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Friday
January 25, 1991

Briefings on How To Use the Federal Register
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FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

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

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

LOS ANGELES, CA

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

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WHEN: March 5, at 9:00 a.m.
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Presidential Documents

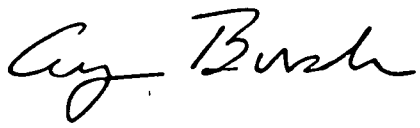
Title 3—

The President

Executive Order 12745 of January 22, 1991

Waiver Under the Trade Act of 1974 With Respect to Bulgaria

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 402(c)(2) of the Trade Act of 1974 ("the Act") (19 U.S.C. 2432(c)(2)), which continues to apply to Bulgaria pursuant to section 402(d), and having made the report to the Congress required by section 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of the Act with respect to Bulgaria.



THE WHITE HOUSE,
January 22, 1991.

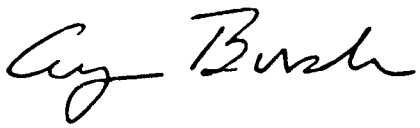
[FR Doc. 91-1992
Filed 1-23-91; 3:24 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12746 of January 23, 1991

Waiver Under the Trade Act of 1974 With Respect to Mongolia

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 402(c)(2) of the Trade Act of 1974 ("the Act") (19 U.S.C. 2432(c)(2)), which continues to apply to Mongolia pursuant to section 402(d), and having made the report to the Congress required by section 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of the Act with respect to Mongolia.



THE WHITE HOUSE,
January 23, 1991.

[FR Doc. 91-1993
Filed 1-23-91; 3:25 pm]
Billing code 3195-01-M

Rules and Regulations

Federal Register
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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 979

[Docket No. FV-91-229]

Melons Grown in South Texas; Budget and Rate of Assessment

AGENCY: Agricultural Marketing Sevivce, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes expenditures and establishes an assessment rate under Marketing Order No. 979 for the 1990–91 fiscal period. Authorization of this budget will permit the South Texas Melon Committee to incur expenses that are reasonable and necessary to administer the program. Funds to administer this program are derived for assessments on handlers.

EFFECTIVE DATE: October 1, 1990 through September 30, 1991.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525–S, Washington, DC 20090–6456, telephone (202) 447–2431.

SUPPLEMENTARY INFORMATION: This rule is effective under Marketing Agreement No. 156 and Order No. 979 (7 CFR part 979), regulating the handling of melons grown in South Texas. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the Act.

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

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

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

There are approximately 25 handlers of South Texas melons subject to regulation under the marketing order, and approximately 35 producers in the production area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000.

The budget of expenses for the 1990–91 fiscal period was prepared by the South Texas Melon Committee (committee), the agency responsible for local administration of the marketing order, and submitted to the Department of Agriculture for approval. The members of the committee are producers and handlers of melons. They are familiar with the committee's needs and with the costs for goods, services, and personnel in their local area, and are thus in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of South Texas melons. Because that rate is applied to actual shipments, it must be established at a rate which will produce sufficient income to pay the committee's expected expenses.

The committee met on November 20, 1990, and unanimously recommended a 1990–91 budget of $279,129. This budget is $48,115 below last year's budget of $327,244. Major increases include $2,000 for insurance and bonds, and $2,250 for office salaries. Major decreases from last year include $8,946, for market development, $35,456 for production research, $3,500 for furniture and fixtures, and $2,500 for travel costs.

The committee also unanimously recommended an assessment rate of $0.04 (4 cents) per carton. This rate, when applied to anticipated shipments of 6,000,000 cartons, will yield $240,000 in assessment revenue. This amount, when added to $25,000 in interest on committee deposits and $14,129 from the reserves, will be adequate to cover budgeted expenses. Reserve funds, currently $304,570, could be used to meet any shortfall in assessment revenue.

While this action will impose some additional costs on handlers, the costs are in the form of uniform assessments on all handlers. Some of the additional costs may be passed on the producers. However, these costs will be offset by the benefits derived from the operation of the marketing order. Therefore, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of alll relevant matters, including the proposal published in the **Federal Register** of December 26, 1990, at page 52999, and other relevant information, it is hereby found that this action as hereinafter set forth, will tend to effectuate the declared policy of the Act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the **Federal Register** (5 U.S.C. 553) because the committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis. The 1990–91 fiscal period began in October, and the marketing order requires that the rate of assessment for the fiscal year apply to all assessable melons handled during the fiscal period. In addition, handlers are aware of this action which was recommended by the committee at a public meeting.

List of Subjects in 7 CFR Part 979

Marketing agreements, Melons, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 979 in hereby amended as follows:

PART 979—MELONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 979 continues to read as follows:

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

2. A new § 979.213 is added to read as follows:

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

§ 979.213 Expenses and assessment rate.

Expenses of $279,129 by the South Texas Melon Committee are authorized and an assessment rate of $0.04 per carton of regulated melons is established for the fiscal period ending September 30, 1991. Unexpended funds may be carried over as a reserve.

Dated: January 18, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91-1766 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 1124

[DA-90-037]

Milk in the Pacific Northwest Marketing Area; Temporary Revision of Supply Plant Delivery Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Temporary revision of rule.

SUMMARY: This action eases a supply plant shipping requirement that at least 30 percent of producer milk physically received be shipped to a distributing (bottling) plant in order to qualify the supply plant for pooling under the Pacific Northwest order during the months of January through August 1991. During this period, the requirement will be 20 percent. This action was requested in order to prevent the uneconomic movement of milk by a cooperative association that represents producers regularly associated with the market.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Richard A. Glandt, Marketing Specialist, USDA/AMS/Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, 202-447-4829.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding:

Notice of Proposed Temporary Revision of Supply Plant Delivery Requirements: Issued December 11, 1990; published December 17, 1990 (55 FR 51725).

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action would not have a significant economic impact on a substantial number of small entities. The action reduces the regulatory impact of the order on milk handlers and tends to ensure that the market will be adequately supplied with milk for fluid use with a smaller proportion of milk shipments from pool supply plants.

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

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and the provisions of § 1124.7(c) of the Pacific Northwest milk order.

Notice of proposed rulemaking was published in **Federal Register** on December 17, 1990 (55 FR 51725) concerning the temporary easing of a supply plant shipping requirement during the month of December 1990, and for the months of January through August 1991. The public was afforded the opportunity to comment on the proposed notice by submitting written data, views and arguments. No opposing views were received.

Statement of Consideration

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found and determined that the supply plant delivery requirement set forth in § 1124.7(b) should be decreased from the present 30 percent of the total quantity of producer milk that is physically received at such a plant to 20 percent.

In order for a supply plant to maintain its pool plant status, the Pacific Northwest order currently requires such plants to ship to a pool distributing plant a minimum of 30 percent of the total quantity of milk physically received. The order also provides authority for the Director of the Dairy Division to increase or decrease this supply plant shipping requirement by up to 10 percent if such a revision is necessary to obtain needed shipments or to prevent uneconomic shipments.

The Tillamook County Creamery Association (TCCA), a cooperative association that represents a number of the market's producers, requested a temporary easing of the total minimum quantity of milk that a supply plant must ship to a distributing plant in order for the supply plant to maintain pool plant status. Specifically, TCCA asked the Director of the Dairy Division to consider reducing the total quantity of producer milk that is physically received at a supply plant and subsequently shipped to a distributing plant to 20 percent. TCCA had requested that this temporary revision be effective for the month of December 1990, and for the months of January through August 1991. However, it was not possible to accomplish the required procedures of public notice and comment and still make this action effective for December 1990. Thus, this temporary revision will be effective for the months of January through August 1991.

TCCA maintained that changes in milk production during the past few months has made it uneconomical and unnecessary to move the quantities of milk needed to maintain the delivery percentage required. They said that a temporary reduction of the shipping standard would not affect their willingness to supply spot loads of milk to the Portland bottling market as they traditionally do. With market conditions continuing along the current trend, TCCA says that it did not appear that they would maintain their pool plant status at the present delivery level without making uneconomic and quality deteriorating movements of milk between plants solely for the purpose of meeting this pooling requirement.

Marketing conditions have changed during 1990. A review of the milk production pooled under the Pacific Northwest order for the first eleven months of 1990 shows milk deliveries increasing at a rate greater than the quantity of milk that is used for fluid use. Therefore, it is reasonable to conclude that less milk is needed to be shipped by pool supply plants to fluid distributing plants and that to require so may result in the uneconomical and unnecessary movement of milk solely for the purpose of maintaining pool status.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area for the months of January through August 1991;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of the proposed temporary revision was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective upon publication of this notice in the **Federal Register**.

List of Subjects in 7 CFR Part 1124

Milk marketing orders.

It is therefore ordered, that § 1124.7(b) of Pacific Northwest milk order is hereby revised for the months of January through August 1991.

PART 1124—MILK IN THE PACIFIC NORTHWEST MARKETING AREA

1. The authority for 7 CFR part 1124 continues to read as follows:

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

§ 1124.7 [Amended]

2. In the text of paragraph § 1124.7(b), the provision "30 percent" is revised to "20 percent" for the months of January through August 1991.

Signed at Washington, DC, on: January 18, 1991.

W.H. Blanchard,

Director, Dairy Division.

[FR Doc. 91–1765 Filed 1–24–91; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 214

[INS Number: 1307-90]

Nonimmigrant Classes; Special Requirements for Admission, Extension and Maintenance of Status

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This rule amends 8 CFR 214.2(g) by requiring that an application for extension of stay, filed by a nonimmigrant in G–5 status, be supported by a letter from his/her employer. This requirement was inadvertently omitted from the final rule which was published on February 16, 1990, at 55 FR 5572–5576.

EFFECTIVE DATE: This final rule is effective January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Jack Tabaka, Senior Immigration Examiner, Immigration and Naturalization Service, 425 I St. NW., room 7122, Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: A final rule relating to nonimmigrants in A–1, A–2, A–3, G–1, G–2, G–3, G–4 and G–5 status was published in the **Federal Register** on February 16, 1990 at 55 FR 5572–5576.

To be consistent with instructions contained on Form I–539, the rule published on February 16, 1990, should have amended 8 CFR 214.2(g)(1), requiring that an application for extension of stay filed by a nonimmigrant in G–5 status be supported by a letter from his or her employer.

Compliance with 5 U.S.C. 553 as to notice of proposed rulemaking and delayed effective data is unnecessary since this is not a new requirement. For years, the Service has required a letter in support of a G–5's application for extension of stay.

In accordance with 5 U.S.C. 605(b), the Commissioner 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 Federal Assessment in accordance with E.O. 12612.

The information collection requirements contained in this regulation have been cleared by the Office of Management and Budget (OMB) under provisions of the Paperwork Reduction Act under OMB control number 1115–0093.

List of Subjects in 8 CFR Part 214

Administrative practice and procedures, Aliens.

Accordingly, part 214 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 214—NONIMMIGRANT CLASSES

1. The authority citation for part 214 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1184, 1186a, 1187, and 8 CFR part 2.

2. In § 214.2, paragraph (g)(1) is revised to read as follows:

§ 214.2 Requirements for admission, extension, and maintenance of status.

* * * * *

(g) *Representatives to international organizations*—(1) *General.* The determination by a consular officer prior to admission and the recognition by the Secretary of State subsequent to admission is evidence of the proper classification of a nonimmigrant under section 101(a)(15)(G) of the Act. An alien who has a nonimmigrant status under section 101(a)(15)(G) (i), (ii), (iii) or (iv) of the Act is to be admitted for the duration of the period for which the alien continues to be recognized by the Secretary of State as being entitled to that status. An alien defined in section (101)(a)(15)(G)(v) of the Act is to be admitted for an initial period of not more than three years, and may be granted extensions of temporary stay in increments of not more than two years. In addition, the application for extension of temporary stay must be accompanied by a statement signed by the employing official stating that he or she intends to continue to employ the applicant and describing the type of work the applicant will perform.

* * * * *

Dated: December 19, 1990.

James A. Puleo,

Associate Commissioner, Examinations Immigration and Naturalization Service.

[FR Doc. 91–1721 Filed 1–24–91; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket Number 90-ACE-16]

Designation of Transition Area—Washington, Kansas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to designate a 700 foot transition area at Washington, Kansas, to provide controlled airspace for aircraft executing a new instrument approach procedure to the Washington County Memorial Airport, Washington, Kansas, utilizing the Morrison NDB as a navigational aid. This action changes the airport status from VFR to IFR.

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

FOR FURTHER INFORMATION CONTACT: Lewis G. Earp, Airspace Specialist, System Management Branch, Air Traffic Division, ACE–530, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, telephone (816) 426–3408.

SUPPLEMENTARY INFORMATION:

History

On October 26, 1990, the FAA published a notice of proposed rulemaking, which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Kansas (55 FR 43144).

Interested persons were invited to participate in this rulemaking preceding by submitting written comments on the proposal to the FAA. No objections were received as a result of the notice of proposed rulemaking. 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 7400.6F, dated January 2, 1990.

The Rule

This amendment to part 71 of the Federal Aviation Regulations designates a 700 foot transition area at Washington, Kansas. To enhance airport usage, a new instrument approach procedure is being developed for the Washington County Memorial Airport, Washington, Kansas, utilizing the Morrison NDB as a navigational aid. This navigational aid will offer new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Washington, Kansas, at and above 700 feet above ground level within which aircraft are provided air traffic control service. Transition areas are designed to contain IFR operations in controlled airspace while aircraft are transiting between the terminal and en route environment. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under instrument flight rule (IFR) and other aircraft operating under visual flight rules (VFR). This action will change the airport status 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. Therefore, this regulation—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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 Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Washington, Kansas [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Washington County Memorial Airport (latitude 39°44'10" North, longitude 97°02'51" West); within 5.25 miles each side of the Morrison NDB (latitude 39°45'42" North, longitude 97°02'31" West) 021° bearing extending from the 6.5-mile radius area to 13.5 miles north of the NDB.

Issued in Kansas City, Missouri, on January 8, 1991.

Clarence E. Newbern,

Manager, Air Traffic Division, Central Region.

[FR Doc. 91-1724 Filed 1-24-91; 8:45 am]

BILLING CODE 4910-13-M

Office of the Secretary

14 CFR Part 241

[Docket No. 46101; Notice No. 91-1; Docket 46710 is consolidated into Docket 46101]

RIN 2137-AB01

Confidentiality of Schedule T-100 Submitted by U.S. Large Certificated Air Carriers

AGENCY: Department of Transportation, Research and Special Programs Administration.

ACTION: Final rule.

SUMMARY: The Department of Transportation (DOT or the Department) eliminates the restrictions on disclosure of U.S. air carriers' domestic Schedule T-100 data, making the data immediately available to the public after DOT processing. Detailed international Schedule T-100 data submitted by U.S. and foreign air carriers will continue to be withheld from public disclosure for a 3-year period. Also, DOT eliminates sections 19-6 (a)(4), (b), and (c) which allowed release of restricted T-100 data before the end of the three years if the Department determines it to be in the public interest.

EFFECTIVE DATE: January 25, 1991. For good cause, the Department is making this rule effective on less than 30-days notice because the rule relieves restrictions on the release of domestic T-100 data.

FOR FURTHER INFORMATION CONTACT: Bernard Stankus or Jack Calloway, Office of Airline Statistics, DAI-10, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590, (202) 366-4387 or 366-4383, respectively.

SUPPLEMENTARY INFORMATION:

Background

The Department issued a notice of proposed rulemaking on June 21, 1990 (Notice No. 90-22, 55 FR 25318), proposing to eliminate the restrictions on disclosure of U.S. air carriers' domestic Schedule T-100 data, to maintain the 3-year confidentiality period for detailed international Schedule T-100 data submitted by U.S. and foreign air carriers, and to eliminate sections 19-6 (a)(4), (b), and (c) which allowed release of restricted T-100 data before the end of the three years if the Department determined it to be in the public interest. T-100 data include on-flight market and nonstop segment traffic and capacity statistics.

Comments

Comments were received from Alaska Airlines, Inc.; American Airlines, Inc.; USAir, Inc.; MarkAir, Inc.; Air Line Pilots Association International (ALPA); the Orient Airlines Association (OAA) representing Air Niugini, Air New Zealand, All Nippon Airways, Cathay Pacific, China Airlines, Garuda Indonesia, Korean Air, Japan Air Lines, Malaysia Airlines, Philippine Airlines, Qantas Airways, Royal Brunei Airlines, Singapore Airlines, and Thai Airways International; and the joint comment of Air Canada, Air Jamaica, Lloyd Aereo Boliviano, Balair, and Condor Flugdienst.

Foreign Carrier Comments

The OAA and the joint commenters concur with the elimination of sections 19-6 (a)(4), (b), and (c). Section 19-6(a)(4) permitted the disclosure of

confidential T-100 data before the end of 3 years to such persons and in such circumstances as the Department determines to be in the public interest. As part of the public interest determination, section 19-6(b) required the Department to give the providers of the T-100 data an opportunity to object to the release. Where access is approved, section 19-6(c) permitted the Department to release the data to data service companies provided that they abide by the disclosure rules. OAA stated that the exemptions to maintaining the confidential treatment were so broadly worded as to give almost unfettered discretion as to when to release international T-100 data. The OAA and the joint commenters believe the elimination of these sections goes a long way toward resolving some of the concerns and uneasiness with T-100 reporting previously expressed by foreign air carriers and foreign governments.

Immediate Release of U.S. Air Carriers' Domestic T-100 Data

USAir was the only commenter opposed to the immediate release of domestic T-100 data. It feels at a minimum the 3-year period of confidentiality should be retained. It believes that airline competitors should not be required to disclose or to exchange any sensitive proprietary information, as is the case in unregulated industries. USAir states that permanent confidential treatment is the only way to assure that sensitive proprietary traffic data are not disclosed to potential competitors.

Permanent confidentiality for T-100 data was considered in the final rule establishing the T-100 Reporting system (53 FR 46286, 46287, November 16, 1988). In that rulemaking the Department stated that it cannot accept that the T-100 data should be kept confidential forever because of public interest benefits of making the data available. Further, USAir did not claim that the data fall within a release exemption from the Freedom of Information Act (FOIA) 5 U.S.C. 552, nor did it address the Department's justification for the release of domestic data. USAir has raised no arguments that would cause us to retain a three-year period or permanent confidentiality for domestic T-100 data.

International T-100 Disclosures

American, Alaska, and ALPA disagree with the Department on the release of international data. The three parties believe there should be some type of limited release of international data. They do concur with the Department that domestic T-100 data should be released immediately for public inspection.

American and Alaska petitioned the Department to reconsider its denial of the release to U.S. carriers of U.S. carrier international T-100 data. They state the availability of international T-100 data promotes air carrier efficiency and effective use of air carrier resources, which allows the air carriers to better serve the traveling public. Alaska states that no other comparable data are available from other sources and carriers have been greatly burdened by the unavailability of market data.

The Department denies American's and Alaska's petitions seeking reconsideration of the decision not to release international T-100 data. We specifically addressed the issue of confidentiality of international T-100 data in the final rules issued November 16, 1988 (53 FR 46284) and August 2, 1989, (54 FR 31810), and in the NPRM (55 FR 25318) to this rulemaking, and see no reason for change at this time. Neither American nor Alaska have suggested that circumstances have changed.

Section 1104 of the Federal Aviation Act of 1958, as amended (FAAct) (49 U.S.C. 1504) requires that information be withheld from public disclosure if the release of the information would prejudice the formulation and presentation of positions of the United States in international negotiations or adversely affect the competitive position of any air carrier in foreign air transportation. International T-100 data collected from U.S. and foreign air carriers are needed by the United States to formulate international air transportation policies and agreements that are in the best interests of U.S. consumers and air carriers. The Department considered it necessary to promise confidentiality of foreign carriers' data to assure compliance with the reporting regulations. Premature release of this data could impair the government's ability to obtain necessary information from foreign carriers in the future. Since it is necessary to grant a 3-year confidential period to foreign carriers' T-100 data could to encourage their reporting compliance, protection of U.S. carrier T-100 data also is required. Access by foreign air carriers or other foreign users to U.S. carriers' T-100 data subject U.S. flag carriers to competitive disadvantage so long as comparable data are not available to the U.S. carriers with respect to the operations of foreign air carriers. We anticipate that international T-100 data shall be exempt from release under FOIA exemption 3 because section 1104 of the FAAct prohibits its release.

American and Alaska argue that limited release of international T-100 data will not jeopardize its confidentiality under FOIA. Alaska does not request access to foreign air carriers' T-100 submissions, but it believes that U.S. participating carriers should be granted access to other U.S. carriers' international T-100 data. Alaska reiterates that the value of international service segment data cannot be overstated. Alaska states the data are used regularly by airline planners to reach difficult decisions on the allocation of limited airline resources; and the value of international T-100 data becomes greater to computer reservation system (CRS) non-vendor carriers, like Alaska, that do not have access to international CRS booking data which the larger CRS vendor carriers exchange with certain other foreign air carriers. Alaska disagrees with the Department's position that release of confidential data to U.S. carriers could be viewed as a waiver of FOIA exemptions citing *British Airports Authority* v. *C.A.B.*, 531 F. Supp. 408 (D.D.C. 1982) (*British Airports*). The court ruled that, while two private U.S. carriers had participated in the formulation of a CAB negotiating position and that position was reflected in a CAB-created memorandum, the memorandum retained its "non-public" character and could be withheld lawfully from disclosure by the CAB pursuant to section 1104 of the FAAct, and FOIA exemption 3. Alaska believes that the facts of *British Airports* are analogous to the situation here and would allow a limited release of international T-100 data. American proposes a voluntary plan whereby the Department would allow all carriers, foreign and domestic, to decide for themselves whether the international T-100 data they submit will be withheld from disclosure. Those agreeing to allow disclosure would in turn be granted access to the international data of all other consenting carriers, thus providing an incentive to each carrier to consent to disclosure of its international T-100 data. American believes its plan would not result in required release under FOIA, because the release of data would be on a non-preferential basis.

American's plan does not withstand FOIA scrutiny. There are no provisions in FOIA for selective sharing of data. FOIA speaks in terms of disclosure or non-disclosure. There is no middle ground. If the Department approved American's proposal, any party, even those non-volunteer carriers, could

receive the "shared data" under a FOIA request to the Department, because the Department would have waived its rights for confidential treatment when the data were released to a third party. The *British Airports* decision would not prevent the waiver of exemptions from release under FOIA here. In *British Airports,* the negotiation position paper retained its non-public character because there was no prior public disclosure of the U.S. negotiating position or the CAB memorandum. What American and Alaska propose here would be the limited release of data to all carriers who agreed to release. The Department is bound by the rules of FOIA. In *Cooper* v. *Internal Revenue Service,* 450 F. Supp. 752 (D.D.C. 1977), the court ruled that documents could not be withheld from disclosure under exemption 3, if the information has been made available to the public. If the Department released U.S. air carriers' international T-100 data to participating carriers, we believe the Department would be required under FOIA to release such data to any person requesting the data under FOIA. If the voluntary approach is unacceptable, American requests that the Department shorten the confidentiality period to 1 year. American alleges that information which is 3 years old is virtually obsolete, and has little value to those who would otherwise make good use of it. The Department also must deny this request. The Department established the 3-year confidentiality period to assure foreign air carrier compliance to T-100 reporting regulations. Shortening the confidentiality period at this time could create an obstacle to foreign air carrier reporting compliance.

As an alternative to limited disclosure of U.S. air carrier international T-100 data, Alaska proposes that U.S. carriers could receive such data through the Air Transport Association (ATA). Alaska states that the only action required from the Department would be a limited grant of antitrust immunity to the ATA to allow for the collection and distribution of such traffic data. Under Alaska's proposal, U.S. carriers participating in the T-100 system could submit voluntarily each month to the ATA a duplicate copy of the international on-flight market and nonstop segment data, which the carrier has submitted to the Department. The ATA could then disseminate copies of each carrier's data to those U.S. carriers who submitted their data to ATA. Alaska asks the Department to indicate whether it would be willing to grant ATA limited antitrust immunity pursuant to section 414 of the FAAct to engage in the collection and distribution of U.S. carriers' T-100 data.

While the Department agrees with Alaska that data collected by ATA are not subject to FOIA requests, since ATA is not a Federal agency, we are not prepared to express an opinion on the grant of antitrust immunity with respect to an agreement which we have not seen. Moreover, such a request is beyond the scope of this rulemaking procedure. Should ATA endorse Alaska's proposition, it is free to file an agreement with the Department.

ALPA believes that section 19-6 should be revised to provide for the release of international T-100 data to organizations such as ALPA who require such data for use in official international aviation negotiations.

We are denying ALPA's request for the revision of section 19-6 to allow release of T-100 international data to organizations like ALPA. Section 19-6(a)(4), which we are eliminating, was too broadly worded. As we have said before, the limited release of T-100 data could waive the FOIA exemption under which the Department could otherwise maintain confidentiality under FOIA exemptions 3 and 4. Should ALPA become a party to an international route case or be involved in international negotiations, it could obtain the appropriate data under the direction of an administrative law judge or Departmental decision maker under section 19-6(a)(2). Other requests for access will be handled under FOIA. If it is determined that the data can be released, then the data will be open for public inspection.

Section 19-6(b)(1) of part 241 provides that the Department may release U.S. carrier nonstop segment and on-flight market detail data by carrier before the end of the 3-year confidentiality period to foreign governments as provided in reciprocal arrangements between the foreign country and the U.S. Government. It is the Department's view that this provision includes our existing data exchanges through ICAO. The Department notes that the vast majority of the world airlines' traffic data are submitted to ICAO on Form B and Form C; consequently, there is no problem with reciprocity. In the future, if the world airline representation in the ICAO data programs declines significantly, the Department will reconsider the issue.

Release of Belly-Cargo Data

MarkAir supports the immediate release of domestic T-100 data, with the exception of the release of belly-cargo data submitted by combination air carriers. In an aircraft, belly cargo is that cargo transported in the space below the passenger deck. Since 1981, belly-cargo data reported in the Service Segment Data reporting system and on Form 41, Scheduled T-9 *Nonstop Market Report* were withheld from public release, as carriers operating domestic all-cargo services pursuant to a section 418 certificate (section 418 carriers) did not report similar market data (see CAB Order 81-12-9). The Service Segment Data reporting system and Schedule T-9 were replaced by the T-100 reporting system, which requires similar data. MarkAir maintains that "cargo and mail traffic provides the economic glue which holds the Alaska air transport system together." MarkAir claims it would suffer substantial competitive harm from the release of its cargo data without reciprocal data from section 418 carriers. MarkAir states that it is inconsistent with Department policy, and the policy of the former Civil Aeronautics Board to maintain one-sided data availability. Specifically, MarkAir objects that Northern Air Cargo is not required to report market data for its intra-Alaska all-cargo service. MarkAir states that Northern Air Cargo informally has disclosed to the Department market data in connection with the intra-Alaska service mail rates, which the Department has not made available to the public. MarkAir's preference is for mutual release of belly-cargo and all-cargo data. MarkAir has no position on the release of international data.

The Department agrees with MarkAir that data submitted in connection with the intra-Alaska mail rates should be made available to the public. Moreover, there is a continuing program need for intra-Alaska all-cargo data for computing the mainline intra-Alaska mail rate. In the past, MarkAir and Northern Air Cargo voluntarily submitted this data on their Schedule T-9 reports; and Alaska Airlines provided the data in its service segment submissions. While the T-100 Reporting system excludes domestic all-cargo operations, the Department will be requiring special reports under 14 CFR 385.27(e) from MarkAir, Northern Air Cargo and Alaska Airlines enabling it to compute the six-month update to the mainline intra-Alaska mail rate. All participants in the intra-Alaska mail rate reviews will be reporting similar data which will be publicly available; thus, MarkAir's argument of one-sided data availability is moot. Letters will be sent by the Director, Office of Airline Statistics initiating the information request.

Department's Regulatory Policies and Procedures

Executive Orders 12291, 12612 and 12630; Department's Regulatory Policies and Procedures; Regulatory Flexibility Act; and Paperwork Reduction Act of 1980.

This rule has been reviewed under Executive Order 12291, and it has been determined that this is not a major rule. It will not result in an annual effect on the economy of $100 million or more. There will be no increase in production costs or prices for consumers, individual industries, Federal, State or local governments, agencies or geographical regions. Furthermore, this rule will not adversely affect competition, employment, investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets. The objective of the rule is to release on-flight market and nonstop segment data of U.S. carriers' domestic operations. This regulation has no impact on reporting burden. Accordingly, a regulatory impact analysis is not required.

This action has been analyzed in accordance with the principles and criteria contained in Executive Orders 12612 and 12630 and it has been determined that the rule: (1) Does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment and (2) does not pose the risk of a taking of constitutionally protected private property.

This regulation is significant under the Department's Regulatory Policies and Procedures, dated February 26, 1979, because it involves important Departmental policies concerning access to commercial data. However, its economic impact is minimal and a full regulatory evaluation is not required.

