Briefings on How To Use the Federal Register
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THE FEDERAL REGISTER
WHAT IT IS AND HOW TO USE IT


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.
3. The important elements of typical Federal Register documents.

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

WASHINGTON, DC
WHEN: January 24, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
RESERVATIONS: 202-783-5240

LOS ANGELES, CA
WHEN: March 4, at 9:00 a.m.
WHERE: Federal Building, 300 N. Los Angeles St., Conference Room 8544, Los Angeles, CA
RESERVATIONS: 1-800-726-4995

SAN DIEGO, CA
WHEN: March 5, at 9:00 a.m.
WHERE: Federal Building, 880 Front St., Conference Room 45-13, San Diego, CA
RESERVATIONS: 1-800-726-4995

For other telephone numbers, see the Reader Aids section at the end of this issue.
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Wednesday, January 16, 1991

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Title 3—Presidential Documents

The President

Proclamation 6241 of January 11, 1991

National Sanctity of Human Life Day, 1991

By the President of the United States of America

A Proclamation

On January 21, the United States will observe a Federal holiday honoring the birth of the Reverend Dr. Martin Luther King, Jr. In his efforts to end legal segregation in America, Dr. King believed that achieving peace and goodwill among all peoples depends on obedience to the will of God and the affirmation of the sacredness of all human life. “Every man is somebody,” Dr. King said, “because he is a child of God.”

It is this conviction—the recognition that all people are made in the image of their Creator—which guides our observance of National Sanctity of Human Life Day and our efforts to reaffirm in our Nation the sanctity of human life in all its stages.

For more than two hundred years, America has been the home of freedom. Our national commitment to fundamental human rights—the “unalienable Rights” of “Life, Liberty and the pursuit of Happiness”—was eloquently proclaimed in the Declaration of Independence and has been reaffirmed countless times in legislative halls; in a free and unfettered press; on battlefields around the world; and, most important, in our hearts.

Despite this deep national commitment, however, there have been times when realities have not lived up to our ideals. The United States was once a land of slavery and racial segregation. For far too long, many persons with disabilities have not been able to participate fully in the mainstream of American life. And the prevalence of abortion on demand in America calls into question our respect for the fundamental right to life.

The tragedy of abortion in America affects two persons, mother and child. While sincere persons may disagree, my position is that the lives of both must be cherished and protected. We must recognize the dignity and worth of every human being in our laws, as well as in our hearts. Abortion robs America of a portion of its future and denies preborn children the chance to grow, to contribute, and to enjoy a full life with all its challenges and opportunities.

Scientific advances reinforce the belief that unborn children are persons, entitled to medical care and legal protection. We must turn from abortion to loving alternatives such as adoption. All levels of government and all sectors of society should promote policies that encourage alternatives such as adoption and make adopting easier for families who want children and will give them loving homes, particularly children with special needs.

Across America, many people are involved in efforts to protect unborn children and to assist pregnant women in need. Through their compassion, generosity, and hard work, they are helping to ensure that the value of every human life is never forgotten. We hope and pray for the day when the principle of life’s sanctity will guide both private thought and public policy on this question throughout our Nation.

On this occasion we also recall with gratitude and thanks to Almighty God the millions of Americans whose work in many and various ways likewise upholds our fundamental belief in the sanctity of human life. Members of the health professions and scientists work for cures to dread diseases and to
alleviate the suffering of the ill and infirm. Parents, teachers, and community leaders work together towards ending the scourge of drugs. And volunteers throughout our Nation visit the sick, the elderly, and the lonely; care for the dying; help children in need; and bring joy to the lives of our fellow citizens.

In affirming the sanctity of life, we realize the highest ideals of our country. We deny our very heritage when we do not. Today, mindful of our heritage and our convictions, let us not only resolve to uphold the sanctity of human life but also work to promote policies that affirm our highest ideals as a Nation. All stages of human life are precious; all demand recognition of their sanctity.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Sunday, January 20, 1991, as National Sanctity of Human Life Day. I call on all Americans to reflect on the sanctity of human life in all its stages and to gather in homes and places of worship to give thanks for the gift of life and to reaffirm our commitment to respect the life and the dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of January, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

Jan. 11, 1991

[FR Doc. 91-1224
Filed 1-14-91; 4:45 pm]
Billing code 3105-01-M
Presidential Documents

Presidential Determination No. 91–11 of December 29, 1990

Determination Under Section 402(c)(2)(A) of the Trade Act of 1974, as Amended—Soviet Union

Memorandum for the Secretary of State

Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2432(c)(2)(A)), as amended, (the "Act"), I determine that a waiver by Executive order of the application of subsections (a) and (b) of section 402 of the Act with respect to the Soviet Union will substantially promote the objectives of section 402.

You are authorized and directed to publish this determination in the Federal Register.

THE WHITE HOUSE,

[FR Doc. 91–1197
Filed 1–14–91; 3:30 pm]
Billing code 3195–01–M

Editorial note: For the Executive order and the President's letter on trade with the Soviet Union, both dated Dec. 29, 1990, see the Weekly Compilation of Presidential Documents (vol. 27, p. 2).
Presidential Documents

Presidential Determination No. 91–12 of January 2, 1991

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended

Memorandum for the Secretary of State

Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(c)(1), I hereby determine that it is important to the national interest that $12,100,000 be made available from the U.S. Emergency Refugee and Migration Assistance Fund (Emergency Fund) to meet unexpected urgent needs of refugees and migrants in Africa and the Middle East. It is essential to U.S. foreign policy interests in these regions that we respond to these critical humanitarian needs.

Of this $12,100,000, $6,000,000 will be used to assist Liberian refugees and those affected by their impact; $2,500,000 will be contributed to the United National High Commissioner for Refugees (UNHCR) and other international or non-governmental organizations for assistance programs for Sudanese refugees; $600,000 will be contributed in support of assistance programs for Chadian, Rwandan and Burundi refugees; and $3,000,000 will be contributed to the Office of the United Nations Disaster Relief Coordinator (UNDRO) or other international or non-governmental organizations for needs related to the Persian Gulf crisis.

You are directed to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority, and to publish this Determination in the Federal Register.

THE WHITE HOUSE,

[Signature]

[FR Doc. 91-1198
Filed 1-14-91; 3:31 pm]
Billing code 3195-01-M
This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1728

Electric Standards and Specifications

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.


This specification is being withdrawn for the following reasons:

1. Bulletin 50–92, REA Specification S–4 has become obsolete because of changes in technology.

2. The equipment covered in Bulletin 50–92, REA Specification S–4 is now adequately covered by American National Standards of the C 57 series and by the engineers specifications for specific generating plants.

For the reasons set forth above, the withdrawal of this REA Specification will have a minimal impact on REA borrowers and manufacturers. The Federal Government will benefit by not incurring the administrative cost of maintaining and printing this Specification.

EFFECTIVE DATE: This final rule is effective January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Archie W. Cain, Director, Electric Staff Division, Rural Electrification Administration, room 1246, South Building, U.S. Department of Agriculture, Washington, DC 20250–1500, telephone number (202) 382–1900.

SUPPLEMENTARY INFORMATION: This rule is issued in conformity with Executive Order 12291, Federal Regulation. This action will not: (1) Have an annual effect of the economy of $100 million or more; (2) result in a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) result in significant adverse effects on competition, employment, investment or productivity innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets and, therefore, has been determined to be "not major."

This action does not fall within the scope of the Regulatory Flexibility Act. REA has concluded that promulgation of this rule would not represent a major Federal action significantly affecting the quality of the human environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. (1976) and, therefore, does not require an environmental impact statement or an environmental assessment.

This regulation contains no information or record keeping requirement which requires approval under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507 et seq.).

This program is listed in the catalog of Federal Domestic Assistance under No. 10.850 Rural Electrification Loans and Loan Guarantees. For the reasons set forth in the final rule related Notice to 7 CFR part 3015, subpart V (50 FR 47034, November 14, 1985), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Background

REA has issued a series of publications which serve to implement the policy, procedures and requirements for administering its loan and loan guarantee programs and the security instruments which provide for and secure REA financing. In these publications, REA issues standards and specifications for the construction of Electric facilities financed by REA. Over the years there has been many technical changes in large step-up transformers in technology have caused a change in the construction standards, methods and materials used to build transformers.

The REA electric borrower in planning and ordering step-up substation transformers can now utilize industry standards in the development of purchase specification which are developed for the specific generating plant. It is, therefore, no longer necessary for Bulletin 50–92, Specification S–4, REA Specifications for Step–Up Substation Transformers to be incorporated by reference in the Code of Federal Regulations. It is, therefore, withdrawn from IRB, and rescinded.

List of Subjects in 7 CFR Part 1728

Electric Power, Incorporation by reference, Loan programs—energy. Reporting and recordkeeping requirements, Rural areas.

In view of the above, REA is amending 7 CFR part 1728 withdrawing the REA specification for electric materials and equipment listed below.

PART 1728—[AMENDED]

1. The authority cited for part 1728 continues to read as follows:


2. The table in § 1728.87(b) is amended by removing the entry "Bulletin 50–92 (S–4), REA Specifications for Step-Up Substation Transformers (2–63)".


Gary C. Byrne,
Administrator.

[FR Doc. 91–1040 Filed 1–15–91; 8:45 am]
BILLING CODE 3410–14–M

Farmers Home Administration

7 CFR Part 1945

Implementation of Provisions of the 1990 Farm Bill

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to provide special disaster assistance to eligible farmers and ranchers who sustained severe production losses in 1989 or 1990 as a result of natural disasters. This action is necessary to implement the provisions
of the 1990 Farm Bill (Pub. L. 101–624), dated November 28, 1990. The intended effect is to incorporate the law into existing FmHA regulations.


ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, USDA, room 6348, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular working hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mary Ferguson, Loan Specialist, Farmer Programs Loan Marketing Division, Farmers Home Administration, USDA, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475–4018.

SUPPLEMENTARY INFORMATION:

Classification

This action was reviewed under USDA procedures established in Department Regulation 1512–1, which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more. The language in the 1990 Farm Bill relating to the waiver of crop insurance is very similar to such language in the Disaster Assistance Acts of 1988 and 1989. In Fiscal Year (FY) 1988, 554 Emergency (EM) loans were made, totaling approximately $30 million. As a prerequisite to obtaining a loan, however, applicants were required to show that the damaged 1987 crop was insured, or was not eligible for crop insurance at the beginning of the 1988 crop year. In FY 1988, 2,806 EM loans were made for a total of approximately $73 million. In FY 1990, 2,500 EM loans were made for a total of approximately $102 million. The crop insurance requirement was waived for losses to the 1988 and 1989 crops by the Disaster Assistance Acts of 1988 and 1989, and the 1990 Farm Bill waives the requirement again for losses to the 1990 crop. Had there been no waiver during 1988 and 1990, some EM loans still would have been made as evidenced by loans made in 1988. As a result of this waiver for 1990 crop losses, we do not anticipate an annual effect on the economy of $100 million or more.

Intergovernmental Consultation

For the reasons set forth in the final rule related to Notice, 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983) and FmHA Instruction 1940–J, “Intergovernmental Review of Farmers Home Administration Programs and Activities” (December 23, 1983), Emergency Loans are excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

Programs Affected

These changes affect the following FmHA programs as listed in the Catalog of Federal Domestic Assistance:

10.404—Emergency Loans.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, “Environmental Program.” It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91–190, and Environmental Impact Statement is not required.

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30-day comment period. The 1990 Farm Bill (Pub. L. 101–624), dated November 28, 1990, amended FmHA’s statutory loan making authorities. It is necessary to implement these authorities upon publication to provide immediate assistance to farmers and ranchers who have suffered major crop production losses as a result of natural disasters in 1989 and 1990.

Farmers who have suffered severe production losses are in dire need of disaster program assistance to purchase livestock feed for replacement of feed crops lost as a result of the disaster(s), and to repay creditors and suppliers annual production loans, open supplier accounts, and installments due on intermediate and long term debts.

The Act mandates changes in the emergency loan regulations. These changes ease the requirements for obtaining assistance under this program, as did previous changes made as a result of the Disaster Assistance Acts of 1988 and 1989. By implementing these regulations immediately, assistance can be provided to many needy farmers and ranchers who, without this assistance, would be in danger of losing their operations.

Background

The loan making, supervision and servicing of FmHA borrowers is governed primarily by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921 et seq.). The purpose for revising the FmHA regulations at this time is to implement various sections of the 1990 Farm Bill as it applies to EM loans. The sections of the Act affecting FmHA are as follows:

Section 2247—Crop Insurance Coverage for the 1990 Crops.

Section 2269—Emergency Loans.

Due to the urgent need of financial assistance for many farmers and ranchers, FmHA has expedited the implementation of these changes.

Changes

The existing emergency (EM) loan regulations state that applicants will not be eligible for EM loans to cover damages and losses to any crop(s) harvested after December 21, 1986, which was not insured, but could have been insured by Federal Crop Insurance Corporation (FCIC) crop insurance or multi-peril crop insurance, unless the crop(s) could not be planted due to the declared/designated/authorized disaster(s). The Disaster Assistance Act of 1989 suspended this requirement for farmers and ranchers who suffered severe crop production losses due to drought and other natural disasters in 1989 and who otherwise qualified for emergency loan assistance due to crop production losses in 1989. The 1990 Farm Bill again suspends this requirement for crop production losses in 1990. These statutes waive the requirement only for crops planted for harvest in 1989 and 1990.

While the above-referenced statutes provide for the waiver of crop insurance for the 1989 and 1990 crop year, they require that eligible applicants must agree to purchase multi-peril crop insurance for the 1991 crop or commodity which suffered disaster losses due to natural disasters in 1989 or 1990, and for which the EM loan is sought. However, if any of the following conditions exist, the applicant will not be required to obtain crop insurance for their 1991 crop:

(1) Crop insurance is not available for the crop for which the loan is sought. (This means that crop insurance must have been applied for during the open season for the crop(s) in question, and not that it was unavailable at the time of application for the EM loan.

(2) The applicant’s annual premium rate for the crop insurance will be more
than 25 percent greater than the average premium rate charged for insurance on the 1990 crop in the county where the applicant’s farming operation is located.

(4) The applicant’s 1989 or 1990 production loss, with respect to the crop(s)/commodity(ies) for which the EM loan is made, does not exceed 65 percent.

(5) The applicant can establish, by appeal to the FmHA County Committee, that the purchase of crop insurance would impose an undue financial hardship, and that a waiver of the requirement to obtain crop insurance should be granted by the County Committee.

The crop insurance requirement on the new crop, along with the existence of any of the conditions to waive it, was also addressed under the Disaster Assistance Acts of 1986 and 1990, but these requirements have been superseded by the 1990 Farm Bill.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance.

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

PART 1945—EMERGENCY

1. The authority citation for part 1945 continues to read as follows:


Subpart D—Emergency Loan Policies, Procedures and Authorizations

2. Section 1945.167 is amended by revising paragraph (a) to read as follows:

§ 1945.167 Loan limitations and special provisions.

(a) EM loans are not authorized for losses to crops grown in areas where FCIC crop insurance or multi-peril crop insurance is available. Applicants will not be eligible for EM loans to cover damages and losses to any crop(s) harvested after December 31, 1986, which was not insured, but could have been insured with FCIC crop insurance or multi-peril crop insurance. In such instances, applicants will not qualify for EM loans based on losses to those crops which could have been insured against the losses, unless the crop(s) could not be planted due to the declared/disdesignated/authorized disaster(s).

However, as a result of 1989 and 1990 natural disasters, the Disaster Assistance Act of 1989 and the 1990 Farm Bill provide for the waiver of this mandatory crop insurance requirement, but only for crops planted for harvest in 1989 or 1990. Under these waiver provisions, disaster related production losses sustained to crops planted for harvest in 1989 or 1990 will be counted in the eligibility calculation and the maximum EM loan entitlement determination, regardless of whether or not crop insurance was available to the applicant, or whether or not such insurance was purchased by the applicant. Planted for harvest in 1989 or 1990 means:

1. For annual crops, planted for harvest in 1989 or 1990:

2. For perennial crops, planted in 1990 or earlier and producing an annual crop for harvest in 1989 or 1990.

3. The authority citation for part 1945 is amended by revising the introductory text of paragraph (n)(5), and by revising paragraphs (n)(5), (ii), (iv) and (v), and (n)(6) to read as follows:

(n) * * *

5. As a result of 1989 and 1990 natural disasters affecting 1989 or 1990 crops, the 1990 Farm Bill provides that all recipients of EM loans, based on 1989 or 1990 production losses, must agree to obtain multi-peril crop insurance, under the Federal Crop Insurance Act, for the 1991 crop/commodity which suffered disaster losses in 1989 or 1990, and for which the EM loan is sought. However, applicants shall not be required to obtain crop insurance for a 1991 crop/commodity when any one of the following conditions exists:

* * * * *

(ii) The applicant’s annual premium rate for crop insurance will be more than 25 percent greater than the average premium rate charged for insurance on the 1989 or 1990 crop (depending upon which year’s losses are claimed) in the county where the applicant’s farming operation is located:

* * * * *

(iv) The applicant’s 1989 or 1990 production loss, with respect to the crop(s) for which the EM loan is made, does not exceed 65 percent. Calculations for this determination will be performed by ASCS and entered on Form FmHA ASCS-21, “ASCs Verification of Farm Acreages, Production and Benefits,” in part II, Column (b). The ASCS County Office will enter all crops for which an application for disaster assistance has been filed in the disaster year for each farm unit, and enter the percent of loss after each crop listed. Any listed crop that has a loss greater than 65 percent must be insured for 1991, if it is planned to be planted. Any listed crop that does not have a loss greater than 65 percent will not have an insurance requirement, but EM borrowers should be encouraged to purchase insurance on all crops for which it is available;

(v) The applicant can establish, by appeal to the FmHA County Committee, that the purchase of crop insurance coverage would impose an undue financial hardship, i.e., the premium cost of the required insurance would prevent the applicant from projecting a positive cash flow, and thus disqualify the applicant for EM loan assistance. Each appeal to the County Committee for waiver of purchasing crop insurance for the 1991 crop(s) must be accompanied by a completed “Farm and Home Plan,” Form FmHA 431-2, or comparable plan of operation for 1991, signed by the applicant and the County Supervisor. When the County Committee approves the waiver, it will be so stated on the “County Committee Certification or Recommendation,” Form FmHA 440-2. If the County Committee denies the waiver, that decision will be documented on Form FmHA 440-2 and the applicant will be given full appeal rights under subpart B of part 1900 of this chapter, “Adverse Decisions and Administrative Appeals.”

6. When an applicant purchases the necessary crop insurance for 1991 as a condition to receiving an EM loan and, after the EM loan is closed, allows the policy(ies) to lapse or causes it (them) to be cancelled before completion of the 1991 production year, the borrower will become immediately liable for full repayment of all principal and interest outstanding on any EM loan made under the provisions of title XXII, subtitle B, chapter 3, subchapter A, section 224 of the 1990 Farm Bill. The loan approval official will insert this requirement in item 41 of Form FmHA 1940-1, “Request for Obligation of Funds,” which is signed by the applicant and the FmHA loan approval official.

* * * * *


Le Verne Ausman.

Administrator, Farmers Home Administration.

[FR Doc. 91-1039 Filed 1-15-91; 8:45 am]
This rule amends title 8 of the CFR by adding a new § 264.3, which directs that certain nonimmigrants bearing Iraqi and Kuwaiti travel documents who arrive in the United States on or after January 10, 1991, be registered and fingerprinted by the Immigration and Naturalization Service at the Port of Entry to the United States.

In accordance with 5 U.S.C. 605(b), the Attorney General certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule is not a major rule within the definition of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

The information collection requirements contained in this regulation have been cleared by OMB under the Paperwork Reduction Act. The OMB control number for this collection is 1115-0077.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective date is unnecessary since this rule is necessary to safeguard the interests and security of the United States.

List of Subjects in 8 CFR Part 264

Aliens, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, title 8, chapter 1, part 264 of the Code of Federal Regulations is amended as follows:

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

1. The authority citation for part 264 continues to read as follows:


2. In part 264, a new § 264.3 is added to read as follows:

§ 264.3 Registration and fingerprinting of certain nonimmigrants bearing Iraqi and Kuwaiti travel documents.

All nonimmigrants bearing Iraqi and Kuwaiti travel documents who apply for admission to the United States on or after January 10, 1991, except those applying for admission under section 101(a)(15)(A) or 101(a)(15)(G) of the Act, shall be registered on Form I-94, photographed, and fingerprinted on Form FD-258, by the Service at the Port of Entry where they apply for admission to the United States.

Dick Thornburg,
Attorney General.

BILLING CODE 4410-10-M

FEDERAL RESERVE SYSTEM

12 CFR Part 201

[Reg. A]

Extensions of Credit by Federal Reserve Banks; Change in Discount Rates

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors has amended its Regulation A—Extensions of Credit by Federal Reserve Banks to reflect its recent approval of a reduction in discount rates at each Federal Reserve Bank effective December 19, 1990. The discount rate is the interest rate that is charged depository institutions when they borrow from their district Federal Reserve Banks. The Board acted on requests submitted by the Boards of Directors of the twelve Federal Reserve Banks.

The Board approved the requests against the background of weakness in the economy, constraints on credit, and slow growth in the monetary aggregates. The reduction, in part, realigns the discount rate with market interest rates.

EFFECTIVE DATE: The discount rate changes were effective on December 19, 1990.
monetary aggregates. The reduction, in part, realigned the discount rate with market interest rates. Consistent with its past practice, the Board made the changes effective as soon as possible.

The provisions of 5 U.S.C. 553(b) relating to notice and public participation were not followed in connection with the adoption of these amendments because the Board's approval of the discount rates is excepted from those requirements because it is "a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts." 5 U.S.C. 553(a)(2).

Nevertheless, when the Board approved these rates, it considered the reasons for the action as "good cause" for finding that delaying the reduction in discount rates to allow notice and public comment on the changes was impracticable, unnecessary, and contrary to the public interest. In any event, borrowing from a Reserve Bank must be done in accordance with Regulation A, and potential borrowers are advised of applicable rates before an advance is granted. Thus, these changes to Regulation A reflect the current discount rates and are for general information only.

The provisions of 5 U.S.C. 553(d) generally prescribing 30 days' prior notice of the effective date of a rule were not followed in connection with the adoption of these amendments because the action is excepted from those requirements. Further, section 553(d) provides that such prior notice is not necessary whenever there is good cause for finding that such notice is contrary to the public interest. As previously stated, the Board determined that delaying the effectiveness of the changes in the discount rate is contrary to the public interest.

Regulatory Flexibility Act

Pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96–354, 5 U.S.C. 601 et seq.), the Board certifies that the changes will not have a significant adverse economic impact on a substantial number of small entities. The amendments will have no general effect on regulatory burdens for all depository institutions, no specific effect on such burdens for small depository institutions, and have no particular adverse effect on other small entities.

List of Subjects in 12 CFR Part 201

Banks, banking: Credit; Federal Reserve System.

For the reasons outlined above, the Board of Governors amends 12 CFR part 201 as set forth below:

1. The authority citation for 12 CFR part 201 continues to read as follows:

Authority: Secs. 10(a), 10(b), 13, 15a, 14(d) and 19 of the Federal Reserve Act (12 U.S.C. 374a, 374b, 343 et seq., 374c, 374e and 481); and sec. 7(b) of the International Banking Act of 1978 (12 U.S.C. 347d).

2. Section 201.51 is revised to read as follows:

§ 201.51 Short-term adjustment credit for depository institutions.

The rates for short-term adjustment credit provided to depository institutions under § 201.3(a) of Regulation A are:

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<thead>
<tr>
<th>Federal Reserve Bank</th>
<th>Rate</th>
<th>Effective Date</th>
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<tbody>
<tr>
<td>Boston</td>
<td>6.5</td>
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<td>San Francisco</td>
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3. Section 201.52 is revised to read as follows:

§ 201.52 Extended credit for depository institutions.

(a) Seasonal credit. The rates for seasonal credit extended to depository institutions under § 201.3(b)(1) of Regulation A are:

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<tr>
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(b) Other extended credit. The rates for other extended credit provided to depository institutions under sustained liquidity pressures or where there are exceptional circumstances or practices involving a particular institution under § 201.3(b)(2) of Regulation A are:

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<th>Federal Reserve Bank</th>
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These rates apply for the first 30 days of borrowing. For credit outstanding for more than 30 days, a flexible rate will be charged which takes into account rates on market sources of funds, but in no case will the rate charged be less than the basic discount rate plus one-half percentage point. Where extended credit provided to a particular depository institution is anticipated to be outstanding for an unusually prolonged period and in relatively large amounts, the 30-day time period may be shortened.


William W. Wiles, Secretary of the Board.

[FR Doc. 91–1014 Filed 1–15–91; 8:45 am]
BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90–NM–66–AD; Amdt. 39–6860]

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 all Airbus Industrie Model A320–111, –211, and –231 series airplanes, which requires the installation of wiring and electronic components in the landing gear retraction system. This amendment is prompted by reports of failure of the landing gear to continue to retract during the simulated failure of an alternator on take-off. This condition, if not corrected, could result in excess drag, failure to achieve climb performance, and loss of obstacle clearance margins.
A final evaluation has been prepared for § 39.13 of the Federal Aviation Regulations as follows:

**39.13 [Amended]**

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


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

   **Airbus Industrie:** Applies to all Model A320–111, –211, and –231 series airplanes, certificated in any category. Compliance is required within 45 days after the effective date of this AD, unless previously accomplished.

   To prevent failure of the landing gear to retract following takeoff, accomplish the following:


   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 February 25, 1991.
After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed. It is estimated that 70 airplanes of U.S. registry will be affected by this AD, that it will take approximately 18 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $50,400.

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 28, 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:
British Aerospace: Applies to all Model BAC 1-11 200 and 400 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To detect cracks in the flight deck canopy and to prevent reduced structural integrity of the fuselage, accomplish the following:
A. Prior to the accumulation of 30,000 landings, or within 6 months after the effective date of this AD, whichever occurs later, and thereafter at intervals not to exceed 5,000 landings, perform a visual inspection of the flight deck canopy area, in accordance with British Aerospace Alert Service Bulletin 53-A-PSM994, Issue 2, dated June 5, 1990. Pay particular attention to the top sill joint strap, the top sill intercostal, the frame at Station 113, and the top sill boom and web.
B. If cracks are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate. After repair, repeat the inspections required by paragraph A. of this AD at intervals not to exceed 5,000 landings.
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, 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.
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.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, D.C. 20041-0414. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT:
Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2348. 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 all British Aerospace Model BAC 1-11 200 and 400 series airplanes, which requires repetitive visual inspections to detect cracks in the flight deck canopy area, and repair, if necessary, was published in the Federal Register on October 19, 1990 (55 FR 42396).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.
ACTION: Final rule.

SUMMARY: This amendment extends the New Smyrna Beach transition area over the Massey Ranch Airport. A standard instrument approach procedure (SIAP) was developed to serve the Massey Ranch Airport predicated on the New Smyrna Beach nondirectional radio beacon (NDB). This action lowers the base of controlled airspace from 1200 to 700 feet above the surface in the vicinity of the airport to provide controlled airspace protection for instrument flight rules (IFR) aeronautical operations. Concurrent with publication of the planned NDB SIAP, the operating status of the Massey Ranch Airport will change from visual flight rules (VFR) to IFR.


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) 783-7846.

SUPPLEMENTARY INFORMATION:

History

On November 9, 1990, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to amend the New Smyrna Beach transition area (55 FR 47073). The proposed action would extend the existing New Smyrna Beach transition area southward to include the Massey Ranch Airport. An NDB SIAP had been developed to serve the airport based on the New Smyrna Beach NDB. The proposed action would lower the base of controlled airspace from 1200 to 700 feet above the surface in order to provide controlled airspace protection for IFR aeronautical operations. If the airspace amendment was approved, the operating status of the Massey Ranch Airport would be changed from VFR to IFR concurrent with publication of the SIAP. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objection to the proposal were received. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations amends the New Smyrna Beach transition area. The base of controlled airspace is lowered from 1200 to 700 feet above the surface in vicinity of the Massey Ranch Airport for protection of IFR aeronautical operations. Concurrent with publication of the planned NDB SIAP, the operating status of the airport will change from VFR to IFR.

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. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule 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, Transition areas.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 71 of the Federal Aviation Regulations (14 CFR part 71) is amended, 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.

§ 71.181 [Amended]
2. Section 71.181 is amended as follows:

New Smyrna Beach, FL  [Amended]

Following the words, "* * * New Smyrna Beach Airport (lat. 29°03’15" N., long. 80°56’54" W.)", insert the clause, "within a 6.5-mile radius of Massey Ranch Airport (lat. 28°58’45" N., long. 80°55’30" W.)":"

Issued in East Point, Georgia, on January 7, 1991.

Don Cass,
Acting Manager, Air Traffic Division, Southern Region.

BILLING CODE 4910-13-M

14 CFR Part 71
[Airspace Docket No. 90-AGL-14]

Alteration of Transition Area; Morris, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing Morris, MN, transition area to accommodate a new VOR Runway 14 Standard Instrument Approach Procedure (SIAP) to Morris Municipal Airport, Morris, MN. The intended effect of this action is to ensure segregation of the aircraft using approach procedures under instrument flight rules from other aircraft operating under visual flight rules in controlled airspace.


FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7568.

SUPPLEMENTARY INFORMATION:

History

On Friday, October 19, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Administration (14 CFR part 71) to alter a transition area airspace near Morris, MN (55 FR 42400). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objected to the proposal were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the designated transition area airspace near Morris, MN. The transition area is being modified to accommodate a new VOR Runway 14 SIAP to Morris Municipal Airport, Morris, MN. The modification to the existing airspace consists of a 2.75 miles width each side of the 331° bearing from the airport, extending from the 5.5-mile radius area to 8.5 miles northwest of the airport.

The development of a new SIAP requires that the FAA alter the
designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for the procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

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 28, 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, Transition areas

Adoption of the Amendment

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

PART 71—AMENDED

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


§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

(a) Morris, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Morris Municipal Airport (lat. 45°34'00" N., long. 95°58'00" W.); and, within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the 5.5-mile radius to 7 miles southeast of the airport; and within 2.75 miles each side of the 331° bearing from the airport extending from the 5.5-mile radius to 8.5 miles northwest of the airport.

Issued in Des Plaines, Illinois, on December 17, 1990.

Teddy W. Burcham, Manager, Air Traffic Division.

[FR Doc. 91-1034 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-AGL-18]

Alteration to Transition Area; Staples, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to alter the existing transition area to accommodate a revised NDB Runway 14 Standard Instrument Approach Procedure (SIAP) to Staples Municipal Airport, Staples, MN. The intended effect of this action is to segregate traffic operating under Instrument Flight Rules from other aircraft operating under visual flight rules in controlled airspace.

EFFECTIVE DATE: 0901 u.t.m., April 4, 1991.

FOR FURTHER INFORMATION CONTACT: Douglas F. Powers, Air Traffic Division, System Management Branch, AGL-530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (312) 694-7388.

SUPPLEMENTARY INFORMATION:

History

On Tuesday, October 30, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter a transition area airspace near Staples, MN (55 FR 45913). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations alters the designated transition area airspace near Staples, MN. The transition area is being modified to accommodate a revised NDB Runway 14 SIAP to Staples Municipal Airport, Staples, MN. The modification to the existing airspace will consist of a 3-mile width each side of the 317° bearing from Staples Municipal Airport, extending from the existing 5-mile radius area to 8.5 miles northwest of the airport.

The revised procedure requires that the FAA alter the designated airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for the procedure may be established below the floor of the 700 foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

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 28, 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, Transition areas

Adoption of the Amendment

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

PART 71—AMENDED

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


§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

(a) Staples, MN [Revised]

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Staples Municipal Airport (lat. 46°22'46" N., long. 94°48'06" W.); and, within 3 miles each side of the 317° bearing from Staples
Municipal Airport extending from the 5-mile radius to 8.5 miles northwest of the airport. Issued in Des Plaines, Illinois, on December 18, 1990.

Teddy W. Burcham, Manager, Air Traffic Division.

[FR Doc. 91-1032 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 90-AGL-17]

Transition Area Establishment; Two Harbors, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this action is to establish the Two Harbors, MN transition area to accommodate a new NDB Runway 24 Standard Instrument Approach Procedure (SIAP) to Two Harbors Municipal Airport, Two Harbors, MN. The intended effect of this action is to ensure segregation of the aircraft using approach procedures under instrument flight rules from other aircraft operating under visual flight rules in controlled airspace.


SUPPLEMENTARY INFORMATION:

History

On Friday, October 26, 1990, the Federal Aviation Administration (FAA) proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish a transition area airspace near Two Harbors, MN (55 FR 43144).

Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received.

Except for editorial changes, this amendment is the same as that proposed in the notice. Section 71.181 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.8G dated September 4, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations establishes a transition area airspace near Two Harbors, MN. The transition area is being established to accommodate a new NDB Runway 24 SIAP to Two Harbors Municipal Airport, Two Harbors, MN.

The development of a new SIAP requires that the FAA alter the designated airspace to ensure that the procedure will be contained within controlled airspace. The minimum descent altitude for the procedure may be established below the floor of the 700-foot controlled airspace.

Aeronautical maps and charts will reflect the defined area which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rules requirements.

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. 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, Transition areas.

Adoption of the Amendment

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

PART 71—[AMENDED]

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


§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Two Harbors, MN [New]

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Two Harbors Municipal Airport (lat. 47° 03'04" N, long. 91° 44'32" W), and within 3 miles each side of the 073° bearing from Two Harbors Municipal Airport extending from the 5-mile radius to 8.5 miles northeast of the airport.

Issued in Des Plaines, Illinois on December 18, 1990.

Teddy W. Burcham, Manager, Air Traffic Division.

[FR Doc. 91-1033 Filed 1-15-91; 8:45 am]

BILLING CODE 4910-13-M

RAILROAD RETIREMENT BOARD

20 CFR Parts 200, 209, and 234

RIN 3220-AA69

Railroad Employers’ Reports and Responsibilities; Lump-Sum Payments

AGENCY: Railroad Retirement Board.

ACTION: Final rule.

SUMMARY: The Railroad Retirement Board (Board) amends parts 200, 209, and 234 of its regulations to reflect an amendment to the Railroad Retirement Act which provides for the payment of a lump-sum benefit under certain circumstances to employees who received separation allowances or severance pay which may not be used to increase a tier II benefit under the Act.


Section 7301 of the latter Act adds a new section 6(e) to the Railroad Retirement Act which provides for a lump-sum payment, the Separation Allowance Lump-Sum Payment, which is equal to the amount of an employee’s railroad retirement taxes paid under section 3201(b) of the Internal Revenue Code (tier II taxes) which have been deducted from separation or severance payments which were not creditable for purposes of computing the employee’s tier II benefit under the Railroad Retirement Act because of the employee’s cessation of employment. This lump sum is to be paid upon entitlement to an annuity under the Railroad Retirement Act to an employee with ten years of service if the separation or severance payments were not used in the computation of his or her tier II benefit under the Railroad Retirement Act because payments were made after he or she left the employment of his or her railroad employer. If the employee dies before
his or her annuity begins to accrue, the lump sum is payable to his or her survivors. The provision for this benefit applies retroactively to separation and severance payments made after 1984.

In addition, the Board amends part 200, General Administration, and part 209, Railroad Employers' Reports and Responsibilities, to add a reference to new form number BA-9, Report of Separation Allowances or Severance Pay Subject to Tier II Taxation, designed to obtain the information required by the Board to compute and pay the lump-sum benefit. Part 200 is also amended by adding references to new forms BA-10, Report of Sick Pay and Miscellaneous Compensation Subject to Tier I Tax, and G-440, Annual and Quarterly Indication/Specification Sheet, used to transmit compensation reports.

The Board published this rule as a proposed rule on May 11, 1990 (55 FR 19743), and invited comments by June 11, 1990. No comments were received.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. The information collections imposed by these amendments have been approved by the Office of Management and Budget under control numbers 3220-0173 and 3220-0175.

List of Subjects in 20 CFR Parts 200, 209, and 234

Railroad employees, Railroad retirement, Reporting and recordkeeping requirements.

PART 200—GENERAL ADMINISTRATION

1. The authority citation for part 200 continues to read as follows:

Authority: 45 U.S.C. 231f(b)(5) and 45 U.S.C. 352; § 200.4 also issued under 5 U.S.C. 552; § 200.5 also issued under 5 U.S.C. 552a; § 200.9 also issued under 5 U.S.C. 552b; and § 200.7 also issued under 31 U.S.C. 9717.

2. Section 200.3(a)(2)(ii) is amended by adding after the reference to G-423 and before the reference to G-478c the following:

§ 200.3 [Amended]
3. Section 200.3(a)(5) is amended by adding after the reference to BA-5 and before the reference to DC-1 the following:

BA-9—Report of Separation Allowances or Severance Pay Subject to Tier II Taxation. Used by an employer to report the amount of separation allowances paid.

BA-10—Report of Sick Pay and Miscellaneous Compensation Subject to Tier I Tax. Used by an employer to transmit reports of compensation.

PART 209—LUMP-SUM PAYMENTS

8. The authority citation for part 234 continues to read as follows:

Authority: 45 U.S.C. 231f.

9. Part 234 is amended by redesignating the current subpart F, consisting of §§ 234.00 through 234.62, as subpart G, and by adding a new subpart F to read as follows:

Subpart F—Tier II Separation Allowance Lump-Sum Payment

§ 234.55 General.

Under the Railroad Retirement Act certain railroad employees who have received separation or severance payments may be entitled to a lump-sum payment if tier II railroad retirement taxes were deducted from these payments. This part sets forth the conditions for entitlement to the lump-sum payment and explains how the payment is computed.

§ 234.56 Persons to whom a separation allowance lump-sum payment is payable.

(a) An employee who has completed 10 years of service at the time of his or her retirement or death and who has received on or after January 1, 1985, a separation allowance or severance payment (see § 210.11 of this chapter) which would have been used to increase his or her tier II benefit, except for the fact that he or she was either in an employment relation to one or more employers as defined in part 204 of this chapter or an employee representative (see part 205 of this chapter), shall be entitled to a lump sum in the amount provided for in § 234.58.

(b) If an employee, otherwise eligible for the lump sum provided for in this section, dies before he or she becomes entitled to a regular annuity or before he or she receives payment of the lump sum, the lump sum is payable to the employee’s widow or widower who will not have died before receiving payment. If the employee is not survived by a widow or widower who will not have died before receiving payment, the lump sum is payable to the employee’s survivors in the same order of priority as shown for the residual lump-sum (RLS) in § 234.44.
§ 842.57 Effect of payment on other benefits.

The tier II separation allowance lump-sum payment has no effect on the payment of other benefits.

§ 842.58 Computation of the separation allowance lump-sum payment.

The separation allowance lump-sum payment is calculated as follows:

(a) Determine the amount of the compensation due to the receipt of separation or severance pay that could not be considered in the computation of tier II;

(b) Multiply this amount by the rate or rates of tax imposed by section 3202(b) of the Internal Revenue Code of 1954 or 1966 on the compensation (tier II tax); and

(c) The product is the amount of the separation allowance lump-sum payment.

Example. In January of 1986 an employee with 10 years of railroad service relinquished his seniority rights in order to receive a separation allowance of $20,000, thereby severing his employment relation. This was the only creditable railroad compensation earned by the employee in 1986. Both the employee and employer would have paid their share of railroad retirement taxes on this amount. With respect to the employee tier II tax, the tax rate for 1986 was 4.9% under section 3201(b) of the Internal Revenue Code of 1986. Although the full $20,000 was creditable under the Railroad Retirement Act for tier I benefit computation purposes, only one month’s compensation, $2,000, was creditable for tier II benefit purposes. This is because section 317(a)(4) of the Railroad Retirement Act does not permit crediting of compensation for tier II computation purposes after the employment relation has been severed. Under the lump-sum provision discussed above, the employee in this example would, upon award of his employee annuity, receive a payment of $942.80 ($20,000 minus $2,000), the amount of separation allowance that was creditable, or $17,200 times 4.9%.


By authority of the Board.

Beatrice Ezerki,
Secretary to the Board.

[FR Doc. 91-899 Filed 1-15-91; 8:45 am]
BILLING CODE 7805-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

32 CFR Part 842

Administrative Claims

AGENCY: Department of the Air Force, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is revising its regulation which governs the processing of administrative claims for personal injury and property damage both on behalf of and against the government. These amendments reflect the review and reevaluation of current regulations, the deactivation of the Alaska Air Command, and a change in the existing guidance. This regulation will facilitate the settlement of claims in the field.


FOR FURTHER INFORMATION CONTACT: Major F. Adams, Claims and Tort Litigation Staff, Office of The Judge Advocate General, Department of the Air Force, Washington, DC 20332-6128, telephone (202) 767-1571.

SUPPLEMENTARY INFORMATION: Because this part implements a higher level directive, it is not published as a proposed rule for public comment. It is published as a final rule for information purposes.

Sections 842.42, 842.11 and 842.23 are revised to recognize the deactivation of Alaskan Air Command. Sections 842.42, 842.57 and 842.68 are revised to implement existing guidance. Sections 842.57 and 842.84 are revised to correct omissions and to facilitate settlement of claims in the field. Section 842.336 is revised to update responsibility for claims within the Army and Air Force Exchange Service, and to update addresses. These sections were revised as a result of Air Force review and reevaluation.

The Department of the Air Force has determined this regulation is not a major rule as defined by Executive Order 12291; and does not contain reporting or recordkeeping requirements under the criteria of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

List of Subjects in 32 CFR Part 842

Claims, Foreign claims, Government property, Law, Tort claims.

For the reasons set out in the preamble, 32 CFR part 942 is amended as set forth below.

PART 842—ADMINISTRATIVE CLAIMS

1. The authority citation for part 842 continues to read as follows:

Authority: Sec. 8013, 100 Stat. 1053, as amended; 10 U.S.C. 8013, except as otherwise noted.

§ 842.2 [Amended]

2. In § 842.2(e) remove the words "and Alaska."
ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP No. 9E3789/R1098; FRL-3838-8]

Pesticide Tolerance for 2-[1-(Ethoxymino)butyl]-5-[2-(Ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a tolerance for the combined residues of the herbicide 2-[1-(ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one (also called "sethoxydim") and its metabolite containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity sweet potato. The regulation to establish a maximum permissible level for residues of the pesticide in or on the commodity was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4). The petition requested that the Administrator, pursuant to section 406(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for residues of the herbicide 2-[1-(ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one and its metabolites containing the 2-cyclohexene-1-one moiety (calculated as the herbicide) in or on the raw agricultural commodity sweet potato at 2.0 parts per million (ppm). The petition was later revised to propose a tolerance level of 4.0 ppm in or on sweet potato.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule. The data submitted in the petition and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance will protect the public health. Therefore, the tolerance is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the Federal Register, file written objections with the Hearing Clerk, at the address given above. Such objections should specify the provisions of the regulation deemed objectionable and the grounds for the objections. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1184, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances for residues of the herbicide 2-[1-(ethoxymino)butyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexene-1-one; tolerance for residues.

<table>
<thead>
<tr>
<th>Commodities</th>
<th>Parts per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sweet potato</td>
<td>4.0</td>
</tr>
</tbody>
</table>

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

[Docket No. 900936-0019]

RIN 0649-AC70

Fee Schedule for Foreign Fishing

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

ACTION: Final rule.

SUMMARY: This schedule adopts fees for only the species currently available for foreign fishing. Fees for all species but Atlantic mackerel are identical to fees charged under schedules adopted in 1988, 1989, and 1990. Under these schedules, owners or operators of foreign vessels paid $354 per fishing permit application.
The poundage fees in foreign directed fisheries were assessed at 44.4 percent of the exvessel value of the species taken. Except for mackerel, which is assessed a poundage fee of about 58 percent of the exvessel value of mackerel, the poundage fees for all other species for 1991 remain the same as in 1990. No surcharge is required for the Fishing Vessel and Gear Damage Compensation Fund in 1991. This action complies with section 204(b)(10) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 et seq.


ADDRESSES: Copies of a regulatory impact review (RIR) are available from: Operations Support and Analysis Division (F/CM1), Office of Fisheries Conservation and Management, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Alfred J. Bilk, 301-427-2337, or telex 467658 US COMM FISH CI.

SUPPLEMENTARY INFORMATION: NOAA implements the schedule of permit application and poundage fees for fishing in foreign vessels in the EEZ in 1991. The schedule is consistent with section 204(b)(10) of the Magnuson Act. This schedule targets fee collections of about $1.9 million in 1991 and continues the permit application fee of $354 per vessel application.

Background

On October 12, 1990, NOAA published a Notice of Proposed Rulemaking (NPR) for a 30-day public comment period at 55 FR 41570. The NPR described NOAA's proposed 1991 fee schedule. The proposal was to maintain all fees except the poundage fee for Atlantic mackerel (mackerel) at levels charged in 1988, 1989, and 1990. The poundage fee for Atlantic mackerel was proposed to be reduced by about $10 to $58.33/mt. The only presently remaining fishery in which an allocation may be available for foreign fishing and specified by a total allowable level of foreign fishing (TALFF) is the Atlantic mackerel fishery and the species taken as bycatch in the directed fisheries for mackerel. The specifications for the Atlantic mackerel fishery, at this writing, are still not final; furthermore, there is still a remote possibility that an allocation of Bering Sea snails may be requested for foreign fishing in 1991. Thus, there is still a requirement to set 1991 foreign fishing fees in order to have such fees in place if foreign fishing is permitted. Fees for any other species which may be required should TALFFs for those species be established in 1991 will be set by a technical amendment of this schedule.

One comment was received on the schedule proposed by NOAA. This comment was submitted on behalf of U.S. mackerel fishermen and recommended that the poundage fee for mackerel be reduced to $50/mt or less. It was said that such a reduction would keep prices up for U.S. fishermen and yet make U.S. mackerel production competitive on the world market.

NOAA believes that competitiveness on the world market was achieved through a combined effort by all sectors of the U.S. mackerel industry. The reduction in fees as proposed by NOAA should stimulate consideration by industry sectors of cost reductions. It is clear that at some point in the future, opportunities for directed foreign fishing will be removed. In that situation, the cost structure of the U.S. production will be the combined joint venture prices and the cost of U.S. shore-side production. In the absence of low-cost TALFF, the higher costs of U.S. production will result in a non-competitive product, to the eventual detriment of the efforts to develop this fishery. Therefore, NOAA believes a $58.33/mt fee for foreign harvested mackerel is appropriate and that any further reductions in the cost of mackerel production from the EEZ should be sought from the U.S. production sectors. In addition, foreign fees at this level would result in reasonable returns to the U.S. Treasury for foreign fishing. NOAA believes the 15-percent reduction of the mackerel fee constitutes an acceptable approach to setting 1991 fees, consistent with the recent revision of section 204(b)(10) of the Magnuson Act enacted under the "Fishery Conservation Amendments of 1990," Pub. L. 101-427 [Magnuson Act Amendments], and therefore adopts as final the fees proposed in the NPR on October 12, 1990, at 55 FR 41570.

In addition to implementing final 1991 foreign fishing fees, this document also revises § 611.22 as a result of the Magnuson Act Amendments. Regulatory provisions related to Incremental amounts to be paid by nations harvesting anadromous species of U.S. origin at unacceptable levels or failing to take sufficient action to benefit the conservation and development of the U.S. fisheries are removed and the remaining paragraphs are renumbered.

Classification

NOAA prepared an RIR for the 1988 fee schedule which discussed the economic consequences and impacts of that fee schedule and alternatives. Copies of that RIR are available (see ADDRESSES). Based on that RIR, the Assistant Administrator for Fisheries, NOAA, determined that the 1988 fee schedule complied with the requirements of section 2 of E.O. 12291. Since the poundage fees proposed for 1989 and 1989 were not changed, NOAA anticipated no new economic impacts. It reached similar conclusions for the 1991 schedule and also concluded that the 1991 schedule does not constitute a major rule.

The General Counsel of the Department of Commerce has certified that the proposed fee schedule will not have significant economic impact upon a substantial number of small domestic entities for purposes of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.). This certification was forwarded to the Chief Counsel for Advocacy of the Small Business Administration. Because the fee schedule will not have a significant economic impact upon a substantial number of small domestic entities, a regulatory flexibility analysis was not required, and has not been prepared.

This action is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02-10.

The Assistant Administrator for Fisheries, under the provisions of section 553(d) of the Administrative Procedure Act, finds for good cause, namely to implement the fee schedule as close to the beginning of the fishing season as possible and prior to the preparation of billings for the first quarter's catches, that it is impractical and contrary to the public interest to delay for 30 days the effective date of these regulations. This action does not require significant changes in plans or strategies by foreign fishing companies since it does not increase the fees over the amounts which applied in 1988, in 1989 and in 1990.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This rule does not directly affect the coastal zone of any state with an approved coastal zone management program. The rule does not contain policies with federalism implications sufficient to warrant a federalism assessment under E.O. 12912.

List of Subjects in 50 CFR Part 611

Fish, Fisheries, Foreign relations, Reporting and recordkeeping requirements.

Samuel W. McKeen,
Acting Assistant Administrator for Fisheries.
National Marine Fisheries Service.

PART 611—FOREIGN FISHING

For the reasons set forth above, 50 CFR part 611 is amended as follows:

1. The authority citation for part 611 continues to read as follows:

2. In § 611.22, paragraph (d) is removed, paragraphs (e) and (f) are redesignated as paragraphs (d) and (e), respectively, and paragraphs (b)(1) and paragraph (c) are revised, to read as follows:

§ 611.22 Fee schedule for foreign fishing.

(b) Poundage fees.
(1) Rates. If a nation chooses to accept an allocation, poundage fees must be paid at the rate specified in Table 1, plus the surcharge required by paragraph (d) of this section. [Insert Table 1.]

Table 1.—Species and Poundage Fees

<table>
<thead>
<tr>
<th>Species</th>
<th>Poundage fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Northwest Atlantic Ocean fisheries:</td>
<td></td>
</tr>
<tr>
<td>1. Butterfish</td>
<td>274.61</td>
</tr>
<tr>
<td>2. Hake, red</td>
<td>163.97</td>
</tr>
<tr>
<td>3. Hake, silver</td>
<td>174.63</td>
</tr>
<tr>
<td>4. Herring</td>
<td>61.76</td>
</tr>
<tr>
<td>5. Mackerel, Atlantic</td>
<td>58.33</td>
</tr>
<tr>
<td>6. Other groundfish</td>
<td>119.09</td>
</tr>
<tr>
<td>7. Squid, loligo</td>
<td>103.98</td>
</tr>
<tr>
<td>8. Squid, Ilex</td>
<td>245.73</td>
</tr>
<tr>
<td>Alaska fisheries:</td>
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Proposed Rules

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
Food and Nutrition Service

7 CFR Part 275

Food Stamp Program: Good Cause Relief From Quality Control Error Rate Liabilities

AGENCY: Food and Nutrition Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule proposes changes to the current provisions for good cause relief from potential quality control liabilities against State agencies. Changes are required by the redesign of the Payment Accuracy Improvement System contained in Title VI of the Hunger Prevention Act of 1988 (Pub. L. 100-435, enacted September 19, 1988). This Program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

This action has also been reviewed in relation to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 through 612). Betty Jo Nelsen, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities. The requirements will affect State and local agencies which administer the Food Stamp Program.

Paperwork Reduction Act

This action does not contain recordkeeping or reporting requirements subject to approval by the Office of Management and Budget under the Paperwork Reduction Act of 1980 (44 U.S.C. Sec. 3507).

Background

Title VI of the Hunger Prevention Act of 1988, Public Law 100-435, contained a number of provisions designed to improve payment accuracy in the Food Stamp Program. The new Payment Accuracy Improvement System includes: (1) a new definition of error; (2) new tolerance levels for enhanced payments and liabilities for States with low and high error rates; (3) a streamlined appeals process for disputed claims; and (4) interest charges on unpaid claims against State agencies for high error rates.

The new quality control system is being put in place by this rulemaking and the following other regulations: (1) Miscellaneous Quality Control Provisions of the Hunger Prevention Act of 1968; (2) Quality Control Variance Exclusions; (3) Hunger Prevention Act of 1968: Rules of Practice for Hearings Before Administrative Law Judges; and (4) Quality Control Claims Adjustments for State Agency Investments.

This rule proposes changes to the good cause provisions of the current regulations to make them consistent with the new legislation. The proposed rule also clarifies how the Department intends to evaluate good cause requests.

Good Cause Waiver Requests—Section 275.23

What is good cause?

The Food Stamp Act of 1977, as amended, states that " * * * other than for good cause shown, the State agency shall pay to the Secretary an amount equal to its payment error rate less such tolerance level times the total value of allotments issued in such fiscal year by such State agency." (section 16(c)(1)(C)). The legislative history of the Food Stamp Act Amendments of 1980 (House Report No. 96-788) indicates that good cause decisions are a matter for the Secretary. However, the Hunger Prevention Act of 1988 and its legislative history contain a good deal of language
clarifying this issue. For this reason the Department is proposing to clarify the Secretary's authority to grant good cause relief under the rule.

After passage of the Hunger Prevention Act of 1988, section 14 (a) of the Food Stamp Act of 1977, as amended, provides: "Notwithstanding the administrative or judicial review procedures set forth in this subsection, determinations by the Secretary concerning whether a State agency had good cause for its failure to meet error rate tolerances established in section 16(c) are final." The Department intends the good cause determination process described in this proposed rulemaking to be the only process by which the Secretary reaches this final good cause determination. Pursuant to section 16(c) of the Act the proposed rule would provide that, before billing a State agency for a liability arising from quality control error rates the Secretary would make a finding as to good cause and the amount of any relief that might be appropriate. The Secretary would not consider granting good cause relief unless a State agency requested such relief and provided justification as required under these proposed rules. If a State agency failed to request and justify such relief under the provisions of this rule, the Secretary would make a final determination that there was no good cause for relief. The determination of the Secretary with respect to good cause relief would not be subject to the administrative or judicial reviews provided under section 14 of the Act because Congress has specifically stated that, notwithstanding the administrative and judicial review procedures provided in section 14, the determination of the Secretary is final and not subject to review.

Examples of Unusual, Uncontrollable Events That Affect Errors

Congress first discussed good cause in the 1980 quality control legislation (Food Stamp Act Amendments of 1980, House Report 96-798, pg. 73-74). Regulations promulgated to implement the 1980 amendments to the Food Stamp Act of 1977 incorporated examples of unusual, uncontrollable events specifically identified in the report language. The rule (46 FR 7257, January 23, 1981) also recognized the possibility of other unusual events beyond the control of the State agencies. Most of the examples in current regulations are still good examples of the kinds of events most likely to so disrupt program operations and increase error rates that relief from resulting liabilities or increased liabilities is appropriate. Such events include: (1) Natural disasters or civil disorders that disrupt Food Stamp Program operations; (2) strikes by staff necessary to determine eligibility and process case changes; (3) significant caseload growth prior to or during a fiscal year, for example, 15 percent; (4) major changes in the Food Stamp Program or other Federal or State programs that disrupt management of the State agency's Food Stamp Program; and (5) other circumstances beyond the control of the State agency. One of the examples included in current regulations would no longer include: errors caused by incorrect Federal policy guidance are no longer included in the error rate so they would not longer constitute a basis for good cause relief.

Events and Conditions FNS Does Not Intend To Consider as Basis for Good Cause Relief

Good cause relief is only appropriate for unusual events that have a large uncontrollable impact on program operations. The good cause process is not a proper vehicle for challenging features of the Quality Control System which Congress has explicitly accommodated in the tolerance levels contained in the redesignated Quality Control System under the Hunger Prevention Act of 1988. There are four kinds of situations that are not appropriate bases for good cause relief: (1) Lack of resources; (2) normal administrative difficulties; (3) technical features of the error rate measurement and the liability system that have been properly implemented by regulation; and (4) successful or unsuccessful efforts to lower the error rate after the review period.

Lack of resources. Congress indicated in 1980 that it expected States to appropriate sufficient funds to manage the Food Stamp Program in accordance with the Food Stamp Act of 1977, as amended. There was no change in this expectation under the Hunger Prevention Act of 1988. The failure of State and local governments to provide sufficient financial and other resources to manage the Food Stamp Program under normal circumstances does not constitute a basis for good cause relief from quality control liabilities. For purposes of this rulemaking, "State" is not limited to the State agency. It includes any component of government which has an effect on Food Stamp Program operations. This includes the Governor and legislative bodies.

Normal administrative difficulties. State agencies claimed that a variety of situations which are not under their control make it difficult to eliminate errors in the Food Stamp Program. State agencies have claimed that one such impediment is the constant change in the requirements of the Food Stamp Program, Aid to Families with Dependent Children, Medicaid, and State and local general assistance programs that has characterized these programs during the last two decades. State agencies have also argued that they should not be penalized for recipient-caused errors or for having a caseload that is more difficult than average to administer. In addition, State agencies have argued that it is unfair not to grant relief if management changes such as the introduction of a new computer system which will reduce errors and achieve other management improvements cause an increase in the short run while they are being implemented. In the legislative history, Congress explicitly stated that problems caused by recipient errors and caseload characteristics were taken into account in setting the higher tolerance levels. (House Report 100-828, part 1, page 37).

Technical features of the Program. Good cause relief is also not appropriate for the effects of any program changes. Congress explicitly endorsed the use of promulgated technical features of the error measurement and liability system. Congress explicitly endorsed the use of the point estimate of the error rate in the Hunger Prevention Act of 1988 and the legislative history indicates that the new tolerances accommodate: (1) The variability of error rate estimates derived from samples; (2) the double counting of AFDC and Food Stamp Program errors that can occur for someone receiving benefits from both programs; and (3) the fact the error rate measure does not reflect recoveries by the State agency of erroneous payments. (House Report 100-828, part 1, page 37).

Corrective action and good faith efforts. The Department does not intend to grant good cause relief solely because a State agency reduces it error rate after the review period or otherwise engages in corrective action. Congress said explicitly that neither good faith efforts (which in the past have meant subsequent error rate reduction) nor
corrective action was a basis for waiving liabilities under the Secretary’s authority for waiving liabilities for reinvestment. [Hunger Prevention Act of 1988, House Report 100–828, part 1, page 30]. From this the Secretary concludes that Congress also did not intend corrective action and subsequent error reduction in themselves to be a basis of good cause relief. State agencies may, of course, use evidence from subsequent periods of their explanation about why an unusual event cause uncontrollable increases in error rates during the review period.

The Good Cause Application and Review Process

Under current regulations the good cause process begins when FNS notifies (certified mail, return receipt requested) State agencies of their error rates and any potential liability resulting from that error rate for the review year. This proposed rulemaking would not change that. As currently, the State agency would be advised at that time of its right pursuant to §275.23(e)(5) to submit a request for waiver of some portion or all of the potential liability based upon the specific reasons for good cause set forth in the regulations. This proposed rule would increase the time for making such a request from 30 days to 60 days from the date of notification. State agencies would be required to submit such requests to their FNS Regional Office with a full justification of how the criteria for a good cause waiver have been met. FNS would evaluate the request and decisions on the request would be made by the Secretary or the Secretary’s designee. Under the proposal, billings for quality control errors would continue to be made after the good cause review and determination. Accordingly, as is current practice, until the time of billing, these liabilities are referred to as “potential” liabilities.

Content of State Requests for Good Cause Relief

The purpose of a State agency’s good cause request is to describe the uncontrollable effect of unusual events on error rates in sufficient detail to provide the Secretary a basis for deciding whether to grant a waiver and the amount of any waiver. Thus the proposed rule describes the kinds of information State agencies would be required to include in waiver requests. Although the proposed rule sets forth the kind of information pertinent to the specific examples of unusual events most likely to disrupt program operations, generally FNS is asking State agencies to submit the following kinds of information: (1) A description of the unusual event, e.g., its nature, scope, intensity, duration; (2) the effect of the event on State Food Stamp Program operations; (3) an explanation of the uncontrollable aspects of the event including descriptions of State agency efforts to achieve effective administration during normal operations; and (4) the effect of the event on error rates including information such as the proportion of the Food Stamp Program caseload, whose administration is adversely affected, types of errors affected, and the magnitude of the types of errors affected. State agencies should explain what proportion of observed error rates are due to unusual events. This is necessary because the uncontrollable negative effects of unusual events may mask the effects of successful efforts to decrease error rates and all of an observed error rate increase may not be due to unusual events.

While documentation is essential to the Secretary’s good cause determination, FNS does not seek nor wish to receive voluminous documentation in support of good cause requests. The request should contain a well-structured narrative and the narrative should indicate the relevance of any documentation provided. Numerous source documents for data analyzed in the request do not need to be provided if the analysis stands alone. Source documents such as entire case records should be maintained in the State agency rather than submitted with waiver requests.

FNS Review of Good Cause Waiver Requests

Under this proposal FNS would evaluate each State agency’s request based on the information provided by the State agency and any other sources FNS finds useful to the review process. The purpose of the review is to reach a judgment as to the total uncontrollable effect of unusual events on the error rate and grant relief from quality control liabilities commensurate with the error rate effect. The Secretary would evaluate the State agency’s explanation of the uncontrollable effects of separate events both separately and together to determine a total amount of any waiver.

Comparison to Past Method of Evaluating Good Cause Requests

The method outlines in this proposed rulemaking is consistent with past rulemaking and with Congressional intent in prior and current legislation. However, in the past some State agencies’ good cause requests did not contain all the information needed to make decisions about the uncontrollable effect of unusual events on error rates. Because of this, if there was enough information to indicate that some good cause relief might be appropriate, the Department developed methodologies which were used to decide the amount of any such relief. In this proposed rulemaking, FNS seeks to provide additional guidance to permit the development of sufficient information so that relief can be more closely related to the uncontrollable effects on error rates of the unusual event. In addition, FNS believes that two other factors will make it easier for State agencies and FNS to utilize the good cause process.

First, State agencies should be better able to document the uncontrollable effects of unusual events on error rates. The last few years have seen increased State agency capacity for program analysis, in large part because automated systems improved access to data and the capacity for analyzing data.

Second, in the past State agencies have requested good cause relief from types of situations that do not fit the criteria for good cause considerations. Although the Department did not consider these appropriate to the good cause process, State agencies spend considerable resources on these types of arguments. As already noted, the legislative history of the Hunger Prevention Act of 1988 clearly precludes certain types of arguments from the good cause process. Clarifying this point so that State agencies remove such arguments from their appeals should ease the burden of preparing good cause requests on State agencies.

In spite of the goal to obtain a complete factual analysis of the uncontrollable effects of unusual events on error rates, FNS recognizes that some State agencies may still find it difficult to provide all the required information. Difficulties occur because (1) sufficient data on all relevant aspects of unusual events, program operations and errors are not always available; and (2) there are difficulties in disentangling uncontrollable and uncontrollable effects on error rates. Because each State agency will, no doubt, still present different types of information, it will not be easy to ensure that similar situations are evaluated comparably. If State agencies do not provide the type or amount of information required for a complete factual analysis and it is not otherwise available in the Department, the Secretary would have to exercise some judgment in reaching a decision on good cause relief from QC liabilities. In exercising judgment, the Secretary may
apply alternative methods of evaluation including but not limited to the methodologies that were used in the past to determine a waiver amount. These methodologies are described later in the sections of this proposed rule that address specific examples of unusual events. State agencies should not, however, send in incomplete good cause justifications in hopes that the Secretary would provide more generous relief under an alternative method of evaluation than the full facts would justify. State agencies are required to provide all the information possible to justify requests for good cause relief.

In general, FNS anticipates four possible FNS evaluations of State agency requests: (1) The Secretary agrees with the State agency's explanation and grants the waiver amount requested; (2) the Secretary disagrees with aspects of the explanation and grants a different waiver amount based on available information; (3) the Secretary determines that a waiver is appropriate and uses a formula to set the amount because available information is insufficient to determine a more exact amount; and (4) the Secretary determines that there is no basis for good cause relief and grants no waiver.

Examples of Events That May Serve as the Basis of Good Cause Relief

The Department is proposing to modify current regulations to: (1) Describe the specific information that would comprise the justification for the waiver; and (2) include a description of a method of evaluation which the Secretary may use if State agencies do not provide the information needed for complete analysis and if the information is not otherwise available from existing Department records. The Department does not intend to seek additional information from State agencies.

