 1991.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., room 617, Washington, DC 20591
Federal Aviation Administration, Western-Pacific Region, Airports Division, 15000 Aviation Boulevard, room 6E25, Hawthorne, California
Mailing Address: P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007
Mr. Don L. Nay, Port Director, San Diego Unified Port District, 3165 Pacific Highway, San Diego, California 92112.

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Hawthorne, California on December 5, 1990.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 90-29591 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

[Summary No. PE-90-52]

Petitions for Exemption, Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before January 9, 1991.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-10), Petition Docket No. _____, 800 Independence Avenue SW., Washington, DC 20591.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (ACG-10), room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-3132.

FOR FURTHER INFORMATION CONTACT: Miss Jean Casciano, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267-9683.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of part 11 of the Federal Aviation Regulations (14 CFR part 11).

Issued in Washington, DC, on December 10, 1990.

Denise Donohue Hall,

Manager, Program Management Staff, Office of the Chief Counsel.

Petitions for Exemption

Docket No.: 24446.
Petitioner: Air Transport Association of America.
Sections of the FAR Affected: 14 CFR 121.485(b).
Description of Relief Sought: To extend Exemption No. 4317, as amended, which allows petitioner's member carriers to conduct flights of less than 12 hours duration with an airplane having an additional crew of three or more pilots and an additional flight crewmember without requiring the rest period to be twice the hours flown since the last at-home-base rest period. Exemption No. 4317, as amended, will expire on April 30, 1991.

Docket No.: 26042.
Petitioner: Ameriflight, Inc.
Sections of the FAR Affected: 14 CFR 135.265.
Description of Relief Sought: To allow petitioner to extend its pilot duty time limits following a major earthquake or other natural disaster that disrupts processing of financial data in the San Francisco Bay or Los Angeles metropolitan areas.

Docket No.: 26378.
Petitioner: MTU Maintenance GmbH.
Sections of the FAR Affected: 14 CFR 145.47(c).
Description of Relief Sought: To allow petitioner to contract, on behalf of International Aero Engines Incorporated, maintenance and alteration of components of the V2500 engine to a noncertified source.

Dipositions of Petitions

Docket No.: 24934.
Petitioner: American Airlines.
Section of the FAR Affected: 14 CFR part 121, appendix H, phase II, par. 2(a)(i).
Description of Relief Sought/Disposition: To allow petitioner to administer the airline transport pilot certificate (ATPC) check in a phase II simulator to airmen who do not meet the experience qualifications of part 121, appendix H. These airmen would exercise the ATPC only during the en route cruise portion of transoceanic flights as described in § 121.543(b)(3). *Denial, November 27, 1990, Exemption No. 5253.*

Docket No.: 26054.
Petitioner: Eastern Air Lines, Inc.
Sections of the FAR Affected: 14 CFR 121.663 and 121.695.
Description of Relief Sought/Disposition: To allow petitioner's pilots and dispatchers to use a computerized system to enter a discrete secret code to issue, accept, and store dispatch releases. The computer system would allow the dispatch releases to be stored and retrieved for 14 days and thereafter to be stored on microfiche. *Grant, November 23, 1990, Exemption No. 5250.*

Docket No.: 26205.
Petitioner: North American Airline Training Group.
Sections of the FAR Affected: 14 CFR 141.91(a).
Description of Relief Sought/Disposition: To allow petitioner to conduct ground school training at a site or sites more than 25 nautical miles from the main base of operations. *Grant, December 6, 1990, Exemption No. 5255.*

Docket No.: 26214.
Petitioner: Epps Air Service, Inc.
Sections of the FAR Affected: 14 CFR 135.165 (b)(5), (b)(6), and (b)(7).
Description of Relief Sought/Disposition: To allow petitioner to operate certain airplanes equipped with one long-range navigation system (LRNS) and one high-frequency (HF) communication system in extended overwater operations. *Grant, November 29, 1990, Exemption No. 5252.*

Docket No.: 26222.
Petitioner: Airborne Express.
Sections of the FAR Affected: 14 CFR 121.547(c) and 121.583(a).
Description of Relief Sought/Disposition: To allow petitioner to carry selected candidates for potential employment aboard its aircraft without complying with certain passenger-carrying requirements. The exemption would permit these applicants to be transported on the flight deck of these airplanes without seats being available for their use in the passenger

compartment. *Denial, November 23, 1990, Exemption No. 5251.*

Docket No.: 26337.

Petitioner: Embraer Empresa Brasileira de Aeronautica S.A.

Sections of the FAR Affected: 14 CFR 121.312(a)(2).

Description of Relief Sought/ Disposition: To amend Exemption No. 5236, which allows the operation of 35 airplanes, whose dates of manufacture are after August 20, 1990, with certain specified interior components that do not comply with the heat release and smoke emissions requirements of § 121.312(a)(2). The amendment would add two additional airplanes originally scheduled for delivery to a Canadian operator and now scheduled for delivery to a U.S. operator. *Grant, November 21, 1990, Exemption No. 5236A.*

Docket No.: 26375.

Petitioner: Sea Air Shuttle Corporation dba Virgin Islands Seaplane Shuttle.

Sections of the FAR Affected: 14 CFR 135.175(a).

Description of Relief Sought/ Disposition: To allow petitioner to conduct flights under visual flight rules with large multiengine airplanes without airborne radar installed. *Grant, December 3, 1990, Exemption No. 5254.*

[FR Doc. 90-29579 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

Air Traffic Procedures Advisory Committee Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Air Traffic Procedures Advisory Committee Meeting.

SUMMARY: The FAA is issuing this notice to advise the public that a meeting of the Federal Aviation Administration Air Traffic Procedures Advisory Committee (ATPAC) will be held to review present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

DATES: The meeting will be held from January 14, at 9 a.m., through January 17, 1991, at 4 p.m.

ADDRESSES: The meeting will be held at the Parc Corniche, 6300 Parc Corniche Drive, Orlando, Florida.

FOR FURTHER INFORMATION CONTACT: Mr. Theodore H. Davies, Executive Director, ATPAC, Air Traffic Rules and Procedures Service, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3725.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1), notice is hereby given of a meeting of the ATPAC to be held from January 14, at 9 a.m. through January 17, 1991, at 4 p.m., at the Parc Corniche, 6300 Parc Corniche Drive, Orlando, Florida. The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures. It will also include:

1. Approval of minutes.
2. Discussion of agenda items.
3. Discussion of urgent priority items.
4. Report from Executive Director.
5. Old Business.
6. New Business.
7. Discussion and agreement of location and dates for subsequent meetings.

Attendance is open to the interested public but limited to the space available. With the approval of the chairperson, members of the public may present oral statements at the meeting. Persons desiring to attend and persons desiring to present oral statements should notify the person listed above not later than January 11, 1991. The next quarterly meeting of the FAA ATPAC is planned to be held from April 8-11, 1991, in Washington, DC. Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on December 10, 1990.

Theodore H. Davies,

Executive Director, Air Traffic Procedures Advisory Committee.

[FR Doc. 90-29580 Filed 12-17-90; 8:45 am]

BILLING CODE 4910-13-M

Date: December 11, 1990.

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review.

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: 1545-1041.

Form Number: None.

Type of Review: Extension.

Title: Cooperative Housing Corporations.

Description: This regulation provides an elective alternative to the proportionate share rule for allocating interest and taxes to the tenant-stockholders of cooperative housing corporations.

Respondents: Individuals or households, Businesses or other for-profit.

Estimated Number of Respondents: 2,500.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: One-time election.

Estimated Total Reporting Burden: 625 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. 90-29536 Filed 12-17-90; 8:45 am]

BILLING CODE 4830-01-M

Date: December 11, 1990.

Public Information Collection Requirements Submitted to OMB for Review

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: 1545-0619.

Form Number: IRS Form 6765.

Type of Review: Revision.

Title: Credit for Increasing Research Activities (or for claiming the orphan drug credit).

Description: Internal Revenue Code section 38 allows a credit against income tax (determined under IRS section 41) for an increase in research activities of a trade or business. Section 28 allows a credit for clinical testing expenses in connection with drugs for certain rare diseases. Form 6765 is used by businesses and individuals engaged in a trade or business to figure and report the credit. The data is used to verify that the credit claimed is correct.

Respondents: Businesses or other for-profit, Small business or organizations.

Estimated Number of Respondents: 13,500.

Estimated Burden Hours Per Respondent:

Recordkeeping—7 hours, 53 minutes.

Learning about the law or the form—47 minutes.

Preparing and sending the form to IRS—58 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 135,135 hours.

OMB Number: 1545-1076.

Form Number: IRS Form 8807.

Type of Review: Revision.

Title: Computation of Certain Manufacturers and Retailers Excise Taxes.

Description: Form 8807 is used to compute the excise tax on fishing equipment, bows and arrows, trucks and trailer chassis and bodies and tractors and the luxury tax on aircraft, boats, passenger vehicles, furs, and jewelry. This form enables IRS to monitor the excise tax liability on these articles. (IRS sections 4161, 4051, 4003, 4002, 4001, 4007, and 4006.)

Respondents: Individual or households, Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Recordkeepers: 1,029.

Estimated Burden Hours Per Respondent:

	8807 Part I	8807 Part II
Recordkeeping.	4 hrs., 18 mins.	2 hrs., 52 mins.
Learning about the law or the form.	6 mins	18 mins.
Preparing and sending the form to IRS.	10 mins	21 mins.

Frequency of Response: Quarterly.

Estimated Total Reporting Burden: 688,190 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. 90-29537 Filed 12-17-90; 8:45 am]

BILLING CODE 4830-01-M

Public Information Collection Requirements Submitted to OMB for Review

Date December 11, 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.

Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0357.

Form Number: ATF REC 5170/6.

Type of Review: Extension.

Title: Wholesale Dealers Applications, Letterheads and Notices Relating to Operations (Variations in Format or Preparation of Records)

Description: To ascertain that the revenue is not placed in jeopardy and protection of the revenue. Affects wholesale liquor dealers.

Respondents: Businesses or other for-profit, Small businesses or organizations.

Estimated Number of Recordkeepers: 1,029.

Estimated Burden Hours Per Recordkeeper: 30 minutes.

Frequency of Response: Other (Recordkeeping).

Estimated Total Recordkeeping Burden: 515 hours.

Clearance Officer: Robert Masarsky (202) 566-7077, Bureau of Alcohol, Tobacco and Firearms, Room 7011, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

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. 90-29538 Filed 12-18-90; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF VETERANS AFFAIRS

Veterans' Advisory Committee on Rehabilitation, Meeting

The Department of Veterans Affairs gives notice that a meeting of the Veterans' Advisory Committee on Rehabilitation, authorized by 38 U.S.C. 1521, will be held on January 8, 1991, from 9 a.m. to 4:30 p.m. and on January 9, 1991 from 9 a.m. to 12 noon in room 1010 of the Department of Veterans Affairs Central Office, 810 Vermont Avenue, NW., Washington, DC 20420. The purpose of the meeting will be to review the administration of veterans' rehabilitation programs and to provide recommendations to the Secretary.

The meeting will be open to the public up to the seating capacity of the conference room. Due to the limited seating capacity, it will be necessary for those wishing to attend to contact Theresa Boyd, Executive Secretary, Veterans' Advisory Committee on Rehabilitation at (202) 233-6493 prior to December 31, 1991.

Interested persons may attend, appear before, or file statements with the Committee. Statements, if in written form, may be filed before or within 10 days after the meeting. Oral statements will be heard at 3:30 p.m. on January 8, 1991.

Dated: December 12, 1990.

By direction of the Secretary:

Sylvia Chavez Long,

Committee Management Officer.

[FR Doc. 90-29487 Filed 12-17-90; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 55, No. 243
Tuesday, December 18, 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).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, December 20, 1990.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED: Compliance Status Report.

The staff will brief the Commission on the status of various compliance matters.

FOR A RECORDED MESSAGE CONTAINING THE LATEST AGENDA INFORMATION, CALL: 301-492-5709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207, 301-492-6800.

Sheldon D. Butts,
Deputy Secretary.

[FR Doc. 90-29691 Filed 12-14-90; 1:34 pm]
BILLING CODE 6355-01-M

FEDERAL HOUSING FINANCE BOARD

TIME AND DATE: 1:30 p.m., Tuesday, December 18, 1990.

PLACE: Board Room, Second Floor, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

STATUS: Closed Meeting.

MATTERS TO BE CONSIDERED: The Board will consider the following.

(1) Initial organizational matters;
(2) Matters related to the calendar year 1991 budgets of the Federal Home Loan Banks;
(3) Special examination;
(4) Investment funds management policy;
(5) Matters related to appointment of directors.

The above matters are exempt under one or more of sections 552b(c)(2), (6), (8), (9)(A) and (9)(B) of title 5 of the United States Code. 5 U.S.C. 552b(c)(2), (6), (8), (9)(A) and (9)(B).

CONTACT PERSON FOR MORE INFORMATION: Leonard H.O. Spearman, Jr., Executive Secretary to the Board, (202) 408-2574.

J. Stephen Britt,
Executive Director.

[FR Doc. 90-29728 Filed 12-14-90; 3:36 pm]
BILLING CODE 6725-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10 a.m., Friday, December 14, 1990.

The business of the Board required that this meeting be held with less than one week's advance notice to the public, and no earlier announcement of the meeting was practicable.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Federal Reserve Bank and Branch director appointments. (This matter was originally announced for a closed meeting on December 17, 1990.)

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: December 14, 1990.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 90-29727 Filed 12-14-90; 3:35 pm]
BILLING CODE 6210-01-M

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Thursday, December 27, 1990 at 10:30 a.m.

PLACE: Room 101, 500 E Street, SW., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints
5. Inv. No. 731-TA-485 (P) (Certain Gene Amplification Thermal Cyclers and Subassemblies Thereof from the United Kingdom)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252-1000.

Dated: December 13, 1990.

Kenneth R. Mason,
Secretary.

[FR Doc. 90-29699 Filed 12-14-90; 1:36 pm]
BILLING CODE 7020-22-M

NATIONAL COUNCIL ON DISABILITY

Hearings on the Reauthorization of the Rehabilitation Act of 1973, as Amended, and Personal Assistance Services

AGENCY: National Council on Disability.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming hearings on the reauthorization of the Rehabilitation Act of 1973, as amended, and personal assistance services of the National Council on Disability. This notice also describes the functions of the National Council. Notice of this meeting is required under section 552(b)(10) of the "Government in the Sunshine Act" (Pub. L. 94-409).

DATES FOR HEARINGS ON THE REAUTHORIZATION OF THE REHABILITATION ACT OF 1973:

January 7, 1991, 8:30 a.m. to 5:00 p.m.
January 8, 1991, 8:30 a.m. to 5:00 p.m.

DATES FOR HEARINGS ON PERSONAL ASSISTANCE SERVICES:

January 9, 1991, 8:30 a.m. to 5:00 p.m.
January 10, 1991, 8:30 a.m. to 5:00 p.m.

LOCATION: San Francisco Hilton Hotel, 1 Hilton Square, San Francisco, California.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW, Suite 814, Washington, DC 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law 95-602 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into

an independent agency by the Rehabilitation Act Amendments of 1984 (Pub. L. 98–221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with disabilities and making such recommendations as it deems necessary to the President, the Congress, and the Secretary of the Department of Education, the Commissioner of Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The hearings of the National Council shall be open to the Public. The proposed agenda for the hearing on the reauthorization of the Rehabilitation Act of 1973, as amended includes:

Overview of the Act
Basic state grant
Client assistance
Research and training
Title V and ADA
Supported employment

The proposed agenda for the hearing on personal assistance services includes:

Financing
Aging needs
Physical disabilities
Mental/Cognitive
Employment
Readers/Interpreters

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, DC, on December 13, 1990.

Ethel D. Briggs,

Executive Director.

[FR Doc. 90–29627 Filed 12–14–90; 8:45 am]

BILLING CODE 6820–BS–M

NUCLEAR REGULATORY COMMISSION

DATE: Weeks of December 17, 24, 31, 1990 and January 7, 1991.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Open and Closed.

MATTERS TO BE CONSIDERED:

Week of December 17

Monday, December 17

8:30 a.m.
Collegial Discussion of Items of Commissioner Interest (Public Meeting)

10:00 a.m.
Briefing on EEO Program (Public Meeting)

Tuesday, December 18

10:00 a.m.
Briefing by DOE on Status of Civilian High Level Waste Program (Public Meeting)

Wednesday, December 19

9:00 a.m.
Briefing by NUMARC on Level of Design Detail for part 52 (Public Meeting)

10:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of December 24—Tentative

There are no meetings scheduled for the Week of December 24.

Week of December 31—Tentative

Thursday, January 3

1:30 p.m.
Briefing on NRC Technical Training Center (Public Meeting)

3:00 p.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Week of January 7—Tentative

Thursday, January 10

11:30 a.m.
Affirmation/Discussion and Vote (Public Meeting) (if needed)

Note: Affirmation sessions are initially scheduled and announced to the public on a time-reserved basis. Supplementary notice is provided in accordance with the Sunshine Act as specific items are identified and added to the meeting agenda. If there is no specific subject listed for affirmation, this means that no item has as yet been identified as requiring any Commission vote on this date.

TO VERIFY THE STATUS OF MEETINGS CALL (RECORDING)—(301) 492–0292.

CONTACT PERSON FOR MORE INFORMATION: William Hill (301) 492–1661.

Dated: December 13, 1990.

William M. Hill, Jr.,

Office of the Secretary.

[FR Doc. 90–29693 Filed 12–14–90; 1:35 pm]

BILLING CODE 7590–01–M

POSTAL RATE COMMISSION

Meeting

TIME AND DATE: 10:00 a.m. on December 17, 18, 19, 20, 21, 1990.

PLACE: Conference Room, 1333 H Street, NW., Suite 300, Washington, DC.

STATUS: Closed.

MATTERS TO BE CONSIDERED: A series of closed meetings to discuss and decide issues in Docket No. R90–1.

CONTACT PERSON FOR MORE INFORMATION: Charles L. Clapp, Secretary, Postal Rate Commission, Room 300, 1333 H Street, NW., Washington, DC 20268–0001, Telephone (202) 789–6840.

Charles L. Clapp,

Secretary.

[FR Doc. 90–29645 Filed 12–14–90; 10:01 am]

BILLING CODE 7710–FW–M

federal register

Tuesday
December 18, 1990

Part II

Department of Labor

Mine Safety and Health Administration

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products; Notice

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Fee Adjustments for Testing, Evaluation, and Approval of Mining Products

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice of fee adjustments.

SUMMARY: This notice revises the Mine Safety and Health Administration's (MSHA) user fees for testing, evaluation, and approval of certain products manufactured for use in underground mines. These fees are based on Fiscal Year 1990 data and reflect changes in approval processing operations as well as costs incurred to process approval actions.

DATES: These fee schedules are effective from January 1, 1991 through December 31, 1991. Approval applications postmarked on or after January 1, 1991, will be charged under this fee schedule.

FOR FURTHER INFORMATION CONTACT: Robert W. Dalzell, Chief, Approval and Certification Center, R.R. 1, Box 251, Triadelphia, West Virginia 26059.