I certify that this rule will not have a significant economic impact on a substantial number of small entities. For purposes of its aviation economic regulations, Departmental policy categorizes certificated air carriers operating small aircraft (60 seats or less or 18,000 pounds maximum payload or less) in strictly domestic service as small entities for purposes of the Regulatory Flexibility Act. The amendments will affect only large certificated air carriers.

The reporting requirements in this rule are subject to the Paperwork Reduction Act, Public Law 96-511, 44 U.S.C. 35; and were submitted to the Office of Management and Budget (OMB) for review and comment. Persons may submit comments on the release of U.S. air carrier T-100 data to OMB. Comments should be directed to Desk Officer for DOT/RSPA Aviation, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503. The Department requests that a copy of any comments sent to OMB also be sent to the DOT rules docket. The Department anticipates that this rule will not change the Department's fiscal year 1990 Information Collection Budget for OMB No. 2138-0040, Report of Traffic and Capacity Statistics, the T-100 System.

Regulatory Identification Number

A regulatory information number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 14 CFR Part 241

Air carriers, Uniform system of accounts.

Accordingly, the Department of Transportation amends chapter II, 14 CFR part 241 Uniform System of Accounts and Reports for Large Certificated Air Carriers, as follows:

PART 241—[AMENDED]

1. The authority for part 241 continues to read as follows:

Authority: Secs. 101, 204, 401, 402, 403, 404, 407, 411, 416, 417, 901, 902, 1002, 1601, Pub. L. 85-726, as amended, 72 Stat. 737, 743, 754, 758, 766, 769, 774, 783, 788; 76 Stat. 145; 92 Stat. 1744; 49 U.S.C. 1301, 1324, 1371, 1372, 1373, 1374, 1377, 1381, 1472, 1482, 1551; sec. 43, Pub. L. 95-504, 92 Stat. 1750, 49 U.S.C. 1552.

(2) Section 19-6 *Public disclosure of traffic data* is revised to read:

Section 19-6 Public disclosure of traffic data.

(a) Detailed domestic on-flight market and nonstop segment data in Schedule T-100 shall be made publicly available after processing. Domestic data are defined as data from air transportation operations from a place in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, or a U.S. territory or possession to a place in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands, or a U.S. territory or possession.

(b) Detailed international on-flight market and nonstop segment data in Schedule T-100 and Schedule T-100(f) reports shall not be publicly available for a period of 3 years, although industry and carrier summary data may be made public provided there are three or more carriers in the summary data disclosed. Further, at any time, the Department may publish international summary statistics without carrier detail. Further, the Department may release nonstop segment and on-flight market detail data by carrier before the end of the 3 years as follows:

(1) To foreign governments as provided in reciprocal arrangements between the foreign country and U.S. Government for exchange of on-flight market and/or nonstop segment data submitted by air carriers of that foreign country and U.S. carriers serving that foreign country;

(2) To parties to any proceeding before the Department under Title IV of the Federal Aviation Act of 1958, as amended, as required by the Administrative Law Judge or other decisionmaker of the Department. Parties may designate agents or consultants to receive the data in their behalf, provided the agents or consultants agree to abide by the disclosure restrictions. Any data to which access is granted pursuant to this provision may be introduced into evidence, subject to the normal rules of admissibility of evidence.

(3) To agencies and other components of the U.S. Government for their internal use only.

Issued in Washington, DC on January 22, 1991.

Travis P. Dungan,

Administrator, Research and Special Programs Administration, DOT.

[FR Doc. 91-1716 Filed 1-24-91; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8331]

RIN 1545-AE38

Foreign Base Company Oil Related Income

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final Income Tax Regulations relating to current taxation of foreign base company oil related income. Changes to

the applicable tax law were made by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) and by the Tax Reform Act of 1984. These final regulations provide guidance needed to comply with these changes and affect controlled foreign corporations with foreign oil related income and their U.S. shareholders.

EFFECTIVE DATE: These regulations are effective for taxable years of foreign corporations beginning after December 31, 1982, and for taxable years of United States shareholders in which, or with which, those taxable years of foreign corporations end.

FOR FURTHER INFORMATION CONTACT: Richard L. Chewning of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:CORP:T:R(INTL-57-86)) (202-566-6285, not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

On August 27, 1987, the **Federal Register** published proposed amendments (52 FR 32308) to the Income Tax Regulations (26 CFR part 1) under sections 952, 954, and 964 of the Internal Revenue Code of 1986. These amendments conformed the regulations to section 212 of the Tax Equity and Fiscal Responsibility Act of 1982 (96 Stat. 451) to section 712(f) of the Tax Reform Act of 1984 (98 Stat. 494) and to section 1221(c)(3)(A)(i) of the Tax Reform Act of 1986 (100 Stat. 2553). Written comments responding to this notice were received. A public hearing was not requested and none was held. After consideration of all comments regarding the proposed amendments, those amendments are adopted by this Treasury Decision with revisions in response to those comments. The comments and revisions are discussed below. Section 1.952-3(b)(3) as proposed is not adopted.

Explanation of Provisions

These final regulations include three principal changes from the proposed regulations.

The proposed regulations provided special rules for purposes of determining what portion of a controlled foreign corporation's foreign oil related income is derived from a source within a foreign country (i) In connection with oil or gas which was extracted from an oil or gas well located in that foreign country or (ii) in connection with oil, gas, or a primary product or oil or gas which is sold by the controlled foreign corporation or a related person for use or consumption within that country or is loaded in that country on a vessel or aircraft as fuel for the vessel or aircraft. In effect, the special rules would have required the controlled foreign corporation to trace the fuel product sold within a country back to the point of extraction.

In has been determined that it often would be impossible, or extremely difficult, for a controlled foreign corporation to demonstrate the country of origin of a fuel product derived from a refinery utilizing crude oil or gas extracted in more than one country. Accordingly, these final regulations have adopted a proposal made by a commenter that the amount of refining income attributable to oil or gas extracted within the country of refining should be determined on a pro rata basis. The pro rata method will be based on the proportion that the barrels of the fuel product extracted in the country of processing bears to the total barrels of the fuel product processed in that country.

These final regulations have also adopted a similar pro rata method for determining whether a taxpayer's marketing or transportation income relates to oil or gas which was extracted from an oil or gas well located in the foreign country from which the marketing or transportation income was sourced.

In addition, § 1.954A-1 has been revised to clarify the relationship between foreign base company oil related income as defined in section 954(g) and insurance income as defined in section 953.

Special Analyses

It has been determined that these rules are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required.

Drafting Information

The principal author of these regulations is Richard L. Chewning of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. Other personnel from offices of the Internal Revenue Service and Treasury Department participated in developing the regulations.

List of Subjects in 26 CFR 1.861-1 Through 1-997-1

Income taxes, Corporate deductions, Aliens, Exports, DISC, Foreign investments in U.S., Foreign tax credit, FSC, Source of income, United States investments abroad.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Paragraph 1. The authority for part 1 continues to read in part:

Authority: 26 U.S.C. 7805 * * *.

§ 1.952-1 [Amended]

Par. 2. Section 1.952-1 is amended by removing "1.954-7" in paragraph (a)(2) and by inserting in lieu thereof "1.954-8".

§ 1.954A-1 [Amended]

Par. 3. Section 1.954A-1 is amended as follows:

1. Paragraph (a) is amended by inserting immediately following the fourth sentence and immediately preceding the fifth sentence the following sentence: "For taxable years beginning after December 31, 1982, the foreign base company income of a controlled foreign corporation also includes foreign base company oil related income, as defined in § 1.954-8."

2. The first sentence of paragraph (b)(3)(i) is amended by removing the first word "Foreign" and by inserting in lieu thereof the clause "Except for income which is foreign base company oil related income as defined in section 954(g) and § 1.954-8, foreign".

3. The first sentence in paragraph (c) is amended by removing the word "and" immediately before "foreign base company shipping income as defined in § 1.954-6" and by inserting ", and foreign base company oil related income as defined in § 1.954-8" between § 1.954-6" and "shall".

4. The introductory text of (e) is amended by removing "1.954-7," and inserting in lieu thereof "1.954-8,".

5. The introductory text of (f) is amended by removing "§§ 1.954-1 to 1.954-7" and inserting in lieu thereof "§§ 1.954-1 to 1.954-8".

6. The first sentence of paragraph (f)(3) is amended by removing "or foreign base company services income." and by inserting in lieu thereof "foreign base company services income, or foreign base company oil related

income."; and the second sentence "See section 954 (b)(6)(A)." is revised to read "See section 954(b)(6)(A) and (b)(8).".

7. A new paragraph (f)(4) is added to read as follows:

§ 1.954A-1 Foreign base company income; taxable years beginning after December 31, 1975.

* * * * *

(f) *Classification of an item of income.* * * *

* * * * *

(4) *Priority of foreign base company oil related income.* Foreign base company oil related income (as determined under § 1.954-8) of a controlled foreign corporation shall not also be considered foreign personal holding company income, foreign base company sales income, or foreign base company services income. See section 954(b)(8). If an item of income qualifies both as foreign base company oil related income and foreign base company shipping income, it is treated as foreign base company shipping income. See section 954(b)(6). If an item of income qualifies both as foreign base company oil related income and insurance income as defined in section 953, it is treated as foreign base company oil related income.

Par. 4. A new § 1.954-8 is added to read as follows:

§ 1.954-8 Foreign base company oil related income.

(a) *Foreign base company oil related income*—(1) *In general.* Under section 954(g), the foreign base company oil related income of a controlled foreign corporation (except as provided under paragraph (b) of this section) consists of the items of foreign oil related income ("FORI") described in section 907(c) (2) and (3), other than such income derived from a source within a foreign country in connection with—

(i) Oil or gas which was extracted from an oil or gas well located in that foreign country ("extraction exception"), or

(ii) Oil, gas, or a primary product of oil or gas which is sold by the controlled foreign corporation or a related person for use or consumption within that country or is loaded in that country on a vessel or aircraft as fuel for the vessel or aircraft ("use or consumption exception").

A taxpayer claiming the use or consumption exception must establish its applicability on the basis of facts and circumstances. For special rules for applying the extraction exception, see paragraph (c) of this section.

(2) *Source of income.* The source of foreign base company oil related income is determined generally under the principles of §§ 1.861-1 to 1.863-5. See § 1.863-6. Thus, income from the performance of a service generally is sourced in the country where the service is performed. See § 1.861-4. Underwriting income from insuring a foreign oil related activity is sourced at the location of the risk. See section 861(a)(7) and § 1.953-2.

(3) *Primary product.* The term "primary product" of oil or gas has the meaning given this term by § 1.907(c)-1(d) (5) and (6).

(4) *Vessel.* For the definition of the term "vessel", see § 1.954-6(b)(3)(ii).

(5) *Foreign country.* For purposes of this section, the term "foreign country" has the same meaning as in section 638 (relating to continental shelf areas). Thus, for example, oil or gas extracted from a sea area will be deemed to be extracted in the country which has exclusive rights of exploitation of natural resources with respect to that area if the other conditions of section 638 are met.

(6) *Country of use or consumption.* For rules for determining the country of use or consumption, see § 1.954-3(a)(3)(ii).

(7) *Insurance income.* For purposes of this section, income derived from or attributable to insurance of section 907(c)(2) activities means taxable income as defined in section 832(a) and as modified by the principles of § 1.953-4 (other than as the section is applied to life insurance).

(8) *Fuel product.* For purposes of this section, the term "fuel product" means oil, gas or a primary product of oil or gas.

(9) *Effective date.* The provisions of section 954(g) and this section are applicable to taxable years of foreign corporations beginning on or after January 1, 1983, and to taxable years of United States shareholders in which or with which those taxable years of foreign corporations end.

(b) *Exemption for small oil producers*—(1) *In general.* Foreign base company oil related income does not include any income of a foreign corporation which is not a large oil producer.

(2) *Large oil producer.* A corporation is a large oil producer (within the meaning of section 954(g)(2)) if the average daily production (extraction) of foreign crude oil and natural gas by the related group which includes the corporation and related persons (within the meaning of section 954(d)(3)) for the taxable year or immediately preceding taxable year is 1,000 or more barrels. The average daily production of foreign crude oil or natural gas for any taxable year (and the conversion of cubic feet of natural gas into barrels) is determined under rules similar to the rules of section 613A, except that only crude oil or natural gas from a well located outside the United States is taken into account.

(c) *Special rules for applying the extraction exception of paragraph (a)(1)(i) of this section*—(1) *Refining income described in section 907(c)(2)(A).* With regard to a controlled foreign corporation's refining income from the processing of minerals extracted (by the taxpayer or by any other person) from oil or gas wells into their primary products, as described in section 907(c)(2)(A), a pro rata method will be applied for purposes of determining the part of the refining income that qualifies for the extraction exception of paragraph (a)(1)(i) of this section. The pro rata method will be based on the proportion that the barrels of the fuel product extracted in the country of processing bears to the total barrels of the fuel product processed in that country and will apply regardless of the country of sale of the primary product.

(2) *Marketing income described in section 907(c)(2)(C).* With regard to a controlled foreign corporation's marketing income from the distribution or sale of minerals extracted from oil or gas wells or of primary products, as described in section 907(c)(2)(C), a pro rata method will be applied for purposes of determining the part of the marketing income that qualifies for the extraction exception of paragraph (a)(1)(i) of this section. When applying the pro rata method to the sale of a fuel product other than a primary product, the pro rata method will be based on the proportion that the barrels of the fuel product extracted in the country of sale bears to the total barrels of the fuel product sold in that country. When applying the pro rata method to the sale of primary products, the method will be based on the proportion that the barrels of the fuel product extracted in the country of sale bears to the total barrels of the fuel product processed. For purposes of applying the pro rata method, data of the controlled foreign corporation's related group (as defined in section 954(g)(2)(C)) will be taken into account. The pro rata method will not apply, however, if the mineral or primary product is purchased by the controlled foreign corporation from a person not within the controlled foreign corporation's related group. In that situation, the marketing income will be presumed to qualify for the extraction exception if the country of the source of the marketing income is a net exporter

of crude oil or gas, whichever is relevant. If the country of the source of the marketing income is not a net exporter of crude oil or gas, whichever is relevant, the marketing income will be presumed not to qualify for the extraction exception. The controlled foreign corporation may, however, rebut this latter presumption by demonstrating on the basis of all the facts and circumstances that its marketing income does qualify for the extraction exception. If a primary product that is acquired from a person within the controlled foreign corporation's related group is commingled with like products acquired from persons not within that related group, the pro rata method based on the proportion that the barrels of the fuel product extracted in the country of sale bears to the total barrels of the fuel product processed will be applied to that portion of the total products sold that was purchased from persons within the related group, to the extent that that person did not sell product purchased from an unrelated person, and either the presumption or facts and circumstances will determine the characterization of the remainder.

(3) *Transportation income described in section 907(c)(2)(B).* With regard to a controlled foreign corporation's income from the transportation of minerals from oil and gas wells or of primary products, as described in section 907(c)(2)(B), the rules set forth in paragraph (c)(2) of this section will apply for purposes of determining the part of the transportation income that qualifies for the extraction exception of paragraph (a)(1)(i) of this section.

(4) *Illustrations.* The following examples illustrate the application of this paragraph.

Example 1. Controlled foreign corporation M has a refinery in foreign country A that refines 250x barrels of oil during its taxable year beginning in 1984. It is determined that 125x barrels of its 250x barrels were extracted in country A. M sold 150x barrels of its 250x barrels in country A for consumption in country A which resulted in $225x of income from refining and $225x of marketing income, as described in section 907(c)(2)(C). M also sold within foreign country B, for consumption in country B, 100x barrels of its 250x barrels which resulted in an additional $150x of income from refining for M and $170x of marketing income for M. The 100x barrels sold by M within country B, a contiguous country, were transported from M's refinery in country A to country B by a pipeline which is owned by M, and M recognized a total of $10x of income from the transportation of the 100x barrels. Of this $10x, $8x was recognized in country A and $2x was recognized in country B. Under the source of income rules of paragraph (a)(2) of this section, income from refining is considered derived from the country in which the refining occurs and not from the country where the sale of the refined product occurs.

(i) *M's refining income.* M has $75x of foreign base company oil related income with respect to its refining of the 250x barrels, determined as follows:

(A) Total amount of income from refining attributable to oil refined in country A by M $375x
(B) Amount of income from refining with respect to oil sold for consumption ($225x) in country A (use or consumption exception under paragraph (a)(1)(ii) of this section) ..... (225x)
(C) Pro rata amount of income from refining attributable to sales in country B considered extracted from country A ($150x times 125x barrels/250x barrels) (extraction exception under paragraph (a)(1)(i) of this section) ..... *(75x)*
(D) Foreign base company oil related income *$75x*

(ii) *M's marketing income.* M does not have foreign base company oil related income with respect to its sale of the 100x barrels in country B and 150x barrels in country A because the $170x and $225x, respectively, of marketing income was derived from the country in which the oil was sold for consumption (an exception under paragraph (a)(1)(ii) of this section).

(iii) *M's transportation income.* M does not have foreign base company oil related income with respect to its $2x of pipeline transportation income recognized in country B because the income was derived from the country in which the 100x barrels were sold for consumption, an exception under paragraph (a)(1)(ii) of this section. With regard to the $8x of pipeline transportation income recognized in country A, however, M has $4x of foreign base company oil related income since of the total barrels refined in country A (250x) only one-half were extracted in that country. Therefore, only one-half of the transportation income qualifies for the extraction exception of paragraph (a)(1)(i) of this section.

(iv) *M's extraction income.* M does not have foreign base company oil related income for its extraction activity because extraction income is excluded in all events. See section 954(g)(1)(A).

Example 2. Assume the same facts as in *Example 1* except that M sold all of the 250x barrels of refined oil in country A. In addition, assume that country A is a net exporter of crude oil. As in *Example 1*, M sold 150x barrels for consumption in country A with the same resulting income. M sold in country A the remaining 100x barrels to unrelated controlled foreign corporation N which resulted in an additional $150x of income from refining for M and $170x of marketing income for M. N immediately resold in country A for export those 100x barrels. N did not commingle the 100x barrels with any other refined oil. N earned $10x of marketing income on that sale.

(i) *M's refining income.* M has $75x foreign base company oil related income with respect to its refining of the 250x barrels determined as follows:

(A) Total amount of income from refining attributable to oil refined in country A by M $375x
(B) Amount of income from refining with respect to oil sold for consumption ($225x) in country A (use or consumption exception under paragraph (a)(1)(ii) of this section) ..... (225x)
(C) Pro rata amount of income from refining attributable to sales in country A (for consumption outside of country A) considered extracted from country A ($150x times 125x barrels/250x barrels) (extraction exception under paragraph (a)(1)(i) of this section) ..... *(75x)*
(D) Foreign base company oil related income *$75x*

(ii) *M's marketing income.* M does not have foreign base company oil related income with respect to its marketing income from the sale of the 150x barrels in country A because the $225x of marketing income was derived from the country in which the oil was sold for consumption (an exception under paragraph (a)(1)(ii) of this section). M has $85x of foreign base company oil related income with respect to its marketing income from sale to N of the 100x barrels, determined as follows:

(A) Total amount of marketing income from the sale $170x
(B) Pro rata amount of marketing income attributable to oil product considered extracted in country A ($170x times 125x barrels/250x barrels) (extraction exception under paragraph (a)(1)(i) of this section) ..... *(85x)*
(C) Foreign base company oil related income *$85x*

(iii) *N's marketing income.* N is not related to M. Therefore, since N sold the 100x barrels in country A, a net exporter of crude oil, and since N did not commingle the 100x barrels with other refined products, it is presumed that all of the 100x barrels were extracted in country A. Accordingly, all of N's $10x of marketing income is excepted under paragraph (a)(1)(i) of this section.

Example 3. Assume the same facts as in *Example 2* except that N is related to M. Characterization of M's income remains the same as in *Example 2*. N will have, however, $5x of foreign base company oil related income with regard to its marketing income, determined as follows:

(i) Total amount of marketing income from the sale $10x
(ii) Pro rata amount of marketing income considered extracted from country A ($10x times 125x barrels/250x barrels) (extraction exception under paragraph (a)(1)(i) of this section) *5x*
(iii) Foreign base company oil related income *$5x*

Example 4. Assume that controlled foreign corporation M has a refinery in foreign country A that refines 200x barrels of oil during its taxable year beginning in 1984. It is determined that 100x barrels of that oil were extracted in country A and that the other 100x barrels were extracted in country B. Neither country A nor country B is a net exporter of crude oil. In addition, M

purchased from an unrelated country A refiner 100x barrels of already refined oil. M does not know where this oil was extracted. These 100x barrels of purchased refined oil were commingled with the 200x barrels of refined oil from M's refinery. M sold 225x barrels of refined oil in country A for consumption in country A which resulted in $250x of income from refining and $225x of marketing income. M sold within foreign country B for consumption outside of country B 75x barrels of refined oil which resulted in $100x of income from refining and $75x of marketing income. The refined product was transported between country A and country B by an unrelated person.

(i) *M's refining income.* With regard to the sales in country A, M has $50x of foreign base company oil related income with respect to its refining of the 100x barrels, determined as follows:

(A) Total amount of income from refining attributable to oil refined in country A by M $350x
(B) Amount of income from refining with respect to oil sold for consumption in country A ($250x) (use or consumption exception under paragraph (a)(1)(ii) of this section) ..... (250x)
(C) Pro rata amount of income from refining attributable to sales in country B considered extracted from country A ($100x times 100x barrels/200x barrels) (extraction exception under paragraph (a)(1)(i) of this section) ..... *(50x)*
(D) Foreign base company oil related income *$50x*

(ii) *M's marketing income.* Since the barrels from M's refinery and those that M purchased were commingled, a portion, as follows, of the marketing income is deemed to derive from both purchased and refined products: Since M refined 200x barrels and purchased 100x barrels, its marketing income of $225x from the sale of the 225x barrels in country A for consumption in country A will be deemed to consist of $150x (200x/300x × $225x) from the sale of products refined by M and $75x (100x/300x × $225x) from the sale of purchased products. Likewise, its marketing income of $75x from the sale of the 75x barrels in country B for consumption outside of country B will be deemed to consist of $50x (200x/300x × $75x) from the sale of products refined by M and $25x (100x/300x × $75x) from the sale of purchased products.

(A) *Purchased products.* M is considered as having $75x of marketing income from the sale of purchased products in country A for consumption in country A. None of this marketing income is foreign base company oil related income since the marketing income is earned in country A, the country of consumption. See paragraph (a)(1)(ii) of this section. All of the $25x of M's marketing income from the sale of purchased products in country B will be foreign base company oil related income. The exception at paragraph (a)(1)(ii) of this section does not apply since the refined oil is not sold for use or consumption in country B. Likewise, the extraction exception under paragraph (a)(1)(i) of this section does not apply. The purchased product can not be presumed to be extracted in country B since country B is not a net exporter of crude oil. In addition, M cannot show, on a facts and circumstances basis, that purchased products were refined from crude oil extracted in country B.

(B) *Products refined by M.* With regard to M's marketing income attributable to the sale of products refined by M, M does not have any foreign base company oil related income with regard to its $150x of marketing income in country A since that income was derived from the country in which the oil was sold for consumption (the use or consumption exception under paragraph (a)(1)(ii) of this section). M has $25x of foreign base company oil related income with regard to its $50x of marketing income in country B determined as follows:

(*1*) Total amount of income from marketing attributable to oil refined by M and sold in country B $50x
(*2*) Pro rata amount of income from marketing attributable to sales in country B considered extracted from country B ($50x times 100x barrels/200x barrels) (extraction exception under paragraph (a)(1)(i) of this section) ..... *(25x)*
(*3*) Foreign base company oil related income *$25x*

§ 1964-4 [Amended]

Par. 5. Section 1.964-4 is amended as follows:

1. Paragraphs (d) (4), (5), (6), (7), (8), (9), and (10) are redesignated as (d) (5), (6), (7), (8), (9), (10), and (11), respectively.

2. A new paragraph (d)(4) is added to read as follows:

§ 1.964-4 Verification of certain classes of income.

* * * * *

(d) *Foreign base company income and exclusions therefrom.* * * *

* * * * *

(4) *Foreign base company oil related income.* (i) The foreign base company oil related income described in section 954(g) and § 1.954-8, for which purpose there must be established, with respect to each foreign country, the gross income derived from—

(A) The processing of minerals extracted (by the taxpayer or by any other person) from oil or gas wells into their primary products, as determined under section 907(c)(2)(A),

(B) The transportation of such minerals or primary products, as determined under section 907(c)(2)(B),

(C) The distribution or sale of such minerals or primary products, as determined under section 907(c)(2)(C),

(D) The disposition of assets used by the taxpayer in a trade or business described in subdivision (A), (B) or (C), as determined under section 907(c)(2)(D),

(E) Dividends, interests, partnership distributions, and other amounts, as determined under section 907(c)(3).

Where an item of income falls within more than one of the listings in paragraphs (d)(4)(i) (A) through (E) of this section, it shall be sufficient to establish that it falls within any one of them.

(ii) If any of the items of income listed in paragraph (d)(4)(i) of this section arising from sources within a foreign country relates to oil, gas, or a primary product thereof and is described in section 954(g)(1) (A) or (B) and § 1.954-8(a)(1) (i) or (ii) (and, hence, is not foreign base company oil related income), then there must be established facts sufficient to verify the amount of such item of income which is not foreign base company oil related income. In this regard, the total quantities of oil, gas and primary products thereof which gave rise to such item of income and the portions of such quantities which were extracted or sold within the foreign country must be established.

* * * * *

Dated: January 1, 1991.

Fred T. Goldberg,

Commissioner of Internal Revenue.

Approved:

Kenneth W. Gideon,

Assistant Secretary of the Treasury.

[FR Doc. 91-1439 Filed 1-24-91; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Department of the Army

32 CFR Part 619

Program for Qualifying DOD Freight Motor Carriers

AGENCY: Military Traffic Management Command, DOD.

ACTION: Final rule.

SUMMARY: This final rule establishes the Program for DOD Freight Motor Carrier Qualification Program as 32 CFR part 619. Subject to certain exceptions, the DOD Freight Motor Carriers Qualification Program will apply to all freight motor carriers intending to participate in transportation of all freight administered by the Military Traffic Management Command's (MTMC) Directorate of Inland Traffic (except used household goods, hazardous, or secret materials, and sensitive weapons and munitions). This rule establishes the qualification data for carriers without and with rates on file. This rule also establishes the Basic

Agreement between the Military Traffic Management Command and Motor Common Carriers for Approval to Transport General Commodities for the Department of Defense.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Ms. Rose Sharpe or Mr. Rick Wirtz, Headquarters, Military Traffic Management Command, ATTN: MTIN, 5611 Columbia Pike, Falls Church, VA 22041-5050, (703) 756-1356.

SUPPLEMENTARY INFORMATION: Information contained in this rule was previously published in the **Federal Register**, 53 FR 17970, 54 FR 27667, and 55 FR 7361. HQMTMC has received Office of Management and Budget (OMB) approval to proceed with the new DOD Freight Motor Carrier Qualification Program. Carriers without rates on file as of the effective date of this rule will have to qualify prior to MTMC's acceptance of their service offers. Carriers with rates on file as of the effective date of this rule will be required to submit qualification data when requested by MTMC. All carriers will be required to meet the qualification standards within 2 years of the implementation of this program.

Executive Order 12291

This final rule has been reviewed under Executive Order 12291 and the Secretary of the Army has classified this action as non-major. The effect of the final rule on the economy will be less than $100 million.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 and the Secretary of the Army has certified that this action does not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule has been approved by the Office of Management and Budget as required under the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

List of Subjects in 32 CFR Part 619

Shipping, Motor vehicle, Safety, Trucks, Common carriers, Freight.

Accordingly, 32 CFR part 619 is amended as follows:

PART 619—PROGRAM FOR QUALIFYING DOD FREIGHT MOTOR CARRIERS

1. The authority for part 619 continues to read as follows:

Authority: 49 U.S.C. 1801-1813, 2503, 2505, and 2509.

2. Section 619.2 is revised to read:

§ 619.2 Safety ratings.

(a) Carrier will not have an "unsatisfactory" safety rating with the Federal Highway Administration, Department of Transportation, and if it is an intrastate motor carrier, with the appropriate state agency.

(b) Carriers with "conditional" or "insufficient information" ratings may be used to transport DOD general commodities provided that such carriers certify in writing that they are now in full compliance with Department of Transportation safety requirements.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 91-1747 Filed 1-24-91; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD7-90-52]

Regulated Navigation Area; Sparkman Channel, Tampa, FL

AGENCY: Coast Guard, DOT.

ACTION: Interim final rule.

SUMMARY: The Coast Guard has designated Sparkman Channel, Tampa, Florida, a regulated navigation area. A pipeline crossing the channel at the southern entrance creates a ridge in the outer quarters of the channel and limits water depths to 34 feet over the pipeline in the center of the channel to an average of 32 feet in the outer quarters of the channel. To ensure safe navigation in the channel, this rule established vessel draft restrictions, limits meeting and passing situations, and requires vessels with drafts greater than 30 feet to transit near the center of the channel.