The Department proposes to evaluate requests for good cause relief which are based upon the following categories of unusual events:

1. Natural Disasters or Civil Disorders

The occurrence of a natural disaster or civil disorder does not automatically qualify as good cause for failure to meet the QC payment error rate goal. The State agency would be required to explain: (1) How the event uncontrollably and adversely affected program operations during the relevant time period, i.e., that significant numbers of food stamp certification or administrative personnel were diverted from normal program activities so that the disaster either destroyed or delayed access to needed records; and (2) how the event caused an uncontrollable increase in its error rate. The regulation itself describes in greater detail the information the Secretary would need for this evaluation. If determined to be appropriate under the circumstances, the Secretary would waive any portion of the liability which the Secretary attributed to the disaster or civil disorder.

If the Secretary determined that insufficient information had been provided or that needed information is otherwise not available from existing Department records to determine a waiver using factual analysis, the Secretary might use the following alternative method of evaluation. First, although State agencies might appropriately request good cause relief from the uncontrollable effects of any type of natural disaster, in reaching a decision based on incomplete information about the effect of a natural disaster on error rates, the Secretary would only grant a waiver if the State agency documented that there was a Federally-declared disaster during the six months before or during the review period, and that the disaster adversely affected program operations during the review period. The Secretary would determine a preliminary waiver amount by: (1) Determining, from the State agency's request, the number of months during the eighteen months that begins six months before the subject review period during which a civil disorder or Federally-declared disaster hurt Food Stamp Program operations; and (2) determining an amount equal to one eighteenth of the liability for each such month. The Secretary might then adjust the preliminary amount as the Secretary deems necessary to take into account recent error rate history and the nature of the natural disaster or civil disorder. For example, a reduction in the preliminary amount might be made if the formula resulted in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be adjusted to take into account the scope of the area affected by a natural disaster or the intensity of the effect within the area affected. Under this approach FNS would assume that there were no remaining uncontrollable effects of disasters or civil disorders that ended during the first half of the prior review year.

2. Strikes by State Agency Staff

Necessary To Determine Food Stamp Program Eligibility and Process Case Changes

The occurrence of a strike does not automatically qualify as good cause for failure to meet the QC payment error rate goal. The State agency would have to document: (1) How the event adversely affected program operations during the relevant time period; and (2) how the event caused an uncontrollable increase in its error rate. The proposed regulation describes in greater detail the information the Secretary would need for evaluation. If appropriate under the circumstances, the Secretary could waive any portion of the liability which the Secretary attributes to the strike.

If the Secretary determined that insufficient information has been provided or that needed information is otherwise not available from existing Department records to determine a waiver amount using factual analysis, the Secretary might use the following alternative method to evaluate the effects during the review period of a strike that occurred during the eighteen months beginning six months before the subject review period. The Secretary would determine a preliminary waiver amount for the effects of a strike which adversely affected program operations during the review year by: (1) Determining from the State agency's request the number of months out of the eighteen months that begins six months before the subject review period during which Food Stamp Program operations were hurt by the effects of a strike; and (2) determining a preliminary waiver amount equal to one eighteenth of the liability for each such month. The Secretary might then adjust the preliminary amount as the Secretary deems necessary to take into account recent error rate history and the nature of any strike. For example, a reduction in the preliminary amount might be made if the formula resulted in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be reduced for a strike that was limited to a small area of the State.

Under this approach FNS would assume that there were no remaining uncontrollable effects of a strike that ended during the first half of the prior review year.
3. Caseload Growth

The State would have to explain: (1) How an increase in Food Stamp Program caseloads uncontrollably and adversely affected program operations during the review period; and (2) how the event triggered an uncontrollable increase in its error rate. Seasonal increases/changes would not be considered unusual events since State agencies should have anticipated these fluctuations and developed a plan, such as increasing staff, to deal with this situation. In addition, the new error rate tolerance provided by the Hunger Prevention Act of 1988 accommodates the effects of some increase in caseloads due to unforeseen events.

Congress indicated in the 1980 legislative history that it regards caseload growth of 15 percent or more to constitute a bona fide cause of relief. Thus the Department does not propose to grant relief for smaller increases. State agencies are not, however, restricted to the definition of 15 percent growth used in the formula described below that the Department may use to determine a waiver amount when it finds it has insufficient information. The regulation itself describes in greater detail the information the Secretary needs for this evaluation. The Secretary could waive any portion of the liability which the Secretary attributes to the uncontrollable effects of caseload growth.

If the Secretary determined that a State has provided insufficient information or that sufficient information is not otherwise available from existing Department records to determine a waiver amount for the effects of caseload growth using factual analysis, the Secretary might use an alternative method of evaluation. The Secretary would determine the waiver amount for the uncontrollable effects of unusual caseload growth by first determining a preliminary waiver amount using a formula and then adjusting the preliminary waiver amount if the Secretary deemed it necessary to take into account recent error rate history or the pattern of caseload growth. For example, if the preliminary amount might be made if the formula results in a waiver of all or nearly all the liability when a State agency's recent error rate history indicates that even absent the events described, the State would have exceeded error rate tolerances in the review period. Similarly, the Department would likely grant more relief under caseload sizes were widely fluctuating than where there was a single one-time increase in participation that persisted.

Under the formula, the Secretary would: (1) Count the number of months out of the eighteen months beginning in April prior to the subject review period in which the State Agency's Food Stamp Program caseloads were 15 percent or more above caseloads in March prior to the review period; (2) count the number of months during the twelve months of the review period in which the State Agency's Food Stamp Program caseloads were 15 percent or more above caseloads in September prior to the review period; and (3) determine a preliminary waiver amount equal to one eighteenth of the liability times whichever number is larger under (1) or (2). No waiver would be granted based only on seasonal increases in caseloads.

4. Changes in the Food Stamp Program or Other Federal or State Programs

The Department proposes new language to describe specific information that would be required to be submitted in support of waiver requests based on changes in the Food Stamp or other programs, and to take into account the variance error exclusions now provided by the Hunger Prevention Act of 1988. For example, the State agency would be required to document the types of change(s) that occurred; and (2) reasons the State agency was unable to adequately handle the change(s). The regulation itself describes in greater detail the information the Secretary needs to evaluate requests.

Interim rulemaking published on November 2, 1988 (53 FR 44171) pursuant to Public Law 100-435, excludes from the QC payment error rate those errors resulting from: (1) Application of new regulations during the first 60 or 90 days (as appropriate) from the required implementation date; (2) the use of correctly processed incorrect information concerning households or individuals received from Federal agencies; and (3) incorrect policy guidance from FNS. Good cause relief from these types of errors is therefore unneeded. However, FNS would still entertain requests for good cause waivers for the impact of substantial program changes on the payment error rate after the variance exclusion period. As noted earlier, FNS wishes to advise State agencies that the higher error rate tolerance levels provided by the Hunger Prevention Act of 1988 are intended to accommodate normal levels of program change. FNS expects to grant relief only for the effects of unusual changes that have a large and uncontrollable impact. The Secretary would waive any portion of the liability which the Secretary attributed to the uncontrollable effects of large and unusual changes in the Food Stamp Program or other Federal and State programs.

5. Other Circumstances Beyond the Control of the State Agency

The Department proposes new language to describe the specific information that would be required to be submitted in waiver requests. For example, the State agency would be required to document: (1) Why the State had no control over the unusual circumstances; and (2) how the unusual circumstances had an adverse impact on the State agency's error rate. The regulation itself describes in greater detail the information the Secretary needs to evaluate requests.

The Department also proposes new language to indicate that only unusual circumstances having an uncontrollable effect on error rates will be considered. The burden would rest upon the State agency, in its request, to demonstrate how the unusual circumstances uncontrollably and adversely affected its payment error rate. It has already been noted that FNS does not intend to grant relief for the effects of normal levels of management difficulties or the effects of features of the Quality Control System that Congress has already accommodated with the higher error tolerance levels provided by the Hunger Prevention Act of 1988.

Timeframes

Currently, State agencies have 30 days from the date of notification by FNS of its final error rate and potential liability to submit requests for good cause. Because a number of State agencies have requested extensions in the past, we are proposing a 60-day period for such requests. The 60-day period would begin upon notification by FNS (certified mail, return receipt requested) of the State agency's final error rate and potential liability. Therefore, requests for good cause or requests for extension would be required to be post-marked no later than 60 days from the date of receipt of FNS' letter of notification. The date of receipt would be the date indicated on the certified mail return receipt. In the event that the Department did not receive the return receipt, the date of receipt would be the date which would be seven days from the date on the letter of notification. Requests for extension would be evaluated on a case-by-case basis. However, only in the most unusual situations would such requests be granted. For example, an occurrence that would preclude a State agency from conducting normal business may be considered an unusual situation.
Therefore, requests would be required to submit good cause waiver requests no later than 120 days (60 days as allowed in the regulations plus an automatic 60-day extension) from the date of receipt of notification of the official payment error rate and liability. For Fiscal Year 1990 and thereafter, State agencies would be required to submit good cause waiver requests no later than 60 days from the date of receipt of notification of the official payment error rate and liability. Therefore, requests would be required to be postmarked no later than 120 days or 60 days from the date of receipt of notification. Interim rules affecting the variance exclusion provisions were published November 2, 1988, and were effective with Fiscal Year 1989.

List of Subjects in 7 CFR Part 275

Administrative practice and procedure, Food stamps, Reporting, and Recordkeeping requirements.

Accordingly, 7 CFR part 275 is proposed to be amended as follows:

PART 275—PERFORMANCE REPORTING SYSTEM

1. The authority citation for Part 275 continues to read as follows:


2. In § 275.23:

   a. The second sentence of paragraph (e)(4)(i) is removed and two new sentences are added in its place.

   b. Paragraph (e)(5) is revised.

   The revision and additions read as follows:

   § 275.23 Determination of State agency program performance.

   * * * * *

   (e) State agencies’ liabilities for payment error rates.

   * * * * *

   (4) Relationship to warning process and disallowance of funds. (i) * * * *

   However, State agencies shall be notified by certified mail, return receipt requested at least 60 days before any billing and shall have sixty days following such notice to request a good cause waiver of part or all of their potential liability. The billing will not occur until after the expiration of 60 days and the Secretary’s determination of good cause.

   (5) Good Cause. (i) Events. When a State agency exceeds the allowable level for payment errors as described in this section, FNS may determine that the State agency had good cause for not achieving the payment error rate tolerance due to an unusual event or events having an uncontrollable effect upon error rates, and grant relief from quality control liabilities that would otherwise be levied under this section of the regulations. State agencies desiring such relief must submit a request in writing within 60 days from the date of receipt of notification of the official payment error rate and potential liability. The Secretary or the Secretary’s designee shall make a final determination that there is no good cause for relief if a State agency fails to request such relief under the provisions of this rule. The following are examples of unusual events which State agencies may use as a basis for requesting good cause relief and specific information that FNS expects State agencies to submit to justify such requests for relief:

   (A) Natural disasters such as those under the authority of the Disaster Relief Act of 1974, as amended (42 U.S.C. 5121 et seq., Pub. L. 93–288) or civil disorders that adversely affect program operations, during or not more than six months prior to the subject review period. When submitting a request for good cause relief based on this example, the State agency shall provide the following information:

   (1) The nature of the disaster(s) (e.g., a tornado, hurricane, earthquake, flood, fire in a certification office, etc.) or civil disorder(s) and evidence that the President has declared as disaster;

   (2) The date(s) of the occurrence;

   (3) The geographic extent of the area affected. Under this approach the intensity of the effect within the area affected, and/or the duration of the disaster and its impact on program operations. Adjustments for these factors may result in a waiver of all, part, or none of the error rate liabilities for the applicable period. For example, a deduction of the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State agency’s recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the waiver might be adjusted to take into account the scope of the area affected by a natural disaster or the intensity of the effect within the area affected. Under this approach FNS will not grant relief in one review period for the effects of disasters or civil disorders that ended during the first half of the prior review year.

   (B) Strikes by State agency staff necessary to determine Food Stamp Program eligibility and process case changes, during or not more than six months prior to the subject review period. When submitting a request for good cause relief based on this example, the State agency shall provide the following information:
(1) Which workers (i.e., eligibility workers, clerks, data input staff, etc.) and how many (number and percentage of total staff) were on strike or refused to picket;

(2) The date(s) and nature of the strike (i.e., the issues surrounding the strike);

(3) The geographic extent of the strike (i.e., the county or counties where the strike occurred);

(4) The proportion of the food stamp caseload whose management was affected by the strike;

(5) The adverse affect of the strike on program operations (i.e., the nature of the work that was and was not done during the strike, the State agency's efforts to counter the effects of the strike, etc.);

(6) Identification and explanation of the uncontrollable errors caused by the event (types of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(7) The percentage of the payments error rate that resulted from the strike.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of the strike. If the Secretary determines the State agency is unable to provide sufficient information to determine a waiver amount using factual analysis, the Secretary may apply the following alternative method to evaluate the effects during the review period of a strike that occurred during the eighteen months beginning six months before the subject review period. The Secretary will determine a preliminary waiver amount for the effects of a strike which uncontrollably and adversely affected program operations during the review period by determining from the State's application the number of months out of eighteen months that begins the six months before the subject review period during which Food Stamp Program operations were uncontrollably hurt by the effects of a strike; and determining a preliminary waiver amount equal to one eighteenth of the liability for each such month. The Secretary may then adjust the preliminary waiver amount if the Secretary deems it necessary to take into account recent error rate history or the nature of any strike. A reduction in the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State's agency's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the amount of the waiver might be reduced for a strike that was limited to a small area of the State. Under this approach FNS will not grant relief in one review period for the effects of a strike that ended during the first half of the prior review year.

(C) Unusual Food Stamp Program caseload growth prior to or during the fiscal year, for example 15 percent or more within the 18-month period which covers the subject review period and the six months immediately preceding that period may constitute unusual caseload growth. Caseload growth which historically increases during certain periods of the year will not be considered unusual so long as the State agency's recent error rate history or the pattern of caseload growth or the State agency's efforts to mitigate these effects.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of unusual caseload growth. If the Secretary determines the State agency is unable to provide sufficient information to determine a waiver amount for the uncontrollable effects of unusual caseload growth, the Secretary may use the following alternative method of evaluation. The Secretary shall determine the waiver amount for the uncontrollable effects of unusual caseload growth by first determining a preliminary waiver amount using a formula and then adjusting the preliminary waiver amount if the Secretary deems it necessary to take into account recent error rate history or the pattern of caseload growth. For example, a reduction in the preliminary amount may be made if the formula results in a waiver of all or nearly all the liability when a State's recent error rate history indicates that even absent the events described, the State agency would have exceeded error rate tolerances in the review period. Similarly, the Department would likely grant more relief where caseload sizes were widely fluctuating than where there was a single one-time increase in participation that persisted. Under the formula, the Secretary shall count the number of months out of the eighteen months beginning in April prior to the subject review period in which the State Food Stamp Program caseloads were 15 percent more above caseloads in March prior to the subject review period; count the number of months during the twelve months of the review period in which the State agency's Food Stamp Program caseloads were 15 percent or more above caseloads in September prior to the subject review period; and determine a preliminary waiver amount equal to one eighteenth of the liability times whichever number is larger.

(D) Unusual changes in the Food Stamp or other Federal or State programs that have a substantial uncontrollable effect on the QC payment error rate. Requests for relief from errors caused by the substantial uncontrollable effects of unusual program changes other than those variances already excluded by § 275.12(d)(2)(vii) will be considered. When submitting a request for good cause relief based on unusual changes in the Food Stamp or other Federal or State programs, the State agency shall provide the following information:

(1) The type of change(s) that occurred;

(2) When the change(s) occurred;

(3) The nature of the adverse effect of the changes on program operations and the State agency's efforts to mitigate these effects;

(4) Reason(s) the State agency was unable to adequately handle the change(s);

(5) Identification and explanation of the substantial uncontrollable errors caused by the changes (type of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(6) The percentage of the payment error rate that resulted from the adverse impact of the change(s).

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the substantial, uncontrollable effects of unusual program changes in the Food Stamp Program or other Federal and State programs.

(E) Other unusual circumstances. When submitting a request for good cause relief based on unusual circumstances other than those specifically set forth in this paragraph, the State agency shall provide the following information:

(1) The unusual circumstances that the State agency believes uncontrollably and adversely affected the payment error rate for the fiscal year in question:
(2) Why the State agency had no control over the unusual circumstances;

(3) How the unusual circumstances had an uncontrollable and adverse impact on the State agency's error rate;

(4) Where the unusual circumstances existed (i.e. Statewide or in particular counties);

(5) When the unusual circumstances existed (give as nearly exact dates as possible);

(6) The proportion of the food stamp caseload whose management was affected;

(7) Identification and explanation of the uncontrollable errors caused by the event (types of errors, geographic location of the errors, time period during which the errors occurred, etc.); and

(8) The percentage of the payment error rate that was caused by the unusual circumstances.

The Secretary shall evaluate the State agency's request and waive any portion of the liability which the Secretary attributes to the uncontrollable effects of unusual circumstances other than those set forth earlier in this paragraph. (ii) Timeframes. State agencies have 60 days from the date of receipt of notification by certified mail return receipt requested by FNS of its final error rate and potential liability to submit requests for good cause. Requests for extensions shall be evaluated on a case-by-case basis. In computing any period of time prescribed or allowed under these procedures, the day of delivery of any notice of action, acknowledgment, or reply shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or Federal or State holiday. In that case, the period runs until the end of the next day which is not a Saturday, Sunday or Federal or State holiday. Requests for good cause or an extension shall be post-marked no later than 60 days from the date of receipt of FNS' letter of notification.

(iii) Evidence. When submitting a request for good cause relief, the State agency shall include such data and documentation as is necessary to support and verify the information submitted in accordance with the requirements of this paragraph so as to fully explain how unusual circumstances uncontroably increased its payment error rate.

(iv) Determination. When the Secretary determines that good cause exists for a State agency's failure to meet the payment error rate tolerance for the fiscal year, the Secretary shall reduce or eliminate the State agency's liability as the Secretary deems is appropriate under the circumstances.

(v) Finality. The good cause determination of the Secretary are final and not subject to further appeal.


Betty J. Nielsen,
Administrator.

[FR Doc. 91-1008 Filed 1-15-91; 8:45 am]
BILLING CODE 3410-34-M

DEPARTMENT OF TRANSPORTATION
Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-275-AD]

Airworthiness Directives; Boeing of Canada, Ltd., de Havilland Division, Model DHC-7 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to supersede an existing airworthiness directive (AD), applicable to certain de Havilland Model DHC-7 series airplanes, which currently requires repetitive X-ray inspections to detect cracks in the rear spar wing attachment and wing/outboard nacelle joint, and repair, if necessary. This action would require reinforcement of the rear spar frame and the wing/nacelle joint which, when accomplished, would terminate the need for the repetitive X-ray inspections. This proposal is prompted by reports of recent incidents involving fatigue cracking in transport category airplanes that are approaching or have exceeded their economic design goal. This condition, if not corrected, could result in reduced structural integrity of the fuselage longeron and the wing/nacelle joint. This action also reflects the FAA's decision that long-term continued operational safety should be assured by actual modification of the airframe rather than by repetitive inspections.

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

ADDRESSES: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 99-NM-275-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Boeing of Canada, Ltd., de Havilland Division, Garratt Boulevard, Downsview, Ontario M3K 1Y5, Canada. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 181 South Franklin Avenue, Valley Stream, New York.


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 99-NM-275-AD. The post card will be date/time stamped and returned to the commenter."

Discussion

On October 17, 1980, the FAA issued AD 80-22-14, Amendment 39-3961 (45 FR 71767, October 30, 1980), to require repetitive X-ray inspections to detect cracks in the rear spar wing attachment and wing/outboard nacelle joint, and repair, if necessary. That action was prompted by fatigue testing by the manufacturer, which revealed that improved fatigue strength of the fuselage longeron at the rear spar and of the wing/outboard nacelle joint was required. This condition, if not corrected, could result in reduced structural integrity of the fuselage.
In April 1988, a high-cycle Boeing Model 737 suffered major structural damage in flight. Investigation revealed that the airplane had numerous fatigue cracks and a great deal of corrosion. Subsequent inspections conducted by the operator on the high-cycle airplanes in its fleet revealed that two other airplanes had extensive fatigue cracking and corrosion. These airplanes were taken out of service.

In June 1988, the FAA sponsored a conference on aging airplanes. It became obvious that, because of the increase in air travel, the relatively slow production rate for new airplanes, and the apparent economic feasibility of operating older technology airplanes, older airplanes will continue to be operated rather than be retired. Because of the problems revealed by the accident described above, it was determined that increased attention needed to be focused on this aging fleet to maintain operational safety.

The Air Transport Association (ATA) of America and the Aerospace Industries Association (AIA) of America are committed to identifying and implementing procedures to ensure continuing structural airworthiness of aging transport category airplanes. The Airworthiness Assurance Task Force, with representatives from the aircraft operators, manufacturers, regulatory authorities, and other aviation representatives, was established in August 1988. The objective of the Task Force was to sponsor “Working Groups” to (1) select service bulletins, applicable to each airplane model in the transport fleet, to be recommended for mandatory modification of aging airplanes, (2) develop corrosion-directed inspections and prevention programs, (3) review the adequacy of each operator’s structural maintenance program, (4) review and update the Supplemental Structural Inspection Documents (SSID), and (5) assess repair quality.

The working group assigned to review the de Havilland Model DHC-7 series airplanes made a recommendation to reinforce the longeron at the rear spar frame and the wing lower structure outboard nacelle joint. The manufacturer was made aware of the problem when cracks occurred during the fatigue test. Completing these reinforcements will reduce the possibility of major structural failure at the longeron and at the wing/nacelle joint.

Boeing of Canada, Ltd., de Havilland Division, has issued Service Bulletin 7-53-9, Revision B, and Service Bulletin 7-57-4, Revision A, both dated September 10, 1982, which describe procedures for reinforcing the longeron at the rear spar frame (Modification No. 7/1622) and the wing lower structure and outboard nacelle joint (Modification No. 7/1645). Transport Canada has classified these service bulletins as mandatory, and has issued Airworthiness Directive CF-80-20 addressing this subject.

Since fatigue cracking and corrosion are 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 reinforcement of the longeron and wing/nacelle joint in accordance with the service bulletins previously described.

The proposed compliance time for accomplishing the structural modifications is based on the recommendation of the Model DHC-7 Airworthiness Assurance Task Group. Their recommendation is based on a review of fatigue inspections, the ability of the manufacturer to provide parts, and the time necessary to incorporate the modifications.

It is estimated that 8 airplanes of U.S. registry would be affected by this AD, that it would take approximately 715 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The required parts will be supplied to the operator at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $228,800.

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 12861, it is determined that this proposal would not have significant 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 28, 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.
Note: Inspection performed in accordance with de Havilland Service Bulletin 7-57-4, Revision A, dated September 10, 1982, are considered in compliance with the requirements of the paragraph.

1. If cracks are found, prior to further flight, repair in a manner approved by the Manager, New York Aircraft Certification Office, or at the New York Aircraft Certification Office, 7 Franklin Avenue S.W., Renton, Washington, and incorporate DeHavilland Modification No. 7/1645 (reinforcement of the lower wing structure and outboard nacelle) in accordance with the Accomplishment Instructions of the service bulletin.

2. If no cracks are found, repeat the radiographic inspection at intervals not to exceed 1,000 hours time-in-service.

C. Within 2 years after the effective date of this AD, reinforce the longeron at the rear spar frame (Modification No. 7/1622) and reinforce the wing/nacelle joint (Modification No. 7/1645), in accordance with the Accomplishment Instructions in de Haviland Service Bulletins 7–53–9, Revision B, and 7–57–4, Revision A, both dated September 10, 1982. Accomplishment of Modifications 7/1622 and 7/1645 constitutes terminating action for the repetitive radiographic inspections required by paragraph a. and b. of this AD.

D. 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, New York Aircraft Certification Office (ACO), ANE–170, FAA, New England Region.

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

E. 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 Boeing of Canada, Ltd., de Havilland Division, Garrett Boulevard, Downsview, Ontario, Canada M3K 1Y5. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue S.W., Renton, Washington, or at the FAA, New England Region, New York Aircraft Certification Office, 161 South Franklin Avenue, Valley Stream, New York.


Leroy A. Keith,
Manager, Transport Airplane Directorate,
Aircraft Certification Service.

[FR Doc. 91–1037 Filed 1–15–91; 8:45 am]

BILLING CODE 4910–13–M

**RAILROAD RETIREMENT BOARD**

**20 CFR Part 323**

**RIN 3220–AA84**

**Nongovernmental Plans for Unemployment or Sickness Insurance**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Proposed rule.

**SUMMARY:** The Railroad Retirement Board (Board) proposes to amend chapter II of title 20 of the Code of Federal Regulations by adding a new part 323. Part 323 defines, for purposes of the Railroad Unemployment Insurance Act, what is meant by the phrase “nongovernmental plan for unemployment or sickness insurance,” the standards by which the Board will determine whether a proposed plan qualifies as a nongovernmental plan, and the procedure by which an employer may obtain a determination by the Board as to whether such a plan so qualifies.

**DATES:** Comments must be submitted on or before March 18, 1991.

**ADDRESSES:** Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.


**SUPPLEMENTARY INFORMATION:** The Railroad Unemployment Insurance Act (RUIA) provides for the payment of benefits to qualified railroad employees for their days of unemployment or days of sickness, as defined in section 1(k) of the RUIA. Under section 1(k), no day can be a day of unemployment or a day of sickness for any employee if “remuneration” is payable to or accrues to the employee for such day. Section 1(j) of the RUIA and part 322 of the Board’s regulations define the term “remuneration” as meaning all pay for services for hire, including pay for time lost, and all other earned income payable or accruing with respect to any day. However, section 1(j) excludes from the definition of “remuneration” any money payments received by an employee pursuant to any nongovernmental plan for unemployment insurance, maternity insurance, or sickness insurance.

With the elimination of maternity benefits as a separate category of benefits under the RUIA by section 201 of Public Law 90–257 (82 Stat. 16, 23), the reference to maternity insurance in section 1(j) is obsolete. Consequently, this proposed part 323 confines itself to defining nongovernmental plans for unemployment or sickness insurance, their content, and the standards for Board approval of such plans.

The Board considers it necessary to publish a regulation on the subject of nongovernmental plans for unemployment or sickness insurance because of the growing number of such plans in recent years. At the same time, many railroad employees have been affected by railroad mergers, consolidations or abandonments, and many of them are entitled to receive payment of dismissal allowances pursuant to an order of the Interstate Commerce Commission or to a wage guarantee plan or agreement. A dismissal allowance or similar wage guarantee is a form of “remuneration” that prevents the payment of benefits under the RUIA or causes such benefits to be recoverable by the Board. See § 322.7 of the Board’s regulations and section 2(f) of the RUIA (45 U.S.C. 352(f)). This proposed rule makes it clear that such payments are not made pursuant to a nongovernmental plan merely because the plan provides an offset for benefits received under the RUIA.

In addition, because benefit payments under nongovernmental plans are not “compensation” under section 1(i) of the RUIA, such benefit payments are not subject to payment of contributions under part 345 of this chapter. Accordingly, the Board considers it necessary and desirable to clearly distinguish employer payments under nongovernmental plans from other payments to employees due to unemployment and sickness and to create a formal procedure in which an employer may obtain from the Board a ruling as to whether payments it may have to make to an employee under such plans would, or would not, be regarded as “remuneration” within the meaning of section 1(j) of the Act.

The Board has determined that this is not a major rule for purposes of Executive Order 12291. Therefore, no regulatory analysis is required. There are no information collections contemplated by this proposed part 323.

List of Subjects in 20 CFR Part 323

Railroad employees, railroad employers, railroad unemployment benefits.

For the reasons set out in the preamble, title 20, chapter II of the Code of Federal Regulations is proposed to be amended by adding part 323 to read as follows:
Part 323—NONGOVERNMENTAL PLANS FOR UNEMPLOYMENT OR SICKNESS INSURANCE

Sec. 323.1 Introduction.
323.2 Definition of nongovernmental plan for unemployment or sickness insurance.
323.3 Standards for Board approval of a nongovernmental plan.
323.4 Guidelines for content of a nongovernmental plan.
323.5 Submitting proposed plan for Board approval.
323.6 Treatment of benefit payments under a nongovernmental plan for purposes of contributions.
323.7 Effective date.
Authority: 45 U.S.C. 302(i).

§ 323.1 Introduction.
(a) This part defines the phrase "nongovernmental plan for unemployment or sickness insurance" and sets forth the procedure by which an employer may obtain a determination by the Railroad Retirement Board as to whether a particular plan that such employer maintains for its employees qualifies as a nongovernmental plan. In general, any payment by an employer to an employee for services rendered as an employee will be considered to be "remuneration" within the meaning of section 1(j) of the Railroad Unemployment Insurance Act and part 322 of this chapter. This includes employer payments that relate to an employee's loss of earnings during a period of time when the employee is unemployed or sick, including sickness resulting from injury. The exception is when an employer pays an employee a benefit pursuant to the provisions of a nongovernmental plan for unemployment or sickness insurance established by an employer for the benefit of its employees. Benefit payments under such plans are not remuneration and do not affect an employee's eligibility for unemployment or sickness benefits under the Railroad Unemployment Insurance Act.

(b) This part does not have any general applicability to private insurance contracts under which an insurance company, pursuant to a policy of insurance maintained by or for an employee, pays medical or hospital expenses or other cash benefits to or in behalf of an employee. Nor does this part apply to any private plan for relief of unemployment established by a party other than an employer such as, for example, a plan established by a labor union under which it undertakes to pay benefits to striking members of the union out of a strike insurance fund. Insurance policy benefits and strike unemployment benefits, although paid under plans that are nongovernmental in nature, are not considered remuneration for services under the general definition of "remuneration." See part 322 of this chapter.

§ 323.2 Definition of nongovernmental plan for unemployment or sickness insurance.

A nongovernmental plan for unemployment or sickness insurance is a benefit plan, program or policy that is in the nature of insurance and is designed and established by an employer for the purpose of supplementing the benefit that an employee of such employer may receive under the Railroad Unemployment Insurance Act during a period of unemployment or sickness. A nongovernmental plan may be established by labor-management agreement or by unilateral employer action. Payments under such plans are referred to as supplemental unemployment benefits (SUB) pay or supplemental sickness benefits, rather than as wages, salary or pay for time lost, because their inherent nature is to supplement benefit payments under the Railroad Unemployment Insurance Act rather than to replace or duplicate such payments.

§ 323.3 Standards for Board approval of a nongovernmental plan.

An unemployment or sickness benefit plan qualifies as a nongovernmental plan if it conforms to the following standards:

(a) The plan is in writing and has been published or otherwise communicated to covered employees prior to the inception of the plan;

(b) Benefits under the plan are payable only to employees who are involuntarily laid off or separated from the service of the employer or who are absent from work on account of illness or injury;

(c) Payment of benefits under the plan is conditioned upon a covered employee's meeting the eligibility conditions governing payment of benefits under the Railroad Unemployment Insurance Act. However, a plan will not be disqualified merely because it:

(1) Provides benefits during any waiting period required under the Railroad Unemployment Insurance Act, or

(2) Provides benefits after an employee has exhausted rights to benefits under the Railroad Unemployment Insurance Act,

(3) Provides benefits during a period when the employee is not a "qualified employee", within the meaning of part 302 of this chapter;

(d) Payment of benefits under the plan is coordinated with benefit payments to which the employee may be entitled under the Railroad Unemployment Insurance Act. In general, plan benefit payments will be considered coordinated with Railroad Unemployment Insurance Act benefit payments when computation of the plan benefits takes Railroad Unemployment Insurance Act benefit entitlement into consideration in such a way as to make it clear that the plan is supplementing Railroad Unemployment Insurance Act benefit payments for days of unemployment or days of sickness. For example, a plan that provides for payment of a specified daily benefit amount is considered coordinated with Railroad Unemployment Insurance Act benefit payments if the plan provides that the daily benefit amount otherwise payable to the employee is reduced by the amount of benefits that the employee received or could receive under the Railroad Unemployment Insurance Act for the same day if the employee had met all the eligibility criteria for such benefit. Similarly, there is acceptable coordination if the plan simply provides for payment of an amount as an "add-on" benefit to the amount of Railroad Unemployment Insurance Act benefits paid or payable. On the other hand, a plan that allows payment so as to compensate an employee for railroad or non-railroad earnings that are lower in amount than what the employee would get under the plan if he or she were not employed is not considered coordinated with benefit payments under the Railroad Unemployment Insurance Act because an employer payment made under such circumstances supplements earnings rather than benefit payments under the Railroad Unemployment Insurance Act. No Railroad Unemployment Insurance Act benefits are payable to an employee who is earning remuneration from railroad or non-railroad employment. Employer payments that make up for low earnings are pay for time lost and therefore are "compensation" and "remuneration";

(e) The plan confers upon covered employees an enforceable right to the benefits under the plan. The plan may not commit to management discretion any decision as to whether such employee will actually be paid the benefits to which he is entitled under the plan or the amount to be paid;

(f) The plan may not provide benefits to a covered employee in an amount that, when added to his or her Railroad Unemployment Insurance Act benefits, results in the employee receiving total weekly benefits in excess of the maximum weekly benefit amount that the employee is entitled to receive under the Railroad Unemployment Insurance Act.
Unemployment Insurance Act benefits, is greater than the wages or salary that would have been paid if the employee were employed; and

(g) The plan incorporates the features set forth in § 323.4 of this part and has been approved by the Board's Director of Unemployment and Sickness Insurance as a nongovernmental plan for unemployment or sickness insurance.

§ 323.4 Guidelines for content of a nongovernmental plan.

At a minimum, a nongovernmental plan for unemployment or sickness insurance should contain the following features:

(a) The title of the plan (e.g., Supplemental Unemployment Benefit Plan or Supplemental Sickness Benefit Plan);
(b) A statement of purpose, such as the following: There is hereby established a nongovernmental plan for unemployment or sickness insurance (specify which one) within the meaning of section 11(i) of the Railroad Unemployment Insurance Act. The purpose of this plan is to supplement the benefits that an eligible employee may receive under that Act and not to replace or duplicate such benefits. Payments under this plan are designed as one of the benefits of employment with [name of employer] and are not intended as pay for time lost or any other form of remuneration for services rendered as an employee;
(c) A statement as to which class or craft of employees, or other specified group of employees, is covered by the plan;
(d) The criteria governing a particular covered employee's eligibility for supplemental benefits under the plan;
(e) The dollar amount of supplemental benefits payable on a periodic basis to an eligible employee, the duration of supplemental benefits, how such benefits will be computed, and the conditions under which an employee will be disqualified or benefit payments reduced or terminated; and
(f) The identity of the plan administrator and the procedure by which a covered employee may claim supplemental benefits under the plan, including forms to be filed (if any), how to file, the time limit for filing, and how an employee may appeal from a denial of supplemental benefits.

§ 323.5 Submitting proposed plan for Board approval.

An employer shall submit each proposed plan, or a proposed revision to an existing plan, to the Director of Unemployment and Sickness Insurance, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. The Director shall determine whether the plan or revision conforms to this Part. Approval shall be effective as of the effective date of the plan. If not approved, the Director will advise the employer in which particular respects the proposed plan or revision does not conform to this part.

§ 323.6 Treatment of benefit payments under a nongovernmental plan for purposes of contributions.

Benefit payments under nongovernmental plans approved by the Board under this part are not "compensation" as defined in section 1(i) of the Railroad Unemployment Insurance Act, and therefore they are not subject to contribution under part 345 of this chapter.

§ 323.7 Effective date.

(a) This part shall not apply to a plan approved by the Director of Unemployment and Sickness Insurance prior to the effective date of this part. However, it shall apply to any proposed revision to such plan.
(b) Any plan in effect on the effective date of this part that has not been approved by the Director of Unemployment and Sickness Insurance shall be considered a proposed plan for purposes of § 323.5.


By Authority of the Board.

Beatrice Ezerski, Secretary to the Board.

[FR Doc. 91-1007 Filed 1-15-91; 8:45 am]
BILLING CODE 7965-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1020

[Docket No. 87P-0256/CP]

Performance Standards for Ionizing Radiation Emitting Products: Diagnostic X-Ray Systems and Their Major Component; Computed Tomography Equipment; Proposed Removal of Requirement; Citizen Petition

AGENCY: Food and Drug Administration, HSS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA), in response to a citizen petition, is proposing to remove a requirement in the performance standard for diagnostic X-ray systems and their major components regarding computed tomography (CT) equipment.

DATES: Comments by March 18, 1991. FDA proposes that any final rule based on this proposed rule become effective 30 days after the date of its publication in the Federal Register.

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: Joseph M. Sheehan, Center for Devices and Radiological Health (HFZ-84), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4874.

SUPPLEMENTARY INFORMATION: On July 31, 1987, the National Electrical Manufacturers Association (NEMA) filed a petition requesting that FDA remove § 1020.33(f)(2)(ii) (21 CFR 1020.33(f)(2)(ii)), a paragraph of the performance standard for diagnostic X-ray systems and their major components regarding CT equipment. The requirement that the petition requested be removed is as follows:

(ii) Means shall be provided such that the exposure from the system does not exceed the radiation levels specified in § 1020.30(k) except when X-ray transmission data are being collected for use in image production or technique factor selection.

The agency had established this requirement to prevent or limit unnecessary radiation exposure to the patient during a CT scan. As described in the preamble of the notice proposing this requirement, published in the Federal Register of October 31, 1980 (45 FR 72204), the intent was to limit exposure of the patient which might occur if the CT system exposed the patient to radiation without, at the same time, collecting transmission data for image production or for selection of technique factors. Such unused exposure might occur during adjustment of X-ray tube current and potential to operating levels, during opening or closing of beam shutters, or during periods of X-ray production without data collection if systems were not optimally designed from a radiation use standpoint. Some early CT designs produced excessive amounts of unused radiation.

Early drafts of this requirement, circulated for comment in March 1978 and October 1978 prior to its formal proposal, would have permitted exposure of the patient during data collection only. FDA specifically solicited comments on this and on the amount of exposure to be permitted for technique factor selection purposes.
Some manufacturers commenting on the drafts stated that allowance was required for some unused radiation in order for CT systems to function optimally and suggested limits based on a fraction of the scan time, a fraction of the total exposure from the scan, or the 100 millirem (mR) limit contained in § 1020.30(k) [21 CFR 1020.30(k)]. FDA proposed the latter limit of 100 mR for the amount of unused exposure to be permitted during a scan and specifically requested comments on this proposed limit for technique factor selection. However, FDA received no comments on this requirement in the proposed rule, and the requirement became final as proposed. The final rule was published in the Federal Register on August 31, 1984 (49 FR 34698).

In 1986, FDA, during the review of initial reports submitted by CT manufacturers under 21 CFR 1002.10, raised questions with one manufacturer that had failed to design a CT system in compliance with 21 CFR 1020.33(f)(2)(ii). As a result of the review, the manufacturer then made a software change that resulted in a significant reduction in the unused radiation for this system design. On April 14, 1987, FDA sent a letter to all CT system manufacturers setting forth the agency’s interpretation of § 1020.33(f)(2)(ii) and requesting additional information from the manufacturers as to how they had designed their systems to comply with § 1020.33(f)(2)(ii). The letter stated FDA’s interpretation of the reference in § 1020.33(f)(2)(i) to § 1020.30(k) referred only to the radiation exposure limit of 100 mR in § 1020.30(k) and not to the measurement conditions in § 1020.30(k). The letter stated that those portions of § 1020.30(k) relating to exposure time, leakage technique factors, measurement area, and measurement distance did not apply to § 1020.33(f)(2)(ii). FDA also stated that the 100 mR limit on unused exposure applied to an individual scan and recommended measurement of the exposure in air at the axis or center of rotation of the X-ray tube. The letter requested each manufacturer to provide additional information as a supplement to initial reports on the operation and compliance of their CT systems with respect to § 1020.33(f)(2)(ii).

Following receipt of the April 14, 1987, letter, manufacturers of CT systems, through NEMA, requested a meeting with FDA to discuss the interpretation of § 1020.33(f)(2)(ii) and its impact on manufacturers. During this meeting, which was held on June 24, 1987, the manufacturers revealed that a large number of currently marketed CT systems failed to comply with the agency’s interpretation of § 1020.33(f)(2)(ii). Their problems in meeting the agency’s interpretation were claimed to be due to the manufacturers:

(1) Interpreting § 1020.33(f)(2)(ii) as a leakage radiation requirement rather than as a limit on direct beam exposure to the patient;

(2) Interpreting the reference to § 1020.30(k) to include the measurement conditions in that section;

(3) Failing to consider how compliance with § 1020.33(f)(2)(ii) should be determined. Information submitted to FDA by NEMA following this meeting indicated that the maximum unused radiation during a single scan ranged from 93 mR to 1040 mR. This represents from 0.2 to 8 percent of the total patient exposure during a single scan. These data, however, did not encompass all manufacturers or all models of CT systems.

FDA received the citizen petition from NEMA after these discussions with manufacturers. The petitioner’s argument for removal of this requirement consisted of the following:

(1) The performance standard allegedly contains basic flaws which make it unsuitable for the use for which the agency stated that it was intended. These alleged flaws are:

(a) The application of the referenced requirement (§ 1020.30(k)) in the subject regulation (§ 1020.33(f)(2)(ii)) to limit exposure to the patient is not appropriate to the way in which the numerical limit of 100 mR in 1 hour in § 1020.30(k) was determined.

(b) The promulgation of § 1020.33(f)(ii) was never accompanied by notice-and-comment rulemaking.

(c) FDA did not conduct a survey of state-of-the-art CT scanners to determine the feasibility of compliance with the standard as FDA interpreted it.

(d) Because FDA acceded to an industry comment during the original rulemaking concerning § 1020.33(f)(2)(ii), the industry reasonably believed that the requirement was simply a leakage radiation requirement. This misunderstanding was only cleared up by a 1987 letter from FDA to NEMA.

(e) FDA did not establish an adequate rationale for the new limit of 100 mR/scan first promulgated in its interpretation and not previously referenced in the regulation.

(2) For various reasons, FDA’s attempt to reduce X-ray exposure to patients via § 1020.33(f)(2)(ii) would for many CT systems result in just the opposite effect.

(3) The interpretation in the recent (1987) FDA letter is allegedly equivalent to an amendment to the CT performance standard because of the severity of its impact.

While FDA does not agree with the first and third petitioner’s arguments, there are good reasons for repeal of the requirement.

First, it appears that a significant number of previously and currently marketed CT systems would require redesign or modification to comply with § 1020.33(f)(2)(ii), although the extent or cost of such modification is unknown to the agency.

Second, it is clear that some unused radiation exposure of the patient is inherent in the design of CT systems, and attempting to eliminate or severely restrict that exposure could adversely affect the clinical performance of those systems.

Furthermore, the patient dose resulting from unused radiation exposure for a given CT system is reflected in and contributes to the CTDI for that system. Manufacturers are required by § 1020.33(c) to provide information on the total radiation dose from each CT system through the CTDI. Thus, systems with larger amounts of unused radiation will reflect this in the CTDI information provided to purchasers. Purchasers and users thus have the CTDI, which reflects total patient radiation dose, which may be used to judge the radiation impact of a given model or technique of operation. The negative impact of large CTDI values and the desirability of keeping scan times as short as possible are factors which presently encourage designs that limit unused exposure.

In addition to these considerations, FDA has identified no suitable alternative requirement whose benefits would clearly exceed the potential costs to manufacturers and, ultimately, to users if system modifications were to be required for compliance. FDA believes that the potential public health benefit of such a suitable alternate requirement, were one to be developed, to be minor.

For these reasons FDA agrees with the petitioner that the requirement in § 1020.33(f)(2)(ii) should be removed.

In conjunction with its proposal to remove § 1020.33(f)(2)(ii) and because of the lack of a suitable alternative requirement, FDA encourages manufacturers to review carefully and proposed CT system designs. Particular attention should be given to ensuring that the system design limits the unused exposure to the
minimum required to operate the system for its intended purposes.

In January and February 1990, FDA sent a draft of this proposed rule to remove § 1020.33[f][2][ii] to members of the Technical Electronic Product Radiation Safety Standards Committee (TEPRSSC) for their review. Of the 15 TEPRSSC members, 10 concurred, 1 did not comment, 1 abstained, and 3 did not respond. The member who did not concur believes that a regulation addressing unnecessary radiation exposure to the patient is important to have and that any confusion over the interpretation of § 1020.33[f][2][ii] could be eliminated by amending this section rather than by removing it. FDA disagrees but invites comments on this issue.

Environmental Impact

The agency has determined under 21 CFR 25.24[e][3] that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Economic Impact

After considering the economic consequences of removing § 1020.33[f][2][ii], FDA certifies that this notice requires neither a regulatory impact analysis, as specified in Executive Order 12291, nor a regulatory flexibility analysis as defined in the Regulatory Flexibility Act (Pub. L. 95-620).

Comments

Interested persons may, on or before
March 18, 1991, submit to the Dockets Management Branch (address above) written comments regarding this proposal. Two 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 brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 1020

Electronic products, Medical devices, Performance standards for ionizing radiation emitting products, Radiation protection, Reporting and recordkeeping requirements, Television, and X-rays.

Therefore, under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 and under authority delegated to the Commissioner of Food and Drugs, it is proposed that 21 CFR part 1020 be amended as follows:

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

§ 1020.33 [Amended]

1. The authority citation for 21 CFR part 1020 continues to read as follows:


2. Section 1020.33 Computed tomography (CT) equipment is amended by removing paragraph (f)(2)(ii) and by redesignating paragraph (f)(2)(iii) as paragraph (f)(2)(ii).

Dated: November 30, 1990.

Ronald G. Chesemore,
Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–1027 Filed 1–15–91; 8:45 am]
BILLING CODE 4160–01–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 9E3711/P519; FRL–3642–2]
RIN 2070–AC18

Pesticide Tolerances for Inorganic Bromide Resulting From Fumigation With Methyl Bromide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes that the established tolerance for residues of inorganic bromide in or on ginger roots be amended to allow preplant soil fumigation with methyl bromide. The proposed amendment to the tolerance for inorganic bromide was requested in a petition submitted by the Interregional Research Project No. 4 (IR-4).

DATES: Comments, identified by the docket control number (PP 9E3711/ F519), must be received on or before February 15, 1991.

ADDRESSES: By mail, submit written comments to: Public Information Branch, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 248 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Emergency Response and Minor Use Section (H–7506C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 204-744-718C. CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557–2310.

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4, (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petition 9E3711 to EPA on behalf of the Agricultural Experiment Station of Hawaii.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose an amendment to 40 CFR 180.123 by revising the existing tolerance for residues of inorganic bromide in or on ginger roots resulting from postharvest fumigation with methyl bromide to allow preplant soil fumigation. The existing tolerance for residues of inorganic bromide on ginger roots at 100 parts per million resulting from postharvest commodity fumigation with methyl bromide would remain in effect. No increase in the existing tolerance for residues of inorganic bromide on ginger roots was proposed to cover residues resulting from both preplant soil fumigation and postharvest commodity fumigation.

The petitioner proposed that this use of methyl bromide be limited to Hawaii based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

To make the regulations consistent, EPA also proposes to add a tolerance
with regional registration under 40 CFR 180.199 for residues of inorganic bromide in or on ginger roots at 100 ppm resulting from soil fumigation with methyl bromide and chloropicrin. Tolerances under 40 CFR 180.199 are established for residues of inorganic bromide resulting from soil fumigation with combinations of chloropicrin, methyl bromide, or propylene glycol. Chloropicrin is used in combination with methyl bromide as a warning agent. No tolerance is needed for chloropicrin, since the Agency has concluded that no residues of chloropicrin will remain in or on ginger roots as a result of preplant soil fumigation with formulations containing chloropicrin at 2 percent or less.

All tolerances for methyl bromide are currently expressed in terms of inorganic bromide. Methyl bromide is exempt from the requirement of a tolerance under 40 CFR 180.3(c)(2) since residues of methyl bromide per se (also referred to in this document as the parent compound) were expected to degrade and/or dissipate by the time the treated commodity was consumed. Tolerances for inorganic bromide were, therefore, considered adequate to regulate residues from preplant soil fumigation and postharvest commodity fumigation with methyl bromide.

Data are now available, however, that show residues of the parent compound in foods which were treated by postharvest fumigation. In addition, the Registration Standard for Methyl Bromide, issued in 1986, requires the submission of data reflecting residues of methyl bromide per se. If both preplant and postharvest fumigation are registered uses on a given commodity, then data are required depicting residues of both inorganic bromide and methyl bromide residues resulting from the combination of the two types of treatment, and one tolerance will be established.

Based on numerous field residue studies, it is known that the bromide ion is a metabolite in plants grown in fumigated soil. The parent compound, however, has not been detected with certainty in plants grown in fumigated soil.

Residue data submitted by the petitioner reflecting preplant soil fumigation with methyl bromide show no detectable residues of the parent compound in or on ginger roots. The petitioner has also submitted data indicating that residues of inorganic bromide resulting from preplant soil fumigation with methyl bromide are relatively low compared with the tolerance established for postharvest fumigation with methyl bromide.

Data relating to methyl bromide residues in or on ginger roots resulting from postharvest fumigation are not available to the Agency at this time. However, based on the available information it appears that tolerances for residues of methyl bromide per se in or on ginger root resulting from both preplant soil fumigation and postharvest commodity fumigation with methyl bromide will be based primarily on residue data reflecting postharvest treatment. Once the registrant has submitted residue data for postharvest fumigation, and other data required by the registration standard, a tolerance can be established for ginger roots based on residue data reflecting preplant and postharvest fumigation. In the interim, the existing tolerance for inorganic bromide is considered adequate to allow both types of fumigation with methyl bromide.

The Agency concludes that the amount of inorganic bromide added to the diet from the proposed use will not significantly increase dietary exposure. There will be no increase in the theoretical maximum residue contribution (TMRC); the existing tolerance for ginger roots is adequate to allow both preplant soil fumigation and postharvest commodity fumigation.

Inorganic bromide is a naturally occurring substance in some soils with demonstrated safe use by humans in the form of over-the-counter proprietary brominated analgesics. Inorganic bromide is also a metabolite of numerous agricultural pesticides, and tolerances have been established for residues of the inorganic bromides on various commodity levels ranging from 5 ppm to 240 ppm (40 CFR 180.123); food additive tolerances have been established at levels up to 400 ppm in major food items such as cheeses, dried eggs, and milled grain products (40 CFR 185.3700) and in fermented malt beverages (40 CFR 185.3460).

The nature of the residues is adequately understood for purposes of this tolerance, and an adequate analytical method, direct potentiometry using a solid-state bromide electrode, is available in FDA's Pesticide Analytical Manual (PAM), Vol. II, for enforcement purposes. No secondary residues in meat, milk, or eggs are expected since ginger is not considered a livestock feed commodity. There are currently no actions pending against the continued registration of this chemical.

Based on the above information considered by the Agency, the proposed amendments to 40 CFR 180.123 and 40 CFR 180.199 would protect the public health. Therefore, it is proposed that the tolerances be amended as set forth below.

Any person who has registered or submitted an application for registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this document in the Federal Register that this rulemaking proposal be referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, (PP E5711/P519). All written comments filed in response to this petition will be available in the Public Information Branch, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: December 27, 1990.

Anne E. Lindsay,
Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

2. In §180.123, by designating the current text as paragraph (a) and revising its introductory text and adding new paragraph (b), to read as follows:

§180.123 Inorganic bromides resulting from fumigation with methyl bromide; tolerances for residues.

(a) Tolerances are established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodities which have been fumigated with the antimicrobial agent and insecticide methyl bromide after harvest (with the exception of strawberries):

(b) A tolerance with regional registration, as defined in §180.1(n), is established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodity grown in soil fumigated with methyl bromide:

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ginger, roots (Pre-H)</td>
<td>100</td>
</tr>
</tbody>
</table>

3. In §180.199, by adding new paragraph (c), to read as follows:

§180.199 Inorganic bromides resulting from soil treatment with combinations of chloropicrin and methyl bromide, or propargyl bromide; tolerances for residues.

(c) A tolerance with regional registration, as defined in §180.1(n), is established for residues of inorganic bromides (calculated as Br) in or on the following raw agricultural commodity grown in soil fumigated with combinations of methyl bromide and chloropicrin. No tolerance is established for chloropicrin since it has been established that no residue of this substance remains in the raw agricultural commodity when formulations containing chloropicrin at 2 percent or less are used.

<table>
<thead>
<tr>
<th>Commodity</th>
<th>Parts per million</th>
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<tbody>
<tr>
<td>Ginger, roots</td>
<td>100</td>
</tr>
</tbody>
</table>

[FR Doc. 91-594 Filed 1-15-91; 8:45 am]
<table>
<thead>
<tr>
<th>COLORADO</th>
<th>IOWA</th>
<th>LOUISIANA</th>
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</thead>
<tbody>
<tr>
<td>Meeker (town), Rio Blanco County</td>
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<tr>
<td>White River:</td>
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<td>Approximately 700 feet downstream of Tenmile Street Bridge</td>
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<td>*6,201</td>
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<tr>
<td>Just upstream of Tenmile Street Bridge</td>
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<td>Approximately 2,500 feet upstream of Tenmile Street Bridge</td>
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<td>*6,218</td>
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<tr>
<td>Colorado River:</td>
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<tr>
<td>Approximately 5,000 feet downstream of confluence of Parachute Creek</td>
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<td>*5,047</td>
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<td>Just upstream of County Road 300</td>
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<tr>
<td>*5,072</td>
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<td>Approximately 1,000 feet upstream of County Road 300</td>
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<td>Parachute Creek:</td>
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<td>At confluence with Colorado River</td>
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<td>At First Street</td>
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<td>Parachute (town), Garfield County</td>
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<td>Colorado River:</td>
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<td>Approximately 5,000 feet downstream of confluence of Parachute Creek</td>
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<td>Parachute Creek:</td>
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<td>At confluence with Colorado River</td>
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<tr>
<td>Maps are available for review at Town Hall, 220 Grand Valley Way, Parachute, Colorado.</td>
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<tr>
<td>Send comments to The Honorable David Bessey, Mayor, Town of Parachute, P.O. Box 100, Parachute, Colorado 81635.</td>
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<tr>
<td>Windsor (town), Weld County</td>
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<tr>
<td>Cache La Poudre River:</td>
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<td></td>
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<tr>
<td>Approximately 100 feet downstream of Weld County Road 17</td>
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<tr>
<td>*4,763</td>
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<tr>
<td>Just downstream of Weld County Road 17</td>
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<td>*4,776</td>
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<td>Windsor (town), Weld County</td>
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<tr>
<td>Cache La Poudre River:</td>
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<tr>
<td>Approximately 160 feet downstream of Winnebago Mill Road</td>
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<tr>
<td>*1,226</td>
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<td></td>
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<tr>
<td>Just downstream of Winnebago Mill Road</td>
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<td>*1,241</td>
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<tr>
<td>Tanyard Branch:</td>
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<tr>
<td>About 3,000 feet downstream of the Green River Plant Road</td>
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<td>*1,210</td>
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<tr>
<td>Just downstream of Pine Tree Road</td>
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<td>*1,333</td>
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<td></td>
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<tr>
<td>Just upstream of Pine Tree Road</td>
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<td>*1,351</td>
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<tr>
<td>Just downstream of State Route 69</td>
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<td>*1,359</td>
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<td>Happy Hollow Road:</td>
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<td>At mouth</td>
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<td>*1,190</td>
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<tr>
<td>Just downstream of Happy Hollow Road</td>
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<td>*1,262</td>
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<tr>
<td>Tributary C:</td>
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<tr>
<td>About 1,650 feet downstream of the Sandy River</td>
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<td>*1,235</td>
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<tr>
<td>About 800 feet upstream of Sandyland Road</td>
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<td>*1,309</td>
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<tr>
<td>Couch Creek:</td>
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<tr>
<td>Just upstream of State Route 8</td>
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<tr>
<td>*1,186</td>
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<tr>
<td>About 850 feet upstream of Tontolino Road</td>
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<td>*1,192</td>
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<tr>
<td>Maps available for review at the Building Inspector’s Office, City Hall, 100 Riley Road, Dakota, Georgia.</td>
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</tr>
<tr>
<td>Send comments to The Honorable Emory Stephens, City Manager, City of Dakota, P.O. Box 2073, Dakota, Georgia 30533.</td>
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### PROPOSED BASE (10-YEAR) FLOOD ELEVATIONS—Continued

| State | County | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection at | Map Available for Inspection 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### PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>Source of flooding and location</th>
<th>#Depth in feet above ground. Elev. in feet (NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Deer Creek</strong></td>
<td><strong>Sugar Creek</strong></td>
</tr>
<tr>
<td>Approximately 73701, Garfield County, Route 70</td>
<td>Approximately 2,000 feet upstream of U.S. Route 70</td>
</tr>
<tr>
<td>At the downstream corporate limits............</td>
<td>At the downstream corporate limits............</td>
</tr>
<tr>
<td><strong>Ash Run:</strong></td>
<td><strong>Elk Run:</strong></td>
</tr>
<tr>
<td>At mouth.............</td>
<td>Approximately 1.8 miles upstream of Deer Creek</td>
</tr>
<tr>
<td>Just downstream of Taylor Road.............</td>
<td>Approximately 0.4 mile downstream of Deer Creek</td>
</tr>
<tr>
<td><strong>Fulton Creek:</strong></td>
<td><strong>Sugar Creek:</strong></td>
</tr>
<tr>
<td>Approximately 2.5 miles downstream of State Route 4</td>
<td>Approximately 200 feet upstream of West Beaver</td>
</tr>
<tr>
<td>Just downstream of State Route 739</td>
<td>Approximately 1.1 miles upstream of Deer Creek</td>
</tr>
<tr>
<td><strong>Elk Run:</strong></td>
<td><strong>Sugar Creek:</strong></td>
</tr>
<tr>
<td>At mouth.............</td>
<td>Approximately 9 miles upstream of State Route 19</td>
</tr>
<tr>
<td>Just downstream of Kinney Pike...........</td>
<td>Approximately 1.1 miles upstream of State Route 19</td>
</tr>
<tr>
<td><strong>Ash Run:</strong></td>
<td><strong>Elk Run:</strong></td>
</tr>
<tr>
<td>At mouth.............</td>
<td>Approximately 1.8 miles upstream of Deer Creek</td>
</tr>
<tr>
<td>Just downstream of Boundary Road.........</td>
<td>Approximately 1.8 miles upstream of East Konner Avenue</td>
</tr>
</tbody>
</table>

### Maps available for inspection at the County Courthouse, Marysville, Ohio.

- Maps available for inspection at the County Courthouse, Marysville, Ohio.
- Maps available for inspection at the County Courthouse, Anadarko, Oklahoma.
- Maps available for inspection at the County Courthouse, Garfield County, Oklahoma.
- Maps available for inspection at the County Courthouse, Comanche County, Oklahoma.
- Maps available for inspection at the Town Hall, Devol, Oklahoma.
- Maps available for inspection at the Town Hall, Fairmont, Oklahoma.
- Maps available for inspection at the County Courthouse, Fort Cobb, Oklahoma.
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</tr>
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<tbody>
<tr>
<td><strong>Apache (city), Caddo County</strong></td>
<td><strong>Box Elder Creek:</strong></td>
</tr>
<tr>
<td><strong>Box Elder Creek:</strong></td>
<td><strong>East Cache Creek:</strong></td>
</tr>
<tr>
<td>Approximately 200 feet upstream of State Route 91</td>
<td>Approximately 2,000 feet upstream of Caddo County corporate limits</td>
</tr>
<tr>
<td><strong>Garnet:</strong></td>
<td><strong>Wolf Creek:</strong></td>
</tr>
<tr>
<td><strong>Garnet:</strong></td>
<td><strong>Central Cache Creek:</strong></td>
</tr>
<tr>
<td>Approximately 200 feet upstream of U.S. Route 281</td>
<td>Approximately 1.1 miles upstream of State Route 19</td>
</tr>
<tr>
<td><strong>Tributary of East Cache Creek:</strong></td>
<td><strong>Tributary of Wolf Creek:</strong></td>
</tr>
<tr>
<td>At confluence with Garnet Avenue...........</td>
<td>At confluence with Garnet Avenue...........</td>
</tr>
<tr>
<td><strong>Creek:</strong></td>
<td><strong>Tributary of East Cache Creek:</strong></td>
</tr>
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<td>Approximately 1.1 miles upstream of State Route 19</td>
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<td><strong>Tributary of East Cache Creek:</strong></td>
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- Maps available for inspection at the Town Hall, Fairmont, Oklahoma.
- Maps available for inspection at the Town Hall, Fairmont, Oklahoma.
- Maps available for inspection at the Town Hall, Fort Cobb, Oklahoma.
Send comments to The Honorable Glenda Kobza, Mayor of the Town of Fort Cobb, Caddo County, 201 E. Main, Fort Cobb, Oklahoma 73038.