SUPPLEMENTARY INFORMATION: In general, MSHA has computed the revised fees based on the cost to the government to provide testing, evaluation, and approval of products manufactured for use in underground mines. On May 8, 1987 (52 FR 17506), MSHA published a final rule, 30 CFR part 5—Fees for Testing, Evaluation, and Approval of Mining Products, which established the specific procedures for fee calculation, administration, and revisions. This revised fee schedule is established in accordance with the procedures of that rule.

Machine Approvals and Shearer Approvals (Part 18, Action 12) have been separated into two fee schedules to reflect the difference in expended time and cost.

Dated: December 11, 1990.

John B. Howerton,

Deputy Assistant Secretary for Mine Safety and Health.

FEE SCHEDULE EFFECTIVE January 1, 1991 (BASED ON FY 1990 DATA)

30 CFR Part No. and part and action title	Hourly rate	Flat rate	Application fee
7 Product Testing by Third Party			
12 Approval Evaluation—Battery Assemblies	$41		$100
12 Approval Evaluation—Brattice and Ventilation Tubing	47		100
12 Approval Evaluation—Multiple-Shot Blasting Units [4]	37		100
14 Approval Extension—Battery Assemblies	37		100
14 Approval Extension—Brattice and Ventilation Tubing	44		100
14 Approval Extension—Multiple-Shot Blasting Units [4]	37		100
40 Stamped Notification Acceptance Program (SNAP)		$237	
15 Explosives			
12 Approval Evaluation [1]	43		100
Permissibility Tests for Explosives:			
Weigh-in		420	
Physical Exam: First-Size		295	
Chemical Analysis		1,797	
Air-Gap—Minimum Product Firing Temperature		418	
Air Gap—Room Temperature		320	
Pendulum Friction Test		148	
Detonation Rate		320	
Gallery Test 7		4,917	
Gallery Test 8		3,537	
Tox Gases (Larger Chamber)		732	
Permissibility Tests for Sheathed Explosives:			
Physical Examination		128	
Chemical Analysis		1,044	
Gallery Test 9		1,944	
Gallery Test 10		1,944	
Gallery Test 11		1,944	
Gallery Test 12		1,944	
Drop Test		648	
Temperature Effects/Detonation		672	
Toxic Gases		580	
14 Approval Extension	42		100
18 Electric Motor Driven Equipment and Accessories			
Approval—Machine Evaluation [1]	44		100
Approval—Machine Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
12 Approval—Instruments (testing included)	42		100
12 Approval—Shearer Evaluation	42		100
14 Approval Extension—Machine Evaluation [1]	44		100
Approval Extension—Machine Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
14 Approval Extension—Instruments (testing included)	40		100
14 Approval Extension—Shearer Evaluation	41		100
15 Acceptance Evaluation [1]	40		100

FEE SCHEDULE EFFECTIVE January 1, 1991 (BASED ON FY 1990 DATA)—Continued

30 CFR Part No. and part and action title	Hourly rate	Flat rate	Application fee
Acceptance Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
Cable/Splice Test	43		
Cable Flame Test	43		
Compressibility Test (asbestos substitutes)	44		
16 Certification Evaluation [1]	37		100
Certification Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
17 Acceptance Extension	40		100
18 Certification Extension [1]	37		100
Certification Extension Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
21 Field Modification	47		100
23 Field Approval		86	
26 Permit—Machines [1]	42		100
Permit Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
26 Permit—Instruments (testing included)	42		100
30 Intrinsic Safety Determiniation (testing included)	44		100
31 Instrinsic Safety Determination Extension (testing included)	44		100
32 Simplified Certification [1]	38		100
Simplified Certification Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
34 Simplified Certification Extension [1]	37		100
Simplified Certification Extension Testing:			
Explosion Test	34		
Surface/Temperature Test	34		
Impact Test	34		
Thermal Shock Test	34		
Product Flame Test	42		
40 Stamped Notification Acceptance Program (SNAP)		237	
41 Longwall Approval	42		100
42 Longwall Approval Extension	42		100
19 Electric Cap Lamps			
12 Approval (testing included)	40		100
14 Approval Extension (testing included)	40		100
40 Stamped Notification Acceptance Program (SNAP)		237	
20 Electric Mine Lamps			
12 Approval (testing included)	46		100
14 Approval Extension (testing included)	40		100
40 Stamped Notification Acceptance Program (SNAP)		237	
21 Flame Safety Lamps			
12 Approval (testing included)	40		100
14 Approval Extension (testing included)	40		100
40 Stamped Notification Acceptance Program (SNAP)		237	
22 Portable Methane Detectors			
12 Approval (testing included)	38		100
14 Approval Extension (testing included)	38		100
40 Stamped Notification Acceptance Program (SNAP)		237	
23 Telephones and Signaling Devices			
12 Approval (testing included)	41		100
14 Approval Extension (testing included)	41		100
40 Stamped Notification Acceptance Program (SNAP)		237	
24 Single-Shot Blasting Units			
12 Approval (testing included)	44		100
14 Approval Extension (testing included)	44		100
40 Stamped Notification Acceptance Program (SNAP)		237	

FEE SCHEDULE EFFECTIVE January 1, 1991 (BASED ON FY 1990 DATA)—Continued

30 CFR Part No. and part and action title	Hourly rate	Flat rate	Application fee
25 Multiple-Shot Blasting Units			
12 Approval (testing included) [4]	44		100
14 Approval Extension (testing included) [4]	43		100
40 Stamped Notification Acceptance Program (SNAP) [4]		237	
26 Lighting Equipment for Illumination			
12 Approval (testing included)	43		100
14 Approval Extension (testing included)	43		100
40 Stamped Notification Acceptance Program (SNAP)		237	
27 Methane Monitoring Systems			
16 Certification (testing included)	43		100
18 Certification Extension (testing included)	38		100
40 Stamped Notification Acceptance Program (SNAP)		237	
28 D.C. Current Fuses			
12 Approval (testing included)	45		100
14 Approval Extension (testing included)	45		100
40 Stamped Notification Acceptance Program (SNAP)		237	
29 Portable Dust Analyzers and Methane Monitors			
12 Approval (testing included)	40		100
14 Approval Extension (testing included)	40		100
40 Stamped Notification Acceptance Program (SNAP)		237	
31 Diesel Mine Locomotives			
12 Approval	41		100
14 Approval Extension	41		100
32 Mobile Diesel-Powered Equipment for Noncoal Mines			
12 Approval	41		100
14 Approval Extension	41		100
16 Certification Evaluation [1]	40		100
Certification Testing:			
Emissions Test	42		
Pre/post Test Preparation	42		
18 Certification Extension Evaluation [1]	40		100
Certification Extension Testing:			
Emissions Test	42		
Pre/post Test Preparation	42		
33 Dust Collectors			
Approval Evaluation without Certification of Performance [1]	43		100
Approval testing:			
Dust Collector Test	49		
14 Approval Extension Evaluation [1]	43		100
Approval Extension Testing:			
Dust Collector Test	49		
16 Certification Evaluation [1]	44		100
Certification Testing:			
Dust Collector Test	49		
18 Certification Extension [1]	43		100
Certification Extension Testing:			
Dust Collector Test	49		
21 Field Modification	43		100
29 Dust Collector Approval with Certification of Performance	44		100
40 Stamped Notification Acceptance Program (SNAP)		237	
35 Fire-Resistant Hydraulic Fluids			
12 Approval (testing included) [1]	41		100
14 Approval Extension (testing included)	39		100
36 Mobile Diesel-Powered Equipment			
12 Approval	45		100
14 Approval Extension	45		100
16 Certification—Engine Evaluation [1]	40		100
Certification—Engine Testing:			
Emissions Test	41		
Explosion Test	43		
Surface Temperature/Safety Controls Test	41		
Pre/post Test Preparation	41		
18 Certification Extension—Engine Evaluation [1]	40		100
Certification Extension—Engine Testing:			
Emissions Test	41		
Explosion Test	43		
Surface Temperature/Safety Controls Test	41		
Pre/post Test Preparation	41		
21 Field Modification	43		100
27 Certification—Diesel Components Evaluation [1]	43		100
Certification—Diesel Components Testing:			
Emissions Test	41		
Explosion Test	43		
Water Consumption/Cooling Efficiency Test	43		
Surface Temperature/Safety Controls Test	41		
Pre/post Test Preparation	41		
28 Certification Extension—Diesel Components Evaluation [1]	43		100

FEE SCHEDULE EFFECTIVE January 1, 1991 (BASED ON FY 1990 DATA)—Continued

30 CFR Part No. and part and action title	Hourly rate	Flat rate	Application fee
Certification Extension—Diesel Components Testing:			
Emissions Test	41		
Explosion Test	43		
Water Consumption/Cooling Efficiency Test	43		
Surface Temperature/Safety Controls Test	41		
Pre/post Test Preparation	41		
40 Stamped Notification Acceptance Program (SNAP)		237	
74 Coal Mine Dust Personal Sampler Units			
12 Approval	40		100
Other A&CC Services			
15 Acceptance—Overcurrent Relays (testing included)	41		100
15 Statement of Test and Evaluation on (ST&E)		36	
15 Acceptance—Ground Check Monitor/Ground Wire Devices (testing included)	41		100
17 Acceptance Extension—Overcurrent Relays	41		100
17 Acceptance Extension—Interim Criteria	40		100
17 Statement of Test and Evaluation (ST&E) Extension		13	
17 Acceptance Extension—Ground Check Monitor/Ground Wire Devices	40		100
20 Stamped Revision Acceptance (SRA) [2]		189	
24 Acceptance—Panic Bar	40		100
33 Generic Statement of Test and Evaluation (ST&E)	41		100
37 Acceptance—Interim Criteria [1]	40		100
Interim Criteria Testing:			
Product Flame Test	42		
40 Stamped Notification Acceptance Program (SNAP)/Ground Check Monitor and Ground Wire Device		237	
40 Stamped Notification Acceptance Program (SNAP) ST&E		21	
41 Approval—Longwall Area Lighting	43		100
42 Approval Extension—Longwall Area Lighting	41		100
50 Mine Wide Monitoring System (MWMS) Evaluation		429	
52 Mine Wide Monitoring System (MWMS) Barrier Classification		123	
54 Mine Wide Monitoring System (MWMS) Sensor Classification		165	
00 Retesting for approval as a result of post-product audit [3]			

[1] Note: Full approval fee consists of evaluation cost plus applicable test costs.
[2] Note: Fee covers SRA application accompanied by up to 5 documents.
[3] Note: Fee based upon the approval schedule in effect at the time of retest.
[4] Note: Applications for multiple-shot blasting postmarked after January 22, 1991, must be submitted under 30 CFR, part 7—third party testing. Applicable fees are listed under 30 CFR part 7 fees schedule.

Note: When testing and evaluation is required at locations other than MSHA's premises, the applicant shall reimburse MSHA for traveling, subsistence, and incidental expenses of MSHA's representation in accordance with standardized government travel regulations. This reimbursement is in addition to the fees charged for evaluation and testing.

[FR Doc. 90-29540 Filed 12-17-90; 8:45 am]

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federal register

Tuesday
December 18, 1990

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

Section 8 Housing Assistance Payments Program; Notice of Revised Contract Rent Annual Adjustment Factors

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. N-90-3169; FR-2922-N-01]

Section 8 Housing Assistance Payments Program; Contract Rent Annual Adjustment Factors

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice of Revised Contract Rent Annual Adjustment Factors.

SUMMARY: The United States Housing Act of 1937 (1937 Act) requires that the assistance contract signed by owners participating in the Department's Section 8 Housing Payments Programs provide for annual or more frequent adjustment in the maximum monthly rentals for units covered by the contract to reflect changes based on fair market rents prevailing in a particular market area, or on a reasonable formula. This Notice announces revised Annual Adjustment Factors, which are based on a formula using rent and utility data from the Consumer Price Index and using the Bureau of the Census American Housing Surveys. The revised Factors are to be used to adjust contract rents in the Section 8 Housing Assistance Payment Programs.

EFFECTIVE DATE: December 18, 1990.

FOR FURTHER INFORMATION CONTACT: Shirley C. Stone, Existing Housing Division, Office of Elderly and Assisted Housing (202) 708-3887; James Tahash, Program Planning Division, Office of Multifamily Housing Management (202) 708-3944; for technical information regarding the development of the schedules for specific areas or the method used for calculating the Adjustment Factors, Michael R. Allard, Economic and Market Analysis Division, Office of Policy Development and Research (202) 708-0577. Mailing address for above persons: Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 8(c)(2)(A) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(A)) requires the Department to provide for adjustments in the maximum monthly rents for units covered by the Section 8 Housing Assistance Payments (HAP) Contracts. Adjustments must reflect changes in the fair market rents (FMRs) prevailing in particular market areas or be based on a reasonable formula.

This Notice establishes revised Annual Adjustment Factors (AAFs) based on a formula using rent and utility data from the Consumer Price Index (CPI) and using the Bureau of the Census American Housing Surveys (AHS). The revised AAFs are to be used to adjust Contract Rents under the Section 8 Housing Assistance Payments Programs. HUD regulations provide that the AAFs will be published annually in the **Federal Register** (24 CFR 888.202). The annual anniversary date for publication of the AAFs is November 8. These revised AAFs apply (subject to the limitations on applicability discussed below) to adjust Contract Rents on or after November 8, 1990.

Applicability of AAFs to Various Section 8 Programs

In general, AAFs established by this Notice are used to adjust Contract Rents for Section 8 units. The following provides a general description of how AAFs apply under the several Section 8 Housing Assistance Payments Programs. The application of the AAFs should be determined by reference to the HAP Contract and to appropriate program regulations.

In certain cases, AAFs are not used to adjust Contract Rents. AAFs are not used for Section 8 Certificate Program units subject to 24 CFR 882.110(d), which applies to units in certain otherwise subsidized projects that are rented to Section 8 Certificate Program families. (The housing assistance payment for such a unit is equal to the difference between the subsidized rent and the rent payable by the eligible family. Adjustments to the subsidized rents are made in accordance with rules and procedures governing the particular subsidized housing program involved.) In addition, AAFs are not used for units places under HAP contract in recent years under the Section 202/Section 8 Program. Instead, those rents are based on a HUD-approved budget for the project.

Contract Rents for many projects receiving Section 8 subsidies under the Loan Management provisions of 24 CFR part 886, subpart A, and projects receiving Section 8 subsidies under the Property Disposition provisions of 24 CFR part 886, subpart C, are adjusted, at HUD's option, either by applying the AAFs or by adjusting rents in accordance with 24 CFR 207.19 (e)(2) and (e)(4).

The AAFs developed by the formula apply to rental units of all bedroom sizes in each rent interval. Under the Section 8 Moderate Rehabilitation Program, the public housing agency (PHA) should use the base rent, not the Contract Rent, to select the correct AAF to apply to the base rent.

Each AAF applies to specified geographical areas, as indicated in the Table at the end of this document. Program participants should refer to the Table that provides the list of states included in each of the four Census Regions and the metropolitan areas with separate local CPI surveys (defined by counties or New England towns) to make certain that they are using the correct factor. Units located in metropolitan areas with separate local CPI surveys must use the corresponding AAFs for that metropolitan area. Units that are located outside those metropolitan areas with separate local CPI surveys must use the AAFs for the respective Census Region within which the state is located.

Owners of Section 8 units (other than units assisted under the Section 8 Certificate, Moderate Rehabilitation (both regular and SRO), Project-based Assistance Certificates, and FmHA Programs) who have HAP Contracts with anniversary dates falling on November 8, 1990 through [insert date of publication] may request that the AAFs be applied retroactively to the anniversary date of their HAP Contracts. Retroactivity is permitted to avoid any detriment to owners because of HUD's delay in the annual publication of the factors as required by 24 CFR 888.202. For units assisted under the Section 8 Certificate, Moderate Rehabilitation (both regular and SRO), Project-based Assistance Certificates, and the FmHA Programs, the factors are not applied retroactively; the annual adjustments, as of any anniversary date, are determined using the AAFs most recently published in the **Federal Register** (see 24 CFR 882.108(a)(1)(i) and 884.109(b)(2)).

Calculation of Annual Adjustment Factors

AAFs are provided for the four Census Regions, for 73 metropolitan areas and for the State of Hawaii. The formula for calculating the AAFs for each area was developed as follows: (1) The changes in the shelter rent and utilities components were based on the most recent CPI annual average change data; (2) the shelter rent factor was calculated by eliminating the effect of heating costs that are included in the rent of some of the surveyed units; (3) the gross rent factors were calculated by weighing the rent and utility components of rent with the updated 1980 Census Regional and state

components; and (4) the AAFs were then adjusted to reflect rent change variations by rent range determined from 1987 national AHS data.

For the past four years, the Department has been using the Anchorage CPI to determine the AAFs for all areas in the State of Alaska. Based on recent information received from the Seattle HUD Office and from public comments to the proposed FY-1991 Fair Market Rents, the Department has concluded that the AAFs for the West Census Region are now more appropriate for the nonmetropolitan areas in Alaska. The Anchorage CPI will continue to be used for that metropolitan area. The Department has also decided to continue using the CPI survey for the Honolulu metropolitan area for all areas in Hawaii.

Reflecting a continued decrease in the local CPI surveys, AAFs that are less than 1.00 are being published for the Denver and Boulder, CO PMSAs. However, section 8(c)(2)(C) of the 1937 Act prohibits the reduction of contract rents for newly constructed and substantially or moderately rehabilitated projects (including projects assisted under section 8 as in effect prior to November 30, 1983), unless the project has been refinanced in a manner that reduces the periodic payments of the owner. Therefore, contract rents for units in such projects will not be reduced as a result of the reduction in the factors.

Section 8 Certificate Program AAFs for Manufactured Home Spaces

This Notice contains a separate set of AAFs for adjusting Contract Rents for manufactured home spaces. There is one factor for each area, which represents the change in the median rent for the area. These factors were derived by following steps one and two in the formula described above.

Other Matters

An environmental assessment is unnecessary, since revising Annual Adjustment Factors is categorically excluded from the Department's National Environmental Policy Act procedures under 24 CFR 50.20(*1*).

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, Federalism, has determined that the policies contained in this Notice do not have federalism implications and, thus, are not subject to review under the Order. The Notice merely announces the adjustment factors to be used to adjust contract rents in the Section 8 Housing Assistance Payment Programs, as required by the United States Housing Act of 1937.

The General Counsel, as the Designated Official under Executive Order 12606, The Family, has also determined that this Notice does not have potential significant impact on family formation, maintenance, and general well-being and, thus, is not subject to review under the Order. The Notice merely announces the adjustment factors to be used to adjust contract rents in the Section 8 Housing Assistance Payment Programs, as required by the United States Housing Act of 1937.

The Catalog of Federal Domestic Assistance program number for Lower Income Housing Assistance Programs (Section 8) is 14.156.

Accordingly, the Department publishes these Contract Rent Annual Adjustment Factors for the Section 8 Housing Assistance Payments Program as set forth in the following tables:

Dated: November 30, 1990.

Arthur J. Hill,

Acting Assistant Secretary for Housing—Federal Housing Commissioner.