DATES: The regulation becomes effective on January 25, 1991. Comments on this regulation must be received on or before March 11, 1991.

ADDRESSES: Comments should be mailed to Commander (oan), Seventh Coast Guard District, 909 SE. First Ave., Miami FL 33131-3050. The comments will be available for inspection and copying at Room 406, 909 SE. 1st Ave, Miami, Florida. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Paul J. MacDonald, Coast Guard Marine Safety Office, Tampa, Florida, (813) 228-2194.

SUPPLEMENTARY INFORMATION: These regulations are being published as an interim final rule without prior notice. In accordance with 5 U.S.C. 553, a Notice of Proposed Rule Making was not published for this regulation and good cause exists for making it effective in less than 30 days from the date of publication. Following normal rule making procedures would have been contrary to the public interest. Due to the sudden reduction of water depth and the narrowing of the dredged channel at the pipe crossing, immediate action was needed to reduce the possibility of damage to deep draft vessels and the resultant environmental harm from pollution. An opportunity for public comment is, however, desirable to ensure that the regulation is both reasonable and workable. The Coast Guard encourages interested persons to participate in this rule making by submitting written data, views, or arguments. Persons submitting comments should include their name and address, identify this rule making (CGD7-90-52) and the specific section of the rule to which each comment applies, and give a reason for each comment. Persons wanting acknowledgment of comments should enclose a stamped, self-addressed postcard or envelope.

Drafting Information

The drafters of this notice are Lieutenant Paul J. MacDonald, project officer, Coast Guard Marine Safety Office, Tampa, Florida, and Lieutenant Genelle C. Tanos, project attorney, Seventh Coast Guard District Legal Office.

Discussion of the Regulation

The Coast Guard has designated Sparkman Channel, from the southern tip of Harbor Island to the present location of Sparkman Channel Light 5 (Light List number 19495), latitude 27-56-19.4N, longitude 082-26-43.7W, Tampa, Florida, as a regulated navigation area. No meeting or overtaking situations involving vessels requiring pilotage are allowed. A maximum draft restriction of 35 feet is in effect. Vessels may not transit the channel with a draft greater than 34 feet at mean low water. A draft of 35 feet is allowed at plus one foot tides and greater.

These restrictions are necessary to protect deep draft vessels from an area of hard bottom at the location of a 48 inch sewage pipeline crossing and to

protect the environment from oil and chemical spills which may result from ship damage. The 48 inch pipeline has restricted dredging in the channel. Sparkman Channel is 400 feet wide with an average dredged depth of 37 feet in the outside right and left quarters. At the pipeline crossing the water depth decreases from 35 feet at the edge of the center two quarters to 32 feet at the outer edges of the dredged channel. This creates a ridge in the outer quarters where water depths go from 37 feet to an average of 32 feet within an approximate 300 foot section of the channel. This condition reduces the safe navigable channel to 200 feet. All vessels with a draft of 30 feet and greater shall transit as near as possible to the center of the channel. Concern for the safety of vessels transiting the waterway and the environment makes immediate action necessary. This regulation is issued pursuant to 33 U.S.C. 1231 and 50 U.S.C. 191 as set out in the authority citation for all of part 165.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). Since the economic impact of this proposal is expected to be minimal a full regulatory evaluation is unnecessary. The regulation should have little economic impact. When conflicts arise, it is estimated a vessel would be delayed less than 30 minutes.

Environmental Impact

The Coast Guard has reviewed this rule and it has been determined to be categorically excluded from further environmental documentation in accordance with section 2.b.2 of Commandant Instruction (COMDTINST) M16475.1B. A Categorical Exclusion Determination statement has been prepared and is included as part of the rulemaking docket.

Federalism

This rule making has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Security measures, Waterways, Regulated Navigation Areas and Limited Access Areas.

Final Regulation

In consideration of the foregoing, part 165 of title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5, 49 CFR 1.46.

2. Section 165.752 is added to read as follows:

§ 165.752 Sparkman Channel, Tampa, Florida—regulated navigation area.

(a) Sparkman Channel from the southern tip of Harbor Island to the following position is a regulated navigation area:

Latitude	*Longitude*
27-56-19.4N	082-28-43.7W

(b) Ships requiring Federal or state pilotage shall not meet or overtake other like vessels in Sparkman Channel.

(c) Vessels having a draft of more than 35 feet may not transit Sparkman Channel.

(d) Vessels having a draft of 34 feet, but not over 35 feet, may transit Sparkman Channel only when the tide is at least one foot above mean low water.

(e) Vessels with a draft of 30 feet or greater shall transit as near as possible to the center of the channel.

Dated: November 20, 1990.

R.E. Kramek,

Admiral, U.S. Coast Guard District Commander.

[FR Doc. 91-1607 Filed 1-24-91; 8:45 am]

BILLING CODE 4910-14-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1155

Statement of Organization and Procedures

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Final rule.

SUMMARY: The Architectural and Transportation Barriers Compliance Board and its September 12, 1990 meeting adopted an amendment to its Statement of Organization and Procedures which sets forth the procedures for the Board and Board/committee meetings. The amendment to the Statement of Organization and Procedures was adopted to improve the orderly function of the election of officers of the Architectural and Transportation Barriers Compliance Board. The amendment to the Statement of Organization is being published so that all affected persons will be fully informed about procedures governing Board meetings.

EFFECTIVE DATE: September 12, 1990.

FOR FURTHER INFORMATION CONTACT: James J. Raggio, General Counsel, Architectural and Transportation Barriers Compliance Board, 1111 18th Street NW., Suite 501, Washington, DC, (202) 653-7834 (voice or TDD).

SUPPLEMENTARY INFORMATION: Pursuant to section 502 of the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 391, as amended, the Architectural and Transportation Barriers Compliance Board (hereinafter ATBCB or the Board) adopted a Statement of Organization and Procedures on September 16, 1985. The Statement was published at 50 FR 1032 (1985) and codified at 36 CFR part 1155. The amendment which was adopted by the Board on September 12, 1990 provides that the election of officers shall be held each year at the September Board meeting.

List of Subjects in 36 CFR Part 1155

Organizations and functions (Government agencies).

For the reasons stated in the preamble, chapter XI of title 36, Code of Federal Regulations, is amended by amending part 1155 as follows:

1. The Authority Citation for 36 CFR part 1155 continues to read as follows:

Authority: 29 U.S.C. 792, as amended.

2. Section 1155.1 is amended by revising paragraph (c) to read as follows:

§ 1155.1 Organization and membership.

* * * * *

(c) *Officers of the Board.* The presiding officers of the Board shall be a Chair and in his or her absence or disqualification a Vice-Chair. The Chair and Vice-Chair shall be elected by a majority of the fixed membership of the Board and shall serve for terms of one year. When the Chair is a member of the general public, the Vice-Chair shall be a Federal official; and when the Chair is a Federal official, the Vice-Chair shall be a member of the general public. Upon the expiration of the term as Chair of a member who is a Federal official, the subsequent Chair shall be a member of the general public; and vice versa. If no new Chair or Vice-Chair has been elected at the end of the one-year term, the incumbents shall continue to serve

in that capacity until a successor Chair or Vice-Chair has been elected. The election of officers shall be held at the regularly scheduled Board meeting in September of each year.

* * * * *

William H. McCabe,

Chair, Architectural and Transportation Barriers Compliance Board.

[FR Doc. 91-1737 Filed 1-24-91; 8:45 am]

BILLING CODE 8150-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3899-1]

Approval and Promulgation of Implementation Plans; Deletion of Statutory Restriction on New Sources Under Certain Circumstances in Nonattainment Areas; California—Kern and Fresno Counties

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice announces that EPA is removing from 40 CFR 52.237 the specific language imposing construction moratoriums on major stationary sources, or major modifications of stationary sources, of volatile organic compounds (VOCs) in the Kern and Fresno Counties nonattainment areas. This change is to make the regulations consistent with the recently enacted Clean Air Act Amendments of 1990, Public Law 101-549, which repeal EPA's authority to impose or retain in effect such construction moratoriums.

EFFECTIVE DATE: January 15, 1991. This action is effective without prior proposal since the action merely conforms regulatory language to the statutory changes which became effective immediately upon the date of enactment of the Clean Act Act Amendments of 1990. See Public Law 101-549, section 711(b)(1).

FOR FURTHER INFORMATION CONTACT: Wallace D. Woo, Chief, State Liaison Section, Air and Toxics Division, Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, California 94105, Telephone: (415) 556-5152, (FTS) 556-5152.

SUPPLEMENTARY INFORMATION:

A. Background

On March 16, 1990, EPA published notices of final rulemaking disapproving the attainment demonstration portions of the California SIP for ozone in the Kern and Fresno Counties Air Pollution Control Districts (APCDs) and imposing a moratorium on the construction of major stationary sources of VOCs in the Kern and Fresno Counties APCDs. 55 FR 9876, 9878. EPA disapproved the attainment demonstrations because of the 1986 Kern plan and the 1982 Fresno plan did not provide for attainment of the ozone NAAQS by the statutory deadline of December 31, 1987, or by any other fixed date, as required by section 172(a) of the Clean Air Act as amended in 1977 (42 U.S.C. 7502(a)). Pursuant to section 110(a)(2)(I) of the 1977 Act, the disapproval of the plans automatically resulted in the imposition of a construction moratorium. See 42 U.S.C. 7410(a)((2)(I) (1989) and 40 CFR 52.24(a) (1990).

For a comprehensive description of EPA's regulatory actions concerning the Kern and Fresno plans, and the relevant requirements of the Act, see the proposed disapprovals of the plan for the Kern and Fresno ozone nonattainment areas (52 FR 26428, 24431, July 14, 1987), the General Preamble accompanying those notices (52 FR 26404), and the notices of final rulemaking disapproving the attainment demonstrations (55 FR 9876, 9878, March 16, 1990). The Western States Petroleum Association (WSPA) challenged EPA's March 16, 1990 actions in the Ninth Circuit Court of Appeals. *WSPA* v. *EPA, et al.*, 9th Cir. No. 90-70238.

B. The Clean Air Act Amendments of 1990

On November 15, 1990, the President signed into law the Clean Air Act Amendments of 1990 ("1990 Amendments"), Public Law No. 101-549. Among other things, the 1990 Amendments establish new deadlines, depending on the severity of the problem in a particular area, for the attainment of certain national ambient air quality standards (NAAQS); direct the States to submit revised State Implementation Plans (SIPs) meeting new, specific requirements and demonstrating attainment of the NAAQS by the revised statutory dates; set new deadlines for the submission of the SIPs; mandate EPA review of the revised SIPs for consistency with the requirements of the Amendments; and provide for EPA to impose sanctions if the States fail to submit SIP revisions that meet the new requirements.

The 1990 Amendments repeal the provisions of section 110(a)(2)(I) of the Clean Air Act as amended in 1977 ("the 1977 Act") that required EPA to impose a construction moratorium in nonattainment areas that failed to submit plans meeting all of the requirements of Part D of the 1977 Act. The 1990 Amendments also contain a savings clause, new Clean Air Act section 110(n)(3), that preserves certain existing construction moratoriums:

> Retention of construction moratorium in certain areas—In the case of an area to which immediately before the date of the enactment of the Clean Air Act Amendments of 1990, the prohibition on construction or modification of major stationary sources prescribed in subsection (a)(2)(I) (as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990) applied by virtue of a finding of the Administrator that the State containing such areas had not submitted an implementation plan meeting the requirements of section 172(b)(6) (relating to establishment of a permit program) (as in effect immediately before the date of enactment of the Clean Air Act Amendments of 1990) or 172(a)(1) (to the extent such requirements relate to provision for attainment of the primary national ambient air quality standard for sulfur dioxides by December 31, 1982) as in effect immediately before the date of the enactment of the Clean Air Act Amendments of 1990, no major stationary source of the relevant air pollutant or pollutants shall be constructed or modified in such area until the Administrator finds that the plan for such area meets the applicable requirements of section 172(c)(5) (relating to permit programs) or subpart 5 of part D (relating to attainment of the primary national ambient air quality standard for sulfur dioxide), respectively.

C. Discussion of Statutory Language

EPA interprets these provisions of the 1990 Amendments as repealing by operation of law, as of the date of enactment of the 1990 Amendments, all construction moratoriums that EPA had imposed under 1977 Act section 110(a)(2)(I) for any reason other than failure to submit an approvable new source review program or failure to demonstrate timely attainment of the sulfur dioxide NAAQS. See Public Law 101-549, section 711(b)(1) ("except as otherwise expressly provided, the amendments made by this Act shall be effective on the date of enactment of this Act").

EPA intends to publish a separate **Federal Register** notice shortly generally amending 40 CFR 52.24 to clarify the limited applicability of the construction moratorium, and deleting regulatory language from all appropriate sections of 40 CFR part 52 containing any individual moratoriums that have been repealed by the 1990 Amendments. However, it will take EPA some time to accurately inventory all areas subject to construction moratoriums and ensure that all relevant sections of the CFR are properly amended. In addition, it will take some time to fully review § 52.24 and make all appropriate conforming changes in the regulatory language. To

effect a settlement of the litigation in *WSPA* v. *EPA, et al.*, and for the reasons described below, EPA is today amending the relevant section of part 52 to specifically remove the language imposing the construction moratorium in Kern and Fresno Counties, as it intends to do shortly in all appropriate areas in the subsequent national notice described above.

It is worth noting that one of the two types of moratoriums retained under the 1990 Amendments is a moratorium imposed "by virtue of a finding of the Administrator" that the area has not submitted an approvable new source review program. EPA interprets this description to cover only those areas where the Administrator specifically stated in the notice imposing the moratorium that the moratorium was being imposed for failure to submit an approvable new source review program. In many areas, EPA imposed the moratorium for failure of the SIP to demonstrate timely attainment of the NAAQS for ozone or carbon monoxide. In a number of such areas, the SIP also did not contain an approvable new source review program. However, where EPA did not include the lack of a new source review program as a reason for imposing the moratorium, EPA concludes that the language of section 110(n) of the 1990 Amendments does not authorize retention of the moratorium. In this regard, section 110(n) refers only to those moratoriums imposed based upon a finding by the Administrator of failure to submit a new source review program.

D. Rationale for Lifting the Kern and Fresno Moratoriums

EPA based its March 16, 1990 disapproval actions on a specific finding by the Administrator that the Kern and Fresno Counties' plans did not provide for the attainment of the ozone NAAQS by December 31, 1987, or any other fixed date. 55 FR 9876, 9878. Moreover, the Administrator has not imposed a construction moratorium based on a finding that the Kern or Fresno Counties' plans failed to (1) Contain an adequate permit program as required by section 172(b)(6) of the Act, or (2) provide for timely attainment of the primary sulfur dioxide NAAQS. Therefore, the section 110(n)(3) savings clause in the 1990 Amendments does not authorize EPA to retain the construction moratoriums on VOC sources in the Kern and Fresno Counties APCDs.

Consequently, today's notice removes the language concerning the moratoriums in the Kern and Fresno Counties' APCDs from 40 CFR 52.237 in order to make the regulatory provisions consistent with the 1990 Amendments.

The 1990 Amendments also repeal the provisions of section 172 (requiring SIPs to demonstrate attainment no later than 1982 or, if an extension has been approved, by 1987) upon which EPA based its disapproval actions. Amended section 172 establishes new requirements for nonattainment areas in general. The 1990 Amendments also contain a new subpart 2 of part D which establishes additional provisions for ozone nonattainment areas. New section 181 classifies ozone nonattainment areas according to the severity of the problem; new section 182 establishes various planning requirements for the different classifications.

In March 1990, however, EPA's disapproval actions were appropriate under the then existing provisions of the Act, i.e. the Kern and Fresno plans did not demonstrate attainment by 1987 or any other fixed date. Therefore, the regulatory language disapproving the attainment demonstration portions of the Kern and Fresno Counties' ozone plans will be retained as a reflection of historical fact. It should be noted that, as a result of the new attainment provisions and planning periods for demonstrating attainment in the 1990 Amendments, such language has no current or future legal effect.

E. Regulatory Process

EPA is not taking prior public comment on this action because it concludes that the action is merely an interpretive rule that directly interprets the 1990 Amendments, and as such is exempted from requirements for notice and comment under 5 U.S.C. section 553(b)(A). To the extent there is any question that this action may be a legislative rule, EPA finds that there is good cause to dispense with public notice and comment pursuant to 5 U.S.C. section 553(b)(B), for the following reasons. Since the 1990 Amendments repealed the construction bans imposed in Kern and Fresno Counties under section 110(a)(2)(I) of the 1977 Act, and EPA in this action is merely taking the ministerial steps to correct its regulatory language to reflect the statutory changes, public comment would be entirely unnecessary. Further, it would be contrary to the public interest to retain superseded regulatory language in the CFR.

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 26, 1991. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Air pollution control, Ozone, Intergovernmental relations, Volatile organic compounds.

Dated: January 15, 1991.

William K. Reilly,

Administrator.

Title 40 of the Code of Federal Regulations, part 52, is amended to read as follows:

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7642.

2. Section 52.237 is amended by revising paragraphs (a)(4) and (a)(5) to read as follows:

§ 52.237 Part D disapproval.

(a) * * *

(4) The ozone attainment demonstration for the Fresno County APCD.

(5) The ozone attainment demonstration for the Kern County APCD.

[FR Doc. 91–1533 Filed 1–24–91; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 7504]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies one community, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that is suspended on the effective date listed within this rule because of failure to enforce its floodplain management regulations in accordance with NFIP requirements. If FEMA receives documentation that the community has taken action to bring its floodplain management program into compliance with NFIP requirements prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The third date ("Susp.") listed in the third column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The community listed in this notice no longer meets that statutory requirement for compliance with program regulations (44 CFR part 59, et. seq.). Accordingly, the City of Campton, Kentucky will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, the City of Campton, Kentucky may submit the documentation required to correct the deficiencies and to remedy the violations to the maximum extent possible identified in the suspension notice, prior to the actual suspension date. The City will not be suspended and will continue its eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be pubished in the **Federal Register**. In the interim, if you wish to determine if the City was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in this community by publishing a Flood Insurance Rate Map. The date of this flood map is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the community listed on the date shown in the last column.

The Administrator finds that notice and public comment procedure under 5. U.S.C. 553(b) are impracticable and unnecessary because the community listed in this final rule have been adequately notified.

The community received a 90-day probationary letter in February 1990, a 30-day show cause letter was sent in November 1990, and the 30-day suspension notice was sent in January 1991. These notifications were addressed to the Mayor of the City of Campton, Kentucky, indicating that the City will be suspended unless the required corrective actions and remedial measures are taken prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to enforce adequate floodplain management, thus placing itself in noncompliance with the Federal standards required for community participation. In each entry, a complete chronology of the effective date appears for the listed community.

List of Subjects in 44 CFR Part 64

Flood insurance-floodplains

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain Federal assistance no longer available in special flood hazard areas
Region IV				
Kentucky: Campton, city of Wolfe County	210229	July 21, 1975, Emerg.; Sept. 18, 1985, Reg.; Feb. 6, 1991, Susp.	9-18-85	Feb. 6, 1991.

Code for reading fourth column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Issued: January 17, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1790 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 64

[Docket No. FEMA 7502]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities'

participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, phone: (800) 638-7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street SW., Room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of eligible communities.

State and location	Community No.	Effective date authorizaiton/cancellation of sale of flood insurance in community	Current effective map date
New Eligible—Emergency Program			
Nebraska: Rogers, village of, Colfax County	315497	Nov. 30, 1990	—
Arkansas: Donaldson, city of, Hot Spring County	050596	Dec. 11, 1990	—
Michigan: Paradise, township of, Grand Traverse County	260830	Dec. 20, 1990	—
Arkansas: Biscoe, city of, Prairie County	050415	Dec. 21, 1990	11-26-76
Indiana: *New Providence, town of, Clark County	180464	Dec. 17, 1990	4-18-80
Iowa: Buchanan county, Buchanan County	190848	Dec. 17, 1990	6-7-77
Georgia: Dillard, town of, Rabun County	130446	Dec. 26, 1990	3-18-77
Oklahoma: Slaughterville, town of, Cleveland County	400539	Dec. 27, 1990	—
New Eligibles—Regular Program			
Iowa.			
Frederika, city of, Bremer County	190027	Dec. 27, 1990	7-16-90
Neola, city of, Pottawattamie County	190493	Dec. 17, 1990	11-17-82
Reinstatements—Regular Program			
Virginia: Surry County, unincorporated areas	510157	Mar. 25, 1974, Emergency; Nov. 2, 1990, Regular; Nov. 2, 1990, Suspension; Dec. 3, 1990, Reinstatement.	11-2-90
Colorado: Ouray, town of, Ouray County	080137	July 24, 1975, Emergency; July 3, 1985, Regular; Nov. 16, 1990, Suspension; Dec. 4, 1990, Reinstatement.	7-3-85
West Virginia:			
Peterstown, town of, Monroe County	540143	Nov. 27, 1974, Emergency; Aug. 1, 1979, Regular; Nov. 16, 1990, Suspension; Dec. 11, 1990, Reinstatement.	8-1-79
Preston County, unincorporated areas	540160	Aug. 20, 1976, Emergency; Mar. 1, 1987, Regular; Nov. 16, 1990, Suspension; Dec. 11, 1990, Reinstatement.	3-1-87
Pennsylvania: Mount Carbon, borough of, Schuylkill County	421995	Aug. 28, 1975, Emergency; Sept. 1, 1986, Regular; Sept. 1, 1986, Suspension; Dec. 11, 1990, Reinstatement.	9-1-86

State and location	Community No.	Effective date authorizaiton/cancellation of sale of flood insurance in community	Current effective map date
Iowa: Carson, city of, Pottawattamie County	190234	July 29, 1975, Emergency; Sept. 4, 1985, Regular; Sept. 4, 1985, Suspension; Dec. 7, 1990, Reinstatement.	9-4-85
Delaware: Laurel, town of, Sussex County	100040	Apr. 2, 1975, Emerg; Jan. 16, 1982, Regular; Dec. 5, 1990, Suspension; Dec. 24, 1990, Reinstatement.	1-16-81
West Virginia: Thomas, city of, Tucker County	540261	July 16, 1975, Emergency; Sept. 10, 1984, Regular; Aug. 15, 1990, Suspension; Dec. 26, 1990, Reinstatement.	9-10-84
Pennsylvania: Forks, township of, Sullivan County	422062	Aug. 25, 1975, Emergency; Nov. 2, 1990, Regular; Nov. 2, 1990, Suspension; Dec. 26, 1990, Reinstatement.	11-1-90
Wisconsin: Baldwin, village of, St. Croix County	550380	June 26, 1975, Emergency; Aug. 15, 1990, Regular; Aug. 15, 1990, Suspension; Dec. 26, 1990, Reinstatement.	8-15-90
Georgia: Dawson County, unincorporated areas	130304	Apr. 29, 1985, Emergency; Dec. 15, 1990, Regular; Dec. 15, 1990, Suspension; Dec. 28, 1990, Reinstatement.	12-15-90
Ohio: Morgan County, unincorporated areas	390420	Feb. 24, 1977, Emergency; Nov. 2, 1990, Regular; Nov. 2, 1990, Suspension; Dec. 28, 1990, Reinstatement.	11-2-90
Iowa: Portsmouth, city of, Shelby County	190507	Oct. 6, 1975, Emergency; Sept. 1, 1986, Regular; Sept. 1, 1986, Suspension; Dec. 31, 1990, Reinstatement.	9-1-86
Region II—Regular Program Conversions			
New York: Evans Mills, village of, Jefferson County	360337	Dec. 5, 1990, Suspension withdrawn	12-5-90
Region III			
Pennsylvania: Wilmore, borough of, Cambria County	420244	do	12-5-90
Virginia:			
New Kent County, unincorporated areas	510306	do	12-5-90
Smithfield, town of, Isle of Wight County	510081	do	12-5-90
Region IV			
Florida: Westville, town of, Holmes County	120118	do	12-5-90
Georgia:			
Harris County, unincorporated areas	130336	do	12-5-90
Troupe County, unincorporated areas	130405	do	12-5-90
Kentucky: Richmond, city of, Madison County	210157	do	12-5-90
Tennessee: Blaine, city of, Grainger County	470398	do	12-5-90
Region V			
Michigan:			
Chassell, township of, Houghton County	260411	do	12-5-90
Manistique, city of, Schoolcraft County	260595	do	12-5-90
Ohio: Springdale, city of, Hamilton County	390877	do	12-5-90
Region VI			
Texas: Hebron, town of, Denton County	481495	do	12-5-90
Region I—Regular Conversions			
Massachusetts: Russell, town of, Hampton County	250148	Dec. 15, 1990, Suspension withdrawn	12-15-90
Region II			
Pennsylvania:			
Shrewsbury, township of, Lycoming County	421148	do	12-15-90
Troy, township of, Bradford County	421114	do	12-15-90
Virginia: King George County, unincorporated areas	510312	do	12-15-90
West Virginia:			
Hardy County, unincorporated areas	540051	do	12-15-90
Moorefield, town of, Hardy County	540052	do	12-15-90
Region IV			
Florida:			
Graceville, city of, Jackson County	120127	do	12-15-90
Jackson County, unincorporated areas	120125	do	12-15-90
Marianna, city of, Jackson County	120129	do	12-15-90
Georgia:			
Buchanan, city of, Haralson County	130336	do	12-15-90
Carroll County, unincorporated areas	130464	do	12-15-90
Mississippi: Covington County, unincorporated areas	280291	do	12-15-90
South Carolina: Laurens County, unincorporated areas	450125	do	12-15-90
Region V			
Michigan: Three Rivers, city of, St. Joseph County	260206	do	12-15-90
Ohio:			
Glenmont, village of, Holmes County	390277	do	12-15-90
Holmes County, unincorporated Areas	390276	do	12-15-90
Holmesville, village of, Holmes County	390278	do	12-15-90
Millerburg, village of, Holmes County	390280	do	12-15-90

*(Also known as the Town of Borden)

State and location	Community No.	Effective date authorizaiton/cancellation of sale of flood insurance in community	Current effective map date
Holmes County, unincorporated Areas	390276	do	12-15-90
Holmesville, village of, Holmes County	390278	do	12-15-90
Millerburg, village of, Holmes County	390280	do	12-15-90

*(Also known as the Town of Borden)

Code for reading third column:

Emergency—Emergency.
Regular—Regular.
Suspension—Suspension
Reinstatement—Reinstatement.

Issued: January 15, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1789 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-21-M

44 CFR Part 64

[Docket No. FEMA 7503]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The third date ("Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, Room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 et seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended.) This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance of the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 564.6 List of eligible communities.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region II—Regular Program Conversions				
New York:				
Alden, town of, Erie County	360225	Dec. 26, 1973, Emergency; June 1, 1981, Regular; Feb. 6, 1991, Suspension.	2-6-91	February 6, 1991
Rochester, town of, Ulster County	360861	April 1, 1975, Emergency; Mar. 16, 1983, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Pound Ridge, town of, Westchester County.	360929	April 21, 1975, Emergency; May 25, 1984, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Region III				
Pennsylvania:				
Cooperstown, borough of, Venango County.	420855	July 7, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	
Davidson, township of, Sullivan County	422060	Aug. 20, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Pine Creek, township of, Jefferson County.	422445	April 4, 1979, Emergency; Feb. 1, 1985, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
President, township of, Venango County.	422112	July 7, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Shade, township of, Somerset County	422054	Aug. 21, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Virginia:				
Brunswick County, unincorporated areas.	510236	April 4, 1974, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Dickenson County, unincorporated areas.	510253	Aug. 8, 1974, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
James City County, unincorporated areas.	510201	Oct. 20, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
King William County, unincorporated areas.	510304	April 22, 1975, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Region IV				
South Carolina: Williamsburg County, unincorporated areas.	450187	Mar. 12, 1975, Emergency; Jan. 1, 1989, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Region V				
Ohio: Madison County, unincorporated areas.	390773	Mar. 20, 1978, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.		Do.
Region VI				
Texas: Blanco County, unincorporated areas.	490711	June 17, 1981, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Region VII				
Iowa:				
Columbus Junction, city of, Louisa County.	190307	June 29, 1976, Emergency; Feb. 6, 1991, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Louisa County, unincorporated areas	190193	Oct. 16, 1974, Emergency; June 1, 1987, Regular; Feb. 6, 1991, Suspension.	2-6-91	Do.
Region III—Minimal Conversion				
New York: Thompson, town of, Sullivan County.	360830	May 3, 1975, Emergency; Mar. 9, 1984, Regular; Feb. 15, 1991, Suspension.	2-15-91	February 15, 1991
Pennsylvania: Hempfield, township of, Mercer County.	421868	June 4, 1975, Emergency; Feb. 15, 1991, Regular; Feb. 15, 1991, Suspension.	2-15-91	Do.
Virginia: [1] Nicholas County, unincorporated areas.	540146	June 30, 1976, Emergency; Feb. 15, 1991, Suspension.	10-16-81	Do.
Region V				
Minnesota:				
Fort Ripley, city of Crow Wing County	270097	Feb. 3, 1975, Emergency; Feb. 15, 1991, Regular; Feb. 15, 1991, Suspension.	2-15-91	Do.
Litchfield, city of, Meeker County	270285	July 18, 1975, Emergency; Feb. 15, 1991, Regular; Feb. 15, 1991, Suspension.	2-15-91	Do.
Pipestone, city of Pipestone County	270359	April 28, 1974, Emergency; Feb. 15, 1991, Regular; Feb. 15, 1991, Suspension.	2-15-91	Do.
Region V—Minimal Conversion				
Michigan: Union, township of, Isabella County.	260812	Oct. 13, 1986, Emergency; Feb. 15, 1991, Regular; Feb. 15, 1991, Suspension.	2-15-91	Do.