Garfield County (unincorporated areas)

Green Valley Creek:
- Approximately 1.3 miles downstream of N Street.
  *1,207
- Approximately 700 feet upstream of N Street.
  *1,259

Clear Creek-Sand Creek:
- Approximately 9 miles upstream of confluence with Turkey Creek.
  *1,217
- Approximately 1 mile upstream of West Chrst- of West Oklahoma.
  *1,265

Lahoma Creek:
- Approximately .5 mile upstream of confluence with Deer Creek.
  *1,109
- Approximately 2.2 miles upstream of confluence with Deer Creek.
  *1,138

Trinity 3 Reach 2:
- Approximately 200 feet upstream of 75th Street.
  *1,198
- Approximately 3,500 feet upstream of confluence with Lahoma Creek.
  *1,109
- Approximately 1.7 miles upstream of divergence of Deer Creek Overflow Tributary.
  *1,175

Deer Creek Overflow Tributary:
- Confluence with 3rd Deer Creek.
  *1,111
- Divergence from Deer Creek.
  *1,131

Unnamed Tributary of Deer Creek:
- Confluence with Deer Creek.
  *1,130
- Approximately 1,500 feet above confluence with Deer Creek.
  *1,137

Red Rock Creek:
- Approximately .4 miles downstream of confluence of Unnamed Tributary of Red Rock Creek.
  *1,084
- Approximately 1.26 miles upstream of confluence of Unnamed Tributary of Red Rock Creek.
  *1,100

Unnamed Tributary of Red Rock Creek:
- At confluence with Red Rock Creek.
  *1,089
- Approximately .57 mile upstream of confluence with Red Rock Creek.
  *1,095

Turkey Creek:
- Approximately 1,000 feet downstream of Bur- lioning Northern Railroad.
  *1,175
- Approximately 1.1 mile upstream of confluence of Lahoma Tributary.
  *1,230

Unnamed Tributary of Turkey Creek near Fish Hatchery:
- At confluence with Turkey Creek.
  *1,165
- At U.S. Route 90.
  *1,123

Unnamed Tributary of Turkey Creek Northeast of Fish Hatchery:
- At confluence with unnamed tributary near Fish Hatchery.
  *1,210
- At U.S. Route 90.
  *1,244

Lahoma Tributary:
- At confluence with Turkey Creek.
  *1,327
- At Missouri-Kansas-Texas Railroad.
  *1,255

Unnamed Tributary of Lahoma Tributary:
- At confluence with Lahoma Tributary.
  *1,254
- At Missouri-Kansas-Texas Railroad.
  *1,254

Maps available for inspection at County Courthouse.
- At U.S. Route 90.
  *1,223
- At U.S. Route 90.
  *1,250

Unnamed Tributary of Lahoma Tributary:
- At confluence with Lahoma Tributary.
  *1,210
- At U.S. Route 90.
  *1,244

Lahoma Tributary:
- At confluence with Lahoma Tributary.
  *1,277
- At Missouri-Kansas-Texas Railroad.
  *1,277

Maps available for inspection at County Courthouse.
- At U.S. Route 90.
  *1,223
- At U.S. Route 90.
  *1,250

Unnamed Tributary of Lahoma Tributary:
- At confluence with Lahoma Tributary.
  *1,254
- At Missouri-Kansas-Texas Railroad.
  *1,254

Maps available for inspection at County Courthouse.
- At U.S. Route 90.
  *1,223
- At U.S. Route 90.
  *1,250

Maps available for inspection at the Town Hall, Gracemont, Oklahoma.
- At the Unnamed Road.
  *1,215
- At the Unnamed Road.
  *1,216

Maps available for inspection at the Town Hall, Gracemont, Oklahoma.
- To The Honorable, Glenda Kibcz, Mayor of the Town of Gracemont, Caddo County.
  *514
- P.O. Box 40, Gracemont, Oklahoma.
  *703

Caddo County (unincorporated areas)

Sugar Creek:
- Approximately 4 miles downstream of Unnamed Road.
  *1,215
- At the Unnamed Road.
  *1,216

Maps available for inspection at the Town Hall, Gracemont, Oklahoma.
- To The Honorable, Glenda Kibcz, Mayor of the Town of Gracemont, Caddo County.
  *514
- P.O. Box 40, Gracemont, Oklahoma.
  *703

Saline County (unincorporated areas)

Proctor Creek:
- Approximately 1.25 miles downstream of confluence with Proctor Creek.
  *1,340
- At upstream corporate limits of Town of Look- eke.
  *1,349

Maps available for inspection at the Town Hall, Look- eke, Oklahoma.
- To The Honorable, Raymond Barlet, Mayor of the Town of Look- eke.
  *514
- Caddo County.
  *703

Smith Fork Creek:
- At county boundary.
  *514
- At upstream corporate limits of Horner Road.
  *546

Maps available for inspection at the County Courthouse, Smithville, Tennessee.
<table>
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</tr>
</thead>
<tbody>
<tr>
<td>Approximately 180 feet upstream of Oak Road</td>
<td>*284</td>
<td></td>
<td>Approximately 100 feet upstream of Spring Creek</td>
<td>*188</td>
<td></td>
</tr>
<tr>
<td>Approximately 0.4 mile downstream of U.S. Route 82</td>
<td>*300</td>
<td></td>
<td>Approximately 2.8 miles downstream of Elmo Wheeden Road</td>
<td>*223</td>
<td></td>
</tr>
<tr>
<td>Approximately 1.420 feet upstream of Jonathan Springs Road</td>
<td>*269</td>
<td></td>
<td>Approximately 0.7 mile upstream of State Route 190</td>
<td>*251</td>
<td></td>
</tr>
<tr>
<td>Approximately 1,440 feet upstream of Aiken Springs Road</td>
<td>*273</td>
<td></td>
<td>Approximately 7.8 miles upstream of State Route 190</td>
<td>*259</td>
<td></td>
</tr>
<tr>
<td>Approximately 1.450 feet downstream of Confluence of Stream AC-2 and Stream AC-3</td>
<td>*275</td>
<td></td>
<td>Approximately 1,800 feet upstream of confluence with Serif Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 219 feet upstream of Old Richardson Road</td>
<td>*277</td>
<td></td>
<td>Approximately 1,800 feet upstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 400 feet upstream of Chadoke Trail</td>
<td>*279</td>
<td></td>
<td>Approximately 1,800 feet downstream of Texarkana, Texas</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 100 feet upstream of Spring Creek</td>
<td>*280</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 0.7 mile downstream of Hays Road</td>
<td>*282</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 0.3 mile downstream of Access Road</td>
<td>*284</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 0.5 mile downstream of Aiken Creek</td>
<td>*286</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
</tr>
<tr>
<td>Approximately 0.7 mile downstream of Lonesome Road</td>
<td>*288</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
<td></td>
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<td>Approximately 1.450 feet upstream of confluence with with Bankman Creek</td>
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<td>*297</td>
<td></td>
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<tr>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*290</td>
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<tr>
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<td>*290</td>
<td></td>
<td>Approximately 1,800 feet downstream of confluence with South Brushy Creek</td>
<td>*297</td>
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<tr>
<td>PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued</td>
<td>Source of flooding and location</td>
<td>#Depth in feet above ground.</td>
<td>Elevation in feet (NGVD)</td>
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<tr>
<td><strong>Fisher Branch</strong></td>
<td>Approximate 210 feet downstream of FM 970 (South Street)</td>
<td><strong>970</strong></td>
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<td></td>
<td>Approximately 1,100 feet upstream of State Route 970</td>
<td><strong>1100</strong></td>
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<td>Maps available for inspection at City Hall, Florence, Texas.</td>
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<tr>
<td></td>
<td>Send comments to Mr. Bob Weston, Mayor of the City of Florence, Williamson County, P.O. Box 430, Florence, Texas 76527.</td>
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<tr>
<td><strong>Georgetown (city), Williamson County</strong></td>
<td>At confluence of Sandy Creek</td>
<td><strong>639</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>At confluence of North Fork San Gabriel River and South Fork San Gabriel River</td>
<td><strong>695</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>At confluence with South Fork San Gabriel River</td>
<td><strong>695</strong></td>
<td></td>
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<tr>
<td></td>
<td>Approximately 1.4 miles upstream of the confluence with North Fork San Gabriel River Tributary</td>
<td><strong>730</strong></td>
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<tr>
<td></td>
<td>At confluence with South Fork San Gabriel River</td>
<td><strong>744</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Approximately 2.1 miles upstream Interstate Route 35 (Southbound)</td>
<td><strong>744</strong></td>
<td></td>
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<tr>
<td></td>
<td>At confluence with South Fork San Gabriel River</td>
<td><strong>769</strong></td>
<td></td>
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<tr>
<td></td>
<td>Approximately 500 feet upstream of confluence with Sandy Creek</td>
<td><strong>665</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>San Gabriel River</strong></td>
<td>At confluence with North Fork San Gabriel River</td>
<td><strong>892</strong></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Approximately 2.9 miles upstream of confluence with North Fork San Gabriel River</td>
<td><strong>892</strong></td>
<td></td>
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<tr>
<td><strong>Sandy Creek</strong></td>
<td>At confluence with San Gabriel River</td>
<td><strong>639</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 50 feet upstream of Service Road to Interstate 35 (Southbound)</td>
<td><strong>695</strong></td>
<td></td>
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<tr>
<td><strong>San Marcos River</strong></td>
<td>At confluence with Sandy Creek</td>
<td><strong>666</strong></td>
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<td></td>
<td>Approximately 1.9 miles downstream of confluence with Sandy Creek</td>
<td><strong>666</strong></td>
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<tr>
<td><strong>Rolling Creek</strong></td>
<td>At confluence with Sandy Creek</td>
<td><strong>726</strong></td>
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<tr>
<td></td>
<td>Approximately 100 feet upstream of Service Road to Interstate 35 (Southbound)</td>
<td><strong>726</strong></td>
<td></td>
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<tr>
<td></td>
<td>At confluence with North Fork San Gabriel River Tributary</td>
<td><strong>781</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>Approximately 300 feet upstream of confluence with North Fork San Gabriel River</td>
<td><strong>781</strong></td>
<td></td>
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<tr>
<td></td>
<td>Maps available for inspection at City Hall, Georgetown, Texas.</td>
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<tr>
<td></td>
<td>Send comments to Mr. Bob Hart, Manager of the City of Georgetown, Williamson County, P.O. Box 409, Georgetown, Texas 78627.</td>
<td></td>
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<td></td>
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</tr>
<tr>
<td><strong>Granbury (city), Williamson County</strong></td>
<td>At confluence with the Colorado River</td>
<td><strong>543</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Approximately 350 feet upstream of the Colorado River</td>
<td><strong>555</strong></td>
<td></td>
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<tr>
<td></td>
<td>Maps available for inspection at City Hall, Granbury, Texas.</td>
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<tr>
<td></td>
<td>Send comments to Mr. Bob H. Hodge, Mayor of the City of Granbury, Williamson County, P.O. Box 367, Granbury, Texas 76049.</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Henderson County (unincorporated areas)</strong></td>
<td>At confluence of Unnamed Stream</td>
<td><strong>714</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>Flat Creek</strong></td>
<td>At State Route 314 (confluence with Lake Palmetto)</td>
<td><strong>324</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>At Dam of Lake Athens</td>
<td><strong>324</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Carney Creek</strong></td>
<td>Approximately 0.51 mile downstream of County Route 1403</td>
<td><strong>324</strong></td>
<td></td>
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</tr>
</tbody>
</table>
### Proposed Base (100-Year) Flood Elevations—Continued

#### Source of flooding and location

<table>
<thead>
<tr>
<th>Proposed Base (100-Year) Flood Elevations—Continued</th>
<th>Source of flooding and location</th>
<th>Depth in feet above ground</th>
<th>Elevation in feet (NGVD)</th>
</tr>
</thead>
</table>

#### Tom Green County (unincorporated areas)

**Concho River:**
- Approximately 1.1 miles downstream of FM 1892.
- Most upstream company limits of City of San Angelo.
- At confluence with Concho River.
- Approximately 1.5 miles upstream of Pipeline Road.
- Red Creek:
  - At confluence with Red Creek.
  - Approximately 1.5 miles upstream of Abandoned Railroad.
- Red Creek Tributary 1:
  - At confluence with Red Creek.
  - Approximately 0.4 mile upstream of Bristow Road.
- North Concho River:
  - At the upstream site of the O.C. Fisher Dam.
  - At the approximate 1.7 miles upstream of Carlsbad Loop Road.
- Lake Creek:
  - At confluence with lake creek.
  - Approximately 0.6 mile upstream of Robbins Road.
- Green Creek:
  - At confluence with North Concho River.
  - Approximately 0.7 miles upstream of Wesen Road.
- Grape Creek:
  - At confluence with North Concho River.
  - Approximately 1.5 miles upstream of Grape Creek Road.
- Stream NC-1:
  - At confluence with North Concho River.
  - Approximately 0.5 mile upstream at 18th Street.
  - South Concho River:
    - 0.5 mile downstream of U.S. Route 67 and 277 at San Angelo corporate limits.
    - 2.2 miles upstream of old U.S. Route 277.
- Pecan Creek:
  - At confluence with South Concho River.
  - Approximately 1.5 miles upstream of U.S. Route 277.
- Red Creek Split:
  - At confluence with Red Creek.
  - At the confluence with Kaibab Creek.
  - Stream SC-1F:
    - At confluence with South Concho River.
    - Approximately 0.5 mile upstream of confluence with South Concho River.
  - Stream SC-1E:
    - At confluence with South Concho River.
    - Approximately 1.1 miles upstream of confluence with South Concho River.
  - Stream SC-3:
    - At confluence with South Concho River.
    - Approximately 0.8 mile upstream of confluence with South Concho River.
    - Middle Concho River:
      - Approximately 0.5 mile downstream of Twin Buttes Dam.
      - Approximately 0.8 mile upstream of confluence of Bluff Creek.
- Spring Creek:
  - At Twin Buttes Reservoir Dam.
  - Approximately 1.5 miles upstream of confluence of Spring Creek.
  - Spring Creek Tributary 1:
    - At confluence with Spring Creek.
    - Approximately 150 feet upstream of U.S. Route 67.
  - Dove Creek:
    - At confluence with Spring Creek.
    - Approximately 0.5 mile upstream of County Road 890.

#### Williamson County (unincorporated areas)

**Brushy Creek:**
- Approximately 1.2 miles downstream of County Route 456.
- Approximately 1,025 feet upstream of County Route 278.
- Cotterwood Creek:
  - At confluence with Brushy Creek.
  - Approximately 1,750 feet upstream of County Route 117.
  - McNutt Creek:
    - At confluence with Brushy Creek.
  - Approximately 1,700 feet upstream of County Route 117.
  - Chandler Branch:
    - At confluence with Brushy Creek.
  - Approximately 1,180 feet upstream of County Route 117.
  - Chanclaire Branch Tributary 1:
    - At confluence with Brushy Creek.
  - Approximately 0.75 mile upstream of Chandler Road.
  - Dry Branch:
    - Approximately 0.45 mile downstream of southbound County Road.
  - Lake Creek:
    - At confluence with Brushy Creek.
  - Approximately 1,200 feet upstream of Deenbrook Trail.
  - Lake Creek Tributary 1:
    - Approximately 1,150 feet upstream of Deenbrook Trail.
    - Approximately 0.5 mile upstream of Union Pacific Railroad.
  - Alton Branch:
    - Approximately 0.6 mile upstream of FM 2309.
    - Approximately 0.7 mile upstream of FM 2309.
  - South Brushy Creek:
    - At confluence with Brushy Creek.

#### At the confluence of Creek and Buttercup Creek:
- Approximately 0.6 mile upstream of County Route 182.
- At the confluence with South Brushy Creek.
- Approximately 0.49 mile upstream of FM 86.
- At the confluence with South Brushy Creek.
- Approximately 1.42 miles upstream of the confluence with Buttercup Creek.
- Spanish Oak Creek:
  - At the confluence with Brushy Creek.
  - Approximately 0.4 mile downstream of downstream County boundary.
  - At the confluence with Brushy Creek.
  - Approximately 0.5 length of State.
  - South Fork of Brushy Creek:
    - At the confluence with Brushy Creek.
    - Approximately 0.5 length of State.
    - At the confluence with Brushy Creek.
    - Approximately 0.5 length of State.
  - North Fork San Gabriel River:
    - Approximately 0.4 length of State.
    - At the confluence with Brushy Creek.
  - At the confluence with Brushy Creek.
  - Approximately 0.5 length of State.
  - At the confluence with Brushy Creek.
  - Approximately 1.3 miles upstream of the confluence with North Fork San Gabriel River Tributary.
  - Wills Creek Tributary 1:
    - At the confluence with Wills Creek.
    - Approximately 0.52 mile upstream of Oak Street.
  - Berry Creek:
    - At the confluence with the San Gabriel River.
    - Approximately 1.3 miles upstream of the confluence of Cowan Creek.
  - Berry Creek Tributary 1:
    - At the confluence with Berry Creek.
    - Approximately 0.54 mile downstream of logan Drive.
    - At the confluence with the San Gabriel River.
    - Approximately 1,400 feet upstream of La Paloma.
  - Pecan Creek Tributary 1:
    - At the confluence with Pecan Creek.
    - Approximately 425 feet upstream of Sequoia Trail East.
  - Smith Branch:
    - At the confluence with the San Gabriel River.
    - Approximately 1.5 miles upstream of FM 1492.
  - West Fork of Smith Branch:
    - At the confluence with Smith Branch.
    - Approximately 0.44 miles upstream of Service Road to Interstate Route 35.
  - South Fork San Gabriel River:
    - Approximately 1.5 miles upstream of Interstate Route 35 Southbound.
    - At the confluence with San Gabriel River.
    - Approximately 2.7 miles upstream of FM 1892.
  - Middle Fork San Gabriel River:
    - Approximately 0.5 mile upstream of the confluence with San Gabriel River.
    - Approximately 15.6 miles upstream of the confluence with San Gabriel River.
  - Donohue Creek:
    - At the downstream County boundary.
    - Approximately 3.0 miles upstream of FM 1105.
<table>
<thead>
<tr>
<th>ELEVATIONS—Continued</th>
<th>ELEVATIONS—Continued</th>
<th>ELEVATIONS—Continued</th>
</tr>
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<tbody>
<tr>
<td>Source of flooding and location</td>
<td># Depth in feet above ground. Elevation in feet (NGVD)</td>
<td>Source of flooding and location</td>
</tr>
<tr>
<td>Long Branch: At the confluence with Donohoe Creek</td>
<td>Approximately 2.3 miles upstream of County Route 301</td>
<td>949</td>
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<tr>
<td>At the downstream boundary</td>
<td>643</td>
<td></td>
</tr>
<tr>
<td>At the confluence of North and South Salado Creeks</td>
<td>712</td>
<td></td>
</tr>
<tr>
<td>South Salado Creek: At the confluence with Salado Creek</td>
<td>Approximately 1.2 miles upstream of Main Street</td>
<td>633</td>
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<tr>
<td>North Salado Creek: At the confluence with Salado Creek</td>
<td>Approximately 4 miles upstream of the confluence with Salado Creek</td>
<td>633</td>
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<td>At the downstream side of County Route 229</td>
<td>1,006</td>
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<tr>
<td>North Fork San Gabriel River Tributary 1: Approximately 0.7 miles upstream of the confluence with the North Fork San Gabriel River</td>
<td>705</td>
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<tr>
<td>Approximately 0.79 mile upstream of Booty's Crossing Road</td>
<td>716</td>
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<tr>
<td>Mustang Creek: Approximately 0.4 mile upstream of Eastbound U.S. Highway 79 (Carlos Parker Loop)</td>
<td>538</td>
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<tr>
<td>Approximately 0.64 mile upstream of U.S. Highway 79</td>
<td>550</td>
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<tr>
<td>Bull Branch: Approximately 150 feet upstream of North Drive</td>
<td>584</td>
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<tr>
<td>At approximately 1,700 feet upstream of North Drive</td>
<td>588</td>
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<tr>
<td>Railroad Lake Draw: Approximately 3.5 mile upstream of U.S. Highway 79</td>
<td>561</td>
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<tr>
<td>At approximately 0.6 mile upstream of U.S. Highway 79</td>
<td>574</td>
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<tr>
<td>Maps available for inspection at the Williamson County Courthouse, Georgetown, Texas.</td>
<td>949</td>
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<tr>
<td>Send comments to Mr. Don Wilson, Williamson County Judge, P.O. Box 943, Georgetown, Texas 78626.</td>
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<tr>
<td>VERNON</td>
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<tr>
<td>Corrith (town), Orange County</td>
<td>949</td>
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<tr>
<td>Wells River: Approximately 200 feet downstream of downstream corporate limits</td>
<td>621</td>
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<tr>
<td>Approximately 150 feet downstream of corporate limits</td>
<td>630</td>
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<tr>
<td>Tabor Branch: At the confluence with Wells River</td>
<td>660</td>
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<tr>
<td>At upstream corporate limits</td>
<td>713</td>
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<tr>
<td>Maps available for inspection at the Town Office, Corrith, Vernon</td>
<td>660</td>
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<tr>
<td>Send comments to Mr. John Loomis, Corrith Town Clerk, Orange County, P.O. Box 161, Corrith, Vermont 05039.</td>
<td>660</td>
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</tr>
<tr>
<td>Groton (town), Caledonia County</td>
<td>660</td>
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<tr>
<td>Wells River: Approximately 1.4 miles downstream of Town Highway 32</td>
<td>741</td>
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<tr>
<td>Approximately 2.16 miles downstream of confluence of South Branch Wells River</td>
<td>1,052</td>
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<tr>
<td>South Branch Wells River: At the confluence with Wells River</td>
<td>681</td>
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<tr>
<td>Approximately 80 feet upstream of confluence of Heath Brook</td>
<td>1,267</td>
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<tr>
<td>North Branch Wells River: At the confluence with Wells River</td>
<td>620</td>
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<tr>
<td>Approximately 100 feet upstream of U.S. Route 202</td>
<td>637</td>
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<tr>
<td>Keenan Branch: At the confluence with Wells River</td>
<td>750</td>
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<tr>
<td>Approximately 1,756 feet upstream of Town Highway 32</td>
<td>759</td>
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<tr>
<td>Heath Brook: At the confluence with South Branch Wells River</td>
<td>1,265</td>
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</tr>
<tr>
<td>Approximately 80 feet upstream of Town Highway 24</td>
<td>1,267</td>
<td></td>
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<tr>
<td>Sources of flooding and location</td>
<td>Depth in feet above ground. Elevation in feet (NGVD)</td>
<td>Sources of flooding and location</td>
</tr>
<tr>
<td>Topsham (town), Orange County</td>
<td>819</td>
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<tr>
<td>Waits River: At downstream corporate limits</td>
<td>1,005</td>
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<tr>
<td>Approximately .9 mile upstream of State Route 25</td>
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</tr>
<tr>
<td>Tabor Branch: At downstream corporate limits</td>
<td>716</td>
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<tr>
<td>Approximately 240 feet upstream of downstream corporate limits</td>
<td>716</td>
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<tr>
<td>Maps available for inspection at the Town Office, Waits, Vermont.</td>
<td>716</td>
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<tr>
<td>Send comments to Mr. Ruth Morrison, Topsham Town Clerk, Orange County, Town Office, Waits, Vermont 05086.</td>
<td>716</td>
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</tr>
<tr>
<td>Vermont (town), Windham County</td>
<td>810</td>
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<tr>
<td>At the downstream corporate limits</td>
<td>290</td>
<td></td>
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<tr>
<td>At the upstream corporate limits</td>
<td>299</td>
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<tr>
<td>Maps available for inspection at the Town Office, Vermont, Vermont.</td>
<td>299</td>
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<tr>
<td>Send comments to Mr. Walter Zaluzny, Chairman of the Town of Vernon Board of Selectmen, Windham County, P.O. Box 116, Vernon, Vermont 05046.</td>
<td>299</td>
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<tr>
<td>WEST VIRGINIA</td>
<td>299</td>
<td></td>
</tr>
<tr>
<td>Beverly (town), Randolph County</td>
<td>944</td>
<td></td>
</tr>
<tr>
<td>Tygart Valley River: At downstream corporate limits</td>
<td>1,944</td>
<td></td>
</tr>
<tr>
<td>Maps available for inspection at the Town Hall, Colista Street Extension, Beverly, West Virginia.</td>
<td>944</td>
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<tr>
<td>Send comments to The Honorable John McGehee, Mayor of the Town of Beverly, Randolph County, Town Hall, P.O. Box 266, Beverly, West Virginia 26333.</td>
<td>944</td>
<td></td>
</tr>
<tr>
<td>Gauley Bridge (town), Fayette County</td>
<td>663</td>
<td></td>
</tr>
<tr>
<td>Kanawha River: Approximately .5 mile downstream of confluence with New River and Gauley River.</td>
<td>665</td>
<td></td>
</tr>
<tr>
<td>At confluence with New River and Gauley River</td>
<td>666</td>
<td></td>
</tr>
<tr>
<td>New River: At confluence with Kanawha River and Gauley River</td>
<td>665</td>
<td></td>
</tr>
<tr>
<td>Approximately 1 mile upstream of confluence with Kanawha River</td>
<td>667</td>
<td></td>
</tr>
<tr>
<td>Gauley River: At confluence with Kanawha River</td>
<td>665</td>
<td></td>
</tr>
<tr>
<td>Approximately .7 mile upstream of CONRAIL Bridge</td>
<td>669</td>
<td></td>
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<tr>
<td>Maps available for inspection at the Town Hall, Gauley Bridge, West Virginia.</td>
<td>669</td>
<td></td>
</tr>
<tr>
<td>Send comments to The Honorable Charles Keenan, Mayor of the Town of Gauley Bridge, Fayette County, Town Hall, Box 490, Gauley Bridge, West Virginia 25855.</td>
<td>669</td>
<td></td>
</tr>
<tr>
<td>Kaysers (city), Mineral County</td>
<td>763</td>
<td></td>
</tr>
<tr>
<td>North Branch of Potomac River: Approximately 500 feet downstream of confluence with New River.</td>
<td>763</td>
<td></td>
</tr>
<tr>
<td>Approximately 6,400 feet upstream of U.S. Route 220</td>
<td>828</td>
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<tr>
<td>New Creek: Approximately 500 feet downstream of Chassie System Bridge</td>
<td>800</td>
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<tr>
<td>Approximately 1,625 feet upstream of Unnamed Street Bridge</td>
<td>828</td>
<td></td>
</tr>
<tr>
<td>Maps available for inspection at the City Hall, 6 White Street, Richwood, West Virginia.</td>
<td>828</td>
<td></td>
</tr>
<tr>
<td>Nicholas County (unincorporated areas)</td>
<td>1,071</td>
<td></td>
</tr>
<tr>
<td>Berry River: Approximately 570 feet above confluence of Big Run</td>
<td>1,263</td>
<td></td>
</tr>
<tr>
<td>Approximately 1.7 miles upstream of County Route 1–10</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Bells Creek: At confluence with Twenty Mile Creek</td>
<td>837</td>
<td></td>
</tr>
<tr>
<td>Approximately 870 feet upstream of County Highway 2–7.</td>
<td>898</td>
<td></td>
</tr>
<tr>
<td>Twenty Mile Creek: Approximately 2.1 miles upstream of upstream cellular limits</td>
<td>898</td>
<td></td>
</tr>
<tr>
<td>At confluence with Gauley River</td>
<td>878</td>
<td></td>
</tr>
<tr>
<td>At approximately 400 feet upstream of County Highway 20–1</td>
<td>2,159</td>
<td></td>
</tr>
<tr>
<td>Laurel Creek: At confluence with Cherry River</td>
<td>2,117</td>
<td></td>
</tr>
<tr>
<td>Approximately 1,020 feet upstream of County Highway 39–14</td>
<td>2,178</td>
<td></td>
</tr>
<tr>
<td>Maps available for inspection at the County Commissioners Office, County Courthouse, 700 Main Street, Summersville, West Virginia.</td>
<td>2,178</td>
<td></td>
</tr>
<tr>
<td>Send comments to Mr. Lloyd Paxton, President of the Nicholas County Commission, 700 Main Street, Summersville, West Virginia 26661.</td>
<td>2,178</td>
<td></td>
</tr>
<tr>
<td>Randolph County (unincorporated areas)</td>
<td>2,009</td>
<td></td>
</tr>
<tr>
<td>Tygart Valley River: Approximately 1.5 miles downstream of confluence of Leading Creek</td>
<td>2,009</td>
<td></td>
</tr>
<tr>
<td>Approximately 1.7 miles upstream of County Route 20</td>
<td>2,009</td>
<td></td>
</tr>
<tr>
<td>Leading Creek: At confluence with Tygart Valley River</td>
<td>1,913</td>
<td></td>
</tr>
<tr>
<td>Approximately .8 mile upstream of confluence with Pearcy Run</td>
<td>1,913</td>
<td></td>
</tr>
<tr>
<td>Cut-Off Canal: At confluence with Tygart Valley River</td>
<td>1,914</td>
<td></td>
</tr>
<tr>
<td>At divergence from Tygart Valley River</td>
<td>1,924</td>
<td></td>
</tr>
<tr>
<td>Maps available for inspection at the County Assessor's Office, County Annex Building, Randolph Street, Elkins, West Virginia.</td>
<td>1,924</td>
<td></td>
</tr>
<tr>
<td>Send comments to Mr. Jim Bennett, President of the Randolph, County Commission, Box 368, Elkins, West Virginia 26241.</td>
<td>1,924</td>
<td></td>
</tr>
<tr>
<td>Richwood (city), Nicholas County</td>
<td>2,106</td>
<td></td>
</tr>
<tr>
<td>Cherry River: Approximately .8 mile downstream of County Road 13</td>
<td>2,213</td>
<td></td>
</tr>
<tr>
<td>At confluence of North Fork of Cherry River and South Fork of Cherry River</td>
<td>2,213</td>
<td></td>
</tr>
<tr>
<td>North Fork of Cherry River: At confluence with Cherry River</td>
<td>2,236</td>
<td></td>
</tr>
<tr>
<td>At approximately 50 feet upstream of corporate limits</td>
<td>2,236</td>
<td></td>
</tr>
<tr>
<td>South Fork of Cherry River: At confluence with Cherry River</td>
<td>2,236</td>
<td></td>
</tr>
<tr>
<td>At corporate limits</td>
<td>2,236</td>
<td></td>
</tr>
<tr>
<td>Maps available for inspection at the City Hall, 6 White Street, Richwood, West Virginia.</td>
<td>2,236</td>
<td></td>
</tr>
</tbody>
</table>
**PROPOSED BASE (10-YEAR) FLOOD ELEVATIONS**—Continued

<table>
<thead>
<tr>
<th>Source of flooding and location</th>
<th>#Depth in feet above ground <em>(NGVD)</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Maps available for Inspection at the Zoning Department, County Courthouse, Room 104, Montello, Wisconsin.</td>
<td>*771</td>
</tr>
<tr>
<td>Maps available for Inspection at City Hall, 110 W. Adams Street, Independence, Wisconsin.</td>
<td>*777</td>
</tr>
<tr>
<td>Maps available for Inspection at the Monterey County Flood Control Office, 855 East Laurel Drive, Building G, Salinas, California.</td>
<td>*786</td>
</tr>
</tbody>
</table>

**WISCONSIN**

Independence (city), Trempealeau County

Trempealeau River:
- About 1800 feet downstream of Green Street: *771
- About 700 feet upstream of confluence of Elk Creek: *786

Elk Creek:
- At mouth: *816
- About 2700 feet upstream of State Highway 99: *818

Maps available for Inspection at the City Hall, 110 W. Adams Street, Independence, Wisconsin. Send comments to The Honorable O.J. Evenson, Mayor, City of Independence, 110 W. Adams Street, Box 108, Independence, Wisconsin 54747.

**3. The proposed modified base (100-year) flood elevations for selected locations are:**

<table>
<thead>
<tr>
<th>State</th>
<th>City/town-county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground <em>(Elevation in feet (NGVD))</em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Town of Camp Verde</td>
<td>West Clear Creek</td>
<td>At confluence with Verde River</td>
<td>None *3,017</td>
</tr>
<tr>
<td>California</td>
<td>City of Merced, Merced County</td>
<td>Black Rascal Creek</td>
<td>At the intersection of Snelling Highway and Santa Fe Avenue, Approximately 1,500 feet upstream of the confluence with Bear Creek, Just stream of the Atchison, Topka, and Santa Fe Railroad, At the confluence of Fahrens Creek</td>
<td>*161 *162</td>
</tr>
<tr>
<td>California</td>
<td>Monterey County, unincorporated areas</td>
<td>Reclamation Ditch (downstream of Boronda Road)</td>
<td>At confluence with Tembladerro Slough, Near intersection of Route 183 and Copper Road extended, At San Jon Road, Just upstream of a private drive approximately 6,500 feet downstream of Boronda Road, Just downstream of Boronda Road</td>
<td>None *14</td>
</tr>
<tr>
<td>California</td>
<td>Solano County, unincorporated areas</td>
<td>Union Creek</td>
<td>Approximately 1,200 feet downstream of abandoned Union Pacific railroad, At Cordero Junction, Just upstream of Cannon Road</td>
<td>None *72</td>
</tr>
</tbody>
</table>

Maps are available for review at City Hall, 678 West 18th Street, Merced, California. Send comments to The Honorable Bruce Gabriault, Mayor, City of Merced, City Hall, 678 West 18th Street, Merced, California 95340.

Maps are available for review at Town Hall, Planning and Zoning Division, Main Street, Camp Verde, Arizona. Send comments to The Honorable A. Carter Rogers, Mayor, Town of Camp Verde, P.O. Box 710, Camp Verde, Arizona 86322.
### PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground</th>
<th>Existing</th>
<th>Modified</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois</td>
<td>City of Marengo, McHenry County.</td>
<td>Unnamed Creek</td>
<td>About 0.67 mile downstream of State Street</td>
<td>*800</td>
<td></td>
<td>*799</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>About 0.52 mile upstream of Prospect Street</td>
<td>*813</td>
<td></td>
<td>*814</td>
</tr>
</tbody>
</table>

Maps available for review at the Solano County Transportation Department, 1961 Walters Court, Fairfield, California.

Send comments to The Honorable Sam Caddie, Chairman, Solano County Board of Supervisors, County Courthouse, 500 Texas Street, Fairfield, California 94533.

New Hampshire Raymond, town Rockingham County. Lamprey River Approximately 3,000 feet downstream of Prescott Road. At the downstream side of Epping Road None *160 | *161
Exeter River At the upstream corporate limits None *165 | *158

Maps available for inspection at the Building Inspector's Office, Epping Street, Raymond, New Hampshire.

Send comments to Mr. Dana Miller, Town Clerk of the Town of Mesilla, Doña Ana County, P.O. Box 13, Mesilla, New Mexico 88046.

New York Corning, Town Steuben County. Stream Creek At downstream corporate limits None *976
Cutler Creek Approximately 110 feet upstream Private Road None *1,185
Winfield Creek At State Route 41 None *985
Approximately 0.2 mile upstream of Cutler Creek None *1,088
Approximately 500 feet downstream of Hickory Lane. None *928
Approximately 0.8 mile upstream of Hickory Lane None *1,208
Chenung River At the downstream corporate limits None *987
Approximately 1.2 miles upstream of downstream corporate limits None *907

Maps available for inspection at the Corning Town Hall, 20 South Maple Street, Corning, New York.

Send comments to Mr. Dewitt Baker, Coming Town Supervisor, Steuben County, Town Hall, 20 South Maple Street, Corning, New York 14830.

Oklahoma Enid, City, Garfield County. Tributary 1 At confluence with Tributary 3 None *1,145
At upstream side of Willow Road None *1,197
Tributary 2 At confluence with Tributary 3 None *1,150
At upstream side of Purdine Avenue None *1,208
Tributary 3 Approximately 1,350 feet upstream of confluence with Skeleton Creek None *1,140
Approximately 800 feet upstream of Willow Road None *1,211
Tributary 3, Reach 2 At confluence with Tributary 3 None *1,187
At downstream side of 78 Street None *1,196
Tributary 4 At confluence with Skeleton Creek None *1,141
At Atchison Topeka & Santa Fe Railway None *1,205
Boggy Creek At confluence with Boggy Creek None *1,275
Sand Creek Approximately .54 mile upstream of U.S. Route 60 None *1,143
At West Chestnut Avenue None *1,152

Maps available for inspection at the City Hall, Enid, Oklahoma.

Send comments to The Honorable Walter Baker, Mayor of the City of Enid, Garfield County, 401 Owen Garrett Road, Enid, Oklahoma 73702.

Oklahoma, city Comanche county. East Cache Creek Approximately .6 mile downstream of S.E. Lee Boulevard. *1,067 | *1,068
East Cache Creek Tributary A At confluence with East Cache None *1,099
Approximately 0.5 mile upstream of N.E. Flower Mound Road. None *1,140
East Cache Creek, Tributary A-1. At confluence with East Cache Creek Tributary A None *1,090

Maps available for inspection at the City Hall, Enid, Oklahoma.
<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground &quot;Elevation in feet&quot; (NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Existing</td>
</tr>
<tr>
<td>Oregon</td>
<td>City of Grants Pass,</td>
<td>Rogue River</td>
<td>At Donee Lane</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Josephine County</td>
<td></td>
<td>Approximately 0.3 mile upstream of N.E. Flower Mound Road.</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with East Cache Creek.</td>
<td>*1,069</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 0.8 mile upstream of N.E. Flower Mound Road.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Wratton Creek.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 1.3 miles upstream of N.E. Flower Mound Road.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East Cache Creek Tributary B.</td>
<td>At confluence with East Cache Creek.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At 1,000 feet upstream of 39th Street (S.E.)</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with East Cache Creek</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 700 feet upstream of N.W. Highland Drive.</td>
<td>*1,136</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wratton Creek</td>
<td>Approximately 1,000 feet upstream of S.W. Coombs Road.</td>
<td>*1,075</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence of E. Branch and Middle Branch Wolf Creek</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Branch, Wolf Creek</td>
<td>At confluence with Wolf Creek Main Stem</td>
<td>*1,115</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 0.6 mile upstream of U.S. Route 62.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Branch, Wolf Creek Tributary.</td>
<td>At confluence with West Branch Wolf Creek</td>
<td>*1,126</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East Branch Squaw Creek</td>
<td>N.W. Cache Road</td>
<td>*1,170</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At confluence with Squaw Creek</td>
<td>*1,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 100 feet downstream of E Avenue.</td>
<td>*1,109</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Middle Branch, Wolf Creek</td>
<td>At confluence with Wolf Creek Main Stem</td>
<td>*1,115</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Approximately 0.4 mile upstream of N.W. 67th Street.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>East Branch, Wolf Creek</td>
<td>Confluence with Wolf Creek Main Stem</td>
<td>*1,115</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N.W. Rogers Lane</td>
<td>*1,140</td>
</tr>
<tr>
<td></td>
<td></td>
<td>West Branch, Wolf Creek Tributary B.</td>
<td>At confluence with West Branch Wolf Creek</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Squaw Creek</td>
<td>U.S. Routes 281 and 277</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>N.W. Denver Avenue</td>
<td>*1,164</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ninemile Creek Tributary</td>
<td>Approximately .7 mile upstream of S.E. Bishop Road.</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Upstream corporate limits</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Maps available for inspection at the Planning Department, City Hall, Lawton, Oklahoma. Send comments to The Honorable Robert Shenklin, Mayor of the City of Lawton, Comanche County, 103 South 4th Street, Lawton, Oklahoma 73501.

Maps are available for review at the Department of Public Works, 101 Northwest A Street, Grants Pass, Oregon. Send comments to The Honorable Candace Bartow, Mayor, City of Grants Pass, 101 Northwest A Street, Grants Pass, Oregon 97526.

Maps are available for review at the Jackson County Planning Department, Room 100, County Courthouse, 10 South Oakdale, Medford, Oregon. Send comments to The Honorable Hank Henry, Chairperson, Jackson County Commissioners, County Courthouse, 10 South Oakdale, Medford, Oregon 97501.
### PROPOSED MODIFIED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>City/town/county</th>
<th>Source of flooding</th>
<th>Location</th>
<th>#Depth in feet above ground</th>
<th>#Elevation in feet (NGVD)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Wyomning Hereford Ranch</td>
<td>Just downstream of Wyoming Hereford Ranch</td>
<td>5,917</td>
<td>5,919</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Crow Creek</td>
<td>2,500 feet downstream of Campstool Road</td>
<td>None</td>
<td>5,882</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dry Creek</td>
<td>Just downstream of Wyoming Hereford Ranch</td>
<td>5,917</td>
<td>5,919</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Western Hills Draw (North Fork Dry Creek)</td>
<td>At the confluence with Campstool Road</td>
<td>None</td>
<td>5,913</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wyoming Hereford Ranch Reservoir No. 1 Emergency Spillway</td>
<td>At the confluence with Campstool Road</td>
<td>None</td>
<td>5,913</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Old Campstool Road</td>
<td>None</td>
<td>5,919</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Just upstream of Kingmen Ditch</td>
<td>5,921</td>
<td>5,928</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>At Wyoming Hereford Ranch Reservoir Dam Breast</td>
<td>5,941</td>
<td>5,941</td>
</tr>
</tbody>
</table>

Maps are available for review at the Department of Public Works, Josephine County Courthouse, Grants Pass, Oregon. Send comments to The Honorable Rebecca L. Brown, Chairperson, Josephine County Board of Commissioners, County Courthouse, Grants Pass, Oregon 97526.

Maps available for inspection at the City Hall, 109 South Milton, Malakoff, Texas. Send comments to The Honorable Alfred Williams, Mayor of the City of Malakoff, Henderson County, 109 South Milton, Texas 75148.

Maps available for inspection at the Zoning Administration Office, 220 N. Beaumont Road, Prairie du Chien, Wisconsin. Send comments to The Honorable Robert Dillman, Chairman, County Board, Crawford County, 220 N. Beaumont Road, Prairie du Chien, Wisconsin 53821.

Maps are available for review at the County Engineering Office, 2503 East Fox Farm Road, Cheyenne, Wyoming. Send comments to The Honorable Jeff Ketcham, Chairman, Laramie County Board of Commissioners, P.O. Box 608, Cheyenne, Wyoming 82003.

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

[Docket No. 901240-0340]

RIN 0648-AD48

**Incidental Take of Marine Mammals**

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

**ACTION:** Proposed rule.

**SUMMARY:** NMFS is proposing regulations that would allow the unintentional harassment of specified species of marine mammals incidental to launches of the Titan IV space vehicle from Vandenberg Air Force Base, California, over the next 5 years. The marine mammals are the Guadalupe fur seal, Steller sea lion, harbor seal, northern elephant seal, northern fur seal and California sea lion. The Marine Mammal Protection Act (MMPA) allows the incidental, but not intentional, harassment of marine mammals if certain conditions are met.
NMFS prepared an Environmental Assessment (EA) and found that the impact of this activity on populations of marine mammals would be negligible. A copy of the EA is available on request (see ADDRESSES).

DATES: Comments on the proposed rule must be received by February 15, 1991.

ADDRESS: Dr. Nancy Foster, Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Margaret C. Lorenz, Protected Species Management Division, Office of Protected Resources, NMFS, 301-477-2232, or James Lecky, Southwest Region, NMFS, 214-514-6664.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5) of MMPA requires the Secretary of Commerce (Secretary) to allow, on request by U.S. citizens engaged in an identified activity (other than commercial fishing) in a specified geographical region, the incidental, but not intentional, taking of small numbers of marine mammals if certain conditions are met. Under the MMPA, the term "incidental" means to harass, hunt, capture or kill. Permission may be granted for a period of 5 years or less.

Takings is only if the Secretary, after notice and public comment for public comment, finds that the total taking will have a negligible impact on the species or stocks and will not have an unmitigable adverse impact on the availability of the species or stock for subsistence uses. In addition, the Secretary must issue regulations that include permissible methods of taking and other means of effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds and areas of similar significance. The regulations must include requirements for monitoring the incidental take and reporting of such taking.

In 1986, both the MMPA and the Endangered Species Act (ESA) were amended to allow incidental takings of depleted, endangered or threatened marine mammals. Previously, only non-depleted marine mammals could be taken under this exemption to the MMPA. Three of the species involved in this proposed rule, the Guadalupe fur seal, the Steller sea lion, and the Pribilof Islands stock of the northern fur seal are depleted species under the MMPA. Other changes included a definition of "negligible impact" as "an impact resulting from the specified activity that cannot be reasonably expected to, and not likely to, adversely affect the species through annual rates of recruitment or survival." Also, "unmitigable adverse impact" refers to the availability of the species for subsistence by Alaska natives. General regulations implementing section 101(a)(5) were published May 18, 1982 (47 FR 21248) and September 29, 1989 (54 FR 40338).

Summary of Request

On June 10, 1990, NMFS received a request from the Department of the Air Force for an incidental take of six species of seals and sea lions. The Air Force describes the Titan IV program as a continuation of an existing launch program at Vandenberg using modified and upgraded Titan 3D missiles. Sonic booms from the expendable unmanned space launch vehicles may become "focused" within a narrow band under the flight path. Focused sonic booms occur when the space vehicle curves toward the horizontal, and its sonic boom is focused into a narrow zone of particularly high sound pressure. Although the most likely sound level that will result from a focused sonic boom produced by launching the Titan IV is 119 decibels (dB), it is possible that the focused sonic boom could produce a sound level as high as 147 decibels (dB) or 10 psf (pounds per square foot). A sonic boom at this level (147 dB) may cause auditory damage and startle responses in animals.

Space vehicles at Vandenberg are launched into polar orbit. During the ascent of the launch of the Titan IV space vehicle from Vandenberg, it may pass over the Northern Channel Islands which are inhabited by the six species of seals and sea lions named in the request for an incidental take. Of the Channel Islands, San Miguel is the most likely to receive a focused sonic boom. However, not all launches of the Titan IV space vehicle will produce focused sonic booms over the island. If the launch azimuth is greater than 180 degrees, the focused sonic boom will occur over open water.

While specific dates and trajectories are classified, the first launch is expected in early 1991. Two launches are planned each year for the next 5 years.

The Air Force believes that a "taking" will occur because of infrequent, incidental and unintentional harassment. The primary concerns are that the focused sonic booms will cause the animals to stampede and pups will be trampled or separated from their mothers or the animals' hearing may be affected.

In consultation with NMFS, the Air Force has prepared a plan to monitor the affects of the launches on the seals and sea lions on San Miguel Island. The results of the monitoring will be used to verify the prediction made by the Air Force that the impact will be minimal and to make changes in the regulations, if necessary, to ensure that the impacts on marine mammals are negligible.

On July 30, 1990 (55 FR 30043), NMFS published a notice of the receipt of the request for rulemaking from the Air Force and a request for information. Three comments were received.

ESA Section 7 Consultation

The Department of the Air Force consulted with NMFS, as required by section 7 of the Endangered Species Act, on whether the proposed launches and returns of the Titan II and Titan IV Launch Operations at Space Launch Complex 4 (SLC4), Vandenberg Air Force Base (Vandenberg), California, would jeopardize the continued existence of species listed as threatened or endangered. NMFS issued a section 7 biological opinion on this activity to the Air Force on October 31, 1988. At that time, only the Guadalupe fur seal was a species listed as threatened or endangered under the ESA, and NMFS determined that the project would not likely jeopardize the continued existence of the species.

NMFS recommended that the Air Force implement a monitoring program to assess the predictions concerning sound levels and to assess whether there are any possible effects to Guadalupe fur seals. Because the Steller sea lion has been listed as a threatened species (November 26, 1990, 55 FR 49204), the Air Force will reinitiate consultation with NMFS to include this species.

Before a final rule is published, NMFS will issue its own biological opinion on this authorization since authorizing an incidental take of marine mammals is a Federal action that requires a section 7 ESA consultation.

Summary of Proposed Rule

Specific regulations are proposed to govern the incidental taking of six species of seals and sea lions when the Titan IV space vehicle is launched by the U.S. Air Force from Vandenberg beginning in 1991. These regulations do not regulate or restrict space vehicle activities but rather the taking of seals and sea lions incidental to those activities. These regulations are proposed based on a finding that space vehicle launches from Vandenberg over the Northern Channel Islands off the
coast of California over the next 5 years may involve the incidental taking (by harassment) of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, northern fur seals, and Guadalupe fur seals. Further, NMFS believes that the total impact of the taking will have a negligible impact on the species, on their habitat, and on the availability of these species for subsistence uses. Although two of the northern ranging species of pinnipeds on the Channel Islands, the northern fur seal and the harbor seal, are taken for subsistence in Alaska, an incidental take from the populations on San Miguel would not reduce the availability of these species for subsistence in Alaska. Therefore, NMFS has determined that this incidental taking will not have an unmitigable adverse impact on the availability of marine mammals for substance by Alaska natives.

The proposed regulations would apply only to Tatan IV space vehicle launches from Space Launch Complex 4 and associated activities over the Northern Channel Islands off the coast of southern California which may involve the incidental taking of seals and sea lions from 1991 to 1998. All activities must be conducted in a manner that minimizes adverse effects on the six species of pinnipeds authorized to be taken and their habitat.

After the final regulations are published, NMFS will issue the Air Force a Letter of Authorization which is the official document allowing the taking of marine mammals. Any substantive changes to the Letter of Authorization over the 5-year period the regulations are in effect will be subject to public review unless NMFS determines that an emergency exists that necessitates immediate action. The proposed regulations require the holder of the Letter of Authorization to cooperate with NMFS and any other Federal, state or local agency monitoring the impacts of the space shuttle launches on these species. The regulations require that the pinniped populations on San Miguel Island be monitored. In addition, a report must be submitted to NMFS within 90 days after all launches that are monitored. In order to assess the effects of launches that produce focused sonic booms over San Miguel Island, the first two launches that produce a focused sonic boom over the island will be monitored. At discretion, NMFS will place observers on San Miguel Island to monitor the impact of the sonic boom on the seals and sea lions.

**Description of Habitat and Marine Mammals Species Affected by launches of the Space Vehicle**

The Northern Channel Islands off the coast of California are the above-surface projections of a western, larger submarine extension of the Santa Monica Mountains. The four islands (also called the Santa Barbara Channel Islands) from west to east are San Miguel, Santa Rosa, Santa Cruz, and Anacapa. These islands lie between 11 and 28 miles from the mainland and together comprise about 200 square miles of land.

Since the Northern Channel Islands mark the southern breeding limit of some northern cold-temperate species of seals, sea lions and seabirds and the northern limit of some southern warm-temperate species, there is a diverse group of animals on the islands. The islands are inhabited by the Guadalupe fur seal at its northern limit and the northern fur seal and the northern sea lion at their southern limit. All of the islands are used by pinnipeds for some purposes, but most of the breeding and pupping occurs on San Miguel Island. At some places on the island (Point Bennett, for example), the rookery areas of four breeding species (the Guadalupe fur seal has not established a breeding colony on the Channel Islands) are virtually side by side.

NMFS estimates that 15,000 to 40,000 seals and sea lions may haul out on San Miguel Island at different seasons of the year, and the breeding and pupping months include mid-December through July (see Table 1).

**TABLE 1. POPULATION ESTIMATE OF SEALS AND SEA LIONS**

<table>
<thead>
<tr>
<th>Species</th>
<th>World</th>
<th>Pacific Ocean</th>
<th>So. Calif. Bight</th>
<th>San Miguel Island Breeding Season</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calif. Sea Lion</td>
<td>177,000</td>
<td>157,000</td>
<td>87,000</td>
<td>45,000/50,000 May 15–July 31</td>
</tr>
<tr>
<td>Steller Sea Lion</td>
<td>66,000</td>
<td>62,000</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Northern Elephant Seal</td>
<td>144,000</td>
<td>144,000</td>
<td>50,800</td>
<td>40,000 Dec. 15–Feb. 28</td>
</tr>
<tr>
<td>Harbor Seal</td>
<td>390,000</td>
<td>413,000</td>
<td>317,000</td>
<td>24,450 Mar. 1–Apr. 30</td>
</tr>
<tr>
<td>Northern Fur Seal</td>
<td>1,151,000</td>
<td>815,000</td>
<td>4,000</td>
<td>4,000 May 15–July 31</td>
</tr>
<tr>
<td>Guadalupe Fur Seal</td>
<td>1,600</td>
<td>1,600</td>
<td>1 to 5</td>
<td></td>
</tr>
</tbody>
</table>

1. Harbor seal (*Phoca vitulina*)

Harbor seals are widely dispersed in the Atlantic, Arctic, and Pacific Ocean basins. The Pacific harbor seal ranges from Baja California to the eastern Aleutian Islands. Harbor seals are considered abundant throughout most of their range. Populations have increased substantially in the last 10 years. European populations are estimated at 48,000 to 51,500 animals, eastern Canada populations at 20,000 to 30,000, and those in U.S. Atlantic waters at 10,000 to 15,000. Between 312,000 and 317,000 individuals inhabit the Pacific Ocean although actual populations in this region may be higher.

In the Southern California Bight, the population is estimated at about 3,000 animals. On San Miguel during the breeding season, the population estimate is about 1,000. Numbers are lowest in December, increase gradually from February to June, then sharply decrease again to a minimum in December. Pups are born from February through May. Pups nurse for about 4 weeks; nursing extends to at least the end of May. Breeding activities occur from mid-April to mid-June. In addition to their presence on the island, harbor seals also haul out on the southern end of Vendenberg.

2. Steller (northern) sea lion (*Eumetopias jubatus*)

Steller seal lions are found in a large arc around the northern Pacific including the Sea of Japan, the Bering Sea, Aleutian Islands, Gulf of Alaska and the Channel Islands off California.
NMFS made a final determination that the species was threatened (Nov. 26, 1990, 55 FR 49204) throughout its range, and it has been added to the U.S. List of Endangered and Threatened Species (effective December 3, 1990).

In the late 1970's, abundance estimates ranged from 245,000 to 290,000 adult and juvenile animals. However, the number of Steller sea lions observed on certain rookeries in Alaska has declined by 63 percent since 1985 and 82 percent since 1990. Declines are occurring in previously stable areas and are accelerating. The Alaskan population is currently estimated at 53,000 animals. The U.S.S.R. population is thought to be about 3,000. The British Columbia population is about 6,000; and the Washington, Oregon and California population at about 4,000.

Until 1977, a small rookery of Steller sea lions existed on San Miguel Island. However, pupping has not been known to occur on San Miguel for the past 10 years, and no animals have been seen on San Miguel since 1983.

3. California sea lion (Zalophus californianus)

The three subspecies of the California sea lion inhabit the Pacific Ocean from the Galapagos Island to Baja California to British Columbia. The California population breeds along the Channel Islands and oceanic islands off Mexico. After the breeding season, males migrate as far north as Washington and British Columbia. Females and juveniles frequent the coastal waters of California and Mexico. Births occur from mid-May through early July off California and from October to December in the Galapagos Islands.

The California population of sea lions numbers about 87,000 and the Mexican population about 70,000. The Galapagos Island population has stabilized at about 20,000 animals. In general, California sea lions are increasing in numbers and may be at historical peak abundance.

On San Miguel, the population estimate during the breeding season is about 45,000 to 50,000. The shore population increases from a low in December-January to a breeding season peak in July. Numbers decrease rapidly during the summer and fall months leveling off to the average low levels characteristic of October through January. Females and juveniles are present year-round. Breeding occurs from late May through August with the peak number of pups present in early July.

4. Northern elephant seal (Mirounga angustirostris)

The northern elephant seal, the second largest species of pinniped, is found on offshore islands from Central Baja California to Pt. Reyes, California, north of San Francisco. Elephant seals can be found on rookeries at all times of the year although some wander as far north as southeastern Alaska. This species has made a remarkable recovery in its population numbers. In 1992, it was estimated that only 100 elephant seals remained, and they inhabited Guadalupe Island, Mexico. The total population now is about 144,000 animals with an estimated U.S. population of 60,000. In the southern California Bight, the population is estimated at 50,800 animals.

On San Miguel Island, the estimated breeding season population is about 40,000 and on San Nicolas Island, the population is close to 12,000. The highest population numbers occur in January which coincides with the pupping and breeding season that begins around December 15. Numbers decline sharply after February and through March as postbreeding animals and weaned pups leave the island. By April, the beach population is relatively small. The population increases rapidly as juveniles and females haul out to molt, peaking again in May. This peak is followed by a sharp decline in June when mainly juveniles and subadult males are ashore followed by an increase in July of subadult and adult males. Numbers then decline through August reaching the annual minimum in September. Numbers increase in October and continue to rise through December as pups of the year return briefly followed by adult males and pregnant females in late November through early December. In addition to their presence on the island, a few elephant seals haul out on Vandenberg at Point Arguello.

5. Northern fur seal (Callorhinus ursinus)

The northern fur seal is one of the best known species of pinnipeds. Its biology and management have been the focus of an international treaty for over 75 years. The females and juveniles are highly migratory and range in a great arc across the North Pacific from the Sea of Japan through the southern Bering Sea down to the Channel Islands (San Miguel Island) off southern California. With the exception of the San Miguel breeding population, the animals migrate north in June to several island complexes. The largest numbers congregate on the Pribilof Islands in the eastern Bering Sea and lesser numbers on the Commander Islands, Sea of Okhotsk, and Kuril Island in the western North Pacific.

Because of recent declines, NMFS has declared the Pribilof Islands stock of the northern fur seal as a depleted species under the MMPA. In 1983, the estimated size of the northern fur seal population was about 1.2 million. No significant changes have been documented since that time although recent counts of adult males on the Pribilof Islands and counts of pups on Robben Island have declined. There are an estimated 671,000 animals in Alaskan waters; 332,000 in Soviet waters; and 4,000 in southern California waters.

The peak number of hauling-out animals on San Miguel Island occurs in mid-July with a post-breeding season decline continuing through December. Some females and yearlings may be present at any time, with the highest number of pups present in early July. These animals are generally at sea for seven consecutive months from November through late May.

6. Guadalupe fur seal (Arctocephalus townsendi)

After 1923, the Guadalupe fur seal generally was regarded as extinct. In 1949, one adult male was seen on San Nicolas Island off California, and a breeding colony was discovered on Guadalupe Island off Mexico in 1954. In August 1984, about 1,600 seals were counted on Guadalupe Island and occasional sightings have been made of animals in the offshore waters of Baja California and southern California. Since 1968, small numbers of nonbreeding animals, usually sub-adult males, have been observed on San Miguel Island.

In December 1985, the Guadalupe fur seal was added as a threatened species to the U.S. List of Endangered and Threatened Species (50 FR 51252).

Effects of Titan IV Launches on Marine Mammals

The Air Force funded several studies in anticipation of launching the space shuttle from Vandenberg. This program was cancelled before any launches took place and replaced by the current expendable space launch vehicle program. The studies for the space shuttle generally conclude that significant adverse impacts on the population of marine mammals inhabiting the Channel Islands are unlikely but not impossible.

The Air Force believes several factors indicate that the magnitude of the sonic boom from launching the Titan IV
vehicle from Vandenberg will be less than what was expected from launching the space shuttle (for which NMFS gave the Air Force authorization for an incidental take of marine mammals in 1986). The Titan IV space launch vehicle is smaller than the shuttle (about two-thirds of the overall size), and its exhaust plume is significantly smaller than that of the shuttle. Since the magnitude of the sonic boom is directly proportional to the size of the vehicle, the size of its exhaust plume, and the shape of the vehicle, the magnitude of the sonic boom associated with the Titan IV is estimated to be less than the shuttle.

On San Miguel Island, time-lapse photographic monitoring (Jehl and Cooper 1982) shows that in response to a specific stimulus, large numbers of pinnipeds move suddenly from the shoreline to the water. These events occur at a frequency of about 24 to 36 times per year for sea lions and seals other than harbor seals, and about 48 to 60 times per year for harbor seals. Visual stimuli such as humans and low-flying aircraft are much more likely to elicit this response than strictly auditory stimuli such as boat noise or sonic booms which currently occur about 8 times a month. It is rare for mass movement to take place in a “panic,” and no resulting pup or adult mortality has been observed under these circumstances. According to the Air Force, the occurrence of Titan IV sonic booms is expected to increase the frequency of sudden movements toward the water by no more than 5 percent. During the 1981 breeding season, additional tests were conducted on San Nicolas Island using a carbide pest control cannon to simulate the loud impulse sound of a sonic boom. The noise level of the cannon was reported to be 156 decibels. The animals studied were the northern elephant seal, considered tolerant to disturbance, and the California sea lion, one of the most easily disturbed pinnipeds. These studies concluded that habitat use, population growth, and pup survival would not be affected by the simulated sonic boom noise (Stewart 1982).

Most physiological effects such as those on reproduction, metabolism and general health, or on the animals' resistance to disease, are caused by much greater cumulative sound exposures (intense continuous noise) than those expected from space vehicle booms (infrequent, loud, short-duration noise), which have less potential for affecting physiology.

Researchers (under contract to the Air Force) who conducted studies on effects of the space shuttle stated that the space shuttle sonic booms would not produce auditory or nonauditory effects in Channel Island pinnipeds of sufficient magnitude to measurably influence population levels. Some temporary hearing threshold shift would be likely following the exceptionally loud focused boom created by launches flying directly over the islands, but this threshold change should last a short time (minutes to hours) and minimally disrupt animals. Although the startle effect of the space shuttle boom might cause some panic and concomitant physiological stress, the frequency of booms would be low compared to the frequency of naturally-induced startle-causing events.

Chappell (1980) states there will be no adverse effect on pinniped survival since no significant increase in stress-related pathology is anticipated, nor is any disruption of the reproductive cycle considered probable. Yet, the possibility of more serious consequences cannot be ruled out since the information available in the literature regarding hearing is sparse.

In response to the request from the Air Force, the Marine Mammal Commission stated that NMFS should (1) determine the numbers, as well as the species, of marine mammals that could be affected, and what proportions these numbers are of the affected species and populations; (2) determine whether the planned monitoring program would be sufficient to verify the predicted effects and to identify any unforeseen effects of the proposed action on marine mammals; and (3) undertake Section 7 consultations to identify measures that would be required to assure that the proposed action does not adversely affect steller sea lions or habitats critical to their survival. The Commission recommends that NMFS advise the Air Force that the risk of adversely affecting pinniped populations could largely be avoided by scheduling launches outside the pupping/breeding seasons of the various species.

While NMFS is concerned about the effects of a focused sonic boom during all breeding seasons on San Miguel, the most sensitive time is May 15 to July 31 when two species are using Sun Miguel for pupping, nursing, and breeding. At this time, there is a greater chance of startling large groups of animals at this time which could cause stampeding into the water and trampling or displacing pups. Although there are 15,000 to 40,000 pinnipeds on the island year round, one of the largest concentrations of animals occurs during this season. January and February are also times when large numbers of pinnipeds are present because this is the peak time for northern elephant seals to use the island. Although the highest number of elephant seals occurs during January and February, pupping begins around December 15 and nursing and breeding activities taper off around March 1. The third breeding season is March and April when about 1,000 harbor seals use the island. While harbor seals are known to be sensitive to disturbance, their numbers on San Miguel are considerably less than that of the other breeding populations.

Also, NMFS is concerned about the effects of Titan IV launches from Vandenberg on harbor seals that inhabit the base although the harbor seals are about 3½ miles from the launch site. The Air Force has agreed to measure the sound levels of launches where the seals haul out at Vandenberg.

Measures to Reduce Impacts

The Air Force has stated the following regarding measures to reduce impacts on the affected species:

"Although no significant impact on the Channel Islands is expected from launching the Titan IV from SLC-4, mitigating measures will be considered if monitoring the initial launches of the Titan IV over the Channel Islands indicates that extremely adverse or catastrophic impact might occur to pinnipeds at San Miguel Island from subsequent Titan IV launches. These mitigation measures must allow for the completion of all specific Titan IV missions from Vandenberg AFB within the following constraints: Current Titan IV mission plans will be reviewed to determine if launch dates, azimuths and trajectory may be modified. Mission requirements will dictate the degree of modification, if any, to be made.

"Unless dictated by mission and national security requirements, the period from 1 Jan to 15 Feb and 15 May to 31 July would be avoided for launch azimuths which may generate a focused sonic boom that could impact the Channel Islands. In addition, consideration would be given to using launch "windows" between sensitive breeding periods during the months of March and April. These constraints would not apply if national security mission requirements would not allow for alternative dates or launch trajectories.

"Federal and state agencies will be furnished results from the initial Titan IV launch monitoring effort and any subsequent monitoring efforts. Their review and recommendations will be used to determine if overflight restrictions need to be considered for future launches of the Titan IV from Vandenberg AFB. Recommendations
provided by Federal and state agencies will be implemented unless they conflict with mission requirements to meet national security requirements.”

**Monitoring Program**
NMFS met with the Air Force to review the monitoring plan described by the Air Force in its request for an incidental take authorization. The program will include coverage, at a minimum, of the first two launches that result in focused sonic booms over San Miguel Island. The Air Force may choose to monitor other launches for security purposes, to test equipment, and as a contingency in case a boom not expected to contact San Miguel is refracted by atmospheric conditions toward the island. Monitoring will occur before, during and after the two launches. If safety considerations are met, NMFS prefers to have observers on San Miguel Island itself. Otherwise, remote monitoring will be relied on for observation.

**Conclusion**
While NMFS believes that focused sonic booms at a predicted level of 10 psf (147 decibels) may affect some of the pinnipeds on San Miguel Island, the available data suggest that the taking will have a negligible impact on the populations of marine mammals that use the island. NMFS agrees with the Marine Mammal Commission that the risk of adverse effects on marine mammals would be reduced if launches were scheduled outside the pupping/breeding seasons of the various species. However, until NMFS has had an opportunity to evaluate information obtained from monitoring the first two launches that produce a focused sonic boom over San Miguel, seasonal restrictions on taking will not be included.

In order to assess the effects of the launches on pinnipeds on the island, it is important that the Air Force monitor launches that produce focused sonic booms over San Miguel. If only the first two launches are monitored, and the focused sonic booms occur over open water rather than the island, NMFS will not be able to assess the effects of the launches.

If NMFS believes the effects are more than negligible, it may be necessary to add mitigating measures, such as seasonal restrictions on taking, that would reduce the impacts to negligible. Or, if this cannot be done, the Secretary is directed to withdraw or suspend the permission to take marine mammals under section 101(a)(5).

NMFS agrees with the Air Force that the effects of launching the Titan IV space vehicle is probably less than the effects of launches of the space shuttle because the magnitude of the sonic boom associated with the Titan IV is estimated to be less than that of the shuttle. The minimum noise level for the space shuttle was estimated at 147 dB while the maximum for the Titan IV space vehicle is estimated at that level with the most likely noise level estimated at 110 dB.

**Classification**
NMFS prepared an environmental assessment for this rulemaking and concluded that there will be no significant impact on the human environment as a result of this proposed rule.

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The proposed regulations are not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, or government agencies; or (3) significant adverse effect on competition, employment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certifies that the Small Business Administration that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities since the Department of the Air Force does not qualify as a small entity. Therefore, a regulatory flexibility analysis was not prepared.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612. NMFS determined that this proposed rule does not directly affect the coastal zone of any state with an approved coastal zone management program under the Coastal Zone Management Act (CZMA). This determination will be submitted to the State of California’s Division of Governmental Coordination for review as provided for in 16 U.S.C. 1450.

**References**

**List of Subjects in 50 CFR Part 228**
Marine mammals, Reporting and recordkeeping requirements.

**Dated:** January 10, 1991.

Samuel W. McKeen,
Program Management Officer, NMFS.

For reasons set forth in the preamble, 50 CFR part 228 is proposed to be amended as follows:

**PART 228—REGULATIONS GOVERNING SMALL TAKES OF MARINE MAMMALS INCIDENTAL TO SPECIFIED ACTIVITIES**

1. The authority citation for part 228 continues to read as follows:
   Authority: 10 U.S.C. 1361(a)(5).
2. Subpart C is revised to read as follows:

Subpart C—Taking of Marine Mammals Incidental to Space Vehicle Activities

§ 228.21 Specified activity and specified geographical region.

Regulations in this subpart apply only to the incidental taking of California sea lions, Steller (northern) sea lions, northern elephant seals, harbor seals, Guadalupe fur seals and northern fur seals by U.S. citizens engaged in launching Titan IV space vehicles from Space Launch Complex 4 at Vandenberg Air Force Base, California.