BILLING CODE 4210-27-M

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

NORTH EAST CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 290	1.084	1.088
$ 290 TO 349	1.080	1.084
$ 350 TO 409	1.076	1.071
$ 410 TO 469	1.072	1.068
$ 470 TO 529	1.068	1.058
$ 530 TO 589	1.064	1.048
$ 590 TO 699	1.056	1.037
$ 700 TO 819	1.048	1.026
$ 820 TO 939	1.040	1.026
$ 940 PLUS	1.031	1.026

MIDWEST CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.049	1.056
$ 220 TO 269	1.047	1.049
$ 270 TO 309	1.044	1.045
$ 310 TO 359	1.042	1.033
$ 360 TO 399	1.040	1.033
$ 400 TO 449	1.037	1.028
$ 450 TO 529	1.032	1.022
$ 530 TO 619	1.028	1.016
$ 620 TO 709	1.023	1.015
$ 710 PLUS	1.018	1.015

SOUTH CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.041	1.043
$ 210 TO 259	1.039	1.038
$ 260 TO 299	1.037	1.036
$ 300 TO 339	1.035	1.031
$ 340 TO 389	1.033	1.027
$ 390 TO 429	1.031	1.020
$ 430 TO 509	1.027	1.017
$ 510 TO 599	1.023	1.011
$ 600 TO 679	1.019	1.011
$ 680 PLUS	1.015	1.010

WEST CENSUS REGION

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 300	1.052	1.056
$ 300 TO 359	1.050	1.052
$ 360 TO 419	1.047	1.049
$ 420 TO 489	1.045	1.048
$ 490 TO 549	1.042	1.037
$ 550 TO 609	1.039	1.037
$ 610 TO 729	1.034	1.031
$ 730 TO 849	1.029	1.025
$ 850 TO 969	1.024	1.020
$ 970 PLUS	1.019	1.019

STATE HAWAII

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 330	1.110	1.113
$ 330 TO 389	1.105	1.108
$ 390 TO 459	1.100	1.101
$ 460 TO 519	1.094	1.096
$ 520 TO 589	1.089	1.088
$ 590 TO 649	1.084	1.077
$ 650 TO 779	1.073	1.066
$ 780 TO 909	1.062	1.053
$ 910 TO 1039	1.052	1.041
$1040 PLUS	1.041	1.041

PMSA AKRON, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.050	1.043
$ 210 TO 259	1.048	1.038
$ 260 TO 299	1.046	1.032
$ 300 TO 339	1.043	1.025
$ 340 TO 389	1.041	1.019
$ 390 TO 429	1.038	1.017
$ 430 TO 519	1.033	1.011
$ 520 TO 599	1.029	1.004
$ 600 TO 689	1.024	1.003
$ 690 PLUS	1.019	1.003

PMSA ANAHEIM-SANTA ANA, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 410	1.069	1.071
$ 410 TO 499	1.066	1.068
$ 500 TO 579	1.062	1.063
$ 580 TO 659	1.059	1.060
$ 660 TO 749	1.056	1.048
$ 750 TO 829	1.052	1.048
$ 830 TO 989	1.046	1.041
$ 990 TO 1159	1.039	1.033
$1160 TO 1329	1.032	1.025
$1330 PLUS	1.026	1.025

MSA ANCHORAGE, AK

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.002	1.000
$ 270 TO 329	1.001	1.000
$ 330 TO 379	1.001	1.000
$ 380 TO 439	1.001	1.000
$ 440 TO 489	1.001	1.000
$ 490 TO 549	1.001	1.000
$ 550 TO 659	1.001	1.000
$ 660 TO 769	1.001	1.000
$ 770 TO 879	1.001	1.000
$ 880 PLUS	1.001	1.000

PMSA ANN ARBOR, MI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 290	1.054	1.050
$ 290 TO 349	1.051	1.047
$ 350 TO 399	1.048	1.040
$ 400 TO 459	1.046	1.030
$ 460 TO 519	1.043	1.030
$ 520 TO 579	1.041	1.024
$ 580 TO 689	1.035	1.017
$ 690 TO 809	1.030	1.011
$ 810 TO 919	1.025	1.009
$ 920 PLUS	1.020	1.009

MSA ATLANTA, GA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.028	1.025
$ 270 TO 329	1.026	1.023
$ 330 TO 379	1.025	1.020
$ 380 TO 429	1.024	1.020
$ 430 TO 489	1.022	1.015
$ 490 TO 539	1.021	1.012
$ 540 TO 649	1.018	1.008
$ 650 TO 759	1.016	1.004
$ 760 TO 869	1.013	1.004
$ 870 PLUS	1.010	1.004

PMSA AURORA-ELGIN, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 310	1.080	1.075
$ 310 TO 369	1.076	1.071
$ 370 TO 429	1.072	1.060
$ 430 TO 499	1.068	1.049
$ 500 TO 559	1.064	1.038
$ 560 TO 619	1.060	1.038
$ 620 TO 739	1.053	1.026
$ 740 TO 869	1.045	1.016
$ 870 TO 989	1.037	1.016
$ 990 PLUS	1.030	1.016

MSA BALTIMORE, MD

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.060	1.065
$ 260 TO 319	1.057	1.062
$ 320 TO 369	1.054	1.052
$ 370 TO 419	1.051	1.051
$ 420 TO 479	1.048	1.044
$ 480 TO 529	1.045	1.042
$ 530 TO 629	1.040	1.036
$ 630 TO 739	1.034	1.028
$ 740 TO 849	1.028	1.020
$ 850 PLUS	1.022	1.020

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

PMSA BEAVER COUNTY, PA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	1.055	1.047
$ 190 TO 229	1.052	1.033
$ 230 TO 259	1.050	1.029
$ 260 TO 299	1.047	1.021
$ 300 TO 339	1.044	1.016
$ 340 TO 379	1.042	1.016
$ 380 TO 449	1.037	1.007
$ 450 TO 529	1.031	1.000
$ 530 TO 599	1.026	1.000
$ 600 PLUS	1.021	1.000

PMSA BERGEN-PASSAIC, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 400	1.084	1.087
$ 400 TO 489	1.080	1.083
$ 490 TO 569	1.076	1.077
$ 570 TO 649	1.072	1.067
$ 650 TO 729	1.068	1.057
$ 730 TO 809	1.064	1.057
$ 810 TO 969	1.056	1.047
$ 970 TO 1129	1.048	1.037
$1130 TO 1299	1.040	1.028
$1300 PLUS	1.031	1.028

PMSA BOSTON, MA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 410	1.113	1.114
$ 410 TO 489	1.108	1.109
$ 490 TO 569	1.102	1.094
$ 570 TO 649	1.097	1.089
$ 650 TO 729	1.091	1.074
$ 730 TO 809	1.086	1.074
$ 810 TO 979	1.075	1.060
$ 980 TO 1139	1.064	1.034
$1140 TO 1299	1.053	1.034
$1300 PLUS	1.042	1.033

PMSA BOULDER-LONGMONT, CO

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 190	.996	.989
$ 190 TO 229	.996	.989
$ 230 TO 259	.996	.989
$ 260 TO 299	.996	.989
$ 300 TO 339	.996	.989
$ 340 TO 379	.996	.989
$ 380 TO 449	.996	.989
$ 450 TO 529	.996	.989
$ 530 TO 599	.996	.989
$ 600 PLUS	.996	.989

PMSA BRAZORIA, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.050	1.050
$ 220 TO 259	1.048	1.046
$ 260 TO 299	1.046	1.043
$ 300 TO 349	1.043	1.034
$ 350 TO 389	1.041	1.034
$ 390 TO 429	1.038	1.027
$ 430 TO 519	1.033	1.019
$ 520 TO 609	1.029	1.012
$ 610 TO 689	1.024	1.012
$ 690 PLUS	1.019	1.012

PMSA BRIDGEPORT-MILFORD, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 320	1.084	1.090
$ 320 TO 379	1.080	1.080
$ 380 TO 449	1.076	1.075
$ 450 TO 509	1.072	1.069
$ 510 TO 569	1.068	1.057
$ 570 TO 639	1.064	1.048
$ 640 TO 769	1.056	1.037
$ 770 TO 889	1.048	1.027
$ 890 TO 1019	1.040	1.026
$1020 PLUS	1.031	1.026

PMSA BROCKTON, MA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 330	1.113	1.115
$ 330 TO 399	1.108	1.107
$ 400 TO 469	1.102	1.094
$ 470 TO 529	1.097	1.088
$ 530 TO 599	1.091	1.074
$ 600 TO 669	1.086	1.074
$ 670 TO 799	1.075	1.060
$ 800 TO 939	1.064	1.033
$ 940 TO 1069	1.053	1.033
$1070 PLUS	1.042	1.033

PMSA BUFFALO, NY

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.063	1.072
$ 220 TO 269	1.060	1.065
$ 270 TO 309	1.057	1.062
$ 310 TO 359	1.054	1.057
$ 360 TO 399	1.051	1.047
$ 400 TO 449	1.048	1.040
$ 450 TO 529	1.042	1.033
$ 530 TO 619	1.036	1.024
$ 620 TO 709	1.029	1.024
$ 710 PLUS	1.023	1.024

PMSA CHICAGO, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 300	1.080	1.081
$ 300 TO 359	1.076	1.070
$ 360 TO 419	1.072	1.064
$ 420 TO 479	1.068	1.060
$ 480 TO 549	1.064	1.050
$ 550 TO 609	1.060	1.040
$ 610 TO 729	1.053	1.030
$ 730 TO 849	1.045	1.020
$ 850 TO 969	1.037	1.020
$ 970 PLUS	1.030	1.020

PMSA CINCINNATI, OH KY-IN

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.057	1.067
$ 220 TO 269	1.054	1.057
$ 270 TO 309	1.051	1.052
$ 310 TO 349	1.048	1.045
$ 350 TO 399	1.046	1.043
$ 400 TO 439	1.043	1.036
$ 440 TO 529	1.038	1.027
$ 530 TO 619	1.032	1.021
$ 620 TO 709	1.027	1.021
$ 710 PLUS	1.021	1.021

PMSA CLEVELAND, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.050	1.039
$ 200 TO 239	1.048	1.036
$ 240 TO 289	1.046	1.030
$ 290 TO 329	1.043	1.023
$ 330 TO 369	1.041	1.017
$ 370 TO 409	1.038	1.017
$ 410 TO 489	1.033	1.011
$ 490 TO 569	1.029	1.004
$ 570 TO 649	1.024	1.003
$ 650 PLUS	1.019	1.003

PMSA DALLAS, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.008	1.000
$ 260 TO 319	1.007	1.000
$ 320 TO 369	1.007	1.000
$ 370 TO 419	1.007	1.000
$ 420 TO 479	1.006	1.000
$ 480 TO 529	1.006	1.000
$ 530 TO 629	1.005	1.000
$ 630 TO 739	1.004	1.000
$ 740 TO 849	1.004	1.000
$ 850 PLUS	1.003	1.000

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE
PREPARED ON 110290

PMSA DANBURY, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 350	1.084	1.084
$ 350 TO 409	1.080	1.079
$ 410 TO 479	1.076	1.074
$ 480 TO 549	1.072	1.068
$ 550 TO 619	1.068	1.058
$ 620 TO 689	1.064	1.047
$ 690 TO 829	1.056	1.037
$ 830 TO 969	1.048	1.027
$ 970 TO 1099	1.040	1.027
$1100 PLUS	1.031	1.026

PMSA DENVER, CO

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	.996	.989
$ 200 TO 239	.996	.989
$ 240 TO 289	.996	.989
$ 290 TO 329	.996	.989
$ 330 TO 369	.996	.989
$ 370 TO 409	.996	.989
$ 410 TO 489	.996	.989
$ 490 TO 569	.996	.989
$ 570 TO 649	.996	.989
$ 650 PLUS	.996	.989

PMSA DETROIT, MI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 240	1.054	1.047
$ 240 TO 289	1.051	1.047
$ 290 TO 339	1.048	1.041
$ 340 TO 389	1.046	1.033
$ 390 TO 439	1.043	1.024
$ 440 TO 479	1.041	1.024
$ 480 TO 579	1.035	1.017
$ 580 TO 679	1.030	1.010
$ 680 TO 779	1.025	1.010
$ 780 PLUS	1.020	1.010

PMSA FORT LAUDERDALE-HOLLYWOOD-POMPANO BEAC

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 300	1.029	1.041
$ 300 TO 359	1.028	1.039
$ 360 TO 419	1.026	1.036
$ 420 TO 479	1.025	1.036
$ 480 TO 539	1.023	1.031
$ 540 TO 589	1.022	1.030
$ 590 TO 709	1.019	1.028
$ 710 TO 829	1.016	1.021
$ 830 TO 949	1.014	1.021
$ 950 PLUS	1.011	1.020

PMSA FORT WORTH-ARLINGTON, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.008	1.000
$ 230 TO 279	1.007	1.000
$ 280 TO 329	1.007	1.000
$ 330 TO 369	1.007	1.000
$ 370 TO 419	1.006	1.000
$ 420 TO 469	1.006	1.000
$ 470 TO 559	1.005	1.000
$ 560 TO 649	1.004	1.000
$ 650 TO 739	1.004	1.000
$ 740 PLUS	1.003	1.000

PMSA GALVESTON-TEXAS CITY, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.050	1.050
$ 200 TO 239	1.048	1.050
$ 240 TO 279	1.046	1.038
$ 280 TO 319	1.043	1.033
$ 320 TO 359	1.041	1.032
$ 360 TO 409	1.038	1.029
$ 410 TO 489	1.033	1.020
$ 490 TO 569	1.029	1.013
$ 570 TO 649	1.024	1.013
$ 650 PLUS	1.019	1.013

PMSA GARY-HAMMOND, IN

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 250	1.080	1.076
$ 250 TO 299	1.076	1.073
$ 300 TO 339	1.072	1.063
$ 340 TO 389	1.068	1.049
$ 390 TO 439	1.064	1.048
$ 440 TO 489	1.060	1.039
$ 490 TO 589	1.053	1.028
$ 590 TO 689	1.045	1.016
$ 690 TO 789	1.037	1.016
$ 790 PLUS	1.030	1.016

PMSA HAMILTON-MIDDLETOWN, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.057	1.062
$ 230 TO 269	1.054	1.056
$ 270 TO 319	1.051	1.054
$ 320 TO 359	1.048	1.044
$ 360 TO 409	1.046	1.042
$ 410 TO 449	1.043	1.037
$ 450 TO 539	1.038	1.028
$ 540 TO 629	1.032	1.022
$ 630 TO 719	1.027	1.021
$ 720 PLUS	1.021	1.021

PMSA HOUSTON, TX

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.050	1.050
$ 200 TO 239	1.048	1.050
$ 240 TO 279	1.046	1.038
$ 280 TO 319	1.043	1.033
$ 320 TO 359	1.041	1.032
$ 360 TO 399	1.038	1.029
$ 400 TO 479	1.033	1.020
$ 480 TO 559	1.029	1.013
$ 560 TO 639	1.024	1.013
$ 640 PLUS	1.019	1.013

PMSA JERSEY CITY, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 280	1.084	1.088
$ 280 TO 339	1.080	1.084
$ 340 TO 399	1.076	1.076
$ 400 TO 459	1.072	1.067
$ 460 TO 509	1.068	1.058
$ 510 TO 569	1.064	1.057
$ 570 TO 679	1.056	1.046
$ 680 TO 799	1.048	1.027
$ 800 TO 909	1.040	1.027
$ 910 PLUS	1.031	1.027

PMSA JOLIET, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 310	1.080	1.080
$ 310 TO 379	1.076	1.070
$ 380 TO 439	1.072	1.066
$ 440 TO 499	1.068	1.060
$ 500 TO 559	1.064	1.051
$ 560 TO 629	1.060	1.040
$ 630 TO 749	1.053	1.030
$ 750 TO 879	1.045	1.020
$ 880 TO 999	1.037	1.020
$1000 PLUS	1.030	1.020

MSA KANSAS CITY, MO-KS

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.014	1.010
$ 220 TO 269	1.013	1.008
$ 270 TO 309	1.012	1.007
$ 310 TO 349	1.012	1.006
$ 350 TO 399	1.011	1.005
$ 400 TO 439	1.010	1.002
$ 440 TO 529	1.009	1.002
$ 530 TO 619	1.008	1.000
$ 620 TO 709	1.006	1.000
$ 710 PLUS	1.005	1.000

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

PMSA KENOSHA, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 240	1 080	1.079
$ 240 TO 289	1.076	1.072
$ 290 TO 339	1.072	1.063
$ 340 TO 389	1.068	1.049
$ 390 TO 429	1.064	1.049
$ 430 TO 479	1.060	1.040
$ 480 TO 579	1.053	1.030
$ 580 TO 669	1.045	1.019
$ 670 TO 769	1.037	1.019
$ 770 PLUS	1.030	1.019

PMSA LAKE COUNTY, IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 320	1.080	1.079
$ 320 TO 379	1.076	1.069
$ 380 TO 449	1.072	1.065
$ 450 TO 509	1.068	1.060
$ 510 TO 569	1.064	1.052
$ 570 TO 639	1.060	1.040
$ 640 TO 759	1.053	1.031
$ 760 TO 889	1.045	1.019
$ 890 TO 1019	1.037	1.019
$1020 PLUS	1.030	1.019

PMSA LAWRENCE-HAVERHILL, MA-NH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 340	1.113	1.118
$ 340 TO 409	1.108	1.107
$ 410 TO 479	1.102	1.094
$ 480 TO 549	1.097	1.087
$ 550 TO 619	1.091	1.074
$ 620 TO 689	1.086	1.074
$ 690 TO 829	1.075	1.061
$ 830 TO 959	1.064	1.034
$ 960 TO 1099	1.053	1.033
$1100 PLUS	1.042	1.033

PMSA LORAIN-ELYRIA, OH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.050	1.042
$ 210 TO 249	1.048	1.039
$ 250 TO 299	1.046	1.033
$ 300 TO 339	1.043	1.025
$ 340 TO 379	1.041	1.017
$ 380 TO 419	1.038	1.017
$ 420 TO 509	1.033	1.009
$ 510 TO 589	1.029	1.002
$ 590 TO 679	1.024	1.002
$ 680 PLUS	1 019	1.002

PMSA LOS ANGELES-LONG BEACH, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 360	1.069	1.074
$ 360 TO 429	1.066	1.068
$ 430 TO 499	1.062	1.065
$ 500 TO 569	1.059	1.060
$ 570 TO 649	1.056	1.049
$ 650 TO 719	1.052	1.048
$ 720 TO 859	1.046	1.041
$ 860 TO 999	1.039	1.032
$1000 TO 1149	1.032	1.024
$1150 PLUS	1.026	1.024

PMSA LOWELL, MA-NH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 320	1.113	1.116
$ 320 TO 389	1.108	1.110
$ 390 TO 449	1.102	1.093
$ 450 TO 519	1.097	1.089
$ 520 TO 579	1.091	1.075
$ 580 TO 639	1.086	1.075
$ 640 TO 769	1.075	1.061
$ 770 TO 899	1.064	1.034
$ 900 TO 1029	1.053	1.034
$1030 PLUS	1.042	1.033