[1] Emergency Program Suspension.

Code for reading third column:
Emerg.—Emergency.
Reg.—Regular.
Susp.—Suspension.

Issued: January 17, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1788 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-21-M

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44 CFR Part 65

[Docket No. FEMA-7011]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Interim rule.

SUMMARY: This rule lists communities where modification of the base (100-year) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base (100-year) elevations for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: These modified base flood elevations are currently in effect and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which he can request through the community that the Administrator reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: Numerous changes made in the base (100-year) flood elevations on the FIRMs for each community make it administratively infeasible to publish, in this notice, all of the changes contained on the maps. However, this rule includes the address of the Chief Executive Officer of the community, where the modified base flood elevation determinations are made available for inspection.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to section 206 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) and are in accordance with the National Flood Insurance Act of 1968, as amended, (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 65.4).

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

These modified elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

PART 65—[AMENDED]

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community no.
Arizona: Coconino	City of Flagstaff	Jan. 11, 1991 and Jan. 18, 1991 *The Arizona Daily Sun*	Hon. Christopher Bavasi, mayor, city of Flagstaff, City Hall, 211 West Aspen Ave., Flagstaff, AZ 86001.	Dec. 28, 1990	040020
Colorado: El Paso	City of Colorado Springs.	Jan. 4, 1991 and Jan. 11, 1991 *Gazette Telegraph*	Hon. Robert M. Isaac, mayor, city of Colorado Springs, P.O. Box 1575, Colorado Springs, CO 80901.	Dec. 20,1 990	080060
Illinois: Cook and DuPage	Village of Bartlett	Dec. 7, 1990 and Dec. 14, 1990 *The Daily News Courier*	Hon. John Stark, village president, Village of Bartlett, 228 South Main Street, Barlett, IL 60103.	Nov. 26, 1990	170059
Kentucky: Jefferson	Unincorporated areas	Jan. 17, 1991 and Jan. 24, 1991 *The Courier Journal*	Hon. David L. Armstrong, county judge/executive, Jefferson County, 527 West Jefferson, Louisville, KY 40202.	Jan. 4, 1991	210120
Maryland: Worcester	Town of Ocean City	Jan. 4, 1991 and Jan. 11, 1991 *The Maryland Coast Press*	Hon. Roland E. Powell, mayor of the town of Ocean City, P.O. Box 158, Ocean City, MD, 21842.	Dec. 26, 1990	245207F
Minnesota: Dakota	City of Lakeville	Dec. 13, 1990 and Dec. 20, 1990 *Dakota Tribune*	Hon. Duane Zaun, mayor, city of Lakeville, 8747-208th Street, P.O. Box 957, Lakeville, MN 55044-8012.	Nov. 28, 1990	270107
Nebraska: Dakota	City of South Sioux City.	Dec. 13, 1990, and Dec. 20, 1990 *South Sioux City Star*	Hon. Vernie A. Larson, mayor, city of South Sioux City, 1615 First Ave., South Sioux City, NB 68776.	Nov. 28, 1990	310054

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community no.
Tennessee: Shelby	Unincorporated areas	Dec. 13, 1990 and Dec. 20, 1990 *Memphis Daily News*	Hon. Phillip Wittenberg, Chief Administrative Officer, Shelby County, 160 North Mid-America Mall, Suite 850, Memphis, TN 38103.	Dec. 6, 1990	470214
Virginia: Mathews	Unincorporated areas	Dec. 13, 1990 and Dec. 20, 1990 *Gloucester Mathews Gazette-Journal*	Mr. Frank Pleva, Mathews County Administrator, P.O. Box 839, Mathews, VA 23109.	Nov. 28, 1990	510096B
Wisconsin: Waukesha	City of Muskego	Jan. 3, 1991 and Jan. 10, 1990 *Muskego Sun*	Hon. Wayne Salentine, mayor, city of Muskego, W182 South 8200 Racine Ave., Box 903, Muskego, WI 53150-0903.	Dec. 20, 1990	550486

Issued: January 14, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1791 Filed 1-24-91; 8:45am]

BILLING CODE 6718-03-M

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations will be used in calculating flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published.

These modified base flood elevations shall be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for second layer coverage on existing buildings and their contents.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

Pursuant to the provisions of 5 U.S.C. 605 (b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical revisions made to designated special flood hazard areas on the basis of updated information and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Floodplains.

1. The authority citation for part 65 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

§ 65.4 [Amended]

2. Section 65.4 is amended by adding, in alphabetic sequence, new entries to the table.

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Colorado: Adams and Arapahoe (FEMA Docket No. 6999).	City of Aurora	July 25, 1990 and Aug. 1, 1990 *Aurora Sentinel*	Hon. Paul Tauer, mayor, city of Aurora, 1470 South Havana St., Aurora, CO 80012.	July 9, 1990	080002
Colorado: Arapahoe	Unincorporated areas, Docket No. 6999.	Aug. 30, 1990 and Sept. 6, 1990 *The Villager*	Hon. Jeannie Jolly, chairperson, Arapahoe County Board of Commissioners, 5334 South Prince St., Littleton, CO 80166.	Aug. 13, 1990	080011
Colorado: Jefferson	Unincorporated areas (FEMA Docket No. 7002).	Nov. 8, 1990 and Nov. 15, 1990 *Lakewood Sentinel*	Hon. Rich Ferdinandsen, chairman, Jefferson County Board of County Commissioners, Courthouse, 1700 Arapahoe, Golden, CO 80419-0001.	Sept. 20, 1990	080087
Georgia: Liberty (Docket No. FEMA-7002).	City of Hinesville	Sept. 21, 1990 and Sept. 28, 1990 *Hinesville Coastal Courier*	Hon. Buddy De Loach, mayor, city of Hinesville, 115 East Martin Luther King Jr. Drive, Hinesville, GA 31313-3699.	Sept. 7, 1990	130125
Illinois: Lake (Docket No. FEMA-6999).	Village of Lake Zurich	Aug. 24, 1990 and Aug. 31, 1990 *Vernon Hills Herald*	Hon. James Kay, mayor, village of Lake Zurich, 70 East Main St., Lake Zurich, IL 60047.	Aug. 8, 1990	170376
Minnesota: Olmsted (Docket No. FEMA-7002).	City of Rochester	Sept. 21, 1990 and Sept. 28, 1990 *Rochester Post Bulletin*	Hon. Chuck Hazama, mayor, city of Rochester, 224 1st Avenue, SW., Rochester, MN 55902.	Sept. 10, 1990	275246
New Jersey: Cape May (FEMA Docket No. 6999).	City of Ocean City	Aug. 17, 1990 and Aug. 24, 1990 *Sentinel-Ledger*	Hon. Nickolas J. Trofa, Jr., mayor of the city of Ocean City, City Hall, Ninth and Ashbury Ave., Ocean City, NJ 08226.	July 18, 1990	345310C
New Jersey: Cape May (FEMA Docket No 6993).	City of Sea Isle City	May 24, 1990 and May 31, 1990 *The Sentinel Leader*	Hon. Michael J. McHale, mayor of the city of Sea Isle City, Cape May County, 4416 Landis Ave., Sea Isle City, NJ 08243.	May 15, 1990	345318

State and county	Location	Date and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
New Jersey: Morris (FEMA Docket No. 6993).	Township of Pequannock.	May 10, 1990 and May 17, 1990 *The Suburban Trends*	Thomas F. Kane, supervisor of the township of Pequannock, 530 Turnpike, Pompton Plains, NJ 07444.	Apr. 24, 1990	345311B
Oklahoma: Oklahoma (FEMA Docket No. 6995).	City of Midwest City	June 28, 1990 and July 5, 1990 *The Midwest City Sun*	Hon. John G. Johnson, mayor of the city of Midwest City, 100 North Midwest Blvd., P.O. Box 10570, Midwest City, OK 73140.	June 1, 1990	400405D
Oklahoma: Tulsa, Osage, and Rogers (FEMA Docket No. 6999).	City of Tulsa	Aug. 8, 1990 and Aug. 15, 1990 *The Tulsa Business Journal*	Hon. Rodger A. Randle, mayor of the city of Tulsa, Tulsa, Osage and Rogers Counties, 200 Civic Center, Tulsa, OK 74103.	Aug. 1, 1990	405381E
South Carolina: Richland (Docket No. FEMA-6999).	City of Forest Acres	Aug. 3, 1990 and Aug. 10, 1990 *The State*	Hon. Royce G. Waites, mayor, city of Forest Acres, 5205 Trenholm Road, Forest Acres, SC 29206.	July 20, 1990	454174
Tennessee: Rutherford (Docket No. FEMA-6993).	Unincorporated areas	Aug. 23, 1990 and Aug. 30, 1990 *Daily News Journal*	Hon. John Mankin, county executive, Rutherford County Courthouse, Murfreesboro, TN 37130.	May 14, 1990	470165
Texas: Fort Bend (FEMA Docket No. 6993).	Unincorporated areas	May 16, 1990 and May 23, 1990 *The Herald-Coaster*	Hon. Jodie E. Stavinoha, Fort Bend County Judge, P.O. Box 368, Richmond, TX 77469.	May 11, 1990	480228B
Texas: Fort Bend (FEMA Docket No. 6995).	Unincorporated areas	July 12, 1990 and July 19, 1990 *The Herald-Coaster*	Hon. Jodie E. Stavinoha, Fort Bend County Judge, P.O. Box 368, Richmond, TX 77469.	June 28, 1990	480228
Virginia: Independent City (FEMA Docket No. 6993).	City of Charlottesville	May 17, 1990 and May 24, 1990 *The Daily Progress*	Hon. Cole Hendrix, city manager, city of Charlottesville, P.O. Box 911, Charlottesville, VA 22902.	May 3, 1990	510033C

Issued: January 14, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1792 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Modified base (100-year) flood elevations are finalized for the communities listed below.

These modified elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

DATES: The date of issuance of the revised Flood Insurance Rate Map (FIRM) showing modified base flood elevations for the community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determinations of modified base flood elevations for each community listed. These modified elevations have been published in newspaper(s) of local circulation and an opportunity for the community or individuals to appeal the proposed determination to or through the community for a period of ninety (90) days has been provided. The proposed modified elevations were also published in the Federal Register. The Administrator has resolved any appeals resulting from these notifications.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR part 67.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies, for reasons set out in the proposed rule, that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. Also, this rule is not a major rule under terms of Executive Order 12291, so no regulatory analyses have been prepared. It does not involve any collection of information for purposes of the Paperwork Reduction Act.

List of Subjects in 44 CFR Part 67

Flood insurance, Floodplains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

The modified base flood elevations are finalized in the communities listed below. Elevations at selected locations in each community are shown. Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited for each community.

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) modified
ALABAMA	
Odenville (town), St. Clair County (FEMA Docket No. 7001)	
Beaver Creek:	
About 1,800 feet upstream of Maddox Road	*696
About 300 feet upstream of U.S. Highway 411	*729
Maps available for inspection at the Town Hall, P.O. Box 113, Odenville, Alabama.	
ARKANSAS	
Fort Smith (city), Sebastian County (FEMA Docket No. 7001)	
Arkansas River:	
Downstream corporate limits	*405
Upstream corporate limits	*419
Massard Creek:	
At confluence with Arkansas River	*405
Approximately .3 river mile upstream of State Route 22	*405
Little Massard Creek:	
At confluence with Massard Creek	*405
Approximately .2 river mile upstream of Meandering Way	*405
Sunnymede Creek:	
At confluence with Arkansas River	*407
At downstream side of Interstate 540	*408

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) modified
No Name Creek:	
At confluence with Sunnymede Creek	*407
Approximately .15 river mile upstream of Cliff Drive	*408
Oak Park Tributary:	
At confluence with Arkansas River	*413
At upstream side of State Route 255	*413
May Branch:	
At confluence with Arkansas River	*418
At downstream side of Fort Smith Levee & Floodwall	*418
Poteau River:	
At confluence with Arkansas River	*420
At confluence of Mill Creek	*420
Mill Creek:	
At confluence with Poteau River	*420
Approximately .9 river mile upstream of Jenny Lind Road	*518
Maps available for inspection at the Engineering Department, 623 Garrison Avenue, Room 409, Fort Smith, Arkansas.	
CALIFORNIA	
San Luis Obispo County (unincorporated areas) (FEMA Docket No. 6998)	
Arroyo Grande Creek:	
Area Surrounding South Halcyon Road and Willow Street Intersection	#1
Maps are available for review at the County Engineering Department, Room 207, County Government Center, Osos and Palm Streets, San Luis Obispo, California.	
CONNECTICUT	
Shelton (city), Fairfield County (FEMA Docket No. 6998)	
Housatonic River:	
Approximately 0.6 miles downstream of State Route 8	*21
At upstream corporate limits	*49
Maps available for inspection at the Planning and Zoning Office, 54 Hill Street, Room 302, Shelton, Connecticut 06484.	
IDAHO	
Garden City (city), Ada County (FEMA Docket No. 6997)	
Boise River:	
At confluence with South Fork Boise River	*2,590
Approximately 1,050 feet upstream of confluence with South Fork Boise River	*2,593
Approximately 2,000 feet upstream of confluence with South Fork Boise River	*2,596
Approximately 2,550 feet upstream of confluence with South Fork Boise River	*2,597
Maps are available for review at City Hall, 210 East 50th, Garden City, Idaho.	
INDIANA	
Bloomington (city), Monroe County (FEMA Docket No. 6998)	
Cave Creek:	
At mouth	*802
Just downstream of State Route 48	*841
Cave Creek Sinkhole: Within community	*802
Sinking Creek:	
At mouth	*819
Just downstream of Illinois Central Railroad	*838
Just upstream of Guifford Road	*843
Just downstream of Whitehall Pike	*855
Sinking Creek Sinkhole: Within community	*819
West Branch Sinking Creek:	
At mouth	*819
Just downstream of Illinois Central Railroad	*827
Stout Creek:	
About 500 feet downstream of Acuff Road	*648
Just downstream of Woodyard Road	*762
Maps available for inspection at the Planning Department, P.O. Box 200, Bloomington, Indiana 47402.	
MISSISSIPPI	
Lamar County (unincorporated areas) (FEMA Docket No. 7001)	
Mill Creek: Within community	*289
Maps available for inspection at the Lamar County Courthouse, County Administrator's Office, Purvis, Mississippi.	
New Augusta (city), Perry County (FEMA Docket No. 7001)	
Leaf River:	
About 1,050 feet downstream of confluence of Gum Branch	*103
About 1.7 miles upstream of State Highway 29	*111
Maps available for inspection at the City Hall, City Clerk's Office, New Augusta, Mississippi.	
Perry County (unincorporated areas) (FEMA Docket No. 7001)	
Leaf River:	
About 0.76 mile downstream of confluence of Gum Branch	*102
About 1.66 miles upstream of confluence of Milky Creek	*113
Maps available for inspection at the Perry County Courthouse, Board of Supervisors Office, New Augusta, Mississippi.	
Sumrall (town), Lamar County (FEMA Docket No. 7001)	
Mill Creek:	
About 1,000 feet upstream of mouth	*264
About 0.51 mile upstream of State Highway 42	*289
Maps available for inspection at the Town Hall, P.O. Box 247, Sumrall, Mississippi.	
NEW JERSEY	
Cinnaminson (township), Burlington County	
Pompeston Creek:	
At the confluence with the Delaware River	*11 *10
At upstream corporate limits	*33 *34
Maps available for inspection at the Municipal Building, 1621 Riverton Road, Cinnaminson, New Jersey.	
Send comments to The Honorable Lawrence Eleuteri, Sr., Mayor of the Township of Cinnaminson, Burlington County, 1621 Riverton Road, Cinnaminson, New Jersey 08077.	
Fair Lawn (borough), Bergen County (FEMA Docket No. 6998)	
Saddle River:	
Downstream corporate limits	*44
Upstream corporate limits	*57
Beaver Dam Brook:	
Confluence with Saddle River	*50
Approximately 150 feet downstream of Paterson Street	*50
Jordon Brook:	
Confluence with Saddle River	*55
Approximately 400 feet upstream of Prospect Avenue	*55
Maps available for inspection at the Engineer's Office, 8-01 Fair Lawn Avenue, Fair Lawn, New Jersey.	
Leonia (borough), Bergen County (FEMA Docket No. 6998)	
Overpeck Creek:	
At downstream corporate limits	*7
At upstream corporate limits	*7
Flat Rock Brook:	
At confluence with Overpeck Creek	*7
At upstream corporate limits	*7
Maps available for inspection at the Administrative Office, 312 Broad Street, Leonia, New Jersey.	
NEW YORK	
Carthage (village), Jefferson County (FEMA Docket No. 6998)	
Black River:	
At upstream side of Carthage State Dam	*731
At upstream corporate limits	*737
Main Tributary:	
At confluence with Black River	*735
At upstream corporate limits	*742
Tributary No. 2:	
At confluence with Main Tributary	*738
At upstream side of South Washington Street	*738
Tributary No. 3:	
At confluence with Main Tributary	*740
Approximately 150 feet upstream of Beaver Lane	*741
Maps available for inspection at the Village Hall, 120 South Mechanic, Carthage, New York.	
Geneseo (town), Livingston County (FEMA Docket No. 6998)	
Conesus Lake:	
Shoreline at the intersection of Long Point Road and State Route 256	*821
Shoreline at the southern most corporate limits	*821
Maps available for inspection at the Geneseo Building, 119 Main Street, Geneseo, New York.	
Groveland (town), Livingston County (FEMA Docket No. 6998)	
Conesus Lake:	
Shoreline at northern most corporate limits	*821
Shoreline at southern most corporate limits	*821
Maps available for inspection at the Town Clerk's Office, 4955 Atten Road, Groveland, New York.	
Onondaga (town), Onondaga County (FEMA Docket No. 6998)	
Harbor Brook:	
Approximately 1,570 feet upstream of Harris Road	*886
Approximately 130 feet upstream of State Route 175	*935
Harbor Brook West:	
Approximately 0.5 mile downstream of Howlett Hill Road	*798
Approximately 0.7 mile upstream of Westview Drive	*886
Hopper Brook:	
Approximately 1,330 feet downstream of Broad Road	*593
Approximately 0.8 mile upstream of Crossover Drive	*921
Unnamed Tributary to Hopper Brook:	
At confluence with Hopper Brook	*744
Approximately 0.5 mile upstream of Cleveland Road	*944
Maps available for inspection at the Town Hall, 4801 West Seneca Turnpike, Syracuse, New York 13215.	
NORTH CAROLINA	
Craven County (unincorporated areas) (FEMA Docket No. 6998)	
Scotts Creek:	
Just downstream of Williams Road	*9
About 1050 feet upstream of Williams Road	*9
About 2000 feet upstream of Airport Road	*21
Scotts Creek West Channel:	
At confluence with Scotts Creek	*12
At divergence from Scotts Creek	*18
Maps available for inspection at the Craven County Inspection Office, P.O. Drawer R, New Bern, North Carolina 28560.	

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD) modified
OKLAHOMA	
Vinita (city), Craig County (FEMA Docket No. 7001)	
Bull Creek:	
Approximately 3,600 feet upstream of confluence with Big Cabin Creek	*672
Approximately 140 feet upstream of Eastern State Hospital Road	*695
Big Cabin Creek:	
Approximately 800 feet upstream of confluence with Bull Creek	*672
Approximately 2,900 feet upstream of confluence of Pawpaw Creek	*682
Elm Creek Tributary:	
Approximately 2,000 feet upstream of its confluence with Elm Creek	*688
At upstream side of Adair Street	*695
Maps available for inspection at the City Hall, 104 East Illinois, Vinita, Oklahoma.	
OREGON	
Fairview (city), Multnomah County (FEMA Docket No. 7001)	
Fairview Creek:	
At the confluence of the overflow from Northeast Glisan Street	*184
Approximately 675 feet downstream of Northeast Glisan Street	*202
Just downstream of Northeast Glisan Street	*207
Columbia River: At the northern corporate limits	*31
Fairview Lake: Along the southern shoreline	*14
Maps are available for review at the Department of Planning, 300 Harrison Street, Fairview, Oregon.	
PENNSYLVANIA	
Douglass (township), Montgomery County (FEMA Docket No. 7001)	
Swamp Creek:	
Approximately 1,450 feet upstream of Detar Road	*280
Approximately 0.8 mile upstream of Swamp Creek Road	*302
Maps available for inspection at the Township Building, 1320 East Philadelphia Avenue, Gilbertsville, Pennsylvania.	
Horsham (township), Montgomery County (FEMA Docket No. 6998)	
Pennypack Creek:	
At downstream corporate limits	*226
Approximately 100 feet downstream of Whitmer Road	*320
Blair Mill Run:	
At downstream corporate limits	*233
At upstream corporate limits	*260
Maps available for inspection at the Township Building, 1025 Horsham Road, Horsham, Pennsylvania.	
Washington (township), Franklin County (FEMA Docket No. 6998)	
West Branch Antietam Creek:	
Approximately 2,040 feet downstream of State Route 316	*622
At upstream corporate limits	*648
Maps available for inspection at the Township Building, 13013 Welty Road, Waynesboro, Pennsylvania.	
SOUTH CAROLINA	
Irmo (town), Lexington & Richland Counties (FEMA Docket No. 6996)	
Rawls Creek:	
At confluence of Tributary R-2	*295
About 1,900 feet upstream of county boundary	*324
Maps available for inspection at the Town Hall, 7300 Woodrow Street, Irmo, South Carolina.	
TEXAS	
Dallas (city), Dallas, Denton, Collin, Rockwall, and Kaufman Counties (FEMA Docket No. 7001)	
Elm Fork of the Trinity River:	
At Missouri-Kansas-Texas Railroad	*424
Approximately 700 feet upstream of Sandy Lake Road	*445
Mountain Creek:	
At the downstream corporate limits	*433
At the Camp Wisdom Road	*466
Bachman Branch:	
At the confluence with Elm Fork of Trinity River	*426
Approximately 200 feet upstream of Harry Hines Boulevard	*426
Joe's Creek:	
At confluence with Elm Fork of Trinity River	*426
Approximately 150 feet downstream of Interstate Route 35E	*426
Grapevine Creek:	
At the confluence with Elm Fork of Trinity River	*439
Approximately 0.4 mile upstream of Ledbetter Road	*439
Farmers Branch Creek:	
Approximately 170 feet upstream of St. Louis-San Francisco Railroad	*441
Approximately 420 feet upstream of St. Louis-San Francisco Railroad	*443
Approximately 670 feet downstream of Rawhide Creek	*456
Approximately 370 feet downstream of Denton Drive	*458
Approximately 100 feet downstream of Ford Road	*466
Woody Branch:	
Approximately 150 feet upstream of confluence with Fivemile Creek	*479
Approximately 100 feet upstream of Interstate Route 35E	*486
Fivemile Creek:	
Approximately 750 feet downstream of the confluence of Alice Branch	*471
Approximately 200 feet downstream of Rockport Drive	*483
Stream 8C1:	
At confluence with Mountain Creek	*434
Approximately 0.4 mile upstream with Mountain Creek	*434
West Fork of Joe's Creek:	
At the confluence with Joe's Creek	*426
Approximately 750 feet downstream of Manana Drive	*430
Maps available for inspection at the City Hall, 1500 Marilla, Dallas, Texas.	
Send comments to The Honorable Annette Strauss, Mayor of the City ofDallas, Dallas, Denton, Collin, Rockwall, and Kaufman Counties, City Hall, 1500 Marilla, Dallas, Texas 75201.	
Richardson (city), Collin and Dallas Counties (FEMA Docket No. 7003)	
Duck Creek:	
Approximately 200 feet downstream of downstream corporate limits	*593
Approximately 1,000 feet upstream of Collins Boulevard	*628
Rowlett Creek:	
Approximately 1,100 feet upstream of Dallas/Collin County boundary	*504
Approximately 700 feet upstream of upstream corporate limits	*517
Spring Creek:	
At downstream corporate limits	*550
Approximately 200 feet upstream of upstream corporate limits	*594
Stream 2I5.5:	
At downstream corporate limits	*556
Approximately 750 feet upstream of downstream corporate limits	*569
Stream 5B12:	
Approximately 1,200 feet upstream of Waterview Drive	*663
Approximately 150 feet upstream of Drive A	*679
Beck Branch:	
At confluence with Rowlett Creek	*505
Approximately 2,200 feet upstream of confluence	*507
Maps available for inspection at the City Hall, 411 W. Arapaho, Room 204, City Engineer's Office, Richardson, Texas.	
San Antonio (city), Bexar County (FEMA Docket No. 6998)	
Mud Creek:	
Approximately 1,200 feet upstream of Buckhorn Road	*762
Approximately 1.6 miles upstream of Jones Maltzberger Road	*858
Maps available for inspection at the Department of Public Works, Drainage Engineering, 14 W. Commerce Street, 7th Floor, San Antonio, Texas.	
Stephenville (city), Erath County (FEMA Docket No. 7001)	
Tributary to Bosque River:	
Approximately 80 feet downstream of the Prairie Wind Street Bridge	*1,283
Approximately 150 feet upstream of State Route 8 Bridge	*1,311
Maps available for inspection at the City Hall, 354 North Belknap, Stephenville, Texas.	
Waxahachie (city), Ellis County (FEMA Docket No. 7001)	
Mustang Creek:	
Approximately 50 feet downstream of FM 878	*557
Approximately 1,000 feet upstream of U.S. Route 77	*623
Maps available for inspection at the City Hall, City Engineer's Office, 401 South Rogers, Waxahachie, Texas.	
WISCONSIN	
Waupun (city), Fond du Lac and Dodge Counties (FEMA Docket No. 6998)	
South Branch of the Rock River:	
About 1,700 feet downstream of Fond du Lac Street	*871
Just downstream of Waupun Dam	*876
About 2,480 feet upstream of confluence of Harris Creek	*885
Harris Creek:	
At confluence with the South Branch of the Rock River	*885
Just upstream of Newton Avenue	*886
Maps available for inspection at the Office of Flood Plain Administrator, City of Waupun, 201 East Main, P.O. Box 232, Waupun, Wisconsin 53963-0232.	

Issued: January 14, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1794 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 67

[CGD 89-008]

RIN 2115-AD30

Documentation of Vessels; Recordation of Instruments

AGENCY: Coast Guard, DOT.

ACTION: Final rule; correction.

SUMMARY: The Coast Guard is correcting two paragraphs which appeard in rule document 89-008 (FR Doc. 91-421) published on Thursday, January 10, 1991 at 56 FR 960.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Willis, Chief, Vessel Documentation Branch, Merchant Vessel Inspection and Documentation Division, Office of Marine Safety, Security and Environmental Protection, (202) 267-1492.

SUPPLEMENTARY INFORMATION: In rule document 89-008 published at 56 FR 960 on January 10, 1991, the Coast Guard inadvertently omitted assumptions of chattel and preferred mortgages as instruments eligible for filing and recordation. On page 963, the word "assumptions" should have followed the word "assignments" in § 67.29-1, paragraphs (c) and (d).

PART 67—[CORRECTED]

1. Section 67.29-1 is amended by revising paragraphs (c) and (d) to read as follows:

§ 67.29-1 Instruments eligible for filing and recordation.

* * * * *

(c) Chattel mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof;

(d) Preferred mortgages, and assignments, assumptions, supplements, amendments, subordinations, satisfactions, and releases thereof; and

* * * * *

Dated: January 17, 1991.

J.D. Sipes,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 91-1746 Filed 1-24-91; 8:45 am]

BILLING CODE 4910-14-M

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 507 and 510

[APD 2800.12A, CHGE 20]

General Services Administration Acquisition Regulation; Use of the Metric System in GSA Procurements

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Final rule.

SUMMARY: The General Services Administration Acquisition Regulation (GSAR) (APD 2800.12A) (chapter 5), is amended to add section 507.103 to require that requirements personnel consider, in the acquisition planning phase, the use of the metric system in accordance with section 5164 of the Omnibus Trade and Competitiveness Act of 1988, GSA Order, GSA Metric Program (ADM 8000.1A) and the GSA Metric Transition Plan (55 FR 12904); to revise section 510.001 to add definitions used in GSA's Metric Program; and to add section 510.002 to provide policy for using metric units of measurement in solicitations. The intended effect is to provide guidance to GSA contracting activities and to encourage industries to make the conversion to the International System of Units (SI) and to invite them to make Federal agencies aware of their ability to supply conforming supplies and services in metric units.