§ 228.22 Effective dates.

Regulations in this subpart are effective from February 1, 1991 through January 31, 1996.

§ 228.23 Permissible methods.

(a) The incidental, but not intentional, non-lethal taking of marine mammals is permitted by U.S. citizens under a Letter of Authorization issued pursuant to § 228.28 for the following activity: Launches of the Titan IV Space Vehicle from Space Launch Complex 4.

(b) The activity identified in § 228.23(a) must be conducted in a manner that minimizes, to the greatest extent possible, adverse impacts on seals and sea lions and their habitat.

§ 228.24 Prohibitions.

Notwithstanding takings authorized by § 228.23 or by a Letter of Authorization issued under § 228.28, the following activities are prohibited:

(a) The incidental take of a seal or sea lion other than by unintentional, non-lethal harassment;

(b) The violation or failure to comply with the terms, conditions and requirements of this part or a Letter of Authorization; and

(c) The incidental taking of any marine mammal not specified in this part.

§ 228.25 Requirements for monitoring and reporting.

(a) Holders of Letters of Authorization (see § 228.6) are required to cooperate with the National Marine Fisheries Service and any other Federal, state, or local agency monitoring the impacts on seals and sea lions. The Holder must notify the Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island CA, 213-540-2575, of any potential take at least 2 weeks prior to the launch in order to satisfy § 228.25(d).

(b) Holders of Letters of Authorization must designate a qualified individual or individuals to record the effects of space vehicle launches on seals and sea lions that inhabit the Northern Channel Islands.

(c) The pinniped populations on San Miguel Island must be monitored before, during and after the first two launches of the Titan IV space vehicle from SLC-4 that produce focused sonic booms over San Miguel. Special attention must be paid to the effects on hearing in pinnipeds and their behavioral responses.

(d) At its discretion, the National Marine Fisheries Service may place an observer on San Miguel Island to monitor the research and sonic boom impact on the seals and sea lions.

(e) A report must be submitted to the Assistant Administrator for Fisheries within 90 days of any launch that produces a focused sonic boom over the northern Channel Islands. This report must include the following information:

(1) Date and time of the launch;

(2) Dates and locations of research activities related to monitoring the effects of the focused sonic booms on pinniped populations;

(3) Results of monitoring activities concerning hearing and behavioral responses; and

(4) Results of population studies made of pinnipeds on the Channel Islands before and after launch.

§ 228.26 Modifications of Letters of Authorization.

(a) In addition to the provisions of § 228.6, any substantive modifications of the Letters of Authorization will be made after notice and opportunity for public comment.

(b) The requirement for notice and public review in § 228.2(a) will not apply if the National Marine Fisheries Service determines that an emergency exists which poses a significant risk to the well-being of the species or stocks of marine mammals concerned or which significantly and detrimentally alters the scheduling of space vehicle launches.

[FR Doc. 91-690 Filed 1-15-91; 8:45 am]

BILLING CODE 3510-22-G

50 CFR Parts 672 and 675

[Docket No. 900833-1013]

RIN 0648-AD18

Groundfish of the Gulf of Alaska, Groundfish Fishery of the Bering Sea and Aleutian Islands Area

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

ACTION: Proposed rule; request for comments.

SUMMARY: NOAA proposes a rule that would implement a revision to Amendment 16 to the Fishery Management Plan (FMP) for Bering Sea/Aleutian Islands (BSAI) Groundfish and Amendment 21 to the FMP for the Gulf of Alaska (GOA) Groundfish Fishery. These regulations are proposed to enhance prohibited species bycatch management in the BSAI and GOA and would hold operators of individual trawl vessels accountable for their bycatch of halibut and red king crab while participating in specified groundfish fisheries. This action is deemed necessary to promote management and conservation of groundfish and other fish resources. It is intended to further the goals and objectives contained in both FMPs that govern these fisheries.

DATES: Comments are invited through February 5, 1991.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802. Individual copies of the revised Amendments 16 and 21 and the environmental assessment/regulatory impact review/initial regulatory flexibility analysis (EA/RIR/IRFA) may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510. Comments on the environmental assessment are particularly requested.


SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the GOA and BSAI areas are managed by the Secretary according to FMPs prepared by the North Pacific Fishery Management Council (Council) under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR part 811 and
for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fishery are implemented at 50 CFR part 620. Trawl, hook-and-line, and pot groundfish fisheries use partially non-selective harvesting techniques in that incidental (bycatch) species, including crab, halibut, and herring, are taken in addition to targeted groundfish species. A conflict occurs when bycatch in one fishery reduces the amount of a species available for harvest in another fishery. Bycatch management is an attempt to balance the effects of various fisheries on each other. It is a particularly contentious allocation issue because, compared to crab, halibut, or herring fishermen, groundfish fishermen value the use of crab, halibut, or herring very differently.

At its June 25–30, 1990, meeting, the Council adopted Amendments 16 and 21 for submission to the Secretary of Commerce (Secretary) for review and approval. The proposed rule to implement the amendments addressed several bycatch management measures, including a proposed program that would encourage individual groundfish vessel operators to avoid excessive bycatch rates of prohibited species (55 FR 38347, September 18, 1990). The Council anticipated that this vessel incentive program, commonly referred to as the “penalty box” program, would reduce overall prohibited species bycatch rates within the BSAI and GOA groundfish fisheries. On November 9, 1990, the Secretary approved the management measures in Amendments 16 and 21, except for the proposed penalty box program as described in §§ 672.58 and 675.26 of the proposed rule. The reasons for this denial are set forth in the final rule for Amendments 16 and 21 to be published in the Federal Register at a later date.

Given the above determinations, the Director, NMFS, Alaska Region (Region Director) notified the Council that the penalty box program, as proposed under Amendments 16 and 21, could not be implemented. Under section 304(b)(2) of the Magnuson Act, the Regional Director also made recommendations concerning actions that the Council could take towards the development of a 1991 vessel incentive program that would conform to the requirements of applicable law.

Based on these recommendations, the Council adopted a revised vessel incentive program during a November 15, 1990, teleconference meeting for submission to the Secretary for review and approval under section 304(b)(3) of the Magnuson Act. The need and justification for a vessel incentive program to reduce prohibited species bycatch are discussed below, along with a description of the specific elements of the vessel incentive program proposed under the revised Amendments 16 and 21.

**Justification of a Vessel Incentive Program**

The groundfish fishery results in incidental fishing mortality of crab, halibut, and other prohibited species. This use of crab and halibut is one of several competing uses of these resources. These resources also can be used as current or future target catch in the crab or halibut fisheries, respectively. The future use as catch necessarily requires that the crab or halibut are left in the sea to contribute to the productivity of the crab or halibut stocks. These species also can be left in the sea to contribute to other components of the ecosystem, or they can be used as incidental fishing mortality in the groundfish fisheries.

Existing regulations establish prohibited species catch (PSC) limits to control the bycatch of crab and halibut in the groundfish trawl fisheries in the BSAI and halibut in the groundfish trawl, hook-and-line, and pot fisheries in the GOA. In 1990, the PSC limits resulted in the closures of specified trawl and hook-and-line fisheries and associated reductions in groundfish catch that imposed costs on those who would have benefited from continued fishing in the closed fisheries.

For a given PSC limit, or apportionment thereof, the amount of groundfish that can be harvested prior to a PSC-limit-induced closure is determined by the average bycatch rate of the fishery. A PSC limit, therefore, arguably provides fishermen an incentive to reduce bycatch rates. Unfortunately, although an increase in the amount of groundfish that can be harvested by reduced bycatch rates is in the best interest of the groundfish fleet as a whole, each individual operation will likely ignore bycatch and harvest groundfish rapidly so that its catch expectations can be met prior to the closure of the fishery.

This situation results in unnecessarily high bycatch rates, which will cause a given PSC limit to be reached more quickly. A much higher cost on the fishery will be imposed through lost opportunity to harvest available groundfish. A fishing operation that takes action to reduce its bycatch rate bears the costs of doing so in terms of decreased catch or increased operating costs. But it does not receive benefits that are proportional to either its success in reducing bycatch or the cost of doing so. An operation that takes no action to control its bycatch rates will not bear such costs nor will it bear much of the cost that it imposes on the fishery as a whole by having a high bycatch rate. However, such an operation may receive a disproportionately large share of the benefit from the actions taken by others to reduce the fishery's average bycatch rate. The problems are that: (1) External costs and benefits provide each operation with incentives to do what is counter to the best interests of the fishery as a whole and (2) the actions of a few operations can impose substantial costs on the rest of the fleet.

The penalty box program adopted by the Council as part of Amendments 16 and 21 was intended to provide a partial solution to these problems by reducing the magnitude of the external benefits and costs. The vessel incentive program proposed under the revised Amendments 16 and 21, discussed below, is intended to serve the same purpose. The purposes of the revised incentive program are similar to those of the program that was disapproved in that the program primarily is intended to decrease the costs that the PSC limits would impose on the trawl fisheries in 1991 and to provide guidance for future development of a comprehensive, effective, equitable, and efficient long-term bycatch management regime. The revised vessel incentive program differs from the penalty box program in that it would: (1) Be applied to fewer BSAI and GOA fisheries having new target fishery definitions; (2) be based on seasonal fixed bycatch rate standards; and (3) rely upon civil penalties, civil forfeitures, and permit sanctions authorized under sections 309 and 307 of the Magnuson Act that could be effectively assessed against violators post-season.

**Description of the vessel incentive program under the revised Amendments 16 and 21**

1. **Scope of the Vessel Incentive Program**

Under the revised program, penalties would be imposed after observers have been fully debriefed and their data analyzed and verified. In most cases, this could result in post-season action against vessels that have exhibited bycatch rates in excess of established bycatch rate standards.

The revised incentive program would encompass: (1) Halibut bycatch in the BSAI and GOA Pacific cod trawl fisheries, the BSAI flatfish fisheries, and the GOA “bottom rockfish” trawl fishery; and (2) red king crab bycatch in the BSAI flatfish fisheries in Zone 1. All
catcher/processor vessels and catcher vessels (including those that deliver unsorted codends to mothership processors) that participate in these fisheries and for which observer data are collected would be participants in the incentive program.

Given NMFS' operational and administrative constraints to monitor and enforce a vessel incentive program in 1991, the Council selected the Pacific cod, rockfish, and flatfish trawl fisheries for inclusion under the revised vessel incentive program. These fisheries were selected because they either: (1) Have been identified by NMFS and the groundfish industry as having relatively high halibut or crab bycatch rates; (2) are the most affected by existing PSC limit restrictions; or (3) would provide the most benefit to other groundfish trawl fisheries in terms of reduced prohibited species bycatch rates and increased opportunity to harvest groundfish under shared bycatch allowances.

2. Fishery Definitions

Under the revised program, there would be new target fishery definitions for the BSAI and GOA groundfish trawl fisheries that are based on at-sea observer data on groundfish catch composition and corresponding prohibited species bycatch rates collected from the 1990 domestic annual processing (DAP) fisheries. The analysis from which the following definitions are derived is set forth in the EA/RIR/IRFA prepared for the revised Amendments 16 and 21. The hierarchy of target fishery categories presented below for the BSAI and GOA fishery definitions are based on NMFS' examination of historical observer data on groundfish catch composition and how closely a fishery's groundfish catch composition reflected intended target operations.

For purposes of apportioning prohibited species catch (PSC) limits to fishery categories, the new BSAI definitions for the Greenland turbot, rock sole, flatfish, and other trawl fisheries would replace existing definitions for these fisheries specified under § 675.21(b)(4). The existing definitions are based on whether or not retained amounts of Greenland turbot, rock sole, flatfish, or other groundfish species are equal to or exceed 20 percent of the retained amounts of other groundfish species during any weekly reporting period. The new BSAI definitions would be based on the species composition listed below as derived from reported retained catch and discard amounts of groundfish species for which a total allowable catch has been specified (allocated groundfish). The following fishery category definitions also would be used for the vessel incentive program proposed under this action, except that data on the species composition of a vessel's groundfish catch during any weekly reporting period would be derived from observer data collected from observed catch of allocated groundfish species.

BSAI fisheries. At the end of each weekly reporting period, a trawl vessel's BSAI groundfish catch composition of allocated groundfish would be used to assign it to one of five fisheries for that week. The first of the following five categories that is met would determine the fishery assignment of a vessel.

1. Greenland turbot fishery if Greenland turbot is at least 35% of the vessel's allocated groundfish catch.
2. Pacific cod fishery if Pacific cod is at least 45% of the vessel's allocated groundfish catch.
3. Rock sole fishery if rock sole, yellowfin sole, and other flatfish comprise at least 40% of the vessel's allocated groundfish catch and the amount of rock sole is greater than the amount of yellowfin sole and other flatfish, in the aggregate.
4. Flatfish fishery if yellowfin sole, rock sole, and other flatfish comprise at least 40% of the vessel's allocated groundfish catch.
5. Other non-pelagic trawl fishery if pollock is less than 95% of the vessel's groundfish catch.

In the BSAI, a vessel would be subject to the vessel incentive program if it is assigned to either the Pacific cod fishery or the rockfish fishery. For purposes of the vessel incentive program, both the rock sole fishery and the yellowfin sole/flatfish fishery would be part of the "flatfish fishery." Neigher the Greenland turbot fishery nor the "other non-pelagic trawl fishery" would be included in the vessel incentive program for the BSAI. The distinction between the Greenland turbot, rock sole, yellowfin sole/other flatfish, and other non-pelagic trawl fishery categories would be used for monitoring the separate prohibited species bycatch allowances established for these fisheries under § 675.21. Under § 675.21, prohibited species bycatch that is attributed to the Pacific cod trawl fishery would be credited and against the prohibited species bycatch allowances established for the "other non-pelagic trawl fishery."

GOA fisheries. Each week a trawl vessel's observed GOA groundfish catch of the TAC species, excluding arrowtooth flounder, would be used as a basis for assigning it to one of three fisheries for that week. Arrowtooth flounder would be excluded because, although this species may comprise a large percentage of groundfish catch, it typically is not retained. The first of the following three categories that is met would determine the fishery assignment of a vessel.

1. Pacific cod fishery if Pacific cod is at least 45% of the vessel's allocated groundfish catch.
2. Rockfish fishery if rockfish (slope rockfish, demersal shelf rockfish, and thornyhead rockfish, in the aggregate) is at least 30% of the vessel's allocated groundfish catch.
3. Other non-pelagic trawl fishery if pollock is less than 95% of the vessel's groundfish catch.

A vessel would be subject to the vessel incentive program if it is assigned to either the Pacific cod fishery or the rockfish fishery. The other non-pelagic trawl fishery would not be included in the vessel incentive program for the GOA.

3. Bycatch Rate Standards

Red king crab and halibut bycatch rate standards for vessels in the fisheries monitored under the vessel incentive program would be based on seasonal fixed rates. The use of seasonal bycatch rate standards would allow for seasonality in the factors that affect bycatch rates. The seasonal rates would be established semiannually.

The halibut bycatch rate standards would be based on average bycatch rates observed in the BSAI or GOA. Separate halibut bycatch rate standards would be established for the BSAI, Pacific cod, BSAI flatfish, GOA Pacific cod, and GOA rockfish fisheries.

The red king crab bycatch rate standards established for the BSAI flatfish fisheries would be based on bycatch rates observed in zone 1. Compliance with red king crab bycatch rate standards would be monitored only for Zone 1.

Prior to January 1 and July 1 of each year, bycatch rate standards would be published in the Federal Register that would be in effect for specified seasons within the 6-month periods of January 1 through June 30 and July 1 through December 31, respectively. Such rates would remain in effect until revised by a subsequent notice in the Federal Register. Revisions to bycatch rate standards may be made as often as appropriate. Seasonal bycatch rate standards for a fishery and revisions to those standards would be based on prior seasonal bycatch rates and other relevant criteria, including:

(A) Previous years' average observed bycatch rates for the fishery;
(B) Immediately preceding season's average observed bycatch rates for the fishery;
(C) The prohibited species bycatch allowances and associated fishery closures specified for the fishery;
(D) Anticipated groundfish harvests for that fishery;
(E) Anticipated seasonal distribution of fishing effort for groundfish; or
(F) Other information and criteria deemed relevant by the Regional Director.

The analysis presented in the EA/RIR/IRFA assumed bycatch rate standards equal to the average bycatch rate exhibited by vessels with the lowest bycatch rates. Those vessels accounted for approximately 80% of the catch in the 1990 domestic annual processing (DAP) trawl fisheries for Pacific cod, flatfish, and rockfish. For the GOA, halibut bycatch rates were determined based on allocated groundfish catch excluding arrowtooth flounder.

At its December 3-7, 1990 meeting, the Council recommended alternative bycatch rate standards based on 1990 average quarterly bycatch rates exhibited by all vessels that participated in these fisheries. If a fishery did not operate during a quarter, historical joint venture processing bycatch rates were recommended for that quarter. The Council also recommended that GOA bycatch rate standards for the Pacific cod trawl fishery be based on average bycatch rates observed in the Central Regulatory Area rather than in the GOA as a whole. This recommendation reflected Council recognition that bycatch rates of halibut in the Central Regulatory Area are intrinsically higher than those in in areas of the GOA and that bycatch rate standards based on a GOA wide average would be too constraining to the Pacific cod fishery in the Central Regulatory Area. These standards are set forth in Table 1.

Comments are requested on whether these standards should be implemented for the first half of 1991 by adding provisions to the rule proposed by this notice.

Council recommendations for bycatch rate standards would be less constraining to individual vessels relative to those analyzed in the EA/RIR/IRFA. The Council expressed its view, however, that the recommended rates would satisfy the intent of the Council to reduce overall bycatch rates during the first year that a vessel incentive program was in place. Experience gained under the 1991 program would be used to refine bycatch management measures and associated bycatch rate standards under subsequent rulemaking.

<table>
<thead>
<tr>
<th>Table 1.—Bycatch Rate Standards Proposed for the 1991 Vessel Incentive Program in the BSAI and GOA by Fishery and Quarter</th>
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<td>Fishery and quarter</td>
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<tr>
<td>Halibut bycatch as kg of halibut/mt of allocated groundfish catch</td>
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<td>BSAI Pacific cod:</td>
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<td>Qt 1</td>
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<td>BSAI flatfish:</td>
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<td>GOA rockfish:</td>
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<tr>
<td>Zone 1 red king crab bycatch rates (number of crab/mt of allocated groundfish)</td>
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<td>BSAI flatfish:</td>
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4. Fishery Checkpoints and Penalties

At the end of each fishing month, the average observed bycatch rate of red king crab and/or halibut for each vessel assigned to the BSAI flatfish fishery, the BSAI/GOA Pacific cod fisheries or the GOA bottom rockfish fishery during that month would be judged against the fixed seasonal bycatch rate standard established for those fisheries. If the vessel's average bycatch rate for a fishing month exceeds a seasonal bycatch rate standard, the vessel would be in violation of the regulations implementing the vessel incentive program and be subject to prosecution under sections 307-310 of the Magnuson Act.

The NOAA Office of General Counsel, Alaska Region (GCAK), has discretion to assess penalties for violations of Magnuson Act regulations. In determining the level of assessment for violations of this rule, GCAK may take into account a number of factors, which could include resource or economic damage to the groundfish trawl fishery, relevant participation in voluntary programs designed to reduce prohibited species bycatch, and culpability of the vessel operator/owner. A vessel operator/owner who failed to meet established bycatch rate standards at the end of a fishing month might have committed several violations, one for each weekly reporting period during the month that the standard was exceeded. Under recently signed amendments to the Magnuson Act, each violation would carry a maximum civil penalty of $100,000, so total civil penalties for a monthly period could total a maximum of $400,000--500,000. Possible sanctions in addition to civil penalties include permit sanctions and judicial forfeiture of the vessel and its catch.

For purposes of the vessel incentive program, a “fishing month” is defined as a time period calculated on the basis of weekly reporting periods. Each fishing month would begin on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month. For purposes of this definition, the 1991 fishing months are specified as the following periods:

- Month 1: January 1 through February 28
- Month 2: February 29 through March 31
- Month 3: March 1 through March 30
- Month 4: April 1 through April 30
- Month 5: May 1 through May 31
- Month 6: June 1 through June 30
- Month 7: July 1 through July 31
- Month 8: August 1 through August 29
- Month 9: September 1 through September 29
- Month 10: October 1 through October 30
- Month 11: November 1 through November 30
- Month 12: December 1 through December 31

5. Public Release of Vessel Bycatch Rates

The Council has adopted a proposed regulatory amendment to the observer plan that would give NMFS the authority to publicize unverified observed bycatch rates of individual vessels in season. If such authority is approved, NMFS would have the option of posting unverified weekly observed bycatch rates that could be used by vessel operators as guidance. At a minimum, NMFS would continue to release a vessel's unverified observed bycatch rate to the vessel's operator or owner upon request. Whether or not NMFS exercised authority for public release of observed bycatch rates, inseason weekly rates available to the industry would continue to be based on unverified observer data and subject to verification as observers are debriefed and their data are analyzed.

Classification

Upon receipt of a revised amendment from a Council, section 304(b)[5][D] of the Magnuson Act, as amended by Public Law No. 99-659, requires the Secretary immediately to publish proposed regulations that would implement the revised amendments. At this time, the Secretary has not determined that the revised Amendments 16 and 21 and the accompanying regulations that would implement a vessel incentive program...
are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

The Council prepared an environmental assessment (EA) for these FMP amendments that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained from the Council at the address above and comments on it are requested.

The Assistant Administrator for Fisheries, NOAA, initially determined that the proposed rule is not a "major rule" requiring a regulatory impact analysis under Executive Order 12291. The Council prepared a RIR, which concludes that none of the proposed measures in this rule would cause impacts considered significant for purposes of this Executive Order. A copy of the RIR is available from the Council at the address listed above.

The Council prepared an IRFA as part of the RIR, which concludes that this proposed rule, if adopted, would have significant effects on a number of small entities. A copy of this analysis is available from the Council at the above address.

This proposed rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act.

The Council determined that this rule, if adopted, will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management program of Alaska. This determination has been submitted for review by the responsible State agencies under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under Executive Order 12612.

List of Subjects in 50 CFR parts 672 and 675

Fishing vessels.


Michael F. Tillman,
Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 672 and 675 are proposed to be amended as follows:

PART 672—GROUNDFISH OF THE GULF OF ALASKA

1. The authority citation for part 672 continues to read as follows:

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

2. In § 672.7, a new paragraph (e) is added as follows:

§ 672.7 General prohibitions.

(e) Exceed a bycatch rate standard specified under § 672.26.

3. A new § 672.26 is added as follows:

§ 672.26 Program to reduce prohibited species bycatch rates.

(a) General. (1) A vessel's average observed bycatch rate, as calculated at the end of a fishing month under paragraph (d) of this section, while participating in the fisheries identified in paragraph (b) of this section, shall not exceed bycatch rate standards specified in paragraph (c) of this section.

(ii) Bycatch rate refers to the ratio of weight of halibut in kilograms to the total round weight, in metric tons, of groundfish listed in Table 1 of § 672.20.

(iii) Fishing month is defined as a time period calculated on the basis of weekly reporting periods as follows: each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Dates of each fishing month will be announced in the Federal Register notices published under paragraph (c)(2) of this section.

(b) Fisheries. A vessel will be subject to this section if the groundfish catch of the vessel is observed on board the vessel or on board a mothership processor that receives unsorted codends from the vessel at any time during a weekly reporting period; and the vessel is assigned to either the Pacific cod fishery or the bottom rockfish fishery as defined in paragraphs (b)(1) and (2) of this section. During any weekly reporting period, a vessel a observed catch composition of groundfish species for which a TAC has been specified under § 672.20 of this part, excluding arrowtooth flounder, will determine the fishery to which the vessel is assigned.

(1) The Pacific cod fishery means trawl fishing that results in an observed groundfish catch during a weekly reporting period that is comprised of 30 percent or more of Pacific cod.

(2) The bottom rockfish fishery means trawl fishing that does not qualify as a Pacific cod fishery under paragraph (b)(1) of this section and results in an observed groundfish catch during a weekly reporting period that is comprised of 30 percent or more of rockfish species of the genus Sebastes and Sebastolobus in the aggregate, except for the rockfish species that comprise the pelagic shelf rockfish category (Sebastes melanops, S. mystinus, S. ciliatus, S. entomelas, and S. flavids).

(c) Bycatch rate standards—(1) Establishment of bycatch rate standards. (i) Prior to January 1 and July 1 of each year, the Regional Director will publish a notice in the Federal Register specifying bycatch rate standards for the fisheries identified in paragraph (b) of this section that will be in effect for specified seasons within the 6-month periods of January 1 through June 30 and July 1 through December 31, respectively. Bycatch rate standards will remain in effect until revised by a notice in the Federal Register. The Regional Director may adjust bycatch rate standards as frequently as he considers appropriate.

(ii) Bycatch rate standards for a fishery and adjustments to such standards will be based on the following information and considerations:

(A) Previous years' average observed bycatch rates for that fishery;

(B) Immediately preceding season's average observed bycatch rates for that fishery;

(C) The bycatch allowances and associated fishery closures specified under section 672.20(f);

(D) Anticipated groundfish harvests for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and,

(F) Other information and criteria deemed relevant by the Regional Director.

(2) Procedure. (i) Bycatch rate standards or adjustments to such standards specified under this section will not take effect until the Secretary has published the proposed bycatch rate standards or adjustments to such standards in the Federal Register for public comment for a period of 30 days before they are made effective, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(ii) If the Secretary decides, for good cause, that bycatch rate standards or adjustments to such standards are to be
standards or adjustments to such standards were based.

(iv) If written comments are received during any such 15-day period that oppose or protest bycatch rate standards or adjustments to such standards issued under this section, the Secretary will reconsider the necessity for the bycatch rate standards or adjustment to such standards and, as soon as practicable after that reconsideration, will either:

(A) Publish in the Federal Register a notice of continued effectiveness of bycatch rate standards or adjustment to such standards, responding to comments received; or

(B) Modify or rescind bycatch rate standards or adjustment to such standards.

(v) Notices of adjustments to bycatch rate standards issued by the Secretary under paragraph (c) of this section will include the following information:

(A) A description of the adjustment to one or more bycatch rate standards specified for a fishery;

(B) The reasons for the adjustment and the determinations required under paragraph (c)(1)(ii) of this section; and

(C) The effective date and any termination date of such adjustment. If no termination date is specified, the adjustment will remain in effect until revised by subsequent notice in the Federal Register under paragraph (c) of this section.

(d) Vessel bycatch rates—(1) Observer data. Observer data will be collected under the procedures set forth in the Observer Plan authorized under § 672.27. For purposes of this section, observer data collected for each haul sampled during a day will include the date, position (latitude and longitude) where trawl gear for the haul was retrieved, total round weight of groundfish in the portion of the haul sampled by an observer during that week based on the observer data collected from those hauls under paragraph (d)(1) of this section.

(A) A vessel's average bycatch rate for a fishery identified under paragraph (b) of this section that the vessel was assigned to during the weekly reporting periods of that fishing month.

(B) A vessel's average bycatch rate for a fishery identified under paragraph (b) of this section during a fishing month is calculated as the total weight of halibut and groundfish in the haul samples during that week divided by the total weight of groundfish in the haul samples (in metric tons) for which a TAC has been specified under § 672.20.

(3) Determinations. (i) At the end of each fishing month, the Regional Director will calculate each vessel's average observed bycatch rate for each fishery identified under paragraph (b) of this section during a weekly reporting period.

(ii) A vessel has exceeded a bycatch rate standard if its average observed bycatch rate for any fishery identified in paragraph (b) of this section during a fishing month exceeds the bycatch rate standard established for that fishery under paragraph (c) of this section.

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

4. The authority citation for part 675 continues to read as follows:

Authority: 18 U.S.C. 1801 et seq.

5. In § 675.7, a new paragraph (e) is added to read as follows:

§ 675.7 Prohibitions.

(e) Exceed a bycatch rate standard specified under § 672.26.

6. In § 675.21, paragraphs (c)(2), (c)(3), and (c)(4) are redesignated as paragraphs (c)(3), (c)(4), and (c)(5); a new paragraph (c)(2) is added; and paragraphs (b)(1), (b)(4), (c)(1), and (c)(3) are revised to read as follows:

§ 675.21 Prohibited species catch (PSC) limitations.

* * * * * (b) * * *

(1) Apportionment to fishery.

(ii) For purposes of this section and § 675.26 of this part, six domestic fisheries are defined based on total groundfish catch of species for which a TAC is specified under § 675.20 as follows:

(i) DAP Greenland turbot fishery means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of Greenland turbot that is 35 percent or more of the total amount of groundfish caught during the week;

(ii) DAP Pacific cod fishery means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of Pacific cod that is 45 percent or more of the total amount of groundfish caught during the week, and

(B) does not qualify as a "DAP Greenland turbot fishery;"

(iii) DAP rock sole fishery means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of rock sole, yellowfin sole, and 'other flatfish' in the aggregate that is 40 percent or more of the total amount of groundfish caught during the week, and

(B) results in a catch of rock sole that is greater than the catch of yellowfin sole.
and “other flatfish” in the aggregate, and (C) does not qualify as a “DAP Greenland turbot” or “DAP Pacific cod” fishery.

(iv) DAP flatfish fishery means DAP fishing with trawl gear during any weekly reporting period that (A) results in a catch of pollock that is less than 95 percent of the total amount of groundfish caught during the week, and (B) does not qualify as a “DAP Greenland turbot,” “DAP Pacific cod,” or “DAP rock sole” fishery.

(v) Other non-pelagic trawl fishery means DAP fishing with trawl gear during any weekly reporting period that results in deliveries to foreign vessels of amounts of yellowfin sole, rock sole, and “other flatfish” in aggregate amounts, that are 20 percent or more of the total amount of groundfish delivered during a weekly reporting period.

(c) Attainment of a PSC bycatch allowance or seasonal apportionment of the bycatch allowance—

(1) By the DAP rock sole, DAP Greenland turbot, or the JVP flatfish fisheries. (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch either of the PSC bycatch allowances or seasonal apportionment of the bycatch allowances of red king crabs or C. bairdi in Zone 1 while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the Federal Register closing Zone 1 to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the season.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the PSC bycatch allowance or seasonal apportionment of the bycatch allowance of C. bairdi in Zone 2 while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the Federal Register closing Zone 2 to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the season.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the primary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in either the DAP rock sole, DAP Greenland turbot, or JVP flatfish fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the Federal Register closing Zones 1 and 2H to directed fishing with trawl gear for rock sole, Greenland turbot, or JVP flatfish for the remainder of the fishing year or for the remainder of the season.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the DAP flatfish fishery as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the Federal Register closing the entire Bering Sea and Aleutian Islands Management Area to directed fishing with trawl gear for yellowfin sole and “other flatfish,” in the aggregate, for the remainder of the fishing year or for the remainder of the season.

(v) By the “DAP other non-pelagic trawl” and “DAP Pacific cod” fisheries. (i) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch either of the PSC bycatch allowances or seasonal apportionments of bycatch allowances of red king crabs or C. bairdi in Zone 1 while participating in the “DAP Pacific cod” and “DAP other non-pelagic trawl” fisheries as defined in paragraph (b)(4) of this section, the Secretary will publish a notice in the Federal Register closing Zone 1 to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the season.

(ii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels will catch the PSC bycatch allowances or seasonal apportionments of bycatch allowances of C. bairdi in Zone 2 while participating in the “DAP Pacific cod” and “DAP other non-pelagic trawl” fisheries, the Secretary will publish a notice in the Federal Register closing Zone 2 to directed fishing for pollock and Pacific cod, in the aggregate, by
trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

(iii) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the primary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries, the Secretary will publish a notice in the Federal Register closing Zones 1 and 2H to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

(iv) If, during the fishing year, the Regional Director determines that U.S. fishing vessels using trawl gear will catch the secondary PSC bycatch allowance or seasonal apportionment of the bycatch allowance of Pacific halibut in the Bering Sea and Aleutian Islands Management Area while participating in the "DAP Pacific cod" and "DAP other non-pelagic trawl" fisheries, the Secretary will publish a notice in the Federal Register closing the Bering Sea and Aleutian Islands Management Area to directed fishing for pollock and Pacific cod, in the aggregate, by trawl vessels using other than pelagic trawl gear for the remainder of the year or for the remainder of the fishing season.

7. A new § 675.26 is added as follows:

§ 675.26 Program to reduce prohibited species bycatch rates.

(a) General. (1) A vessel's average observed bycatch rate, as calculated at the end of a fishing month under paragraph (d) of this section, while participating in the fisheries identified in paragraph (b) of this section, shall not exceed bycatch rate standards specified in paragraph (c) of this section.

(ii) Definitions for purposes of this section. (i) Observed refers to verified data collected by observers who are certified under the NMFS Observer Program authorized under § 675.25. Only data from observers who have been debriefed and their data checked, verified, and analyzed by NMFS will be used to calculate vessel bycatch rates for purposes of this section.

(ii) Bycatch rate refers to: (A) The ratio of weight of halibut in kilograms to the total round weight, in metric tons, of groundfish listed as "target species" and "other species" in Table 1 of § 675.20 while participating in the DAP Pacific cod, DAP rock sole, or DAP flatfish fisheries as defined in § 675.21(b)(4) of this part; and (B) the ratio of number of red king crab to the total round weight, in metric tons, of groundfish listed as "target species" and "other species" in Table 1 of § 675.20 while participating in the DAP rock sole or DAP flatfish fisheries as defined in § 675.21(b)(4) of this part.

(iii) Fishing month is defined as a time period calculated on the basis of weekly reporting periods as follows: Each fishing month begins on the first day of the first weekly reporting period that has at least 4 days in the associated calendar month and ends on the last day of the last weekly reporting period that has at least 4 days in that same calendar month. Dates of each fishing month will be announced in the Federal Register notices published under paragraph (c)(2) of this section.

(b) Fisheries. A vessel will be subject to this section if the groundfish catch of the vessel is observed on board the vessel or on board a mothership processor that receives unsorted codends from the vessel at any time during a weekly reporting period; and the vessel is assigned to either the DAP Pacific cod fishery, DAP rock sole fishery, or DAP flatfish fishery as defined in § 675.21(b)(4) of this part.

(iii) During any weekly reporting period, a vessel's observed catch composition of groundfish species for which a TAC has been specified under § 675.20 of this part will determine the fishery to which the vessel is assigned.

(c) Bycatch rate standards—(1) Establishment of bycatch rate standards. (i) Prior to January 1 and July 1 of each year, the Regional Director will publish a notice in the Federal Register specifying bycatch rate standards for the fisheries identified in paragraph (b) of this section that will be in effect for the specified seasons within the six-month periods of January 1 through June 30 and July 1 through December 31, respectively. Bycatch rate standards will remain in effect until revised by a notice in the Federal Register. The Regional Director may adjust bycatch rate standards as frequently as he considers appropriate.

(ii) Bycatch rate standards for a fishery and adjustments to such standards will be based on the following information and considerations:

(A) Previous years' average observed bycatch rates for that fishery;

(B) Immediately preceding season's average observed bycatch rates for that fishery;

(C) The bycatch allowances and associated fishery closures specified under § 675.21;

(D) Anticipated groundfish harvest for that fishery;

(E) Anticipated seasonal distribution of fishing effort for groundfish; and

(F) Other information and criteria deemed relevant by the Regional Director.

(ii) Procedure. (i) Bycatch rate standards or adjustments to such standards specified under this section will not take effect until the Secretary has published the proposed bycatch rate standards or adjustments to such standards in the Federal Register for public comment for a period of thirty (30) days before they are made effective, unless the Secretary finds for good cause that such notice and public procedure is impracticable, unnecessary, or contrary to the public interest.

(ii) If the Secretary decides, for good cause, that bycatch rate standards or adjustments to such standards are to be made effective without affording a prior opportunity for public comment, public comments on the necessity for, and extent of, bycatch rate standards or adjustments to such standards will be received by the Regional Director for a period of fifteen (15) days after the effective date of the notice.

(iii) During any such 15-day period, the Regional Director will make available for public inspection, during business hours, the aggregate data upon which bycatch rate standards or adjustments to such standards were based.

(iv) If written comments are received during any such 15-day period that oppose or protest bycatch rate standards or adjustments to such standards issued under this section, the Secretary will reconsider the necessity for the bycatch rate standards or adjustments to such standards and, as soon as practicable after that reconsideration, will either:

(A) Publish in the Federal Register a notice of continued effectiveness of bycatch rate standards or adjustment to such standards, responding to comments received; or

(B) Modify or rescind bycatch rate standards or adjustment to such standards.

(v) Notices of adjustments to bycatch rate standards issued by the Secretary under paragraph (c) of this section will include the following information:

(A) A description of the adjustment to one or more bycatch rate standards specified for a fishery;

(B) The reasons for the adjustment and the determinations required under paragraph (c)(1)(ii) of this section; and

(C) The effective date and any termination date of such adjustment. If no termination date is specified, the
adjustment will remain in effect until revised by subsequent notice in the Federal Register under paragraph (c) of this section.

(d) **Vessel bycatch rates**

(1) **Observer data.** Observer data will be collected under the procedures set forth in the Observer Plan authorized under §675.25. For purposes of this section, observer data collected for each haul sampled during a day will include the date, position (latitude and longitude) where trawl gear for the haul was retrieved, total round weight of groundfish in the portion of the haul sampled by an observer by groundfish "target species" and "other species" listed in Table 1 of §675.20, and weight of halibut and number of red king crab in the portion of the haul sampled by the observer.

(2) **Calculation of individual vessel observed bycatch rate.** (i) For each vessel, the Regional Director will aggregate the observer data collected on round weight catch composition of groundfish sampled on that vessel during a weekly reporting period to determine the fishery to which the vessel should be assigned for that week.

(ii) If the Regional Director determines that a vessel should be assigned to a fishery described in paragraph (b) of this section during a weekly reporting period, he will calculate an average bycatch rate for all hauls sampled by an observer during that week based on the observer data collected from those hauls under paragraph (d)(1) of this section.

(A) A vessel's average bycatch rate for a weekly reporting period is calculated as the total weight of halibut (in kilograms) or total number of red king crab observed in all haul samples during that week divided by the total weight of the groundfish in the haul samples (in metric tons) for which a TAC has been specified under §675.20 of this part.

(ii) A vessel has exceeded a bycatch rate standard if its average observed bycatch rate for any fishery identified in paragraph (b) of this section during a fishing month exceeds the bycatch rate standard established for that fishery under paragraph (c) of this section.

[FR Doc. 91-1017 Filed 1-11-91; 11:55 am]
This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE
Forest Service

Eastern Region: Illinois, Indiana and Ohio, Michigan, Minnesota, Missouri, New Hampshire and Maine, Pennsylvania, Vermont and New York, West Virginia, and Wisconsin; Legal Notice of Appealable Decisions

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: On October 9, 1990, the Eastern Region published (FR Vol. 55, No. 195, pgs. 41119-41122) a list of newspapers in which decisions would be published in accordance with 36 CFR 217.5(d).

The October 9, 1991 Eastern Region list will remain unchanged except for the Huron-Manistee National Forest. Huron-Manistee National Forest Decisions will be published in the legal notice section of the newspapers listed in the Supplemental Information Section of this notice.

FOR FURTHER INFORMATION CONTACT: Joni Sue Hanson, Regional Appeals Coordinator, Eastern Region, Reuss Federal Plaza, 310 West Wisconsin Avenue, Milwaukee, Wisconsin 53203, Area Code 414-276-3061.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Eastern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice of decisions that are subject to administrative appeal. As provided in 36 CFR 317.5(d), the timeframe for appeal shall be based on the date of publication of a notice of decision in the primary newspaper.

Huron-Manistee National Forests, Michigan

Forest Supervisor Decisions

Cadillac Evening News, published daily in Cadillac, Wexford County, Michigan

District Ranger Decisions

Baldwin District: Lake County Star, published weekly in Baldwin, Lake County, Michigan

Ludington Daily News, published daily in Ludington, Mason County, Michigan

Cadillac District: Cadillac Evening News, published daily in Cadillac, Wexford County, Michigan

Manistee News Advocate, published daily in Manistee, Manistee County, Michigan

Lake County Star, published weekly in Baldwin, Lake County, Michigan

Harrisville District: Alcona County Review, published weekly in Harrisville, Alcona County, Michigan

Manistee District: Manistee News Advocate, published daily in Manistee, Manistee County, Michigan

Mio District: Oscoda County Herald, published weekly in Mio, Oscoda County, Michigan

Crawford County Avalanche, published weekly in Grayling, Crawford County, Michigan

Tawas District: Iosco County News Herald, published weekly in East Tawas, Iosco County, Michigan

White Cloud District: Fremont Times-Indicator published weekly in Fremont, Newaygo County, Michigan

Muskogon Chronicle, published daily in Muskegon, Muskegon County, Michigan

Grand Rapids Press, published daily in Grand Rapids, Kent County, Michigan

Big Rapids Pioneer, published daily in Big Rapids, Mecosta County, Michigan


James Jordan,
Deputy Regional Forester.

BILLING CODE 3410-11-46

Rural Electrification Administration

Availability of Final Environmental Impact Statement; Seminole

AGENCY: Rural Electrification Administration.

ACTION: Availability of Final Environmental Impact Statement.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), as lead Federal agency, is issuing a Final Environmental Impact Statement (FEIS) pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. section 4321 et seq.), the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), and REA Environmental Policy and Procedures (7 CFR part 1794). This FEIS is being issued in connection with potential REA action related to Seminole Electric Cooperative, Inc.'s (Seminole) involvement in the construction, ownership and operation of the Hardee Power Station and related facilities. The U.S. Environmental Protection Agency (EPA) and the Federal Energy Regulatory Commission (FERC) have acted as cooperating agencies during the NEPA process.

FOR FURTHER INFORMATION CONTACT: Mr. Alex M. Cockey, Jr., Director, Southeast Area—Electric, Room 0268-S, South Agriculture Building, Rural Electrification Administration, Washington, DC 20250, telephone (202) 362-8438 or Mr. Michael Opalinski, Manager of Environmental Affairs, Seminole Electric Cooperative, Inc., P.O. Box 272000, Tampa, Florida 33688-2000, telephone (813) 963-0994.

SUPPLEMENTARY INFORMATION: Seminole Electric Cooperative, Inc. (Seminole), has requested REA approval of an agreement between itself and TECO Power Services, Inc., for the sale and purchase of capacity and energy. As part of the agreement, TECO Power Services proposes to construct and operate 295 MW of generating capacity at the Hardee Power Station to be operational in 1993. Seminole has also requested financing assistance from REA to construct its portion of the transmission facilities to be connected to the Hardee Power Station.

The proposed Hardee Power Station will consist of natural gas and/or oil fired combustion turbines utilizing heat
recovery steam generators that will operate efficiently by recovering heat from the combustion turbines. When completed, the Hardee Power Station will be made up of three, 220 MW combined cycle units for a total of 660 MW. Each 220 MW unit will have two 75 MW combustion turbines and a 70 MW steam turbine fed by the two heat recovery steam generators. Each turbine will drive an electric generator.

The Rural Electrification Administration’s preferred site for the Hardee Power Station is located approximately 11 kilometers (7 miles) due west of Bowling Green, Florida, in Hardee County and extends into Polk County. The boundary of the site encompasses approximately 5,260 hectares (1,300 acres). Approximately 0.09 hectares (0.22 acres) of a shallow wetland area have been developed to establish another wetland area of the same size to offset the loss to wetlands.

Three 230 kilovolt (kV) transmission lines will be required to connect the Hardee Power Station into the Florida transmission grid. These lines will originate from the 230 kV switchyard at the Hardee Power Station. One will traverse north for approximately 26 kilometers (16 miles) to Tampa Electric Company’s Pebbledale Substation located in Polk County near Pebbledale, one will go south for approximately 13 kilometers (8 miles) to Florida Power Corporation’s Vandolah Substation located in Hardee County near Vandolah, and another will parallel the Hardee Power Station to Vandolah Substation line and proceed an additional 112 kilometers (99 miles) to Lee County Cooperative’s Lee Substation located in Lee County in North Fort Myers.

The primary fuel to be used to power the plant will be natural gas. It is proposed that it be transported via a new 48 centimeter (18 inch) diameter, underground gas pipeline to be connected from the St. Petersburg Lateral (an existing natural gas pipeline) north of Polk City, Florida, to the Hardee Power Station. The total length of the proposed pipeline is approximately 80 kilometers (50 miles).

Alternatives to the project as proposed included no action, demand side alternatives, load management, conservation, interruptible load, reserve capacity and alternative sites and transmission line corridors.

REA prepared a Draft Environmental Impact Statement (DEIS) for the Hardee Power Station. The availability of the DEIS was announced in the Federal Register on October 11 and 12, 1990, and in newspapers with a general circulation in all counties where the Hardee Power Station and associated facilities will be located. A 45-day comment period was provided that ended on November 28, 1990. Copies of all correspondence received during the comment period for the DEIS are included in Appendix D of the FEIS. The FEIS adequately addresses these comments.

The FEIS will be available for review at the following libraries:

- Bartow Public Library, 315 E. Parker Street, Bartow, Florida 33830
- De Soto County Library, 519 Hickory Street, Arcadia, Florida 33821
- Charlotte-Glades Library System, 16400 Murdock Circle, Port Charlotte, Florida 33948
- Hardee County Library, 315 N. 6th Avenue, Suite 114, Wauchula, Florida 33877
- Lee County/Fort Myers, Public Library, 2050 Lee Street, Ft. Myers, Florida 33901

Persons, organizations, and agencies wishing to comment on the FEIS should do so in writing within 30 days to REA at the address provided in this notice. The 30-day comment period will begin on the date of the EPA’s notice of availability of the FEIS in the Federal Register or the date the notices are published in newspapers of general circulation in the proposed project area, whichever comes later. All comments received within the 30-day comment period will be considered in the formulation of final determinations regarding REA’s action related to the project. Prior to REA taking its final action related to the project, a Record of Decision will be prepared. The Record of Decision will not be circulated but will be made available upon request. Anyone wanting a copy of REA’s Record of Decision should contact REA at the address provided herein.


George E. Pratt,
Deputy Administrator, Program Operations.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Judicial Review Committee; Meetings

ACTION: Committee on Judicial Review notice of public meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notices are hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States. The committee has scheduled the meeting to continue its discussion of licensing procedures and judicial review under the Export Administrative Act.

DATES: Wednesday, January 23, 1991 at 2 p.m.

LOCATION: Library of the Administrative Conference, 2120 L Street, NW suite 500, Washington, DC.

PUBLIC PARTICIPATION: The committee is open to the interested public, but limited to the space available. Persons wishing to attend should notify the contact person at least two days prior to the meeting. The committee chairman may permit members of the public to present oral statements at the meeting. Any members of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

FOR FURTHER INFORMATION CONTACT:
Mary Candace Fowler, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW suite 500, Washington, DC 20037.

Telephone: (202) 254-7065.


Jeffrey S. Lubbers,
Research Director.

[FR Doc. 91-1081 Filed 1-15-91; 8:45 am]

BILLING CODE 6101-01-M

ARCTIC RESEARCH COMMISSION

Membership; Presidential Appointments

Notice is hereby given that the Arctic Research and Policy Act was amended (Pub. L. 101-609) and signed by the President on November 10, 1990. The amended law establishes two additional member of the Arctic Research Commission to be appointed by the President for a term of seven years. One additional appointment must be from individuals familiar with the Arctic and representative of the needs and interests...
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission

[FR Doc. CP89-460-001, Docket No. CP90-1375-000]

Pacific Gas Transmission Co.,
Altamont Gas Transmission Co.;
Availability of the Draft Environmental Impact Statement for the PGT/PG&E Expansion—Altamont Natural Gas Pipeline Projects and Preliminary Notification of Schedule for Public Meetings to Receive Comments on the DEIS


Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC), has made available a draft environmental impact statement (DEIS) on the natural gas pipeline facilities proposed in the above-referenced docket, and related nonjurisdictional facilities. The DEIS was prepared to satisfy the requirements of the National Environmental Policy Act. Construction of either of the proposed projects would be a "major Federal action significantly affecting the quality of the human environment." However, the staff concludes that approval of one or both of the proposed projects, with appropriate mitigating measures, including receipt of necessary permits and approvals, would have limited adverse environmental impact. The DEIS evaluates alternatives to each proposal.

Pacific Gas Transmission Company (PGT) proposed in its application at Docket No. CP89-460-001 to expand the capacity of its existing natural gas pipeline transmission system which extends from the United States/Canadian border at Kingsgate, British Columbia to the Oregon/California border at Malin, Oregon. In order to transport up to an additional 903 million cubic feet per day (MMcf/d) of natural gas, PGT would construct 430 miles of 42-inch-diameter pipeline loop in seven segments through the states of Idaho, Washington, and Oregon, and replace/install additional compression at three existing compressor stations. Minor modifications would also be required at nine additional stations. The new gas would be received at Kingsgate from Alta Natural Gas Company, Ltd., and transported for delivery at existing interconnections with Northwest Pipeline Corporation (Northwest) at Stanfield, Oregon and with Pacific Gas and Electric Company (PG&E) at Malin, Oregon. Northwest would deliver 148 MMcf/d of the gas to customers in the Pacific Northwest and intermountain region, while PG&E would deliver 755 MMcf/d of the gas to customers within the state of California.

In order to accommodate the additional gas deliveries from PGT, PG&E proposes to construct 415 miles of 42- and 36-inch-diameter pipeline loop in 5 segments between the Oregon-California border and a point near Pancoche Station, California.

Additionally, PG&E proposes to make minor modifications at three existing compressor stations, install additional compression at its Delevan Compressor Station, and either expand or construct an additional station at a new location. PG&E is not regulated by the FERC. However, because their facilities would not be constructed without FERC approval of the PGT expansion, the DEIS discusses the potential impact of the nonjurisdictional PG&E facilities on federally listed threatened and endangered species, cultural resources, and federally administered lands within California. The DEIS also incorporates by reference relevant portions of the Final Environmental Impact Report (FEIR) prepared by the California Public Utilities Commission (CPUC) for the facilities proposed by PG&E. The FEIR was issued by the CPUC on November 19, 1990. This will eliminate duplication of this information in this document. With the exception of the three limited issues concerning the non-jurisdictional facilities in California, all other issues/comments concerning the California facilities should be directed to the CPUC.

In its application at Docket No. CP90-1375-000, Altamont Gas Transmission Company (Altamont) proposed to construct a new natural gas transmission system from the United States/Canadian border near Wild Horse, Montana to a point in southwest Wyoming near Opi. Altamont's system would consist of 620 miles of 30-inch-diameter pipeline, 6 compressor...
stations, 1 meter station, and related appurtenant facilities. Gas would be received at Wild Horse from NOVA Corporation of Alberta and transported for delivery to Kern River Gas Transmission Company (Kern River) at its certificated interconnection with Northwest near Opal. Kern River would then transport up to 700 MMcf/d of natural gas for Altamont to customers in southern California. Incremental facilities required on the certificated Kern River system in order to accommodate gas received from Altamont at the proposed Opal interconnection would consist of installing additional compression at two compressor stations and construction of five new compressor stations.

Detailed listings of the facilities associated with each project, land requirements, and counties affected by the proposed construction were published in the Federal Register on August 14, 1989. (See 54 FR 33272.) Written comments are hereby solicited to help identify significant new issues or concerns related to either of the proposed actions. All comments should focus on specific environmental issues and contain supporting documentation and rationale. Written comments must be filed on or before March 4, 1991, reference Docket Nos. CP89-460-O01 and CP90-1375-001, and should be addressed to: Ms. Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426.

Copies of all comments should also be sent to the FERC environmental project managers at the same address: Mr. Mark C. Kalpin (FGT/PG&E Expansion Project), Mr. Vincent J. Sauter, Jr. (Altamont Project).

Comments on the DEIS will also be accepted from state and local government agencies and the general public at a limited number of local public meetings. These meetings are tentatively scheduled to take place the week of February 25, 1991, in Riverton, Wyoming; Billings, Montana; Bonners Ferry, Idaho; and Bend, Oregon. Further information concerning the public comment meetings, including the precise dates and locations, will be mailed to all of the parties receiving this notice in early February.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the DEIS, a final EIS (FEIS) will be published by the staff and distributed. The FEIS will contain the staff’s responses to timely comments received on the DEIS.

The DEIS has been placed in the public files of the FERC and is available for public inspection in the FERC’s Division of Public Information, room 2200, 825 North Capitol Street NE., Washington, DC 20426. Copies have been mailed to Federal, State and local agencies, public interest groups, libraries, parties in the FERC proceedings interested in environmental issues, and other interested individuals. Copies of the DEIS are also available from Messrs. Kalpin or Sauter at (202) 208-0918 or (202) 208-0205, respectively. An Executive Summary was also prepared and sent to approximately 1400 property owners directly affected by the projects, as well as 500 other environmental groups and organizations and the remaining parties to the FERC proceedings. Those individuals receiving the Executive Summary who wish to receive the entire DEIS may request copies from Messrs. Kalpin or Sauter while supplies last; however, this will not extend the comment period. Any person may file a motion to intervene on the basis of the Commission staff’s DEIS [18 CFR 380.10(a) and 385.214]. Lois D. Cashell, Secretary.

-[FR Doc. 91-978 Filed 1-15-91; 8:45 am] BILLING CODE 6717-01-M

[Docket No. RP90-108-006]


Take notice that Columbia Gas Transmission Corporation (Columbia) on December 21, 1990, tendered for filing the following changes to its FERC Gas Tariff, First Revised Volume No. 1, to be effective:

November 1, 1990
Second Substitute Fifth Revised Sheet Nos. 26 through 28C

December 1, 1990
Substitute Sixth Revised Sheet Nos. 26 through 28C

The instant filing is being made to comply with the conditions specified in the December 7, 1989 Letter Order (Letter Order) issued in Docket No. RP90-108-005, et al., and the Office of Pipeline and Producer Regulation’s October 26, 1990 Letter Order relating to Columbia’s November 1, 1990 PGA and TCRA fillings in Docket Nos. TQ91-1-21-000 and TQ91-4-21-000, respectively. In the motion rate filing to which the Letter Order pertained, Columbia requested a waiver of the Commission’s regulations in order to include the cost in its rates effective November 1, 1990, of certain “Global Settlement facilities” which had been certificated but which were not yet in service. In the Letter Order, the Commission granted a conditional waiver directing Columbia to file rates to be effective November 1, 1990, reflecting the removal of the costs and associated demand and throughput levels for Global Settlement facilities not yet in service on October 31, 1990, and refill its rates as of January 1, 1991, to include the costs, demand and throughput levels for the Global Settlement facilities in service on December 31, 1990. The purpose of this filing is to remove the costs and associated demand and throughput levels for the Global Settlement facilities not in service on October 31, 1990.

Substitute Sixth Revised Sheet Nos. 28 through 28C are being submitted to become effective December 1, 1990, solely to update the revised non-gas rates filed herein effective November 1, 1990, and applicable to Columbia’s December 1, 1990 out-of-cycle PGA filed November 28, 1990, in Docket No. TQ91-2-21-000 (PGA 90-5).

Columbia states that copies of the filing were served on the parties to the proceeding, Columbia’s wholesale customers and interested state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission’s Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Secretary.

-[FR Doc. 91-980 Filed 1-15-91; 8:45 am] BILLING CODE 6717-01-M

[Docket No. TQ91-1-23-000]


Take notice that Eastern Shore Natural Gas Company (ESNG) tendered
for filing on December 28, 1990 certain revised tariff sheets included in appendix A attached to the filing. Such sheets are proposed to be effective February 1, 1991.

ESNG states that such tariff sheets are being filed pursuant to § 154.308 of the Commission's regulations and §§ 21.2 and 21.4 of the General Terms and Conditions of ESNG's FERC Gas Tariff to reflect changes in ESNG's jurisdictional rates. The sales rates set forth thereon reflect to decrease of $0.1446 per dt in the Commodity Charge and a decrease of $0.3669 per dt in the Demand Charge, all as measured against ESNG's previously scheduled PCA filing in the Docket No. T91-1-23-000 as filed on August 31, 1990 and approved to be effective on November 1, 1990.

ESNG states that copies of the filing have been served upon its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Secretary.

[FR Doc. 91-981 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. RP89-37-013]

High Island Offshore System; Compliance Filing


Take notice that on December 28, 1990, High Island Offshore System (HIOS) filed with the Federal Energy Regulatory Commission (Commission) the following tariff sheets reflecting a reduction in HIOS' rates effective February 1, 1991:

First Revised Volume No. 1
Fourth Revised Sheet No. 8
First Revised Sheet No. 8A

Pursuant to Article VI of the HIOS Stipulation and Agreement approved by the Commission on October 30, 1990, in the above-designated proceedings, HIOS has filed revised tariff sheets to reflect reductions in the annual amounts charged to HIOS for measurement, dehydration and separation under U-T Offshore System's (U-TOS') Rate Schedule X-1, as approved in the U-TOS' rate proceeding in Docket No. RP98-38.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Rules 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

The rate authorized by the October 1st order is 1.424 per Dekatherm. The sheet submitted in this filing was inadvertently omitted from the GRI filing submitted on November 30, 1990.

Natural requested waiver of the Commission's Regulations to the extent necessary to permit the tariff sheet to become effective January 1, 1991.

Natural states that copies of the filing are being mailed to Natural's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Lois D. Cashell, Commissioner.

[FR Doc. 91-983 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CP89-1740-007 Compliance Filing]

Northwest Pipeline Corp.; Notice of Proposed Change in FERC Gas Tariff


Take notice that on December 18, 1990, Northwest Pipeline Corporation ("Northwest") tendered for filing and acceptance the following tariff sheets to be a part of its FERC Gas Tariff:

Second Revised Volume No. 1
First Revised Sheet No. 25
First Revised Sheet No. 26
First Revised Sheet No. 148
First Revised Sheet No. 149
First Revised Sheet No. 150
First Revised Sheet No. 207

The purpose of this filing is to incorporate several tariff sheets, already approved by the Commission, into Second Revised Volume No. 1 of Northwest's tariff. These tariff sheets are necessary to implement a Gas Inventory Charge Provision in Second Revised Volume No. 1 of Northwest's tariff, effective January 1, 1991, for Rate Schedule DS-1 service.

Northwest states that a copy of this filing is being mailed to Northwest's jurisdictional customer list and affected state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.
Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Secretary.

[F.R. Doc. 91-984 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

Rivers Electric Co., Inc.; Notice of Complaint

[Docket No. 8289-011]


On November 30, 1990, the Town of Tuxedo filed a complaint contending that Rivers Electric Co., Inc. has violated and continues to violate certain terms of its license for the Tuxedo Falls Hydroelectric Project, located on the Ramapo River in Orange County, New York. Specifically, Tuxedo alleges that Rivers has failed and refused to secure all necessary permits for construction of the project and has not complied with the requirement of the New York State Office of Parks and Recreation to file a plan establishing a public recreational facility. Tuxedo further alleges that Rivers submitted a fraudulent license application in that Tuxedo failed to advise the Commission that Tuxedo was entitled to notice of the application under section 4(f) of the Federal Power Act, failed to advise Tuxedo of its application, misrepresented to Tuxedo the intended use of the existing property and dam, and misrepresented that it had consulted with Tuxedo prior to filing its application. In addition, Tuxedo alleges that Rivers submitted an incomplete license application in that certain requirements of New York law were not met. Tuxedo therefore requests that Rivers’ license be revoked.

On December 12, 1990, Rivers filed a response to Tuxedo’s complaint denying Tuxedo’s allegations. In its response, Rivers maintains that Tuxedo was notified of the license application and did not provide any comments or objections concerning the project. Rivers alleges that its efforts to lease or purchase the lands and dam necessary for the project from Tuxedo were unsuccessful, and attaches a copy of a Federal court decision of April 17, 1990, granting Rivers a judgment of condemnation of Tuxedo’s property interests and authorizing immediate entry onto the property to permit Rivers to begin construction of the project. Rivers further alleges that Tuxedo’s complaint is “yet another step toward trying to prevent the construction of a Federally licensed hydroelectric project.” Rivers adds that it has complied with valid federal and state requirements, and that the local permits at issue would give Tuxedo a veto power over the project in contravention of the Supreme Court’s decision in First Iowa Electric Corp. v. Federal Power Commission, 326 U.S. 152 (1946).

Commission rules provide for publication in the Federal Register of a notice of complaint filed against a licensee. 18 CFR 2.1(a). Any person may submit comments or a protest regarding this complaint with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with rule 211 of the Commission’s Rules of Practice and Procedure, 18 CFR 385.211. The rules also provide that the respondent must file an answer to the complaint pursuant to rules 206 and 213, 18 CFR 385.206 and 385.213, no later than 30 days after publication of notice of the complaint, unless otherwise ordered. As noted above, Rivers has already filed a response, and is therefore authorized but not required to file the answer contemplated by the rules. No replies to respondent’s answer will be accepted. In determining the appropriate action to take, the Commission will consider all protests or other comments filed. Copies of the complaint and Rivers’ response are on file with the Commission and are available for public inspection.

Comments, protests, and any further filing by Rivers in answer to the complaint are due on or before February 6, 1991.

For further information, contact Linda S. Gilbart at (202) 208-5759.

Lois D. Cashell,
Secretary.

[F.R. Doc. 91-985 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Notice No. RP90-139-004, RP91-69-000]

Southern Natural Gas Co.; Compliance Filing and Rate Increase


Take notice that on December 28, 1990, Southern Natural Gas Company (Southern) tendered for filing the tariff sheets listed in Appendix A attached to the filing and moved that such sheets be made effective on January 1, 1991. Southern states that the tariff sheets contain in the same non-gas rates which were originally filed in this proceeding and suspended by the Commission until January 1, 1991. modified only to reflect [i] Southern’s actual firms sales and transportation entitlements as of December 31, 1990; (ii) the elimination from Southern’s proposed rates of the costs associated with facilities which have not been certificated and placed in service by December 31, 1990; and (iii) a revised allocation of costs to the ANR Storage Services in compliance with the Commission’s July 27, 1990 suspension order in this proceeding and its order on rehearing in Docket Nos. RP90-63-014 and RP90-114-010. As a result of changes in revised entitlements and projected throughout certain of Southern’s rates increased above originally filed levels. On January 3, 1991, Southern paid a filing fee required in connection with the increased rates.

Southern states that copies of Southern’s filing were served upon all of Southern’s jurisdictional purchasers, shippers, and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 385.214 and 385.211 of the Commission’s Rules and Regulations. All such motions or protests should be filed on or before January 18, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,
Secretary.

[F.R. Doc. 91-986 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Notice No. TM91-4-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff


Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on December 28, 1990 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets:

Proposed to be Effective January 1, 1991
1st Revised 26th Revised Sheet No. 50.2
Proposed to be Effective February 1, 1991
Twenty-eighth Revised Sheet No. 50.2

Texas Eastern states that these sheets are being filed pursuant to section 4.F of
Texas Eastern’s Rate Schedules SS-2 and SS-3 to flow through changes in CNC Transmission Corporation’s Rate Schedule CSS rates which underlie Texas Eastern’s Rate Schedules SS-2 and SS-3.

Copies of the filing were served on Texas Eastern’s jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission’s Rules of Practice and Procedure. All such motions or protests should be filed on or before January 16, 1991. Protestors will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell, Secretary.

[FR Doc. 91-987 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. TQ91-1–29-000]

Transcontinental Gas Pipe Line Corp., Proposed Changes in FERC Gas Tariff


Transco states that it has filed the necessary schedules in order to comply with §§ 154.305, 154.308 and FERC Form 542. Transco has also filed a 9-track magnetic tape containing such schedules.

Transco states that copies of the instant filing are being mailed to its jurisdictional customers and interested State Commissions. In accordance with provisions of § 154.16 of the Commission’s Regulations, copies of this filing are available for public inspection, during regular business hours, in a convenient form and place at Transco’s main offices at 2800 Post Oak Boulevard in Houston, Texas.

Any Person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211 of the Commission’s Rules and Regulations. All such motions or protests should be filed on or before January 16, 1991. Protestors will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell, Secretary.

[FR Doc. 91-989 Filed 1-15-91; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 10627-000]

Wailuku River Hydroelectric Power Co., Inc., Effective Date of Withdrawal of Application for Preliminary Permit and Dismissal of Motion to Dismiss Application


On July 15, 1988, Wailuku Hydroelectric Development, Inc., now called Wailuku River Hydroelectric Power Company, Inc., filed an application for a preliminary permit under section 4(f) of the Federal Power Act for the proposed Wailuku River Project, to be located on the Wailuku River and its tributaries in Piihonua County, Hawaii. The State of Hawaii and Waimana Enterprises, Inc. intervened and opposed issuance of the permit on the ground that the Commission lacks the authority to issue a license, and therefore a permit, for the project. Waimana also filed a motion to
ENVIRONMENTAL PROTECTION AGENCY

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et seq.), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before February 15, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Water

Title: 1991 Waste Treatment Industry Survey (ICR #1578.01).