PMSA MIAMI-HIALEAH, FL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 280	1.029	1.040
$ 280 TO 339	1.028	1.040
$ 340 TO 399	1.026	1.035
$ 400 TO 459	1.025	1.033
$ 460 TO 509	1.023	1.031
$ 510 TO 569	1.022	1.030
$ 570 TO 679	1.019	1.027
$ 680 TO 799	1 016	1.022
$ 800 TO 909	1.014	1.020
$ 910 PLUS	1.011	1.020

PMSA MIDDLESEX-SOMERSET-HUNTERDON, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 370	1.084	1.088
$ 370 TO 449	1.080	1.083
$ 450 TO 519	1.076	1.078
$ 520 TO 599	1.072	1.068
$ 600 TO 669	1.068	1.057
$ 670 TO 739	1.064	1.057
$ 740 TO 889	1.056	1.047
$ 890 TO 1039	1.048	1.027
$1040 TO 1189	1.040	1.027
$1190 PLUS	1.031	1.027

PMSA MILWAUKEE, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 240	1.040	1.050
$ 240 TO 279	1.038	1.046
$ 280 TO 329	1.036	1.046
$ 330 TO 379	1.034	1.037
$ 380 TO 419	1.032	1.037
$ 420 TO 469	1.030	1.031
$ 470 TO 569	1.026	1.027
$ 570 TO 659	1.023	1.021
$ 660 TO 749	1.019	1.021
$ 750 PLUS	1.015	1.021

MSA MINNEAPOLIS-ST PAUL, MN-WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 270	1.031	1.037
$ 270 TO 329	1.029	1.037
$ 330 TO 379	1.028	1.034
$ 380 TO 429	1.026	1.032
$ 430 TO 489	1.025	1.026
$ 490 TO 539	1.023	1.023
$ 540 TO 649	1.020	1.023
$ 650 TO 759	1.017	1.016
$ 760 TO 869	1.014	1.015
$ 870 PLUS	1.011	1.015

PMSA MONMOUTH-OCEAN, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 330	1.084	1.088
$ 330 TO 399	1.080	1.082
$ 400 TO 469	1.076	1.078
$ 470 TO 539	1.072	1.067
$ 540 TO 599	1.068	1.058
$ 600 TO 669	1.064	1.057
$ 670 TO 799	1.056	1.048
$ 800 TO 939	1.048	1.028
$ 940 TO 1069	1.040	1.027
$1070 PLUS	1.031	1.027

PMSA NASHUA, NH

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 340	1.113	1.115
$ 340 TO 409	1.108	1.104
$ 410 TO 469	1.102	1.093
$ 470 TO 539	1.097	1.087
$ 540 TO 609	1.091	1.075
$ 610 TO 679	1.086	1.060
$ 680 TO 809	1.075	1.060
$ 810 TO 949	1.064	1.033
$ 950 TO 1089	1.053	1.032
$1090 PLUS	1.042	1.032

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

PMSA NASSAU-SUFFOLK, NY

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 400	1.084	1.088
$ 400 TO 469	1.080	1.083
$ 470 TO 549	1.076	1.076
$ 550 TO 629	1.072	1.066
$ 630 TO 709	1.068	1.057
$ 710 TO 789	1.064	1.057
$ 790 TO 949	1.056	1.047
$ 950 TO 1109	1.048	1.038
$1110 TO 1269	1.040	1.028
$1270 PLUS	1.031	1.028

PMSA NEW YORK, NY

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 300	1.084	1.089
$ 300 TO 359	1.080	1.082
$ 360 TO 419	1.076	1.077
$ 420 TO 479	1.072	1.067
$ 480 TO 539	1.068	1.057
$ 540 TO 589	1.064	1.057
$ 590 TO 709	1.056	1.048
$ 710 TO 829	1.048	1.038
$ 830 TO 949	1.040	1.027
$ 950 PLUS	1.031	1.027

PMSA NEWARK, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 330	1.084	1.088
$ 330 TO 399	1.080	1.082
$ 400 TO 469	1.076	1.074
$ 470 TO 529	1.072	1.068
$ 530 TO 599	1.068	1.057
$ 600 TO 669	1.064	1.057
$ 670 TO 799	1.056	1.048
$ 800 TO 929	1.048	1.038
$ 930 TO 1069	1.040	1.027
$1070 PLUS	1.031	1.027

PMSA NIAGARA FALLS, NY

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 210	1.063	1.070
$ 210 TO 259	1.060	1.064
$ 260 TO 299	1.057	1.061
$ 300 TO 339	1.054	1.056
$ 340 TO 389	1.051	1.047
$ 390 TO 429	1.048	1.039
$ 430 TO 509	1.042	1.032
$ 510 TO 599	1.036	1.023
$ 600 TO 689	1.029	1.023
$ 690 PLUS	1.023	1.023

PMSA NORWALK, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 370	1.084	1.090
$ 370 TO 439	1.080	1.079
$ 440 TO 509	1.076	1.074
$ 510 TO 589	1.072	1.069
$ 590 TO 659	1.068	1.059
$ 660 TO 729	1.064	1.047
$ 730 TO 879	1.056	1.037
$ 880 TO 1029	1.048	1.026
$1030 TO 1169	1.040	1.026
$1170 PLUS	1.031	1.026

PMSA OAKLAND, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 370	1.057	1.060
$ 370 TO 439	1.054	1.054
$ 440 TO 519	1.051	1.052
$ 520 TO 589	1.048	1.047
$ 590 TO 659	1.046	1.038
$ 660 TO 739	1.043	1.038
$ 740 TO 889	1.038	1.033
$ 890 TO 1029	1.032	1.027
$1030 TO 1179	1.027	1.020
$1180 PLUS	1.021	1.020

PMSA ORANGE COUNTY, NY

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 310	1.084	1.089
$ 310 TO 369	1.080	1.082
$ 370 TO 429	1.076	1.075
$ 430 TO 489	1.072	1.067
$ 490 TO 549	1.068	1.058
$ 550 TO 609	1.064	1.057
$ 610 TO 729	1.056	1.046
$ 730 TO 859	1.048	1.038
$ 860 TO 979	1.040	1.028
$ 980 PLUS	1.031	1.028

PMSA OXNARD-VENTURA, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 350	1.069	1.073
$ 350 TO 419	1.066	1.068
$ 420 TO 499	1.062	1.065
$ 500 TO 569	1.059	1.060
$ 570 TO 639	1.056	1.048
$ 640 TO 709	1.052	1.048
$ 710 TO 849	1.046	1.041
$ 850 TO 989	1.039	1.033
$ 990 TO 1129	1.032	1.025
$1130 PLUS	1.026	1.024

PMSA PHILADELPHIA, PA-NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 280	1.080	1.078
$ 280 TO 329	1.076	1.072
$ 330 TO 389	1.072	1.067
$ 390 TO 449	1.068	1.052
$ 450 TO 499	1.064	1.052
$ 500 TO 559	1.060	1.042
$ 560 TO 669	1.053	1.031
$ 670 TO 779	1.045	1.021
$ 780 TO 889	1.037	1.021
$ 890 PLUS	1.030	1.021

PMSA PITTSBURGH, PA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 200	1.055	1.039
$ 200 TO 239	1.052	1.036
$ 240 TO 279	1.050	1.031
$ 280 TO 319	1.047	1.023
$ 320 TO 359	1.044	1.018
$ 360 TO 399	1.042	1.013
$ 400 TO 479	1.037	1.000
$ 480 TO 549	1.031	1.000
$ 550 TO 629	1.026	1.000
$ 630 PLUS	1.021	1.000

PMSA PORTLAND, OR

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 240	1.058	1.065
$ 240 TO 289	1.055	1.060
$ 290 TO 329	1.053	1.058
$ 330 TO 379	1.050	1.054
$ 380 TO 429	1.047	1.044
$ 430 TO 479	1.044	1.044
$ 480 TO 569	1.039	1.038
$ 570 TO 669	1.033	1.032
$ 670 TO 759	1.027	1.025
$ 760 PLUS	1.022	1.025

PMSA RACINE, WI

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.040	1.051
$ 220 TO 269	1.038	1.049
$ 270 TO 309	1.036	1.045
$ 310 TO 359	1.034	1.036
$ 360 TO 399	1.032	1.036
$ 400 TO 449	1.030	1.031
$ 450 TO 539	1.026	1.026
$ 540 TO 629	1.023	1.021
$ 630 TO 709	1.019	1.021
$ 710 PLUS	1.015	1.021

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

PMSA RIVERSIDE-SAN BERNARDINO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 290	1.069	1.073
$ 290 TO 349	1 066	1.069
$ 350 TO 409	1 062	1.063
$ 410 TO 459	1.059	1.060
$ 460 TO 519	1.056	1.049
$ 520 TO 579	1.052	1.047
$ 580 TO 689	1.046	1.041
$ 690 TO 809	1.039	1.032
$ 810 TO 929	1.032	1.024
$ 930 PLUS	1.026	1.024

MSA SAN DIEGO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 330	1.043	1.054
$ 330 TO 399	1.041	1.049
$ 400 TO 469	1.039	1.048
$ 470 TO 529	1.037	1.046
$ 530 TO 599	1.035	1.042
$ 600 TO 669	1.033	1.039
$ 670 TO 799	1.028	1.033
$ 800 TO 939	1.024	1.029
$ 940 TO 1069	1.020	1.023
$1070 PLUS	1.016	1.023

PMSA SANTA CRUZ, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 400	1.057	1.061
$ 400 TO 479	1.054	1.055
$ 480 TO 549	1.051	1.052
$ 550 TO 629	1 048	1.049
$ 630 TO 709	1,046	1,039
$ 710 TO 789	1,043	1,039
$ 790 TO 949	1.038	1.033
$ 950 TO 1109	1,032	1.026
$1110 TO 1269	1,027	1.019
$1270 PLUS	1,021	1,019

PMSA STAMFORD, CT

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 440	1.084	1,089
$ 440 TO 529	1.080	1.080
$ 530 TO 619	1,076	1.073
$ 620 TO 709	1.072	1.068
$ 710 TO 799	1,068	1,058
$ 800 TO 879	1.064	1,046
$ 880 TO 1059	1,056	1,037
$1060 TO 1239	1,048	1,026
$1240 TO 1419	1.040	1,026
$1420 PLUS	1.031	1,026

PMSA ST. LOUIS, MO-IL

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 230	1.049	1.043
$ 230 TO 269	1.047	1.040
$ 270 TO 319	1.044	1.034
$ 320 TO 359	1.042	1.024
$ 360 TO 409	1.040	1.024
$ 410 TO 449	1.037	1.021
$ 450 TO 539	1.032	1.012
$ 540 TO 629	1.028	1.007
$ 630 TO 729	1.023	1.006
$ 730 PLUS	1.018	1.006

PMSA SAN FRANCISCO, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 440	1.057	1.058
$ 440 TO 529	1.054	1.056
$ 530 TO 619	1.051	1.054
$ 620 TO 709	1.048	1.050
$ 710 TO 799	1.046	1.040
$ 800 TO 889	1.043	1.039
$ 890 TO 1069	1.038	1.033
$1070 TO 1249	1.032	1.027
$1250 TO 1419	1.027	1.020
$1420 PLUS	1.021	1.020

PMSA SANTA ROSA-PETALUMA, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 350	1.057	1.060
$ 350 TO 419	1.054	1.057
$ 420 TO 489	1.051	1.053
$ 490 TO 559	1.048	1.050
$ 560 TO 629	1.046	1.039
$ 630 TO 699	1.043	1.039
$ 700 TO 839	1.038	1.034
$ 840 TO 979	1.032	1.026
$ 980 TO 1119	1.027	1.020
$1120 PLUS	1.021	1.019

PMSA TACOMA, WA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 220	1.050	1.055
$ 220 TO 259	1.048	1.054
$ 260 TO 299	1.046	1.050
$ 300 TO 349	1.043	1.046
$ 350 TO 389	1.041	1.041
$ 390 TO 429	1.038	1.039
$ 430 TO 519	1,033	1.034
$ 520 TO 609	1,029	1.028
$ 610 TO 689	1.024	1.022
$ 690 PLUS	1.019	1.022

PMSA SALEM-GLOUCESTER, MA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 360	1.113	1.114
$ 360 TO 429	1.108	1.109
$ 430 TO 499	1.102	1.095
$ 500 TO 569	1.097	1.088
$ 570 TO 639	1.091	1.074
$ 640 TO 719	1.086	1.074
$ 720 TO 859	1.075	1.061
$ 860 TO 999	1.064	1.033
$1000 TO 1139	1.053	1.033
$1140 PLUS	1.042	1.033

PMSA SAN JOSE, CA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 440	1.057	1.058
$ 440 TO 529	1.054	1.056
$ 530 TO 619	1.051	1.054
$ 620 TO 699	1.048	1.048
$ 700 TO 789	1.046	1.040
$ 790 TO 879	1.043	1.040
$ 880 TO 1059	1.038	1.034
$1060 TO 1229	1.032	1.027
$1230 TO 1409	1.027	1.020
$1410 PLUS	1.021	1.020

PMSA SEATTLE, WA

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 260	1.050	1.055
$ 260 TO 309	1.048	1.053
$ 310 TO 359	1.046	1.051
$ 360 TO 409	1.043	1.044
$ 410 TO 459	1.041	1.039
$ 460 TO 509	1.038	1.039
$ 510 TO 609	1.033	1.034
$ 610 TO 719	1.029	1.029
$ 720 TO 819	1.024	1.022
$ 820 PLUS	1.019	1.021

PMSA TRENTON, NJ

	HIGHEST COST UTILITY INCLUDED	HIGHEST COST UTILITY EXCLUDED
UNDER $ 340	1.080	1.082
$ 340 TO 409	1.076	1.072
$ 410 TO 479	1.072	1.065
$ 480 TO 549	1.068	1.062
$ 550 TO 609	1.064	1.052
$ 610 TO 679	1.060	1.042
$ 680 TO 819	1.053	1.032
$ 820 TO 959	1.045	1.022
$ 960 TO 1089	1.037	1.022
$1090 PLUS	1.030	1.022

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - BY RENT RANGE

PREPARED ON 110290

PMSA VALLEJO-FAIRFIELD-NAPA, CA

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 300	1.057	1.059
$ 300 TO 359	1.054	1.058
$ 360 TO 429	1.051	1.051
$ 430 TO 489	1.048	1.050
$ 490 TO 549	1.046	1.040
$ 550 TO 609	1.043	1.040
$ 610 TO 729	1.038	1.033
$ 730 TO 849	1.032	1.027
$ 850 TO 969	1.027	1.020
$ 970 PLUS	1.021	1.019

PMSA VANCOUVER, WA

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 220	1.058	1.065
$ 220 TO 259	1.055	1.063
$ 260 TO 309	1.053	1.060
$ 310 TO 349	1.050	1.052
$ 350 TO 389	1.047	1.046
$ 390 TO 439	1.044	1.046
$ 440 TO 519	1.039	1.040
$ 520 TO 609	1.033	1.032
$ 610 TO 699	1.027	1.026
$ 700 PLUS	1.022	1.026

PMSA VINELAND-MILLVILLE-BRIDGETON, NJ

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 270	1.080	1.083
$ 270 TO 329	1.076	1.073
$ 330 TO 379	1.072	1.068
$ 380 TO 439	1.068	1.061
$ 440 TO 489	1.064	1.052
$ 490 TO 549	1.060	1.042
$ 550 TO 659	1.053	1.033
$ 660 TO 769	1.045	1.022
$ 770 TO 869	1.037	1.022
$ 870 PLUS	1.030	1.022

MSA WASHINGTON, DC MD-VA

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 350	1.080	1.079
$ 350 TO 419	1.076	1.075
$ 420 TO 489	1.072	1.070
$ 490 TO 559	1.068	1.061
$ 560 TO 629	1.064	1.052
$ 630 TO 699	1.060	1.052
$ 700 TO 839	1.053	1.042
$ 840 TO 979	1.045	1.034
$ 980 TO 1119	1.037	1.024
$1120 PLUS	1.030	1.024

COUNTY WESTCHESTER, NY

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 350	1.084	1.087
$ 350 TO 429	1.080	1.082
$ 430 TO 499	1.076	1.077
$ 500 TO 569	1.072	1.067
$ 570 TO 639	1.068	1.058
$ 640 TO 709	1.064	1.056
$ 710 TO 849	1.056	1.047
$ 850 TO 989	1.048	1.038
$ 990 TO 1129	1.040	1.027
$1130 PLUS	1.031	1.027

PMSA WILMINGTON, DE-NJ-MD

	HIGHEST COST UTILITY INCLUDED	EXCLUDED
UNDER $ 280	1.080	1.080
$ 280 TO 339	1.076	1.074
$ 340 TO 399	1.072	1.062
$ 400 TO 449	1.068	1.052
$ 450 TO 509	1.064	1.040
$ 510 TO 569	1.060	1.040
$ 570 TO 679	1.053	1.030
$ 680 TO 789	1.045	1.019
$ 790 TO 909	1.037	1.019
$ 910 PLUS	1.030	1.019

SCHEDULE C - ANNUAL ADJUSTMENT FACTORS, SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAMS - FOR MANUFACTURED HOME SPACE

PREPARED ON 110290

AREA	FACTOR
NORTH EAST CENSUS REGION	1.056
SOUTH CENSUS REGION	1.026
STATE HAWAII	1.077
PMSA ANAHEIM-SANTA ANA, CA	1.047
PMSA ANN ARBOR, MI	1.030
PMSA AURORA-ELGIN, IL	1.049
PMSA BEAVER COUNTY, PA	1.022
PMSA BOSTON, MA	1.073
PMSA BRAZORIA, TX	1.034
PMSA BROCKTON, MA	1.073
PMSA CHICAGO, IL	1.049
PMSA CLEVELAND, OH	1.023
PMSA DANBURY, CT	1.057
PMSA DETROIT, MI	1.030
PMSA FORT WORTH-ARLINGTON, TX	.997
PMSA GARY-HAMMOND, IN	1.049
PMSA HOUSTON, TX	1.034
PMSA JOLIET, IL	1.049
PMSA KENOSHA, WI	1.049
PMSA LAWRENCE-HAVERHILL, MA-NH	1.073
PMSA LOS ANGELES-LONG BEACH, CA	1.047
PMSA MIAMI-HIALEAH, FL	1.030
PMSA MILWAUKEE, WI	1.037
PMSA MONMOUTH-OCEAN, NJ	1.057
PMSA NASSAU-SUFFOLK, NY	1.056
PMSA NEWARK, NJ	1.057
PMSA NORWALK, CT	1.057
PMSA ORANGE COUNTY, NY	1.056
PMSA PHILADELPHIA, PA-NJ	1.051
PMSA PORTLAND, OR	1.045
PMSA RIVERSIDE-SAN BERNARDINO, CA	1.047
PMSA SALEM-GLOUCESTER, MA	1.073
PMSA SAN FRANCISCO, CA	1.039
PMSA SANTA CRUZ, CA	1.039
PMSA SEATTLE, WA	1.039
PMSA TACOMA, WA	1.039
PMSA VALLEJO-FAIRFIELD-NAPA, CA	1.039
PMSA VINELAND-MILLVILLE-BRIDGETON, NJ	1.051
COUNTY WESTCHESTER, NY	1.057