EFFECTIVE DATE: January 31, 1991.

FOR FURTHER INFORMATION CONTACT: Paul L. Linfield, Office of GSA Acquisition Policy, (202) 501-1224.

SUPPLEMENTARY INFORMATION:

A. Public Comments

A notice of proposed rulemaking was published in the **Federal Register** on October 26, 1990 (GSAR Notice No. 5-309) (55 FR 43149). Public comments were received from S.D. Sondall, Urbandale, Iowa and the Department of Agriculture. Comments received from various GSA offices as well as the public comments have been considered and where appropriate incorporated in the final rule.

B. Executive Order 12291

The Director, Office of Management and Budget (OMB), by memorandum dated December 14, 1984, exempted certain agency procurement regulations from Executive Order 12291. The exemption applies to this rule.

C. Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), GSA certifies that this rule will not have a significant impact on a substantial number of small entities because it is intended to provide internal guidance to GSA contracting activities to satisfy a requirement that Federal agencies review, prepare and revise Federal documents and specifications to eliminate barriers to the use of the metric system in Federal procurements. Use of the metric system of measurement for Federal agency procurements is mandated by September 30, 1992, to the extent economically feasible, by section 5164 of the Omnibus Trade and Competitiveness Act of 1988, which amended the Metric Conversion Act of 1975. Consequently, no regulatory flexibility analysis has been prepared.

D. Paperwork Reduction Act

This rule does not contain information collection requirements that require the approval of OMB under the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

List of Subjects in 48 CFR Parts 507 and 510

Government procurement.

1. The authority citation for 48 CFR parts 507 and 510 continues to read as follows:

Authority: 40 U.S.C. 486(c).

PART 507—[AMENDED]

2. Section 507.103 is added to read as follows:

507.103 Agency head responsibilities.

The head of the contracting activity (HCA) shall ensure that, during the acquisition planning phase, requirements personnel consider the use of the metric system of measurement consistent with 15 U.S.C. 205 et seq. (See 510.002), GSA Order, GSA Metric Program (ADM 8000.1A) and GSA Metric Transition Plan. Use of the metric system must be coordinated with the contracting officer and be consistent with security, operational, economic, technical, logistical, training, and safety requirements.

PART 510—[AMENDED]

3. Section 510.001 is revised to read as follows:

510.001 Definitions.

Dual systems mean the use of both inch-pound and metric systems. For example, an item is designed, produced, and described in inch-pound values with soft metric values also shown for information or comparison purposes.

Hybrid systems mean the use of both inch-pound and hard metric values in specifications, standards, supplies, and

services; e.g., an engine with internal parts in metric dimensions and external fittings or attachments in inch-pound dimensions.

Metric system means the International System of Units established by the General Conference of Weights and Measures in 1960. The units are listed in Federal Standard 376A, "Preferred Metric Units for General Use by the Federal Government."

Soft metric means the result of mathematical conversion of inch-pound measurements to metric equivalents in specifications, standards, supplies, and services. The physical dimensions are not changed.

Specification Manager means an official of the Federal Supply Service office responsible for Federal or Interim Federal Specifications (or the program office for other than Federal specifications) and for reviewing requests for a deviation from a specification.

4. Section 510.002 is added to read as follows:

510.002 Policy.

(a) The Metric Conversion Act of 1975, as amended by section 5164 of the Omnibus Trade and Competitiveness Act of 1988 (15 U.S.C. 205 et seq.), designates the metric system of measurement as the preferred system of weights and measures for U.S. trade and commerce and requires by September 30, 1992, each Federal agency, to the extent economically feasible, to use the metric system of measurements in its procurements, grants, and other business-related activities. The GSA Metric Transition Plan, dated March 27, 1990, describes GSA's comprehensive and integrated program to comply with section 5164 and GSA Order ADM 8000.1A.

(b) Consistent with the policy expressed in GSA Order ADM 8000.1A, solicitations must include specifications and purchase descriptions stated in metric units of measurement whenever metric is the accepted industry system. If metric is not the accepted industry system, the head of Central Office Services responsible for nationwide programs shall ensure that policies promoting and encouraging the use of soft metric, hybrid, or dual systems are developed, except when to do so would be detrimental to the program mission. Whenever possible, commercially developed metric specifications and internationally or domestically developed voluntary standards using metric measurements must be adopted. While an industry is in transition to metric, solicitations must include specifications and purchase descriptions stated in soft metric, hybrid, or dual systems, except when impractical or inefficient.

Dated: January 11, 1991.

Arthur E. Ronkovich,

Acting Associate Administrator for Acquisition Policy.

[FR Doc. 91-1730 Filed 1-24-91; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 663

[Docket No. 901255-1011]

RIN 0648-AD73

Pacific Coast Groundfish Fishery

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

ACTION: Final rule.

SUMMARY: NOAA issues this rule to designate certain management measures as "routine" for certain species and fishing gears, as authorized under amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP), and to establish an April 1 opening date for the regular target fishery for sablefish caught with nontrawl gear. The routine designation is intended to allow for timely management of the groundfish resource while providing for full public comment and review of the management decisions, as required under the Administrative Procedure Act. The April 1 season for the nontrawl target fishery for sablefish is intended to reduce fishing effort early in the year.

EFFECTIVE DATE: January 18, 1991.

ADDRESSES: Mr. Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115-0070; Mr. E. Charles Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 S. Ferry Street, Terminal Island, CA 90731-7415; or the Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206-526-6140, Rodney R. McInnis at 213-514-6199, or the Pacific Fishery Management Council at 503-326-6352.

SUPPLEMENTARY INFORMATION:

Background

Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on November 15, 1990, and the implementing regulations were filed with the Office of the **Federal Register** on December 31, 1990, and became effective on January 1, 1991. The actions taken in this notice are authorized under amendment 4, and were proposed in the **Federal Register** on December 19, 1990 (55 FR 52055), with a request for comments through December 28, 1990. None was received.

This rule includes two parts. The first announces the routine designations for certain species, gear types, and management measures. The second establishes an opening date of April 1 for the regular nontrawl sablefish fishery.

I. Routine Management Measures

Amendment 4 of the FMP authorizes the designation of certain management measures as "routine," which means that, for those specific species, gear types, and management measures, implementation and further adjustment of those management measures may occur after consideration at a single meeting of the Pacific Fishery Management Council (Council), and after publication by notice in the **Federal Register**, but only if for the same purpose, and within the scope of the analysis conducted, when the action first was designated as routine. Individual species subject to routine management measures may be managed in the aggregate without designating that aggregate as routine. Routine designations are published in the **Federal Register** and codified in the implementing regulations at 50 CFR 663.23, thus informing the public of the species and gears that are likely to have a specific management measure imposed.

At its September 1990 meeting, the Council recommended routine designations for two types of actions: (1) Trip landing and frequency limits for bocaccio, Dover sole, and thornyheads taken with commercial gear; and (2) trip landing and frequency limits for sablefish caught with nontrawl gear to be implemented from the beginning of the fishing year until the regular target fishery is scheduled to begin. The rationale for these designations is more fully explained in the proposed rule at 55 FR 52055 (December 19, 1990). The species, gear types, and types of management measures designated as routine in this notice are the same as proposed. However, to be consistent

with the regulations implementing amendment 4, the final rule published in this notice is reformatted and the reasons for the routine designation are included in the rule at 50 CFR 663.23; these reasons were presented in the preamble but not the codified portion of the proposed rule.

II. Sablefish—Nontrawl Gear

This notice also announces a delay until April 1 of the regular nontrawl sablefish season, which allows the harvest of unrestricted amounts of sablefish except for trip limits to protect juvenile fish. Trip limits before the opening of the regular season are designated as a routine management measure; in a separate **Federal Register** notice filed with the Office of the **Federal Register** on December 31, 1990, a 1,500 pound trip limit was implemented on January 1, 1991. However, the date this trip limit is removed, and the regular season opens, is not designated as routine, because this action would affect fleets differently and is the subject of considerable public interest.

This action is taken in accordance with the socio-economic framework procedures established in amendment 4, which require preparation of a report containing the proposed management measure and the reasons it is preferred, a description of other viable alternatives considered, and an analysis that addresses how the proposed action will achieve the goals and objectives of the FMP, likely impacts on other management measures and other fisheries, biological and economic impacts, and the ability of the preferred option to achieve one or more of 15 factors listed in the Amendment. The environmental assessment, which was summarized in the proposed rule, serves as this report.

Delay of the regular season until April 1 is intended to discourage participation in the sablefish fishery by large, nontrawl vessels capable of fishing in rough winter weather. Their participation is discouraged to maintain, to the extent possible, traditional harvest opportunities for the smaller vessels that harvest sablefish off the coasts of Washington, Oregon, and California between January 1 and March 31. In recent years, an increasing number of large vessels have chosen to fish for sablefish off Washington, Oregon, and California during the first 3 months of the year, before going north to fish for sablefish off Alaska. This has resulted in a larger portion of the nontrawl sablefish quota being taken before the beginning of the traditional fishing period for many of the smaller vessels (which tend to fish for sablefish later in the year when weather is calmer), and has contributed to shorter seasons. Disruption of the harvesting opportunities for the smaller vessels and of the coastal economies that depend on landings from these vessels is expected to be minimized by an April 1 opening of the regular season, in large part because it will force larger vessels to choose between the sablefish off Alaska or off Washington, Oregon, and California. Although it now appears that the Alaska season will be changed to May 15 instead of April 1, effort shifts to the fishery off Washington, Oregon, and California are expected to be much less severe than if the local season opened on January 1.

Trip landing or frequency limits to be imposed from the beginning of the year until the start of the regular nontrawl sablefish season on April 1 are published in the **Federal Register** notice announcing the final specifications and management measures for 1991.

Classification

This rule is published under authority of section 305(g) of the Magnuson Act, 16 U.S.C. 1855(g), and was prepared at the request of the Council. The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this rule is necessary for the conservation and management of the Pacific coast groundfish fishery and that it is consistent with the Magnuson Act and other applicable law. The Assistant Administrator took into account the data and comments received during the November Council meeting. No comments were received during the public comment period following filing of the proposed rule.

The Administrative Procedure Act states that a rule will not be effective until 30 days after publication in the **Federal Register** unless the Secretary of Commerce finds and publishes with the rule good cause for an earlier effective date. The designation of routine management actions is essential in order to impose trip limits on Dover sole, bocaccio, thornyheads, and sablefish (caught with nontrawl gear) at or near the beginning of the year. Dover sole and thornyheads are caught unavoidably with sablefish, and the Council intends to manage these three species as a unit in 1991. If the trawl fisheries for Dover sole and thornyheads cannot be managed with trip landing and frequency limits on January 1, 1991, a significant target fishery on Dover sole and thornyheads can be expected, resulting in large discards of sablefish. Similarly, if the routine designation for nontrawl sablefish is not established, there will be no basis for a trip limit on the nontrawl target fishery for that species; a major reason for the April 1 delayed opening (and the small trip limit until April 1) is to reduce fishing effort on sablefish early in the year. Therefore, a delay in implementation would result in an unrestricted nontrawl target fishery for sablefish at the beginning of the year, circumventing the intent of this rule. Consequently, these actions are taken in final form, effective January 18, 1991.

The portion of this rule that designates certain management measures as routine is not expected to alter the nature or intensity of environmental effects as considered in the supplemental environmental impact statement (SEIS) prepared for amendment 4 or for the current FMP, and thus is categorically excluded from the requirement to prepare an environmental assessment by NOAA Directive 02-10. This rule provides for timely, inseason adjustment of trip landing and frequency limits so that landings do not exceed the harvest guidelines or quotas (which are designed to prevent overfishing), while minimizing the impacts on the fishing industry.

The rule also provides for delaying the opening of the nontrawl sablefish target fishery until April 1, but does not change the amount of sablefish that may be landed during the year. The Council prepared an environmental assessment (EA) for this portion of the rule. You may obtain a copy of the EA from the Council (see **ADDRESSES**).

The Assistant Administrator has determined that this is not a major rule requiring a regulatory impact analysis under Executive Order 12291. This action will not have a cumulative effect on the economy of $100 million or more nor will it result in a major increase in costs to consumers, industries, government agencies, or geographical regions. No significant adverse impacts are anticipated on competition, employment, investments, productivity, innovation, or competitiveness of U.S.-based enterprises.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 603 *et seq.* This conclusion, as it applies to the designation of management measures as routine, is based on the regulatory impact review and the analysis contained in amendment 4 and the preamble to the proposed rule. The trip landing and frequency limits are

imposed to avoid exceeding the harvest guidelines for bocaccio, Dover sole, thornyheads, and sablefish, and may need rapid adjustment inseason to minimize discards and economic impacts on the industry. Although there will be short-term economic costs from reduced harvest guidelines and reduced landings (which will be announced in a separate **Federal Register** notice), long-term economic benefits are expected due to increased flexibility to establish management measures that will reduce discards and wastage and that are designed to extract maximum economic benefits from the fishery while maintaining the maximum sustainable yield from the resource.

The same conclusion also is reached for the delay in the opening of the nontrawl target fishery for sablefish, based on the analysis in the environmental assessment and in the preamble to the proposed rule. While six large pot vessels may experience a significant economic impact, this is not a substantial number of the more than 200 nontrawl sablefish vessels expected to operate in 1991. The General Counsel of the Department of Commerce has determined that this action would not have a significant impact on a substantial number of small entities and therefore a regulatory flexibility analysis for this action was not prepared.

This rule does not contain a collection of information requirement for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

The Council determined that this rule does not directly affect the coastal zone of any state with an approved coastal management program.

This 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 Part 663

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

Dated: January 18, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble and in the proposed rule at 55 FR 52055, 50 CFR part 663 is amended as follows:

PART 663—PACIFIC COAST GROUNDFISH FISHERY

1. The authority citation for part 663 continues to read as follows:

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

2. In § 663.23, paragraphs (b)(2) and (c)(1)(i) (F), (G), and (H) are added, and the period at the end of paragraph (c)(1)(i)(E) is changed to a semicolon, to read as follows—

§ 663.23 Catch restrictions.

* * * * *

(b) * * *

(2) *Nontrawl sablefish.* The regular season for the nontrawl sablefish fishery will begin on April 1. Prior to April 1, trip landing or frequency limits will be imposed under paragraph (c) of this section to allow for bycatch of sablefish in other fisheries, and to allow very small directed fisheries with nontrawl gear. Trip landing and frequency limits may be re-imposed later in the year under paragraph (c) of this section. Trip limits to protect juvenile sablefish also may be imposed, at any time of year, under paragraph (c) of this section.

(c) * * *

(1) * * *

(i) * * *

(F) Dover sole—all gear—trip landing and frequency limits;

(G) Thornyheads—all gear—trip landing and frequency limits;

(H) Bocaccio—all gear—trip landing and frequency limits.

* * * * *

[FR Doc. 91-1663 Filed 1-18-91; 2:45 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 56, No. 17
Friday, January 25, 1991

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 831

RIN 3206-AE00

Civil Service Retirement System Voluntary Contributions Accounts

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing regulations concerning voluntary contributions accounts under the Civil Service Retirement System (CSRS). These regulations would restructure the existing regulations governing these accounts and expand the regulations to address the payment of interest. These changes are necessary to clarify the existing regulations.

DATES: Comments must be received on or before March 26, 1991.

ADDRESSES: Send comments to Andrea Minniear Farran, Assistant Director for Retirement and Insurance Policy; Retirement and Insurance Group; Office of Personnel Management; P.O. Box 57; Washington, DC 20044; or deliver to OPM, Room 4351, 1900 E Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Harold L. Siegelman, (202) 606-0775, extension 207.

SUPPLEMENTARY INFORMATION: Section 8343 of title 5, United States Code, provides that under regulations prescribed by OPM, employees may make voluntary contributions to the Civil Service Retirement and Disability Fund. Through 1984, voluntary contributions earned 3 percent interest. Starting in 1985, they have earned a variable rate of interest based on the average yield of new Government securities purchased by the Fund during the previous fiscal year.

In light of the higher interest rates now earned on voluntary contributions and the resultant increase in the number of new accounts established, we are amending our regulations to include rules on the accrual of interest. We are also taking this opportunity to restructure and clarify the regulations generally.

Until recently, the small number of voluntary contributions accounts did not justify automated processing of these accounts. The procedures for crediting interest to these accounts were, thus, designed for manual processing and recordkeeping. These proposed regulations reflect the new procedures for automated processing of voluntary contributions accounts.

Employees who transferred to FERS posed special problems. FERS does not have a provision similar to CSRS for voluntary contributions. FERS employees participate in the Thrift Savings Plan which, with its matching Government contributions, generally provides a larger benefit to employees. These regulations provide that employees who transfer to FERS after establishing voluntary contributions accounts under CSRS will continue to earn interest on their accounts as if under CSRS, but they may not make additional contributions. In addition, transferees who retire under FERS may elect to use their voluntary contributions to purchase additional annuity at retirement.

E.O. 12291, Federal Regulation

I have determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulations.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation will only affect Federal employees and agencies and retirement payments to retired Government employees and their survivors.

List of Subjects in 5 CFR Part 831

Administrative practice and procedure, Claims, Disability benefits, Firefighters, Government employees, Income taxes, intergovernmental relations, Law enforcement officers, Pensions, Retirement.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

Accordingly, OPM proposes to revise subpart D of 5 CFR part 831 to read as follows:

PART 831—RETIREMENT

Subpart D—Voluntary Contributions

Sec.
831.401 Purpose and scope.
831.402 Definitions.
831.403 Eligibility to make voluntary contributions.
831.404 Procedure for making voluntary contributions.
831.405 Interest on voluntary contributions.
831.406 Withdrawal of voluntary contributions.
831.407 Purchase of additional annuity.

Authority: 5 U.S.C. 8343 and 8347.

Subpart D—Voluntary Contributions

§ 831.401 Purpose and scope.

This subpart describes the procedures that employees and Members must follow in making voluntary contributions under the Civil Service Retirement System (CSRS). This subpart also describes the procedures that the Office of Personnel Management (OPM) will follow in accepting voluntary contributions, crediting interest on voluntary contributions accounts, and paying benefits based on voluntary contributions.

§ 831.402 Definitions.

In this subpart:

Applicant for retirement means a person who is currently eligible to retire under CSRS on an immediate or deferred annuity, and who has filed an application to retire that has not been finally adjudicated.

Balance means the amount of voluntary contributions deposited and not previously withdrawn, plus earned interest on those voluntary contributions, less any amount paid as additional annuities (including any amount paid as survivor annuity) based on the voluntary contributions.

CSRS means the Civil Service Retirement System as described in subchapter III of chapter 83 of title 5, United States Code.

Eligible individual means a person eligible to make voluntary contributions under § 831.403.

Voluntary contributions means contributions to the Civil Service Retirement and Disability Fund under section 8343 of title 5, United States Code.

§ 831.403 Eligibility to make voluntary contributions.

(a) Voluntary contributions may be made only by—

(1) Employees or Members currently subject to CSRS, and

(2) Applicants for retirement.

(b) Voluntary contributions may not be accepted from an employee, Member, or applicant for retirement who—

(1) Has not deposited amounts covering all civilian service performed by him or her; or

(2) Has previously received a refund of voluntary contributions and who has not been reemployed subject to CSRS after a separation of more than 3 calendar days.

(c) An employee or Member covered by the Federal Employees Retirement System (FERS), including an employee or Member who elected to transfer or was automatically placed in FERS, may not open a voluntary contributions account or make additional contributions to an existing voluntary contributions account.

§ 831.404 Procedure for making voluntary contributions.

(a) To make voluntary contributions to the Civil Service Retirement and Disability Fund, an eligible individual must first apply on a form prescribed by OPM. OPM will establish a voluntary contributions account for each eligible individual who elects to make voluntary contributions and notify the eligible individual that a voluntary contributions account has been established. An eligible individual may not make voluntary contributions until notified by OPM that an account has been so established.

(b) After receiving notice from OPM under paragraph (a) of this section, an eligible individual may forward voluntary contributions to the Office of Personnel Management, at the address designated for that purpose. Voluntary contributions must be in the amount of $25 or multiples thereof, by money order, draft, or check payable to OPM.

(c) The total voluntary contribution may not exceed, as of the date any contribution is made, 10 percent of the aggregate basic pay received by the eligible individual.

(1) Employees are responsible for not exceeding the 10 percent limit. OPM does not check incoming contributions to see if the employee has exceeded the 10 percent limit.

(2) When the employee retires or withdraws the voluntary contributions, OPM will check to see if the 10 percent limit has been exceeded.

(3) If the employee makes voluntary contributions in excess of the 10 percent limit, OPM will refund without interest any amount that exceeds the 10 percent limit.

§ 831.405 Interest on voluntary contributions.

(a) Interest on voluntary contributions is computed under § 831.105.

(b) Voluntary contributions begin to earn interest on the date deposited by OPM.

(c) Except as provided in paragraph (d) of this section, voluntary contributions stop earning interest on the earliest of—

(1) The date when OPM authorizes payment of the balance;

(2) The date when the employee or Member separates or transfers to a position not subject to CSRS or FERS; or

(3) The date when the employee transfers to a retirement system other than CSRS or FERS.

(d) If an employee separates with entitlement to a deferred annuity and either dies without withdrawing his or her voluntary contributions or uses his or her voluntary contributions to purchase additional annuity, voluntary contributions stop earning interest on the earlier of—

(1) The date when the former employee or Member dies; or

(2) The commencing date of the former employee's or Member's deferred annuity.

§ 831.406 Withdrawal of voluntary contributions.

(a) Before receiving additional annuity payments based on the voluntary contributions, a person who has made voluntary contributions may withdraw the balance while still an employee or Member, or after separation.

(b) A person entitled to payment of lump-sum benefits under the CSRS order of precedence set forth in section 8342(c) of title 5, United States Code, is entitled to payment of the balance, if any on the death of—

(1) An employee or Member;

(2) A separated employee or Member who has not retired;

(3) A retiree, unless a survivor benefit is payable based on an election under § 831.407; or

(4) a person receiving a survivor annuity based on voluntary contributions.

§ 831.407 Purchase of additional annuity.

(a) At the time of retirement under CSRS (or under FERS, if transferred from CSRS), a person may use the balance of a voluntary contributions account to purchase one of the following types of additional annuity:

(1) Annuity without survivor benefit; or

(2) Reduced annuity payable during the life of the employee or Member with one-half of the reduced annuity to be payable after his or her death to a person, named at time of retirement, during the life of the named person.

(b) Any natural person may be designated as survivor under paragraph (a)(2) of this section.

(c) If the applicant for retirement elects an annuity without survivor benefit, each $100 credited to his or her voluntary contributions account, including interest, purchases an additional annuity at the rate of $7 per year, plus 20 cents for each full year, if any, he or she is over age 55 at date of retirement.

(d) If the applicant for retirement elects an annuity with survivor benefit, each $100 credited to his or her voluntary contributions account, including interest, purchases additional annuity at the rate of $7 per year, plus 20 cents for each full year, if any, he or she is over age 55 at date of retirement, multiplied by the following percentage:

(1) Ninety percent of such amount if the named person is the same age or older than the applicant for retirement, or is less than 5 years younger than the applicant for retirement;

(2) Eighty-five percent if the named person is 5 but less than 10 years younger;

(3) Eighty percent if the named person is 10 but less than 15 years younger;

(4) Seventy-five percent if the named person is 15 but less than 20 years younger;

(5) Seventy percent if the named person is 20 but less than 25 years younger;

(6) Sixty-five percent if the named person is 25 but less than 30 years younger; and

(7) Sixty percent if the named person is 30 or more years younger.

[FR Doc. 91-1720 filed 1-24-91; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 31 and 32

[No. LS-90-111]

Standards for Grades of Wool and Wool Top and Mohair and Mohair Top

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would combine the existing standards for wool and wool top and also combines the standards for mohair and mohair top. This proposal would thereby eliminate the existing duplication of definitions and equipment descriptions within the standards. However, the actual standards to be applied to wool and wool top, and mohair and mohair top, as well as the procedures and equipment used to determine the grades of wool and wool top, and mohair and mohair top, remain unchanged. Additionally, this proposed rule would update Agency and Division names and increase the costs of samples for wool and wool top, and mohair and mohair top to reflect increased costs in the preparation thereof.

DATES: Comments must be received on or before February 25, 1991.

ADDRESSES: All persons who wish to submit data, views, or comments on this proposal are invited to submit them in writing to the Livestock and Meat Standardization Branch; Livestock and Seed Division; Agricultural Marketing Service; room 2603, South Bldg.; U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456. Comments must be signed and include the address of the sender, and should bear reference to the date and page number of this issue of the **Federal Register**. Since the comments will be considered in connection with this proposal, they should include definitive information which explains and supports the sender's views. All written submissions will be made available for public inspection at the Livestock and Meat Standardization Branch; Livestock and Seed Division; Agricultural Marketing Service; room 2603, South Bldg., during regular business hours.

FOR FURTHER INFORMATION CONTACT: Keith L. Padgett, Officer-In-Charge; Livestock and Meat Standardization Branch; Livestock and Seed Division; Agricultural Marketing Service; U.S. Department of Agriculture; 711 "O" Street, Greeley, CO 80631, phone (303) 353-9750.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule revises the standards for grades of wool and wool top and mohair and mohair top, has been reviewed under Executive Order No. 12291 and Departmental Regulation 1512-1 and has been designated as a "nonmajor" rule pursuant to sections 1(b) (1), (2), and (3) of that order because: (1) It would not have an annual effect on the economy of $100 million or more; (2) it would not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (3) it would not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Effect on Small Entities

This action was reviewed under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*). The Administrator of the Agricultural Marketing Service has determined that this proposed action will not have a significant impact on a substantial number of small entities as defined by the RFA. This proposed rule would combine the standards for wool and wool top and for mohair and mohair top to avoid duplication of definitions and descriptions of grading procedures. The proposed increase in the cost of samples would not have a significant impact upon small entities and represents the first increase in the price of samples since January 1, 1966. Further, the grading services are not mandatory but are provided on a voluntary basis.

Background

Under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), the Department of Agriculture is responsible for providing meaningful and useful grade standards to facilitate the marketing of agricultural products. The Act directs the Secretary of Agriculture to develop and improve standards for quality, condition, quantity, and grade; and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practice, 7 U.S.C. 1622(c). The Act also directs the Secretary to inspect, certify, and identify the class, quality, and condition of agricultural products so that they may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality of product they desire, but no person is required to use the service, 7 U.S.C. 1622(h).

This proposal, which would combine the standards for grades of wool and wool top and for mohair and mohair top would eliminate the existing duplication of definitions and equipment descriptions written in the standards, but would not result in a change in the actual standards, nor in the procedures for the application of the standards, nor in the equipment to be used. The proposal would also: (1) Update the name of the Agency and Division where appropriate, and (2) combine the equipment descriptions and add definitions of terms where appropriate. It is also proposed that § 31.401, § 31.402, § 32.401 and § 32.402 be amended to increase the prices for official samples of the grades of wool and wool top and mohair and mohair top.

It is proposed that the cost of a complete set of standard samples for wool grades be increased from $22.00 to $60.00 and for wool top grades from $42.00 to $90.00, delivered to any destination in the United States and from $24.00 to $65.00 (wool) and $44.00 to $95.00 (wool top), delivered to any destination outside the United States. It is proposed that the cost of an individual standard sample be increased from $2.00 to $6.00 (wool) and from $3.00 to $8.00 (wool top), delivered to any destination in the United States and from $2.50 to $8.00 (wool) and $3.50 to $10.00 (wool top), delivered to any destination outside the United States. It is proposed that the cost of a complete set of standard samples for mohair grades be increased from $22.00 to $60.00 and for mohair top grades from $27.00 to $90.00, delivered to any destination within the United States and from $25.00 to $65.00 (mohair) and $30.00 to $95.00 (mohair top), delivered to any destination outside the United States. It is also proposed that the cost of an individual standard sample be increased from $2.50 to $6.00 (mohair) and from $3.00 to $10.00 (mohair top), delivered to any destination within the United States and from $3.00 to $8.00 (mohair) and $3.50 to $12.00 (mohair top), delivered to any destination outside the United States. The current prices do not meet costs, including the cost of preparation and delivery. The cost of the samples will continue to be borne by the users.

List of Subjects in 7 CFR Part 31

Wool top grades, grading procedures, cost of samples.

List of Subjects in 7 CFR Part 32

Mohair and Mohair top grades, grading procedures, cost of samples.

For the reasons set forth in the Preamble, 7 CFR parts 31 and 32 are revised as follows:

PART 31—WOOL STANDARDS

Official Standards of the United States for Grades of Wool and Wool Top

Sec.
31.0 Official wool grades.
31.100 Official wool top grades.