Abstract: EPA’s Office of Water (OW) is planning to conduct a survey of the waste treatment industry, primarily for the purpose of developing efficient limitations for this industry as part of a rulemaking under section 304(m) of the Clean Water Act (CWA). The results of this survey will also be applied to activities under the Resource Conservation and Recovery Act (RCRA).

This survey will collect data on the following:

- The amount and type of waste treated by facilities
- Water used and waste
- Wastewater treatment and waste minimization measures
- Wastewater treatment sludge disposal
- The capacity and cost of waste treatment operations
- Characteristics of the waste treatment services market
- Facility balance sheets and income statements
- Facilities’ involvement in operations unrelated to the regulations
- The Liquidation value of each facility
- The number of employees working at each facility.

EPA will use the information collected to determine the best performing facilities and the best effluent treatment and discharge technology in use, to analyze other available treatment operations, to determine the feasibility of compliance with best technology modifications and to develop new source performance standards (NSPS) as well as pretreatment standards for existing and new sources (PSES and PSNS).

In addition, EPA is requesting sludge production and disposal data under section 3007 of RCRA to determine the need for regulation of waste disposal practices.

The information collection will consist of a census of all the facilities involved in treating hazardous and non-hazardous waste. Based on their responses to the initial questionnaire, 20% of these facilities will be asked to provide additional information in a more detailed monitoring questionnaire.

Burden Statement: The average burden imposed by the 1991 Waste Treatment Industry Survey is 160 hours per respondent. This figure includes the time required for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Centralized waste treatment facilities.

Estimated No. of Respondents: 404.

Estimated Total Annual Burden on Respondents: 68,640 hours.

Frequency of Collection: One-time.

Send comments regarding the burden of the collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-225Y), 401 M Street, SW., Washington, DC 20460, and Matt Mitchell, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th St., NW., Washington, DC 20503.


Paul Lapeley,
Director, Regulatory Management Division.

[FR Doc. 91-1093 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-M

[FR-L-3997-6]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy for the State Implementation Plan (SIP) for lead and call for revisions.

SUMMARY: This document gives notice that EPA has notified the Governor of Missouri that the SIP is inadequate to attain the National Ambient Air Quality Standard (NAAQS) for lead in Boss and Glover, Missouri. The Governor has been requested to revise the plan and submit the revisions. The purpose of this notice is to advise the public of EPA’s action.

DATES: The final plan revision for Boss must be submitted to EPA by December 31, 1991; and the final plan revision for Glover must be submitted to EPA by September 30, 1992.

ADDRESSES: The information on which this decision was based is available from the Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Dewayne E. Durst at (913) 551-7609 (FTS 276-7609).

SUPPLEMENTARY INFORMATION: On October 5, 1978, EPA promulgated an ambient air quality standard for lead. The standard was set at a level of 1.5 micrograms per cubic meter, maximum arithmetic mean averaged over a calendar quarter. On the same date, regulations were promulgated which contain requirements for preparation, adoption, and submittal of implementation plans for lead. On September 2, 1983, Missouri submitted a SIP which was designated to attain the lead standard throughout the state. EPA approved the plan with the exception of the attainment date and modeling portions of the SIP on April 27, 1981 (46 FR 23412).

Subsequent to this EPA action, three primary smelters located in Missouri submitted a petition for reconsideration of EPA’s partial disapproval. On October 21, 1983, after reconsideration,
EPA proposed to approve the attainment date and modeling portion of the SIP [49 FR 48982] and on August 20, 1984, final action was taken to approve the disapproved item (49 FR 22921) which resulted in full approval of Missouri's lead SIP. In the notice accompanying the approval, EPA stated that ambient monitoring would be used to determine whether the standards had been attained after implementation of the control strategy.

Ambient air quality data for lead from the Boss, Missouri, area show that the NAAQS for lead was exceeded in 1988. Since that time, most operations have been shut down at the Doe Run lead smelter in Boss, Missouri. However, during intermittent smelting activity, monitors indicate that lead concentrations greater than the lead standard exist in the vicinity of Boss, Missouri. However, adjustments may be needed in the submittal date because of provisions in the new Act dealing with lead nonattainment area designations and subsequent implementation plan revisions. Such adjustments will be coordinated with the state of Missouri and announcement in the Federal Register. The call for the plan revision was issued pursuant to the authority of section 110(a)(2)(H) of the Clean Air Act and the regulations in 40 CFR part 51 issued pursuant thereto.

Authority: Section 110 and section 301 of the Clean Air Act (42 U.S.C. 7410 and 7601).


Morris Kay,
Regional Administrator.

[FR Doc. 91-1064 Filed 1-15-91; 8:45 am]
BILLING CODE 6560-50-01

[OPTS-400053; FRL-3847-7]

Emergency Planning and Community Right-to-Know Act; Train-the-Trainers Conference

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of conferences.

SUMMARY: EPA will hold two 2-day train-the-trainers conferences on section 313 of the Emergency Planning and Community Right-to-Know Act reporting requirements. The purpose of this training is to present a model course to persons who plan to train others to comply with the reporting requirements of section 313. Persons who should consider attending are representatives from industry, consulting firms, or university continuing education departments. Attendance is restricted to organizations that have not attended this training in the past 2 years. It will be restricted to those organizations that intend to provide training on a regular basis and expect to conduct a minimum of two training courses on section 313 prior to July 1, 1991. Persons who successfully complete the course will obtain a certification of proficiency. There is limited space available. Requests should be sent in writing to the person listed under FOR FURTHER INFORMATION CONTACT. Notification will be sent out to each applicant regarding their acceptance for the training session. There is no charge for this training.

DATES: The meeting in Houston, TX will be held on Wednesday and Thursday, February 27 and 28, 1991. The meeting in Orlando, FL will be held on Wednesday and Thursday, March 8 and 9, 1991. Both meetings will start at 9 a.m. and end at approximately 5 p.m.

ADDRESSES: The Houston meeting will be held at Hyatt Regency, West Houston 1220 Katy Freeway, West Houston, TX. The Orlando meeting will be held at Sheraton Plaza Hotel, 1500 Sand Lake Rd., Orlando, FL 32809.

FOR FURTHER INFORMATION CONTACT: Lee DePont, Economics and Technology Division, Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., (TS-779), Washington, DC 20460, Telephone: (1-800- 535-0202), Fax: (202) 252-0981.

SUPPLEMENTARY INFORMATION: Requests for registration will not be accepted after February 4, 1991. If there is insufficient interest in one or both conferences, they may be canceled. The Agency bears no responsibility for attendees' decision to purchase nonrefundable transportation tickets or accommodation reservations.


Mark Greenwood,
Director, Office of Toxic Substances.

[FR Doc. 91-1048 Filed 1-15-91; 8:45 a.m.]
BILLING CODE 6560-50-F

[FR-3897-4]

Science Advisory Board Drinking Water Committee; Open Meeting—February 7-8, 1991

Under Public Law 92-146, notice is hereby given that a meeting of the Drinking Water Committee of the Science Advisory Board will be held on February 7-8, 1991 at the Holiday Inn, 550 C Street, SW., Washington, DC, 20024. This meeting will start at 8:30 a.m. on February 7 and will adjourn no later than 1 p.m. February 8.

The main purpose of this meeting will be to finalize recommendations on previous reviews of trihalomethane, arsenic, and relative risk within the Office of Water. The Committee will also discuss plans for future meetings and plans in the area of monitoring. A health criteria document for chlorinated acids, alcohols, aldehydes, and ketones will be reviewed.

Documentation for this meeting is available from the Office of Drinking Water, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Any member of the public wishing to make a presentation at the meeting should forward a written statement to...
SUMMARY: EPA has granted specific exemptions to the control of various pests to the 11 States as listed below. Three crisis exemptions were initiated by the Illinois, Nebraska, and Texas Departments of Agriculture. Two quarantine exemptions were also granted to the United States Department of Agriculture. These exemptions, issued during the months of September and October, except for the two in July and one in August, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, quarantine, and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to:

1. Arkansas State Plant Board for the use of dicamba on cotton to control red vines; September 20, 1990, to December 1, 1990. (Susan Stanton)
2. California Department of Food and Agriculture for the use of benomyl on artichokes to control ramularia leaf spot; September 28, 1990, to December 31, 1990. (Susan Stanton)
3. California Department of Food and Agriculture for the use of prometryn on parsley to control cheeseweed, burning nettle, and shepherd’s purse; September 20, 1990, to June 30, 1991. (Libby Pemberton)
4. California Department of Food and Agriculture for the use of fenamiphos on broccoli and cauliflower to control nematodes; October 15, 1990, to October 14, 1991. (Libby Pemberton)
5. Florida Department of Agriculture and Consumer Services for the use of avermectin B1 on fresh market tomatoes to control leafminers; September 6, 1990, to July 31, 1991 (Libby Pemberton)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT:

Dr. C. Richard Cothern, Designated Federal Official, Science Advisory Board (A-101P), U.S. Environmental Protection Agency, Washington, DC 20460 by January 19, 1991. The Science Advisory Board expects that the public statements presented at its meetings will not be repetitive of previously submitted written statements. In general, each individual or group making an oral presentation will be limited to a total of ten minutes.


Donald G. Barnes,
Director, Science Advisory Board.

[FR Doc. 91-1055 Filed 1-15-91; 8:45 am]
BILLING CODE 6550-50-M

[OPP-50714; FRL-3840-9]

Issuance of Experimental Use Permits

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted experimental use permits to the following applicants. These permits are in accordance with, and subject to, the provisions of 40 CFR part 172, which defines EPA procedures with respect to the use of pesticides for experimental use purposes.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

In person or by telephone: Contact the product manager at the following address at the office location or telephone number cited in each experimental use permit: 1921 Jefferson Davis Highway, Arlington, VA.

SUPPLEMENTARY INFORMATION: EPA has issued the following experimental use permits:

- 53575-EUP-2. Issuance. BioControl Limited, Davis, CA 95616. This experimental use permit allows the use of the following insecticides: carbaryl (60 pounds), buffalo gourd root powder (1,000 pounds), and volatile floral attractants (140 pounds) on 2,000 acres of field corn to evaluate the control of insecticides 2-(2-chlorophenyl)methyl-4,4-dimethyl-3-isoxadinone on 50 acres of tobacco to evaluate the control of various grasses and broadleaf weeds. The program is authorized only in the States of Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. The experimental use permit is effective from April 15, 1991 to April 15, 1992. This permit is issued with the limitation that all treated crops are destroyed or not be repetitive of previously submitted statements. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be available for inspection purposes only. (Robert Taylor, PM 25, Rm. 245, CM #2, (703-557-1800))

Persons wishing to review these experimental use permits are referred to the designated product managers. Inquiries concerning these permits should be directed to the persons cited above. It is suggested that interested persons call before visiting the EPA office, so that the appropriate file may be available for inspection purposes only. (Robert Taylor, PM 25, Rm. 245, CM #2, (703-557-1800))

Authority: 7 U.S.C. 130.


Anne E. Lindsay,
Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-609 Filed 1-15-91; 8:45 am]
BILLING CODE 6550-50-F

[OPP-180836; FRL 3841-8]

Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has granted specific exemptions to the control of various pests to the 11 States as listed below. Three crisis exemptions were initiated by the Illinois, Nebraska, and Texas Departments of Agriculture. Two quarantine exemptions were also granted to the United States Department of Agriculture. These exemptions, issued during the months of September and October, except for the two in July and one in August, are subject to application and timing restrictions and reporting requirements designed to protect the environment to the maximum extent possible. Information on these restrictions is available from the contact persons in EPA listed below.

DATES: See each specific, quarantine, and crisis exemption for its effective date.

FOR FURTHER INFORMATION CONTACT: See each emergency exemption for the name of the contact person. The following information applies to all contact persons: By mail: Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, CM #2, 1921 Jefferson Davis Highway, Arlington, VA, (703-557-1806).

SUPPLEMENTARY INFORMATION: EPA has granted specific exemptions to:

1. Arkansas State Plant Board for the use of dicamba on cotton to control red vines; September 20, 1990, to December 1, 1990. (Susan Stanton)
2. California Department of Food and Agriculture for the use of benomyl on artichokes to control ramularia leaf spot; September 28, 1990, to December 31, 1990. (Susan Stanton)
3. California Department of Food and Agriculture for the use of prometryn on parsley to control cheeseweed, burning nettle, and shepherd’s purse; September 20, 1990, to June 30, 1991. (Libby Pemberton)
4. California Department of Food and Agriculture for the use of fenamiphos on broccoli and cauliflower to control nematodes; October 15, 1990, to October 14, 1991. (Libby Pemberton)
5. Florida Department of Agriculture and Consumer Services for the use of avermectin B1 on fresh market tomatoes to control leafminers; September 6, 1990, to July 31, 1991 (Libby Pemberton)
weeds; October 5, 1990, to November 1, 1990. (Susan Stanton)

Crisis exemptions were initiated by:

1. Illinois Department of Agriculture on October 9, 1990, for the use of thiabendazole and iprodione on stored corn to control storage mold. The need for this program is expected to last until February 1, 1991. (Jim Tompkins)

2. Nebraska Department of Agriculture on July 27, 1990, for the use of bifenthrin on field corn to control Banks grass mites and two-spotted mites. This program has ended. (Jim Tompkins)

3. Texas Department of Agriculture on August 10, 1990, for the use of chlorothalonil on chill peppers to control blossom end rot. This program has ended. (Susan Stanton)

Quarantine exemptions were granted to:

1. United States Department of Agriculture for the use of methyl bromide on cucumbers to control certain plant pests new or not known to be widely distributed in the United States: July 18, 1990, to February 21, 1993. USDA had initiated a crisis exemption for this use. (Libby Pemberton)

2. United States Department of Agriculture for the use of ethylene oxide on miscellaneous cargo to control quarantineable snails and slugs at ports of entry throughout the United States: September 11, 1990, to September 10, 1993. There is a rebuttable presumption against registration (RPAR) for this chemical. All application exposures to ethylene oxide are covered under the Occupational Safety and Health Administration (OSHA) exposure standards. (Libby Pemberton)


Douglas D. Cantm, Director, Office of Pesticide Programs.

[FR Doc. 91-1050 Filed 1-15-91; 8:45 am]

BILLING CODE 6560-50-F

[PF-541; FRL-3841-6]

Pesticide Tolerance Petitions; Initial Filings and Withdrawals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces initial filings and withdrawals for pesticide petitions (PP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

Information submitted as a comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI).

Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record.

Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 248 at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

<table>
<thead>
<tr>
<th>Product Manager</th>
<th>Office location/telephone number</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>George LaRocca (PM 15).</td>
<td>Rm. 204, CM #2, 703-557-2400.</td>
<td>1921 Jefferson Davis Hwy., Arlington, VA 22202.</td>
</tr>
<tr>
<td>Bill Miller (PM 16).</td>
<td>Rm. 211, CM #2, 703-557-2600.</td>
<td>Do.</td>
</tr>
<tr>
<td>Susan Lewis (PM 21).</td>
<td>Rm. 227, CM #2, 703-557-1900.</td>
<td>Do.</td>
</tr>
<tr>
<td>Robber Taylor (PM 25).</td>
<td>Rm. 245, CM #2, 703-557-1800.</td>
<td>Do.</td>
</tr>
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</table>

SUPPLEMENTARY INFORMATION: EPA has received pesticide petitions as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities. EPA has also received as follow certain requests to withdraw without prejudice to future filings certain previously filed pesticide petitions.

Initial Filings

1. PP OF3872. Du Pont, Agricultural Products, P.O. Box 80038, Walker’s Mill, Barley Mill Plaza, Wilmington, DE 19880-0038, proposes to amend 40 CFR part 180 by establishing a regulation for...
a tolerance to permit residues of the herbicide thifenuralin in or on field corn grain at 0.06 part per million (ppm) and field corn forage and fodder at 0.1 ppm. (PM 25)

2. **PP 0F3879.** Rhom and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposes to amend 40 CFR 180.443 by establishing a regulation to permit combined residues of myclobutanil, [alpha-butyralpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propenitrile], and both the free and bound forms of its metabolite, [alpha-(3-hydroxybutyl)-alpha-(4-chlorophenyl)-1H-1,2,4-triazole-1-propenitrile], in or on almond hulls at 2.0 ppm and almonds at 0.1 ppm. (PM 21)

3. **PP 0F3879.** Rhone-Poulenc Ag Co., P.O. Box 12014, TV Alexander Drive, Research Triangle Park, NC 27709, proposes to amend 40 CFR 180.415 by establishing a regulation to permit residues of the fungicide aluminum trioxide [O-ethylphosphonate] in or on strawberries at 2.0 ppm. Analytical method used is flame photometric gas chromatography. (PM 21)

4. **PP 0F3880.** Merck Sharpe & Dohme, Merck & Co., Inc., Hillsboro Rd., Three Research Triangle Park, Bldg. CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. (703) 537-1900. In person, bring copy of the comment(s) that does not contain CBI must be submitted for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Susan T. Lewis, Product Manager (PM-21), Registration Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703) 537-1900.

**SUPPLEMENTARY INFORMATION:** A notification of intent to conduct small-scale field testing pursuant to the EPA’s “Statement of Policy: Microbial Products Subject to the Federal Insecticide, Fungicide, and Rodenticide Act and the Toxic Substances Control Act” of June 26, 1986 (51 FR 23313), has been received from Ciba-Geigy Corp., Greensboro, NC. The purpose of the proposed testing is to evaluate the efficacy of the nonindigenous strain of *Pseudomonas fluorescens* isolated in Switzerland for the control of soil-borne pathogens of cotton, vegetables, and ornamentals. The proposed field tests would be conducted at Ciba-Geigy research stations located in Florida, Mississippi, California, New York, and Illinois. The total area of the proposed test sites is 1.5 acres.

**Dated:** December 26, 1990.

**Stephanie R. Irene,** Acting Director, Registration Division, Office of Pesticide Programs.

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received from Ciba Geigy Corp. a notification of intent to conduct small-scale field testing on cotton, vegetables, and ornamentals in Florida, Mississippi, California, New York, and Illinois of a strain of *Pseudomonas fluorescens* isolated from roots of quackgrass in Switzerland. Dates: Comments must be received on or before January 30, 1991.

**ADDRESSES:** By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as “Confidential Business Information” (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice to the submitter. Information on the proposed test and any written comments will be available for public inspection in Rm. 246 at the Virginia address given above, from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**WITHDRAWN PETITIONS**

1. **PP 4F3121.** American Cyanamid, P.O. Box 400, Princeton, NJ 08540, has withdrawn without prejudice PP 4F3121, which proposed to establish a tolerance in 40 CFR 180.242 for the herbicide [N-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine] and its metabolites 4-[(1-ethylpropyl)-2-methyl-3,5-dinitrobenzyl alcohol in or on grapes at 0.1 ppm. (PM 25)

Original notice of this petition appeared in the Federal Register of October 17, 1984. (49 FR 40659).

2. **PP 6F3355.** Merck and Co., Inc., P.O. Box 2000, RBW-560, Rahway, NJ 07065, has withdrawn without prejudice PP 6F3355, which proposed to establish a tolerance in 40 CFR 180.242 for the fungicide thiabendazole (2-(4-thiazolyl) benzimidazole) and its metabolites in or on leafy vegetables (excluding Brassica and its metabolites in or on leafy vegetables) and spinach at 0.02 ppm. Analytical method used is high-performance liquid chromatography. (PM 21)

3. **PP 0F3860.** Merck & Co., Inc., Hillsboro Rd., Three Bridges, NJ 08697, proposes to amend 40 CFR 180.449 by establishing a regulation to permit residues of abamectin in or on strawberries at 0.02 ppm. Analytical method used is high-performance liquid chromatography. (PM 15)

5. **PP 0F3890.** ICI Americas, Inc., Concord Pike and New Murphy Rd., Wilmington, DE 19897, proposes to amend 40 CFR part 160 by establishing a regulation to permit combined residues of n-phosphonomethyl glycine (carboxymethylamino methyl phosphate) and its metabolite AMPM resulting from application of the trimethylsulonium salt in or on citrus fruits at 0.5 ppm. (PM 25)

6. **PP CF3883.** Ciba-Geigy Corp., Agricultural Products, P.O. Box 18300, Greensboro, NC 27419-8300, proposes to amend 40 CFR 180.408 by establishing a regulation to permit combined residues of metalaxyl-N-(2,6-dimethylphenyl)-N-[methoxyacetyl] alanine methyl ester, and its metabolites in or on leafy vegetables (excluding Brassica vegetables) and spinach at 5.0 ppm. (PM 21)

7. **PP 0F3894.** Mobay Corp., Agricultural Chemicals Corp., P.O. Box 4913, Kansas City, MO 64120, proposes to amend 40 CFR 180.489 by establishing a regulation to permit combined residues of nemacur, ethyl 3-methyl-4-[methylthio]phenyl[1-methylethyl]phosphoramide, and its cholinesterase-inhibiting metabolites, in or on broccoli and cauliflower at 0.1 ppm. (PM 16)
Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA). Kevric Company has been awarded a contract to perform work for the EPA Office of Pesticidal Programs, and will be provided access to certain information submitted to EPA under FIFRA and the FFDCA. Some of this information may have been claimed to be confidential business information (CBI) by submitters. This information will be transferred to Kevric Company consistent with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), respectively. This transfer will enable Kevric Company to fulfill the obligations of the contract and this notice serves to notify affected persons.

DATES: Kevric Company will be given access to this information no sooner than January 22, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: Clara Grubbs, Program Support Division (H7502C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 212, Crystal Mall # 2, 2121 Jefferson Davis Highway, Arlington, VA. (703) 557-4400.

SUPPLEMENTARY INFORMATION: Under Contract No. 69-D0-0176, Kevric Company will perform wordprocessing services, editing and proofreading, and final typing of manuscripts submitted by the Office of Pesticidal Programs, containing documentation of EPA staff analyses and review of data submitted by applicants for registration and reregistration under FIFRA, and related correspondence with applicants for registration and others. This contract involves no subcontractor.

The Office of Pesticidal Programs has determined that access by Kevric Company to information on all pesticide chemicals is necessary for the performance of this contract.

Some of this information may be entitled to confidential treatment. The information has been submitted to EPA under sections 3, 4, 6, and 7 of FIFRA and under sections 408 and 409 of the FFDCA.

In accordance with the requirements of 40 CFR 2.307(h)(3) and 2.308(i)(2), the contract with Kevric Company prohibits use of the information for any purpose other than purposes specified in the contract; prohibits disclosure of the information in any form to a third party without prior written approval from the Agency; and requires that each official and employee of the contractor sign an agreement to protect the information from unauthorized release and to handle it in accordance with the FIFRA Information Security Manual. In addition, Kevric Company is required to submit for EPA approval a security plan under which any CBI will be secured and protected against unauthorized release or compromise. No information will be provided to this contractor until the above requirements have been fully satisfied. Records of information provided to this contractor will be maintained by the Project Officer for this contract in the EPA Office of Pesticidal Programs. All information supplied to Kevric Company by EPA for use in connection with this contract will be returned to EPA when Kevric Company has completed its work.


Douglas D. Campt,
Director, Office of Pesticide Programs.
[FR Doc. 91-666 Filed 1-15-91; 8:45 am]
BILLING CODE 6560-50-F

ENVIRONMENTAL PROTECTION AGENCY

[FR-3897-9]
Office of Emergency and Remedial Response Availability of Report to Congress on Progress Toward Implementing Superfund Fiscal Year 1989

AGENCY: Environmental protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of the Agency's Progress Toward Implementing Superfund: Fiscal Year 1989 which is the third of five annual reports required by 301(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986. The Report to Congress contains information on overall progress, and includes the following four categories of information specifically requested in 301(h) of CERCLA: (1) feasibility studies, remedial and enforcement actions; (2) an evaluation of newly developed and feasible permanent treatment technologies; (3) progress in reducing the number of facilities subject to review under 121(c) of CERCLA; and (4) an estimate of resources needed by the federal government to complete CERCLA's implementation. The report also includes: information required by 105(f) of CERCLA about the participation of minority firms in Superfund contracting; and the EPA Inspector General audit report required by 301(h)(2) of CERCLA. In addition, the Report highlights significant initiatives undertaken during the fiscal year in response to recommendations of the study commissioned by EPA's new Administrator. A Management Review of the Superfund Program (the 90-Day Study).

FOR FURTHER INFORMATION CONTACT: Jim Fary, Policy and Analysis Staff, Office of Emergency and Remedial Response (OS-240), U.S. Environmental protection Agency, 401 M Street SW., Washington, DC 20460 at (202) 382-6254, or the CRCA/Superfund Hotline at (800) 424-9346 (in Washington, DC, at (202) 382-3000).

[FR Doc. 91-1051 Filed 1-15-91; 8:45 am]
BILLING CODE 6560-50-M

TOXIC AND HAZARDOUS SUBSTANCES; CERTAIN CHEMICALS PREMANUFACTURE NOTICES

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1983 (48 FR 21722). In the Federal Register of November 11, 1984, (49 FR 49868) (40 CFR 723.250), EPA published a rule which granted a limited exemption from certain PMN requirements for certain types of polymers. Notices for such polymers are reviewed by EPA within 21
days of receipt. This notice announces receipt of 7 such PMNs and provides a summary of each.

DATES: Close of review periods:
Y 91-72, January 10, 1991.


SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office, NE-C004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

Y 91-65
Manufacturer: Confidential.
Chemical: (G) Copolymer of styrene and acrylic esters.
Use/Production: (G) Surfactant. Prod. range: Confidential.

Y 91-67
Manufacturer: Confidential.
Chemical: (S) Neopentyl glycol; trimethylol propane; polyethylene terephthalate; phthalic anhydride; C96 dimer acid.
Use/Production: (S) Baking enamels. Prod. range: Confidential.

Y 91-69
Manufacturer: Akzo - LanChem.
Chemical: (G) Hydroxy functional acrylic.
Use/Production: (G) Resin for coating. Prod. range: Confidential.

Y 91-70
Manufacturer: Confidential.
Chemical: (G) Polyimide resin.
Use/Production: (G) Coating - electronic use. Prod. range: Confidential.

Y 91-71
Manufacturer: Confidential.
Chemical: (G) Polyurethane of 1,1'-methylenebis(4-isocyanatobenzene) and diols.
Use/Production: (G) Binder of magnetic iron oxide and tape base. Prod. range: Confidential.

Y 91-72
Manufacturer: MTC America Inc.
Chemical: (G) Copolymer of styrene and acrylic esters.
Use/Production: (G) Surfactant. Prod. range: Confidential.

Y 91-73
Manufacturer: Milliken & Company.
Chemical: (G) Alkoxylated bisphenol A, inorganic ester, ammonium salt.
Use/Production: (G) Surfactant. Prod. range: Confidential.

Steve Newburg-Rinn,
Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-1046 Filed 1-5-91; 8:45 am]
BILLING CODE 6560-50-F

[OPTS-59291; FRL 3874-5]
Toxic and Hazardous Substances; Test Market Exemption Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA may upon application exempt any person from the premunufacturing notification requirements of section 5(a) or (b) of the Toxic Substance Control Act (TSCA) to permit the person to manufacture or process a chemical for test marketing purposes under section 5(h)(1) of TSCA. Requirements for test marketing exemption (TME) applications, which must either be approved or denied within 45 days of receipt are discussed in EPA’s final rule published in the Federal Register of May 13, 1983 (48 FR 21722). This notice, issued under section 5(h)(6) of TSCA, announces receipt of two applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

DATES:
Written comments by:
T 91-5, 91-6, January 17, 1991.

ADDRESSES:
Written comments, identified by the document control number ["OPTS-59291"], and the specific TME number should be sent to:

FOR FURTHER INFORMATION CONTACT:
Michael M. Stahl, Director, Environmental Assistance Division (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm.

[FR Doc. 91-1047 Filed 1-15-91 8:45 am]
BILLING CODE 6560-50-F

[OPTS-51758; FRL 3873-5]
Toxic and Hazardous Substances; Certain Chemicals Premunufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to
submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the Federal Register of May 13, 1991 (46 FR 21722). This notice announces receipt of 79 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 91-277, 91-278, February 27, 1991.

Written comments by:


ADDRESSES: Written comments, identified by the document control number "[OPTS-51758]" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm L-100, Washington, DC 20460, (202) 554-1404, TDD (202) 554-2710.


SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-C004 at the above address between 8 a.m. and noon on Monday through Friday, excluding legal holidays.

P 90-102

P 90-107
Manufacturer. Confidential. Chemical. (G) Fluorinated polyurethane. Use/Production. (G) Ingredient in a dispersively used coating. Prod. range: 2,500-15,000 kg/yr.

P 91-225

P 91-228

P 91-227

P 91-229

P 91-226
P 91-229

P 91-230

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit). Use/Production. (G) Destructive use. Prod. range: Confidential.

P 91-231

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit). Use/Import. (G) Powder additive. Import range: 10,000-30,000 kg/yr.

P 91-232

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-233

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (Rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (Rabbit). Skin irritation: slight species (Rabbit).

P 91-234
Manufacturer. Confidential. Chemical. (G) Polyurethane. Use/Production. (G) A polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-235
Manufacturer. Confidential. Chemical. (G) Polyurethane.

Use/Production. (G) A polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-236

P 91-237

P 91-238

P 91-239
Importer. Confidential. Chemical. (G) 2-Alkylphenoxyl-1,4-diamino-3-phenoxy anthraquinone. Use/Production. (G) Magenta component of colorant cassette. Import range: Confidential.

P 91-240

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5 mg/l species (Bluegill Sunfish).

P 91-241

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5 mg/l species (Bluegill Sunfish).

P 91-242

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5 mg/l species (Bluegill Sunfish).

P 91-243

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5 mg/l species (Bluegill Sunfish).

P 91-244

Toxicity Data. Acute oral toxicity: LD50 > 5.0 gm/kg species (Rat). Acute dermal toxicity: LD50 > 2.0 mg/l species (Rabbit). Skin irritation: slight species (Rabbit). Static acute toxicity: time LC50 96H 3.5 mg/l species (Bluegill Sunfish).
Importation of certain products: End-use uses of some products; Toxicity data.

**P 91-249**
**Manufacturer.** Hoechst Celanese Corporation.
**Chemical.** (G) Disubstituted thiophene carbonitrile.
**Use/Import.** (S) Disperse dye for polyester dyeing. Import range: 1,000-2,000 kg/yr.

**P 91-250**
**Importer.** Hoechst Celanese Corporation.
**Chemical.** (G) Disubstituted thiophene carbonitrile.
**Use/Import.** (S) Disperse dye for polyester dyeing. Import range: 1,000-2,000 kg/yr.

**P 91-251**
**Importer.** Hoechst Celanese Corporation.
**Chemical.** (G) Substituted diamino anthraquinone.
**Use/Import.** (S) Dyestuff for polyester dyeing. Import range: 1,000-2,000 kg/yr.

**P 91-252**
**Importer.** Hoechst Celanese Corporation.
**Chemical.** (G) [Substituted indene carboxylic acid ester] substituted quinoline.
**Use/Import.** (S) Dyestuff for polyester dyeing. Import range: 1,000-2,000 kg/yr.

**P 91-253**
**Importer.** Hoechst Celanese Corporation.
**Chemical.** (G) [Substituted indene carboxylic acid ester] substituted quinoline.
**Use/Import.** (S) Dyestuff for polyester dyeing. Import range: 1,000-2,000 kg/yr.

**P 91-254**
**Importer.** E.I. Du Pont De Nemours & Co., Inc.
**Chemical.** (G) Epoxy siloxane copolymer.
**Use/Import.** (G) Open, nondispersive use. Import range: Confidential.

**P 91-255**
**Manufacturer.** Confidential.
**Chemical.** (G) Phosphatide derivative.
**Use/Production.** (G) Open, nondispersive use. Prod. range: Confidential.

**P 91-256**
**Manufacturer.** Champion Technologies, Inc.
**Chemical.** (G) 2-Propenoic acid C16-C44 esters, polymerized.
**Use/Production.** (S) Corrosion inhibitor for oil and gas production pipe lines. Prod. range: Confidential.

**P 91-257**
**Importer.** Bostik, Inc.
**Chemical.** (G) Waterborne polyurethane.
**Use/Import.** (G) Open nondispersive use. Import range: Confidential.

**P 91-258**
**Importer.** Marubeni America Corporation.
**Chemical.** (G) Ethylene acrylate copolymer.
**Use/Import.** (G) Cross-linkable plastic resin for use of wire and cable compounds and foamed film or sheet. Import range: Confidential.

**P 91-259**
**Manufacturer.** Confidential.
**Chemical.** (G) Amine functional acrylic polymer salt.
**Use/Production.** (S) Coatings. Prod. range: Confidential.

**P 91-260**
**Manufacturer.** Confidential.
**Chemical.** (G) Amine functional epoxy salt.
**Use/Production.** (S) Coating. Prod. range: Confidential.

**P 91-261**
**Manufacturer.** Confidential.
**Chemical.** (G) Phosphonic acid ester of aromatic epoxy.
**Use/Production.** (G) Dispersively used coating, pretreatment solution. Prod. range: 10.00-24,000 kg/yr.

**P 91-262**
**Manufacturer.** Confidential.
**Chemical.** (G) Acrylate/styrene-methacrylate copolymer.
**Use/Production.** (S) Paint binder. Import range: Confidential.

**P 91-267**
**Manufacturer.** Confidential.
**Chemical.** (G) Phosphonic acid ester of aromatic epoxy.
**Use/Production.** (G) Dispersively used coating, pretreatment solution. Prod. range: 10.00-24,000 kg/yr.

**P 91-268**
**Manufacturer.** Confidential.
**Chemical.** (G) Phosphonic acid ester of aromatic epoxy.
**Use/Production.** (G) Dispersively used coating, pretreatment solution. Prod. range: 10.00-24,000 kg/yr.

**P 91-270**
**Manufacturer.** Amoco Performance Products.
**Chemical.** (G) Rubber modified polyphthalamide.
**Use/Production.** (S) Manufacture of plastic articles. Prod. range: Confidential.

**P 91-271**
**Importer.** Confidential.
**Chemical.** (G) Acrylate/styrene polymer containing carboxylic groups.
**Use/Import.** (S) Paint binder. Import range: Confidential.

**P 91-272**
**Manufacturer.** Chem Rex, Inc.
**Chemical.** (G) Functionalized acrylic copolymer.
**Use/Production.** (S) Component of water proof coating. Prod. range: 30,000-50,000 kg/yr.

**P 91-273**
**Importer.** Confidential.
**Chemical.** (G) Saturated polyester resin.
**Use/Import.** (G) Saturated polyester resin. Import range: Confidential.

**P 91-274**
**Manufacturer.** E.I. Du Pont De Nemours & Co., Inc.
**Chemical.** (G) Waterborne polyacrylourethane.
**Use/Import.** (G) Open, nondispersive use. Prod. range: Confidential.

**P 91-275**
**Manufacturer.** Confidential.
**Chemical.** (G) Saturated polyester resin.
**Use/Import.** (G) Saturated polyester resin. Import range: Confidential.

**P 91-276**
**Manufacturer.** Confidential.
**Chemical.** (G) Polymethylmethacrylate copolymer.
**Use/Production.** (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.
P 91-277  
Chemical. (G) Polyacrylate elastomer.  
Use/Import. (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.

P 91-278  
Chemical. (G) Polyacrylate elastomer.  
Use/Import. (S) Heat and oil resistant for automobile hose and rubber oil seals. Prod. range: Confidential.

P 91-279  
Manufacturer. Confidential.  
Chemical. (G) Polyisocyanate polyaddition product B.  
Use/Production. (G) Urethane polymer. Prod. range: Confidential.

P 91-280  
Manufacturer. Confidential.  
Chemical. (G) Styrene butadiene polymer salt.  
Use/Production. (G) Pigment binder. Prod. range: Confidential.

P 91-281  
Manufacturer. Confidential.  
Chemical. (G) Styrene butadiene polymer salt.  
Use/Production. (G) Paint. Prod. range: Confidential.

P 91-282  
Manufacturer. Confidential.  
Chemical. (G) Anhydride functional acrylic.  
Use/Production. (G) Paint. Prod. range: Confidential.

P 91-283  
Manufacturer. Confidential.  
Chemical. (G) Polyurethane.  
Use/Production. (G) Polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-284  
Manufacturer. Confidential.  
Chemical. (G) Polyurethane salts.  
Use/Production. (G) Polyurethane intermediate for the plastic and textile industry. Prod. range: Confidential.

P 91-285  
Importer. Confidential.  
Chemical. (G) Carboxylated epoxy cresol novolak acrylic.  
Use/Import. (G) Component of surface coating. Import range: Confidential.

P 91-286  
Manufacturer. Henkel Corporation.  
Chemical. (G) Pentaerythritol mixed esters of isopentanoic acid, caprylic and capric acids.  
Use/Production. (S) Lubricant basestock for aircraft turbine oils. Prod. range: 5,000-80,000 kg/yr.

P 91-287  
Manufacturer. Henkel Corporation.  
Chemical. (G) Pentaery mixed esters of isopentanoic acid, caprylic and capric acids.  
Use/Production. (S) Lubricant basestock for aircraft turbine oils. Prod. range: 5,000-80,000 kg/yr.

P 91-288  
Manufacturer. Confidential.  
Chemical. (G) Alkoxylated dialkyl diethylene triamine, alkyl sulfate salt.  
Use/Production. (G) Softening of cellulose. Prod. range: 1,500-45,000 kg/yr.

P 91-289  
Importer. Henkel Corporation.  
Chemical. (G) Aliphatic polyesterdiol.  
Use/Import. (S) Adhesives, elastomer and coatings, resins, foams. Import range: Confidential.

P 91-290  
Manufacturer. Engerhard Corporation.  
Chemical. (G) Alkali or alkaline earth containing hydrous titanoglicate gel.  
Use/Production. (S) Removal of trace amounts of lead from potable water. Prod. range: Confidential.

P 91-291  
Manufacturer. Confidential.  
Chemical. (G) Calcium alkylbenzenesulfonate.  
Use/Production. (G) Intermediate consumed in the production of a petroleum additive. Prod. range: Confidential.

P 91-292  
Manufacturer. Basf Corporation.  
Chemical. (G) Casein, alkylamine compound.  
Use/Production. (G) Leather finishing. Prod. range: Confidential.

P 91-293  
Manufacturer. Basf Corporation.  
Chemical. (G) Modified rosin, aluminum salt.  
Use/Production. (G) Pigment modifier. Prod. range: Confidential.

P 91-294  
Manufacturer. Basf Corporation.  
Chemical. (G) Benzeneamine, N-ethyl-N-(substituted aryl)-4-(phenyazoyl).  
Use/Production. (G) Container coatings. Prod. range: Confidential.

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Advanced Television Systems Subcommittee

The 12th meeting of the Systems Subcommittee of the Advisory Committee on Advanced Television Service will be held at 10 a.m. on February 21, 1991, in room 658 at the FCC's offices at 1919 M Street NW, Washington, DC.

The agenda for the meeting is:

1. Introductory Remarks
2. Approval of Agenda
3. Approval of Minutes from November 6, 1990 Meeting
4. Status of Open Action Items from the Previous Meeting
5. Report on Mr. Wiley's Meeting with the System Proponents
6. Discussion of 4th Interim Report
7. Report on Subjective Test Materials
8. Report by Working Party 1 (System Analysis)
A. Report on Field Test Procedures Plans
B. Report from the Laboratories
12. Open Discussion
13. Next Meeting

All interested parties are invited to attend. Those interested may also submit written statements at the meeting. Oral statements and discussion will be permitted under the direction of the Committee Chairman.

Any questions regarding this meeting should be addressed to Dr. Irwin Dorros at (201) 740-3200 or Alan Stillwell at (202) 832-7000.

Federal Communications Commission.

Donna R. Searcy, Secretary.

[FR Doc. 91-1002 Filed 1-15-91; 8:45 am]
BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama [FEMA-890-DR], dated January 4, 1991, and related determinations.


FOR FURTHER INFORMATION CONTACT:

NOTICE: Notice is hereby given that, in a letter dated January 4, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., Public Law 93-288, as amended by Public Law 100-707), as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from severe storms and flooding occurring on December 21, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses. You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Melvin Schneider of the Federal Emergency Management Agency to act as the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have been affected adversely by this declared major disaster:

- The counties of Colbert, Cullman, Franklin, Lauderdale, Lawrence, Madison, Marion, Morgan, and Winston for Individual Assistance and Public Assistance; and Jackson County for Individual Assistance only.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]
Wallace E. Stickney, Director, Federal Emergency Management Agency.

[FR Doc. 91-957 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-02-M

Indiana; Amendment to Notice of a Major Disaster Declaration

[FEMA-891-DR]
AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA 891-DR), dated January 5, 1991, and related determinations.


FOR FURTHER INFORMATION CONTACT:

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

- The counties of Bartholomew, Carroll, Delaware, Madison, and Morgan for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]
Grant C. Peterson, Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-958 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-02-M

Indiana; Amendment to Notice of a Major Disaster Declaration

[FEMA-891-DR]
AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA 891-DR), dated January 5, 1991, and related determinations.


FOR FURTHER INFORMATION CONTACT:

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

- The counties of Allen, Brown, Dearborn, Decatur, Fayette, Franklin, Greene, Johnson, Noble, Owen, Parke, Rush, Shelby, and Tippecanoe for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]
Grant C. Peterson, Associate Director, Federal Emergency Management Agency.

[FR Doc. 91-959 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-02-M

Indiana; Amendment to Notice of a Major Disaster Declaration

[FEMA-891-DR]
AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA 891-DR), dated January 5, 1991, and related determinations.


FOR FURTHER INFORMATION CONTACT:

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

- The counties of Allen, Brown, Dearborn, Decatur, Fayette, Franklin, Greene, Johnson, Noble, Owen, Parke, Rush, Shelby, and Tippecanoe for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]
Grant C. Peterson, Associate Director, Federal Emergency Management Agency.

[FR Doc. 91-960 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-02-M

Indiana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA 891-DR), dated January 5, 1991, and related determinations.


FOR FURTHER INFORMATION CONTACT:

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 5, 1991:

- The counties of Allen, Brown, Dearborn, Decatur, Fayette, Franklin, Greene, Johnson, Noble, Owen, Parke, Rush, Shelby, and Tippecanoe for Individual Assistance.

[Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance]
Grant C. Peterson, Associate Director, Federal Emergency Management Agency.

[FR Doc. 91-961 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-02-M
SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Indiana (FEMA-891-DR), dated January 5, 1991, and related determinations.

DATES: January 5, 1991.


NOTICE: Notice is hereby given that, in a letter dated January 5, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Indiana, resulting from severe storms and flooding beginning on December 28, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I therefore, declare that such a major disaster exists in the State of Indiana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if warranted. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed sixty months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Phil Zaferopulos of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Indiana to have been affected adversely by this declared major disaster:

The counties of Clinton, Grant, Hamilton, Howard, Marion, and Montgomery for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 63.518, Disaster Assistance)

Wallace E. Stickney, Director, Federal Emergency Management Agency.

[FR Doc. 91-960 Filed 1-15-91; 8:45 am]

BILLING CODE 6718-92-M

[FEMA-888-DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA-888-DR), dated January 3, 1991, and related determinations.

DATES: January 8, 1991.


NOTICE: The notice of a major disaster for the State of Mississippi, dated January 3, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 3, 1991:

The counties of Clay and Monroe for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 63.518, Disaster Assistance)

Grant C. Peterson, Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-956 Filed 1-15-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-889-DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi (FEMA-889-DR), dated January 4, 1991, and related determinations.


NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 1991, is hereby amended to add Public Assistance and include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 4, 1991:

Grundy County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.518, Disaster Assistance)

Gran C. Peterson, Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-954 Filed 1-15-91; 8:45 am]

BILLING CODE 6718-92-M

Tennessee; Notice of Major Disaster and Related Determinations

[FEMA-889-DR]

AGENCY: Federal Emergency Management Agency.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.


NOTICE: Notice is hereby given that, in a letter dated January 4, 1991, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq., as amended by Pub. L. 100-707), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms and flooding beginning on December 19, 1990, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act ("the Stafford Act"). I therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Public Assistance may be provided at a later date, if warranted. Consistent with the requirement
that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Paul E. Hall of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

The counties of Dyer, Franklin, Gibson, Lincoln, Marion, Obion, and Rhea for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.518, Disaster Assistance.)

Wallace E. Suckey,
Director, Federal Emergency Management Agency.

[FR Doc. 91-955 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-21-M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Port of Oakland/Hapag Lloyd A.G., et al.

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 10220. 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 § 572.600 of title 46 of the Code of Federal Regulations. Interested persons should consult this notice before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200312-002.
Title: The Port of Oakland/Hapag Lloyd A.G., Compagnie Generale Maritime, Atlantic Container Line AB.

The Agreement amends the parties' basic agreement to delete SeaLand Service, Inc. and P & O Containers Limited, as joint users of the Port's Charles P. Howard Terminal under the agreement.

Agreement No.: 224-010759-001.
Title: Puerto Rico Ports Authority/Crowley Towing and Transportation Company Terminal Agreement.

The Agreement amends the basic agreement to provide CTTC the temporary use of 500 square feet of docage area at the Pan American Dock, (Isla Grande Dock), San Juan, Puerto Rico.


By Order of the Federal Maritime Commission.
Joseph C. Polking,
Secretary.

[FR Doc. 91-1016 Filed 1-15-91; 8:45 am]
BILLING CODE 6710-01-M

FEDERAL RESERVE SYSTEM

Agency Form Under Review


BACKGROUND: Notice is hereby given of the final approval of proposed information collection(s) by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, as per 5 CFR 1320.9 (OMB Regulations on Controlling Paperwork Burden on the Public)

FOR FURTHER INFORMATION CONTACT:


Final approval under OMB delegated authority of the extension, without revision, of the following report:


Agency form number: FR 2090a, FR 2090q.

OMB Docket number: 7100 2090a, FR 2090q.

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: 05.

Number of respondents: 2640.

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.
Final approval under OMB delegated authority of the extension, with revisions, of the following report:

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 respondent: 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 distortion in the analysis of business borrowing. 
Final approval under OMB delegated authority of 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 (j)) 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 others. 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. 
William W. Wiles, Secretary of the Board. 
[FR Doc. 91-1015 Filed 1-15-91; 8:45 am] 
BILLING CODE 6210-01-M 

North Fork Bancorporation, Inc., 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 notices 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 indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than January 30, 1991. 
A. Federal Reserve Bank of Atlanta 
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303: 
B. Federal Reserve Bank of Kansas City (Thomas M. Hoening, Vice President) 925 Grand Avenue, Kansas City, Missouri 64119: 
1. Routt County National Bank Corporation, Steamboat Springs, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Steamboat Springs, Colorado. 
Jennifer J. Johnson, Associate Secretary of the Board. 
[FR Doc. 91-1012 Filed 1-15-91; 8:45 am] 
BILLING CODE 6210-01-M 

Juel Wood Spiers, Jr.; Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies 

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)). 
The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than January 30, 1991. 
A. Federal Reserve Bank of Atlanta 
(Robert E. Heck, Vice President) 104 Marietta Street, NW., Atlanta, Georgia 30303: 
1. Juel Wood Spiers, Jr., Picayune, Mississippi; trustee for First National Corporation of Picayune Employee Stock Ownership Stock Bonus Plan and Trust, Picayune, Mississippi, to acquire an additional 4.8 percent of the voting shares of First National Corporation of
Picasquy, Picayune, Mississippi, for a total of 17.5 percent, and thereby indirectly acquire First National Bank of Picayune, Picayune, Mississippi.


Jennifer J. Johnson, Associate Secretary of the Board.

[FR Doc. 91–1013 Filed 1–15–91; 8:45 am]

BILLING CODE 6210–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 90M–0437]

Datascope Corp.; Premarket Approval of the MicrosTM PTCA Dilation Catheter

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by Datascope Corp., Oakland, NJ, for premarket approval, under the Medical Device Amendments of 1976, of the MicrosPTCA Dilation Catheter. After reviewing the recommendation of the Circulatory System Devices Panel, FDA's Center for Devices and Radiological Health (CDRH) notified the applicant, by letter of September 26, 1990, of the approval of the application.


ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, room 4–62, 5000 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Brad C. Astor, Center for Devices and Radiological Health (HFZ–450), Food and Drug Administration, 1390 Piccard Dr., Rockville, MD 20850, 301–427–1197.

SUPPLEMENTARY INFORMATION: On July 18, 1986, Datascope Corp., Oakland, NJ 07436, submitted to CDRH an application for premarket approval of the MicrosPTCA Dilation Catheter. The device is indicated for precutaneous transluminal coronary angioplasty of the coronary vasculature for patients who are judged to: (1) Be acceptable candidates for coronary artery bypass graft surgery; (2) have single or multivessel atherosclerotic lesions which are concentric, discrete, subtotal, noncalcific and acceptable to dilation with a catheter; and (3) have undergone previous aorto-coronary bypass surgery with a recurrence of symptoms and the progression of disease in the coronary artery or stenosis and closure of the grafts.

On April 24, 1989, the Circulatory System Devices Panel, an FDA advisory committee, reviewed and recommended approval of the application. On September 26, 1988, CDRH approved the petition by a letter to the applicant from the Director of the Office of Device Evaluation, CDRH.

A summary of the safety and effectiveness data on which CDRH based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

A copy of all approved labeling is available for public inspection at CDRH—contact Brad C. Astor (HFZ–450), address above.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 350e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 350e(g)), for administrative review of CDRH's decision to approve this application. A petitioner may request either a formal hearing under part 12 (21 CFR part 12) of FDA's administrative practices and procedures regulations or a review of the application and CDRH's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before February 15, 1991, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 350e(d), 360(j))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Devices and Radiological Health (21 CFR 5.53).


Elizabeth D. Jacobson,

Acting Director, Center for Devices and Radiological Health.

[FR Doc. 91–1028 Filed 1–15–91; 8:45 am]

BILLING CODE 4160–01–M

Health Care Financing Administration

Medicare and Medicaid Programs; Meeting of the Advisory Council on Social Security

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of public hearing.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a hearing of the Advisory Council on Social Security.

DATES: The hearing will be open to the public on January 31, 1990 from 10 a.m. to 7:30 p.m.

ADDRESSES: Foulton County Government Center, Assembly Hall, 141 Pryor St. SW., Atlanta, Georgia 30303.


SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every four years. The Council examines issues affecting the Social Security retirement, disability, and survivors insurance programs, as well as the Medicare and Medicaid programs, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:
• The adequacy of the Medicare program to meet the health and long-term care needs of our aged and disabled populations, the impact on Medicaid of the current financing structure for long-term care, and the need for more stable health care financing for the aged, the disabled, the poor, and the uninsured.

• Major Old-Age, Survivors, and Disability Insurance (OASDI) financing issues, including the long-range financial status of the program, relationship of OASDI income and outgo to budget-deficit reduction efforts under the Balanced Budget and Emergency Deficit Control Act of 1985, and projected buildups in the OASDI trust funds; and

• Broad policy issues in Social Security, such as the role of Social Security in overall U.S. retirement income policy.


The Council is to report to the Secretary and Congress by Spring 1991.

II. Agenda

The Council will hear testimony on the interim report on Social Security and its relationship to the Federal budget; other aspects of the social security programs; and issues and options related to health care financing reforms; including long term care.

The agenda items are subject to change as priorities dictate.


Ann D. LaBella, D.D.S.,
Executive Director, Advisory Council on Social Security.

[FR Doc. 91–1160 Filed 1–15–91; 8:45 am]
BILLING CODE 4120–01–M

Advisory Council; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following National Advisory bodies scheduled to meet during the month of March 1991.

• Graduate Training in Family Medicine Review Committee

Date and Time: March 5–7, 1991, 8:30 a.m.

Place: Conference Room G & H, Parklawn Building, 5000 Fishters Lane, Rockville, Maryland 20857.

Open on March 5, 8:30 a.m.—9:30 a.m. Closed for Remainder of Meeting.

Purpose: The Graduate Training in Family Medicine Review Committee shall review applications from public or nonprofit private hospitals, and other public or nonprofit entities that plan, develop and operate programs for the training of physicians who plan to teach in family medicine training programs; and supports trainees in such programs who plan to teach in family medicine training programs; and that (2) plan, develop and operate programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs and support traineeships and fellowships to physicians in training.

• Family Medicine Review Committee

Date and Time: March 14–15, 1991, 8:30 a.m.

Place: Conference Rooms I and J, Parklawn Building, 5600 Fishters Lane, Rockville, Maryland 20857.

Open on March 14, 8:30 a.m.—9:30 a.m.

Closed for Remainder of Meeting.

Purpose: The Faculty Development Review Committee shall review applications that: (1) Plan, develop and operate programs for the training of physicians who plan to teach in family medicine training programs; and supports trainees in such programs who plan to teach in family medicine training programs; and that (2) plan, develop and operate programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs and support traineeships and fellowships to physicians in training.

Agenda: The open portion of the meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meeting will be closed to the public on March 14, at 9:30 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. and the determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Name: Faculty Development Review Committee


Place: Conference Rooms I and J, Parklawn Building, 5600 Fishters Lane, Rockville, Maryland 20857.

Open on March 14, 8:30 a.m.—9:30 a.m.

Closed for Remainder of Meeting.

Purpose: The Faculty Development Review Committee shall review applications that: (1) Plan, develop and operate programs for the training of physicians who plan to teach in family medicine training programs; and that (2) plan, develop and operate programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs and support traineeships and fellowships to physicians in training.

Agenda: The open portion of the meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meeting will be closed to the public on March 14, at 9:30 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. and the determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Name: Faculty Development Review Committee


Place: Conference Rooms I and J, Parklawn Building, 5600 Fishters Lane, Rockville, Maryland 20857.

Open on March 14, 8:30 a.m.—9:30 a.m.

Closed for Remainder of Meeting.

Purpose: The Faculty Development Review Committee shall review applications that: (1) Plan, develop and operate programs for the training of physicians who plan to teach in family medicine training programs; and that (2) plan, develop and operate programs for the training of physicians who plan to teach in general internal medicine or general pediatrics training programs and support traineeships and fellowships to physicians in training.

Agenda: The open portion of the meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meeting will be closed to the public on March 14, at 9:30 a.m. for the remainder of the meeting for the review of grant applications. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. and the determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone requiring information regarding the subject Councils should contact Mrs. Sherry Whipple, Executive Secretary of the Faculty Development Review Committee, and the Graduate Training in Family Medicine Review Committee, Room 4C–18, Parklawn Building, 5600 Fishters Lane, Rockville, Maryland 20857, Telephone (301) 443–6874.

Agenda Items are subject to change as priorities dictate.


Jackie E. Baum,
Advisory Committee Management Officer, HRSA.

[FR Doc. 91–1028 Filed 1–15–91; 8:45 am]
BILLING CODE 4160–15–M
National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, National Institute of General Medical Sciences, National Institutes of Health, which was published in the Federal Register on December 11, 1990, (55 FR 50685).

As previously noticed in the Federal Register on December 11, 1990, the National Advisory General Medical Sciences Council is scheduled to meet on January 22 and 23, 1991, at the National Institutes of Health, Building 31, Bethesda, Maryland. The location has been changed from Conference room 10 to Conference room 6.

The Council was scheduled to meet on January 21 at the Hyatt Regency Hotel, Bethesda, Maryland, from 8 a.m. to 5 p.m. in closed session for the review of grant applications submitted to the National Center for Human Genome Research. This portion of the meeting has been cancelled. The grant applications will now be reviewed by the recently established National Advisory Council for Human Genome Research.

Betty J. Beveridge, Committee Management Officer, NIH.

[FR Doc. 91-1157 Filed 1-15-91; 8:45 am] BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ-010-91-4322-02; 1784-016]

Arizona Strip District Grazing Advisory Boards; Meeting

AGENCY: Bureau of Land Management, Arizona Strip District, Interior.

ACTION: Notice of meeting.

SUMMARY: The Arizona Strip District Grazing Advisory Board will meet Tuesday February 19, 1991 at 9 a.m. in the Hilton Inn, 1450 South Hilton Inn Drive, St. George, Utah. Primary topics of the meetings are range improvement projects and resource management updates.

FOR FURTHER INFORMATION CONTACT: G. William Lamb, District Manager, 390 North 3050 East, St. George, Utah 84770 (Phone 801/673-3545).

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Any person may attend, file a written statement by mail, or appear before the Board at 9:30 a.m.

G. William Lamb, Arizona Strip District Manager.

[FR Doc. 91-1078 Filed 1-15-91; 8:45 am] BILLING CODE 4310-52-M

[NV-060-4322-02] Battle Mountain District Advisory Council Meeting in Battle Mountain, NV

SUMMARY: Notice is hereby given in accordance with Public Law 94-579 and 43 CFR part 1780 that a meeting of the Battle Mountain District Advisory Council will be held on Thursday, January 31, 1991. The meeting will convene at 9 a.m. in the Conference Room at the Battle Mountain District Office in Battle Mountain, Nevada.

SUPPLEMENTARY INFORMATION: The agenda for the meeting will include:
1. Fiscal Year 1991 Budget and Program Activities
2. Tonopah Resource Management Plan Update
3. Shoshone-Eureka Allotment Evaluation and Decision Process
4. Nevada BLM Mining Initiatives and Memorandum of Understanding with the State of Nevada

The meeting is open to the public. Interested persons may make oral statements between 3:30 and 4 p.m. on January 31, 1991. If you wish to make an oral statement, please contact James D. Currivan by 4:30 p.m., January 28, 1991.

FOR FURTHER INFORMATION CONTACT: James D. Currivan, District Manager, P.O. Box 1420, Battle Mountain Nevada, 89820 or phone (702) 635-4000.

James D. Currivan, District Manager, Battle Mountain, Nevada.

[FR Doc. 91-904 Filed 1-15-91; 8:45 am] BILLING CODE 4310-00-M

[UT-060-00-4320-02] Moab District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Moab.

ACTION: Moab District Grazing Advisory Board meeting.

SUMMARY: Notice is hereby given in accordance with Public Law 92-463 that a meeting of the Moab District Grazing Advisory Board will be held on February 14, 1991. The meeting will begin at 10 a.m. in the conference room of the Bureau of Land Management's Moab District Office at 82 East Dogwood, Moab, Utah.

The agenda for the meeting will include:
1. Election of Officers;
2. Briefing on drought strategy and procedures for FY 1991 throughout the District;
3. Range Improvement Projects for FY 1991;
5. Discussion of APHIS'S Animal Damage Control Program in the Moab District;
6. Report on status of San Juan and San Rafael RMPs; and
7. Public topics as submitted below.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2 p.m. and 5 p.m. on February 14, 1991 or file written statements for the Board's
Consideration. Anyone wishing to make an oral statement must submit a written summary of their statement to the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532, by February 12, 1991. Written statements submitted for the Board’s consideration must be received at the above address on or before February 13, 1991. Summary minutes of the Board meeting will be maintained in the District Office and will be available within thirty (30) days following the meeting.

Gene Nodine, District Manager.

[FR Doc. 91-1079 Filed 1-15-91; 8:45 am]
BILLING CODE 4310-DQ-M

[NV-930-4211-11; N-20284 Amendment]
Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification, Nevada

AGENCY: Bureau of Land Management.

ACTION: Notice of realty action classifying public lands.

SUMMARY: Lyon County Schools submitted a request to the BLM for conveyances of 60.44 acres of public lands located in Lyon County, Nevada, which have been substantially developed for a high school facility under R&PP Lease N-20284. However, patent cannot effectively be issued based on the present metes and bounds description of the lands. Therefore, in order to accommodate Lyon County Schools, facilitate conveyance and allow for additional expansion, an aliquot parts description incorporating an additional 7.06 acres into the existing lease area was developed in cooperation with the County as follows:

Mount Diablo Meridian, Nevada
T. 20 N., R. 24 E.,
Original Mounds and Bounds Description
Sec. 24, the south 50’ of the SE1/4 SEW1/4, except the west 200’ thereof; the south 500’ of the NW1/4 SW1/4, except the west 200’ thereof; the west 200’ of the SE1/4 SW1/4, except the north 300’ thereof; and the SW1/4 SW1/4.
Aggregating 60.44 Acres

Aliquot Parts Description
Sec. 24, lots 1 and 2, E1/4 SW1/4 NW1/4 SW1/4, E1/4 W1/4 SW1/4 NW1/4 SW1/4, SE1/4 NW1/4 SW1/4, W1/4 W1/4 SE1/4 SE1/4.
Aggregating 7.5 Acres

The 7.06 acres under consideration for R&P amendment have been examined and found suitable for classification for lease or conveyance to Lyon County Schools under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 689 et seq.).

The subject lands were withdrawn for reclamation purposes in association with the Newlands Project and are under Bureau of Reclamation administration. The Bureau of Reclamation has approved a determination that the lands are no longer needed for reclamation or any other Federal purposes. Lease or conveyance is consistent with current BLM land use planning and would be in the public interest.

The lease/patent when issued will be subject to the following terms, conditions and reservations:
1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. A right-of-way for ditches and canals constructed by the authority of the United States.
3. All minerals shall be reserved to the United States, together with the right to remove the minerals.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Carson City District, 1535 Hot Springs Road, suite 300, Carson, City, Nevada 89706-0638.

Upon publication of this notice in the Federal Register, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease or conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws. For a period of 45 days from the date of publication of this notice, interested persons may submit comments regarding the proposed lease/conveyance or classification of the lands to the Area Manager, Lahontan Resource Area, Carson City District Office, 1535 Hot Springs Road, suite 300, Carson City, Nevada 89706-0638. Any adverse comments will be reviewed by the Area Manager. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.


James M. Phillips, Area Manager, Lahontan Resource Area.

[FR Doc. 91-1080 Filed 1-15-91; 8:45 am]
BILLING CODE 4310-HC-M

[Wy-010-C1-4410-08]
Cody Resource Area; Resource Management Plans

AGENCY: Bureau of Land Management. Interior.


SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976 and the National Environmental Policy Act of 1969, the Wyoming State Director of the Bureau of Land Management has signed the Record of Decision (ROD) on the Environmental Impact Statement (EIS) for the Cody Resource Management Plan (RMP). The Cody ROD identifies the selection of the approved Cody RMP. The approved CODY RMP presents multiple-use management prescriptions for approximately 891.600 acres of public land and 1,505.200 acres of Federal mineral estate in portions of Park and Big Horn counties in the Bighorn Basin of north central Wyoming. The Cody draft RMP/EIS was made available for public review and comment in February of 1990. Comments received on the draft RMP/EIS were considered in preparing the proposed RMP/final EIS. The Cody proposed RMP/final EIS was made available for review and protest in September of 1990. During a 30-day protest period on the Cody proposed RMP/final EIS, six protests were filed.

In resolving the six protests, the BLM made several modifications in the Cody RMP. Multiple-use management prescriptions are presented for all BLM administered public land and resource uses and values found within the planning area, such as: Minerals, watershed values, wildlife habitat, livestock grazing, wild horses, forest resources, cultural values, and recreation. The off-road vehicle designations previously published in a separate ROD dated July, 1990, have been incorporated into the Cody RMP. Also, the livestock grazing portion of the Cody RMP will be published as a separate Range Program Summary (RPS) at a later date. These RPSs are kept current on a continuing basis.

ADDRESSES: Information on the approved Cody RMP may be obtained from the Area Manager, Cody Resource Area, P.O. Box 518, Cody, Wyoming 82414, telephone (307) 567-2216.
The management objective for the Little Mountain Area provides guidance for resource managers for the comprehensive management and use of the BLM-administered public lands and resources in the Cody Resource Area. Four Areas of Critical Environmental Concern (ACEC), designated in the approved RMP, are: Sheep Mountain ACEC, Carter Mountain ACEC, Little Mountain ACEC, and Sheep Falls ACEC. These ACECs are designated to protect areas of unique airplane tundra and fragile soils.

Approximately 7,819 acres are designated as the Carter Mountain ACEC. The management objective for the Carter Mountain ACEC is to protect areas of unique airplane tundra and fragile soils. Approximately 160 acres are designated as the Five Springs Falls ACEC. The management objective for the Five Springs Falls ACEC is to protect existing populations of four near-endemic rare and sensitive plant species in the Five Springs Falls area. Approximately 22,270 acres are designated as the Little Mountain ACEC. The management objective for the Little Mountain ACEC is to protect areas of unique airplane tundra and fragile soils.