AREA	FACTOR
MIDWEST CENSUS REGION	1.034
WEST CENSUS REGION	1.037
PMSA AKRON, OH	1.023
MSA ANCHORAGE, AK	.987
MSA ATLANTA, GA	1.015
MSA BALTIMORE, MD	1.042
PMSA BERGEN-PASSAIC, NJ	1.056
PMSA BOULDER-LONGMONT, CO	.989
PMSA BRIDGEPORT-MILFORD, CT	1.057
PMSA BUFFALO, NY	1.048
PMSA CINCINNATI, OH-KY-IN	1.043
PMSA DALLAS, TX	.997
PMSA DENVER, CO	.989
PMSA FORT LAUDERDALE-HOLLYWOOD-POMPANO BEAC	1.030
PMSA GALVESTON-TEXAS CITY, TX	1.034
PMSA HAMILTON-MIDDLETOWN, OH	1.043
PMSA JERSEY CITY, NJ	1.057
MSA KANSAS CITY, MO-KS	1.005
PMSA LAKE COUNTY, IL	1.049
PMSA LORAIN-ELYRIA, OH	1.023
PMSA LOWELL, MA-NH	1.073
PMSA MIDDLESEX-SOMERSET-HUNTERDON, NJ	1.057
MSA MINNEAPOLIS-ST. PAUL, MN-WI	1.027
PMSA NASHUA, NH	1.073
PMSA NEW YORK, NY	1.056
PMSA NIAGARA FALLS, NY	1.048
PMSA OAKLAND, CA	1.039
PMSA OXNARD-VENTURA, CA	1.047
PMSA PITTSBURGH, PA	1.022
PMSA RACINE, WI	1.037
PMSA ST. LOUIS, MO-IL	1.025
MSA SAN DIEGO, CA	1.037
PMSA SAN JOSE, CA	1.039
PMSA SANTA ROSA-PETALUMA, CA	1.039
PMSA STAMFORD, CT	1.057
PMSA TRENTON, NJ	1.051
PMSA VANCOUVER, WA	1.045
MSA WASHINGTON, DC-MD-VA	1.051
PMSA WILMINGTON, DE-NJ-MD	1.051

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF REGIONS

AREA TITLE	DEFINITION
NORTHEAST CENSUS REGION	Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont
MIDWEST CENSUS REGION	Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin
SOUTH CENSUS REGION	Alabama, Arkansas, Delaware, Dist. Of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Puerto Rico, Virgin Islands
WEST CENSUS REGION	Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Guam, Trust Territories

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF METROPOLITAN AREAS

MSA/PMSA	DEFINITION
Akron, Oh	COUNTY(IES) Portage, Summit Oh
Anaheim-Santa Ana, Ca	COUNTY(IES) Orange Ca
Anchorage, Ak	BOROUGH(IES) Anchorage Ak
Ann Arbor, Mi	COUNTY(IES) Washtenaw Mi
Atlanta, Ga	COUNTY(IES) Barrow, Butts, Cherokee, Clayton, Cobb, Coweta, De Kalb, Douglas, Fayette, Forsyth, Fulton, Gwinnett, Henry, Newton, Paulding, Rockdale, Spalding, Walton Ga
Aurora-Elgin, Il	COUNTY(IES) Kane, Kendall Il
Baltimore, Md	COUNTY(IES) Anne Arundel, Baltimore, Carroll, Harford, Howard, Queen Annes, Baltimore Ct Md
Beaver County, Pa	COUNTY(IES) Beaver Pa
Bergen-Passaic, Nj	COUNTY(IES) Bergen, Passaic Nj
Boston, Ma	COUNTY Bristol, Ma (PART): TOWNS OF Mansfield, Norton, Raynham COUNTY Essex, Ma (PART): TOWNS OF Lynn, Lynnfield, Nahant, Saugus COUNTY Middlesex, Ma (PART): TOWNS OF Acton, Arlington, Ashland, Ayer, Bedford, Belmont, Boxborough, Burlington, Cambridge, Carlisle, Concord, Everett, Framingham, Groton, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Littleton, Malden, Marlborough, Maynard, Medford, Melrose, Natick, Newton, North Readin, Reading, Sherborn, Shirley, Somerville, Stoneham, Stow, Sudbury; Townsend, Wakefield, Waltham, Watertown, Wayland, Weston, Wilmington, Winchester, Woburn COUNTY Norfolk, Ma (PART): TOWNS OF Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxborough, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Quincy, Randolph, Sharon, Stoughton, Walpole, Wellesley, Westwood, Weymouth, Wrentham COUNTY Plymouth, Ma (PART): TOWNS OF Carver, Duxbury, Hanover, Hanson, Hingham, Hull, Kingston, Lakeville, Marshfield, Middleboroug, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate COUNTY Suffolk, Ma (PART): TOWNS OF Boston, Chelsea, Revere, Winthrop COUNTY Worcester, Ma (PART): TOWNS OF Berlin, Bolton, Harvard, Hopedale, Lancaster, Mendon, Milford, Southborough, Upton

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF METROPOLITAN AREAS

MSA/PMSA	DEFINITION
Boulder-Longmont, Co	COUNTY(IES) Boulder Co
Brazoria, Tx	COUNTY(IES) Brazoria Tx
Bridgeport-Milford, Ct	COUNTY Fairfield, Ct (PART): TOWNS OF Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull COUNTY New Haven, Ct (PART): TOWNS OF Ansonia, Beacon Falls, Derby, Milford, Oxford, Seymour
Brockton, Ma	COUNTY Bristol, Ma (PART): TOWNS OF Easton COUNTY Norfolk, Ma (PART): TOWNS OF Avon COUNTY Plymouth, Ma (PART): TOWNS OF Abington, Bridgewater, Brockton, East Bridgew, Halifax, West Bridgew, Whitman
Buffalo, Ny	COUNTY(IES) Erie Ny
Chicago, Il	COUNTY(IES) Cook, Du Page, Mchenry Il
Cincinnati, Oh-Ky-In	COUNTY(IES) Dearborn In; Boone, Campbell, Kenton Ky; Clermont, Hamilton, Warren Oh
Cleveland, Oh	COUNTY(IES) Cuyahoga, Geauga, Lake, Medina Oh
Dallas, Tx	COUNTY(IES) Collin, Dallas, Denton, Ellis, Kaufman, Rockwall Tx
Danbury, Ct	COUNTY Fairfield, Ct (PART): TOWNS OF Bethel, Brookfield, Danbury, New Fairfiel, Newtown, Redding, Ridgefield, Sherman COUNTY Litchfield, Ct (PART): TOWNS OF Bridgewater, New Milford
Denver, Co	COUNTY(IES) Adams, Arapahoe, Denver, Douglas, Jefferson Co
Detroit, Mi	COUNTY(IES) Lapeer, Livingston, Macomb, Monroe, Oakland, St Clair, Wayne Mi
Fort Lauderdale-Hollywood-Pompano Beach, Fl	COUNTY(IES) Broward Fl
Fort Worth-Arlington, Tx	COUNTY(IES) Johnson, Parker, Tarrant Tx
Galveston-Texas City, Tx	COUNTY(IES) Galveston Tx
Gary-Hammond, In	COUNTY(IES) Lake, Porter In
Hamilton-Middletown, Oh	COUNTY(IES) Butler Oh
Houston, Tx	COUNTY(IES) Fort Bend, Harris, Liberty, Montgomery, Waller Tx
Jersey City, Nj	COUNTY(IES) Hudson Nj
Joliet, Il	COUNTY(IES) Grundy, Will Il
Kansas City, Mo-Ks	COUNTY(IES) Johnson, Leavenworth, Miami, Wyandotte Ks; Cass, Clay, Jackson, Lafayette, Platte, Ray Mo
Kenosha, Wi	COUNTY(IES) Kenosha Wi
Lake County, Il	COUNTY(IES) Lake Il

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF METROPOLITAN AREAS

MSA/PMSA	DEFINITION
Lawrence-Haverhill, Ma-Nh	COUNTY Essex, Ma (PART): TOWNS OF Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, Newbury, Newburyport, North Andove, Salisbury, West Newbury COUNTY Rockingham, Nh (PART): TOWNS OF Atkinson, Brentwood, Danville, Derry, East Kingsto, Hampstead, Kingston, Newton Plaistow, Salem, Sandown, Seabrook, Windham
Lorain-Elyria, Oh.	COUNTY(IES) Lorain Oh
Los Angeles-Long Beach, Ca	COUNTY(IES) Los Angeles Ca
Lowell, Ma Nh	COUNTY Middlesex, Ma (PART): TOWNS OF Billerica, Chelmsford, Dracut, Dunstable, Lowell, Pepperell, Tewksbury, Tyngsborough, Westford COUNTY Hillsborough, Nh (PART): TOWNS OF Pelham
Miami-Hialeah, Fl	COUNTY(IES) Dade Fl
Middlesex-Somerset Hunterdon, Nj	COUNTY(IES) Hunterdon, Middlesex, Somerset Nj
Milwaukee, Wi	COUNTY(IES) Milwaukee, Ozaukee, Washington, Waukesha Wi
Minneapolis-St. Paul, Mn-Wi	COUNTY(IES) Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Washington, Wright Mn; St Croix Wi
Monmouth-Ocean, Nj	COUNTY(IES) Monmouth, Ocean Nj
Nashua, Nh	COUNTY Hillsborough, Nh (PART): TOWNS OF Amherst, Brookline, Hollis, Hudson, Litchfield, Merrimack, Milford, Mont Vernon, Nashua, Wilton COUNTY Rockingham, Nh (PART): TOWNS OF Londonderry
Nassau-Suffolk, Ny	COUNTY(IES) Nassau, Suffolk Ny
New York, Ny	COUNTY(IES) Bronx, Kings, New York, Putnam, Queens, Richmond, Rockland Ny
Newark, Nj	COUNTY(IES) Essex, Morris, Sussex, Union Nj
Niagara Falls, Ny	COUNTY(IES) Niagara Ny
Norwalk, Ct	COUNTY Fairfield, Ct (PART): TOWNS OF Norwalk, Weston, Westport, Wilton
Oakland, Ca	COUNTY(IES) Alameda, Contra Costa Ca
Orange County, Ny	COUNTY(IES) Orange Ny
Oxnard-Ventura, Ca	COUNTY(IES) Ventura Ca
Philadelphia, Pa-Nj	COUNTY(IES) Burlington, Camden, Gloucester Nj; Bucks, Chester, Delaware, Montgomery, Philadelphia Pa
Pittsburgh, Pa.	COUNTY(IES) Alleghany, Fayette, Washington, Westmoreland Pa
Portland, Or	COUNTY(IES) Clackamas, Multnomah, Washington, Yamhill Or
Racine, Wi	COUNTY(IES) Racine Wi

SCHEDULE C - CONTRACT RENT ANNUAL ADJUSTMENT FACTORS - DEFINITIONS OF METROPOLITAN AREAS

MSA/PMSA	DEFINITION
Riverside-San Bernardino, Ca	COUNTY(IES) Riverside, San Bernadin Ca
St Louis, Mo-Il	COUNTY(IES) Clinton, Jersey, Madison, Monroe, St Clair Il; Franklin, Jefferson, St Charles, St Louis, St Louiscity Mo
Salem-Gloucester, Ma	COUNTY Essex, Ma (PART): TOWNS OF Beverly, Danvers, Essex, Gloucester, Hamilton, Ipswich, Manchester, Marblehead, Middleton, Peabody, Rockport, Rowley, Salem, Swampscott, Topsfield, Wenham
San Diego, Ca	COUNTY(IES) San Diego Ca
San Francisco, Ca	COUNTY(IES) Marin, San Francisc, San Mateo Ca
San Jose, Ca	COUNTY(IES) Santa Clara Ca
Santa Cruz, Ca	COUNTY(IES) Santa Cruz Ca
Santa Rosa-Petaluma, Ca	COUNTY(IES) Sonoma Ca
Seattle, Wa	COUNTY(IES) King, Snohomish Wa
Stamford, Ct	COUNTY Fairfield, Ct (PART): TOWNS OF Darien, Greenwich, New Canaan, Stamford
Tacoma, Wa	COUNTY(IES) Pierce Wa
Trenton, Nj	COUNTY(IES) Mercer Nj
Vallejo-Fairfield-Napa, Ca	COUNTY(IES) Napa, Solano Ca
Vancouver, Wa	COUNTY(IES) Clark Wa
Vineland-Millville-Bridgeton, Nj	COUNTY(IES) Cumberland Nj
Washington, Dc-Md-Va	COUNTY(IES) Washington Dc; Calvert, Charles, Frederick, -columbia(u), Montgomery, Prince Georg Md; Arlington, Fairfax, Loudoun, Princewillia, Stafford, Alexandria, Fairfax City, Falls Church, Manassas, Manassas Prk Va
Wilmington, De-Nj-Md	COUNTY(IES) New Castle De; Cecil Md; Salem Nj

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BILLING CODE 4210-27-C

federal register

Tuesday
December 18, 1990

Part IV

Environmental Protection Agency

Financial Assistance Program Eligible for Review; Notice of Availability and Review

ENVIRONMENTAL PROTECTION AGENCY

[OIRM-FR-3870-6]

Financial Assistance Program Eligible for Review

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability and review.

SUMMARY: The Environmental Protection Agency's (EPA) Office of Information Resources Management (OIRM) is announcing the availability of a new financial assistance program (66.925), "State/EPA Data Management Financial Assistance Program," to support the development of innovative projects for the State/EPA Data Management Program. The intent of this assistance is to improve State and local environmental data management programs. The grants and cooperative agreements are authorized under the authority of the Clean Water Act (CWA), section 104(b)(3), the Safe Drinking Water Act (SDWA), section 1442, the Clean Air Act (CAA), section 103(b)(3), the Toxic Substances Control Act (TSCA), section 10, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), section 20, the Solid Waste Disposal Act (SWDA), section 8001, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), section 311. Funds are available beginning in fiscal year 1991 for projects in States (including eligible United States territories and possessions), local governments, Federally recognized Indian Tribes, universities and colleges.

DATES: For fiscal year 1991 funding, completed application packages are due at the appropriate EPA Regional Office by April 30, 1991. For funding of new awards in fiscal years beyond fiscal year 1991, applications must be submitted according to the dates established by the EPA Regional Offices. Consult the appropriate EPA Regional Office for details.

FOR FURTHER INFORMATION CONTACT: Michele Zenon, National State/EPA Data Management Program Manager, Information Management and Services Division, Office of Information Resources Management (PM-211D), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 382-5913, or the EPA Regional Contacts listed below in "**SUPPLEMENTARY INFORMATION.**"

SUPPLEMENTARY INFORMATION: Environmental protection depends on effectively managing, interpreting and presenting vast amounts of data. To meet these challenges, EPA recognizes that it must be responsive to State and local governments that collect most environmental data and make most environmental protection decisions. The Agency's State/EPA Data Management (SEDM) Program, with its associated financial assistance program, represents one of EPA's responses to this challenge. The SEDM Program is implemented through the EPA Regional Offices under the guidance of the Office of Information Resources Management (OIRM) in EPA Headquarters. It is divided into two phases—Phase I: Data Sharing; and Phase II: Data Integration. Phase I seeks to establish a reliable flow of regulatory and compliance data between EPA and the delegated States. Phase II focuses on assisting States and Regions in integrating data across programs and media to maximize environmental results.

The goals of Phase I are to:

- Provide a direct communication link to the States and to the EPA data network;
- Provide States with direct access to data in EPA's national data systems, and
- Establish policy statements on data integrity and protocols.

The goals of Phase II are to:

- Provide the States and EPA with the data, methods and technology required to conduct integrated environmental analyses and to plan and manage cross-media programs, and
- Build effective, long lasting arrangements for sharing data and technology between environmental agencies at all levels of government.

The specific benefits of the SEDM Program include:

- Efficiencies in data collection which will result in significant gains in data handling and routine program operations;
- Enhanced data quality to guide programmatic decisions and support program oversight;
- Improved data integration to more effectively target regulatory and compliance activities on risk reduction, and to enhance the capability to manage for environmental results, and
- A more productive working relationship between EPA and the States to focus on environmental management and minimize data disputes.

This program is of strategic importance to EPA's overall efforts to enhance vital data resources and move toward more productive State and Federal roles in environmental protection.

Beginning in fiscal year 1991, EPA will initiate a "State/EPA Data Management Financial Assistance Program" to support the development of innovative projects for the State/EPA Data Management Program. The main program objectives for these projects are: (1) To build and maintain the infrastructure needed for effective State/EPA data management and sharing; and (2) to integrate data across media and programs so environmental managers can target their efforts on environmental results. Eligible applicants include States (including eligible U.S. territories and possessions), local governments, Federally recognized Indian Tribes, universities and colleges. If an eligible applicant plans to contract with other State and local agencies, counties, universities, and organizations to carry out elements of the work, this fact must be indicated in the application.

It is EPA's intention to consider funding both small data management projects (less than $25,000) as well as larger projects ($50,000 to $100,000). Organizations will be required to contribute at least 5% of the total cost of their project in dollars or in-kind goods/services. The grants and cooperative agreements will be selected and funded by EPA Regional offices. EPA Regional staff will act as project officers on projects awarded within their Region.

Funds that are awarded under this assistance program must be used to support innovative data management activities that address the data and related activities needed in making informed environmental decisions. Projects should reflect comprehensive and coordinated planning, data sharing, data integration, and the necessary steps to implement the project plans. Projects in all stages of development—from established programs to those needing start-up funds—will be eligible for support.