Definitions

31.200 Meaning of words.
31.201 Terms defined.

Methods for Determining Grade of Wool and Wool Top

31.202 General.
31.203 Inspection method.
31.204 Measurement method.
31.205 Interpretation.

Samples Representative of Official Grade Standards of the United States for Wool and Wool Top

31.400 Standard Samples for Wool and Wool Top Grades; Method of Obtaining.
31.401 Cost of Standard Samples for Wool Grades.
31.402 Cost of Standard Samples for Wool Top Grades.

Authority: Secs. 1–3, 45 Stat. 593 as amended, 594 as amended, Secs. 203, 205, 60 Stat. 1087 as amended, 1090 as amended (7 U.S.C. 415b–415d, 1622, 1624).

Official Standards of the United States for Grades of Wool and Wool Top

§ 31.0 Official wool grades.

The official grades of wool and the specifications for each shall be those set forth in Table 1. However, wool which qualifies for any of the grades finer than grade 80s through grades 36s on the basis of its average fiber diameter shall be reduced in grade to the next coarser grade if its standard deviation in fiber diameter exceeds the maximum specified for the grade to which the average fiber diameter corresponds. Although the standards as defined in this paragraph are developed specifically for grease wool they are applicable also to wool in the pulled or scoured state, or to wool in the form of card sliver.

TABLE 1.—SPECIFICATIONS FOR THE OFFICIAL GRADES OF WOOL

[Fiber Diameter]

Grade	Limits for average diameter (μm)	Maximum standard deviation (μm)	Approximate number of fiber measurements [1]
Finer than 80s.	Under 17.70	3.59	400
80s	17.70–19.14	4.09	400
70s	19.15–20.59	4.59	400
64s	20.60–22.04	5.19	600
62s	22.05–23.49	5.89	800
60s	23.50–24.94	6.49	800
58s	24.95–26.39	7.09	1,000
56s	26.40–27.84	7.59	1,200
54s	27.85–29.29	8.19	1,400
50s	29.30–30.99	8.69	1,600
48s	31.00–32.69	9.09	1,800
46s	32.70–34.39	9.59	2,000
44s	34.40–36.19	10.09	2,200
40s	36.20–38.09	10.69	2,400
36s	38.10–40.30	11.19	2,600
Coarser than 36s.	Over 40.20		2,600

[1] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micrometer at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

§ 31.100 Official Wool Top Grades.

The official grades for wool top and the specifications for each shall be those set forth in Table 2. However, wool top which qualified for a grade on the basis of its average fiber diameter but does not meet the fiber diameter dispersion requirements for that grade, shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 2.—SPECIFICATIONS FOR THE OFFICIAL GRADES OF WOOL TOP

[Fiber Diameter Dispersion: Percent [1]]

Grade	Limits for average diameter (μm)	25 μm and under minimum	30 μm and under minimum	40 μm and under minimum	25.1 μm and over maximum	30.1 μm and over maximum	40.1 μm and over maximum	50.1 μm and over maximum	60.1 μm and over maximum	Approximate No. of fiber measurements
Finer than 80s	Under 18.10	95			5	1				400
80s	18.10–19.59	91			9	1				400
70s	19.60–21.09	83			17	3				400
64s	21.10–22.59		92			8	1			600
62s	22.60–24.09		86			14	1.5			800
60s	24.10–25.59		80			20	2			800
58s	25.60–27.09		72			28		1		1,000
56s	27.10–28.59		62			38		1		1,200
54s	28.60–30.09		54			46		2		1,400
50s	30.10–31.79		44			56		2		1,600
48s	31.80–33.49			75			25		1	1,800
46s	33.50–35.19			68			32		1	2,000
44s	35.20–37.09			62			38		2	2,200
40s	37.10–38.99			54			46		3	2,400
36s	39.00–41.29			44			56		4	2,600
Coarser than 36s	Over 41.29									2,600

[1] The 2nd maximum percent shown for any grade is a part of, and not in addition to, the 1st maximum percent. In each grade, the minimum percent and the 1st maximum total 100 percent.

[2] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the meat within ±0.40 micormeter at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

Definitions

§ 31.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 31.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Administrator.* The Administrator, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act the in the Administrator's stead.

(b) *Agricultural Marketing Service.* The Agricultural Marketing Service of the Department.

(c) *Average Fiber Diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 31.204(b)(6),(7).

(d) *Bulk Sample.* A quantity of grease wool selected for use in the preparation of standard samples.

(e) *Card Sliver.* Wool that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(f) *Core Sampling.* A method of coring a package of wool by means of special tools to obtain a representative sample according to the appropirate procedures described in § 31.204(a)(1).

(g) *Department.* The United States Department of Agriculture.

(h) *Director.* The Director of the Division, or any officer of employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Director's stead.

(i) *Division.* The Livestock and Seed Division of the Agricultural Marketing Service.

(j) *Fineness.* Average fiber diameter.

(k) *Fleece.* The wool of one sheep obtained by shearing.

(l) *Grade.* A numerical designation of fineness based on average fiber diameter and variation of fiber diameter described as standard deviation in wool and dispersion of fiber diameter in wool top. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color, all of which affect the spinability of wool and the properites of the yarn and fabric and which are usually referred to as "quality." Neither does it apply to wool by geographic origin, breed or sheep, manner of preparation for market, or a combination of characteristics which makes wool appropriate for a specific use. These are usually referred to as "type."

(m) *Grease Wool.* Wool, as obtained from living sheep.

(n) *Hand Sampling.* A method of drawing by hand many small handfuls of wool to obtain a representative sample according to the appropriate procedures described in § 31.204(a)(1).

(o) *Lot.* The entire quantity of wool constituting the subject of consideration or test. For top a test lot shall not exceed 20,000 pounds (9,000 kilograms).

(p) *Major Sort.* The grease wool of one grade that is greater by weight than any other grade in a fleece.

(q) *Micrometer (Micron).* A unit of linear measurement equal to 1/1,000 millimeter or 1/25,400 inch.

(r) *Pulled Wool.* Wool obtained form the pelts of slaughtered sheep by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the wool fibers from the skin.

(s) *Sample.* A portion of a lot which is taken for testing.

(1) With respect to wool obtained as described in § 31.204(a)(1);

(2) With respect to wool top, four sections (test specimens) obtained as described in § 31.204(a)(2).

(t) *Scoured Wool.* Wool from which the bulk of the impurities have been removed by washing in warm water, soap and alkali or by an equivalent process.

(u) *Skirted Fleece.* A fleece from which the belly, britch and stained portions have been removed.

(v) *Sorted Wool.* Wool removed from various parts of fleeces and combined into different groups or sorts, each of which is closely similar in fineness, length, and other qualities.

(w) *Standards.* The official standards of the United States for grades of wool and wool top.

(x) *Standard Samples.* Physical samples representative of the standards.

(y) *Test.* A determination, by measurement, of the average fiber diameter and variation of fiber diameter in test specimens of wool, in accordance with the procedures provided in § 31.204(b)(5),(6),(7).

(z) *Test Specimen.* A representative portion of the sample obtained and prepared as described in § 31.204(a).

(aa) *Wool.* The fiber from the fleece of sheep.

(bb) *Wool Top.* A continuous untwisted strand of scoured wool fibers from which the shorter fibers—noils—have been removed by combing.

Methods for determining Grade of Wool and Wool Top

§ 31.202 General.

The official standards of the United States for grades of wool, as defined in § 31.0, and for grades of wool top as defined in § 31.100 shall be the basis for grade determination. Grade may be determined by inspection or measurement. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 31.203 Inspection method.

Determination of the grade of wool or wool top by inspection will be accomplished by comparing the fineness of fibers of a sample of the lot to be graded with the fibers of corresponding standard wool samples certified by the Department as representative of the official grades. The grade assigned the lot shall be that of the standard wool sample which most nearly matches the wool being graded.

§ 31.204 Measurement method.

Determination of the grade of wool by measurement will be accomplished by comparing the measured average fiber diameter and variation of the fiber diameter with the specifications of the Official Standards fo the United States for Grades of Wool in § 31.0 and for Grades of Wool Top in § 31.100. This determination shall be made in accordance with the procedures set forth in this section.

(a) *Sampling Procedure*—(1) *Wool.* The method of obtaining a sample representative of the fineness of a lot of grease wool, pulled wool, scoured wool, or crad sliver will differ according to the manner in which it is stored and the equipment available for sampling. Lots may be sampled either by coring or by hand. The sampling procedures are as follows:

(i) *Core sampling.* Core sampling of packaged scoured, pulled or grease wool is advisable. Acceptable procedures and schedules for core sampling wool are those described in current ASTM Standards on Textile Materials, Designation: D1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present." If a representative portion of the scoured wool core sample resulting from the test for clean wool fiber content is available, it may be used for diameter measurements if the procedures described in ASTM

Designation: D584, "Standard Methods of Tests for Wool Content of Raw Wool," [1] are followed.

(ii) *Hand sampling an individual fleece.* A sample shall consist of approximately 30 grams (1 ounce) of wool. For fleeces having a major sort, the sample shall be drawn at random for this part of the fleece. For fleeces not having a major sort, the sample shall be drawn at random from all parts of the fleece.

(iii) *Hand sampling lots comprised of complete fleeces.* A sample shall consist of at least 3 pounds (1.5 kilograms) of wool. If the fleeces are packaged, the sample shall be drawn from at least 50 randomly selected fleeces from not less than 10 percent of randomly selected packages in the lot. If the fleeces are in piles, the sample shall be drawn from at least 50 fleeces selected from random locations throughout the pile. If there are fewer than 50 fleeces in the lot, all fleeces shall be sampled. Each fleece shall be sampled in accordance with the provisions and subdivision (ii) of this subparagraph.

(iv) *Hand sampling lots of scoured, pulled, and grease wool not in fleece form.* A sample shall consist of at least 3 pounds (1.5 kilograms) of wool. If the wool is packaged, the sample shall be drawn by taking a total of at least 50 randomly selected handfuls of wool from not less than 10 percent of the packages randomly selected from the lot. If the wool is in piles, the sample shall be drawn by taking a handful from at least 50 locations throughout the pile.

(v) *Hand sampling card sliver.* Wool card sliver shall be sampled by drawing at random from the lot, preferably during the carding operaiton, ten 24 inch (60 centimeter) lengths of sliver.

(vi) *Test specimens.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of this subparagraph will differ according to the type of sample and the equipment available for subsampling. The methods are as follows:

(A) *Obtaining test specimen from clean fiber core test residue.* The test specimen shall be obtained from the scoured wool remaining after testing for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of at least 20 grams (0.75 ounce). These fibers shall be mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼ inch (30 millimeter) and larger coring tubes should be machine blended. The machine blending of test specimens may be accomplished by carding the specimen 3 times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of sliver to maintain a convenient length. Samples drawn with smaller diameter tubes should not be machine blended since loss of fiber may occur.

(B) *Obtaining test specimens from other samples (except card sliver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(*1*) *Hand sampling.* Samples shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide a test specimen of at least 20 grams (0.75 ounce). Test specimens of grease wool and pulled wool shall be scoured or otherwise cleaned. The clean specimens, except those from samples of wool with fibers less than 1¼ inches (30 millimeters) in length, shall be further blended, preferably by machine, following the procedures described in paragraph (a)(1)(vi)(A) of this section.

(*2*) *Core sampling.* The sample shall be compressed in a suitable container. By means of a ⅜ inch (10 millimeter) or a ½ inch (13 millimeter) coring tube with sharp tip, a sufficient number of cores shall be extracted to provide a test specimen of at least 20 grams (0.75 ounce) of scoured wool. Test specimens of grease wool or pulled wool shall be scoured or otherwise cleaned.

Note: An example of a suitable container would be a box 12 by 6 by 15 inches (300 by 150 by 375 millimeters) deep, equipped with a floating top which has 16 equally spaced holes 0.75 inch (20 millimeter) in diameter over its area. The wool may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the wool.

(C) *Obtaining test specimens from card sliver samples.* Portions—approximately one-tenth the width of a sliver—shall be stripped from each of the ten 24 inch (60 centimeter) pieces of sliver obtained in accordance with paragraph (a)(1)(v) of this section. These pieces shall be combined to form a composite sliver. This will constitute the test specimen.

(2) *Wool top.* The lot of wool top shall be sampled by drawing from each 20,000 pounds (9,000 kilograms), or fraction thereof, four sections of sliver (test specimens) each of which shall be at least 1 yard (1 meter) in length and taken from different balls selected at random. Only one ball shall be taken from any one bale or carton. For borken wool top (top not wound into balls), an equivalent length of sliver shall be taken at random. Only one test specimen shall be taken from any one can or package. The four test specimens shall constitute a sample.

(b) *Test Provisions.* One test shall consist of the measurement of the test specimens by two operators, each independently following the procedures and provisions set forth in this paragraph.

(1) *Apparatus and Material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microprojector shall be capable of giving a precise magnification of at leat 500X. This magnification can be accomplished satisfactorily with a vertically installed microscope equipped with a 10–15X eyepiece, a 20–21X objective with an aperture of approximately 0.50 centimeter (0.2 inch), a fixed body tube, a focusable stage responsive to coarse and fine adjustments, a focusable substage with condenser and iris diaphragm, and a light source that will give a well-defined fiber image. The microscope must be installed so that the projection distance can be adjusted to produce the required 500X magnification.

(ii) *Stage micrometer.* A calibrated glass slide used to accurately set and check the magnification of the microprojector.

(iii) *Cross sectioning device, heavy duty.* An instrument consisting essentially of a metal plate with a slot for holding a quantity of fibers, a key for compressing the fibers, and a movable tongue arrangement by which the fiber bundle may be extruded for sectioning.

(iv) *Microscope slides.* 25×75 millimeters (1×3 inches).

(v) *Cover glasses.* No. 1 thickness, 22×50 millimeters (⅞×2 inches).

(vi) *Mounting medium.* Colorless mineral oil with a refractive index of 1.480±0.005, and of suitable viscosity.

(vii) *Wedge scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5 micrometer intervals (cells).

[1] Copies of D1060 and D584 may be purchased from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

(2) *Calibration*. The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This shall be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the instrument into such adjustment that the sharply focused image of a 0.20 millimeter interval on the stage micrometer will measure 100 millimeters at the image plane.

(3) *Test Condition*. Test specimens shall be preconditioned to approximate equilibrium in an atmosphere of 10 to 25 percent relative humidity at a temperature less than 122 °F (50 °C). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely, 65±2 percent relative humidity at a temperature of 70°±2° F (21°±1° C).

(4) *Preparation of Slides*—(i) *Filling cross section device*. A specimen in sliver form shall be placed in the slot of the cross section device at a section of the sliver estimated to be a full fiber length or more from the end of the sliver. With the aid of additional filler paper in the slot if needed, the sliver shall be firmly compacted with the compression key which shall then be secured with the set screw. For specimens not in the sliver form, draw at random small quantities of fibers from the bulk of the test specimen and fill the slot of the cross section device sufficiently to assure firm compaction by the compression key which is then secured with the set screw.

(ii) *Preliminary section*. The compacted fibers shall be cut off at the upper and lower surfaces of the fiber holder plate. The fiber bundle shall be moistened with mineral oil and extruded approximately 0.50 millimeter in order to take up slack in the fibers and the extruding mechanism. The projecting fiber bundle shall be cut off with a sharp razor blade flush with the surface of the fiber holder plate and discarded.

(iii) *Final section*. The fiber bundle shall be extruded approximately 0.25 millimeter (250 micrometers). The projecting fiber bundle shall be cut off with a sharp razor blade flush with the fiber holder plate leaving the fiber pieces adhering to the razor blade.

(iv) *Mounting the fibers*. A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide and thoroughly dispersed in the oil. To complete the slide place a cover glass on top of the oil-fiber mixture. Slides shall be measured the day they are prepared.

Note: Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should flow out beyond the edges of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers may be wiped away with a piece of tissue or cloth.

(5) *Measurement of fibers*. The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate mid-length of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by the fine lines of both edges when they are uniformly in focus, or by the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers from all portions of the slide will be measured. A fiber shall be measured when its image mid-point comes within the field of a 4 inch (100 mm) diameter circle centrally located in the projected area. Kemp and med fibers which come within the field of measurement are to be measured for fiber diameter. Fiber images shorter than 100 millimeters (200 micrometers) and longer than 150 millimeters (300 micrometers) and those with distorted images shall be excluded from measurement. The marks within each cell on the wedge scale, indicating the diameters of the fibers measured, are counted for calculations as indicated in paragraph (b)(7) of this section. Occasionally, a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the border of the wedge scale and lines are drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the diameter of the fiber. When measuring fiber diameters in this manner, 1 millimeter is equal to 2 micrometers at 500X magnification.

(6) *Number of slides and fibers to measure*. The minimum number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ±0.40 micrometer at a probability of 95 percent. Two operators shall each measure approximately one-half the required number of fibers. The approximate number of fiber measurements needed for each of the grades, as listed in Tables 1 and 2, may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation shown below:

$$n = \frac{1.966^2}{0.40}$$

In this equation:

n=Number of fibers to be measured, and
σ=Standard deviation of fiber diameter.

For wool top each operator shall make a slide from each test specimen, making a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the approximate number of fibers to be measured per test by eight (the total number of slides prepared per test).

(7) *Calculation and Report*. The measurements of both operators shall be combined and the following calculations made by using the applicable formulae shown below.

(i) The average diameter of fibers (X): $X = A + mE_1$

(ii) The standard deviation (δ): $\delta = m\sqrt{E_2 - E_1 2}$

(iii) The confidence limits of mean at 95 percent probability level=

$$\frac{1.966}{X \pm \sqrt{n}}$$

In the formulae stated above:

A=Midpoint of cell containing the smallest measurement.
m=Cell interval.
n=Total number of fiber measurements.

$$E_1 = \frac{\Sigma fx}{n} \text{ and } E_2 = \frac{\Sigma fx^2}{n}, \text{ where}$$

Σ=Summation.
f=Observed frequency.
x=Deviation in cells from A.

An example of the calculations is set forth below.

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION AND CONFIDENCE LIMITS OF MEANS

Cell No.	Cell boundaries (μm)	A (μm)	Deviation in cells from A, x	Observed frequency f	fx	fx^2	Cumulative frequency	Cumulative percent
5	10.0 to 12.5	11.25	0	1	0	0	1	0.10
6	12.5 to 15.0		1	15	15	15	16	1.60
7	15.0 to 17.5		2	66	132	264	82	8.20
8	17.5 to 20.0		3	141	432	1,269	223	22.30
9	20.0 to 22.5		4	165	660	2,640	388	38.80
10	22.5 to 25.0		5	176	880	4,400	564	56.40
11	25.0 to 27.5		6	138	828	4,968	702	70.20
12	27.5 to 30.0		7	99	693	4,851	801	80.10
13	30.0 to 32.5		8	79	632	5,056	880	88.00
14	32.5 to 35.0		9	55	495	4,455	935	93.50
15	35.0 to 37.5		10	35	350	3,500	970	97.00
16	37.5 to 40.0		11	9	99	1,089	979	97.90
17	40.0 to 42.5		12	8	96	1,152	987	98.70
18	42.5 to 45.0		13	6	78	1,014	993	99.30
19	45.0 to 47.5		14	4	56	784	997	99.70
20	47.5 to 50.0		15	0	0	0	997	99.70
21	50.0 to 52.5		16	3	48	768	1,000	100.00
Total				1,000	5,485	36,225		

Number of measurements (n) = 1,000
A (midpoint of cell containing smallest diameter measurement) = 11.25 micrometers.
m (cell interval = 2.5 micrometers.

$$E_1 = \frac{\Sigma fx}{n} = \frac{5,485}{1,000} = 5.4850 \text{ and } E_2 = \frac{\Sigma fx^2}{n} = \frac{36,225}{1,000} = 36.2250$$

Average diameter, $X = A + mE_1 = 11.25 + 2.5(5.4850 = 24.96$ micrometers [1].
Standard deviation, $o = m \times E_2 - E_1^2 = 2.5 \times 36.2250 - 30.0852 = 2.5(2.4779) = 6.19$
Confidence limits of mean at 95 percent probability level =

$$X \pm \frac{1.966}{\times n} = 24.96 \pm \frac{12.1324}{31.6127} = 24.96 \pm 0.38 \text{ micrometers [1]}.$$

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to 2 decimal places as follows: If the igure in the 3rd decimal place is 4 or less, retain the figure int he 2nd decimal place unchanged, otherwise, increase the figure in the 2nd decimal place by 1.

(c) *Procedure for Designating Grade*—(1) *Wool.* If the measured average fiber diameter and standard deviation in fiber diameter correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample. Example: Measured average fiber diameter = 27.25 micrometers; standard deviation = 6.72 micrometers; grade designation is 56s. If the measured standard deviation exceeds the maximum specified for the grade to which the measured average fiber diameter corresponds, assign to the wool the next coarser grade. Example: Measured average fiber diameter = 27.25 micrometers; standard deviation = 7.80 micrometers; grade designation is 54s.

(2) *Wool Top*—(i) *Single Grade Designation.* If the measured average fiber diameter and fiber diameter dispersion correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample.

Example: Average fiber diameter=28.10 micrometers.

Fiber diameter dispersion	Percent
30.0 micrometers and under	64
30.1 micrometers and over	36
50.1 micrometers and over	1

Grade designation is 56s

(ii) *Dual Grade Designation.* If the fiber diameter dispersion does not meet the requriements for the grade to which the average fiber diameter corresponds, the wool top shall be assigned a dual grade desingation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. In lots assigned a dual grade designation, the minimum number of fibers measured shall be that specified for the coarser of the two grades.

Example: Average fiber diameter=28.10 micrometers.

Fiber diameter dispersion	Percent
30.0 micrometers and under	61
30.1 micrometers and over	39
50.1 micrometers and over	2

Grade designation is 56s/54s.

§ 31.205 Interpretation.

Since all the portions of a lot of wool may not be of the same average fiber diameter the average fiber diameter determined represents only the average of the entire lot. It should not be construed to represent the average fiber diameter of any component part of the lot.

Samples Representative of Official Grade Standards of the United States for Wool and Wool Top

§ 31.400 Standard samples for wool and wool top grades; method of obtaining.

All inquiries or applications may be addressed to Director, Livestock and Seed Division, AMS, U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090–6456. Samples certified as representative of the official standards of the United States for grades of grease wool and wool top will be furnished when available as follows, subject to other conditions of this section, upon filing an approved application and prepayment of the costs thereof. The certification will be issued by the United States Department of Agriculture and will be signed by the Director of Livestock and Seed Division or other official duly authorized by him.

(a) *Samples Representative of the Official Grades of Wool*—(1) *Complete Set.* Fourteen certified samples of wool, grades 80s through 36s.

(2) *Individual Sample.* Individual certified samples of wool.

Note: A Certified sample consists of wool randomly selected from a bulk sample. The measured average fiber diameter and standard deviation in fiber diameter of the bulk sample were within the limits corresponding to the grade of the standard sample as set forth in § 31.0.

(b) *Samples Representative of the Official Grades of Wool Top*—(1) *Complete Set.* Fourteen certified samples of wool top, grades 80s through 36s.

(2) *Individual Sample.* Individual certified samples of wool top.

Note: A certified sample consists of wool top drawn from a ball of top whose measured average fiber diameter and fiber diameter dispersion were within the limits corresponding to the grade of the standard sample as set forth in § 31.100.

(c) Each application for standard samples of wool or wool top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by check or money order made payable to the "Agricultural Marketing Service, USDA" in an amount to cover the cost of the samples requested. Remittances from sources outside the United States shall be by international money order or by check on a U.S. bank, made payable to the Agricultural Marketing Service, USDA. Each application shall incorporate the following agreement:

(1) That no samples representative of the official wool or wool top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard sample shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificate covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock and Seed Division if it is found upon such inspection that the said samples are not representative of the official standards.

§ 31.401 Cost of standard samples for wool grades.

(a) *Complete Set.* $60.00 each, delivered to any destination within the United States and $65.00 each, delivered to any destination outside the United States.

(b) *Individual Sample.* $6.00 each, delivered to any destination within the United States and $8.00 each, delivered to any destination outside the United States.

§ 31.402 Cost of standard samples for wool top grades.

(a) *Complete Set.* $90.00 each, delivered to any destination within the United States and $95.00 each, delivered to any destination outside the United States.

(b) *Individual Sample.* $8.00 each, delivered to any destination within the United States and $10.00 each, delivered to any destination outside the United States.

PART 32—MOHAIR STANDARDS

Official Standards of the United States for Grades of Mohair and Mohair Top

Sec.
32.0 Official mohair grades.
32.100 Official mohair top grades.

Definitions

32.200 Meaning of words.
32.201 Terms defined.

Methods for Determining Grade of Mohair and Mohair Top

32.202 General.
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32.204 Measurement Method.
32.205 Interpretation.

Samples Representative of the Official Standards of the United States for Grades of Mohair and Mohair Top

32.400 Standard Samples of Mohair and Mohair Top Grades; Method of Obtaining.
32.401 Cost of Standard Samples for Mohair Grades.
32.402 Cost of Standard Samples for Mohair Top Grades.

Authority: 60 Stat. 1087 as amended; (7 U.S.C. 1621 *et seq.*)

Official Standards of the United States for Grades of Mohair and Mohair Top

§ 32.0 Official mohair grades.

The official grades for mohair and the specifications for each shall be those set forth in Table 1. However, mohair which qualifies for a grade on the basis of its average fiber diameter but whose standard deviation in fiber diameter exceeds the maximum permitted for that grade shall be assigned a dual grade designation. In such case, the first

designation shall indicate the grade based on the average fiber diameter and the second designation shall be that of the next coarser grade. Although the standards as defined in this paragraph are developed specifically for grease mohair and based primarily on tests of grease mohair matchings, they are applicable also to mohair in the pulled or scoured state, or to mohair in the form of card sliver.

TABLE 1.—SPECIFICATIONS FOR THE OFFICIAL GRADES OF MOHAIR FIBER DIAMETER

Grade	Limits for average diameter (μm)	Maximum standard deviation (μm)	Approximate number of fiber measurements [1]
Finer than 40s	Under 23.01	7.2	1,000
40s	23.01-25.00	7.6	1,000
36s	25.01-27.00	8.0	1,200
32s	27.01-29.00	8.4	1,200
30s	29.01-31.00	8.8	1,400
28s	31.01-33.00	9.2	1,400
26s	33.01-35.00	9.6	1,600
24s	35.01-37.00	10.0	1,600
22s	37.01-39.00	10.5	1,800
20s	39.01-41.00	11.0	2,200
18s	41.01-43.00	11.5	2,200
Coarser than 18s	43.01 and over		2,600

[1] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the meat within ±0.40 micrometer at a probability of 95 percent. The approximate number of fibers for the grades listed above may serve as a guide to the number of measurements needed to meet the required confidence limits. The numbers indicated are based on mohair matchings.

§ 32.100 Official mohair top grades.

The official grades for mohair top and the specifications for each shall be those set forth in Table 2. However, mohair top which qualifies for a grade on the basis of its average fiber diameter, but does not meet the fiber diameter dispersion requirement for that grade shall be assigned a dual grade designation. In such case, the first designation shall indicate the grade based on average fiber diameter and the second designation shall be that of the next coarser grade.

TABLE 2.—SPECIFICATION FOR THE OFFICIAL GRADES OF MOHAIR TOP FIBER DIAMETER DISPERSION: PERCENT [1]

Grade	Limits for average diameter (μm)	30 μm and under, minimum	50 μm and under, minimum	50 μm and under, minimum	30.1 μm and over, maximum	40.1 μm and over, maximum	50.1 μm and over, maximum	60.1 μm and over, maximum	Approximate number of fiber measurements [2]
Finer than 40s	Under 23.55	80			20	1			1,000
40s	23.55 to 25.54	74			26	4			1,000
36s	25.55 to 27.54	67			33	6			1,200
32s	27.55 to 29.54	57			43	8			1,200
30s	29.55 to 31.54	47			53	13			1,400
28s	31.55 to 33.54		80			20	3		1,400
26s	33.55 to 35.54		73			27	5		1,600
24s	35.55 to 37.54		64			36	8		1,600
22s	37.55 to 39.54		56			44	13		1,800
20s	39.55 to 41.54			82			18	6	2,200
18s	41.55 to 43.54			77			23	8	2,200
Coarser than 18s	Over 43.54								2,600

[1] The 2nd maximum percent shown for any grade is a part of, and not in addition to, the 1st maximum percent. In each grade, the minimum percent and 1st maximum precent total 100 percent.

[2] The number of fibers to measure for each test shall be the number needed to attain confidence limits of the meat within ±0.40 micrometer at a probability of 95 percent. The approximate number of fibers for the grade listed above may serve as a guide to the number of measurements needed to meet the required confidence limits.

Definitions

§ 32.200 Meaning of words.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand.

§ 32.201 Terms defined.

For the purposes of this part, unless the context otherwise requires, the following terms shall be construed respectively to mean:

(a) *Administrator.* The Administrator of Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Administrator 's stead.