The management objective for the Sheep Mountain Anticline ACEC is to protect an important natural area with unique geological features. Further information regarding these special management area designations and Special Recreation Management Areas (SRMAs) is contained in the Cody RMP. Management of wilderness values will continue under interim management until Congress acts on wilderness legislation.

Copies of the Cody RMP may be obtained from the Cody Resource Area Office at the address listed above.

FOR FURTHER INFORMATION CONTACT:
The Area Manager, Cody Resource Area at the above address or George Hollis, Assistant District Manager for Lands and Renewable Resources, Worland District Office, P.O. Box 119, Worland, Wyoming 82401, telephone (307) 347-9871. Copies of the Cody ROD and approved plan are available in the Cody Resource Area Office.

SUPPLEMENTARY INFORMATION: The approved RMP for the Cody Resource Area provides guidance to resource managers for the comprehensive management and use of the BLM-administered public lands and resources in the Cody Resource Area. Four Areas of Critical Environmental Concern (ACEC), are designated in the approved plan:

- Approximately 7,819 acres are designated as the Carter Mountain ACEC. The management objective for the Carter Mountain ACEC is to protect areas of unique airplane tundra and fragile soils.
- Approximately 160 acres are designated as the Five Springs Falls ACEC. The management objective for the Five Springs Falls ACEC is to protect existing populations of four near-endemic rare and sensitive plant species in the Five Springs Falls area.
- Approximately 22,270 acres are designated as the Little Mountain ACEC. The management objective for the Little Mountain ACEC is to protect areas of unique airplane tundra and fragile soils.
- Approximately 12,285 acres are designated as the Sheep Mountain Anticline ACEC. The management objective for the Sheep Mountain Anticline ACEC is to protect an important natural area with unique geological features.

Further information regarding these special management area designations and Special Recreation Management Areas (SRMAs) is contained in the Cody RMP. Management of wilderness values will continue under interim management until Congress acts on wilderness legislation.
INTERNATIONAL TRADE COMMISSION

[Investigation No. 731-TA-485 (Preliminary)]

Certain Gene Amplification Thermal Cyclers and Subassemblies Thereof from the United Kingdom

Determination

On the basis of the record developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673(a)), that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the United Kingdom of Peltier-effect in vitro gene amplification thermal cyclers and subassemblies thereof, provided for in subheadings 8419.89.50 and 8419.90.90, respectively, of the harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Background

On November 14, 1990, a petition was filed with the Commission and the Department of Commerce by MJ Research, Inc., Watertown, MA, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of Peltier-effect in vitro gene amplification thermal cyclers and subassemblies thereof from the United Kingdom. Accordingly, effective November 14, 1990, the Commission instituted preliminary antidumping investigation No. 731-TA-485 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the Federal Register of November 20, 1990 (55 FR 48302). The conference was held in Washington, DC, on December 5, 1990, and all persons who requested the opportunity were permitted to appear in person or by counsel.


By Order of the Commission.

Kenneth R. Mason, Secretary.
Certain Microporous Nylon Membrane and Products Containing Same Investigation

**AGENCY:** International Trade Commission.

**ACTION:** Institution of investigation pursuant to 19 U.S.C. 1337.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 12, 1990, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Pall Corporation, 2200 Northern Boulevard, East Hills, New York 11546. Letters supplementing the complaint was filed on December 27, 1990, January 3, 1991, January 4, 1991 and January 9, 1991. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain microporous nylon membrane and products containing same, by reason of alleged direct, contributory and/or induced infringement of claims 34, 37, 39, 48, 49, 50, 53, 68, 75, 118, 119, 121, 125, 126, 129, 131, 132, 133, 134, and 137 of U.S. Letters Patent 4,340,479; and whether there exists an industry in the United States as required by subsection [a][2] of section 337.

The complaint requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and, after a full investigation, issue a determination and a final determination in the issuance of a limited exclusion order and/or a cease and desist order or both directed against such respondent.


By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 91-1020 Filed 1-15-91; 8:45 am]

**BILLING CODE** 7020-02-M

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**[Investigations Nos. 731-TA-495-496 (Preliminary)]**

Certain shopping Carts From China and Taiwan

**AGENCY:** United States International Trade Commission.

**ACTION:** Institution of preliminary antidumping investigations and scheduling of a conference to be held in connection with the investigations.

**SUMMARY:** The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731-TA-495-496 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of: (1) Importation into the United States of certain microporous nylon membrane and products containing same, by reasons of direct, contributory or induced infringement of U.S. Letters Patent No. 4,340,479; and whether there exists an industry in the United States as required by subsection [a][2] of section 337.

The complaint, except for paragraph 3 of claims 34, 37, 39, 48, 49, 50, 53, 68, 75, 118, 119, 121, 125, 126, 129, 131, 132, 133, 134, and 137 of the U.S. Letters Patent 4,340,479, and whether there exists an industry in the United States as required by subsection [a][2] of section 337. The complaint requests that the Commission institute an investigation and, after a full investigation, issue a permanent exclusion order and permanent cease and desist orders.

**ADDRESSES:** The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., room 112, Washington, DC 20436, telephone 202-2052-1802. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-2052-1810.


**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on January 10, 1991, Ordered that—

1. Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection [a][1][B][i] of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microporous nylon membrane or products containing same, by reason of alleged direct, contributory or induced infringement of claims 34, 37, 39, 48, 49, 50, 53, 68, 75, 118, 119, 121, 125, 126, 129, 131, 132, 133, 134, or 137 of U.S. Letters Patent 4,340,479; and whether there exists an industry in the United States as required by subsection [a][2] of section 337.

2. For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Pall Corporation, 2200 Northern Boulevard, East Hills, New York 11546.

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Enka A.C., Postfach 100149, Enka-Haus Kasinostrasse, D-5600 Wuppertal 1, Germany.


Meisner Filtration Products Co., Inc., 1300 Stellar Drive, Oxnard, California 93030.

Meisner Manufacturing Co., Inc., 5750 Cohasset Street, Burbank, California 91505.

(c) Kent R. Stevens, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., room 410D, Washington, DC 20436, who shall be the Commission's investigative attorney, party to this investigation; and

3. For the investigation so instituted, Janet D. Saxon, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be served: Enka A.C., Postfach 100149, Enka-Haus Kasinostrasse, D-5600 Wuppertal 1, Germany.


Meisner Filtration Products Co., Inc., 1300 Stellar Drive, Oxnard, California 93030.

Meisner Manufacturing Co., Inc., 5750 Cohasset Street, Burbank, California 91505.

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1. Shopping Carts are non-commercial shopping carts of steel tubing and wire construction. The shopping carts in question are small vehicles with either two or four wheels, typically used by consumers to carry items from grocery, clothing, or other types of stores to the home, as provided for in subheading 6716.00.5050 of the Harmonized Tariff Schedule of the United States (HTS) (item 692.6000 of the former Tariff Schedule of the United States Annotated (TSUSA), or wherever else classified.
in 45 days, or in this case by February 23, 1991.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).


Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in response to a petition filed on January 10, 1991 by Petite Home Products, Inc., Brooklyn, NY.

Participation in the investigations.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the Federal Register. Any entry of appearance filed after this date will be referred to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public service list.—Pursuant to § 209.4(a) of the Commission's rules (19 CFR 209.4(a)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with § 201.10(c) and 207.3 of the rules (19 CFR 201.10(c) and 207.3), each public document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited disclosure of business proprietary information under a protective order and business proprietary information service list.—Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in these preliminary investigations to authorized applicants under a protective order, provided that the application be made not later than seven (7) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with these investigations for 9:30 a.m. on January 31, 1991 at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Olympia Hand (202-252-1182) not later than January 28, 1991 to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before February 4, 1991 a written brief containing information and arguments pertinent to the subject matter of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). If briefs contain business proprietary information, a nonbusiness proprietary version is due February 5, 1991. A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).

 Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their written brief, and may also file additional written comments on such information no later than February 7, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the written briefs. A nonbusiness proprietary version of such additional comments is due February 8, 1991.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).


By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 91-1161 Filed 1-15-91; 8:45 am]
BILLING CODE 7020-02-M
Participation in the Investigation

A reasonable indication that an industry investigation, determined that there was developed during the course of that investigation upon representatives, who are parties to this addresses of all persons, or their service list containing the names andPublic Service List

entry for good cause shown
determine whether to accept the late application filed after this date will
be referred to the Chairman, who will
decide whether to accept the late application for good cause shown

by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-1000.

SUPPLEMENTARY INFORMATION:

Background

This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of sparklers from China are being sold in the United States at less than fair value within the meaning of section 733 of the act (19 U.S.C. 1673b). The investigation was requested in a petition filed on July 2, 1990, by Elkton Sparkler Co., North East, MD, and Diamond Sparkler Co., Youngstown, OH. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (55 FR 34628, August 23, 1990).

Participation in the Investigation

Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the Federal Register. Any entry of appearance filed after this date will be returned to the Chairman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Public Service List

Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each public document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the public service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Limited Disclosure of Business Proprietary Information Under a Protective Order and Business Proprietary Information Service List

Pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)), the Secretary will make available business proprietary information gathered in this final investigation to authorized applicants under a protective order, that the application be made not later than twenty-one (21) days after the publication of this notice in the Federal Register. A separate service list will be maintained by the Secretary for those parties authorized to receive business proprietary information under a protective order. The Secretary will not accept any submission by parties containing business proprietary information without a certificate of service indicating that it has been served on all the parties that are authorized to receive such information under a protective order.

Staff Report

The prehearing staff report in this investigation will be placed in the nonpublic record on April 15, 1991, and a public version will be issued thereafter, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21).

Hearing

The Commission will hold a hearing in connection with this investigation beginning at 9:30 a.m. on April 30, 1991, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 24, 1991. A nonparty who has submitted written comments that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on April 29, 1991, at the U.S. International Trade Commission Building. Pursuant to § 207.22 of the Commission's rules (19 CFR 207.22) each party is encouraged to submit a hearing brief to the Commission. The deadline for filing prehearing briefs is April 25, 1991. If prehearing briefs contain business proprietary information, nonbusiness proprietary version is due April 26, 1991.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonbusiness proprietary summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any business proprietary materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written Submissions

Prehearing briefs submitted by parties must conform with the provisions of § 207.22 of the Commission's rules (19 CFR 207.22) and should include all legal arguments, economic analyses, and factual materials relevant to the public hearing. Posthearing briefs submitted by parties must conform with the provisions of § 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on May 6, 1991. If posthearing briefs contain business proprietary information, a nonbusiness proprietary version is due May 7, 1991. In addition, any person who has not entered an appearance as a party to the investigation may submit a written statement of information pertinent to the subject of the investigation on or before May 6, 1991.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for business proprietary data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office to the Secretary to the Commission.

Any information for which business proprietary treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Business Proprietary Information." Business proprietary submissions and requests for business proprietary treatment must conform with the requirements of §§ 201.6 and 207.7 of the Commission's rules (19 CFR 201.6 and 207.7).
Parties which obtain disclosure of business proprietary information pursuant to § 207.7(a) of the Commission's rules (19 CFR 207.7(a)) may comment on such information in their prehearing and posthearing briefs, and may also file additional written comments on such information no later than May 13, 1991. Such additional comments must be limited to comments on business proprietary information received in or after the posthearing briefs. A nonbusiness proprietary version of such additional comments is due May 14, 1991.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).


By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 91-9132 Filed 1-15-91; 8:45 am]
BILLING CODE 7020-02-M

STATEMENT OF CIRCUMSTANCES

[Ex Parte No. 290 (Sub-No. 2)]

Railroad Cost Recovery Procedures

AGENCY: Interstate Commerce Commission.

ACTION: Notice of policy determination.

SUMMARY: The Commission is adopting a data collection form and a set of guidelines for the revised fuel component methodology of the index used to calculate the quarterly Rail Cost Adjustment Factor (RCAF). Use of the form and guidelines will result in a more accurate fuel index.

EFFECTIVE DATE: Effective beginning with the second quarter 1991.


SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call or pick up in person from Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 275-1721].

This action will not significantly affect either the quality of the human environment or energy conservation.


By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 91-1065 Filed 1-15-91; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 369)]

CSX Transportation, Inc.—Abandonment Transportation—In Pike County, KY

Applicant has filed a notice of exemption under 49 CFR 1152 subpart F—Exempt Abandonments to abandon its 3.06-mile line of railroad between milepost 0.00, at R.C. Jct., and milepost 3.06, near Republic, in Pike County, KY. Applicant has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; and (3) no formal complaint filed by a user of rail service on the line (or a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period. The appropriate State agency has been notified in writing at least 10 days prior to the filing of this notice.

As a condition to use of this exemption, any employee affected by the abandonment shall be protected under Oregon Short Line R. Co.—Abandonment—Goshen 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 15, 1991 (unless stayed pending reconsideration). Petitions to stay that do not involve environmental issues, formal expressions of intent to file an offer of financial assistance under 49 CFR 1152(c)(2), and rail use/rail banking statements under 49 CFR 1152.29 must be filed by January 28, 1991. Petitions for reconsideration and requests for public use conditions under 49 CFR 1152.28 must be filed by February 5, 1991, with:

Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

If the notice of exemption contains false or misleading information, use of the exemption is void ab initio.

Applicant has filed an environmental report which addresses environmental or energy impacts, if any, from this abandonment.

The Section of Energy and Environment (SEE) will review an environmental assessment (EA). SEE will issue the EA by January 16, 1991. Interested persons may obtain a copy of the EA from SEE by writing to it (room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief, SEE at (202) 275-7684. Comments on environmental and energy concerns must be filed within 15 days after the EA becomes available to the public.

Environmental, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.


By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,
Secretary.

[FR Doc. 91-9132 Filed 1-15-91; 8:45 am]
BILLING CODE 7035-01-M

[Finance Docket No. 31744]

The Indiana & Ohio Rail Corp.; Control Exemption; The Metropolitan Railway Co., Inc.

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

A stay will be routinely issued by the Commission in those proceedings where an informed decision on environmental issues [whether raised by a party or by the Section of Energy and Environment in its independent investigation] cannot be made prior to the effective date of the notice of exemption. See Exemption of Out-of-Service Rail Lines, 5 I.C.C. 2d 377 (1989). Any entity seeking a stay involving environmental concerns is encouraged to file its request as soon as possible in order to permit this Commission to review and act on the request before the effective date of this exemption.


* The Commission will accept a late-filed trial use statement so long as it retains jurisdiction to do so.
SUMMARY: The Commission, under 49 U.S.C. 10505, exempts The Indiana & Ohio Rail Corporation (IORC) from the requirements of 49 U.S.C. 11343 to continue in control of The Metropolitan Railway Company, Inc. (MRC) when MRC becomes a rail common carrier through the acquisition and operation of certain rail lines of Consolidated Rail Corporation, subject to standard labor protective conditions. MRC will connect with The Indiana & Ohio Railway Company (IORC), a rail common carrier already controlled by IORC. The exemption is related to the notice of exemption in Finance Docket No. 31777.

DATES: This exemption is effective on January 16, 1991. Petitions to reopen must be filed by February 5, 1991.

ADDRESSES: Send pleadings referring to Finance Docket No. 31744 to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

FOR FURTHER INFORMATION CONTACT:
Joseph H. Dettmar (202) 275-7245. [TDD for hearing impaired: (202) 275-1721.]

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission’s decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 275-1721.]


By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr., Secretary.
[FR Doc. 91-1066 Filed 1-15-91; 8:45 am]
BILLING CODE 7035-01-M.

(Docket No. AB-290 (Sub- No. 110X))
Georgia Southern and Florida Railway Co.—Abandonment Exemption Between Navarre and Palatka, FL

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Commission pursuant to 49 U.S.C. 10505 exempts from the prior approval requirements of 49 U.S.C. 10903–10904, the abandonment by Georgia Southern and Florida Railway Company of its: (a) 65.1-mile rail line between milepost 216.2–B at Navarre and milepost 281.3–B at Palatka; and (b) 2.2-mile rail line between milepost 282.5–B and milepost 284.7–B in Palatka in Columbia, Union, Bradford, Clay and Putnam Counties, FL, subject to standard labor protective conditions.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 15, 1991. Requests for public use and formal expressions of intent to file an offer 1 must be filed by January 28, 1991. Petitions to stay must be filed by February 4, 1991, and petitions for reconsideration must be filed by February 14, 1991.

ADDRESSES: Send pleadings referring to Docket No. AB-290 (Sub-No. 110X) to:
(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423
(2) Petitioner’s representatives: R.J. Cooney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, Virginia 23510-2191.

FOR FURTHER INFORMATION CONTACT:
Joseph H. Dettmar (202) 275-7245. [TDD for hearing impaired: (202) 275-1721.]"
In accordance with section 122(i)(1) of CERCLA, 42 U.S.C. 9622(i)(1) as well as Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed consent decree in United States v. Gulf Coast Recycling, Inc., Action No. 90-1587-CIU-T-10B was lodged with the United States District Court for the Middle District of Florida on December 31, 1990. This agreement resolves a judicial enforcement action brought by the United States against the defendant pursuant to section 107 of the Comprehensive Environmental Response Compensation and Liability Act, as amended by the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499, 42 U.S.C. 9607, for the cleanup of the Kassouf-Kimerling Superfund Site ("Site") located in Tampa, Florida, and for the recovery of costs expended by the United States in connection with the Site.

The consent decree is entered into between the United States and Gulf Coast Recycling, Inc., a generator of hazardous substances at the Site. The Consent Decree requires the defendants to implement the remedial action selected by the Environmental Protection Agency ("EPA") for the site and to reimburse the United States for its response costs at the Site not previously reimbursed through prior settlements.

The Department of Justice will receive comments for a period of thirty (30) days from the date of 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. Gulf Coast Recycling Inc., DOJ # 90-11-2-580.

The proposed consent decree may be examined at the Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30356, and at the offices of the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1535, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, 202-347-7820. A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center. In requesting a copy, please enclose a check in the amount of $13.25 (25 cents per page reproduction costs) payable to Consent Decree Library.

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on January 3, 1991, a proposed consent decree in United States v. Township of Moorestown, New Jersey et al. was lodged with the United States District Court for the District of New Jersey. The proposed consent decree concerns a complaint filed by the United States alleging violations of the Clean Water Act by Moorestown at its sewage treatment plant, which discharges effluent into the North Branch of Pennsauken Creek, a tributary of the Delaware River.

The decree requires Moorestown to upgrade its plant, pursuant to a specified construction schedule, so as to bring it into compliance with the Act by February, 1993, and to pay a civil penalty of $79,000 for past violations of the Act. It also imposes interim compliance limits on the plant's effluent, and stipulates penalties for the violation of those limits and of the construction schedule.

The Department of Justice will receive comments for a period of thirty (30) days from the date of publication comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, DC 20530, and should refer to United States v. Borough of Mt Pleasant, DOJ Ref. 90-5-1-1-3195A.

The proposed Consent Decree may be examined at the Office of the United States Attorney, United States Court House, 601 Pennsylvania Avenue, NW., Washington, DC 20004 (202-347-2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $8.50 (25 cents per page reproduction charge) payable to Consent Decree Library.
Legislation of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act: Town of Oyster Bay; Correction

This is to correct the Notice which was published in the Federal Register on December 19, 1990, cited at Vol. 55, No. 243, p. 51970. United States v. Town of Oyster Bay.

This notice corrects the following error:

In the third paragraph, the name of the case should appear as United States v. Town of Oyster Bay, instead of United States v. Central Maine Power. There are no other changes to this paragraph.

Richard B. Stewart,
Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91–997 Filed 1–15–91; 8:45 am]
BILLING CODE 4410–01–M

JUDICIAL CONFERENCE OF THE UNITED STATES

Hearing of the Judicial Conference Advisory Committee on Civil Rules

AGENCY: Judicial Conference on the United States.

ACTION: Notice of open hearing.

SUMMARY: There will be a one-day hearing of the Advisory Committee on Civil Rules to hear testimony on Rule 11 of the Federal Rules of Civil Procedure. The hearing will be open to public observation but not participation, and will commence at 8:30 a.m.


ADDRESSES: United States Court of Appeals, En Banc Courtroom, 2nd Floor, 600 Camp Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Washington, DC 20544, telephone (202) 633–6021.


James E. Macklin, Jr.,
Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 91–1042 Filed 1–15–91; 8:45 am]
BILLING CODE 2210–01–M

Meeting of the Judicial Conference Advisory Committee on Civil Rules

AGENCY: Judicial Conference of the United States.

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Advisory Committee on
Civil Rules to consider revisions of the Discovery Rules, Rule 11 and other Federal Rules of Civil Procedure. The meeting will be open to public observation, and will commence each day at 8:30 a.m.


ADDRESSES: United States Court of Appeals, En Banc Courtroom, 2nd Floor, 600 Camp Street, New Orleans, Louisiana.

FOR FURTHER INFORMATION CONTACT: James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure, Washington, DC 20544, telephone (202) 633–6021.


James E. Macklin, Jr., Secretary, Committee on Rules of Practice and Procedure.

[FR Doc. 91–1043 Filed 1–15–91; 8:45 am]
BILLING CODE 2110–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Agency Information Collection Activities Under OMB Review

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: The National Endowment for the Arts (NEA) has sent to the Office of Management and Budget (OMB) the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

DATES: Comments on this information collection must be submitted by February 15, 1991.

ADDRESSES: Send comments to Mr. Dan Doyle, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20503; (202) 682–5401.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Doyle, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20503; (202) 682–5401.

SUPPLEMENTARY INFORMATION: The Endowment requests the reinstatement of a previously approved collection of information. This entry is issued by the Endowment and contains the following information:

1. The title of the form; (2) how often the required information must be reported; (3) who will be required or asked to report; (4) what the form will be used for; (5) an estimate of the number of responses; (6) an average burden hours per response; (7) an estimate of the total number of hours needed to prepare the form. This entry is not subject to 44 U.S.C. 3504(h).

Title: Music Ensembles FY 1991 Application Guidelines.

Frequency of Collection: One time.

Respondents: State or local governments; Non-profit institutions.

Use: Guideline instructions and applications elicit relevant information from non-profit organizations and state or local arts agencies that apply for funding under the Music Ensembles categories. This information is necessary for the accurate, fair, and thorough consideration of competing proposals.

Estimated Number of Respondents: 530.

Average Burden Hours per Response: 34.

Total Estimated Burden: 17,440.

Anne C. Doyle, Administrative Services Division, National Endowment for the Arts.

[FR Doc. 91–977 Filed 1–15–91; 8:45 am]
BILLING CODE 7537–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34–28758; File No. SR–Amex–90–39]

Self-Regulatory Organizations; Filing and Order Granting Accelerated Temporary Approval to Proposed Rule Change by American Stock Exchange, Inc. Relating to a Pilot Program for Execution of Odd-lot Market Orders

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 December 30, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 Exchange proposes that its pilot program regarding the execution of odd-lot market orders be extended for 120 days. 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 III 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 Statutory Basis for, the Proposed Rule Change

Purpose. The Commission has approved, on a pilot basis extending to January 10, 1991, amendments to Exchange Rule 205 to require the execution of odd-lot market orders at the prevailing Amex quote with no odd-lot differential. Under the pilot procedures, market orders with no qualifying notations are executed at the Amex quotation at the time the order is represented in the market either by being received at the trading post or through the Exchange’s Post Execution Reporting system ("PER"). Enhancements to the PER system have been implemented to provide for the automatic execution of odd-lot market orders entered through PER. For

1 The Exchange seeks accelerated approval of the proposed rule change in order to allow the pilot program, which will expire on January 10, 1991, to continue without interruption.

2 See Securities Exchange Act Rel. No. 2790 (January 5, 1990); 55 FR 1123 (January 11, 1990) (approving File No. SR–Amex–89–31) ("1990 Approval Order"). The Commission previously approved this one year pilot program and granted permanent approval of procedures which provide that the odd-lot portion of a Part of Round Lot ("PRL") order will be executed at the same price as the round lot portion, with no differential charged. See Securities Exchange Act Rel. No. 2644 (January 10, 1990); 54 FR 2249 (approving File No. SR–Amex–86–23) ("1989 Approval Order").
purposes of the pilot program, limit orders that are immediately executable based on the Amex quote at the time the order is received at the trading post or through PER are executed in the same manner as market orders.

The Exchange proposes that the pilot program applicable to odd-lot execution procedures be extended for 120 days. This will provide the Commission with an additional period of time to assess procedures under the pilot program and will permit the Exchange to provide additional data and information regarding its experience under the pilot program as well as the operation of the PER system enhancements, if such data is requested by the Commission.

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. 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 persons, 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-90-03 and should be submitted by February 6, 1991.

IV. Commission’s Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with the requirements of sections 6(b) and 11A(a)(1) of the Act and the rules and regulations thereunder. In particular, the Commission believes that the revised procedures which provide for pricing of odd-lot market orders at the prevailing market quote rather than a subsequent transaction should provide investors with more timely executions of these orders. Moreover, these orders will receive execution prices that more accurately reflect market conditions than would otherwise be the case under former procedures. In addition, the Exchange has implemented enhancements to its PER system to provide for the automatic execution of odd-lot market orders, as set forth in the Commission’s 1989 Approval Order.

In its 1989 and 1990 Approval Orders, the Commission asked the Amex to analyze the difference in executions between using the Intermarket Trading System ("ITS") best bid or offer and the Amex quote without the differential. Specifically, the Commission was interested in whether customers are receiving a better execution, both in terms of price and time, using the new Amex system. The Commission also was interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential.

The Amex submitted the requested information to the Commission on January 9, 1991. The Amex data indicates that for 97.4% of the odd-lot executions, the Amex quote was the ITS best bid or offer. The Amex concluded that odd-lots were executed at a price equal to or better than the inside quote 97.0% of the time. The Amex also concluded that the prices at which odd-lot market orders are executed under the pilot procedures have been, on balance, superior to those available under the Exchange’s previous procedures. The Amex states that, based upon its data, it is expected that 87% of Amex odd-lot executions would receive a better price under the pilot procedures than under the prior procedure.

The Commission believes that it is reasonable to extend the pilot program for 120 days to enable the Commission to fully review the Amex report and to enable the pilot to continue without interruption during the Commission’s review. The Amex data indicates that the pilot procedures provide a superior price for a substantial majority of odd-lot executions. The Commission, however, remains concerned that odd-lot orders could receive executions at less than the best available price since the Exchange’s pricing formula does not include quotations from other markets. Due to the low number of odd-lot market orders, the small percentage of Amex quotes that are worse than the ITS best bid and offer, and the benefits to customers under the pilot program, the Commission believes that it is acceptable to continue the pilot’s current pricing procedures for an additional 120 days. The Commission requests that the Amex provide data for additional trade dates that will analyze the difference in executions between using the ITS best bid or offer and the Amex quote without the differential during the extension of the pilot program. The Commission also is interested in the feasibility of implementing an odd-lot pricing system using the ITS best bid or offer and no differential. The Commission requests that the Amex provide a report on those questions by April 1, 1991.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof. This will permit the pilot program to continue on an uninterrupted basis. In addition, the procedures the Exchange proposes to continue using are the identical procedures that were published in the Federal Register for the
It is therefore ordered, pursuant to section 19(b)(2) of the Act, 1 that the proposed rule change is approved for a 120 day period ending on May 10, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority. 2


Margaret H. McFarland, Deputy Secretary.

[FR Doc. 91-1057 Filed 1-15-91; 8:45 am]  
BILLING CODE 8010-01-M

[Rel. No. 34-28756; File No. SR-CBOE-90-21, Amdt. No. 1]  
Self-Regulatory Organizations; Filing of Amendment to Proposed Rule Change by the Chicago Board Options Exchange, Inc. Relating to Special Provisions Regarding CBOE Memberships  

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on January 2, 1991, the Chicago Board Options Exchange, Incorporated (“CBOE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) an amendment to the proposed rule change as described in Items I, II, and III below, which items have been prepared by the CBOE. The Commission is publishing this notice to solicit comment on the amendment from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The text of the proposed rule change (including the amendment) is as follows (italics indicate additions):

Rule 3.16 Special Provisions Regarding CBOE Memberships (a) and (b) No change.

(c) Board of Trade Exercisers  
For the purpose of continued entitlement to membership on the Exchange in accordance with section 2.1(b) of the Constitution and paragraph (b) of Article Fifth of the Certificate of Incorporation of the Exchange, the term “member of the Board of Trade of the City of Chicago” (the “Board”) is interpreted to mean a single individual or organization in possession of a full Board membership as described below. Such membership shall consist of all the trading rights and privileges afforded to Board membership as in existence on February 4, 1972 (the date the Exchange’s Certificate of Incorporation was adopted) except for such rights and privileges which the Exchange may exclude. Where the member is an organization, one individual must possess all of a full membership’s trading rights and privileges on the Board. If any part not excluded by the Exchange (but less than all) of a full membership’s trading rights and privileges on the Board is sold, leased, licensed, delegated, or in any other fashion transferred, then neither the transferee nor the transferee of such rights and privileges shall be deemed to be a “member of the Board” entitled to Exchange membership. If a full membership’s trading rights and privileges, as they existed on February 4, 1972, should be split into two or more sets of rights or privileges or be segmented or separated in any other manner, then, in order for an individual or organization to be deemed to be in possession of all the pertinent and regular trading rights and privileges afforded such full membership, such individual or organization must be in possession of, and have pertinent and regular trading rights and privileges with respect to all of the split, segmented or separated parts of such original membership except for those excluded by the Exchange.

III. Interpretation and Policies:

.01 The trading rights and privileges on the Board of Trade of the City of Chicago (the “Board”) during the hours between 5 p.m. and 12 midnight, Chicago time (the “nighttime trading hours”), shall be excluded, so long as this interpretation is in effect, from being deemed part of a full membership’s trading rights and privileges on the Board for the purposes of rule 3.16(c). A person who does not hold trading rights and privileges on the Board during nighttime trading hours, but who otherwise holds all of the trading rights and privileges of full Board membership, shall not thereby be precluded from being deemed to be a “member of the Board of Trade of the City of Chicago” in accordance with section 2.1(b) of the Constitution and paragraph (b) of Article Fifth of the Certificate of Incorporation of the Exchange. The interpretation shall cease to apply when and if (i) the trading hours of the Exchange for any instrument traded on or through the facilities of the Exchange extended into the nighttime trading hours and (ii) a change in or the repeal of this interpretation has been approved by the Securities and Exchange Commission upon a filing pursuant to the provisions of sections 19(b)(1) and 19(b)(2) of the Securities Exchange Act of 1934.

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 CBOE included statements concerning the purpose of the 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 CBOE has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

In the original rule proposal, 1 the Exchange stated that the purpose of rule 3.16(c) is to assure that the spirit and the letter of the agreement by which the CBOE was created by the Board and by which the Board and the Exchange have conducted their affairs, is maintained.

In Article 5(b) of the CBOE’s Certificate of Incorporation, the CBOE recognized the special contributions made by those membership holders of the Board during the period when the CBOE was organized and developed. The recognition extended by the CBOE consists of allowing the present holder of each Board membership, which existed at the time of the incorporation of the CBOE, the right to apply (exercise) for membership on the CBOE without purchasing a CBOE issued membership. The rule clarification is proposed for the purpose of specifically stating that only full Board memberships which possess all the trading rights afforded such membership, except for such rights and privileges which the Exchange may exclude, will qualify for CBOE membership pursuant to Article 5(b) of the Certificate of Incorporation. At the time when the CBOE was incorporated, there existed a limited number of full memberships on the Board which were assigned an exercise (membership) privilege on the CBOE.

The rule clarification also addresses the possibility of a full membership split by the Board or the multiple party use of  

a full membership. If a split should occur, enough split (fractional) memberships of a full membership, as of the time of the CBOE's incorporation, would be required to form a full Board membership capable of exercise (membership) privileges on the CBOE. Any multiple party use of one Board membership would preclude a CBOE exercise (membership) privilege.

In amendment number 1 to SR-CBOE-90-21, the Exchange hereby adds Interpretation and Policies .01 to further clarify the application of the agreement between both marketplaces as it applies to nighttime trading hours. The Interpretation says that, unless and until the CBOE extends the trading hours for an instrument traded on the CBOE to between 5 p.m. and 12 midnight, Chicago time, and the SEC approves a change to Interpretation .01, the CBOE will not deem the nighttime rights and privileges on the Board to be a part of a full Board membership. Therefore, the Interpretation provides that, for purposes of rule 3.16(c), one may still be a full member of the Board despite having leased, licensed, or otherwise disposed of one's nighttime trading privileges.

(b) Basis

The CBOE believes the proposed rule change is consistent with section 6(b) of the Act, in general, and section 6(b)(5), in particular, which provides, among other things, that the rules of the Exchange are to be designed to promote just and equitable principles of trade and are not designed to permit unfair discrimination between customers, issuers, brokers or dealers.

B. Self-Regulatory Organization’s Statement on Burden on Competition

The CBOE does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange consented to the inclusion of the comments to SR-CBOE-90-11 as part of this file since that filing was published in the Federal Register on May 24, 1990, but was subsequently withdrawn on June 29, 1990, when SR-CBOE-9-21 was filed. The Exchange has responded to all comments received on the proposal thus far in letters dated May 21, 1990, and September 4, 1990, which were directed to Jonathan Katz, Secretary, SEC.

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 it reasons for so finding or (ii) As to which the self-regulatory organization consents, the Commission will:

(a) By order approved 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 provision 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 CBOE. All submissions should refer to the File No. SR-CBOE-90-21 and should be submitted by February 6, 1991.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McNairland,
Deputy Secretary.

[FR Doc. 91-1058 Filed 1-15-91; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-28753; File No. SR-PTC-90-08]

Self-Regulatory Organizations;
Participant Trust Company; Filing of Proposed Rule Change Relating to the Termination of the “Supercap”

January 8, 1991

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 28, 1990, the Participant Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

PTC filed the proposed rule change to amend its rules by deleting the “supercap” provision of PTC’s “Net Debit Monitoring Level Procedure”. Below is the text of the proposed rule change. Brackets indicate deletions.

Net Debit Monitoring Level Procedures

A Net Debit Monitoring Level ("NDML") shall be established for each Participant. The NDML for each Participant will be the lesser of (1) 100% of the total committed lines of credit available to PTC to finance settlement or (2) an amount as determined by the PTC Board of Directors from time to time based upon criteria related to credit and/or capital.

If a Participant wishes to raise its NDML it may, subject to PTC approval and, provide a committed line of credit to PTC on which PTC may draw at its discretion on behalf of the Participant. Any individual credit line must be provided pursuant to an agreement in form and substance acceptable to PTC.

For every Participant, a “net debit balance” or a “Net credit balance” is computed which is the algebraic sum of the Credit and Debit Balances for all Proprietary, Agency and Pledgee Accounts of the participant plus optional cash deposits by the Participant to the Participants Fund which are earmarked to prefund transactions in those Accounts.

If a Participant’s net debit balance reaches 80% of the Participant's NDML the Participant will be notified and requested to monitor the situation. However, PTC will continue to process transactions.

PTC will not process transactions that increase a Participant’s net debit balance to a level greater than its NDML. In the event that a transaction would increase a Participant’s net debit balance to a level greater than its NDML (the “excess net debit”), the Participant must take one of the following actions before PTC will process the transaction:

1. Redelever or pledge the subject Securities Versus Payment;
2. Deliver or pledge other Securities Versus Payment to reduce its net debit balance to a level that would permit the transaction to occur;
3. Provide adequate additional committed lines of credit; or
4. Prefund the receipt [, subject to the next paragraph].

If a Participant reaches its NDML prior to 1 p.m. and intends to prefund its excess net debit, a Participant may request senior management of PTC (the President or his designee) to grant an extension of the time for the Participant to prefund its excess net debit, during which time transactions may continue. PTC's senior management shall approve that extension subject to the following conditions:
1. The Participant has positive Net Free Equity ("NFE") and no transaction during the extension should reduce NFE to a negative position;
2. Prior to granting the extension, the Participant identifies to PTC the prefunding banks and the amount to be prefunded, to the satisfaction of PTC senior management;
3. The Participant's net debit balance will not exceed twice its established NDML; and
4. The extension is for no longer than one and one-half hours.

For all Participants concurrently granted an extension, the aggregate of their excess net debits shall not at any time exceed 300% of the committed credit lines of PTC. If this condition is the exclusive effective constraint on a proposed transaction, the transaction will be queued and permitted to proceed in turn when the aggregate of excess net debits has been reduced below the 300% limit sufficiently to accommodate the transaction.

If the excess net debit has not been prefunded upon termination of the extension, or it the conditions to the extension are not met, PTC shall suspend all further receives Versus Payment pending reduction of the Participant's net debit balance below its established NDML. In addition, PTC may take other action against the Participant pursuant to its Rules and Procedures as it deems appropriate.

The above procedure for extension is a transitional measure. The procedure is necessary to assure that, as the depository's activities increase after its formation, situations do not develop in which the fixed NDML would block a transaction which in turn would block other transactions, immobilizing the system. During the transitional period, PTC and Participants shall adjust their operations so that the transitional procedure can be eliminated. PTC shall encourage this by limited use of the transitional procedure and by imposing fees for its use.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries set forth in Sections (A), (B) and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The "supercap" provisions of the NDML Procedure were intended ab initio to serve as a transitional lubricant to the PTC system in order to avoid "gridlock" as participants adjusted to use of the system and the conversion of all coupons was completed. The termination of this transitional measure six months after all coupons were in the system and, in all events, by January 1, 1991 was a commitment made by PTC to the Federal Reserve ("Fed") in connection with Fed approval of PTC for membership in the Fed System. This commitment was cited in the SEC order (Securities Exchange Act Rel. No. 26671, File No. 600-25 at Footnote 16 and Section III.C.3.c. including, in particular, Footnote 43) approving the temporary registration of PTC as a clearing agency. PTC was required to report every use of supercap to the Sec. Supercap has never been used. The purpose of the proposed rule change is thus to satisfy the Fed commitment and to eliminate an unnecessary, unused provision of the rules.

The basis for this proposed rule change under the Act is to promote the prompt and accurate clearance and settlement of securities transactions as required by section 17A(b)(3)(F) of the 1934 Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not perceive that this proposed rule change imposes any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

PTC has not solicited, and does not intend to solicit, comments on this proposed rule change. PTC has not received any unsolicited written comments from participants or other interested parties.

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 reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or
(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principle office of PTC. All submissions should refer to File No. SR-PTC-90-08 and should be submitted by March 5, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 91-1059 Filed 1-15-91; 1:45 am]
BILLING CODE 9310-01-M
DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 91-003]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the Towing Safety Advisory Committee (TSAC). This committee advises the Secretary of Transportation on rulemaking matters related to shallow-draft inland and coastal waterway navigation and towing safety.

Nine members will be appointed as follows: Four (4) members from the barge and towing industry, reflecting a geographical balance; one (1) member from the mineral and oil supply vessel industry; two (2) members from port districts, authorities or terminal operators; and two (2) members from the general public.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women. The committee will meet at least once a year in Washington, DC or another location selected by the Coast Guard.

DATES: Requests for applications should be received no later than May 15, 1991.

ADDRESSES: Persons interested in applying should write to Commandant (G-MP-4), room 2412, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001.

FOR FURTHER INFORMATION CONTACT: Ms. Jo Pensy, Executive Director, Towing Safety Advisory Committee (G-MP-4), room 2412, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593-0001, (202) 267-1406.


J.D. Sipes,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91-1044 Filed 1-15-91; 8:45 am] 
BILLING CODE 4910-14-M

Federal Highway Administration

Environmental Impact Statement; Environmental Impact Statement; Los Angeles County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed transportation corridor north of the city of Fresno in Fresno and Madera Counties, California.

FOR FURTHER INFORMATION CONTACT: Mr. John R. Schultz, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915. Telephone: 916/551-1140.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) on a proposal to preserve a wider right-of-way on Route 41 from 0.2 mile north of Audubon Drive, in the City of Fresno, to one mile north of Route 145 in rural Madera County, to prevent the loss of a potentially important future transportation corridor.

This study will replace studies described in earlier notices of intent.

Alternatives include a corridor on the present alignment or a new alignment to the east; or no preservation at all.

The scoping process for this proposed action will include coordination and consultation with appropriate agencies, groups, and individuals. Three public information meetings were conducted in 1985, 1988, and 1990; additional public meetings will be held as needed. The draft EIS will be circulated and a public hearing conducted.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided previously in this document.

(Catalog of Federal Domestic Assistance Programs Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)


John R. Schultz,
District Engineer, Sacramento, California.

[FR Doc. 91-1011 Filed 1-15-91; 8:45 am]
BILLING CODE 4910-22-M

Environmental Impact Statement; Los Angeles County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that a Tier 1 Environmental Impact Statement will be prepared for a proposed highway project in Los Angeles County in the City of Santa Clarita and vicinity.

FOR FURTHER INFORMATION CONTACT: James J. Bednar, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915. Telephone: (916) 551-1310.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation, will prepare a Tier 1 Environmental Impact Statement (EIS) on a proposal to adopt a route corridor location to build California State Route 126, in the City of Santa Clarita and vicinity, between Interstate Route 5 and State Route 14, a distance of about 9 miles.

The City of Santa Clarita and vicinity is developing rapidly and traffic congestion is increasing on the existing network of roads and highways. Even including future planned highway and arterial improvements in the area, a need is anticipated for the extension of existing State Route 126, from its present interchange with Interstate 5 at Henry Mayo Drive to State Route 14.

The Tier 1 EIS is to include an evaluation of the purpose and need for the project, solutions and alternatives to satisfy the needs, description of the affected environment, and inter-agency coordination and public involvement. The environmental consequences discussion will include issues and elements that are critical to the selection of the location adoption.

A Tier 1 document does not have the detail of a project level (Tier 2) document. The scope and level of analysis of the critical issues will be detailed to the degree necessary to satisfy FHWA requirements for location approval and give authorization for protection of right-of-way for purposes of corridor preservation. A Tier 2 document, to be performed at a later date, will address project specific issues and describe in greater detail the project environmental consequences, design alternatives, and project mitigation. Once a Tier 2 document is approved, final right-of-way acquisition and project development procedures can be pursued.

The alternatives proposed to be considered are for a multi-lane expressway or freeway on new alignment as shown on the attached map for: (1) Rescinded State Route 126 location alternative; (2) County of Los Angeles study alignment alternative; (3) southern alignment alternative. The no-build alternative will also be evaluated.
Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A scoping meeting will be held early in 1991 and a series of public meetings are proposed prior to the public hearing planned for mid-1992. Public notice will be given of the time and place of the meetings and hearing. The draft Tier 1 EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. The views of agencies which may have knowledge about historic properties potentially affected by the proposal or interest in the effects of the proposal on historic properties are specifically solicited. Comments or questions concerning this proposed action and the Tier 1 EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.206, Highway Research, Planning and Construction, The regulations implementing Executive Order 12272 regarding intergovernmental consultation on Federal programs and activities apply to this program.)


James J. Bednar,
District Engineer, Sacramento, California.

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 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: 1545-0002

Form Number: IRS Form CT-2
Type of Review: Revision.
Title: Employee Representative’s Quarterly Railroad Tax Return.
Description: Employee representatives file Form CT-2 quarterly to report compensation on which railroad retirement and on which railroad unemployment repayment taxes are due. IRS uses this information to ensure that employee representatives have paid the correct tax. Form CT-2 also transmits the tax payment.
Respondents: Individuals or households.
Estimated Number of Respondents/Recordkeepers: 112
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—26 minutes
Learning about the law or the form—13 minutes
Preparing the form—17 minutes
Copying, assembling, and sending the form to IRS—17 minutes
Frequency of Response: Quarterly
Estimated Total Reporting Burden:
262 hours.
OMB reviewer: Lois K. Holland, Departmental Reports, Management Officer.

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 2224, 1500 Pennsylvania Avenue, NW, Washington, DC 20220.

Bureau of the Public Debt
OMB Number: 1535-0040
Form Number: PD 2458-1
Type of Review: Reinstatement
Title: Certificate of Entitlement for United States Registered Securities and Checks Not Exceeding $500.00 After Administration of a Deceased Owner’s Estate
Description: This form is used for collecting payment of $500.00 or less
after an estate has been administered
Respondents: Individuals or households, State or local governments, businesses or other for-profit, non-profit institutions
Estimated Number of Respondents: 60
Estimated Burden Hours Per Response: 1 hour
Frequency of Response: On occasion
Estimated Total Reporting Burden: 60

Respondents:
Departmental Reports, Management Officer.
Lois K. Holland, OMB Clearance Officer. Rita DeNagy (202)

Description:
and Loan Association, Conservator for Trident Federal Savings
Resolution Trust Corporation
Supervision has duly appointed the
5(d)(2)
to the authority contained in sections
Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Pittsburgh, Pittsburgh, Pennsylvania, Docket No. 3014, on January 4, 1991.

By the Office of Thrift Supervision.

Nedine Y. Washington,
Corporate Secretary.
[FR Doc. 91-995 Filed 1-15-91; 8:45 am]
BILLING CODE 6720-01-M

First Federal Savings and Loan Association of Pittsburgh; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Pittsburgh, Pittsburgh, Pennsylvania, Docket No. 3014, on January 4, 1991.

By the Office of Thrift Supervision.

Nedine Y. Washington,
Corporate Secretary.
[FR Doc. 91-995 Filed 1-15-91; 8:45 am]
BILLING CODE 6720-01-M

First Federal Savings and Loan Association of San Antonio; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of San Antonio, San Antonio, Texas, Docket No. 3792, on January 4, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91-992 Filed 1-15-91; 8:45 am]
BILLING CODE 6720-01-M

Office of Thrift Supervision

Trident Federal Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in sections 5(d)(2) [B] and [H] of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Trident Federal Savings and Loan Association, F.A. Newark, New Jersey, on January 4, 1991.

By the Office of Thrift Supervision.

Nedine Y. Washington,
Corporate Secretary.
[FR Doc. 91-995 Filed 1-15-91; 8:45 am]
BILLING CODE 6720-01-M

Trident Federal Savings and Loan Assoc.; Notice of Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Trident Savings and Loan Association, Newark, New Jersey (Docket No. 6067), on January 4, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,
Corporate Secretary.
[FR Doc. 91-995 Filed 1-15-91; 8:45 am]
BILLING CODE 6720-01-M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-83]

Initiation of Section 302 Investigation and Request for Public Comment; European Community Third Country Meat Directive

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302 of the Trade Act of 1974, as amended; notice of delay of request for formal consultations under section 303(b) of the Trade Act of 1974, as amended; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302 of the Trade Act of 1974, as amended, ("the Trade Act") regarding the European Community (EC) Third Country Meat Directive ("Directive"). The USTR will continue informal discussions already commenced with the EC aimed at reaching a mutually satisfactory solution, and for that reason will delay formal consultations under Article XXIII:1 of the General Agreement on Tariffs and Trade (GATT) for up to 90 days. The petitioners concur with this approach. USTR invites written comments on the matter being investigated.
DATES: This investigation was initiated on January 10, 1991. Written comments from interested persons are due February 19, 1991.

ADDRESSES: Office of the United States Trade Representative, room 223, 600 17th Street, NW., Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: Leonard W. Condon, Deputy Assistant U.S. Trade Representative for Agricultural Affairs, (202) 395-5006, or Richard H. Steinberg, Assistant General Counsel (202) 395-7305.

SUPPLEMENTARY INFORMATION: On July 14, 1987, a petition was filed under section 302 of the Trade Act of 1974, as amended, by the American Meat Institute, U.S. Meat Export Federation, American Farm Bureau Federation, National Pork Producers Council and National Cattlemans Association. The petitioners, who are associations representing producers of livestock and grains, and packers and processors of meat, complained of trade barriers to EC imports of beef, pork and lamb from the United States. Specifically, they maintained that the Third Country Meat Directive subjects meat imported from the United States into EC member countries to regulatory requirements that are not observed within the EC member countries; are not fully enforced or observed in meat packing plants shipping across national boundaries in the EC; are not based on or justified by any scientific analysis; and are generally unreasonable, discriminatory and a burden on United States commerce. The petitioners also alleged that the Directive violates Article III (the "national treatment" provision) of the GATT.

On July 22, 1987, the U.S. Trade Representative initiated an investigation in response to the petition filed July 14, 1987. Moreover, USTR requested consultations with the EC, as required by section 302(a) of the Trade Act. (52 FR 28223) The United States consulted with the EC twice under Article XXIII:1 of the GATT, in September and November 1987. In December 1987, the GATT Council established a dispute settlement panel to examine the matter, but soon thereafter the EC took steps to provide access for a number of U.S. meat packers. Accordingly, the GATT dispute settlement panel was never convened and the underlying section 302 investigation was suspended.

Almost three years later, on October 30, 1990, the EC confirmed its decision, pursuant to the Directive, to "delist" all U.S. pork plants from the list of plants then eligible to ship pork to the EC, effective midnight, October 31, 1990. Exports of beef from previously eligible U.S. plants were halted as of January 1, 1991.

On November 2, 1990, the USTR requested consultations on this matter with the EC, and initial consultations were held in Washington November 19-20, 1990. Technical information was exchanged, arguments were made about the GATT consistency of the Directive and its application, and both the United States and the EC demonstrated a willingness to continue efforts to reach a mutually satisfactory resolution of the matter.

On November 28, 1990, the National Pork Producers Council and the American Meat Institute filed a petition under section 302 of the Trade Act, as amended by the 1988 Omnibus Trade and Competitiveness Act, alleging that the Directive constitutes a foreign practice which denies the right of the United States under the GATT and is otherwise unreasonable and burdens or restricts United States commerce. Petitioners seek elimination of the alleged violation and "restrictions such as counter measures as are authorized under section 301" as amended.

Further bilateral discussions aimed at resolving the matter were held with the EC in December 1990, and those discussions are continuing.

Copies of the petition are available for public inspection at the USTR Reading Room: Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, DC. An appointment to review the docket (Docket No. 301-83) may be made by calling Brenda Webb, (202) 397-9186. The USTR Reading Room is open to the public from 10 a.m. to 12 noon and from 1 p.m. to 4 p.m., Monday through Friday.

Investigation

Under section 302 of the Trade Act, the USTR is required to determine, not later than 45 days from the date of the filing of a petition, whether to initiate an investigation. In this case that determination was due by January 12, 1991. On January 10, 1991, pursuant to section 302(a) of the Trade Act, the USTR initiated an investigation of the EC's practices and procedures with respect to the Directive. The initiation of this investigation does not preclude or otherwise impair the ability of the United States Government to continue the bilateral discussions already commenced with a view to seeking a mutually satisfactory resolution.

Consultations

Section 303(b) of the Trade Act permits delay of the request for formal consultations for up to 90 days after initiation of a section 302 investigation, for the purpose of verifying or improving the petition to ensure an adequate basis for consultation. After consulting with the petitioner, the USTR has decided to delay for up to 90 days formal consultations with the EC under GATT Article XXIII:1, and will continue informal discussions with the EC which could resolve this matter without resort to GATT dispute settlement proceedings.

Public Comment

Interested persons are invited to submit written comments on the issues raised in the petition and on the determinations required under section 304 of the Trade Act. Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) and are due by noon on Tuesday, February 19, 1991. Comments must be in English and provided in twenty copies to: Chairman, Section 301 Committee, room 222, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301-83) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the Docket which is open to public inspection.

A. Jane Bradley, Chairman, Section 301 Committee.

[FR Doc. 91-1023 Filed 1-15-91; 8:45 am]

BILLING CODE 3101-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the
Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESS: Copies of the proposed information collection and supporting documents may be obtained from Ann Bickoff, Veterans Health Service and Research Administration (161B3), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2282.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by February 15, 1991.


By direction of the Secretary.

Frank E. Lalley,
Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Health Services and Research Administration.
2. Application for Employment and Appraisal of Applicant for Title 38 Positions.
3. Department Form Numbers:
   a. VA Form 10–2850, Application for Physicians, Dentists, and Optometrists
   b. VA Form 10–2850A, Application for Nurses and Nurse Anesthetists
   c. VA Form 10–2350b, Application for Residency
   d. VA Form 10–2850c, Application for Associated Health Occupations Appointments
   e. Form Letter 10–341a, Appraisal of Applicant

4. The application forms are used in lieu of the SF 171 by individuals applying for Title 38 positions. FL 10–341a is sent to educational institutions, organizations and individuals indicated by the applicant on the employment application form to elicit prior education and/or performance information. The information provided is used to determine eligibility for employment and the appropriate grade and step rate.
5. On occasion.
6. Individuals or households; State and local governments; business or other for-profit; Federal agencies or employees; non-profit institutions; small businesses or organizations.
7. Estimate of the number of responses:
   a. VA Form 10–2350–12,900 responses
   b. VA Form 10–2350a–51,600 responses
   c. VA Form 10–2350c–27,000 responses
   d. VA Form 10–2350–17,200 responses
   e. VA Form 10–341a–42,500 responses
8. Estimate of Total Number of Hours:
   a. VA Form 10–2350–30 minutes
   b. VA Form 10–2350a–30 minutes
   c. VA Form 10–2350c–30 minutes
   d. VA Form 10–2350–30 minutes
   e. VA Form letter 10–341a–20 minutes
9. Not applicable.

[FR Doc. 91–651 Filed 1–15–91; 8:45 am]
BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESS: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2744.

Comments and questions about the items on the list should be directed to the OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send applications for benefits to the above addresses.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by February 15, 1991.


By direction of the Secretary.

Frank E. Lalley,
Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Offer to Rent on Month-to-Month Basis and Credit Statement.
3. VA Form 26–6725.
4. The form is completed by prospective tenants of properties owned by VA and serves as the rental offer and credit statement. The information collected provides the basis for acceptance or rejection of offers to rent.
5. On occasion.
6. Individuals or households; businesses or other for-profit.
7. 100 responses.
8. 1/2 hour.
9. Not applicable.

[FR Doc. 91–652 Filed 1–15–91; 8:45 am]
BILLING CODE 8320–01–M

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The agency responsible for sponsoring the information collection; (2) the title of the information collection; (3) the Department form number(s), if applicable; (4) a description of the need and its use; (5) frequency of the information collection, if applicable; (6) who will be required or asked to respond; (7) an estimate of the number of responses; (8) an estimate of the total number of hours needed to complete the information collection; and (9) an indication of whether section 3504(h) of Public Law 96–511 applies.

ADDRESS: Copies of the proposed information collection and supporting documents may be obtained from John Turner, Veterans Benefits Administration, (20A5A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 233–2744.

Comments and questions about the items on the list should be directed to the OMB Desk Officer, Joseph Lackey, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503, (202) 395–7316. Please do not send
applications for benefits to the above addressees.

DATES: Comments on the information collection should be directed to the OMB Desk Officer until February 15, 1991.


By direction of the Secretary.

Frank E. Lalley,
Director, Office of Information Resources Policies.

Reinstatement

1. Veterans Benefits Administration.
2. Statement of Heirs for Payment of Credit Due Estate of Deceased Veteran (NSLI).
3. VA Form Letter 29-596.
4. This form letter is used by the administrator, executor, or next of kin of a deceased veteran to support a claim for money in the form of unearned or unapplied insurance premiums due the veteran’s estate. The information is used to establish entitlement to the refundable credit.
5. On occasion.
6. Individuals or households.
7. 312 responses.
8. ¾ hour.1119. Not applicable.

[FR Doc. 91–553 Filed 1–15–91; 8:45 am]
BILLING CODE 8320–01–M
Sunshine Act Meetings

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)(5).

U.S. COMMISSION ON CIVIL RIGHTS

PLACE: Telephonic meeting to participants in different locales. Some participants will be present at the Commission's Offices at 1121 Vermont Avenue, NW., Washington, D.C. 20425.

TIME AND DATE: Wednesday, January 23, 1991, 9:00 a.m.—1:00 p.m. E.D.T.

STATUS: Open to the public.

MATTER TO BE CONSIDERED:
Agenda
1. Approval of the Agenda
II. Commissioner discussion of the Department of Education's Minority Scholarship Policy

CONTACT PERSON FOR MORE INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376-8312.

Emma Monroig,
Solicitor,
[FR Doc. 91-1203 Filed 1-14-91; 4:08 pm]
BILLING CODE 6355-01-M

FEDERAL DEPOSIT INSURANCE CORPORATION
Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:05 p.m. on Tuesday, January 8, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.
Recommendations concerning administrative enforcement proceedings.
Matters relating to the Corporation's corporate activities.
Recommendation regarding an assistance agreement with a depository institution.
Application for a waiver of the cross-guarantee provisions of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Vice Chairman Andrew C. Hove, Jr., concurred in by Director T. Timothy Ryan, Jr. (Office of Thrift Supervision) and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(i), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, D.C.
Federal Deposit Insurance Corporation.
Hoyle L. Robinson,
Executive Secretary.

[FR Doc. 91-1099 Filed 1-11-91; 4:25 pm]
BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 11:00 a.m., Tuesday, January 22, 1991.


STATUS: Closed.

MATTERS TO BE CONSIDERED:
1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

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.
Jennifer J. Johnson,
Associated Secretary of the Board.

[FR Doc. 91–1202 Filed 1–14–91; 4:05 pm]
BILLING CODE 6210–01–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Tuesday, January 22, 1991 at 2:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:
1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Monoclonal Antibodies Used for Therapeutically Treating Humans Having Gram Negative Bacterial Infections (D/N 1603)
5. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.
Dated: January 11, 1991
Kenneth R. Mason,
Secretary,
[FR Doc. 91–1129 Filed 1–14–91; 9:25 am]
BILLING CODE 7020–02–M

UNITED STATES INTERNATIONAL TRADE COMMISSION

TIME AND DATE: Monday, January 28, 1991 at 2:00 p.m.

PLACE: Room 101, 500 E Street, SW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:
1. Agenda
2. Minutes
3. Ratifications
4. Petitions and Complaints:
   Certain Acid-Washed Denim Garments, and Accessories, including Jeans, Jackets, Bags, and Shirts (D/N 1605)
5. Inv. No. 751–TA–462 (F) (Benzyl Peroxide from Japan) — brief and vote.
6. Any items left over from previous agenda

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 252–1000.
Dated: January 11, 1991
Kenneth R. Mason,
Secretary,
[FR Doc. 91–1130 Filed 1–14–91; 9:25 am]
BILLING CODE 7020–02–M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission...
will hold the following meetings during the week of January 14, 1991.
Closed meetings will be held on Tuesday, January 15, 1991, at 2:30 p.m. and Thursday, January 17, 1991, at 2:30 p.m.

The Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meetings. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4), (8), (9)(A) and (10) and 17 CFR 200.402(a)(4), (8), (9)(i) and (10), permit consideration of the scheduled matters at closed meetings.

Commissioner Schapiro, as duty officer, voted to consider the items listed for the closed meetings in closed session.

The subject matter of the closed meeting scheduled for Tuesday, January 15, 1991, at 2:30 p.m., will be:
Regulatory matter bearing enforcement implications.
Report of investigation.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Settlement of injunctive actions.

The subject matter of the closed meeting scheduled for Thursday, January 17, 1991, at 2:30 p.m., will be:
Settlement of injunctive actions.
Settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceedings of an enforcement nature.
Institution of injunctive actions.
Opinion.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Daniel Hirsch at (202) 272-2100.

Jonathan G. Katz, Secretary.
This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE
International Trade Administration

Export Trade Certificate of Review

Correction

In notice document 91-620 beginning on page 1175 in the issue of Friday, January 11, 1991, make the following correction:

On page 1176, in the first column under Summary of the Application, the fifth paragraph should read:

"Members (in addition to applicant): Acres International Corporation, Amherst, NY, and its controlling entities Acres Corporation, Wilmington, DE, and Acres Inc., Toronto, Canada; Benham-Holway Power Group, Tulsa, OK, and its controlling entity The Benham Group, Inc., Oklahoma City, OK; EWI Engineering Associates, Inc., Middleton, WI; Ossberger Turbines, Inc., Richmond, VA; Synergics, Inc., Annapolis, MD; Tacoma Public Utilities, Tacoma, WA."

BILLING CODE 1605-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 61

[AD-FRL-3814-7]

RIN 2060-AC57

National Emission Standards for Hazardous Air Pollutants; Asbestos NESHAP Revision

Correction

In rule document 90-26835 beginning on page 48406, in the issue of Tuesday, November 20, 1990, make the following corrections:

§ 61.141 [Corrected]

1. On page 48414, in the third column, under amending instruction 4., in the seventh line, "materials" should read "material".

2. On page 48415, in the first column, in § 61.141, under the definition Asbestos-containing waste materials, in the 11th line, "renovations" should read "renovation".

3. On the same page, in the second column, in § 61.141, under the definition Glove bag, "properly" should read "Properly".

§ 61.143 [Corrected]

4. On page 48419, in the first column, in § 61.143, in the next to the last line, "one" should read "once".

§ 61.144 [Corrected]

5. On the same page, in the first column, in § 61.144(b)(3), in the 10th line, after "be" insert "by".

§ 61.145 [Corrected]

6. On the same page, in the third column, in § 61.145(a)(2)(i), in the second line, after "pipes" insert "and".

§ 61.149 [Corrected]

7. On page 48424, in the third column, in § 61.149(c)(1)(ii), in the last line, the five stars should be removed.

§ 61.150 [Corrected]

8. On page 48429, in the second column, in § 61.150(b), in the second line, "deposited" should read "deposited".

§ 61.153 [Corrected]

9. On page 48430, in the third column, in § 61.153(a), in the third line, after "§ 61.143," insert "§ 61.145".

§ 61.154 [Corrected]

10. On page 48431, in the second column, in § 61.154(e)(1)(iv), in the fourth line, "lead-tight" should read "leak-tight".

BILLING CODE 1505-01-D

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31787]

Exemption; Wichita, Tillman & Jackson Railway Co.-Lease and Operation Exemption-Missouri Pacific Railroad Co.

Correction

In notice document 91-344 appearing on page 709, in the issue of Tuesday, January 8, 1991, in the first column, the docket number should appear as set forth above.

BILLING CODE 1505-01-D
Department of Justice
Office of Justice Programs
Discretionary Programs for Fiscal Year 1991; Notice
DEPARTMENT OF JUSTICE
Office of Justice Programs
Discretionary Programs for Fiscal Year 1991

AGENCY: Office of Justice Programs, Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, Office of Victims of Crime, Justice.

ACTION: Public announcement of the discretionary program plans for the component offices/bureaus of the Office of Justice Programs for Fiscal Year 1991.

SUMMARY: The Office of Justice Programs (OJP) publishes this announcement of the discretionary programs of the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

ADDRESSES: Office of Justice Programs, 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Gerald (Jerry) Regier, Acting Director, Bureau of Justice Assistance, room 1042, 633 Indiana Avenue NW., Washington, DC 20531. (202) 514-6278.
Steven D. Dillingham, Ph.D., Director, Bureau of Justice Statistics, room 1142, 633 Indiana Avenue NW., Washington, DC 20531. (202) 307-0765.
Charles B. DeWitt, Director, National Institute of Justice, room 848, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307-2942.
Jane Nady Burnley, Ph.D., Director, Office for Victims of Crime, room 1388, 633 Indiana Avenue, NW., Washington, DC 20531. (202) 307-5983.

SUPPLEMENTARY INFORMATION:

Foreword

"* * * I don't know how to quantify the human suffering drugs cause, but I do know we're all paying for it. We're all feeling it. Every day. Every time someone does drugs, or sells drugs, or even just looks the other way, they're supporting an industry that costs more than money, it costs lives."


The number one domestic problem facing our nation today is illegal drug trafficking and use. It is an insidious and unlawful activity that permeates many aspects of our society damaging our health, our economy, our domestic security and most importantly, blighting the promise of our children and this nation. The answer to this problem is intervention that is focused, coordinated and aggressive, as well as punishment of both drug traffickers and users that is swift, certain and appropriate. Drug users must be held accountable. Beyond enforcement, there is a need for greater community-based prevention and education efforts designed to mobilize residents and organize neighborhoods. Through these efforts, communities can "take back the streets" from the drug traffickers and thugs.

The Fiscal Year 1991 Program Plan for the Office of Justice Programs (OJP) is a cooperative effort aimed at coordinating the resources and expertise within each of the five OJP Bureaus, viz., the Bureau of Justice Assistance (BJA), the Bureau of Justice Statistics (BJS), the National Institute of Justice (NIJ), the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the Office for Victims of Crime (OVC), to maximize and broaden the impact of program funding on the "War on Drugs" as well as complex criminal justice issues confronting the country. The OJP Program Plan is the result of extensive agency-wide collaboration to identify programs that are responsive to the objectives and goals of President Bush's National Drug Control Strategy and the needs of state and local criminal justice agencies.