To apply for funds, eligible applicants must submit a complete application package to the appropriate EPA Regional grants management office:

EPA Region I (CT, MA, ME, NH, RI, VT)

Planning Analysis and Grants Branch, Grants Information and Analysis Section, U.S. EPA—Region I (Room 2203), JFK Federal Building, Boston, MA 02203

EPA Region II (NJ, NY, PR, VI)

Grants Administration Branch, U.S. EPA—Region II (2GRA), Jacob K. Javitz Federal Building, 26 Federal Plaza, New York, NY 10278

EPA Region III (DC, DE, MD, PA, VA, WV)

Grants Management and Audit Branch, Grants Management Section, U.S. EPA—Region III (3PM70), 841 Chestnut Building, Philadelphia, PA 19107

EPA Region IV (AL, FL, GA, KY, MS, NC, SC, TN)

Resources Management Branch, Grants and Contracts Administration Section, U.S. EPA—Region IV, 345 Courtland Street N.E., Atlanta, GA 30365

EPA Region V (IL, IN, MI, OH, MN, WI)

Contracts and Grants Branch (5MF), Grants Management Section, U.S. EPA—Region V, 230 South Dearborn Street, Chicago, IL 60604

EPA Region VI (AR, LA, OK, NM, TX)

Assistance Branch (6M-AG), Grants and Audit Section, U.S. EPA—Region VI, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue (Suite 1200), Dallas, TX 75202-2733

EPA Region VII (IA, KS, MO, NE)

Program Integration Branch, Grants Administration Section, U.S. EPA—Region VII (PLMG/PINT), 726 Minnesota Avenue, Kansas City, KS 66101

EPA Region VIII (CO, MT, ND, SD, UT, WY)

Grants Management Branch, U.S. EPA—Region VIII (8PM-ARA), 999 18th Street, Denver, CO 80202-2405

EPA Region IX (AS, AZ, CA, GU, HI, NV)

Policy and Grants Branch, Grants Management Section, U.S. EPA—Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Region X (AK, ID, OR, WA)

Comptroller Branch, Grants Management Section, U.S. EPA—Region X (MD-100), 1200 Sixth Avenue, Seattle, WA 98101

An application kit is available upon request from these offices. The application kit contains all appropriate forms and instructions needed to submit a formal application and an additional guidance document titled "State/EPA Data Management Financial Assistance Program: Guidance for Applicants." The Guidance contains information on the general criteria against which all applications will be evaluated. These general technical evaluation criteria include: appropriateness to the SEDM Program; integrated/multimedia approach; potential benefit; technical soundness; and technology transfer plans. The Regional SEDM Coordinators will act as the point of contact to discuss applicants' proposals and to help them develop a clear and viable project proposal for their formal application. For further information, please contact the EPA Regional SEDM Coordinator in the appropriate Region. Their names and phone numbers are listed below:

EPA Region I (CT, MA, ME, NH, RI, VT)

Chris Diehl, Information Management Branch (PIM-91), U.S. EPA—Region I (Room 2203), JFK Federal Building, Boston, MA 02203, (617) 565-3361

EPA Region II (NJ, NY, PA, VI)

George Nossa, Information Systems Branch, U.S. EPA—Region II, Jacob K. Javitz Federal Building, 26 Federal Plaza, New York, NY 10278, (212) 264-9850

EPA Region III (DC, DE, MD, PA, VA, WV)

Wendy Bartel, Information Resources Management Branch (3PM50), U.S. EPA—Region III, 841 Chestnut Building, Philadelphia, PA 19107, (215) 597-7839

EPA Region IV (AL, FL, GA, KY, MS, NC, SC, TN)

Richard Ferrazzuolo, Information Management Branch, U.S. EPA—Region IV, 345 Courtland Street N.E., Atlanta, GA 30365, (404) 347-2316

EPA Region V (IL, IN, MI, OH, MN, WI)

Dan Werbie, Information Management Branch, U.S. EPA—Region V, 230 South Dearborn Street, Chicago, IL, 60604, (312) 353-1305

EPA Region VI (AR, LA, OK, NM, TX)

Dick Watkins, Information Resources Branch, U.S. EPA—Region VI, First Interstate Bank Tower at Fountain Place, 1445 Ross Avenue (Suite 1200), Dallas, TX 75202, (214) 655-6540

EPA Region VII (IA, KS, MO, NE)

Gordon Gregory, Information Management Branch, U.S. EPA—Region VII (PLMG/INFO), 726 Minnesota Avenue, Kansas City, KS 66101, (913) 551-7520

EPA Region VIII (CO, MT, ND, SD, UT, WY)

Marcella Osterholt, U.S. EPA—Region VIII (8PM-ARA), 999 18th Street, Denver, CO 80202-2405, (303) 293-1505

EPA Region IX (AS, AZ, CA, GU, HI, NV)

Mark Hemry, Information Resources Management Branch, U.S. EPA—Region IX, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1804

Region X (AK, ID, OR, WA)

Jim Peterson, Information Management Branch, U.S. EPA—Region X (MD-103), 1200 Sixth Avenue, Seattle, WA 98101, (206) 442-2977

The State/EPA Data Management Financial Assistance Program is eligible for intergovernmental review under Executive Order 12372. States' Single Point of Contact (SPOC) must notify the following office in writing within thirty days of this publication whether their State's official E.O. 12372 process will review applications in this program: Grants Policy and Procedures Branch, Grants Administration Division (PM-216F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, ATTN: Corinne Allison.

Applicants must contact their State's SPOC for intergovernmental review as early as possible to determine if their applications for this program are subject to the State's official E.O. 12372 process. If subject to their State's E.O. 12372 review process, then the applicant must submit their application or any other materials required by their State to their SPOC for review.

SPOCs should send their official intergovernmental comments on a application to the appropriate EPA Regional grants management office noted above, no later than sixty days after receipt of an application/other required materials for review.

Dated: December 11, 1990.

Charles L. Grizzle,

Assistant Administrator for Administration and Resources Management.

[FR Doc. 90-29550 Filed 12-17-90; 8:45 am]

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federal register

Tuesday
December 18, 1990

Part V

Department of Energy

Office of Fossil Energy

List of Electric and Gas Utilities Covered in 1991; Notice

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket No. FE-R-79-43B]

Electric and Gas Utilities Covered in 1991 and Requirements for State Regulatory Authorities to Notify the Department of Energy

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) require the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility and gas utility to which titles I and III of PURPA apply during such calendar year. The 1991 list is published here as two separate tabulations. Appendix A lists the covered utilities by State and appendix B lists them alphabetically.

Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA, to notify the Secretary of Energy of each electric utility and gas utility on the list for which such State regulatory authority has ratemaking authority. In addition, written comments are requested on the accuracy of the list of electric utilities and gas utilities.

DATES: Notifications by State regulatory authorities and written comments must be received by no later than 4:30 p.m. on February 15, 1991.

ADDRESSES: Notifications and written comments should be forwarded to: Department of Energy, Office of Coal and Electricity, FE-52, 1000 Independence Avenue, SW., room 3F-070, Docket No. FE-R-79-43B, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Steven Mintz, Office of Coal and Electricity, Fossil Energy, Department of Energy, 1000 Independence Avenue, SW., Room 3F-070, FE-52, Washington, DC 20585 Telephone, 202/586-9506.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of PURPA, Public Law 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*), hereinafter referred to as the "Act," the Department of Energy (DOE) is required to publish a list of utilities to which titles I and III of PURPA apply in 1991.

State regulatory authorities are required by the Act cited above to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible authority under the Act.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, or a political subdivision thereof, and any agency or instrumentality, which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency). In the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) of title I requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which title I applies during such calendar year. An electric utility is defined as any person, State agency, or Federal agency that sells electric energy. An electric utility is covered by title I for any calendar year if it had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1991 if it exceeded the threshold in any year from 1976 through 1989.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of title III requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility to which title III applies during such calendar year. A gas utility is defined as any person, State agency, or Federal agency, engaged in the local distribution of natural gas and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by title III if it had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year begining after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1991 if it exceeded the threshold in any year from 1976 through 1989.

In compiling the list published today, the DOE revised the 1990 list (54 FR 53802, December 29, 1989) upon the assumption that all entities included on the 1990 list are properly included on the 1991 list unless the DOE has information to the contrary. In doing this, the DOE took into account information included in public documents regarding entities which exceeded the PURPA thresholds for the first time in 1989. The DOE believes that it will become aware of any errors or omissions in the list published today by means of the comment process called for by this Notice. The DOE will, after consideration of any comment and other information available to the DOE, provide written notice of any further additions or deletions to the list.

II. Notification and Comment Procedures

No later than 4:30 p.m. on February 15, 1991, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Five copies of such notification should be submitted to the address indicated in the "**ADDRESSES**" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. FE-R-79-43B." Such notification should include:

1. A complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority;

2. Legal citations pertaining to the ratemaking authority of the State regulatory authority; and

3. For any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons, including State regulatory authorities, are invited to comment in writing, no later than 4:30 p.m. on February 15, 1991, on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "**ADDRESSES**" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. FE-R-79-43B." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by the DOE will be made available, upon request, for public inspection in the Freedom of Information Reading Room, Room 1E-190, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

III. List of Electric Utilities and Gas Utilities

Appendices A and B contain two different tabulations of the utilities that meet PURPA coverage requirements. As stated above, the inclusion or exclusion of any utility on or from the lists does not affect its legal obligations or those of the responsible State regulatory authority under PURPA.

Appendix A contains a list of utilities which are covered by PURPA. These utilities are grouped by State and by the regulatory authority within each State. Also included in this list are utilities which are covered by PURPA but which are not regulated by the State regulatory authority. This tabulation, including explanatory notes, is based on information provided to the DOE by State regulatory authorities in response to the December 29, 1989, Federal Register notice (54 FR 53802) requiring each State regulatory authority to notify the DOE of each utility on the list over which it has ratemaking authority, public comments received with respect to that notice, and information subsequently made available to the DOE.

The utilities classified in appendix A as not regulated by the State regulatory authority in fact may be regulated by local municipal authorities. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of the State regulatory authority. Therefore, each such municipality is to notify the DOE of each utility on the list over which it has rulemaking authority.

In appendix B, the utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: investor-owned utilities, publicly-owned utilities, and rural cooperatives.

The changes to the 1990 list of electric and gas utilities are as follows:

Additions

Athens Utilities (AL)
Energy North Natural Gas, Inc. (NH)
Hawaii Electric Light Company (HA)
Holston Electric Cooperatives (TN)
Kissimmee Utility Authority (FL)
Maui Electric Company (HA)
Midwest Gas, Division of Iowa Public Service Company (MN)
Morristown Power Systems (TN)
Sequachee Valley Electric Cooperative (TN)
Tupelo Water & Light Department (MS)
United Cities Gas Company (GA)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et seq.*)).

Issued in Washington, DC, on December 12, 1990.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

Appendix A

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in any year from 1976–1989.

All electric utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt-hours in any year from 1976–1989.

State: Alabama

Regulatory Authority: Alabama Public Service Commission.

Gas Utilities

Investor-Owned:
Alabama Gas Corporation
Mobile Gas Service Corporation

Electric Utilities

Investor-Owned:
Alabama Power Company

The following covered utilities within the State of Alabama are not regulated by the Alabama Public Service Commission:

Electric Utilities

Publicly-Owned:
Decatur Electric Department
Dothan Electric Department
Florence Electric Department
Huntsville Utilities
Rural Electric Cooperatives:
Joe Wheeler Electric Membership Corporation
Rural Electric System

State: Alaska

Regulatory Authority: Alaska Public Utilities Commission.

Gas Utilities

Investor-Owned:
Enstar Natural Gas Company

Electric Utilities

Rural Electric Cooperatives:
Chugach Electric Association
Publicly-Owned:
Anchorage Municipal Light & Power Department

State: Arizona

Regulatory Authority: Arizona Corporation Commission.

Gas Utilities

Investor-Owned:
Southern Union Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Arizona Public Service Company
Tucson Electric Power Company
Publicly-Owned:
Trico Electric Cooperative, Inc.
Rural Electric Cooperative:
Duncan Valley Electric Cooperative, Inc.

The following covered utilities within the State of Arizona are not regulated by the Arizona Corporation Commission:

Electric Utilities

Publicly-Owned:
Salt River Project Agricultural Improvement and Power District

State: Arkansas

Regulatory Authority: Arkansas Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Arkansas Western Gas Company
Associated Natural Gas Company, Division of Arkansas Western Gas Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light Company
Empire District Electric Company
Oklahoma Gas And Electric Company
Southwestern Electric Power Company
Rural Electric Cooperative:
First Electric Cooperative Corporation

The following covered utility within the State of Arkansas is not regulated by the Arkansas Public Service Commission:
Publicly-Owned:
North Little Rock Electric Department

State: California

Regulatory Authority: California Public Utilities Commission.

Gas Utilities

Investor-Owned:
Pacific Gas and Electric Company
San Diego Gas and Electric Company
Southern California Gas Company
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Pacific Gas and Electric Company
Pacific Power and Light Company
San Diego Gas and Electric Company
Sierra Pacific Power Company
Southern California Edison Company

The following covered utilities within the State of California are not regulated

by the California Public Utilities Commission:

Electric Utilities

Publicly-Owned:
Anaheim Public Utilities Department
Burbank Public Service Department
Glendale Public Service Department
Imperial Irrigation District
Los Angeles Department of Water and Power
Modesto Irrigation District
Palo Alto Electric Utility
Pasadena Water and Power Department
Riverside Public Utilities
Sacramento Municipal Utility District
Santa Clara Electric Department
Turlock Irrigation District
Vernon Municipal Light Department

Gas Utilities

Publicly-Owned:
Long Beach Gas Department

State: Colorado

Regulatory Authority: Colorado Public Utilities Commission.

Gas Utilities

Investor-Owned:
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
People's Natural Gas Company, Division of Utilicorp United, Inc.
Public Service Company of Colorado
Publicly-Owned:
Colorado Springs Department of Utilities (Jurisdiction only sales to another gas utility)

Electric Utilities

Investor-Owned:
Public Service Company of Colorado Southern Colorado Power Division of Centel

The following covered utilities within the State of Colorado are not regulated by the Colorado Public Utilities Commission:

Gas Utilities

Publicly-Owned:
Colorado Springs Department of Utilities (except sales to another gas utility)

Electric Utilities

Publicly-Owned:
Colorado Springs Department of Utilities
Rural Electric Cooperatives:
Intermountain Rural Association
Moon Lakes Electric Association

State: Connecticut

Regulatory Authority: Connecticut Department of Public Utility Control.

Gas Utilities

Investor-Owned:
Connecticut Light and Power Company
Connecticut Natural Gas Corporation
Southern Connecticut Gas Company

Electric Utilities

Investor-Owned:
Connecticut Light and Power Company
United Illuminating Company
Publicly-Owned:
Groton Public Utilities

State: Delaware

Regulatory Authority: Delaware Public Service Commission.

Gas Utilities

Investor-Owned:
Delmarva Power and Light Company

Electric Utilities

Investor-Owned:
Delmarva Power and Light Company

State: District of Columbia

Regulatory Authority: Public Service Commission of the District of Columbia.

Gas Utilities

Investor-Owned:
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Potomac Electric Power Company

State: Florida

Regulatory Authority: Florida Public Service Commission.

Gas Utilities

Investor-Owned:
City Gas Company of Florida
Peoples Gas System

Electric Utilities

Investor-Owned:
Florida Power and Light Company
Florida Power Company
Gulf Power Company
Tampa Electric Company
Publicly-Owned: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Gainesville Regional Utilities
Jacksonville Electric Company
Kissimmee Utility Authority
Lakeland Department of Electric and Water
Ocala Electric Authority
Orlando Utilities Commission
Tallahassee, City of
Rural Electric Cooperative: The Florida Public Service Commission has rate structure jurisdiction over the following utilities—
Clay Electric Cooperative
Lee County Electric Cooperative
Sumter Electric Cooperative, Inc.
Withlacoochee River Electric Cooperative

State: Georgia

Regulatory Authority: Georgia Public Service Commission.

Gas Utilities

Investor-Owned:
Atlanta Gas Light Company
United Cities Gas Company

Electric Utilities

Investor-Owned:
Georgia Power Company
Savannah Electric and Power Company

The following utilities within the State of Georgia are not regulated by the Georgia Public Service Commission.

Electric Utilities

Publicly-Owned:
Albany Water, Gas & Light Commission
Dalton Water, Light & Sink
Rural Electric Cooperatives:
Douglas County Electric Membership Corporation
Cobb Electric Membership Corporation
Flint Electric Membership Corporation
Jackson Electric Membership Corporation
North Georgia Electric Membership Corporation
Swanee Electric Membership Corporation
Walton Electric Membership Corporation

State: Hawaii

Regulatory Authority: Hawaii Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Hawaii Electric Light Company
Hawaiian Electric Company, Inc.
Maui Electric Company

State: Idaho

Regulatory Authority: Idaho Public Utilities Commission.

Gas Utilities

Investor-Owned:
Intermountain Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:

Idaho Power Company
Pacific Power and Light Company
Utah Power and Light Company
Washington Water Power Company

State: Illinois

Regulatory Authority: Illinois Commerce Commission.

Gas Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Illinois Power Company
Iowa-Illinois Gas and Electric Company
North Shore Gas Company
Northern Illinois Gas Company
Panhandle Easter Pipeline Company
Peoples Gas, Light and Coke Company

Electric Utilities

Investor-Owned:
Central Illinois Light Company
Central Illinois Public Service Company
Commonwealth Edison Company
Illinois Gas Company
Interstate Power Company
Iowa-Illinois Gas and Electric Company
Union Electric Company

The following covered utility within the State of Illinois is not regulated by the Illinois Commerce Commission.

Electric Utilities

Publicly-Owned:
Springfield Water, Light and Power Department

State: Indiana

Regulatory Authority: Indiana Public Service Commission.

Gas Utilities

Investor-Owned:
Indiana Gas Company
Northern Indiana Public Service Company
Southern Indiana Gas and Electric Company
Terre Haute Gas Corporation
Publicly-Owned:
Citizens Gas and Coke Utility

Electric Utilities

Investor-Owned:
Indiana and Michigan Power Company
Indianapolis Power and Light Company
Northern Indiana Public Service Company
Public Service Company of Indiana
Southern Indiana Gas and Electric Company
Publicly-Owned:
Richmond Power and Light

State: Iowa

Regulatory Authority: Iowa Commerce Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
Midwest Gas, Division of Iowa Public Service Company
Midwest Gas, Division of Iowa Southern Utilities Company
Peoples Natural Gas Company, Division of Utilicorp United, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Iowa Electric Light and Power Company
Iowa-Illinois Gas and Electric Company
Iowa Power and Light Company
IPS Electric, Division of Iowa Southern Utilities Company
IPS Electric, Division of Union Electric Company
Publicly-Owned: The Iowa Commerce Commission has service and safety regulation over the following utilities—
Muscatine Power and Water
Omaha Public Power District

State: Kansas

Regulatory Authority: Kansas State Corporation Commission.

Gas Utilities

Investor-Owned:
Anadarko Production Company
Arkansas-Louisiana Gas Company
Gas Service Company
Greeley Gas Company
Kansas-Nebraska Natural Gas Company
Kansas Power and Light Company
Panhandle Eastern Pipeline Company
Peoples Natural Gas Company, Division of Utilicorp United, Inc.
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Kansas Gas and Electric Company
Kansas Power and Electric Company
Southwestern Public Service Company
Western Power Division of Centel
Rural Electric Cooperatives:
Midwest Energy Incorporated

The following covered utility within the State of Kansas is not regulated by the Kansas State Corporation Commission:

Electric Utilities

Publicly-Owned:
Kansas City Board of Public Utilities

State: Kentucky

Regulatory Authority: Kentucky Energy Regulatory Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Kentucky, Inc.
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Western Kentucky Gas Company

Electric Utilities

Investor-Owned:
Kentucky Power Company
Kentucky Utilities Company
Louisville Gas and Electric Company
Union Light, Heat and Power Company
Rural Electric Cooperatives:
Green River Electric Corporation
Henderson-Union Rural Electric Cooperative Corporation

The following covered utilities within the State of Kentucky are not regulated by the Kentucky Energy Regulatory Commission:
Bowling Green Municipal Utilities
Owensboro Municipal Utilities
Pennyrile Rural Electric Cooperative Corporation
Warren Rural Electric Cooperative Corporation
West Kentucky Rural Electric Cooperative Corporation

State: Louisiana

Regulatory Authority: Louisiana Public Service Commission.