(b) *Agricultural Marketing Service.* The Agricultural Marketing Service of the Department.

(c) *Average Fiber Diameter.* The sum of the individual fiber diameter measurements divided by the number of fibers measured, as described in § 32.204(b)(6)(7).

(d) *Bulk Sample.* A quantity of grease mohair selected for use in the preparation of standard samples.

(e) *Card Sliver.* Mohair that has been scoured and carded and formed into a continuous, untwisted strand of loosely assembled fibers.

(c) *Core Sampling.* A method of coring packages of mohair by means of special tools to obtain a representative sample of mohair according to the appropriate procedures described in § 32.204(a)(1).

(g) *Department.* The U.S. Department of Agriculture.

(h) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in the Directors stead.

(i) *Division.* The Livestock and Seed Division of the Agricultural Marketing Service.

(j) *Fineness.* Average fiber diameter.

(k) *Fleece.* The mohair of one Angora goat obtained by shearing.

(l) *Grade.* A numerical designation of fineness based on average fiber diameter and variation of fiber diameter described as standard deviation in mohair and dispersion of fiber diameter in mohair top. It does not include characteristics such as length, crimp, strength, elasticity, luster, hand, and color, all of which affect the spinability of mohair and the properties of the yarn and fabric and which are ususally referred to as "quality." Neither does it apply to mohair by geographic origin, manner of preparation for market, or a combination of characteristics which makes mohair appropriate for a specific use. These are usually referred to as "type."

(m) *Grease Mohair.* Mohair as obtained from living Angora goats.

(n) *Hand Sampling.* A method of drawing by hand, many small handfuls of mohair to obtain a representative sample according to the appropriate procedures described in § 32.204(a)(1).

(o) *Lot.* The entire quantity of mohair constituting the subject of consideration or test. For top a test lot shall not exceed 20,000 pounds (9,000 kilograms).

(p) *Matchings.* Sortings made by grouping together parts of mohair fleeces that are closely similar in fineness, length, and other qualities with the following removed, if necessary: Coarse neck, belly, britch, and stained portions.

(q) *Micrometer (micron).* A unit of linear measurement equal to 1/1,000 millimeter or 1/25,400 inch.

(r) *Mohair.* Fiber from the Angora goat.

(s) *Mohair Top.* A continuous untwisted strand of scoured mohair fibers from which the shorter fibers—noils—have been removed by combing.

(t) *Pulled Mohair.* Mohair obtained from the pelts of slaughtered Angora goats by pulling or similar means after subjecting the pelt to sweating, the use of a depilatory, or other auxiliary treatment to loosen the mohair fibers from the skin.

(u) *Sample.* A portion of a lot which is taken for testing.

(1) With respect to mohair obtained as described in § 32.204(a)(1);

(2) With respect to mohair top, four sections (test specimens) obtained as described in § 32.204(a)(2).

(v) *Scoured Mohair.* Mohair from which the bulk of the impurities have been removed by washing in warm water, soap and alkali or by an equivalent process.

(w) *Standards.* The official standards of the United Staes for grades of mohair and mohair top.

(x) *Standard Samples.* Physical samples representative of the standards.

(y) *Test.* A determination, by measurement, of the average fiber diameter and variation of fiber diameter in test specimens of mohair, in accordance with the procedures provided in § 32.204(b).

(z) *Test Specimen.* A representative portion of the sample obtained and prepared as described in § 32.204(a).

Methods for Determining Grade of Mohair and Mohair Top

§ 32.202 General.

The official standards of the United States for grades of mohair as defined in § 32.0 and for grades of mohair top as defined in § 32.100 shall be the basis for grade determination. Grade may be determined by inspection or measurement. Both methods for determining grade shall be official; however, if the grade as determined by inspection differs from that determined by measurement, the grade determined by measurement shall prevail.

§ 32.203 Inspection method.

Determination of the grade of mohair or mohair top by inspection will be accomplished by comparing the fineness of fibers of a sample of the lot to be graded with the fibers of corresponding standard mohair samples certified by the Department as representative of the official grades. The grade assigned the lot shall be that of the standard mohair sample which most nearly matches the mohair being graded.

§ 32.204 Measurement method.

Determination of the grade of mohair by measurement will be accomplished by comparing the measured average fiber diameter and variation of the fiber diameter with the specifications of the Official Standards of the United States for Grades of Mohair in § 32.0 and Mohair Top in § 32.100. This determination shall be made in accordance with the procedures set forth in this section.

(a) *Sampling Procedure*—(1) **Mohair.** The method of obtaining a sample representative of the fineness of a lot of grease mohair, pulled mohair, scoured mohair, or card sliver will differ according to the manner in which it is stored and the equipment available for sampling. Lots may be sampled either by coring or by hand. The sampling procedures are as follows:

(i) *Core Sampling.* Core sampling of packaged scoured, pulled, or grease mohair is advisable. Acceptable procedures and schedules for core sampling mohair are those described in current ASTM Standards on Textile Materials, Designation D1060, "Standard Method of Core Sampling of Raw Wool Packages for Determination of Percentage of Clean Wool Fiber Present." [1] If a representative portion of the scoured mohair core sample resulting from the test for clean mohair fiber content is available, it may be used for fiber diameter measurements.

(ii) *Hand Sampling of Individual Fleece.* A sample shall consist of approximately 60 grams (2 ounces) of mohair and shall be drawn at random from all parts of a fleece.

(iii) *Hand Sampling Lots of Scoured, Pulled, and Grease Mohair.* A sample shall consist of at least 6 pounds (3 kilograms) of mohair. If the mohair is packaged, the sample shall be drawn by taking a total of at least 50 randomly selected handfuls of mohair from not less than 10 percent of the packages randomly selected from the lot. If the mohair is in piles, the sample shall be drawn by taking a handful from at least 50 locations throughout the pile.

(iv) *Hand Sampling Card Sliver.* Mohair card sliver shall be sampled by drawing at random from the lot, preferably during the carding operation, ten 24 inch (60 centimeter) lengths of sliver.

(v) *Test Specimens.* The method of obtaining a test specimen representative of a sample drawn in accordance with the procedures of this subparagraph will differ according to the type of sample and the equipment available for subsampling. The methods are as follows:

(A) *Obtaining Test Specimens from Clean Fiber Core Test Residue.* The test specimen shall be obtained from the scoured mohair remaining after testing for clean fiber content by using the following procedure: The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimens of at least 40 grams (1.5 ounces). These fibers shall be

[1] A Publication containing this ASTM Standard is published by and available from the American Society for Testing and Materials, 1916 Race Str Philadelphia, PA 19103.

mixed or blended to form the test specimen. For best blending results, test specimens from samples obtained by means of 1¼ inch (30 millimeter) and larger coring tubes should be machine blended. The machine blending of test specimens may be accomplished by carding the specimen three times, breaking the web and feeding at right angles after the first and second passes; or by gilling the specimens 15 times, breaking and combining the pieces of sliver to maintain a convenient length. Core samples drawn with smaller diameter coring tubes should not be machine blended since loss of fiber may occur.

(B) *Obtaining Test Specimens From Other Samples (Except Card Sliver).* Test specimens may be obtained by hand sampling or core sampling as described herein:

(*1*) *Hand Sampling.* The sample shall be divided into 40 portions of approximately equal size. From each portion, a sufficient quantity of fibers shall be drawn at random to provide an aggregate test specimen of at least 40 grams (1.5 ounces). Test specimens of grease mohair and pulled mohair shall be scoured or otherwise cleaned. Clean specimens, except those from samples of mohair with fibers less than 1¼ inches (30 millimeters) in length, shall be further blended, preferably by machine, following the procedures described in paragraph (a)(1) of this section.

(*2*) *Core Sampling.* The sample shall be compressed in a suitable container. By means of ½ inch (13 millimeter) coring tube with sharp tip, a sufficient number of cores shall be extracted at random to provide a test specimen of at least 40 grams (1.5 ounces) of scoured mohair. Test specimens of grease mohair or pulled mohair shall be scoured or otherwise cleaned.

Note: An example of a suitable container would be a box 12 by 6 by 15 inches (300 by 150 by 375 mm) deep, equipped with a floating top which has 16 equally spaced holes 0.75 inch (20 millimeter) in diameter over its area. The mohair may be firmly compressed by applying pressure on the top. The top is held in place by two rods extending through holes in the side of the box and over the top. The coring tube is thrust through the holes in the top to sample the mohair.

(C) *Obtaining Test Specimens from Card Sliver Samples.* Portions—approximately one-tenth the width of a sliver—shall be stripped from each of the 24-inch (60 centimeter) pieces of sliver obtained in accordance with paragraph (a)(1)(iv). These pieces shall be combined to form a composite sliver. This will constitute the test specimen.

(2) *Mohair Top.* The lot of mohair top shall be sampled by drawing from each 20,000 pounds (9,000 kilograms), or fraction thereof, four sections of sliver (test specimens) each of which shall be at least 1 yard (1 meter) in length and taken from different balls selected at random. Only one ball shall be taken from any one bale or carton. For broken mohair top (top not wound into balls), an equivalent length of sliver shall be taken at random. Only one test specimen shall be taken from any one can or package. The four test specimens shall constitute a sample.

(b) *Test Provisions.* One test shall consist of the measurement of the test specimens by two operators, each independently following the procedures and provisions set forth in this paragraph.

(1) *Apparatus and Material.* The following apparatus and material are needed and shall comply with the following provisions:

(i) *Microprojector.* The microprojector shall be capable of giving a precise magnification of at least 500X. This magnification can be accomplished satisfactorily with a vertically installed microscope equipped with a 10–15X eyepiece, a 20–21X objective with an aperture of approximately 0.50 centimeter (0.2 inch) a fixed body tube, a focusable stage responsive to coarse and fine adjustments, a focusable substage with condenser and iris diaphragm, and a light source that will give a well-defined fiber image. The microscope must be installed so that the projection distance can be adjusted to produce the required 500X magnification.

(ii) *Stage Micrometer.* A calibrated glass slide used to accurately set and check the magnification of the microprojector.

(iii) *Cross Sectioning Device, Heavy Duty.* An instrument consisting essentially of a metal plate with a slot for holding a quantity of fibers, a key for compressing the fibers, and a movable tongue arrangement by which the fiber handle may be extruded for sectioning.

(iv) *Microscope Slides.* 25x75 millimeters (1x3 inches).

(v) *Cover Glasses.* No. 1 thickness, 22x50 millimeters (⅞x2 inches).

(vi) *Mounting Medium.* Colorless mineral oil with a refractive index of 1.480±0.005, and of suitable viscosity.

(vii) *Wedge Scales.* Strips of heavy paper or Bristol board, imprinted with a wedge for measurement of fiber diameter at a magnification of 500X. The wedge is usually divided into 2.5 micrometer intervals (cells).

(2) *Calibration.* The microscope shall be adjusted to give a magnification of 500X in the plane of the projected image. This shall be accomplished by placing a stage micrometer on the stage of the microprojector and bringing the instrument into such adjustment that the sharply focused image of a 0.20 millimeter interval on the stage micrometer will measure 100 millimeters at the image plane.

(3) *Test Condition.* Test specimens shall be preconditioned to approximate equilibrium in an atmosphere of 10 to 25 percent relative humidity at a temperature less than 122° (50°C). Then the test specimens shall be conditioned for at least 4 hours in the standard atmosphere for testing, namely 64±2 percent relative humidity at a temperature of 70°±2°F (21°±1°C).

(4) *Preparation of Slides—(1) Filling Cross Section Device.* A specimen in sliver form shall be placed in the slot of the cross section device at a section of the sliver estimated to be a full fiber length or more from the end of the sliver. With the aid of additional filler paper in the slot if needed, the sliver shall be firmly compacted with the compression key which shall then be secured with the set screw. For specimens not in sliver form, draw at random small quantities of fibers from the bulk of the test specimen and fill the slot of the cross section device sufficiently to assure firm compaction by the compression key which is then secured with the set screw.

(ii) *Preliminary Section.* The compacted fibers shall be cut off at the upper and lower surfaces of the fiber holder plate. The fiber bundle shall be moistened with mineral oil and extruded approximately 0.50 millimeter in order to take up slack in the fibers and the extruding mechanism. The projecting fiber bundle shall be cut off with a sharp razor blade flush with the surface of the fiber holder plate and discarded.

(iii) *Final Section.* The fiber bundle shall be extruded approximately 0.25 millimeter (250 micrometers). The projecting fiber bundle shall be cut off with a sharp razor blade flush with the fiber holder plate leaving the fiber pieces adhering to the razor blade.

(iv) *Mounting the Fibers.* A few drops of mineral oil shall be placed on a clean glass slide. With a dissecting needle, the fiber pieces shall be scraped from the razor blade onto the slide and thoroughly dispersed in the oil. To complete the slide place a cover glass on top of the oil-fiber mixture. Slides shall be measured the day they are prepared.

Note: Sufficient oil should be used in the preparation of the slide to insure thorough distribution of the fibers, but an excess must be avoided, as practically no oil should flow

out beyond the edges of the cover glass. If the number of fibers is too great to permit proper distribution on the slide, or if an excess of oil has been used, a portion of the mixture, after thorough dispersion of the fibers, may be wiped away with a piece of tissue or cloth.

(5) *Measurement of Fibers.* The slide shall be placed on the stage of the microprojector, cover glass toward the objective. Fiber diameter measurements shall be made at the approximate mid-length of the fibers. Fiber edges appear as fine lines without borders when they are uniformly in focus. It is unusual, however, for both edges of the fiber to be in focus at the same time. If both edges of the fiber are not uniformly in focus, adjustment shall be made so that one edge of the fiber is in focus and the other shows as a bright line. To record the measurement, it is necessary to mark the point where the wedge corresponds with the fiber image as determined by the fine lines of both edges when they are uniformly in focus, or the fine line of one edge and the inner side of the bright line at the other edge when they are not uniformly in focus. The slide shall be traversed in planned courses so that fibers from all portions of the slide will be measured. A fiber shall be measured when its image mid-point comes within the field of a 4 inch (100 millimeter) diameter circle centrally located in the projected area. Kemp and med fibers which come within the field of measurement are to be measured for fiber diameter. Fiber images shorter than 100 millimeters (200 micrometers) and longer than 150 millimeters (300 micrometers) and those with distorted images shall be excluded from measurement. The marks within each cell on the wedge scale, indicating the diameters of the fibers measured, and counted for calculations as indicated in paragraph (b)(7) of this section. Occasionally a fiber diameter will be less or greater than the extreme limits of the wedge scale. When this occurs, the image of the fiber is projected onto the borader of the wedge scale and lines drawn on the scale at the edges of the fiber image. The distance between the lines is later measured with a metric ruler to obtain the diameter of the fiber.

When measuring fiber diameters in this manner, 1 millimeter is equal to 2 micrometers at 500X magnification.

(6) *Number of Slides and Fibers to Measure.* The minimum number of fibers to measure for each test shall be the number needed to attain confidence limits of the mean within ± 0.40 micrometer at a probability of 95 percent. Two operators shall each measure approximately one-half the required number of fibers. The approximate number of fiber measurements needed for each of the grades, as listed in Tables 1 and 2, may serve as a guide. However, the precise number of fibers to be measured can be calculated by using the equation show below:

$$n = \frac{1.96o^2}{0.40}$$

In this equation: n=Number of fibers to be measured, and o=Standard deviation of fiber diameter.

For mohair top each operator shall make a slide from each test specimen, making a total of four slides per operator. The number of fibers to be measured per slide shall be determined by dividing the approximate number of fibers to be measured per test by eight (the total number of slides prepared per test).

(7) *Calcualtion and Report.* The measurements of both operators shall be combined and the following calculations made by using the applicable formulae show below:

(i) The average diameter of fibers (X): $X = A + mE_1$

(ii) The standard deviation (ó):

$$ó = \frac{}{m\sqrt{E_2 - E_1^2}}$$

(iii) The confidence limits of mean at 95 percent probability level=

$$X \pm \frac{1.96ó}{\sqrt{n}}$$

In the formulae stated above:

A=Midpoint of cell containing the smallest measurement.

m=Cell interval.

n=Total number of fiber measurements.

$$E_1 = \frac{\Sigma fx}{n} \quad \text{and} \quad E_2 = \frac{\Sigma fx^2}{n}, \text{ where}$$

Σ=Summation.

f=Observed frequency

x=Deviation in Cells from A.

An example of the calculations is set forth below.

EXAMPLE OF CALCULATIONS: AVERAGE FIBER DIAMETER, STANDARD DEVIATION AND CONFIDENCE LIMITS OF MEANS

Cell No.	Cell boundaries (μm)	A (μm)	Deviation in cells from A, x	Observed frequency f	fx	fx²	Cumulative frequency	Cumulative percent
5	10.0 to 12.5	11.25	0	1	0	0	1	0.10
6	12.5 to 15.0		1	15	15	15	16	1.60
7	15.0 to 17.5		2	66	132	264	82	8.20
8	17.5 to 20.0		3	141	432	1,269	223	22.30
9	20.0 to 22.5		4	165	660	2,640	388	38.80
10	22.5 to 25.0		5	176	880	4,400	564	56.40
11	25.0 to 27.5		6	138	828	4,968	702	70.20
12	27.5 to 30.0		7	99	693	4,851	801	80.10
13	30.0 to 32.5		8	79	632	5,056	880	88.00
14	32.5 to 35.0		9	55	495	4,455	935	93.50
15	35.0 to 37.5		10	35	350	3,500	970	97.00
16	37.5 to 40.0		11	9	99	1,089	979	97.90
17	40.0 to 42.5		12	8	96	1,152	987	98.70
18	42.5 to 45.0		13	6	78	1,014	993	99.30
19	45.0 to 47.5		14	4	56	784	997	99.70
20	47.5 to 50.0		15	0	0	0	997	99.70
21	50.0 to 52.5		16	3	48	768	1,000	100.00
Total				1,000	5,485	36,225		

Number of measurements (n)=1,000.
A (midpoint of cell containing smallest diameter measurement)=11.25 micrometers.
m (cell interval=2.5 micrometers.

$$E_1 = \frac{\Sigma fx}{n} = \frac{5,485}{1,000} = 5.4850 \text{ and } E_2 = \frac{\Sigma fx^2}{n} = \frac{36,225}{1,000} = 36.2250$$

Average diamenter, $X = A + mE_1 = 11.25 + 2.5(5.4850 = 24.96$ micrometers.[1].
Standard deviation, $\delta = m\sqrt{E_2 - E_1^2} = 2.5\sqrt{36.2250 - 30.0852} = 2.5(2.4779) = 6.19$
Confidence limits of mean at 95 percent probability level=

$$X \pm \frac{1.966}{n} = 24.96 \pm \frac{12.1324}{31.6127} = 24.96 \pm 0.38 \text{ micrometers.}^1$$

[1] Round off the calculated values of average fiber diameter, standard deviation, and confidence limit of the mean to 2 decimal places as follows: If the figure in the 3rd decimal place is 4 or less, retain the figure in the 2nd decimal place unchanged, otherwise, increase the figure in the 2nd decimal place by 1.

(c) *Procedure for Designating Grade*—(1) *Mohair.*

(i) *Single Grade Designation.* If the measured average fiber diameter and standard deviation in fiber diameter correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample. Example: Measured average fiber diameter=28.50 micrometer; standard deviation=8.1 micrometers; the grade designation is 32s.

(ii) *Dual Grade Designation.* If the standard deviation in fiber diameter exceeds the limit for the grade to which the average fiber diameter corresponds, the sample shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter corresponds. Example: Measured average fiber diameter=28.50 micrometers; standard deviation=8.6 micrometers; the grade designation is 32s/30s. In lots assigned a dual grade designation, the minimum number of fibers measured shall be that specified for the coarser of the two grades.

(2) *Mohair Top.*—(i) *Single Grade Designation.* If the measured average fiber diameter and the fiber diameter dispersion correspond to requirements set forth for a single grade, that shall be the grade assigned to the sample.

Example: Average fiber diameter=30.94 micrometers.

Fiber diameter dispersion	Percent
30.0 micrometers and under	51
30.1 micrometer and over	49
40.1 micrometers and over	10
Grade designation is 30s.	

(ii) *Dual Grade Designation.* If the fiber diameter dispersion does not meet the requirements for the grade to which the average fiber diameter corresponds, the mohair top shall be assigned a dual grade designation, the second designation being one grade coarser than the grade to which the average fiber diameter correponds. In lots assigned a dural grade designation, the minimum number of fibers measured shall be that specified for the coarser of the two grades.

Example: Average fiber diameter is 30.94 micrometers.

Fiber diameter dispersion	Percent
30.0 micrometers and under	45
30.1 micrometer and over	55
40.1 micrometers and over	16
Grade designation is 30s/28s.	

§ 32.205 Interpretation.

Since all the portions of a lot of mohair may not be of the same average fiber diameter, the average fiber diameter determined represents only the average of the entire lot. It should not be construed to represent the average fiber diameter of any component part of the lot.

Samples Representative of the Official Standards of the United States for Grades of Mohair and Mohair Top

§ 32.400 Standard samples of mohair and mohair top grades; method of obtaining.

All inquiries regarding cost and availability or applications for samples may be addressed to Director, Livestock and Seed Division, AMS, U.S. Department of Agriculture, P.O. Box 96456, Washington, DC 20090-6456. Samples certified as representative of the official standards of the United States for grades of mohair and mohair top will be furnished when available as follows, subject to other conditions of this section, upon filing an approved application and prepayment of the costs thereof.

(a) *Samples Representative of the Official Grades of Mohair.*—(1) *Complete Set.* Ten certified samples of mohair, grades 40s through 18s.

(2) *Individual Sample.* Individual certified samples of mohair.

Note: A certified sample consists of mohair randomly selected from a bulk sample. The measured average fiber diameter and standard deviation in fiber diameter of the bulk sample were within the limits corresponding to the grade of the standard sample as set forth in § 32.0.

(b) *Samples Representative of the Official Grades of Mohair Top.*—(1) *Complete Set.* Nine certified samples of mohair top, grades 40s through 20s.

(2) *Individual Sample.* Individual certified samples of mohair top.

Note: A certified sample consists of mohair top drawn from a ball of top whose measured average fiber diameter and fiber diameter dispersion were within the limits corresponding to the grade of the standard sample as set forth in § 32.100.

(c) Each application for standard samples of mohair or mohair top shall be upon an application form furnished or approved by the Agricultural Marketing Service, shall be signed by the applicant, and shall be accompanied by check or money order made payable to the "Agricultural Marketing Service, USDA" in an amount to cover the cost of the sample requested. Remittance from sources outside the United States shall be by international money order or by check on a U.S. bank, made payable to the "Agricultural Marketing Services, USDA." Each application shall incorporate the following agreement:

(1) That no samples representative of the official mohair and mohair top standards shall be considered or used as representing such standards after cancellation in accordance with this section.

(2) That the said standard samples shall be subject to inspection by the Secretary or by any duly authorized officer or agent of the Department of Agriculture during usual business hours of the person having custody of the samples.

(3) That the certificates covering any of the samples representative of the standards may be revoked and canceled by the Director of the Livestock and Seed Division, if it is found upon such inspection that the said samples are not representative of the official standards.

§ 32.401 Cost of standard samples for mohair grades.

(a) *Complete Set.* $60.00 each, delivered to any destination within the United States, and $65.00 each, delivered to any destination outside the United States.

(b) *Individual Sample.* $6.00 each, delivered to any destination within the United States and $8.00 each, delivered to any destination outside the United States.

§ 32.402 Cost of standard samples for mohair top grades.

(a) *Complete Set.* $90.00 each, delivered to any destination within the United States and $95.00 each, delivered to any destination outside the United States.

(b) *Individual Sample.* $10.00 each, delivered to any destination within the United States and $12.00 each, delivered to any destination outside the United States.

Done at Washington, DC, on January 17, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-1570 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 90-ASW-49]

Proposed Establishment of Jet Route J-242; NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish new Jet Route J-242 between Las Vegas, NM, and Zuni, NM. This new route would provide a direct and shorter route between these areas as well as an additional means to travel to Phoenix, AZ. This action would aid flight planning and improve the flow of traffic in that area.

DATES: Comments must be received on or before March 11, 1991.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASW-500, Docket No. 90-ASW-49, Federal Aviation Administration, Forth Worth, TX 76193-0530.

The official docket may be examined in the Rules Docket, weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. The FAA Rules Docket is located in the Office of the Chief Counsel, Room 916, 800 Independence Avenue, SW., Washington, DC.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Lews W. Still, Airspace and Obstruction Evaluation Branch (ATP-240), Airspace—Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267-9250.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 90-ASW-49." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA-230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 75 of the Federal Aviation Regulations (14 CFR part 75) to establish a new Jet Route J-242 between Las Vegas, NM, and Zuni, NM. This jet route would permit a direct charted route between these areas where aircraft are usually radar vectored. The new J-242 would aid in sequencing traffic landing in Phoenix, AZ. This action would aid flight planning and save fuel. Section 75.100 of part 75 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not "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 75

Aviation safety, Jet routes.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 75 of the Federal Aviation Regulations (14 CFR part 75) as follows:

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

1. The authority citation for part 75 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 Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 75.100 [Amended]

2. Section 75.100 is amended as follows:

J-242 [New]

From Las Vegas, NM; Zuni, NM; INT Zuni 242°T(228°M) and Salt River, AZ, 051°T(037°M) radials; Salt River.

Issued in Washington, DC on January 16, 1991.

Harold W. Becker,

Manager, Airspace—Rules and Aeronautical Information Division.

[FR Doc. 91-1725 Filed 1-24-91; 8:45 am]

BILLING CODE 4910-13-M

Coast Guard

33 CFR Part 117

[CGD2-91-01]

Drawbridge Operation Regulations; St. Croix River, Minnesota and Wisconsin

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes changing the regulations governing the advance notice requirements for opening the St. Croix River drawbridges at Hudson and Prescott, Wisconsin. The proposal is to extend the dates during which the Chicago and Northwestern Railroad drawbridge at mile 17.3, the U.S. 16-61 drawbridge at mile 0.3, and the Burlington Northern Railroad drawbridge at mile 0.2 may be opened with 24-hour notice.

DATES: Comments must be received on or before March 11, 1991.

ADDRESSES: Comments should be mailed to Commander (ob), Second Coast Guard District, 1222 Spruce Street, Room 2.107B, St. Louis, MO 63103-3832, Attention: Docket CGD2-91-01. The comments and other materials referenced in this notice will be available for inspection and copying at this address. Normal office hours are between 7:45 a.m. and 4:15 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Roger K. Wiebusch, Bridge Administrator, Second Coast Guard District, 314-539-3724.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their names and addresses, identify this notice [CGD2-91-01] and the specific section of the proposal to which their comments pertain, identify the bridges, and give reasons for each comment. Receipt of comments will be acknowledged if the comment so requests.

The proposed regulations may be changed in light of comments received. All comments received before the end of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held if sufficient written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are Wanda G. Renshaw, Project Officer, and Lieutenant M. A. Suire, Project Attorney, 1222 Spruce Street, St. Louis, MO 63103-3823, 314-539-3727.

Discussion of Proposed Regulations

The swing span of the Chicago and Northwestern Railroad Bridge at Hudson, Wisconsin, and the vertical lift spans of the U.S. 16-61 Highway Bridge and the Burlington Northern Railroad Bridge, both at Prescott, Wisconsin, presently open on signal except that from December 15 through the last day of February, the draws open on signal provided at least 24 hours notice is given. Navigation through these bridges consists mainly of recreational craft and an occasional commercial tow. The Chicago and Northwestern Railroad Bridge is located in a reach of the river that is frozen during the winter months. Because of infrequent requests to open the draw due to river and weather conditions, the Railroad originally requested that the dates during which 24 hours notice is required for opening the draw be changed to November 15 through March 31. As a result of comments received from a commercial operator, Chicago and Northwestern later amended their petition and requested that the advance notice period be revised to require 24 hours notice between December 15 and March 31. Bridge logs confirm that a total of six openings occurred at this bridge during the periods March 1 through March 31 for the navigation seasons 1983 through 1989. In considering Chicago and Northwestern's request, the openings of the railroad and highway drawbridges at Prescott were also reviewed. Draw opening logs document that both bridges were opened a combined total of two times in 1989 and six times in 1990 during the period December 15 through March 31. This change will relieve the bridge owner of the burden of having a drawtender in attendance from March 1 through March 31, and still provide for the reasonable needs of navigation.

In addition to the foregoing, this change will reinsert two subparagraphs, and renumber existing subparagraphs, for the regulation governing the operation of the S36 bridge at Stillwater, Minnesota, Mile 23.4. These subparagraphs were inadvertently omitted from the regulation at subsection 117.1099 when the reorganized regulations for drawbridges were published in the Federal Register on April 24, 1984 (FR 17450).

Federalism Assessment and Certification

This action is being analyzed in accordance with the principles and criteria outlined in Executive Order 12612, and it is expected that the proposed action does not have sufficient federalism implications to warrant preparation of a Federalism Assessment. This proposed rulemaking simply extends the advance notice period to March 31 for the occasional vessel that may require a bridge opening during the winter season.