A significant emphasis of this year's Program Plan will be placed on evaluations. Through evaluations, programs that work can be identified, publicized and replicated, while projects that have not been proven to be effective can and will be discontinued. Another important theme of the Fiscal Year 1991 Program Plan is the development of programs that have a significant impact on minority communities. Minority neighborhoods are disproportionately victimized by drugs and violent crime and funding within OJP should be responsive to the critical needs of minority citizens. OJP recognizes the importance of forging partnerships at the grassroots level. The war on drugs and violent crime cannot be won by the efforts of law enforcement alone.

As the result of this OJP team effort, ten priority areas have been identified for the OJP Bureaus to direct and concentrate their efforts. Those priority areas are as follows:

- Evaluation
- Prevention and Education
- Multijurisdictional Task Forces
- Community-Based Policing
- Community-Based Programs
- Drug Testing
- Victims
- Information Systems, Support and Statistics

These priorities are reflected in the following 205 discretionary programs described herein. These programs will cost approximately $119 million and are arrayed by bureau in accordance with the priorities. The dollars identified in this Plan represent both Fiscal Year 1991 funds and carryover funds from Fiscal Year 1990. Certain selected program areas are not included in the Program Plan because of limited focus and specific purpose as described in the enabling legislation, e.g., the Public Safety Officer Benefit Program, Regional Information Sharing System, Mariel Cuban, and Missing Children. The Program Plan also reflects a number of themes that have guided the planning process and are incorporated throughout the programs. These themes are inter-bureau cooperation and coordination in program development and implementation; evaluation and program assessment; and sensitivity to and impact on minority communities.

The Application information will be available in the immediate future. This information will contain expanded program descriptions to solicit and guide the subsequent applications for new and continuation programs listed in the Plan. These discretionary programs are primarily designed to promote innovation and to foster improvements in the Nation's criminal justice system rather than to subsidize on-going activities. Successful demonstration programs are expected to be replicated and funded by the States, localities or private agencies. The programs described herein are not necessarily exhaustive of all activities that may be funded in Fiscal Year 1991. Dollar figures provided represent commitments by the OJP agencies to OJP priorities, but are subject to modification based upon unanticipated program needs and actual amounts requested or required in applications received. Amounts shown also do not necessarily reflect relative priority of the programs. These amounts reflect the estimated costs for effective distribution of limited resources primarily to support innovative projects that may not be eligible for funding by other Federal agencies. Accordingly, funding amounts and program descriptions cited herein are subject to modification without further publication.
Specific questions regarding application and details of the various programs offered by the OJP Bureaus should be directed to respective Bureaus. It is important to note that in the case of the Office of Juvenile Justice and Delinquency Prevention, the material contained herein represents the Proposed Program Plan published in the Federal Register on November 28, 1990 (55 FR 49480), with a final plan to be published after a 45-day public comment period.

Office of Justice Programs' Bureaus

OJP Bureaus operate in coordination to support the mission of the agency in providing leadership through innovation in the administration of justice, in keeping with the priorities of the Administration, the Attorney General and the National Drug Control Policy.

The Bureau of Justice Assistance (BJA) administers grant programs to support national drug control efforts and to improve state and local criminal justice systems, particularly law enforcement activities. The BJA announcement contained herein is published pursuant to the Anti-Drug Abuse Act of 1988, Public Law 100-690, 102 Stat. 4335, 42 U.S.C.A. 3760-3764 (1989 Supp.). Through this program, BJA provides funds to support training and technical assistance for state and local criminal justice personnel; projects which are national or multijurisdictional in scope and which comply with the purposes specified in the State formula grant program; and demonstration programs which, if found effective, can be replicated throughout the Nation.

The Bureau of Justice Statistics (BJS) collects, analyzes, publishes, and disseminates statistical information on crime, criminal offenders, victims of crime, and the operations of justice systems at all levels of government. See 42 U.S.C.A. 3731-3735 (1989 Supp.). More than 90 percent of its funds are allocated each year to ongoing statistical surveys and support entities. Additional competitive funding is made available from BJS to networks of state agencies that assist BJS in its collection and analysis functions. BJS also administers special programs funded by the Bureau of Justice Assistance to assist state and local governments in improving their criminal justice records and information systems and to provide technical assistance and data relating to justice expenditures and drug issues.

The National Institute of Justice (NIJ) develops practical knowledge and operational support to assist and strengthen State and local efforts to combat crime and drug abuse. NIJ also is required to conduct evaluations of drug control projects, and it analyzes criminal justice policies and practices. The Institute tests new law enforcement and criminal justice programs and conducts demonstration projects. It operates a national and international clearinghouse for justice-related information, conducts national and regional conferences, and produces publications detailing new policy options and successful programs. NIJ also provides technical assistance in the construction of correctional facilities and operates a technology and equipment program for law enforcement and corrections agencies. See 42 U.S.C.A. 3721-3723 (1989 Supp.). NIJ's unique mandate as a research and development agency requires flexibility to respond to varied needs and emerging national issues.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) provides direction, coordination and resources to assist State and local governments and agencies in improving their juvenile justice systems and in preventing delinquency through its discretionary and formula grant programs. See 42 U.S.C.A. 5531 et seq. The Office for Victims of Crime (OVC) serves as the Federal focal point for improving the treatment of crime victims and ensuring that the criminal justice system recognizes the legitimate rights and interests of innocent victims.

In addition to its role as a national victims advocate, OVC's program activities include victims' assistance and compensation grants to States, training and research technical assistance, and the provision of emergency services to victims of Federal crimes, particularly on Indian reservations. See 42 U.S.C.A. 10601-10605 (1989 Supp.). Given the demonstrable link between drug abuse and crime, the activities of OVC are an increasingly vital component of the Nation's war against illegal substance abuse.

Intermediate Sanctions

[User Accountability]—$7,300,000

We need to fill the gap between simple probation and prison. We need intermediate steps—intermediate punishments. This concept has appeal in both principle and practice. In principle, if we recognize gradations in the seriousness of criminal behavior, then we should have gradations in sanctions, as well. That's why we need a portfolio of intermediate punishments that are available—indeed, independent—of whether our correctional budgets are lush or lean, or whether our offender populations are increasing or declining. From the Opening remarks by Dick Thornburgh, Attorney General of the United States, at the National Drug Conference, May 15, 1990.
models, the development of a training curriculum and a strategy for delivering technical assistance, pilot testing of the training and technical assistance at the BJA demonstration sites and expansion of the training and technical assistance to a national level effort.

User Accountability Demonstration Program Models

$500,000

The purpose of this program is to develop two new demonstration program models which will be designed to hold "casual" drug users responsible for their actions through the use of meaningful criminal, civil, and/or social sanctions. These sanctions, which may include such elements as treatment and asset seizure, will seek to deter drug abuse behavior, attract the attention of the drug user, especially the "casual" drug user, and change the attitudes of "casual" users toward drug use. These model sites will be supported by training and technical assistance to document their experiences thoroughly and develop prototype user accountability programs for dissemination to States and local jurisdictions.

Structured Fines

$525,000

This program benefits all jurisdictions in which criminal fines are used as sanctions in the punishment of drug offenders. The purpose of this program is to enhance alternative sanctioning options by demonstrating the application and enforcement of day-fines as a means to achieve realistic and credible monetary penalties. Three demonstration sites will be selected competitively to implement the Structured Fine Program. Training and Technical Assistance will be provided to the demonstration sites.

Training and Technical Assistance for Intensive Supervision Probation/Parole (ISP)

$350,000

This program targets offenders released into the community for whom incarceration is too severe and for whom regular probation is not appropriate. The programs are accomplished through the probation or parole agencies responsible for offender supervision. Building upon the knowledge gained through BJA's demonstration programs, the program will be designed to provide guidance to the States on the appropriate uses of intensive supervision programs. A nationwide assessment of intensive supervision projects will be conducted and used as the basis for designing a training curriculum.

Continuation Programs

Coordinated Intergency Drug Training and Technical Assistance

$300,000

The purpose of this program is to improve case management of drug dependent offenders by promoting coordination between probation and parole officers and drug treatment practitioners. Information and resource sharing are emphasized. Under the first phase, a training curriculum was developed and tested. During the final phase, additional training will be provided and a marketing strategy will be developed.

Denial of Federal Benefits Project

$500,000

This project established a clearinghouse of automated systems to receive and transmit to the General Services Administration, as well as other interested Federal agencies, information on persons convicted of drug trafficking or possession offenses who have been sentenced to a denial of Federal benefits. FY 1991 funds will support three competitive demonstration sites, the development of model legislation, technical assistance by the American Prosecutors Research Institute, and an evaluation component.

Intermediate Sanctions (Adult Boot Camp) Demonstration

$400,000

The program is designed to demonstrate and determine through evaluation: the effectiveness of boot camps as an intervention for drug using offenders, the capacity to identify those offenders for whom boot camps are an appropriate intervention, and the capacity to document program procedures and protocols for transfer state corrections facilities.

Structured Sentencing

$300,000

BJA, in collaboration with the U.S. Sentencing Commission, will assist participant states in developing and implementing sentencing policies and practices that facilitate consistent and appropriate punishment of convicted offenders. The strategy employed will include clearinghouse services, a national conference, and training and technical assistance to selected States. Treatment Alternatives to Street Crime Management Information System (TASC MIS)

$300,000

This program is divided into two phases: The first phase has involved designing and field testing the software package. The second phase will be to reproduce and disseminate software to TASC and other case management programs at a nominal fee in cooperation with the National Consortium of TASC Programs. In addition, regional meetings will be conducted to train designated personnel on the system's use. At the end of one year, the grantee will conduct a mail survey of all system users to assess the reliability and validity of the system's application.

Treatment Alternatives to Street Crime (TASC) Training and Technical Assistance

$300,000

The purpose of this program is to provide local and state criminal justice agencies and formula grantees with technical and program development assistance for managing offenders adjudicated to case management programs such as TASC. Through a cooperative agreement with the National Consortium of TASC Programs (NCTP), program certification will be implemented through on-site evaluations of local TASC program operations matched against criteria already devised and pre-tested through previous BJA cooperative agreements for TASC technical assistance. Documentation will be prepared by field experts and reviewed by the project's advisory committee.

Interstate Compact Administrators Information Network (ICAINT)—Automation of the Parole and Probation Interstate Compact

$50,000

The Parole and Probation Compact Administrator's Association has designed and is demonstrating a microcomputer system to provide complete and timely information on probationers and parolees moving between five pilot States, with particular attention to those offenders with drug-related conditions of parole or probation. FY 1981 funds will support computer software to provide the direct entry of the ICAIN file into each intrastate system; will allow
additional, already automated, states to join ICAIN; and will support efforts to explore linkage of ICAIN with the NCIC.

Bureau of Justice Statistics

$500,000

New Programs

National Probation And Parole Survey Initiative

$500,000

This initiative will be launched with the dual objectives of obtaining detailed data on each probation and parole agency nationwide and eventually, the collection of new and expanded information on the offense, criminal history, and substance abuse history of the nearly 3 million offenders under conditional supervision in the community. The National Institute of Corrections and the Office for Victims of Crime will be contacted for technical assistance in providing feedback and comments regarding the draft census and survey instruments. Finalized data sets will be made available to all OJP components, and BJS will provide assistance for those utilizing the BJS data for their own analyses.

National Institute of Justice

$1,100,000

New Programs

Juvenile Boot Camps: Evaluation

$300,000

This is a collaborative intra-agency program among NIJ, OJJDP and BJA in which BJA is providing a major portion of the funding. The purpose of this NIJ program is to evaluate juvenile boot camp programs that target juvenile males, adjudicated for nonviolent offenses, who evidence drug or alcohol abuse problems and pose a high risk of continuing their delinquent careers. The goal of these programs is to reduce drug use and to provide an opportunity and incentive for law-abiding behavior among such youths. Phase I of the evaluation will be conducted in Fiscal Year 1991; Phase II is expected to commence in Fiscal Year 1992. (A solicitation is pending; no additional applications will be accepted in Fiscal Year 1991.)

Intermediate Sanctions—Regional Conferences

$150,000

This regional workshop series will provide information based on research and experience regarding the effectiveness of intermediate sanctions and guidance regarding achievable operational goals for States and localities. Services are provided by a current contractor.

Inmate Work Initiative—Private Sector Prison

$150,000

This program, in conjunction with BJA, provides developmental assistance to jurisdictions seeking to implement private sector prison and jail industries. This program will provide training to State and local correctional facilities. Its purpose is to strengthen and expand inmate industries under the Federal Certification Program. This is a possible continuation of a current project.

Continuation Programs

Intermediate Sanctions, NIJ Punishment and Control Program

$500,000

In FY 1991, the program will continue to build on previous findings in the areas of assessing the effectiveness of Intermediate Punishments such as Intensive Supervision of Probationers, Electronic Monitoring, Drug Testing, Home Detention and Boot Camps. In addition, the 1991 program will focus on areas of concern to prison administrators: The incidence and medical costs of AIDS among prison populations, the programming of special offender groups such as sex offenders, and management concerns such as system performance measures and recruitment and retention of staff. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention

$925,000

New Programs

Boot Camps for Juvenile Offenders; Constructive Intervention and Early Support

$750,000

This is a collaborative intra-agency program between OJJDP, NIJ and BJA, in which BJA is providing all or a major portion of the funds. The guideline for this initiative was issued in Fiscal Year 1990, and the deadline for submission of applications was October 30, 1990. The funding for this new program will, therefore, occur in Fiscal Year 1991. The purpose of the program is to develop and test boot camps that are focused on adjudicated, nonviolent, juvenile offenders who are under 18 years of age. The program will: Serve as a criminal sanction; promote basic, traditional, moral values inherent in our national heritage; increase academic achievement; provide discipline through physical conditioning and team work; include activities and resources to reduce drug and alcohol abuse among juvenile offenders; encourage participants to become productive law-abiding citizens; promote literacy by using intensive, systematic phonics; and instill a work ethic among juvenile offenders. Up to three sites will be funded under this initiative.

Continuation Programs

Restitution

$175,000

This project provides training, technical assistance, and guideline information to juvenile courts and to other juvenile justice agencies for the development, implementation, and improvement of restitution programs. Expansion of restitution as an accountability-based juvenile justice disposition is fostered in this program. The most recent award will support a state-of-the-art assessment of the latest developments and training or technical assistance needs in the field of juvenile restitution. Also, it will provide for an update and revision of the 1987 National Directory of Juvenile Restitution Programs.

Gangs and Violence—$5,192,000

"We will not allow our communities to be held hostage to gangs and drug dealers."
President Bush, November 2, 1990 (Remarks in Cincinnati, Ohio.)

OJP Policy Statement

Federal, State and local law enforcement must work together in a partnership with the community to combat gang violence and drug trafficking. Gang-related homicides and violent crime are tragically high and with gang members armed with fully-automatic weapons, gangs pose a problem of national concern. The Office of Justice Programs will initiate a comprehensive agency-wide program which will emphasize prevention, intervention and suppression of illegal gang activity. A broad range of resources will be dedicated across the full spectrum of OJP agency functions, including, policy research, evaluation, program development, demonstration, training and technical assistance, and information dissemination, to confront the gang problem.
**New Programs**

**Comprehensive Gang Initiative**

$600,000

This is a collaborative intra-agency program between OVC, OJJDP and BJA, in which BJA is providing all or a major portion of the funds. This program will focus on jurisdictions with chronic or emerging gang problems which are interested in expanding their efforts to include both prevention and control activities. A comprehensive program model will be developed based in part on the experience of the BJA programs focused on law enforcement impact and prosecution, and the materials developed through OJJDP on prevention and intervention strategies as well as assistance from OVC on services for victims of gang crimes. A corresponding training and technical assistance curriculum will be developed this year.

**Continuation Programs**

**Urban Street Gang Drug Trafficking Enforcement Program**

$700,000

This is a demonstration program directed at the development of model city-wide or multijurisdictional enforcement projects to investigate and prosecute drug distribution and drug-related violent crimes by organized urban street gang networks. A competitive solicitation will be released and up to three projects will be supported. Documentation of site implementation activities and model development will be undertaken by a separately funded technical assistance and training effort, which will operate concurrently with the implementation activities.

**National Institute of Justice**

$1,242,000

**New Programs**

**Gangs and Crime: Assessments and Publications**

$117,000

The purpose of this project is to conduct a national survey of police and prosecutors regarding activities that are currently operating in their jurisdictions. The project will involve the development of reports, case studies, publications and monographs to support the gangs initiative. Services are provided by a current contractor.

**Gangs and Violence Program**

$1,125,000

The purpose of this program is to assess the current state of criminal justice responses to the gang problem, the relationship between gangs and crime, and the national perspective on gangs. This program includes all of the NIJ violence projects and a continuation of a study of Asian Gangs. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

**Office of Juvenile Justice and Delinquency Prevention**

$2,850,000

The balance of $850,000 to satisfy $3.5 million Congressional earmark for gangs is reflected in other priority areas, in which the gang initiative is a component of the programs, but not the major focus.

**New Programs**

**City of Portland, Oregon Comprehensive Gang Demonstration Project**

$500,000*

The Conference Report covering the appropriations for the United States Department of Justice dated October 20, 1990 (Congressional Record, H. 10677) provides for at least $500,000 in funding for this project, with the State of Oregon providing $1,500,000 in matching funds to support the effort. The Portland gang project is an integrated multi-agency project consisting of a Gang Resource Intervention Team (GRIT) located in the probation department, a police special gang unit called the Gang Enforcement Team (GET) and a specialized short-term 30-day detention program which works primarily with gang youth. This continuum of programming enables Portland to respond with graduated sanctions against gang members depending on the severity of their offenses.

**Continuation Programs**

**National Youth Gang Suppression and Intervention Project**

$200,000*

The purpose of this program is to develop effective, comprehensive approaches to suppress, control, and treat criminality among chronic and emerging youth gangs. It will focus on community-based programs to “take back the streets” and school zones from drug dealers in high crime areas. Fiscal Year 1991 funding will support training and technical assistance to selected sites.

**Teens, Crime and the Community: Teens in Action in the 1990’s**

$400,000*

This program is designed to reduce teen victimization by actively engaging teens in helping to improve their schools. The program will be expanded to include teen victimization programs for rural and Native American populations and institutions in the juvenile justice system. The program will also provide training, technical assistance, program replication and dissemination materials to increase significantly the capacity of schools and other institutions to prevent juvenile victimization.

**Targeted Outreach With a Gang Prevention and Intervention Component**

$400,000*

This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members, who are very early in their careers, in an effort to divert them from gangs. The National Office of Boys and Girls Clubs will provide training and technical assistance to 30 local clubs to help them develop the capacity to intervene with gang youth.

**Youth Gang Intervention Training**

$500,000*

The objectives of this training program are: (1) To provide a process for community leaders to recognize the benefits of cooperatively developing a strategy to address effectively the problems resulting from gang and drug activities; (2) to promote an awareness and recognition of the problem of gangs and drugs, justice system practices, behavior patterns of gangs and gang members and current system practices and demonstration projects; (3) to provide strategies and techniques for public and private interagency partnerships dealing dynamically with community gang- and drug-related problems; (4) to clarify and document the legal roles, responsibilities and issues relating to an interagency approach to the prevention, intervention and suppression of the illegal activities of youth gangs; (5) to encourage leadership and innovation in the management and resolution of gang and drug problems; and (6) to develop or improve the response capacity to gang and drug issues through an effective
School Safety
$500,000*

The purpose of this program is to provide training and technical assistance on school safety to elementary and secondary schools, as well as to identify methods to diminish crime, violence, and illegal drug use in schools and on school campuses. This includes a special emphasis on outreach to ethnic minorities and gang-related crime. The National School Safety Center (NSSC) is an integral part of this program and makes site visits to local schools and school districts to assist with a wide variety of problems, from safety of the physical plant to determining whether there is gang activity at a location. OJJDP will work with NSSC over the next two years to facilitate transition of the Center into a mode of self-sufficiency.

Schools and Jobs Are Winners
$150,000*

This Philadelphia-based program focuses on high school students in grades ten and eleven who are in gangs, have family members who belong to gangs, are involved with drugs or alcohol usage, were abused or neglected, or were arrested by police. The goals are to prevent high school students from dropping out of school and joining gangs, by providing educational, recreational and social services; and by providing support services to families of at-risk youths and extremely disadvantaged youths.

Evaluation—$7,275,000

"It is our Federal role to get the thinking going, to support demonstration projects to see if we're on the right track, to evaluate what's right and wrong with the project, and then to get the word out to you, who are in State and local government." Attorney General Dick Thornburgh, May 15, 1990 (The National Drug Conference, Washington, DC).

OJP Policy Statement

Evaluations should be a primary component of OJP discretionary grant programs. The Office of Justice Programs provides program evaluation so that programs that work can be identified, publicized and replicated in other jurisdictions, while programs that have not been proven to be effective can be discontinued. The Office of Justice Programs will dedicate significant financial resources to encourage, enhance and enforce quality design and program development, and will disseminate the results to communicate what works and what doesn't. OJP evaluation activities consist of formal assessment of OJP programs through objective measurement and systematic analysis of the manner and extent to which the programs achieve their objectives and produce significant results. The results are used to assist in the formulation of relevant policy and related program design and the subsequent development and dissemination of program policies, procedures and practices to provide information and guidance at the Federal, State and local levels.

OJP Program Response

Bureau of Justice Assistance
$4,675,000

New Programs

Evaluation of the Program for the Improvement of State Criminal History Records
$600,000

This program provides funds to perform, process and impact evaluations of efforts to improve State criminal history records. It will assess whether or not the program improved the accuracy, completeness and timeliness of criminal history record information at centralized State repositories and whether or not it is providing effective information to the Federal Bureau of Investigation and promoting newly developed, recommended reporting standards. It will determine if the program serves to identify convicted felons who are ineligible under Federal law from purchasing firearms, particularly those convicted in the past five years and in the future.

Continuation Programs

Consortium to Assess the Impact of State Drug Control Strategies
$775,000

This project is designed to develop and implement standardized evaluations of subgrant performance data to allow the assessment and evaluation of formula grant drug control efforts at the State and local levels. The Consortium will provide technical assistance to the 56 States and Territories directly and through a series of reports and technical assistance documents. This technical assistance will enhance the data collection, analysis and reporting capabilities of the State agencies designated to administer the formula grant program.

Evaluation of Discretionary and Formula Grant Programs

$3,600,000*

This program provides funds through interagency transfer to perform impact evaluations of national programs funded by the Edward Byrne Memorial Drug Grants, for both the discretionary and formula grant programs. In addition, funds are included to convene the 2nd annual Conference on Drug Control Evaluation.

Evaluation of the National Citizens' Crime Prevention Campaign
$300,000*

This program provides funds to assess the effectiveness of the national campaign which includes public service advertising, technical assistance and training, youth programs, demonstration projects for community involvement, material development and dissemination, the Crime Prevention Coalition and many other activities. These efforts in drug prevention are designed to reach millions of children, law enforcement professionals, community groups, schools and businesses.

National Institute of Justice
$1,500,000

New Programs

Building Evaluation Capacity
$500,000

This will provide additional resources to enhance the NIJ evaluation effort. The purpose of this program is to evaluate programs and projects to determine their effectiveness in achieving stated criminal justice goals and to identify new and promising approaches to criminal justice problems that have high potential for national replication. Methods of procurement will be determined.

Continuation Programs

Evaluation of Drug Control Projects
$1,000,000

NIJ will continue to evaluate innovative state and local anti-drug programs supported by BJA funds. In this effort, BJA, pursuant to the Fiscal Year 1991 Appropriations Conference Report (H. Rpt. 101-909), page 45, will transfer $3 million to NIJ. NIJ will sponsor evaluations that assess the impact of these programs and disseminate the findings from evaluations to state and local officials. Program topics will encompass a wide variety of criminal justice issues,
ranging from community crime prevention to enforcement and punishment. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

**Office of Juvenile Justice and Delinquency Prevention**

$1,100,000

**New Programs**

Evaluation of the Cities in Schools Partnership Plan Phase V Program

$150,000

This effort is designed to evaluate the national drop-out prevention model that is being implemented by Cities in Schools, Inc. The model focuses social service, employment, mental health and other resources on high risk youth in the school setting. OJJDP, the United States Department of Labor, and the United States Department of Education will jointly design and fund this evaluation program.

Independent Evaluations

$500,000

A contract or other appropriate arrangement will be initiated to conduct independent evaluations of OJJDP-funded programs. The following criteria will determine the sequence of programs selected for evaluation: (1) Continuations in order of number of years of funding and total expenditure; (2) new action programs being tested to serve as possible models; and (3) new and continuing programs requiring decisions on continuation.

Impact Evaluation of Youth Gang Intervention Training

$300,000*

An independent impact evaluation will be funded as part of the interagency agreement developed with the Federal Law Enforcement Training Center.

Evaluation of the Juvenile Firesetter/Arson Program

$150,000

The Juvenile Firesetter/Arson Program calls for the funding of test sites. In addition to funding jointly these test sites, OJJDP and the Federal Emergency Management Administration's Fire Administration will fund jointly an evaluation of the implementation of the program in the test sites.

Prevention and Education—$12,503,000

Prevention remains one of our most important weapons in the Nation’s war on illicit drugs. President Bush, September 4, 1990. (Proclamation 8174—National DARE Day.)

Securing a drug-free future for every American school and community will require the personal commitment and sustained cooperation of parents, students, teachers, law enforcement personnel, members of the clergy, elected officials, and business and community leaders. President Bush, October 17, 1990 (Proclamation 8202—National Drug-Free Schools and Communities Education and Awareness Day.)

**OJP Policy Statement**

The criminal justice system should assume a primary role in developing community-wide efforts to prevent the use and trafficking of illegal drugs. Office of Justice Programs prevention and education activities focus on community-based efforts to eliminate the problems of drug abuse, gang activities, illiteracy, juvenile delinquency and school drop out rates, especially in our minority communities. In addition, these program activities focus on offenders returning from correctional programs. Demonstration, training, technical assistance and program evaluation are used to promote and assess effective community responses to preventing high risk individuals from becoming involved in serious crime and illegal drug use.

**OJP Program Response**

Bureau of Justice Assistance

$3,900,000

**Continuation Programs**

Drug Abuse Resistance Education Program—DARE

$1,050,000*

The purpose of this program is: (1) To train police officers to teach skills to children that help them to resist pressure to use drugs; (2) to reduce the demand for drugs and eliminate drug-related crime; and (3) to provide technical assistance to State training centers and to accredit those centers that are qualified as DARE Training Centers. DARE officer candidates will receive 80 hours of initial training, to be followed by 40 hours of in-service training classes.

Drug Abuse Resistance Education Parent Program

$150,000*

This continuation program: (1) Provides training for parents of school children (K–12) in drug use prevention; (2) educates parents in ways to communicate better with their children; (3) assists parents in understanding the scope of the drug problem, especially among adolescents; (4) trains parents how to recognize drug use; (5) assists parents in acquiring treatment for youth who are using drugs; and (6) helps parents cope more effectively with drug use problems that may arise within their families. The program is being developed further and tested by presentations at school auditoriums, churches, and public housing projects. The DARE Regional Training Centers will evaluate the effectiveness of the curriculum and, if found to be successful, the program will be presented nationwide.

National Citizens’ Crime Prevention Campaign

$2,700,000*

The purpose of this program (represented by "McGruff, the Crime Dog") is to educate children and adults about crime and drug prevention; to mobilize existing resources for crime and drug prevention; to generate an individual and community sense of responsibility for crime and drug prevention; and to provide program direction to the field of law enforcement, state and local governments and communities around the world. An evaluation of the public service advertising campaign will be included in this effort. (For the remaining $300,000 balance of the Congressional $3.0 million earmark, see the Evaluation section above.)

National Institute of Justice

$1,575,000

**New Programs**

DARE National Assessment

$300,000

NIJ will sponsor a national assessment of the DARE program. It will perform a critical review of the evidence amassed by local evaluations to determine the scope and reliability of DARE findings. The assessment will also analyze future drug resistance education needs in terms of curricula, funding, and the appropriateness of follow-up education programs. This grant will be a single award. Method of procurement will be determined; a solicitation may be issued as appropriate.

Research on School Crime Survey

$75,000

This is a collaborative intra-agency program between NIJ and BJS. This program will sponsor research on the recently completed supplement to the National Crime Survey on School Crime. The studies will explore a variety of issues dealing with victimization at
school, school safety, and the availability of drugs on the campus. Studies are expected to benefit school safety officials and contribute to drug education programs. A solicitation is pending; no additional applications will be accepted in Fiscal Year 1991.

**Continuation Programs**

**Criminal Career Project**

Up to $1,200,000

This is a continuation of a joint program with the MacArthur Foundation to predict and interrupt criminal careers. The MacArthur Foundation matches NIJ funds. The research will study the development of delinquent and criminal behavior patterns in at least two large cities, gathering data over a five-year period on males belonging to overlapping age cohorts spaced from birth to 18 years. During the course of the study, experimental projects are planned that will review life histories to identify emerging patterns of delinquency and crime. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

**Computer Crime Prevention**

$50,000 (DOEd)

This is an interagency collaborative effort between NIJ and the Department of Education. The goal of this interagency agreement is to develop strategies for school boards, school administrators and teachers that will help them construct policies and curricula that cover the important issues in technology ethics. An advisory panel of law enforcement, education and private sector experts will help determine what is included in these strategies. This is an interagency agreement with the U.S. Department of Education and a solicitation is pending and no further applications will be accepted.

**AIDS/HIV in Prisons and Jails**

$1,083,000 (NIDA)

This is an interagency collaborative effort between NIJ and the National Institute of Drug Abuse. The purpose of this program is to design, test and evaluate the effectiveness of strategies for AIDS/HIV education and referral to drug treatment on arrestees held fewer than 48 hours in jail booking facilities and lockups. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

**Smart Program**

$250,000 (DOEd)

This is an interagency collaborative effort between NIJ and the Department of Education. The Smart Program is a demonstration program that provides assistance to local school districts in establishing safe, drug-free schools. Since 1983, the program has been field-tested in more than 100 schools and 7 districts. The program provides technical assistance and support, training and evaluation. This is a possible continuation of a current project and applications will not be solicited in Fiscal Year 1991.

**Office of Juvenile Justice and Delinquency Prevention**

$7,028,000

**New Programs**

**Satellite Pre-School and Early Elementary Schools for Privatized Public Housing**

$300,000*  

This program is designed to address the need for early childhood education for children who reside in public housing and will serve the needs of public housing resident children from nursery school through the fourth grade. The model will include a focus on individual attention for these youth, highly motivational materials and approaches that focus on traditional values. It is hoped that this program will be linked to a private business and foundation's efforts that will provide a continuum of educational and employment services to public housing youth into the later elementary, junior high and senior high school years. This program will be coordinated with the Department of Health and Human Services and the Department of Education.

**Improving Literacy Skills of Institutionalized Juvenile Delinquents**

$200,000

Coordinated with the Department of Education, this program will include training, technical assistance, and development of curricula for use by staff of detention and correctional facilities. It will improve the literacy levels of juvenile residents in these facilities while creating a national network of trained reading teachers and volunteers available to juvenile correctional facilities.

**Improving Conditions of Confinement: Training for Juvenile Corrections Staff**

$350,000

OJJDP will initiate a comprehensive, training program for juvenile corrections staff through an interagency agreement with the National Institute of Corrections (NIC). The program will be designed to develop a core curriculum or adapt existing curriculum to provide training for juvenile corrections administrators and mid-level management personnel in areas such as drug testing and gang activity.

**Family Strengthening**

$50,000

Beginning with research to analyze how families function effectively (including such factors as parent-child dynamics, nurturing, and family-community involvement that may be associated with delinquency prevention), this program will develop and support programs that strengthen and maintain the family unit in order to prevent or treat juvenile delinquency. As part of this initiative, OJJDP will sponsor a National Conference on Strengthening the Family.

**Continuation Programs**

**Juvenile Court Training**

$1,100,000*  

This project will provide foundation training both to newly-elected or appointed judges and to experienced judges who have been newly assigned to the juvenile or family court bench. The training objectives are to supplement law school curricula, provide judges with current information on developments in juvenile and family case law, and provide options for sentencing and treatment. Emphasis will be placed on the areas of drug testing, gangs and violence, intermediate sanctions, as well as on responding to the problems of unemployment, illiteracy and family dysfunction.

**Technical Assistance to the Juvenile Courts**

$392,000*  

The National Center for Juvenile Justice (NCJJ) is the research division of the National Council of Juvenile and Family Court Judges. Serving as a direct resource for the members of the Council, the NCJJ provides valuable technical assistance to juvenile court practitioners. The general areas in which assistance is provided include: court administration and management, program development, court decisionmaking, legal opinions, due
The purpose of this program is to encourage and guide them in establishing LRE delinquency prevention programs in the curricula of grades kindergarten through 12 and in juvenile justice settings. Emphasis will be placed on drug abuse prevention programs in primary, middle and secondary schools.

Student Initiated Drug Prevention Training
$100,000
This drug prevention program uses peer counseling and professional athletes to combat peer pressure and to influence other youngsters to refrain from abusing alcohol and drugs. During the next year, the program will be documented for replication, and a training manual will be developed to support dissemination.

Career Development
$90,000
This program gives high-risk youths an opportunity to assess their interest in and potential for careers in the criminal justice system and the National Park Service. In addition, Law Enforcement Exploring is designed to educate and involve youths in police or other justice system operations and to build understanding between youths and law enforcement personnel. The participating youths render hands-on assistance to their host agencies or organizations (State and local police departments, U.S. Park Service, U.S. Customs, etc.) and also receive hands-on training from their host agencies.

Juvenile Corrections Industries Venture Program
$200,000
The purpose of this program is to assist juvenile corrections agencies in establishing joint ventures with private businesses and industries to provide new opportunities for vocational training of juvenile offenders. After an assessment of corrections ventures programs has been completed (by January 1991), the next stage of funding will permit the development of a corrections ventures model, a policies and procedures manual, and training and technical assistance materials.

Partnership Plan, Phase V
$500,000
This program continues a national school drop-out prevention model that is being implemented by Cities In Schools, Inc. (CIS), which provides training and technical assistance to states and local communities to enable them to adapt and implement the CIS drop-out prevention model. The model focuses social, employment, mental health and other resources on high-risk youths and their families at the school level. The program is funded jointly by OJJDP and the United States Department of Labor, Health and Human Services, and Commerce.

Juvenile Justice Training for Prosecutors
$115,000
The project’s activities include designing and implementing policy development workshops for chief prosecutors and for juvenile unit chiefs in district attorneys’ offices to support their role in the juvenile court processing of delinquent offenders. The program will address juveniles involved in serious and violent crime, as well as drug and gang-related activity, with emphasis on intermediate sanctions such as drug testing and restitution. Materials will be collected for the preparation of a training manual on policy issues pertaining to the prosecution of juvenile offenders. The project will continue to issue a newsletter.

Multi-jurisdictional Task Forces—$14,152,000
From a law enforcement perspective, our Federal responsibility is to disrupt, dismantle, and destroy drug trafficking enterprises. This ambitious agenda reaches across the full spectrum of drug control activities. We intend to dismantle drug trafficking organizations by incapacitating their leadership and by seizing and forfeiting the immense profits and proceeds derived from their illegal activities. Attorney General Dick Thornburgh, May 15, 1990, (The National Drug Conference, Washington, DC)

But a truly integrated, effective, and efficient national strategy requires that various law enforcement authorities coordinate their efforts when drugs are involved. And, in fact, drug enforcement in the United States has enjoyed some of its greatest successes when Federal authorities have worked together. Coordination between the Federal Government and the States and localities, typified by the increasingly productive DEA/State and local task forces, has also worked well. National Drug Control Strategy, 1989.

OJP Policy Statement:
Coordination of resources and programs among Federal, State, and local agencies is essential to controlling the use and trafficking of illegal drugs. Office of Justice Programs multi-jurisdictional task forces activities focus on promoting coordination and cooperation between law enforcement agencies at the Federal, State and local levels in common geographic areas. These programs involve shared
intelligence, technologies, expertise, tactics and strategies, successful financial investigations, asset forfeiture, money laundering and gang investigation units. OJP will continue to provide a wide range of assistance to these Task Forces through demonstration, technical assistance, training and information dissemination programs, as well as evaluation activities, to effect comprehensive responses to drug-related crimes and gang violence.

**OJP Program Response**

**Bureau of Justice Assistance**

**$12,202,000**

**New Programs**

**Drug Prosecutions’ “Best Practices”—Large Jurisdictions**

$200,000

This program is designed to identify and assess the current "best practices" in metropolitan jurisdictions (one million population and larger) for all phases of drug prosecution. Individual prosecutors' offices will be requested to identify and document a specific technique or practice currently being employed that is producing results exceeding the previous customary or routine processing case procedure. The grantee will validate each of these practices and compile them in a comprehensive drug prosecution “best practices” document for dissemination to the Nation’s large jurisdictions.

**Asset Forfeiture Case Management and Tracking System**

$150,000

The primary thrust of asset forfeiture programs is to remove the profit motive from the sale and distribution of drugs and to disrupt the distribution network by the prosecution of drug offenders and the seizure of assets. The result of this demonstration project will be a generic, operating case management and tracking system that can be used by local jurisdictions on a 380 class computer, modifiable if necessary. The system will be operational in 2-3 jurisdictions and documentation for its use by other jurisdictions will be provided. The grant will be made on a competitive basis.

**Asset Forfeiture Training for Prosecutors**

$200,000

This program is designed to train and provide technical assistance to local selected law enforcement officers on how to implement and apply effective State asset forfeiture statutes. The training will address the key provisions of these statutes: Civil (in rem) and criminal forfeiture procedures, substitute asset provisions, money laundering provisions and property management procedures. It will focus on how to develop the prosecution capacity, policies and management to ensure just, ethical and effective prosecution of model State asset forfeiture provisions. Training will be targeted on States that now have or are actively pursuing the adoption of the model asset forfeiture statute or an enhanced State asset forfeiture statute.

**Financial Investigation and Money Laundering**

$400,000*

The purpose of this project is to develop a prototype or prototypes and to provide training and technical assistance to State Attorneys General in conducting complex financial investigations of illicit drug enterprises and successfully prosecuting these enterprises for money laundering offenses. State Attorneys General will be surveyed to identify model or prototype financial investigations and money laundering units that can inform the development of the prototypes and be documented for future replication.

**Foreign Nationals Involved in Domestic Drug Trafficking**

$150,000

The purpose of this program is to demonstrate that a cooperative effort between Federal, State and local authorities can have significant impact on organized drug trafficking by foreign nationals operating within the United States. Domestic drug trafficking is frequently conducted and even controlled by foreign nationals operating in the United States. These foreign nationals may enter the U.S. legally as visitors, students or working immigrants. They are largely unknown to local criminal justice authorities, and they can retreat to their homelands in relative anonymity to avoid detection or apprehension. This program envisages a cooperative effort between local police and prosecution authorities, Federal law enforcement agencies, and the appropriate law enforcement authorities in the trafficker's country of origin. Intelligence and other appropriate resources would be shared with all involved parties. However, grant funding would be used only for domestic enforcement and prosecution.

**South Carolina Grand Jury Project**

$500,000*

The purpose of this demonstration is to expand the ongoing South Carolina Grand Jury Project's operation, to assess and document the State Project, and to facilitate its replication by other States. The South Carolina Attorney General's Office has been recognized during hearings held by Senators Hollings and Rudman in February 1990 as having a highly successful Statewide Grand Jury—Criminal Drug Organization Project. (This is a special prosecution unit in the Attorney General's Office dedicated to intensive investigation and prosecution of multi-jurisdictional drug trafficking networks throughout the State.) This project will expand the Criminal Drug Organization Project of the South Carolina State Grand Jury into a model for the Nation that should be made available to other States. An objective assessment and the full documentation of the genesis, constitutional and statutory authorizations, project development, operations and results obtained by this project will provide the basis for a replication package.

**Drug Market Analysis**

$650,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing matching funds. This program, originally funded in five cities, will be continued and expanded to surrounding regions using a task force approach. It will involve real time computer mapping of movement of drug markets. These are possible continuations of existing grants.

**Continuation Programs**

**Asset Seizure and Forfeiture Training**

$350,000

The primary purpose of this BJA/DOJ Executive Office for Asset Forfeiture interagency program is to provide training for State and local law enforcement officers in the use of their cognizant State asset seizure and forfeiture statutes. Fiscal Year 1991 funds will continue a cooperative agreement with the Police Executive Research Forum to train State and local agencies in the use of statutes and to provide technical assistance to develop and implement asset seizure and forfeiture units with their police departments.

**Metropolitan Area Drug Enforcement Task Force**

$1,852,000

With the cooperation of the Drug Enforcement Administration, this Bureau of Justice Assistance continuation project targets street level...
and mid-level drug traffickers in the Washington, DC, Metropolitan Area. Its purpose is to establish a visible law enforcement presence in local neighborhoods; to disrupt major links between the suppliers, distributors, and users; to seize and initiate forfeitures against properties used to facilitate the sale and/or consumption of drugs; to initiate enforcement action against property owners who knowingly allow their property to be used in the distribution of illicit drugs and who fail to take action against their tenants who do so; and to develop comprehensive intelligence systems to identify the illicit drug supply source and the distribution network that is responsible for illicit drug trafficking and its associated violence.

Statewide Training for Local Prosecutors
$200,000

The purpose of this dissemination program is to provide training and technical assistance to prosecutors that are assigned full-time to drug units and task forces. It is based on a sophisticated trial training program for drug prosecutors that was tested in two jurisdictions and is applicable to all States.

Organized Crime Narcotics Trafficking (OCN) Program
$3,000,000*

This program demonstrates a unique approach to the development and implementation of coordinated investigations and prosecutions of upper level conspiratorial narcotics trafficking. It demonstrates that shared management, via a control group composed of all participating agencies, of multijurisdictional investigations and prosecutions can avoid the usual pitfalls of single lead agency task forces. FY 1991 funds will support 18 existing OCNs, initiate two new statewide sites and continue training and technical assistance.

Use of State Civil RICO Statutes to Interrupt Criminal Enterprises Trafficking in Illegal Drugs—Demonstration
$400,000

This program demonstrates, in selected State Attorney General Offices, several different approaches for increasing use of a State's civil RICO statute along with related civil remedies as a drug enforcement tool. A prototype or model and a corresponding training curriculum will be developed based on the four current demonstration projects. Available statistical information will be shared with the Bureau of Justice Statistics.

Use of State Civil RICO Statutes to Interrupt Criminal Enterprises Trafficking in Illegal Drugs—Training and Technical Assistance
$400,000

This project will provide technical assistance, training, and an information exchange to State Attorneys General. It will increase the use of State civil RICO and other civil remedies statutes as drug enforcement tools by providing technical assistance and training to four demonstration sites. Available statistical information will be shared with the Bureau of Justice Statistics.

Clandestine Laboratory Enforcement Certification Training
$200,000

This program continues the interagency agreement with the Drug Enforcement Administration, where DEA provides regionally-based training in clandestine laboratory investigations and safety certification. At the conclusion of the training, each officer who successfully completes the course receives the Occupational Safety and Health Administration (OSHA) certification required for clandestine lab investigators.

Financial Investigation Demonstration Program (FINVEST)
$2,600,000*

This program is designed to develop and implement centrally coordinated multijurisdictional financial investigation activities involving tracing narcotics-related financial transactions, analyzing movement of currency, and identifying criminal financial structures and forfeitures. FY 1991 funds will provide continuation funding for 4 existing sites, provide for 6 new sites, and provide for continuation and expansion of the training and technical assistance component.

Interjurisdictional Prosecution Program
$450,000

The purpose of this program is for prosecutors from two or more (up to six) adjoining jurisdictions to establish formal coordination to support an interjurisdictional task force focused on the investigation and prosecution of illegal drug manufacturing and distribution organizations operating regionally across their jurisdictional boundaries.

Model State Drug Control Statutes: Development, Dissemination, Implementation
$300,000

This program will facilitate the development of drug control statutes which strengthen States’ investigation, apprehension, prosecution and punishment capabilities in dealing with drug offenders and organizations trafficking in illegal drugs and narcotics. In addition, this program will survey and assess existing State drug control laws and actual practice to identify trends and assist States in correcting current statutory problems by redrafting or implementing updated model State statutes.

Clandestine Laboratory Enforcement Program
$400,000

This program is designed to develop and implement law enforcement, prosecution and forensic chemist teams in different geographic areas of the country to respond to requests to investigate clandestine drug laboratories. From the policies, procedures and experiences of the implementing sites, it is a model clandestine laboratory investigation approach will be developed and presented in a BJA program brief. The technical assistance and training component would be a new program element, developed through a separately funded grantee to assess the project’s achievements, and to document a model for dissemination to the field.

Drug Market Analysis
$650,000

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is matching funds. This program, originally funded in five cities, will be continued and expanded to surrounding regions using a task force approach. It will involve real time computer mapping of movement of drug markets.

National Institute of Justice
$1,150,000

Continuation Programs

White Collar and Organized Crime Program
$500,000

This continuation of a broad program focuses on asset forfeiture, money laundering and prosecution of complex cases. The effectiveness of current efforts to combat major offenses will be examined and assessed. The goals of this program are to develop successful
strategies to prevent the occurrence of white collar crimes and organized criminal enterprises, to document harmful impacts of such crime on the individual and institutional victims, and to support more effective legislative, investigatory, prosecutorial, and punishment strategies. It is anticipated that one or more in-house research projects will be included in this program area. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention
$800,000

Continuation Programs

Serious Habitual Offender Comprehensive Action Program (SHOCAP)
$800,000*

SHOCAP is an information and case management program on the part of police, probation, prosecutor, social service, school, and correction authorities that enables the juvenile justice system to focus additional attention on juveniles who repeatedly commit serious crimes. Particular attention is given to providing relevant case information for more informed sentencing dispositions. Intensive training and follow-up technical assistance is being provided to 20 jurisdictions, while the provider also serves as a clearinghouse for information on the model, to which non-participating jurisdictions can have access.

Community-Based Policing—$6,362,000

"In order to win the war on drugs, law enforcement needs the cooperation of those in our communities. Individuals, civic organizations, local government agencies, schools, businesses, the clergy, and others must all work with the police to reclaim neighborhoods from drug traffickers and criminals who prey on innocent victims." Attorney General Dick Thornburgh, October 18, 1990 (Press Release)

State and local governments are the best judges of how their own drug enforcement efforts should be carried out. But they are encouraged to expand the carefully focused street level enforcement techniques that have already shown success in so many neighborhoods. Communities across the country, working with local police, are discovering that these tactics are the most effective method for ridding a neighborhood of drugs, or making sure they never gain a foothold. National Drug Control Strategy, January 1990.

OJP Policy Statement

Alliances between community residents and the police are essential for making neighborhoods safe and drug-free. Office of Justice Programs Community-Based Policing activities emphasize the importance of the police and the communities working together in a relationship of trust, cooperation and partnership to promote safety and security and to rid their neighborhoods of thugs and drug pushers. OJP will focus on demonstration projects which involve promising innovations, such as mini-police stations, directed patrols, and police-neighborhood ombudsmen. This rapidly developing approach to better crime control addresses the need both to prevent crime and to respond effectively to crime when it occurs.

OJP Program Response

Bureau of Justice Assistance
$2,900,000

Continuation Programs

Drug Impacted Small Jurisdictions Demonstration Program
$500,000

The purpose of this program is to demonstrate effective drug prevention and control strategies which address drug trafficking and drug-related crime problems in jurisdictions or combinations of jurisdictions with populations of 50,000 or less. A comprehensive drug control program will be designed and implemented which features a centrally coordinated, cooperative effort with law enforcement, prosecutors, the courts, corrections, drug treatment services and the community.

Innovative Neighborhood Oriented Policing Programs

$2,400,000*

This is a collaborative intra-agency program between NIJ and BJA, in which BJA is providing all or a major portion of the funds. The program is designed to develop and demonstrate innovative community policing programs which target demand reduction at the neighborhood level in urban and rural areas. It is both a law enforcement as well as community-based program, and involves the "co-production of public safety" through extensive partnership efforts. A special program focused on rural areas also will be initiated.

Bureau of Justice Statistics
$1,300,000

Continuation Programs

National Law Enforcement Statistics
$1,300,000

Having funded the redesign of the Uniform Crime Reporting (UCR) program of the Federal Bureau of Investigation, BJS is now funding the implementation of the National Incident-Based Reporting System (NIBRS). Funding is provided to a national network of State agencies compiling and processing the data on crimes reported to local law enforcement agencies. More than 25 States have received funds and several States are expected to provide NIBRS data starting in 1991, with additional States being added each year thereafter. A second element of this program is the newly established data series dealing with Law Enforcement Management and Administrative Statistics (LEMAS). As a result of this survey, Profile of State and Local Law Enforcement Agencies, 1990 is expected to be published.

National Institute of Justice
$900,000

New Programs

Innovative Neighborhood Oriented Policing (INOP) Program Evaluation
$400,000

This is a collaborative intra-agency program between NIJ and BJA under the Section 520 Evaluation Program. The purpose of this program is to evaluate the process and impact of "Innovative Neighborhood Oriented Policing" (INOP), demonstration projects which encourage a proactive police approach to solving community problems. This grant will be a single award. Methods of procurement will be determined and solicitation may be issued as appropriate.

Continuation Programs

Community Policing, Public Safety and Security Program
$900,000

The purpose of this program is to identify improvements in traditional (reactive) policing as well as to develop innovative methods of policing and crime analysis. The latter includes police/community partnerships and the linking of police resources to other public agencies and to private community resources on problems of crime, drugs, and disorder in the community. The most innovative forms of policing that are currently developing are known as "problem-oriented policing" and "community policing." This program will identify effective community-based strategies and provide program guidance to selected communities. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.
Office of Juvenile Justice and Delinquency Prevention
$1,262,000

New Programs

Incarceration of Minorities
$600,000

The purpose of this program is to help jurisdictions identify the extent and nature of the representation of minorities in the juvenile justice system and thereby develop practical guidelines from arrest through disposition. The overall goal of the program is to provide State and local practitioners and professionals with the necessary skills and information to adopt and implement model processes for determining whether the juvenile justice system handles juveniles differently, based on minority status, and to identify resources and strategies to respond to problems identified.

Training in Cultural Differences for Law Enforcement Officials
$125,000

The purpose of this program is to provide these law enforcement officials who interact with juveniles, specialized training relative to racial, cultural and ethnic issues. In developing the training modules, the grantees will work in a consulting capacity with several current OJJDP grantees which have training components, such as the Federal Law Enforcement Training Center, the National Family and Juvenile Court Judges Association (NFJCA), the National Institute of Corrections, and the American Probation and Parole Association.

Continuation Programs

Juvenile Justice Training for Law Enforcement Personnel
$537,000

This project provides technical assistance and training to provide a better understanding of the juvenile justice system to national, State and local law enforcement agencies. The following training programs are offered through this project: (1) Police Operations Leading to Improved Children and Youth Services (POLICY); (2) Managing Juvenile Operations; and (3) School Administrators for Effective Police, Probation, and Prosecutors Operations Leading to Improved Children and Youth Services (SAFE POLICY).

Community-Based Programs—$4,850,000

Let me emphasize here that the Federal Government cannot do it alone. Local communities and States and individuals and families must help. The President's News Conference, August 15, 1989.

The first challenge facing our criminal justice system is to help reclaim neighborhoods that have been rendered unsafe by drugs. For it is in neighborhoods that drugs pose an immediate threat to local residents and the quality of their lives.


OJP Policy Statement

The criminal justice system should assume a primary role in mobilizing communities to develop comprehensive strategies for combatting illegal drugs. Office of Justice Programs community-based programs will emphasize programs at the grass roots level which focus on mobilizing law abiding citizens to get involved in high crime neighborhoods where there is a prevalence of drug trafficking, serious crime, gang violence and child sexual exploitation. Through comprehensive and coordinated activities, community leaders including school officials, church, business and civic leaders can work together to “take back the streets” and keep them safe from the criminals. Prevention and intervention efforts will be concentrated in public housing complexes, drug-free school zones, recreational parks and community centers threatened by drug-related crime and illegal gang activity. The involvement of residents, neighborhood organizations and institutions is essential components of these programs. Demonstration and dissemination programs are the primary approaches for informing and directing communities on the most effective programs and how these programs can be implemented in their neighborhoods.

OJP Program Response

Bureau of Justice Assistance
$1,800,000

Continuation Programs

Community Drug Abuse Prevention Initiatives
$1,000,000

This program is designed to assess, document and demonstrate programs which encourage the active participation of the community, including businesses, the family, the workplace, schools, churches, and social organizations, working jointly with law enforcement, to reduce the demand for drugs and improve the quality of life in communities.

National Night Out 1991
$100,000

Sponsored by the National Association of Town Watch, Inc. (NATW). "National Night Out" (NNO) is an annual, nationwide drug prevention initiative that involves thousands of communities in a year-long effort of coalition and partnership-building among public and private agencies, businesses, community organizations, and citizens. Program activities for the year culminate in a one-night event in which citizens are asked to turn on their porch lights between the hours of 8 and 10 p.m., go outside and meet neighbors, and organize events such as block parties and candlelight vigils to demonstrate support for community crime prevention efforts.

Neighborhood Crime and Drug Abuse Prevention Program—(Eisenhower Foundation)
$500,000

This program is designed to continue the development and demonstration of an innovative community policing program which targets demand reduction at the neighborhood level. Objectives will focus on at-risk-youth, the prevention of gang activity, deteriorating social structures, developing an environment for economic growth, building coalitions and planning teams, and law enforcement's adoption of community and neighborhood oriented policing.

Local Drug Prosecution Program: Development Documentation and Dissemination
$300,000

This program is designed to provide State and local prosecutors with new and innovative approaches to: (1) Improve local investigation and prosecution of drug offenses; and (2) organize community resources into a comprehensive strategy to eliminate illegal drugs. The program targets district attorneys, who establish and implement drug control policies, and front line prosecutors who try drug-related cases. Drawing upon the expertise of an established national network of narcotics prosecutors, the project will develop, document and disseminate information on innovative programs and policies related to effective investigation and prosecution of drug offenses, and development of comprehensive community-based drug control strategies.
Ridding Public Housing of Gangs

$250,000

Efforts are underway to rid housing developments of gangs, drugs and violence through techniques such as "Operation Cleansweep." This community-based initiative removes unauthorized persons, makes the buildings secure, identifies needed repairs, and establishes a permanent security system. NIJ is proposing to document these approaches as well as assess strategies to identify effective ways to rid housing projects of gangs, drugs and violence. The method of procurement will be determined.

Office of Juvenile Justice And Delinquency Prevention

$2,700,000

New Programs

The Native American Alternative to Incarceration Venture (NAATIV)

$50,000

This program is designed to build upon OJJDP's currently funded study of juvenile justice on Native American reservations that is being conducted by the American Indian Law Center in Albuquerque, New Mexico. Fiscal Year 1991 funding will support the development of a planning process to utilize the findings of the study to develop programs that respond to the high levels of incarceration of Native American youths. This will be facilitated by developing sound, culturally relevant alternatives to incarceration which can then be implemented and tested on a number of Native American reservations. Implementation and testing will occur in Fiscal Year 1992.

Anti-Drug Abuse Prevention—Technical Assistance Voucher Project

$300,000

This project will provide technical assistance to 15 to 25 neighborhood-based organizations which have established anti-drug abuse projects to enhance their capacity to serve high-risk youth and serious juvenile offenders. Presenting their own plans and design will allow these neighborhood groups to secure technical assistance inexpensively from sources compatible with both their programs and their specific community characteristics.

Continuation Programs

Reaching At-Risk Youth in Public Housing

$300,000

Boys and Girls Clubs of America have established seven Boys and Girls Clubs in Public Housing across the Nation under the existing cooperative agreement with OJJDP. These programs are designed to provide needed services to the high-risk youth who live in public housing, thereby preventing their involvement in delinquency, drug and alcohol abuse and gang membership. During Fiscal Year 1991, additional sites will be established, and training and technical assistance will be made available to other Boys and Girls Clubs and public housing authorities wishing to establish clubs.

Intensive Community-Based Aftercare Program

$100,000

This program is designed to develop a juvenile aftercare model which can be tested in the juvenile justice system. The next stage of funding of this project will permit the completion of training and technical assistance materials, and enable the testing of the training materials in one or two sites. Depending on availability of resources, the model may be tested in Fiscal Year 1992.

Promising Approaches for the Prevention, Intervention and Treatment of Illegal Drug and Alcohol Use Among Juveniles

$150,000

The purpose of this program is to provide communities with the necessary skills and information to adopt and implement promising approaches for the prevention, intervention and treatment of chronic juvenile drug and alcohol abuse. An assessment as well as several components of program models for each category have been completed, including related training and technical assistance materials. Fiscal Year 1991 funds will permit the completion of all the components for the respective community-based models and related training and technical assistance.

Research on the Causes and Correlates of Delinquency and Non-Delinquency

$1,800,000

This longitudinal study, involving three coordinated projects, is now in its fifth and scheduled final year. Its purpose has been to improve the knowledge base regarding positive, delinquent, or drug using behaviors of juveniles in the context of the family, school and individual. A summation report is planned for use by program developers and managers.

Drug Testing—$5,867,000

Testing within the criminal justice system can serve as an 'early warning system' that provides another method of keeping offenders in check while they are on pretrial or post-conviction release. Moreover, random, mandatory drug tests, coupled with certain penalties, create a powerful incentive for those under correctional supervision—a high risk group—to get off and stay off drugs. National Drug Control Strategy, January, 1990.

OJP Policy Statement

Drug testing should be a part of each component of the criminal justice system. Drug testing is a critical deterrent in the Nation's drug war. Research has shown that those who use drugs are most likely to end up being involved in criminal activity. The Office of Justice Programs Drug Testing activities focus on pre- and post-adjudicatory screening to assist criminal justice officials in making decisions regarding confinement, disposition and referral decisions. Through the drug testing programs, OJP plans to provide policymakers at the state and local levels with information to enable and encourage them to incorporate testing in all aspects of the criminal and juvenile justice systems.

OJP Program Response

Bureau of Justice Assistance

$3,300,000

New Programs

Drug Testing in Community Corrections

$500,000

The purpose of this cooperative program between BJA and NIJ is to conduct controlled experiments on the effect of drug testing on offenders sentenced in the community.

Continuation Programs

Drug Testing Throughout the Criminal Justice System

$800,000

The purpose of this program is to demonstrate the use of drug testing throughout the criminal justice system from pretrial through parole. Training and technical assistance is being provided during the planning and operational phases of the demonstration site.
Drug Testing Technical Assistance and Training
$750,000

This program provides technical assistance and training to jurisdictions and representatives of the criminal justice system desiring to conduct drug testing. The program provides assistance to BJA demonstration sites as well as to jurisdictions desiring to implement drug testing through formula grants or local revenues. Training is to be provided to all components of the justice system to enhance awareness of the benefits of drug testing, the accepted technology, application of sanctions, and operational procedures in administering a drug testing project.

Pretrial Drug Testing
$250,000

This program provides assistance to jurisdictions for conducting drug testing at the pretrial stage. Prior to arraignment, arrestees are screened to determine drug use. Upon recommendation by the prosecutor and pretrial service agency case managers, arrestees may be released by the court on condition they submit to periodic urinalysis as a means of monitoring pretrial conduct. In addition to evaluation, BJA is coordinating with NIJ on the Drug Use Forecasting (DUF) system, where both programs are being implemented in the same jurisdiction.

Drug Use Forecasting (DUF) Program
$1,000,000

This is a collaborative intra-agency program between BJA and NIJ in the NIJ/DUF Program (see below). The purpose of this program is to document the prevalence and type of drug use among defined arrestee populations jailed in American cities. This year's extensive data base was used to produce quarterly and annual reports, as well as forecasting summaries. Plans for Fiscal Year 1991 include maintaining the DUF baseline activities for collection and dissemination of data, and improving data collection methodologies, with increasing focus on assessment of that data for program planning purposes at the state and local level beginning with New York City and San Diego.

National Institute of Justice
$2,492,000

New Programs
Drug Use Forecasting Program
$1,742,000

The purpose of this program is to document the prevalence and type of drug use among defined arrestee populations jailed in American cities. Fiscal Year 1991 initiatives will emphasize the practical application of DUF findings in local policy, planning and program development; continue and refine program operations and increase interagency coordination. These are possible continuations of existing grants.

Juvenile Drug Use Forecasting
$75,000

This is a collaborative intra-agency program between OJJDP and NIJ. This program provides funds from OJJDP to NIJ through intra-agency transfer to document the prevalence and type of drug use among juvenile detainees in pre- and post-adjudicatory institutions. The findings will be used to contribute to local policymaking to increase interagency coordination at the local and State level. The method of procurement will be determined.

Hair Analysis Research and Standards
$250,000

This project continues the Hair Analysis program underway which studies the relationship between cocaine dosages and concentrations found in hair. The project also continues a hair testing standards program to compare and standardize hair testing technologies for forensic purposes. This is a possible continuation of a current project and no additional applications will be solicited in Fiscal Year 1991.

Continuation Programs
Drug Testing in Community Corrections
$500,000

The purpose of this NIJ program, in collaboration with BJA, is to continue controlled experiments on the effect of drug testing on offenders sentenced in the community. This is a possible continuation of a current project and no additional applications will be solicited in Fiscal Year 1991.

Office of Juvenile Justice and Delinquency Prevention
$75,000

Continuation Programs
Drug Screening and Testing
$25,000

This program, funded for 18 months, addresses illegal drug use among high-risk youths. Program goals and objectives include developing a comprehensive drug identification, screening and testing program for juvenile justice personnel. This will include training curricula for juvenile justice policymakers, administrators, and direct service professionals. Upon review of the final publication, consideration will be given to national dissemination and a conference on drug testing.

Drug Control
$50,000

This interagency agreement with the Department of Education supports developing, implementing, and evaluating a comprehensive drug information and rehabilitation training program for counselors of State vocational rehabilitation agencies. The goal of this program is to enhance referrals and, ultimately, to employ eligible youths, ages 14-18, who have been drug dependent.

Victims—$16,682,000

We must ensure that crime victims receive our special attention and that the combined efforts of concerned citizens, lawmakers, and criminal justice personnel help to improve and expand services for them. President Bush, April 12, 1989 (Proclamation 5953—Crime Victims Week, 1989).

OJP Policy Statement

The criminal justice system should implement policies and programs to improve services to crime victims. Much progress has been made in recent years to assist, compensate and protect innocent victims of crime. However, much more needs to be done. OJP is committed to helping crime victims and improving the responsiveness of juvenile justice, criminal justice and victim service systems. This year's Program Plan focuses on victims of Federal crimes, particularly on Indian reservations, and child victims of pornography, prostitution and sexual exploitation as well as other aspects of victimization. Resources will be committed to training law enforcement officers, prosecutors and other criminal justice personnel on working with innocent victims of crime.

OJP Program Response

Bureau of Justice Statistics
$9,635,000

Continuation Programs
The National Crime Survey (NCS)
$8,535,000

The National Crime Survey is the second largest ongoing household survey undertaken by the Federal Government and is a major national indicator of crime in the American society. The National Crime Survey Redesign Project is presently being
conducted. The revised screening questionnaire was implemented in 10% of the ongoing sample beginning in January 1990, and the new screener will continue to be phased into the sample in 1990-1993. Another aspect of the National Crime Survey is the NCS Workshops, which bring young researchers to the DC area for an intensive two week workshop that teaches all aspects of NCS analysis. BJS supports the Computer-Assisted Telephone Interviewing Center (CATI) which is currently utilized in approximately 10% of the NCS sample.

School Crime Supplement

$100,000

This is a collaborative intra-agency program between OVC and NIJ. Under the National Crime Survey program, interviews are conducted with over 100,000 persons in approximately 50,000 households every six months in order to obtain data on the impact, frequency and consequences of criminal victimization in the United States. The School Crime Supplement added to the National Crime Survey, asked household members ages 12 or older, who attend school, various questions about their school environment.

Specifically, the questionnaire is designed to obtain information relating to some of the following factors: Knowledge about various drugs; availability of specific drugs and alcohol; existence of street gangs at school and how often gang members fight with each other; victimization of the respondent, including being robbed or physically attacked; the number of times these incidents occurred and whether these attacks resulted in injuries that needed medical attention; avoidance of school for fear of being attacked or harmed; weapons brought to school for protection; and whether the weapon made the respondent feel safe at school. Analysis is being performed in collaboration with the National Institute of Justice, which is providing additional funding.