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Entex, Inc.
Gulf States Utilities Company
Louisiana Gas Service Company
New Orleans Public Service, Inc. (East and West Bank)
Trans Louisiana Gas Company

Electric Utilities

Investor-Owned:
Arkansas Power and Light
Central Louisiana Electric Company
Gulf States Utilities Company

Louisiana Power and Light Company (West Bank)
New Orleans Public Service, Inc. (East Bank)
Southwestern Electric Power Company
Rural Electric Cooperatives:
Dixie Electric Membership Corporation

The following covered utilities within the State of Louisiana are not regulated by the Louisiana Public Service Commission:

Electric Utilities

Publicly-Owned:
Lafayette Utilities System
Rural Electric Cooperatives:
Southwest Louisiana Electric Membership Corporation

State: Maine

Regulatory Authority: Maine Public Utilities Commission.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Bangor Hydro-Electric Company
Central Maine Power Company

State: Maryland

Regulatory Authority: Maryland Public Service Commission.

Gas Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Washington Gas Light Company

Electric Utilities

Investor-Owned:
Baltimore Gas and Electric Company
Conowingo Power Company
Delmarva Power and Light-Company of Maryland
Potomac Edison Company
Potomac Electric Power Company
Rural Electric Cooperatives:
Southern Maryland Electric Cooperative, Inc.

State: Massachusetts

Regulatory Authority: Massachusetts Department of Public Utilities.

Gas Utilities

Investor-Owned:
Bay State Gas Company
Boston Gas Company
Colonial Gas Energy System
Commonwealth Gas Company

Electric Utilities

Investor-Owned:
Boston Edison Company
Cambridge Electric Light Company
Commonwealth Electric Company
Eastern Electric Company
Western Massachusetts Electric Company

State: Michigan

Regulatory Authority: Michigan Public Service Commission.

Gas Utilities

Investor-Owned:
Consumers Power Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Southeastern Michigan Gas Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Consumers Power Company
Detroit Edison Company
Indiana and Michigan Electric Company
Lake Superior District Power Company
Michigan Power Company
Upper Peninsula Power Company
Wisconsin Electric Power Company
Wisconsin Public Service Corporation

The following covered utilities within the State of Michigan are not regulated by the Michigan Public Service Commission:

Gas Utilities

Investor-Owned:
Battle Creek Gas Company

Electric Utilities

Publicly-Owned:
Lansing Board of Water and Light

State: Minnesota

Regulatory Authority: Minnesota Public Utility Commission.

Gas Utilities

Investor-Owned:
Interstate Power Company
Midwest Gas, division of Iowa Public Service Company
Minnegasco, Inc.
Northern Minnesota Utilities—Division of UtiliCorp United, Inc.
Northern States Power Company
Peoples Natural Gas Company—Division of UtiliCorp United, Inc.

Electric Utilities

Investor-Owned:
Interstate Power Company
Minnesota Power and Light Company
Northern States Power Company
Otter Tail Power Company
Rural Electric Cooperative:
Dakota Electric Association

The following covered utilities within the State of Minnesota are not regulated by the Minnesota Public Service Commission.

Electric Utilities

Publicly-Owned:
Rochester Department of Public Utilities
Rural Electric Cooperatives:
Anoka Electric Cooperative

State: Mississippi

Regulatory Authority: Mississippi Public Service Commission.

Gas Utilities

Investor-Owned:
Entex, Incl.
Mississippi Valley Gas Company

Electric Utilities

Investor-Owned:
Mississippi Power and Light Company
Mississippi Power Company

The following covered utilities within the State of Mississippi are not regulated by the Mississippi Public Service Commission.

Electric Utilities

Rural Electric Cooperatives:
Alcorn County Electric Power Association
Coast Electric Power Association
4-County Electric Power Association
Singing River Electric Power Association
Southern Pine Electric Power Association
Tombigbee Electric Power Association

State: Missouri

Regulatory Authority: Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Associated Natural Gas Company
Gas Service Company
Laclede Gas Company Consolidated
Missouri Public Service Company
Peoples Natural Gas Company Division of Inter-North, Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Kansas City Power and Light Company
Missouri Public Service Company
St. Joseph Light and Power Company
Union Electric Company

The following covered utilities within the State of Missouri are not regulated by Missouri Public Service Commission.

Gas Utilities

Investor-Owned:
Cities Service Gas Company
Publicly-Owned:
Springfield City Utilities

Electric Utilities

Publicly-Owned:
Independence Power and Light Department
Springfield City Utilities

State: Montana

Regulatory Authority: Montana Public Service Commission.

Gas Facilities

Investor-Owned:
Montana-Dakota Utilities Company
Montana Power Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Montana Power Company
Pacific Power and Light Company
Washington Water Power Company

State: Nebraska

Regulatory Authority-Nebraska Public Service Commission.

The Commission does not regulate the rates and service of the gas and electric utilities of the State of Nebraska.

The following covered utilities within the State of Nebraska are not regulated by the Nebraska Public Service Commission.

Electric Utilities

Publicly-Owned:
Lincoln Electric System
Nebraska Public Power District
Omaha Public Power District

Gas Utilities

Investor-Owned:
Gas Service Company
Iowa Electric Light and Power Company
Midwest Gas, division of Iowa Public Service Company
Midwest Gas, division of KN Energy, Inc.
Minnegasco, Inc.
Northwestern Public Service Company
Peoples Natural Gas Company Division of Utilicorp United, Inc.

The governing body of each Nebraska municipality exercises ratemaking jurisdiction over gas utility rates, operations and services provided by a gas utility within its city or town limits. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of the State regulatory authority.

Publicly-Owned:
Metropolitan Utilities District of Omaha

State: Nevada

Regulatory Authority: Nevada Public Service Commission.

Gas Utilities

Investor-Owned:
Southwest Gas Corporation

Electric Utilities

Investor-Owned:
Idaho Power Company
Nevada Power Company
Sierra Pacific Power Company

State: New Hampshire

Regulatory Authority: New Hampshire Public Utilities Commission.

Gas Utilities

Investor-Owned:
EneregyNorth Natural Gas, Inc.

Electric Utilities

Investor-Owned:
Public Service Company of New Hampshire
Rural Electric Cooperatives:
New Hampshire Electric Cooperative, Inc.

State: New Jersey

Regulatory Authority: New Jersey Board of Public Utilities.

Gas Utilities

Investor-Owned:
Elizabethtown Gas Company
New Jersey Natural Gas Company
Public Service Electric and Gas Company
South Jersey Gas Company

Electric Utilities

Investor-Owned:
Atlantic City Electric Company
Jersey Central Power and Light Company
Public Service Electric and Gas Company
Rockland Electric Company

State: New Mexico

Regulatory Authority: New Mexico Public Service Commission.

Gas Utilities

Gas Company of New Mexico

Electric Utilities

Investor-Owned:
El Paso Electric Company
Public Service Company of New Mexico
Southwestern Public Service Company
Texas-New Mexico Power Company
Rural Electric Cooperative:
Duncan Valley Electric Cooperative, Inc.
Lea County Electric Cooperative, Inc.

State: New York

Regulatory Authority: New York Public Service Commission.

Gas Utilities

Investor-Owned:
Brooklyn Union Gas Company
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Long Island Lighting Company
National Fuel Gas Distribution Corporation
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

Electric Utilities

Investor-Owned:
Central Hudson Gas and Electric Corporation
Consolidated Edison Company of New York
Long Island Lighting Company
New York State Electric and Gas Corporation
Niagara Mohawk Power Corporation
Orange and Rockland Utilities
Rochester Gas and Electric Corporation

The following covered utility within the State of New York is not regulated by the New York Public Service Commission:

Electric Utilities

Publicly-Owned:
Power Authority of New York

State: North Carolina

Regulatory Authority: North Carolina Utilities Commission.

Gas Utilities

Investor-Owned:
North Carolina Natural Gas Corporation
Piedmont Natural Gas Company
Public Service Company, Inc. of North Carolina

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
Nantahala Power & Light Company
Virginia Electric and Power Company

The following covered utilities within the State of North Carolina are not regulated by the North Carolina Utilities Commission:

Electric Utilities

Publicly-Owned:
Fayetteville Public Works Commission
Greenville Utilities Commission
High Point Electric Utility Department
Rocky Mount Public Utilities
Wilson Utilities Department
Rural Electric Cooperatives:
Blue Ridge Electric Membership Corp.
Rutherford Electric Membership Corporation

State: North Dakota

Regulatory Authority: North Dakota Public Service Commission.

Gas Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company

Electric Utilities

Investor-Owned:
Montana Dakota Utilities Company
Northern States Power Company
Otter Tail Power Company

State: Ohio

Regulatory Authority: Ohio Public Utilities Commission.

Gas Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Columbia Gas of Ohio, Inc.
Dayton Power and Light Company
East Ohio Gas Company
National Gas and Oil Company
West Ohio Gas Company

Electric Utilities

Investor-Owned:
Cincinnati Gas and Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Dayton Power and Light Company
Monongahela Power Company
Ohio Edison Company
Ohio Power Company
Toledo Edison Company

The following covered utilities within the State of Ohio are not regulated by the Ohio Public Utilities Commission:

Electric Utilities

Publicly-Owned:
Cleveland Division of Light and Power
Rural Electric Cooperative:
South Central Power Company

State: Oklahoma

Regulatory Authority: Oklahoma Corporation Commission

Gas Utilities

Investor-Owned:
Arkansas-Louisiana Gas Company
Arkansas-Oklahoma Gas Corporation
Gas Service Company
Lone Star Gas Company
Oklahoma Natural Gas Company
Southern Union Gas Company
Union Gas System Inc.

Electric Utilities

Investor-Owned:
Empire District Electric Company
Oklahoma Gas and Electric Company
Public Service Company of Oklahoma
Southwestern Public Service Company
Rural Electric Cooperative:
Cotton Electric Cooperative

Gas Utilities

Investor-Owned:
Cities Service Gas Company

State: Oregon

Regulatory Authority: Public Utility Commissioner of Oregon.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company

Electric Utilities

Investor-Owned:
Idaho Power Company
Pacific Power and Light Company
Portland General Electric Company

The following covered utilities within the State of Oregon are not regulated by the Public Utility Commission of Oregon:

Electric Utilities

Publicly-Owned:
Central Lincoln People's Utility District
Clatskanie People's Utility District
Eugene Water and Electric Board
Springfield Utility Board
Rural Electric Cooperatives: Utility
Umatilla Electric Cooperative Association

State: Pennsylvania

Regulatory Authority: Pennsylvania Public Utility Commission.

Gas Utilities

Investor-Owned:
Carnegie Natural Gas Company
Columbia Gas of Pennsylvania, Inc.
Equitable Gas Company
National Fuel Gas Distribution Corporation
North Penn Gas Company
Pennsylvania Gas and Water Company
Peoples Natural Gas Company
Philadelphia Electric Company
T.W. Phillips Gas and Oil Company
UGI Corporation

Electric Utilities

Investor-Owned:
Duquesne Light Company
Metropolitan Edison Company
Pennsylvania Electric Company
Pennsylvania Power Company
Pennsylvania Power and Light Company
Philadelphia Electric Company
UGI—Luzerne Electric Company
West Penn Power Company

The following covered utility within the State of Pennsylvania is not regulated by the Pennsylvania Public Utility Commission:

Gas Utilities

Publicly-Owned:
Philadelphia Gas Works

State: Puerto Rico

Regulatory Authority: Puerto Rico Public Service Commission.

Gas Utilities

None.

Electric Utilities

None.

The following covered utility within Puerto Rico is not regulated by the Puerto Rico Public Service Commission:

Electric Utilities

Publicly-Owned:
Puerto Rico Electric Power Authority

State: Rhode Island

Regulatory Authority: Rhode Island Public Utilities Commission.

Gas Utilities

Investor-Owned:
Providence Gas Company

Electric Utilities

Investor-Owned
Blackstone Valley Electric Company
Narragansett Electric Company

State: South Carolina

Regulatory Authority: South Carolina Public Service Commission.

Gas Utilities

Investor-Owned:
Carolina Pipeline Company
Piedmont Natural Gas Company
South Carolina Electric and Gas Company

Electric Utilities

Investor-Owned:
Carolina Power and Light Company
Duke Power Company
South Carolina Electric and Gas Company

The following covered utilities within the State of South Carolina are not regulated by the South Carolina Public Service Commission.

Electric Utilities

Publicly-Owned:
South Carolina Public Service Authority
Rural Electric Cooperatives:
Berkeley Electric Cooperatives, Inc.
Palmetto Electric Cooperatives, Inc.

State: South Dakota

Regulatory Authority: South Dakota Public Utilities Commission.

Gas Utilities

Investor-Owned:
Midwest Gas, division of Iowa Public Service Company
Minnegasco, Inc.
Montana-Dakota Utilities Company
Northwestern Public Service Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
IPS Electric, division of Iowa Public Service Company
Montana-Dakota Utilities Company
Northern States Power Company
Northwestern Public Service Company
Otter Tail Power Company

The following covered utility within the State of South Dakota is not regulated by the South Dakota Public Service Commission.

Electric Utilities

Publicly-Owned:
Nebraska Public Power District

State: Tennessee

Regulatory Authority: Tennessee Public Service Commission.

Gas Utilities

Investor-Owned:
Chattanooga Gas Company
Nashville Gas Company

Electric Utilities

Investor-Owned:
Kingsport Power Company

The following covered utilities within the State of Tennessee are not regulated by the Tennessee Public Service Commission:

Electric Utilities

Publicly-Owned:
Bristol Tennessee Electric System
Chattanooga Electric Power Board
Clarksville Department of Electricity
Cleveland Utilities
Greeneville Light and Power System
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
Lenoir City Utilities Board
Memphis Light Gas and Water Division
Murfreesboro Electric Department
Nashville Electric Service
Sevier County Electric System
Rural Electric Cooperatives:
Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Cooperative
Gibson County Electric Membership Corporation
Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
Southwest Tennessee Electric Membership Corporation
Tri-County Electric Membership Corporation
Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative

Gas Utilities

Publicly-Owned:
Memphis Light, Gas and Water Division

State: Tennessee

Regulatory Authority: Tennessee Valley Authority.

Gas Utilities

None.

Electric Utilities

Publicly-Owned:
Athens Utilities
Bowling Green Municipal Utilities
Bristol Tennessee Electric System
Chattanooga Electric Power Board
Clarksville Department of Electricity
Cleveland Utilities
Decatur Electric Department
Florence Electric Department
Greeneville Light and Power System
Huntsville Utilities
Jackson Utility Division—Electric Department
Johnson City Power Board
Knoxville Utilities Board
Lenoir City Utilities Board
Memphis Light, Gas and Water Division
Morristown Power System
Murfreesboro Electric Department
Nashville Electric Service
Sevier County Electric System
Tupelo Water & Light Department
Rural Electric Cooperatives:
Alcorn County Electric Company Association
Appalachian Electric Cooperative
Cumberland Electric Membership Corporation
Duck River Electric Membership Corporation
4-County Electric Power Association
Gibson County Electric Membership Corporation
Holston Electric Cooperative
Joe Wheeler Electric Membership Corporation
Meriwether Lewis Electric Cooperative
Middle Tennessee Electric Membership Corporation
North Georgia Electric Membership Corporation
Pennyrile Rural Electric Cooperative Corporation
Sequachee Valley Electric Cooperative
Southwest Tennessee Electric Membership Corporation
Tombigbee Electric Power Association
Tri-County Electric Membership Corporation
Upper Cumberland Electric Membership Corporation
Volunteer Electric Cooperative
Warren Rural Electric Cooperative Corporation
West Kentucky Rural Electric Cooperative Corporation

State: Texas

Regulatory Authority: Texas Public Utility Commission.

Gas Utilities

Investor-Owned:
None.

Electric Utilities

Investor-Owned:
Central Power and Light Company
El Paso Electric Company
Gulf States Utilities Company
Houston Lighting and Power Company
Southwestern Electric Power Company
Southwestern Electric Service Company
Southwestern Public Service Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
West Texas Utilities Company
Publicly-Owned:
Lower Colorado River Authority
Rural Electric Cooperatives:
Bluebonnet Electric Cooperative, Inc.
Guadalupe Valley Electric Cooperative, Inc.
Pedernales Electric Cooperative, Inc.
Sam Houston Electric Cooperative, Inc.

The governing body of each Texas municipality exercises exclusive original jurisdiction over electric utility rates, operations and services provided by an electric utility (whether privately owned or publicly owned), within its city or town limits, unless the municipality has surrendered this jurisdiction to the Texas Public Utility Commission. The Commission hears *de novo* appeals from the decision of such municipalities. These municipal authorities would be State agencies as defined by PURPA, and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The municipally owned electric utilities listed below are not under the commission's original ratemaking jurisdiction.

Electric Utilities

Publicly-Owned:
Austin Electric Department
Garland Electric Department
Lubbock Power and Light
San Antonio City Public Service Board

State: Texas

Regulatory Authority: Railroad Commission of Texas.

Gas Utilities

Investor-Owned:
Atmos Energy Corporation
Entex, Inc.
Lone Star Gas Company, a division of ENSERCH Corp.
Southern Union Company

The governing body of each Texas municipality exercises exclusive original ratemaking jurisdiction over gas utility rates, operations, and services provided by a gas utility within its city or town limits subject to appellate review by the Railroad Commission of Texas. These municipal authorities would be State agencies as defined by PURPA and thus have responsibilities under PURPA identical to those of a State regulatory authority.

The following covered utilities within the State of Texas are not regulated by the Railroad Commission of Texas. (The Railroad Commission's appellate authority does not extend to municipally owned gas utilities.)

Gas Utilities

Public-Owned:
City Public Service Board (San Antonio)

State: Utah

Regulatory Authority: Utah Public Service Commission.

Gas Utilities

Investor-Owned:
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Utah Power and Light Company
Rural Electric Cooperatives:
Atmos Energy Corporation
Moon Lake Electric Association

State: Vermont

Regulatory Authority: Vermont Public Service Board.

Gas Utilities

None.

Electric Utilities

Investor-Owned:
Central Vermont Public Service Corporation
Green Mountain Power Corporation
Public Service Company of New Hampshire.

State: Virginia

Regulatory Authority: Virginia State Corporation Commission.

Gas Utilities

Investor-Owned:
Columbia Gas of Virginia, Inc.
Commonwealth Gas Services, Inc.
Northern Virginia Natural Gas
Virginia Natural Gas

Electric Utilities

Investor-Owned:
Appalachian Power Company
Delmarva Power and Light Company
Old Dominion Power Company
Potomac Edison Company
Virginia Electric and Power Company

Rural Electric Cooperatives

Northern Virginia Electric Cooperative
Rappahannock Electric Cooperative

The following covered utility within the State of Virginia is not regulated by the Virginia State Corporation Commission.

Gas Utilities

Publicly-Owned:
City of Richmond, Virginia, Department of Public Utilities

Electric Utilities

Publicly-Owned:
Danville Water, Gas & Electric

State: Washington

Regulatory Authority: Washington Utilities and Transportation Commission.

Gas Utilities

Investor-Owned:
Cascade Natural Gas Corporation
Northwest Natural Gas Company
Washington Natural Gas Company
Washington Water Power Company

Electric Utilities

Investor-Owned:
Pacific Power and Light Company
Puget Sound Power and Light Company
Washington Water Power Company

The following covered utilities within the State of Washington are not regulated by the Washington Utilities and Transportation Commission.