National Institute of Justice

$833,000

New Programs

Rape: The Criminal Justice System Response

$90,000

This is a collaborative intra-agency program between OVC and NIJ. The purpose of this program is to examine the most recent literature on the nature of criminal rape, its impact on victims, and the impact of rape reform laws on the reporting, investigation, filing and prosecution of rape cases and case dispositions. It will also explore state-of-the-art rape victim services in four to six jurisdictions and any literature on the impact of services, as well as the availability and uses of new technologies that support rape investigations and convictions such as rape kits and the use of DNA analysis. Services are being provided by a current contractor.

Under-utilization of Victims Services by Minority Victims

$100,000

This is a collaborative intra-agency program between OVC and NIJ.

Available data suggest that there is underutilization of victim compensation and victim assistance programs in poor and minority communities. NIJ will use this data, in conjunction with focus groups and expert opinion, to define issues and design a questionnaire that will be used for a national survey to determine impediments to utilization and ways to overcome these impediments. The resulting report will describe steps to overcome the problem. The method of procurement will be determined.

Technologies Associated With Sexual Assault Cases

$75,000

The purpose of this program is to examine the technical requirements associated with sexual assault cases as they relate to the forensic sciences. This will lead to written guidelines for law enforcement and prosecutors on the identification, collection and preservation of potential evidence in sexual assault cases. Possible continuation of existing grant; no application will be solicited in Fiscal Year 1991.

Assessment of Skills of Victims Services Providers

$18,000

NIJ will develop a Research-in-Action publication from its current data on staff training needs of victim service providers as reflected in the 1990 National Assessment Program (NAP) Survey. NIJ has indicators from these data of significant training and education needs of staff in service agencies. The Research-in-Action will provide information for NIJ's more comprehensive look at these issues in the next NAP survey. Services are being provided by a current contractor.

Training and Technical Assistance Evaluation (Visiting Fellow)

$100,000

This project will provide, through in-house staff, evaluation designs and analysis of the pilot programs initiated by the Office for Victims of Crime and the Bureau of Justice Assistance in some or all of the following five areas: (1) Corrections Based Victim Assistance Project; (2) Legal Remedies for Crime Victims Against Perpetrators—Basic Principles; (3) Offender Supervision and Victim Restitution Project and Technical Assistance; (4) Training Project for Victims of Drug Related Crime; and (5) Law Training Project for Victim Assistance Providers on Sexual Assault. Evaluation results will be used to refine regional training programs scheduled during the second year of these programs. The method of recruitment will be determined and a solicitation may be issued as appropriate.

Child Sexual Exploitation National Assessment

$25,000

This program in conjunction with OVC, BJA and the Administration for Children, Youth and Families (ACYF) provide a national assessment of existing outreach programs to victims of child sexual exploitation, particularly runaways and throwaway children engaged in prostitution and drug abuse. An integral part of the program would be the identification for assessment of at least one model program with visibility in the field. It also will assess how the Nation's law enforcement and prosecution agencies handle cases involving these victims and develop follow-up information on a sample of victims that have come into contact with service programs or with the criminal justice system. This effort will provide information to guide policy and program development. BJA and AYF will provide an additional $75,000. The method of procurement will be determined.

Continuation Programs

Victims of Crime Program

$275,000

Research shows that approximately half of the victims remain dissatisfied with case outcomes and with the criminal justice system as a whole.

This program will provide new information on the effectiveness of legislative reforms and other efforts to improve the treatment of and services to victims of crime and will examine ways to help the criminal justice system to address these areas of need.
Other research will examine the costs and psychological effects of victimization and will yield valuable information to providers of victims services on victim needs and how to meet them. Other topics to be examined include victimization by criminal fraud and the effects of crime and victimization by gangs and drugs on the health and functioning of urban communities.

It is anticipated that one or more in-house research projects will be included in this program area. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Office of Juvenile Justice and Delinquency Prevention
$1,975,000

New Programs

National Public/Private Child and Family Protection Law Center
$250,000

This public/private national law center will assist State and local public officials, legislators, law enforcement, prosecutors, courts, parents and children in preventing escalating child sexual exploitation and child pornography. The goal of the center is to conduct legal research, draft model legislation, and provide training and technical assistance to law enforcement personnel, social service providers, prosecutors, policymakers and legislators on the issues of prosecution and prevention of child sexual exploitation, child prostitution and child pornography.

Continuation Programs

Advocacy for Abused and Neglected Children
$750,000*

The National Court Appointed Special Advocates Association (NCASAA) provides training and technical assistance to local and statewide programs. It assists in program development, advocates for the best interest of abused and neglected children, publicizes the CASA concept, which helps recruit volunteers, and develops management systems and standards to improve local CASA operation. In addition, this project provides a resource library and resource services, gathers and publishes information about the needs of the CASA network and operation, develops cooperative relationships with other national and regional organizations, and performs a variety of related services in furtherance of its goal of assuring that every child who needs one has a CASA.

Permanent Families for Abused and Neglected Children
$225,000*

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children already in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose of this project is to ensure that foster care is utilized only as a last resort and as a temporary solution for children. Project activities include national training programs for judges, social service personnel, citizen volunteers and others in the Reasonable Efforts Provision of Public Law 96-272, training in selected lead States, and development of model questions to guide risk assessment.

Victims and Witnesses Development Program
$100,000

This project aims to help local juvenile justice agencies and other human service providers to develop model programs and services for victims and witnesses of juvenile crime. In the next funding phase, the model program will be tested in four sites. Each will receive training and technical assistance, and on-site monitoring visits by the technical assistance provider. Subsequent caseload data on clients, services and implementation experiences across sites, in combination with the information collected during the monitoring visits, will comprise a process evaluation of the program.

The Investigation and Prosecution of Child Abuse
$650,000

This program is designed to provide training and technical assistance to prosecutors and related professionals on the issue of child abuse prosecution. The project also serves as a clearinghouse of child abuse prosecution issues.

Office for Victims of Crime
$4,389,000

New Programs

Training and Technical Assistance for Law Enforcement Officials and Victims Assistance Providers on Sexual Assault
$150,000

This is a collaborative intra-agency program involving BJA and OVC in which BJA is providing the funds. The purpose of this program is to provide training and technical assistance to law enforcement officers, prosecutors, and victims service providers in the area of sexual assault. The program emphasis will be on effective intervention and proper handling of the victims as well as policy considerations and legal issues regarding AIDS testing and release of test results information as it relates to both the victim and the perpetrator.

Topic Specific Training
$250,000

The purpose of this program is to provide grants of up to $60,000 for the improvement of victims services. The funding will support the development of training materials and the provision of training of topic-specific areas relating to crime victims of concern to victim service providers, mental health practitioners, judges, prosecutors, the clergy and others.

Family Violence Law Enforcement Training, Technical Assistance and Information Dissemination

Funding to be determined

Under authority of the Family Violence Prevention and Services Act, this program is funded through an interagency transfer from the Department of Health and Human Services. Grantees are to develop and implement a training program for law enforcement policymakers and officers on the most effective procedures and policies for responding to incidents of family violence.

Training and Technical Assistance for Victim Service Providers
$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program will address the ongoing need for national scope training and technical assistance to assist crime victim service providers and managers of programs, including law enforcement victim and witness coordinators, in providing quality and timely service to crime victims. The training will include segments on: (1) Program Development, Management and Evaluation; (2) Direct Services Skills Training, i.e., counseling, shelter, etc.; (3) Outreach to Special Populations; and (4) Emerging Issues in Victim Assistance. (Regional training conferences in varying geographic locations are a necessary component of this training program.)
An investigation, prosecution and handling services of child abuse in the Federal system will be provided by the Federal Training and Technical Assistance Center. The project will address the management of child sexual abuse cases, particularly those involving child welfare, and to limit the trauma to child victims. This project will also be awarded to provide training and technical assistance to Native American tribes and organizations that have received a grant from the Children’s Justice Act Discretionary Grant Program for Native Americans.

$327,000

OVCor will continue to improve the response of Federal law enforcement officials to the needs of Federal victims through training programs for Federal prosecutors, investigators and Victim-Witness Coordinators. Efforts will include specialized training on handling cases of child abuse in the Federal criminal justice system; an interagency agreement with the Federal Law Enforcement Training Center to train Federal law enforcement officers to respond effectively to crime victims; and assistance for grantees in Indian country to initiate and expand victim assistance services.

Federal Training and Technical Assistance

$906,000

Efforts have focused on developing services for victims of Federal crime in cases where victim assistance services are scarce or unavailable. The Emergency Services Fund for Victims of Federal Crime has supported assistance for Federal crime victims when no local services were available. The Assistance to Victims of Federal Crime in Indian Country Grant Program was initiated in November of 1986 to establish and expand “on-reservation” victim assistance services in remote sections of Indian country. OVC has awarded grants to 15 States that have made subgrants to tribes. As a result, 52 new victim assistance programs have been established in remote areas of Indian country. Both programs have been essential in ensuring that Federal crime victim’s needs are met and will be continued to be met.

Federal Training and Technical Assistance

$841,000

The desired goal of this program is to bring about systemic improvement in the overall response to child sexual abuse on Indian reservations and other locations where Federally recognized Indian tribes exist. Grants are made directly to Indian tribes to improve the investigation, prosecution and handling of child abuse cases, particularly those involving child sexual abuse, and to limit the trauma to child victims. Additionally a grant will be awarded to provide training and technical assistance to Native American Indian tribes and organizations that have received a grant from the Children’s Justice Act Discretionary Grant Program for Native Americans.

Child Pornography, Child Prostitution, and Drug Abuse Outreach

$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BIA is providing all or a major portion of the funds. This program will provide assistance to child victims of sexual exploitation. The Paul and Lisa staff will provide crisis care to these youth. A manual, which describes the overall operation of the street intervention program, will be developed. In addition, a curriculum is being implemented to inform junior high and high school students of the dangers of drug abuse and the sexual exploitation suffered by youth who seek refuge on the streets of New York City. Finally, case history profiles of the victims and perpetrators will be developed; photographs of the illicit activity will also be taken to show indications of prostitution activity, as well as the coercion and control of the child victims. The profiles and photographs will inform and train law enforcement and victims assistance providers on how to identify the Mann Act/RICO victims and perpetrators and how to communicate effectively with victims in order to end their exploitation.

Offender Supervision and Victim Restitution Project

$200,000

This is a collaborative intra-agency program between OVC and BIA, in which BJA is providing the funds. This program is intended to improve the response of probation and parole personnel to the needs of crime victims, with emphasis upon the management of restitution. The project will result in implementation of a training curriculum and individual State training events for State probation and parole professionals who seek to implement victim assistance programs, particularly restitution programs, in their respective agencies.

Corrections-Based Victim Assistance Project

$200,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. This program is intended to improve the correctional system’s response to the needs and rights of crime victims. The recipient will address this objective by providing training for State corrections personnel in selected States. The training will cover four key areas: Direct services to victims, development of victim assistance programs for correctional staff, training and technical assistance programs for corrections personnel, and offender-directed programs (including refinements for restitution programs). Additional materials will also be developed to assist corrections staff in addressing victims-related issues associated with AIDS testing of offenders.

Technical Assistance and Training Project for Victims of Drug-Related Crime

$150,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing the funds. This program is intended to enhance the capability of victim service organizations to treat victims of drug-related crime. The grantee will address this objective by making technical assistance and regionally based training available to victims service organizations assisting those suffering a loss or injury due to drug-related crime.

Legal Remedies For Crime Victims Against Perpetrators—Basic Principles

$200,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. This grant is intended to provide regionally based training to criminal justice professionals, victim service providers and practitioners. The training will allow these professionals to assist victims of violent crime in understanding their legal rights and remedies against perpetrators and in determining how and when to obtain qualified legal assistance in appropriate cases.

National Victims Resource Center

$390,000

This is a collaborative intra-agency program between OVC and BJA, in which BJA is providing all or a major portion of the funds. The National Victims Resource Center collects, maintains, and disseminates information about national, State and local victim-related organizations, criminal justice officials, and also State programs that receive funds authorized by the Victims of Crime Act. The National Victims Resource Center is a component of the National Criminal Justice Reference Service (NCJRS).
Information Systems, Support and Statistics—$26,896,000

The President urged States to transfer criminal history conviction, sentencing, and other case disposition records to the proper Federal authorities. He also directed the Attorney General to recommend additional improvements in the criminal records data system. The quality of criminal history data is a critical factor in crime control and prevention. The White House, Office of the Press Secretary (Combating Violent Crime Fact Sheet, May 15, 1989).

OJP Policy Statement

Criminal justice agencies should use accurate, comprehensive and timely information in developing policies and allocating resources to prevent and control illegal drugs. Office of Justice Programs Information Systems, Support and Statistics' activities focus on the collection and analysis of criminal and juvenile justice information related to serious crime, gang activity, illegal drug use, pre- and post-adjudication incarceration, criminal history and system-wide service response effectiveness. Improvement of criminal history information systems within the States to enhance reporting and access to accurate and complete criminal history data is a primary focus of this activity. Statistical research, analysis, development and dissemination activities are used to implement this priority.

OJP Program Response

Bureau of Justice Assistance

$11,090,000

New Programs

User's Guide for FBI's Incident-Based Reporting System

$50,000

The purpose of this program is to promote the use of the National Incident-Based Reporting System with researchers, law enforcement personnel, public officials, and other public interest groups. This will be accomplished through the development of a User's Guide in consultation with the Bureau of Justice Statistics which will provide users with information and examples necessary to effect access and use of the data base. The Guide will assist users in acquiring the ability to gain access to, understand, analyze and interpret crime data.

Continuation Programs

Drugs and Crime Data Center and Clearinghouse

$300,000

This is a collaborative intra-agency program between BJS and BJA, in which BJA is providing all or a major portion of the funds. Since its establishment in Fiscal Year 1988, the Drugs and Crime Data Center and Clearinghouse has been funded by the Bureau of Justice Assistance and managed by the Bureau of Justice Statistics. It has two essential objectives: (1) To provide a centralized source of readily accessible information and data on drugs and crime for use by Federal, State, and local officials, criminal justice and public health practitioners, researchers, private corporations, the media and the general public; and (2) to increase knowledge about drugs and crime through policy analysis and analytic products in support of the formulation of drug strategies.

In Fiscal Year 1991, the Drugs and Crime Data Center and Clearinghouse plans to produce reports relating to the sanctioning of drug law violators and the cost of drug law enforcement, a technical guide to drug data sources, and a series of fact sheets on current topics of interest in the area of drugs and crime.

National Criminal Justice Reference Service (NCJRS)

$500,000

The NCJRS serves as a clearinghouse by maintaining a criminal justice library of over 100,000 documents and an electronic data base of document surrogates which serve reference specialists in locating information quickly for the use of the criminal justice practitioners and research community. During FY 1991, particular emphasis will be placed on OJP priorities. For example, publications regarding gangs and violence will be disseminated throughout the criminal justice community via NII Reports, the NCJRS Electronic Bulletin Board and conference support system which ensures dissemination to all major criminal justice agencies and organizations in the Nation, and where appropriate, the world.

Criminal History Information System Improvements

$8,700,000

This is a collaborative intra-agency program between BJS and BJA, in which BJA is providing all or a major portion of the funds. This program is for the development and implementation of systems and procedures that will help States improve their criminal history information systems and meet the new BJS and Federal Bureau of Investigation (FBI) Voluntary Standards for Improving the Quality of Criminal History Records, as well as identifying ineligible felons who attempt to purchase firearms. This project is administered by the Bureau of Justice Statistics, in collaboration with the Bureau of Justice Assistance.

Criminal Justice Expenditure and Employment Survey (CJEE)

$600,000

This is a collaborative intra-agency program between BJS and BJA in which BJA is providing all or a major portion of the funds. The purpose of this program is to collect and analyze State and local data relating to justice system expenditures and employment. This analysis will provide detailed information on the costs of the criminal justice system including police protection, courts, prosecution, public defense, and corrections. It will assess the long term trends in justice expenditure and employment, costs of drug law enforcement, and variations in spending for the different types of correctional institutions and programs, such as prisons, jails, parole and probation, and in the various courts. The CJEE Analysis will provide information for planning at the State and local level, as well as the allocation of State and local anti-drug abuse formula grants.

Operational Systems Support Technical Assistance and Training

$450,000

The purpose of this continuation program is to conduct outreach training to improve the general level of knowledge and understanding of microcomputer automation, and to provide criminal justice practitioners with information and demonstrations of specific criminal justice applications. It is designed to provide short-term technical assistance in order to address the specific needs of operational criminal justice agencies and long-term technical assistance to individual States or agencies within States that are predominantly not automated or that seriously lag in their adoption of criminal justice automation.

Criminal Justice Simulation Model Training and Technical Assistance

$200,000

The purpose of this continuation program is to enable cities and counties, as well as State criminal justice agencies, to develop systematic approaches to solving criminal justice systems problems through use of computerized criminal justice simulation models. The participants will provide regional training sessions and demonstrations of existing simulation models for personnel from other
jurisdictions who are interested in developing a simulation modeling program.

National Criminal Justice Computer Laboratory and Training Center

$250,000*

This program will provide hands-on training in micro-computer-based software for statistical, graphics, and operational applications. Software demonstrations will be conducted and objective evaluations of computer products will be provided to assist criminal justice agencies with their purchasing decisions.

Residential Burglary Expert Systems (REBES) Conference

$40,000

The Residential Burglary Expert System is designed to assist investigators to solve burglary crimes. The primary purpose of this award is to provide technical assistance and one cluster conference for the five residential burglary expert systems demonstration sites.

Bureau of Justice Statistics

$10,656,000

Continuation Programs

National Adjudicatory Statistics

$1,765,000

The National Adjudicatory Statistics grants involve four programs: (1) The National Judicial Reporting Program (NJRP) which is the Nation's sole source of data on characteristics of persons convicted of felonies in State courts nationwide; (2) the National Prosecutor Survey Program which is being conducted in conjunction with the National Judicial Reporting Program to obtain data from prosecutors within the same national sample of 300 counties; (3) the National Pretrial Reporting Program (NPRP) which collects data relating to the pretrial status of persons charged with felonies; and (4) the National Survey of State Court Organization, which provides a reference document containing information on the organizational, financial and personnel statistics for court systems in the United States and its territories. The data collected and analyzed in each of these programs will result in several different publications to be released in 1991.

National Corrections Statistics

$2,448,000

This program consists of a number of separate data collection and analysis efforts designed to obtain detailed information on offenders under correctional care, custody, or control and the agencies and facilities responsible for administering the supervision of offenders. Statistical series obtain information on Federal, State, and local correctional populations including those in confinement, as well as those subject to intermediate sanctions or conditional supervision in the community. The data collected and analyzed under the corrections statistics program results in several publication series and press releases.

State Analysis Network And Statistics

$2,977,000

Under its enabling legislation, the Bureau is required to give primary emphasis to State and local criminal justice issues. To do so, BJS provides financial assistance to support a network of State statistical analysis centers (SACs) (generally, approximately $50,000 per year per State). SACs are State-level organizations devoted to the collection, analysis, interpretation, and dissemination of criminal justice statistical information. Under the Offender-Based Transaction Statistics (OBTS) Program, these same centers serve as the focal point for the collection and analysis of data tracing the key decisions of arrest, prosecution, judicial decision, and sentencing of the felony offender within the State's criminal justice system. "Tracking Offenders, 1988" is an OBTS proposed publication for release in 1991. Finally, BJS provides support to the Criminal Justice Statistics Association (CJSA), a national organization of the State analysis centers and their directors, for special activities of national significance.

National Resources and Statistical Compilations

$468,000

This program provides funding for the Sourcebook of Criminal Justice Statistics, which is a BJS annual publication that brings together in a single volume data on criminal justice from a wide variety of sources and covers topics of interest to persons concerned with the administration of justice. This program also supports the Directory of Justice Agencies project, which maintains and updates the listing of approximately 55,000 agencies from which BJS and other organizations draw samples of agencies for various surveys.

Drug Data and the National Strategy

$30,000

This program is part of the overall effort to provide support to the President's National Drug Control Strategy. Under this program BJS provides direct support to the Office of National Drug Control Policy (ONDCP) on State and local drug policy and the development of a National drug research agenda. In FY 1991, BJS also will complete the Report to the Nation on Drugs, Crime, and Justice which combines a variety of sources of drug data into one report and covers a gamut of topics including illegal drug production and trafficking, extent of drug use, costs associated with drug abuse, types of drug policies, and history of drug abuse and control. Although, the activities of the Drugs and Crime Data Center and Clearinghouse are an integral part of this overall program, its operations and funding are detailed elsewhere in this plan. The funding (administrative dollars) shown includes only the direct support efforts of BJS to ONDCP and the completion of the national drug report.

Criminal Justice Expenditure and Employment Survey

$145,000

This is a collaborative intra-agency program between BJS and BJA in which BJA is providing all or a major portion of the funds. The purpose of this program is to analyze data acquired through the expenditure and employment survey. This analysis will review the detailed information on the costs of the criminal justice system including police protection, courts, prosecution, public defense, and corrections. It will assess the long-term trends in justice expenditure and employment, costs of drug law enforcement, and variations in spending for the different types of correctional institutions and programs, such as prisons, jails, parole and probation and in the various courts.

Federal Statistics and Policy

$1,220,000

BJS has developed and maintained a Federal integrated data base which links information from investigative agencies, the Executive Office of U.S. Attorneys, the Administrative Office of the Courts and the Bureau of Prisons to understand the movement of cases and accused persons or offenders through the Federal criminal process. An expansion of the program will take place in 1991/1992 which will include input and analysis of Drug Enforcement Administration data; the development and implementation of an automated model to simulate the functioning of the Federal criminal justice system, thus providing the ability to assess the impact of varying drug
strategies; and the initiation of a
Quarterly Indicator Series. Attention is
given to privacy and security issues in
data series, particularly criminal
histories and other data bases where
access is a critical issue. Also included is
white collar crime, including
definitions, surveys of statutes, and the
acquisition of Federal data bases.

International Statistics

$90,000

The International Statistics program
has two objectives: (1) To improve the
quality, quantity, and comparability of
international crime and justice statistics
of operational significance; and (2) to
promote the preparation and
dissemination of cross-country criminal
justice analyses based on international
statistics. Through the international
program, BJS is providing support to the
United Nations Criminal Justice
Network. The purpose of the network is
to provide quick communication among
criminal justice professionals and to
disseminate criminal justice information
and research findings around the world.
BJS anticipates funding several
international projects in FY 1991. Two of
these projects are currently in progress.

Publication and Dissemination
$1,515,000

Every BJS program results in a
publication. BJS reports on specific data
series are sent to persons who have
requested inclusion in one or more of
these lists. Reports are distributed by
two clearinghouses: The Justice
Statistics Clearinghouse, through the
National Criminal Justice Reference
Service (NCJRS), and the Data Center
and Clearinghouse for Drugs and Crime.
In addition, the University of Michigan’s
Inter-University Consortium for Political
and Social Research is the repository for
and provides access to the public-use
data tapes created as a result of all BJS
data collection activities, including
those of the Bureau of Census, the
Federal Bureau of Investigation and all
BJS and NIJ grantees. Finally, BJS also
supports the National Clearinghouse for
Criminal Justice Information Systems
(CJIS) which operates an automated
index of more than 1,000 criminal justice
information systems maintained by
State and local governments throughout
the Nation. As part of this program, the
CJIS Clearinghouse operates an
electronic bulletin board which
promotes and facilitates the exchange of
information among justice agencies and
practitioners and features an electronic
mail system, a variety of publications to
read on-line or download, and the
ability to exchange software between
users.

National Institute of Justice
$5,000,000

[Additional funding to be determined]

Continuation Programs

National Criminal Justice Reference
Service (NCJRS)
Up to $4,000,000

The NCJRS serves as a clearinghouse
by maintaining a criminal justice library
of over 100,000 documents and an
electronic data base which serves
reference specialists in locating
information quickly for use by law
enforcement agencies, policymakers,
criminal justice practitioners and the
research community. During FY 1991,
particular emphasis will be placed on
OJP priorities. For example, publications
regarding gangs and violence will be
disseminated throughout the criminal
justice community via NJJ/Reports, the
NCJRS Electronic Bulletin Board and
conference support system which
ensures dissemination to all major
criminal justice agencies and
organizations in the Nation and, where
appropriate, the world. This is a
continuation of a contract and no
applications will be solicited in Fiscal
Year 1991.

Professional Conference Series

[Funding to be determined]

The Professional Conference Series
sponsors national conferences and
meetings to obtain from and provide for
State and local officials information and
research findings regarding criminal
justice issues. The Series also provides
regional training workshops. In Fiscal
Year 1991, regional conferences on
intermediate sanctions are proposed.
This is a continuation of a contract and no
applications will be solicited in Fiscal
Year 1991.

Research Support Services

[Funding to be determined]

The services provided under this
contract fall into three areas: Peer
review; general logistical and
administrative support for NJJ’s
programs; and consultant support.
Taken together, these services constitute
essential research and administrative
support to NJJ. A new three-year
procurement for this contract will be
initiated during Fiscal Year 1991.

Research Applications Program
Up to $927,500

The Research Applications Contract
supports applied research projects,
summaries of major studies, and
syntheses of studies in identified topic
areas. The program also develops
reports, publications and program
development products to convey useful
research-based information to criminal
justice policy and practitioner
audiences. A number of projects
underway and proposed for FY 1991
specifically address the Office of Justice
Programs initiatives on Gangs and
Violence, and Victims. This is a
continuation of a contract and no
applications will be solicited in Fiscal
Year 1991.

National Assessment Program
$25,000

The 1990 National Assessment
Program surveyed seven professional
groups involved in criminal justice. The
focus of the survey was their priorities,
problems, and research and information
needs. Also an initial analysis of
responses from approximately 2,400
State and local officials has been
completed and reports are being
developed. FY 1991 activities will focus
on more detailed review of particular
issues, including a trend analysis of
results from the prior surveys. Services
are being provided by a current
contractor.

Office of Juvenile Justice and Delinquency
Prevention

$150,000

Continuation Programs

Juveniles Taken into Custody
$150,000

Through this statistical, dissemination
program, an annual report to Congress is
presented giving a detailed summary
and analysis of the most recent data
available regarding the numbers and
characteristics of juveniles taken into
custody during the preceding fiscal year.
It includes data on ethnic background
and gang membership.

Other Programs for Criminal Justice
Improvements—$11,445,000

OJP Policy Statement

Other programs to be funded in FY
1991 by the Office of Justice Programs
focus on activities that support the
priority programs, but do not fall
squarely within the OJP priorities. The
emphasis is on system enhancement in
the prevention, intervention,
adjudication and supervision areas. All
of the agency functions are represented.
Research, development, demonstration
and dissemination.
OJP Program Response

Bureau of Justice Assistance
$2,400,000

New Programs

Drug Night Courts
$150,000

This program would benefit medium and large jurisdictions which experience backlogs and/or increased filings of drug cases. The main purposes of this program are to assess current experiences of drug night court operations, develop program models, demonstrate those models, and determine their impact on the adjudication of drug cases. The project is composed of a national assessment of drug night courts and the development of a prototype or prototypes.

National Conference on Drugs and the Courts
$100,000

This program is a collaborative effort with the State Justice Institute to help the State judiciaries develop and implement strategies, programs and activities in response to increasing drug cases. The national conference, to be held by the fall of 1991, will explain the Administration's National Drug Strategy, define the role of the State Judiciary in context of the strategy, and present and discuss how the State Judiciary can directly support strategy implementation. Further, the Conference will identify successful programs (e.g., expedited drug case management, drug testing, denial of Federal benefits, comprehensive adjudication of drug arrests), and address special issues facing judicial administration in processing drug cases.

Assessment of Prison Industry Enhancement Certified Projects
$75,000

This project is designed to develop a history and evaluation of certified projects. It will document program development in certified States and counties, including an analysis of offender characteristics for participating inmates and a number of model products for use by the corrections community. The products will be of interest to those in correctional agencies, local units of government, private sector partners, legislative representatives and others.

State and Local Training and Technical Assistance
$750,000

This program will be designed to assist States and local jurisdictions in developing and implementing comprehensive strategies to prevent and control illegal drugs, and to improve their criminal justice systems. The major purposes of the program are to: (1) Support the development and enhancement of comprehensive State strategies; (2) promote and facilitate the implementation of programs developed under BJA discretionary initiatives; and (3) provide technical assistance to States and local jurisdictions.

Continuation Programs

Expedited Drug Case Management—Demonstration
$250,000

The main purpose of this program is to demonstrate the application of performance standards and to achieve more efficient adjudication of cases in courts of general jurisdiction. Because the standards and measures are contemporary and emphasize the accountability of the courts to the public, demonstration of their application is critical to acceptance and implementation by the courts nationwide. Although this initiative follows from the development work completed in July, this demonstration effort is a new element in the overall program concept by making operational and institutionalizing the standards. This is a collaborative program with the State Justice Institute.

Private Sector/Prison Industry Enhancement Certification Program
$350,000

This program is designed to provide specialized training, technical assistance and monitoring to certified agencies, designated prison industry projects, and interested agencies. It will provide the necessary resources, leadership, management and coordination of technical assistance delivery for those who are involved in the planning, development, or management of private sector prison industry programs. Project participation in Prison Industry Enhancement has the dual purpose of generating products and services that produce income so inmates can make contributions to society (becoming taxpayers instead of tax users) and providing purposeful work for inmates, thereby reducing prison tensions caused by overcrowding, while increasing job skills, and providing some marginal opportunity for inmate rehabilitation.

Correctional Industries Information Clearinghouse (CI-NET)
$200,000

This project will provide publications, technical assistance and special research for correctional industries. CI-NET is designed to support improved operations and expansion of correctional industries, both as a means to reduce the security risk of inmate idleness, and to develop revenues for a variety of correctional and social purposes. All of its products and services are designed to help correctional industries address the challenges of rapid growth in corrections.

Real Property Identification
$25,000

This program is designed to alleviate crowded State and local correctional facilities through the transfer of suitable land and buildings for new construction or renovation. A primary purpose of the Federal Property and Administrative Services Act of 1949, as amended by the Anti-Drug Act of 1988, is to provide more prison space to the States in which to incarcerate criminal offenders.

Expedited Drug Case Management
$400,000

The purpose of this program is to accelerate the adjudication of drug cases and to implement an array of intermediate sanctions to achieve timely and complete disposition of drug offenders. This continuation funding will allow for final modifications to the demonstration projects based on evaluation results and program monitoring, institutionalization within the demonstration sites, and the development of final documents to promote replication.

Enhanced Pretrial Services Delivery
$100,000

The purpose of this program is to demonstrate effective pretrial service models and to document these models for replication nationwide. Additional host sites will be added and an implementation manual will be developed to guide jurisdictions desiring to begin or improve pretrial service activities. Additional host sites will be certified.
National Institute of Justice
$4,575,000

New Programs
Jails and Prison Construction Initiative
$250,000

The purpose of this program in conjunction with BJA is to develop and disseminate information to State and local officials on building more cells at a reasonable cost. This is a possible continuation of a contract and no applications will be solicited in Fiscal Year 1991.

State and Local Technical Assistance
Up to $500,000

This program will provide assistance to State and local governments implementing new and innovative approaches to crime control and criminal justice. The methods of procurement will be determined.

Continuation Programs
Fellowship Programs
[Funding to be determined]

The Fellowship Program will support work on topics of high priority to the Attorney General and the Office of Justice Programs. The program includes grants for 6 to 18-month periods of Washington-based analysis and model development in criminal justice. One fellow is anticipated to work in the field of training and technical assistance for victims services. Multiple awards will be made under this program. Methods of application will be determined and solicitations may be issued as appropriate.

NIJ Research Monograph Series
Up to $150,000

This program produces an annual volume of research papers on current criminal justice policies, and is widely considered to be one of the most prestigious publications in the field. The methods of procurement will be determined and a solicitation may be issued as appropriate.

Drugs, Alcohol and Crime Program
$500,000

This program addresses drug-related problems including the use of drugs in criminal careers and drug testing issues. This program also includes an initiative to control the diversion of precursor and essential chemicals used to produce illicit drugs. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Prosecution and Adjudication Program
$500,000

This program focuses on the problems of prosecutors and the courts in processing criminal cases. These include evidentiary issues such as eyewitness testimony, innovation in pretrial supervision, jury management and appellate delay. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Criminal Behavior Program
$500,000

The focus of this program is on issues critical to the criminal justice system in preventing and controlling crime. These include violence, drugs, classification, the effects of official sanctions on criminal careers, and ethnographies of active offenders. Multiple awards may be made. Methods of procurement will be determined and solicitations may be issued as appropriate.

Forensic Sciences and Criminal Justice
$475,000

This technology program supports development of new methods, techniques, and systems for improving investigative functions. This program also will develop protocols for DNA testing and matching to meet court standards of admissible evidence. Multiple awards will be made under the program. Methods of procurement will be determined and solicitations may be issued as appropriate.

Technology Assessment Program
[Funding to be determined]

The Technology Assessment Program Information Center (TAPIC), operated by NIJ and the Commerce Department, develops equipment performance standards that can be used by law enforcement agencies in making informed purchases. TAPIC disseminates information to Federal, State and local law enforcement officials on the reliability and effectiveness of criminal justice equipment and products. Services are being provided by a current contractor.

Electronic Benefits Transfer Project
$90,000 (Treasury)

This is an intra-agency collaborative effort between NIJ and the Treasury Department. This project examines the use of government issued ATM cards to provide benefits to recipients in poor neighborhoods vulnerable to robbery or fraud involving their checks. This is a possible continuation of a current grantee and no applications will be solicited in Fiscal Year 1991.

Office of Juvenile Justice and Delinquency Prevention
$4,473,000

New Programs
Fellowship Program
$350,000

Acting through the National Institute for Juvenile Justice and Delinquency Prevention, OJJDP will begin a Fellowship Program which will provide grants of varying amounts to individuals for independent, scholarly study in the field of juvenile delinquency while in residence at OJJDP. The areas of study may include developing new knowledge, evaluating existing or proposed juvenile justice system policies and practices, or developing state-of-the-art information in areas specified under section 243(l) of the Juvenile Justice and Delinquency Prevention (JJP) Act, 42 U.S.C. 5653(l).

Field—Initiated Programs
$400,000

OJJDP is proposing a development program designed to increase the capacity of State and local governments, public and private youth-serving agencies, and neighborhood organizations or community groups to prevent delinquency, develop and use alternatives to the juvenile justice system, and improve the administration of juvenile justice. Grants will be awarded competitively to researchers, practitioners, and policymakers who have innovative ideas to address areas that do not fall within the scope of other Fiscal Year 1991 grant programs funded by OJJDP. The award of these grants will be closely coordinated with the Assistant Attorney General, Office of Justice Programs.

Model Program Identification and Dissemination
$50,000

OJJDP will actively identify and package promising or proven program models and provide them to State and local jurisdictions. In addition, they will be incorporated into OJJDP's technical
assistance and training activities. In keeping with this initiative, OJJDP has re-established its program of "Recognition of Outstanding Juvenile Justice Programs." The National Coalition of State Juvenile Advisory Groups has agreed to participate with State Advisory Groups in developing the nominating process and in recommending programs for OJJDP recognition.

Comparative Research on Success of Juvenile Delinquency and Substance Abuse Treatment Programs $250,000

The purpose of this research program is to conduct a special study of juvenile delinquency and substance abuse treatment programs. These programs will include instruction in strong ethical and moral values such as honesty, integrity, respect for authority, and responsibility for one's actions and then will be compared with programs lacking, or with minor inclusion of, this component. Public and private programs will be included in the study and exemplary programs identified.

Continuation Programs

National Juvenile Court Data Archive $617,000

The purpose of this program is to collect, process, analyze, and disseminate available data concerning cases handled by the Nation's juvenile courts. Specific emphasis will be given to the collection and analysis of data involving gang-related and minority offenders within the court system in terms of resources expended and the types of dispositions, such as intermediate sanctions.

Children in Custody Census $300,000

This dissemination project is a biennial census of public and private juvenile detention and correctional facilities, conducted by the Census Bureau. It describes the subject facilities in terms of their resident populations as well as their programs and physical characteristics.

Research on the Juvenile Justice Systems in American Indian and Alaskan Native Communities $425,000

The purpose of this research project is to study and describe the juvenile justice systems and procedures, particularly the treatment of accused juveniles in the communities which have law enforcement functions. Also, the program will determine the amount of financial resources available to support community-based alternatives to incarceration and will study the extent to which deinstitutionalization of status offenders and removal of juveniles from adult secure institutions are applied.

Information Center $765,000

The Center provides support services to OJJDP in preparing and disseminating information on all aspects of juvenile delinquency and responds to information requests from the juvenile justice field.

Insular Area Support Estimated $325,000

The purpose of this demonstration program is to provide supplemental financial support to the Virgin Islands, Guam, American Samoa, Palau and the Commonwealth of the Northern Mariana Islands in accordance with section 261(e) of the JJP Act, as amended.

Non-Participating State Initiative

$325,000

The purpose of this demonstration program is to make funds available to non-participating States in accordance with section 223(d) of the JJP Act, as amended.

OJJDP Technical Assistance Support Contract $166,000

The purpose of this dissemination project is to provide technical assistance and support to the Office of Juvenile Justice and Delinquency Prevention, OJJDP grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in all research, program development, evaluation, training, and research utilization activities.

National Coalition of State Juvenile Justice Advisory Groups $500,000*

This National Coalition was required by Congress in 1984 to prepare and submit an Annual Report that reviews Federal policies regarding juvenile justice and delinquency prevention to the President, the Congress and the OJJDP Administrator. The coalition also is required to disseminate information, data, standards, and advanced techniques.

Jimmy Guru multicultural, Assistant Attorney General, Office of Justice Programs.

*FR Doc. 91-628 Filed 1-15-91; 8:45 am
DOLLING CODE 4410-19-N
Wednesday
January 16, 1991

Part III

Department of Education

34 CFR Parts 74 and 80
Education Department General Administrative Regulations; Final Regulations
DEPARTMENT OF EDUCATION
34 CFR Parts 74 and 80
RIN 1890-AA49

AGENCY: Department of Education.

SUMMARY: The Secretary amends the Federal Register.

ACTION: Final regulations.

SUPPLEMENTARY INFORMATION:


Waiver of Proposed Rulemaking

In accordance with section 431 (b)(2)(A) of the General Education Provisions Act (200 U.S.C. 1232(b)(2)(A)) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, OMB has already offered a full opportunity to comment on the proposed Circular. Therefore, the Secretary has determined, under 5 U.S.C. 553(b)(B), that proposed rulemaking is unnecessary and contrary to the public interest. Accordingly, for good cause, the Secretary waives proposed rulemaking and adopts OMB Circular A-133 as published in the Federal Register on March 16, 1990 at 55 FR 10019.

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the Order.

List of Subjects
34 CFR Part 74
Administrative practice and procedure, Education Department, Grant programs, education, Grant administration.

34 CFR Part 80
Administrative practice and procedure, Education Department, Grant programs, education, Grant administration.

The authority citation for part 74 is 34 CFR part 74 and replace audit requirements that were found in OMB Circular A-110, "Grants and Agreements with Institutions of Higher Education and Other Nonprofit Organizations." Conforming amendments are also made to 34 CFR part 80.

PART 80—UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

3. The authority citation for part 80 is revised to read as follows:

Authority: 20 U.S.C. 1221e-6(a)(1) and 3474, OMB Circular A-102, unless otherwise noted.

4. Section 80.26 is amended by revising paragraphs (b)(1) and (b)(2), and the authority citation at the end of the section to read as follows:

§ 80.26 Non-Federal audit.

(b) * * * * *

(1) Determine whether State or local subgrantees have met the audit requirements of the Act and whether subgrantees covered by OMB Circular A-133, "Audits of Institutions of Higher Education and Other Nonprofit Institutions" have met the audit requirements in that Circular. Commercial contractors (private for-profit and private and governmental organizations) providing goods and services to State and local governments are not required to have a single audit performed. State and local governments should use their own procedures to ensure that the contractor has complied with laws and regulations affecting the expenditure of Federal funds;

(2) Determine whether the subgrantee spent Federal assistance funds provided in accordance with applicable laws and regulations. This may be accomplished by reviewing an audit of the subgrantee made in accordance with the Act, OMB Circular A-133, or through other means (e.g., program reviews) if the subgrantee has not had such an audit;

Authority: 20 U.S.C. 1221e-6(a)(1) and 3474, OMB Circulars A-102, A-128 and A-133)

[FR Doc. 91-971 Filed 1-15-91; 8:45 am]
BILLING CODE 4000-01-M
Part IV

Department of Education

34 CFR Part 690
Pell Grant Program; Final Regulations
DEPARTMENT OF EDUCATION
34 CFR Part 690
RIN 1840-AB40
Pell Grant Program
AGENCY: Department of Education.
ACTION: Final regulations.

SUMMARY: The Secretary amends the regulations for the Pell Grant Program prescribing those special conditions under which a special calculation of a student’s expected family contribution is to be made.

EFFECTIVE DATE: These regulations take effect either March 4, 1991, or later if the Congress takes certain adjournments. A document announcing the effective date will be published in the Federal Register. If you want to know the effective date of these regulations, call or write the Department of Education contact person.


SUPPLEMENTARY INFORMATION: The Departments of Labor, Health, and Human Services, and Education, and Related Agencies Act, 1991 (Pub. L. 101-517) signed by President Bush on November 5, 1990, makes changes to the determination of a student’s expected family contribution (EFC), also called the Pell Grant Index (PGI), under the Pell Grant Program for the 1991-92 award year. The above mentioned appropriations act rescinded a financial aid administrator’s (FAA’s) authority under section 478A of the Higher Education Act of 1965, as amended (HEA), to make individual adjustments, based on adequate documentation, to a student’s EFC under the Pell Grant Program. This rescission applies only to the Pell Grant Program and is effective only for the 1991-92 award year. The FAA’s authority to make adjustments to a student’s EFC in the other programs authorized by title IV of the HEA (title IV, HEA programs) remains unchanged. Also, an FAA’s authority to make a determination that a student is independent by reason of documented unusual circumstances under sections 411F(12)[B]vii) and 480[d][2][G] of the HEA for all of the title IV, HEA programs remains unchanged.

The new legislation provides that in those instances where special conditions exist (as determined by the Secretary), the student’s PGI for the Pell Grant Program shall be based upon expected year income instead of base year income. That is, any student whose family circumstances meet a special condition criterion shall have his or her PGI calculated using the expected income for the 1991 calendar year instead of by the standard procedure of using the base year income for the 1990 calendar year. This use of expected year income in the Pell Grant formula is identical to the use of expected year income in the Pell Grant formula for the 1990-91 award year.

The purpose of these regulations is to provide a list of the special conditions under which a computation of a student’s PGI, using expected year data, would be performed. The special conditions are the same as those used in the Pell Grant Program in the 1990-91 award year. Because the statute was amended to require special condition calculations for the 1991-92 award year so close to the beginning of the 1991-92 processing year, the Department is unable to provide a Special Conditions Form.

To ensure that students know that they may be eligible to have their awards calculated on the basis of special conditions, a message will be printed on each Student Aid Report (SAR) indicating that a student who believes that he or she qualifies for a special condition calculation should contact his or her FAA. Students meeting a special condition criterion must provide the data needed for the special calculation on either the Correction Application for Federal Student Assistance (Correction AFSA) or the SAR. In either case the student forwards the document to the processor indicated on the form. At that time a computation based on the expected year data will be made and a new SAR generated.

As in prior award years, a student’s eligibility for the simplified needs test (SNT) is determined using base year information. If a student qualifies for the SNT and also qualifies for a special condition calculation, that special condition calculation is made using full expected year information.

Waiver of Notice of Proposed Rulemaking

In accordance with section 431(b)(2)(A) of the General Education Provisions Act (20 U.S.C. 1232[b][2][A]) and the Administrative Procedure Act (5 U.S.C. 553), it is the practice of the Secretary to offer interested parties the opportunity to comment on proposed regulations. However, under the Departments of Labor, Health and Human Services, and Education, and Related Agencies Act, 1991 (Pub. L. 101-517) the Secretary is required to apply regulatory criteria governing special condition calculations for the 1991-92 award year. The processing cycle for the 1991-92 award year begins in January 1991. If the Secretary were to delay implementation of these regulations the Secretary would be prevented from the due and required execution of this law. Moreover, in the absence of immediate implementation of these regulations needy students would be prevented from obtaining the full amount of Pell Grant assistance for which they are eligible under the special conditions prescribed by the Secretary. The public is also unlikely to object to these regulations because they contain special conditions that are identical to those contained in the regulations that were in effect for the 1987-88, 1989-90 and 1990-91 award years. The regulations in effect for the 1987-88 award year were the product of notice and comment rulemaking. Since the regulations are effective for the current award cycle only, the delay occasioned by taking public comment would result in the nonapplication of the Appropriations Act provision to many of the students to whom it was intended to apply.

Therefore, the Secretary has determined that publication of a proposed rule is unnecessary, impracticable, and contrary to the public interest under 5 U.S.C. 553(b)(B).

Executive Order 12291

These regulations have been reviewed in accordance with Executive Order 12291. They are not classified as major because they do not meet the criteria for major regulations established in the order.

Paperwork Reduction Act of 1980

These regulations have been examined under the Paperwork Reduction Act of 1980 and have been found to contain no information collection requirements.

Assessment of Education Impact

The Secretary has determined that the regulations in this document do not require transmission of information that is being gathered by or is available from any other agency or authority of the United States.

List of Subjects in 34 CFR Part 690

Administrative practice and procedure, Education, Education of disadvantaged, Grant programs—education, Student aid.

(Catalog of Federal Domestic Assistance Number: 84.063 Pell Grant Program)
Dated: December 17, 1990.
Ted Sanders,
Acting Secretary of Education.

The Secretary amends part 690 of title 34 of the Code of Federal Regulations as follows:

PART 690—PELL GRANT PROGRAM

1. The authority citation for part 690 continues to read as follows:
   Authority: 20 U.S.C. 1070a through 1070a-6, unless otherwise noted.

§ 690.31 [Amended]

2. In § 690.31, paragraph (a), the introductory text is amended by removing “1990-91”, and adding, in its place, “1991-92”, and by removing “1990”, and adding, in its place, “1991”;
   paragraphs (a) (2), (3), (4), and paragraph (b), are amended by removing “1990” each time it appears, and adding, in its place, “1991”; paragraphs (a) (1), (2), (3), (4), and (6), are amended by removing “1989” each time it appears, and adding, in its place, “1990”; and the authority citation is revised to read as follows:
   (Authority: Pub. L. 101–517)

§ 690.32 [Amended]

   paragraphs (a) (2), (3), (5), and paragraph (b), are amended by removing “1990” each time it appears, and adding, in its place, “1991”; paragraphs (a) (1), (2), (3), and (5), are amended by removing “1989” each time it appears, and adding, in its place, “1990”; and the authority citation is revised to read as follows:
   (Authority: Pub. L. 101–517)
Wednesday
January 16, 1991

Part V

Office of Management and Budget

Budget Rescissions and Deferrals; Notice
OFFICE OF MANAGEMENT AND BUDGET

Budget Rescissions and Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the Impoundment Control Act of 1974, I herewith report two new deferrals and four revised deferrals of budget authority now totalling $9,093,864,337.

The deferrals affect International Security Assistance programs, as well as programs of the Departments of Agriculture, State, and Transportation.

The details of these deferrals are contained in the attached report.

George Bush
The White House,

[FR Doc. 91-1102 Filed 1-15-91; 8:45 am]

BILLING CODE 3110-01-M
CONTENTS OF SPECIAL MESSAGE  
(in thousands of dollars)

<table>
<thead>
<tr>
<th>DEFERRAL NO.</th>
<th>ITEM</th>
<th>BUDGET AUTHORITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>D91-1A</td>
<td>Economic support fund</td>
<td>2,092,829</td>
</tr>
<tr>
<td>D91-8</td>
<td>Foreign military financing</td>
<td>4,820,649</td>
</tr>
<tr>
<td>D91-9</td>
<td>Peacekeeping operations</td>
<td>5,177</td>
</tr>
<tr>
<td></td>
<td><strong>Department of Agriculture:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Forest Service:</td>
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<tr>
<td>D91-3A</td>
<td>Cooperative work</td>
<td>509,040</td>
</tr>
<tr>
<td></td>
<td><strong>Department of State:</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bureau of Refugee Programs:</td>
<td></td>
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<tr>
<td>D91-6A</td>
<td>United States emergency refugee and migration fund</td>
<td>59,036</td>
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<td></td>
<td><strong>Department of Transportation:</strong></td>
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<td>Federal Aviation Administration:</td>
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<tr>
<td>D91-7A</td>
<td>Facilities and equipment, Airport and airway trust fund</td>
<td>1,607,132</td>
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<tr>
<td></td>
<td><strong>Total deferrals:</strong></td>
<td>9,093,864</td>
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### SUMMARY OF SPECIAL MESSAGES

**FISCAL YEAR 1991**

*(in thousands of dollars)*

<table>
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<tr>
<th>RESCISSIONS</th>
<th>DEFERRALS</th>
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<tbody>
<tr>
<td><strong>Second special message:</strong></td>
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<tr>
<td>New items</td>
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</tr>
<tr>
<td>Revisions to previous special messages</td>
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<tr>
<td>Effects of the second special message</td>
<td>---</td>
</tr>
<tr>
<td>Amounts from previous special messages</td>
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</tr>
<tr>
<td><strong>TOTAL amount proposed to date in all special messages</strong></td>
<td>---</td>
</tr>
</tbody>
</table>
Deferral No. D91-1A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-1 transmitted to Congress on October 4, 1990.

This revision increases by $1,943,510,000 the previous deferral of $149,319,284 in the Economic support fund, resulting in a total deferral of $2,092,829,284. The increase reflects the routine deferral of increases in unobligated funds carried over from 1990 and funds included in the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1991.
DEFERRAL OF BUDGET AUTHORITY

AGENCY:
Funds Appropriated to the President

BUREAU:
International Security Assistance

Appropriation title and symbol:
Economic support fund 1/

OMB identification code:
11-1037-0-1-152

Legal authority (in addition to sec. 1013):
X Antideficiency Act

Grant program:
X Yes □ No

Coverage:

<table>
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<tr>
<th>Appropriation</th>
<th>Account Symbol</th>
<th>OMB Identification Code</th>
<th>Deferred Amount Reported</th>
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<tr>
<td>Economic support fund........</td>
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<td>11-1037-0-1-152</td>
<td>$39,389,000</td>
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<tr>
<td>Economic support fund........</td>
<td>11/21037</td>
<td>11-1037-0-1-152</td>
<td>$1,904,121,000</td>
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<td>Economic support fund........</td>
<td>110/11037</td>
<td>11-1037-0-1-152</td>
<td>$149,319,284</td>
</tr>
</tbody>
</table>

JUSTIFICATION: This action defers funds pending approval of specific loans and grants to eligible countries by the Secretary of State after review by the Agency for International Development and the Treasury Department. This interagency review process will ensure that each approved program is consistent with the foreign and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-1C).

2/ The deferred amount has been reduced to $2,053,693,434 due to subsequent releases.

Revised from previous report.
DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

<table>
<thead>
<tr>
<th>AGENCY:</th>
<th>New budget authority $5,066,920,800 (P.L. 101-513)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funds Appropriated to the President</td>
<td>Other budgetary resources $96,271,495</td>
</tr>
<tr>
<td>BUREAU:</td>
<td>Total budgetary resources $4,970,649,305</td>
</tr>
<tr>
<td>International Security Assistance</td>
<td></td>
</tr>
<tr>
<td>Appropriation title and symbol:</td>
<td></td>
</tr>
<tr>
<td>Foreign military financing (FMF) 1/</td>
<td></td>
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<tr>
<td>1111082</td>
<td></td>
</tr>
<tr>
<td>Amount to be deferred:</td>
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<tr>
<td>Part of year $4,820,649,305</td>
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<tr>
<td>Entire year</td>
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<th>OMB identification code: 11-1082-0-1-152</th>
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<tbody>
<tr>
<td>Legal authority (in addition to sec. 1013):</td>
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<tr>
<td>X Antideficiency Act</td>
</tr>
<tr>
<td>X Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant program: [X] Yes [ ] No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of account or fund: [X] Annual [ ] Multi-year: [ ] No-Year</td>
</tr>
<tr>
<td>Type of budget authority: [X] Appropriation [ ] Contract authority [ ] Other</td>
</tr>
</tbody>
</table>

JUSTIFICATION: The President is authorized by the Arms Export Control Act to sell or finance by grant, credit, or guarantee articles and defense services to friendly countries to facilitate the common defense and is further authorized by the International Narcotics Control Act of 1989 to provide military and law enforcement assistance to counter illegal narcotics. Under Section 2 of the Arms Export Act, the Secretary of State, under the direction of the President, is responsible for sales made under the Act, including determining whether there shall be a sale to a country and the amount thereof. Executive Order No. 11958 further requires the Secretary of State to obtain the prior concurrence of the Secretaries of Defense and Treasury, respectively, regarding standards and criteria for credit transactions that are based upon national security and financial policies. These funds have been deferred pending the approval of the Department of State, Defense, and Treasury for the specific sales to eligible countries. Consultation among these Departments will ensure that each approved program is consistent with the foreign, national security, and financial policies of the United States and will not exceed the limits of available funds. This action is taken pursuant to the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None
Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-8).
**DEFERRAL OF BUDGET AUTHORITY**

**Report Pursuant to Section 1013 of P.L. 93-344**

<table>
<thead>
<tr>
<th>AGENCY: Funds Appropriated to the President</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUREAU: International Security Assistance</td>
</tr>
<tr>
<td>Appropriation title and symbol: Peacekeeping Operations 1111032</td>
</tr>
<tr>
<td>New budget authority................ $ 32,800,000 (P.L. 101-513)</td>
</tr>
<tr>
<td>Other budgetary resources..... -623,000</td>
</tr>
<tr>
<td>Total budgetary resources...... 32,177,000</td>
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<tr>
<td>Amount to be deferred:</td>
</tr>
<tr>
<td>Part of year....................... $ 5,177,000</td>
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<td>Entire year..........................</td>
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<th>OMB identification code: 11-1032-0-1-152</th>
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<tr>
<td>Legal authority (in addition to sec. 1013):</td>
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<tr>
<td>X Antideficiency Act</td>
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<tr>
<td>Other</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grant program: Yes No</th>
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</thead>
<tbody>
<tr>
<td>Type of account or fund:</td>
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<tr>
<td>X Annual</td>
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<tr>
<td>No Multi-year: (expiration date)</td>
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<tr>
<td>No No-Year</td>
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<tr>
<td>Type of budget authority:</td>
</tr>
<tr>
<td>X Appropriation</td>
</tr>
<tr>
<td>No Contract authority</td>
</tr>
<tr>
<td>No Other</td>
</tr>
</tbody>
</table>

**JUSTIFICATION:** This accounts funds U.S. assistance to international efforts to monitor and maintain the peace in areas of special concern to the United States. In 1991, contributions will be made to the Multinational Force and Observers in the Sinai and to the United Nations Force in Cyprus. Funds currently needed for Multinational Force and Observers in the Sinai fall short of the funds requested and appropriated. No other peacekeeping operations are currently being conducted. This deferral action is taken under the Antideficiency Act (31 U.S.C. 1512).

**Estimated Program Effect:** None

**Outlay Effect:** None
Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-3 transmitted to Congress on October 4, 1990.

This revision to a deferral of the Department of Agriculture, Forest Service, Cooperative work account, increases the amount previously reported deferred from $273,468,457 to $509,040,433. This increase of $235,571,976 is composed of repayments to this account of prior year advances made to other accounts for firefighting costs.

This revision also reflects a change in the period covered for the deferred amount for the Department of Agriculture, Forest Service, Cooperative work's account from "Part of Year" to "Entire Year."
DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

<table>
<thead>
<tr>
<th>AGENCY: Department of Agriculture</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUREAU: Forest Service</td>
</tr>
<tr>
<td>Appropriation title and symbol: Cooperative Work 1/</td>
</tr>
<tr>
<td>12X8028</td>
</tr>
</tbody>
</table>

New budget authority.................. * $ 331,598,688  
(16 U.S.C. 576b)  
Other budgetary resources..... * 515,588,121  
Total budgetary resources...... * 847,186,809  

Amount to be deferred:  
Part of year.................. * $  
Entire year........................  
509,040,433  

<table>
<thead>
<tr>
<th>OMB identification code: 12-9922-0-2-302</th>
</tr>
</thead>
</table>

Grant program:  
Yes [x] No  

| Type of account or fund:  
Annual  
Multi-year: (expiration date)  
No-Year |
|-----------------------------------|

| Type of budget authority:  
[x] Appropriation  
Contract authority  
Other |
|-----------------------------------|

JUSTIFICATION: Funds are received from States, counties, timber sale operators, individuals, associations, and others. These funds are expended by the Forest Service as authorized by law and the terms of the applicable trust agreements. The work benefits the national forest users, research investigations, reforestation, and administration of private forest lands. Much of the work for which deposits have been made cannot be done, or is not planned to be done, during the same year that the collections are being realized. Examples include areas where timber operators have not completed all of the contract obligations during the year funds are deposited. As a result restoration efforts cannot begin, and the funds cannot be obligated this year. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

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1/ This account was the subject of a similar deferral in FY 1990 (D90-3A).

* Revised from previous report.
Deferral No. D91-6A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-6 transmitted to Congress on October 4, 1990.

This revision to a deferral of the Department of State's Emergency refugee and migration assistance fund increases the amount previously reported as deferred from $14,529,000 to $59,036,000. This increase of $44,507,000 results from the routine deferral of increased carry over balances from 1990 and 1991 appropriations pending Presidential designation of the refugees to be assisted.
### DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

<table>
<thead>
<tr>
<th>AGENCY: Department of State</th>
<th>New budget authority $35,000,000 (P.L. 101-513)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BUREAU: Bureau of Refugee Programs</td>
<td>Other budgetary resources $25,536,000</td>
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<tr>
<td>Appropriation title and symbol: United States emergency refugee and migration assistance fund 1/</td>
<td>Total budgetary resources $60,536,000</td>
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<td>OMB identification code: 11-0040-0-1-151</td>
<td>Legal authority (in addition to sec. 1013):</td>
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<td>Grant program:</td>
<td>Antideficiency Act</td>
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<tr>
<td>Yes ☑ No</td>
<td>Other</td>
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<td>Type of account or fund:</td>
<td>Type of budget authority:</td>
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<td>☑ Annual</td>
<td>☑ Appropriation</td>
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<td>☑ Multi-year: No-Year</td>
<td>☑ Contract authority</td>
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<tr>
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**JUSTIFICATION:** Section 501(a) of the Foreign Relations Authorization Act, 1976 (Public Law 94-141) and Section 414(b) (1) of the Refugee Act of 1980 (Public Law 96-212) amended Section 2(c) of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2601) by authorizing a fund to enable the President to provide emergency assistance for unexpected urgent refugee and migration needs.

Executive Order No. 11922 of June 16, 1976, allocated all funds appropriated to the President for the Emergency Fund to the Secretary of State but reserved for the President the determination of assistance to be furnished and the designation of refugees to be assisted by the Fund.

These funds have been deferred pending Presidential decisions required by Executive Order No. 11922. Funds will be released as the President determines assistance to be furnished and designates refugees to be assisted by the Fund. This deferral action is taken under the provisions of the Antideficiency Act (31 U.S.C. 1512).

**Estimated Program Effect:** None

**Outlay Effect:** None

1/ This account was the subject of a similar deferral in FY 1990 (D90-6B).

* Revised from previous report.
Deferral No. D91-7A

Supplemental Report
Report Pursuant to Section 1014(c) of Public Law 93-344

This report updates Deferral No. D91-7 transmitted to Congress on October 4, 1990.

This revision increases by $1,068,472,991 the previous deferral of $538,659,324 in the Department of Transportation's Facilities and equipment, FAA trust fund account, resulting in a total deferral of $1,607,132,315. The increases results from projects and equipment funded in the Department of Transportation and Related Agencies Appropriation Act, 1991, that cannot be constructed or contracted for this year.
DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Section 1013 of P.L. 93-344

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<th>AGENCY:</th>
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<td>Facilities and equipment (Airport and airway trust fund)</td>
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<td>Entire year.........................2/*</td>
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<tr>
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<td>Legal authority (in addition to sec. 1013):</td>
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<td></td>
<td>☐ Contract authority</td>
<td></td>
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<tr>
<td></td>
<td>☐ Other</td>
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</tbody>
</table>

JUSTIFICATION: Funds from this account are used to continue to procure specific Congressionally-approved facilities and equipment for the expansion and modernization of the National Airspace System. The projects financed from this account include construction of buildings, and the purchase of new equipment for new or improved air traffic control towers, automation of the enroute airway control system, and expansion/improvement of navigational and landing aid systems. Funds to continue these activities were justified and provided for in the Department's regular budget submissions and were appropriated by Congress. Because of the lengthy procurement and construction time for these interrelated facilities and complex equipment systems, it is not possible to obligate all the funds necessary to complete each project in the year funds were appropriated. Therefore, it is necessary to apportion funds so that sufficient resources will be available in future periods to complete these projects. This deferral action is consistent with FAA's full funding approach and Congress' intent to provide resources for a project's total cost, and is taken under provision of the Antideficiency Act (31 U.S.C. 1512).

Estimated Program Effect: None

Outlay Effect: None

1/ This account was the subject of a similar deferral in FY 1990 (D90-7A)

2/ None of the deferred funds expire at the end of FY 1991.

* Revised from previous report.
Part VI

The President

Proclamation 6242—Martin Luther King, Jr., Federal Holiday
Title 3—

The President

Proclamation 6242 of January 14, 1991

Martin Luther King, Jr., Federal Holiday, 1991

By the President of the United States of America

A Proclamation

In commemorating the anniversary of the birth of the Reverend Dr. Martin Luther King, Jr., we celebrate the cause to which he dedicated his life. More than a struggle to end bigotry and segregation in the United States—although that alone would be ample reason to honor him—Martin Luther King's great purpose was an effort "to make real the promises of democracy."

With characteristic eloquence, Dr. King told his countrymen, "In spite of the difficulties and frustrations of the moment, I still have a dream. It is a dream deeply rooted in the American dream. I have a dream that one day this Nation will rise up and live out the true meaning of its creed." By working to fulfill for all Americans the promise of life, liberty, and happiness expressed in the Declaration of Independence, Martin Luther King helped to bring our country closer to the ideal envisioned at its founding.

Inspiring Martin Luther King's appeals for racial equality was a strong faith—faith in Almighty God, faith in the future, and faith in the ultimate triumph of truth and justice. A gifted preacher who often quoted from Scripture, King believed that America must uphold its promise of liberty and opportunity for all because prejudice and discrimination obscure the reality that all people are made in the image of their Creator.

The faith that animated Martin Luther King's efforts to uphold the God-given dignity and worth of every individual was nurtured in him from childhood. The son of a Baptist minister, King was clearly inspired by the example of his parents and their quiet nobility and determination.

The family is still, as King once observed, "the main educational agency of mankind." Thus, we must begin with the family if we are to ensure that our children "live in a nation where they will not be judged by the color of their skin but by the content of their character." We give our children the tools needed to build a bright future when we give them love and attention and help them to develop a sense of personal responsibility and self-esteem, as well as an appreciation for the value of learning and hard work. Finally, we must instill in our children a sense of hope and higher purpose, helping them to recognize—as did Martin Luther King—the power of prayer and the rewards of basic human goodness. As Dr. King once said, "Intelligence plus character—that is the goal of true education. The complete education gives one not only power of concentration but worthy objectives upon which to concentrate."

Throughout his adult life, Martin Luther King concentrated on efforts to overcome bitterness and division and to fulfill the American dream for all members of our society. He taught all of us important lessons about faith, sacrifice, perseverance, and optimism. Today we recall those lessons and renew our determination to promote racial harmony and equality of opportunity in the United States.
By Public Law 98-144, the third Monday in January of each year has been designated as a legal public holiday.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim Monday, January 21, 1991, as the Martin Luther King, Jr., Federal Holiday.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of January, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.
Reader Aids

Federal Register
Vol. 56, No. 11
Wednesday, January 10, 1991

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**Federal Register**

Read Wednesday, January 16, 1991 / Reader Aids
### LIST OF PUBLIC LAWS

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.
Pamphlet prints of public laws, often referred to as slip laws, are the initial publication of Federal laws upon enactment and are printed as soon as possible after approval by the President. Legislative history references appear on each law. Subscription service includes all public laws, issued irregularly upon enactment, for the 102d Congress, 1st Session, 1991.

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