Electric Utilities

Publicly-Owned:
Port Angeles Light and Water Department
Public Utility District No. 1 of Benton County
Public Utility District No. 1 of Chelan County
Public Utility District No. 1 of Clark County
Public Utility District No. 1 of Cowlitz County
Public Utility District No. 1 of Douglas County
Public Utility District No. 1 of Franklin County
Public Utility District No. 1 of Grant County
Public Utility District No. 1 of Grays County
Public Utility District No. 1 of Lewis County
Public Utility District No. 1 of Snohomish County
Richland Energy Service Department
Seattle City Light Department
Tacoma Public Utilities—Light Division

State: West Virginia

Regulatory Authority: West Virginia Public Service Commission.

Gas Utilities

Investor-Owned:
Equitable Gas Company
Hope Gas Incorporated
Mountaineer Gas Company

Electric Utilities

Investor-Owned:
Appalachian Power Company
Monongahela Power Company
Potomac Edison Company
Wheeling Electric Company

State: Wisconsin

Regulatory Authority: Wisconsin Public Service Commission.

Gas Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Fuel and Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

Electric Utilities

Investor-Owned:
Madison Gas and Electric Company
Northern States Power Company
Wisconsin Electric Power Company
Wisconsin Power and Light Company
Wisconsin Public Service Corporation

State: Wyoming

Regulatory Authority: Wyoming Public Service Commission.

Gas Utilities

Investor-Owned:
Cheyenne Light, Fuel and Power Company
Kansas-Nebraska Natural Gas Company
Montana-Dakota Utilities Company
Mountain Fuel Supply Company

Electric Utilities

Investor-Owned:
Black Hills Power and Light Company
Montana-Dakota Utilities Company
Pacific Power and Light Company
Utah Power and Light Company
Rural Electric Cooperative:
Tri-County Electric Association, Inc.

Appendix B

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt hours in any year from 1976–1989. The utilities listed more than once have sales in more than one State, and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Power Company
Appalachian Power Company (VA)
Appalachian Power Company (WV)
Arizona Public Service Company
Arkansas Power & Light Company (AR)
Arkansas Power & Light Company (LA)
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company (MT)
Black Hills Power & Light Company (SD)
Black Hills Power & Light Company (WY)
Blackstone Valley Electric Company
Boston Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company (NC)
Carolina Power & Light Company (SC)
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Commonwealth Electric Company
Connecticut Light & Power Company
Conowingo Power Company
Consolidated Edison Company of New York
Consumer Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
Delmarva Power & Light Company (VA)
Delmarva Power & Light Company of Maryland
Detroit Edison Company
Duke Power Company (NC)
Duke Power Company (SC)
Duquesne Light Company
Eastern Electric Company
El Paso Electric Company (NM)
El Paso Electric Company (TX)
Empire District Electric Company (AR)
Empire District Electric Company (KS)
Empire District Electric Company (MO)
Empire District Electric Company (OK)
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company (LA)
Gulf States Utilities Company (TX)
Hawaii Electric Light Company
Hawaiian Electric Company Inc.
Houston Lighting and Power Company
Idaho Power Company (ID)
Idaho Power Company (NV)
Idaho Power Company (OR)
Illinois Power Company
Indiana & Michigan Power Company (IN)
Indiana & Michigan Power Company (MI)
Indianapolis Power & Light Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Southern Utilities Company
IPS Electric, division of Iowa Public Service Co. (IA)
IPS Electric, division of Iowa Public Service Co. (SD)
Jersey Central Power & Light Company
Kansas City Power & Light Company (KS)
Kansas City Power & Light Company (MO)
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company
Kingsport Power Company
Lake Superior District Power Company (MI)
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Maui Electric Company
Metropolitan Edison Company
Michigan Power Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
Missouri Public Service Company
Monongahela Power Company (OH)
Monongahela Power Company (WV)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana-Dakota Power Company
Nantahala Power & Light Company
Narragansett Electric Company
Nevada Power Company
New Orleans Public Service Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
Northern Indiana Public Service Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (SD)
Northern States Power Company (WI)
Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company

Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power Light Company (CA)
Pacific Power Light Company (ID)
Pacific Power Light Company (MT)
Pacific Power Light Company (OR)
Pacific Power Light Company (WA)
Pacific Power Light Company (WY)
Pennsylvania Electric Company
Pennsylvania Power & Light Company
Pennsylvania Power Company
Philadelplhia Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Power Company (DC)
Potomac Electric Power Company (MD)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Okalahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Colorado Power Division of Centel (CO)
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)
Southwestern Public Service Company (TX)
Tampa Electric Company
Texas-New Mexico Power Company
Texas Utilities Electric Company
Toledo Edison Company
Tucson Electric Power Company
UGI-Luzerne Electric Division
Union Electric Company (LA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Washington Water Power Company (ID)
Washington Water Power Company (MT)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Western Power Division of Centel (KS)
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WT)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned:
Albany Water Gas & Light Commission (GA)
Anaheim Public Utilities Department (CA)
Anchorage Municipal Light & Power Department (AK)
Athens Utilities (AL)
Austin Electric Department (TX)
Bowling Green Municipal Utilities (KY)
Bristol Tennessee Electric System (TN)
Brownsville Public Utility Board (TX)
Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
Clarksville Department of Electricity (TN)
Clatskanie People's Utility District (OR)
Cleveland Division of Light & Power (OH)
Cleveland Utilities (TN)
Colorado Springs Department of Utilities (CO)
Dalton Water Light & Sink (CA)
Danville Water Gas & Electric (VA)
Decatur Electric Department (AL)
Dothan Electric Department (AL)
Eugene Walter & Electric Board (OR)
Fayetteville Public Works Commission (NC)
Florence Electric Department (AL)
Gainesville Regional Utilities (FL)
Garland Electric Department (TX)
Glendale Public Service Department (CA)
Greenville Light & Power System (TN)
Greenville Utilities Commission (NC)
Groton Public Utilities (CT)
High Point Electric Utility Dept. (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (FL)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Kissimmee Utility Authority (FL)
Knoxville Utilities Board (TN)
Lafayette Utilities System (LA)
Lakeland Department of Electric and Water (FL)
Lansing Board of Water & Light (MI)
Lenoir City Utilities Board (TN)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power (CA)
Lower Colorado River Authority (TX)
Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
Morristown Power System (TN)
Murfreesboro Electric Dept. (TN)
Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
North Little Rock Electric Department (AR)
Ocala Electric Authority (FL)
Omaha Public Power District (LA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
Owensboro Municipal Utilities (KY)
Palo Alto Electric Utility (CA)
Pasadena Water & Power Department (CA)
Power Authority of New York (NY)
Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)

Public Utility District No. 1 of Cowlitz County (WA)
Public Utility District No. 1 of Douglas County (WA)
Public Utility District No. 1 of Franklin County (WA)
Public Utility District No. 1 of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Electric Power Authority Richland Energy Services Department (WA)
Richmond Power & Light (IN)
Riverside Public Utilities (CA)
Rochester Department of Public Utilities (MN)
Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio City Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
Sevier County Electric System (TN)
South Carolina Public Service Authority
Springfield City Utilities (MO)
Springfield Utility Board (OR)
Springfield Water, Lights & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
Trico Electric Cooperative, Inc. (AZ)
Tallahassee, City of (FL)
Tupelo Water & Light Department (MS)
Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
Wilson Utilities Department (NC)

Rural Electric Cooperatives

Alcorn County Electric Power Association (MS)
Anoka Electric Cooperative (MN)
Appalachian Electric Cooperative (TN)
Berkeley Electric Cooperative (SC)
Bluebonnet Electric Cooperatives, Inc., (TX)
Blue Ridge Electric Membership Corporation (NC)
Chugach Electric Cooperative (AK)
Clay Electric Cooperative (FL)
Coast Electric Power Association (MS)
Cobb Electric Membership Corporation (GA)
Cotton Electric Cooperative (OK)
Cumberland Electric Membership Corporation (TN)
Dakota Electric Association (MN)
Douglas County Electric Membership Corporation (GA)
Dixie Electric Membership Corporation (LA)
Duck River Electric Membership Corporation (TN)
Duncan Valley Electric Cooperative, Inc. (AZ, NM)
First Electric Cooperative Corporation (AR)
Flint Electric Membership Corporation (GA)
4—County Electric Power Association (MS)
Gibson County Electric Membership (TN)
Green River Electric Corporation (KY)
Guadalupe Valley Electric Cooperative, Inc. (TX)
Henderson-Union Rural Electric Cooperative Corporation
Holston Electric Cooperative (TN)
Intermountain Rural Electric (CO)
Jackson Electric Membership Corporation (GA)
Joe Wheeler Electric Membership Corporation (AL)
Lea County Electric Cooperative, Inc. (NM)
Lee County Electric Cooperative (FL)
Meriwether Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
Midwest Energy Incorporated (KS)
Moon Lake Electric Association (CO)
New Hampshire Electric Cooperative, Inc. (NH)
Northern Virginia Electric Cooperative (VA)
North Georgia Electric Membership Corporation (GA)
Palmetto Electric Cooperative, Inc. (SC)
Pedernales Electric Cooperative Corporation, Inc. (TX)
Pennyrile Rural Electric Cooperative Corporation (KY)
Rappahannock Electric Cooperative (VA)
Rural Electric System (AL)
Rutherford Electric Membership Corporation (NC)
Sam Houston Electric Cooperative, Inc. (TX)
Sawnee Electric Membership Corporation (GA)
Sequachee Valley Electric Cooperative (TN)
Singing River Electric Power Association (MS)
South Central Power Company (OH)
Southern Maryland Electric Cooperative, Inc. (MD)
Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
Southwest Tennessee Electric Membership Corporation (TN)
Sumter Electric Cooperative (FL)
Tombigbee Electric Power Association (MS)
Tri-County Electric Association Inc. (WY)
Tri-County Electric Membership Corporation (TN)
Umatilla Electric Cooperative Association (OR)
Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
Walton Electric Membership Corporation (GA)
Warren Rural Electric Cooperative Corporation (KY)
West Kentucky Rural Electric Cooperative Corporation (KY)
Withlacoochee River Electric Cooperative (FL)

Federal Agencies

Bonneville Power Administration (OR)
Tennessee Valley Authority (TN)
Western Area Power Administration (CO)

Gas Utilities

All gas utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in any year from 1976–1989. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned:
Alabama Gas Corporation
Anadarko Production Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas Western Gas Company
Associated Natural Gas Company (AR)
Associated Natural Gas Company (MO)
Atlanta Gas Light Company
Atmos Energy Corporation
Baltimore Gas Electric Company
Battle Creek Gas Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Carnegie Natural Gas Company
Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)

Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Services Gas Company
City Gas Company of Florida
Colonial Gas Energy System
Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Commonwealth Gas Company
Commonwealth Gas Service Incorporated
Commonwealth Gas Services, Incorporated
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consumers Power Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
EnergyNorth Natural Gas, Inc.
Enstar Natural Gas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Gas Company of New Nexico
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (CO)
Greeley Gas Company (KS)
Gulf States Utilities Company
Hope Gas, Incorporated
Illinois Power Company
Indiana Gas Company
Intermountain Gas Company
Interstate Power Company (LA)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (LA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
KN Energy, Inc.
Laclede Gas Company Consolidated
Lone Star Gas Company (OK)
Lone Star Gas Company, a division of ENSERCH Corp. (TX)
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Midwest Gas, division of Iowa Public Service Company (IA)
Midwest Gas, division of Iowa Public Service Company (MN)
Midwest Gas, division of Iowa Public Service Company (NE)
Midwest Gas, division of Iowa Public Service Company (SD)
Minnegasco, Inc. (MN)
Minnegasco, Inc. (NE)
Minnegasco, Inc. (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountaineer Gas Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Company
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Company
North Carolina Natural Gas Corporation
North Shore Gas Company
Northern Illinois Gas Company
Northern Indiana Public Service Company
Northern Minnesota Utilities—Division of Utilicorp United, Inc.
Northern Natural Gas Company (KS)
Northern Natural Gas Company (NE)
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (KS)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Company, Division of UtiliCorp United, Inc. (CO)
Peoples Natural Gas Company, Division of UtiliCorp United, Inc. (IA)
Peoples Natural Gas Company, Division of UtiliCorp United, Inc. (KS)
Peoples Natural Gas Company, Division of UtiliCorp United, Inc. (MN)
Peoples Natural Gas Company, Division of UtiliCorp United, Inc. (NE)
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Providence Gas Company
Public Service Company of Colorado
Public Service Company Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Gas & Electric Company
South Jersey Gas Company
Southwestern Michigan Gas Company
Southern California Gas Company
Southern Connecticut Gas Company
Southern Indiana Gas & Electric Company
Southern Union Company (TX)
Southern Union Gas Company (AZ)
Southern Union Gas Company (OK)
Southwest Gas Corporation (AZ)
Southwest Gas Corporation (CA)
Southwest Gas Corporation (NV)
Terre Haute Gas Corporation
Trans Louisiana Gas Company
T.W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc. (KS)
Union Gas System, Inc. (OK)
Union Light, Heat & Power Company (KY)
United Cities Gas Company (GA)
Virginia Natural Gas
Washington Gas Light Company (DC)

Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Ohio Gas Company
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Public-Owned:
Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Services Board (San Antonio) (TX)
Colorado Springs, Department of Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)

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Tuesday
December 18, 1990

Part VI

The President

Executive Order 12738—Administration of Foreign Assistance and Related Functions and Arms Export Controls

Federal Register
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Tuesday, December 18, 1990

Presidential Documents

Title 3—

The President

Executive Order 12738 of December 14, 1990

Administration of Foreign Assistance and Related Functions and Arms Export Controls

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 621 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2381), and section 301 of title 3 of the United States Code, and in order to delegate certain functions to the Secretary of State, the Secretary of Defense, and the Administrator of the Agency for International Development, it is hereby ordered as follows:

Section 1. Section 1-102(a) of Executive Order No. 12163, as amended, is further amended by:

(1) amending paragraph (1) to read as follows:

"(1) the Foreign Assistance Act of 1961 (22 U.S.C. 2151 *et seq.*) (hereinafter referred to as the "Act"), except that the delegated functions under sections 116(e), 491(b), 491(c), 607, 627, 628, 630(3), and 666 of the Act shall be exercised in consultation with the Secretary of State;"

(2) striking out paragraphs (5), (6), and (7) and redesignating paragraphs "(8)", "(9)", "(10)", and "(11)" as paragraphs "(5)", "(6)", "(7)", and "(8)", respectively;

(3) amending paragraph (5), as redesignated by this Executive order, to read as follows:

"(5) section 1205(b) of the International Security and Development Cooperation Act of 1985 (hereinafter referred to as the "ISDCA of 1985");"

(4) amending paragraph (6), as redesignated by this Executive order, to read as follows:

"(6) section 535 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), to be exercised by the Administrator of the Agency for International Development within IDCA;"

(5) amending paragraph (7), as redesignated by this Executive order, to read as follows:

"(7) the first proviso under the heading "Population Development Assistance" contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), to be exercised by the Administrator of the Agency for International Development within IDCA;" and

(6) inserting the following new paragraph:

"(9) section 514 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), insofar as they relate to the authority contained in section 109 of the Act, to be exercised by the Administrator of the Agency for International Development within IDCA."

Sec. 2. Section 1-102 of Executive Order No. 12163, as amended, is further amended by striking out subsections (b) and (c) and redesignating subsections "(d)", "(e)", "(f)", and "(g)" as "(b)", "(c)", "(d)", and "(e)", respectively.

Sec. 3. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by:

(1) redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively;

(2) redesignating paragraphs (9) through (31) as paragraphs (11) through (33), respectively; and

(3) inserting, in the appropriate place, the following new paragraphs:

"(2) section 451 of the Act;" and

"(10) section 604(a) of the Act, insofar as they related to procurement under chapter 1 of part I and chapter 4 of part II of the Act;".

Sec. 4. Section 1-201(a) of Executive Order No. 12163, as amended, is further amended by:

(1) amending paragraphs (28), (29), (30), (31), and (32), as redesignated by this Executive order, to read as follows:

"(28) sections 513, 538, 554, 559, 560, 561, 562, 564(a), 599C, and 599G(a)(3) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167);

"(29) the second and third provisos under the subheading "Contribution to the International Development Association" under the heading "Annual Contributions to International Financial Institutions" contained in title I of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), and section 548 of such Act, each of which shall be exercised in consultation with the Secretary of the Treasury;

"(30) the proviso relating to certain expropriation claims of U.S. citizens in El Salvador under the heading "Economic Support Fund" contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167);

"(31) the proviso relating to tied aid credits under the heading "Economic Support Fund" contained in title II of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), which shall be exercised in consultation with the Administrator of the Agency for International Development within IDCA;

"(32) subsection (c)(2) under the heading "Foreign Military Sales Debt Reforms" contained in title III of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1988 (Public Law 100-202), which shall be exercised in consultation with the Secretary of Defense;"

(2) striking out the period at the end of paragraph (33), as redesignated by this Executive order, and inserting in lieu thereof a semicolon; and

(3) adding the following new paragraphs:

"(34) section 512 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), which shall be exercised in consultation with the President of the Export-Import Bank of the United States;

"(35) section 581(a) and 581(c) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167), which shall be exercised in consultation with the Secretary of Defense; and

"(36) section 12 of the International Narcotics Control Act of 1989 (Public Law 101-231)."

Sec. 5. Section 1-301 of Executive Order No. 12163, as amended, is further amended by:

(1) amending subsection (f) to read as follows:

"(f) The functions conferred upon the President under section 573 and section 581(b)(2) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167)."; and

(2) adding the following new subsection:

"(g) The functions conferred upon the President under section 3 of the International Narcotics Control Act of 1989 (Public Law 101-231), which shall be exercised in consultation with the Secretary of State."

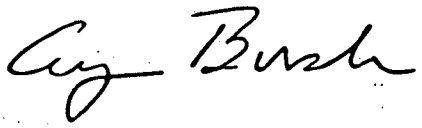
Sec. 6. Section 1-701 of Executive Order No. 12163, as amended, is further amended—

(1) in subsection (a), by striking out "451,"; and

(2) by amending subsection (d) to read as follows:

"(d) The functions conferred upon the President with respect to determinations, certifications, directives, or transfers of funds, as the case may be, by sections 303, 465(b), 481(h), 505(d)(2)(A), 505(d)(3), 506(a), 552(c), 552(e), 610, 614(c), 620E, 632(b), 633A, 663(a), 669(b)(1), 670(a), 670(b)(2), and 670(b)(3) of the Act; those under section 604(a) of the Act except insofar as they relate to procurement under chapter 1 of part I and chapter 4 of part II."

Sec. 7. Section 1(e) of Executive Order No. 11958, as amended, is further amended by striking out "and section 580 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461)", and inserting in lieu thereof "and section 571 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1990 (Public Law 101-167)".



THE WHITE HOUSE,
December 14, 1990.

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Note: The list of Public Laws for the second session of the 101st Congress has been completed and will resume when bills are enacted into law during the first session of the 102d Congress, which convenes on January 3, 1991.

A cumulative list of Public Laws for the second session was published in Part II of the **Federal Register** on December 10, 1990.