Environmental Assessment and Certification

This action is being reviewed by the Coast Guard. Preliminary analysis indicates this action will qualify as a Categorical Exclusion in accordance with paragraph 2.B.2.g.(5) of the NEPA Implementing Procedures, COMDTINST M16475.1B.

Interested persons are nonetheless invited to participate in this rulemaking by submitting written views, data, or arguments in accordance with the procedures outlined earlier in this preamble. Copies of all documents being reviewed will be available on the docket for public review.

Economic Assessment and Certification

The proposed regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. In addition, these regulations are considered to be nonsignificant under the guidelines of DOT Order 2100.5 dated May 22, 1980, Policies and Procedures for Simplification, Analysis, and Review of Regulations. An economic evaluation has not been conducted and is deemed unnecessary as the impact of these regulations is expected to be minimal. Extending the advance notice period from the last day of February to March 31 is justified in view of the paucity of vessels requiring bridge openings during the winter season. Pursuant to 5 U.S.C. 601, et seq., Regulatory Flexibility Act, it is certified that these regulations will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 will continue to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Section 117.667 is revised to read as follows:

§ 117.667. St. Croix River.

(a) The draws of the Burlington Northern Railroad Bridge, Mile 0.2, and the U.S. 16–61 bridge, Mile 0.3, at Prescott, and the Chicago and Northwestern railroad bridge, Mile 17.3, at Hudson, shall open on signal; except that, from December 15 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 Bridge, Mile 23.4, at Stillwater, shall open on signal as follows:

(1) From May 15 through October 15, Monday through Friday, except Federal holidays, from—

(i) 8 a.m. to 11 a.m., every hour on the hour;

(ii) 11 a.m. to 3 p.m., every hour and half hour;

(iii) 3 p.m. to 6 p.m., every hour on the hour;

(iv) 6 p.m. to 10 p.m., every hour and half hour; and

(v) 10 p.m. to 8 a.m., if at least two hours notice is given.

(2) From May 15 through October 15, Saturdays, Sundays, and Federal holidays from—

(i) 8 a.m. to 11 a.m., every hour and half hour;

(ii) 11 a.m. to 8 p.m., every hour on the hour;

(iii) 8 p.m. to midnight, every hour and half hour; and

(iv) Midnight to 8 a.m., if at least two hours notice is given.

(3) From May 15 through October 15, at any time for emergencies.

(4) From October 16 through May 14, if at least 24 hours notice is given.

(c) The draw of the Soo Line Railroad Bridge, Mile 40.7, at Otisville, need not be opened for the passage of vessels.

3. Section 117.1099 is revised to read as follows:

§ 117.1099 St. Croix River.

(a) The draws of the Burlington Northern Railroad Bridge, Mile 0.2, and the U.S. 16–61 bridge, Mile 0.3, at Prescott, and the Chicago and Northwestern railroad bridge, Mile 17.3, at Hudson, shall open on signal; except that, from December 15 through March 31, the draw shall open on signal if at least 24 hours notice is given.

(b) The draw of the S36 Bridge, Mile 23.4, at Stillwater, shall open on signal as follows:

(1) From May 15 through October 15, Monday through Friday, except Federal holidays, from—

(i) 8 a.m. to 11 a.m., every hour on the hour;

(ii) 11 a.m. to 3 p.m., every hour and half hour;

(iii) 3 p.m. to 6 p.m., every hour on the hour;

(iv) 6 p.m. to 10 p.m., every hour and half hour; and

(v) 10 p.m. to 8 a.m., if at least two hours notice is given.

(2) From May 15 through October 15, Saturdays, Sundays, and Federal holidays from—

(i) 8 a.m. to 11 a.m., every hour and half hour;

(ii) 11 a.m. to 8 p.m., every hour on the hour;

(iii) 8 p.m. to midnight, every hour and half hour; and

(iv) Midnight to 8 a.m., if at least two hours notice is given.

(3) From May 15 through October 15, at any time for emergencies.

(4) From October 16 through May 14, if at least 24 hours notice is given.

(c) The draw of the Soo Line Railroad Bridge, Mile 40.7 at Otisville, need not be opened for the passage of vessels.

Dated: January 14, 1991.

W.J. Ecker,

Rear Admiral (Lower Half), United States Coast Guard, Commander, Second Coast Guard District.

[FR Doc. 91–1745 Filed 1–24–91; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 4

RIN 2900–AE95

Schedule for Rating Disabilities—Systemic Conditions

AGENCY: Department of Veterans Affairs.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Department of Veterans Affairs (VA) is issuing an advance notice of proposed rulemaking (ANPRM) concerning that portion of the Schedule for Rating Disabilities which deals with systemic diseases. This ANPRM is necessary because of a General Accounting Office (GAO) study and recommendation that the medical criteria in the rating schedule be reviewed and updated as necessary. The intended effect of this ANPRM is to solicit and obtain the comments and suggestions of various interest groups and the general public on necessary additions, deletions and revisions of terminology and how best to proceed with a systematic review of the medical criteria used to evaluate systemic diseases. Other body systems will be subsequently scheduled for review until the medical criteria in the entire rating schedule have been analyzed and updated.

DATES: Written comments and submissions in response to this ANPRM must be received by VA on or before March 26, 1991.

ADDRESSES: Interested persons and organizations are invited to submit written comments and suggestions regarding this ANPRM to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Ave. NW., Washington, DC 20420. All written submissions will be available for public inspection only in the Veterans Service Unit, Room 132, at the above address and only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until April 5, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Seavey, Consultant, Regulations Staff (211B), Compensation and Pension Service, Veterans Benefits Administration, (202) 233–3005.

SUPPLEMENTARY INFORMATION: In December 1988 the GAO published a report entitled VETERANS' BENEFITS: Need to Update Medical Criteria Used in VA's Disability Rating Schedule (GAO/HRD–89–28). After consulting numerous medical professionals and VA rating specialists GAO concluded that a comprehensive and systematic plan was needed for reviewing and updating VA's Schedule for Rating Disabilities (38 CFR part 4). The medical professionals noted outdated terminology, ambiguous impairment classifications and the need to add a number of medical conditions not presently in the rating schedule. VA rating specialists noted that for some disorders they would prefer more medical criteria for distinguishing between various levels of severity and that inconsistent ratings may result when unlisted conditions had to be rated by analogy to other listed disorders. The GAO recommended that VA prepare a plan for a comprehensive

review of the rating schedule and, based on the results, revise the medical criteria accordingly. It also recommended that VA implement a procedure for systematically reviewing the rating schedule to keep it updated. VA agreed to both recommendations, and this ANPRM is one step in a comprehensive rating schedule review plan which will ultimately be converted into a systematic, cyclical review process.

This ANPRM is the first stage in VA's consideration of what regulatory action to take, if any, with respect to revising and updating that portion of the rating schedule dealing with systemic disease. (38 CFR 4.88 and 4.88a).

Interested organizations and individuals are invited to submit comments and suggestions for revising current medical criteria, adding additional disabilities and/or deleting certain rarely encountered disorders or transferring them to other sections of the rating schedule. Submissions may run the gamut from narrative discussions of individual rating criteria to wholesale format changes and substitute rating schedules. Where changes are suggested, we would also appreciate a recitation as to the scientific or medical authority for such changes. Early submissions will expedite the comment review process and are encouraged.

List of Subjects in 38 CFR Part 4

Handicapped, Pensions, Veterans.

Approved: December 27, 1990.

Edward J. Derwinski,

Secretary of Veterans Affairs.

[FR Doc. 91-1754 Filed 1-24-91; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Chapter I

[FRL#-3900-3]

Establishment and Open Meeting of the Negotiated Rulemaking Advisory Committee for the Lead Acid Battery Recycling Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Establishment of FACA Committee.

SUMMARY: As required by section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of the establishment of an Advisory Committee to negotiate a rule to regulate the recycling of lead acid batteries. We have determined that this is in the public interest and will assist the Agency in performing its duties prescribed in the Toxic Substances Control Act.

Copies of the Committee Charter will be filed with the appropriate committees of Congress and the Library of Congress.

The Committee's first meeting will be held on January 30, 1991. Notice of this meeting was previously published on January 15, 1991. Notice of this meeting was previously published on January 15, 1991. The Committee's facilitator has notified interested parties of the meeting dates. The purpose of the meeting is to consider information on the status of lead acid battery recycling, to generate issues for the committee to discuss and to begin discussion of these issues. The Committee meeting is open to the public without need for advance registration.

DATES: The Committee will meet on January 30, 1991 from 10 am to 4 pm.

ADDRESSES: Location of the meeting will be in the Board Room of the American Society of Association Executives, 1575 Eye Street, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the rule should call Nancy Laurson, Office of Toxic Substances, at (202) 382-7363. Persons needing further information on procedural matters should call Deborah Dalton, Regulatory Negotiation Project, at (202) 382-5495.

SUPPLEMENTARY INFORMATION:

Background: Need for Rule

Lead is a ubiquitous and toxic heavy metal used in a wide variety of consumer and industrial products, including lead acid batteries. The pathways of lead exposure are numerous and can take place throughout the life-cycle of a product from mining to disposal.

Exposure to lead can result in a number of significant human health effects. High blood lead levels in children are associated with anemia, mental retardation, encephalopathy, and even death at very high levels. Even at low doses, where impacts are more subtle, lead exposures produce a variety of effects including slight increases in blood pressure in adults and subtle deficits in attention span, hearing, and learning disabilities in children. Lead exposure is also associated with reproductive effects in men and women, and with decreased birth weight and decreased level of development at birth.

The biggest percentage of lead consumed domestically is used in lead acid batteries. Lead acid batteries are also the major source of lead entering the municipal waste stream.

EPA believes that lead acid battery recycling is necessary to reduce the amount of lead entering the environment. Currently, the battery recycling rate is high—approximately 80-90 percent of lead acid batteries are recycled. However, the recycling rate has fluctuated considerably in the past. A significant decline in the recycling rate may result in the indefinite storage of batteries in garages, improper disposal (landfills or along roadsides), or export of lead acid batteries to foreign smelters for recycling. If batteries are recycled offshore, there is a likelihood that battery manufacturing may also move offshore.

EPA's goal is to achieve and maintain a 100 percent lead acid battery recycling rate in an environmentally sound manner.

Scope of the Proposed Negotiation

EPA expects to address the following specific questions:

1. What is the most efficient and effective method to mandate battery recycling (e.g., mandatory take-back, mandatory recycled lead content in batteries, and/or economic incentives)?

2. How can the recycling rate be sustained if the price of primary lead drops?

3. What economic incentives could be employed to encourage battery recycling (marketable permits, fees)?

4. What party should bear the responsibility (or cost) of recovering spent batteries (retailers, battery manufacturers)?

5. Will any battery recycling methods adversely affect the competitiveness of the domestic primary or secondary lead industry? How will the regulations be applied to imported batteries? Will any battery recycling methods drive battery production or recycling offshore?

Parties to the Negotiation

The following types of organizations are represented on the committee. The Environmental Protection Agency considers this a balanced committee.

Battery Manufacturers
Battery Retailers
Primary and Secondary Lead Smelters
Environmental Groups
State and Local Governments
Labor Groups
Automotive Industry
Industrial and Consumer Battery Groups
Lead Trade Associations
Battery Recycling Trade Groups

Dated: January 22, 1991.

Thomas E. Kelly,

Director, Office of Regulatory Management and Evaluation, Office of Policy Planning and Evaluation.

[FR Doc. 91-1933 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 228

[FRL-3899-7]

Ocean Dumping; Proposed Designation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposes to designate an existing dredged material disposal site located in the Gulf of Mexico about 20 miles south, southwest of Intracoastal City, Louisiana for the continued disposal of dredged material removed from the Freshwater Bayou Gulf Channel. This proposed Freshwater Bayou site designation is for an indefinite period of time. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material.

DATES: Comments must be received on or before March 11, 1991.

ADDRESSES: Send comments to: Norm Thomas, Chief, Federal Activities Branch (6E-F), U.S. EPA, 1445 Ross Avenue, Dallas, Texas 75202-2733.

Information supporting this proposed designation is available for public inspection at the following locations: EPA, Region 6, 1445 Ross Avenue, 9th Floor, Dallas, Texas 75202; Corps of Engineers, New Orleans District, Foot of Prytania Street, room 296, New Orleans, Louisiana 70160.

FOR FURTHER INFORMATION CONTACT: Norm Thomas, 214/655-2260.

SUPPLEMENTARY INFORMATION:

A. Background

Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 *et seq.* ("the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. On December 23, 1986, the Administrator delegated the authority to designate ocean dumping sites to the Regional Administrator of the Region in which the site is located. This proposed site designation is being made pursuant to that authority.

The EPA Ocean Dumping Regulations (40 CFR chapter I, subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in part 228. A list of "Approved Interim and Final Ocean Dumping Sites" was published on January 11, 1977 (42 FR 2461 *et seq.*). That list established the Freshwater Bayou ocean disposal site for the disposal of material dredged from the offshore reach of Freshwater Bayou. In January 1980, the interim status of the Freshwater Bayou site was extended indefinitely. Interested persons may participate in this proposed rulemaking by submitting written comments within 45 days of the date of this publication to the EPA Region 6 address given above.

B. EIS Development

Section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* ("NEPA"), requires that Federal agencies prepare Environmental Impact Statements (EISs) on proposals for major Federal actions significantly affecting the quality of the human environment. While NEPA does not apply to EPA activities of this type, EPA has voluntarily committed to prepare EISs in connection with ocean dumping site designations such as this (39 FR 16186, May 7, 1974).

EPA and the New Orleans District Corps of Engineers (COE) have jointly prepared a Draft Environmental Impact Statement entitled "Environmental Impact Statement (EIS) for the Freshwater Bayou Ocean Dredged Material Disposal Site Designation." On August 10, 1990, a notice of availability of the Draft EIS for public review and comment was published in the **Federal Register**. The public comment period on this Draft EIS closed on September 24, 1990. Four comment letters were received. The principal issues identified include beneficial uses of dredged material for beach nourishment and wetland creation/restoration, the need for updated water quality and sediment data, impacts to historic shipwrecks, and a description of the proposed monitoring plan. EPA believes that beneficial use alternatives were adequately described in the Draft EIS. In addition, site designation in itself does not preclude the consideration of other disposal options. In designating a disposal site, EPA is merely providing an acceptable location should ocean disposal be the preferred disposal option for a particular dredging project. Regarding updated data, EPA obtained water and sediment samples from the project area in December 1990. Testing results will be included in the Final EIS. The presence of and impacts on historic shipwrecks in the area from site designation will also be addressed in the Final EIS. A monitoring plan will be developed by EPA in coordination with the COE after site designation is complete.

The proposed action discussed in the EIS is designation for continuing use of an ocean disposal site for dredged material. The purpose of the designation is to provide an environmentally acceptable location for ocean disposal. The appropriateness of ocean disposal is determined on a case-by-case basis. Prior to each use the Corps will comply with 40 CFR part 227 by providing EPA a letter containing all the necessary information.

The EIS discusses the need for the action and examines ocean disposal sites and alternatives to the proposed action. Land-based disposal alternatives were examined in a previously published EIS and the analysis was updated in the Draft EIS based on information from the COE. Material could be pumped to a 210-acre area of broken marsh located 2.5 miles northeast of the Freshwater Bayou Gulf Channel. However, this alternative would increase costs by about $640,000 per disposal. Because COE budgetary constraints may preclude the selection of a marsh creation alternative for every dredging cycle, an acceptable ocean disposal site is needed.

Five ocean disposal alternatives—three shallow water areas (including the proposed site), a mid-shelf area and a deepwater area—were evaluated. Use of the mid-shelf and deepwater sites would involve: (1) Increased transportation and surveillance and monitoring costs without any corresponding environmental benefits; (2) the removal of sediments from the nearshore environment making them unavailable for movement and deposition by longshore currents; and (3) increased safety hazards resulting from transporting dredged material greater distances through areas of active oil and gas development. Because of these reasons, the mid-shelf area and the deepwater area were eliminated from further consideration. Alternate shallow-water sites located east of the navigation channel or immediately west of the existing dispoal site were also evaluated. However, environmental effects would be similar with no environmental benefits gained by their selection.

In accordance with the requirements of the Endangered Species Act, EPA and the COE have completed a biological assessment of the potential effects of site designation on listed species of whales and turtles. The COE has coordinated a no adverse impact determination with the National Marine Fisheries Service (NMFS) and NMFS has

concurred with this determination. Pursuant to an Office of Water Policy memorandum dated October 23, 1989, EPA has evaluated the proposed site designation for consistency with the State's approved coastal management program. EPA has preliminarily determined that the designation of the proposed site is consistent to the maximum extent practicable with the State coastal management program, and will submit this determination to the State for review in accordance with EPA policy. In addition, as part of the NEPA process, EPA has consulted with the State regarding the effects of the dumping at the proposed site on the State coastal zone. EPA will take the State's comments into account in preparing the Final EIS for the site, in determining whether the proposed site should be designated, and in determining whether restrictions or limitations should be placed on the use of the site, if it is designated.

C. Site Designation

The Freshwater Bayou ocean dredged material disposal site (ODMDS) is located off the coast of southwest Louisiana. The site begins adjacent to the shore and extends approximately 4.1 miles offshore. Water depths at the site range from 0 to 17 feet. The coordinates of the rectangular-shaped site are as follows: 29°31'59" N, 92°18'47" W; 29°32'04" N, 92°19'17" W; 29°28'24" N, 92°19'28" W; 29°28'29" N, 92°19'57" W.

D. Regulatory Requirements

Five general criteria in § 228.5 of the EPA Ocean Dumping Regulations are used in the selection and approval of ocean disposal sites for continuing use. Sites are selected so as to minimize interference with other marine activities, to keep any temporary perturbations from the dumping from causing impacts outside the disposal site, and to permit effective monitoring to detect any adverse impacts at an early stage. Where feasible, locations off the Contnental Shelf are chosen. If at any time disposal operations at a site cause unacceptable adverse impacts, further use of the site may be terminated or limitations placed on the use of the site to reduce the impacts to acceptable levels.

EPA has determined, based on information presented in the Draft EIS, that the existing site is acceptable under the five general criteria. The Continental Shelf location is not feasible and no environmental benefit would be obtained by selecting such a site. Historical use of the existing site has not resulted in substantial adverse effects to living resources of the ocean or to other uses of the marine environment. Section 228.6 lists eleven specific factors used in evaluating a proposed disposal site to assure that the general criteria are met. The characteristics of the proposed site are reviewed below in terms of the eleven specific factors.

1. *Geographical position, depth of water, bottom topography and distance from coast.* (40 CFR 228.6(A)(1).)

Geographical position, average water depth, and distance from the coast for the disposal site are given above. Bottom topography slopes gently to the south (5.0 feet per mile).

2. *Location in relation to breeding, spawning, nursery, feeding, or passage areas of living resources in adult or juvenile phases.* (40 CFR 228.6(a)(2).)

Breeding, spawning, nursery, feeding, and passage of shrimp, menhaden, bottom fish, and other organisms occur within the entire northern Gulf of Mexico, and thus, also in the vicinity of the ODMDS. The Freshwater Bayou Gulf Channel is a pathway for movement of fish and shellfish between the Gulf and the Vermilion estuary. Migration of fish and shellfish through passes is heaviest during spring and fall. Major estuaries including Rockefeller National Wildlife Refuge, the Vermilion Basin, and Rainey Wildlife Refuge and Game Preserve are located in the area. The Freshwater Bayou ODMDS represents a small area of the total range of fisheries resources. Impacts to endangered or threatened turtles and whales that might utilize the area to be used for disposal are negligible. No known waterbird nesting colonies are located near the ODMDS.

3. *Location in relation to beaches and other amenity areas.* (40 CFR 228.6(a)(3).)

The ODMDS is 0.5 mile west of the nearest beach. Only mudflats occur west of Freshwater Bayou for several miles. The beach is sparsely used because of shallow turbid water, lack of access and its distance from population centers. The turbidity plume resulting from disposal would go to the west and would not adversely impact the beach, which is predominately mud.

4. *Types and quantities of wastes proposed to be disposed of, and proposed methods of release, including methods of packing the wastes, if any.* (40 CFR 228.6(a)(4).)

The material to be disposed is from the Freshwater Bayou Gulf Channel and consists of a mixture of sand, silt, and clay obtained by hydraulic dredge. Sediments are dominated by fine-grained material (silts and clays), comprising 88 percent of the sediment in the channel. This compares with 93 percent silts and clays in the ODMDS. Approximately 1.2 million cubic yards of material are disposed in the site during each use. The material is removed with a hydraulic dredge and released in the ODMDS. The material is not packaged in any way. Future disposal is expected to be similar to past actions, in terms of material types, quantities, and methods of disposal. The Corps of Engineers would likely be the only user of the site.

5. *Feasibility of surveillance and monitoring.* (40 CFR 228.6(a)(5).)

Surveillance is possible by shore-based radar, aircraft, or day-use boats. No surveillance is currently performed by the U.S. Coast Guard. Monitoring would be facilitated by the fact that the ODMDS is nearshore, in fairly shallow water, and has baseline data available. The primary purpose of monitoring is to determine whether disposal at the site is significantly affecting areas outside the disposal area and to detect any unacceptable adverse effects occurring in or around the site. Based on historic data, an intense monitoring program is not warranted. However, in order to provide adequate warning of environmental harm, the EPA will develop a monitoring plan in cooperation with the COE. The plan would concentrate on periodic depth soundings and sediment and water quality testing. Details of the monitoring plan will be developed and implemented after completion of the proposed site designation action.

6. *Dispersal, horizontal transport and vertical mixing characteristics of the area, including prevailing current direction and velocity, if any.* (40 CFR 228.6(a)(6).)

Mixing process, current characteristics, and sediment transport in the nearshore region off the Chenier Plain are influenced by tidal currents, winds, and storms. Because of the shallow water, the water column is generally well mixed. Using data collected off shore of Vermilion Bay, the area can experience density stratification during periods of very low freshwater inflow, mainly September and October. In the summer, bottom waters of the Louisiana shelf are occasionally oxygen depleted which can cause mortality of benthic organisms. This phenomenon does occur during the summer off the coast of the Chenier Plain region, but does not occur in the Vermilion Bay area. It appears that the predominant current is to the west, but easterly currents occur with storm events; however, data on the specifics of currents in the area are sparse.

7. *Existence and effects of current and previous discharges and dumping in the*

area (including cumulative effects). (40 CFR 228.6(a)(7).)

Dredged materials from construction and maintenance of the Freshwater Bayou Channel have been disposed at the interim ODMDS since 1968 and no significant adverse impacts have resulted. Previous disposal has caused minor effects, such as temporary increases in suspended sediment concentrations, temporary turbidity, sediment mounding, smothering of benthic organisms, release of nutrients, possible minor releases of trace metals, and a temporary change in sediment grain size. The material is swept in a westerly direction by prevailing currents. Because the effects of disposal are temporary, there are no cumulative effects.

8. *Interference with shipping, fishing, recreation, mineral extraction, desalination, fish and shellfish culture, areas of special scientific importance and other legitimate uses of the ocean.* (40 CFR 228.6(a)(8).)

In the vicinity of the ODMDS the majority of shipping traffic is confined to the Freshwater Bayou Channel. Dredging Freshwater Bayou facilitates shipping; periodic deposition of material dredged from Freshwater Bayou in the ODMDS has some potential for interfering with ship movement in the area during disposal operations.

Nearshore and estuarine areas of the Chenier Plain also contain a diverse and highly productive fishing ground for a number of commercial and recreational species. The Freshwater Bayou ODMDS represents a very small proportion of the total nearshore fishing grounds in the Chenier Plain and adverse impacts from its use would be temporary and minor. Interferences with fishing may occur if any shoals are created by dredged material disposal, as this could cause groundings of shrimp boats within disposal site boundaries. If the material is spread evenly, it would raise bottom elevations within the ODMDS by about 0.5 ft, which should present no problems for shipping and other uses. The material would eventually be moved toward the west, which would occur naturally if the dredging and disposal in the ODMDS did not occur.

The nearest oyster leases are just west of Chenier au Tigre near Vermilion Bay, some 5 miles to the east of the ODMDS. Designation of the ODMDS would not impact these or any other lease areas. Desalination areas do not occur in the vicinity of the ODMDS. The site is located about 12 miles east of the Rockefeller National Wildlife Refuge and 9 miles west of Paul J. Rainey Wildlife Refuge and Game Preserve. There has been no impact to the refuges from the use of the site and no impact is expected to occur in the future.

Petroleum and mineral-extracting activities occur offshore within 2000 feet of the ODMDS and are not impacted by use of the site. Also there are oil and gas pipelines that occur throughout the area that have not been impacted by the deposition of dredged material. Intermittent dumping does not interfere with the exploration or production phases of resource development, or with other legitimate uses of the ocean.

9. *The existing water quality and ecology of the site as determined by available data or by trend assessment or baseline surveys.* (40 CFR 228.6(a)(9).)

Water and sediment samples wee taken in the project area in 1977. These data demonstrated that concentrations of copper, lead, mercury, and nickel in the water were above EPA chronic criteria for saltwater aquatic organisms. The Atchafalaya river is a source of pollutants in the area; however, the concentrations of copper found are unusually high and may be in error. Sediment data show that chemical concentrations in the channel and the disposal area are similar. Elutriate data from the channel sites showed exceedence of the EPA criteria for mercury and manganese at all the channel sites. Copper concentrations were within the criterion. Elutriate mercury concentrations were within the EPA acute criterion, which is a better gage for predicting disposal impacts. Few data are available concerning toxicity of manganese to marine organisms.

The potential for bioaccumulation of pesticides, polychlorinated biphenyls, heavy metals, and petroleum hydrocarbons in tissues of marine organisms at the Freshwater Bayou ODMDS project area was assessed using Atlantic quahog clams and oysters exposed to test and reference sediments during the solid phase bioassay. In many cases, the tissue concentrations of these constituents were below the detection limits of the analytical procedure. For all but four constituents, the concentrations of these materials in animals exposed to test sediments from three stations in the Freshwater Bayou bar channel were either less than or statistically no greater than concentrations found in animals exposed to the reference sediments. Chlordane in the summer series was significantly greater in clams exposed to sediments from two stations than in animals exposed to the reference materials. Aliphatic petroleum hydrocarbons in oysters exposed to test sediments in the summer series from all three stations and aromatic petroleum hydrocarbons in oysters exposed to test sediments in the summer series from one station were statistically greater than concentrations in animals exposed to the reference sediments. Mean cadmium concentration was significantly greater in clams exposed to material from one station than in animals exposed to the reference sediment in the winter series.

Temporary mounding can occur within the ODMDS during discharge, which reduces water depths. The disposal sediments are reworked by waves and littoral currents and are moved out of the ODMDS. The direction and speed of currents are variable, but sediments generally drift toward the west. The channel has coarser grained material than the ODMDS at two of three stations, leading to a slight difference between sediment grain size in the ODMDS and areas east of the channel.

Disposal would temporarily increase turbidity at the site. The duration of the plume would depend on particle size, currents, and mixing, but should not extend over an area greater than about 71 acres beyond the ODMDS at any given time. The fine sediments may remain suspended for hours, but would eventually settle and turbidity would return to ambient conditions. The Freshwater Bayou ODMDS is actively used for disposal an average of 14 days per operation. Thus, turbidity would be increased for approximately 2 weeks each year that disposal occurs.

Impacts of disposal of plankton would be temporary. Plankton in the ODMDS during disposal may be entrained in the dredged material, subjected to decreased light transmission, and possibly to minor increased levels of contaminants.

Benthic organisms in the ODMDS would be buried during disposal. Motile species could burrow upward through the expected 15 cm of substrate. Recolonization would start at the cessation of dumping and would be essentially complete within a period of 2–3 months. Disposal of dredged material in the ODMDS occurs once every three years; therefore, disturbance would occur approximately 10 percent of the time. Solid phase bioassays conducted in 1978 on mysid shrimp, the Atlantic quahog, a polychaete and oysters showed no statistically significant differences in test organism survival between controls and any test treatment.

Waters off the central Louisiana coast, shoreward of the 20m contour, are heavily fished areas. The most valuable resources have been penaeid shrimp, menhaden, blue crabs, redfish, tuna, and

spotted seatrout. There would be some physical interference with commercial and recreational fishing during disposal. However, it would be confined to the ODMDS itself and should be minimal. There would be minimal danger of heavy metal or chlorinated hydrocarbon contamination of fish and or shellfish during disposal as shown by elutriate analyses and bioaccumulation studies discussed earlier.

10. *Potentiality for the development or recruitment of nuisance species in the disposal site.* (40 CFR 228.6(a)(10).)

No nuisance species have developed at the Freshwater Bayou ODMDS, and none are expected to develop in the future.

11. *Existence at or in close proximity to the site of any significant natural or cultural features of historical importance.* (40 CFR 228.6(a)(11).)

Cheniers and beach ridges in the area are ancient Gulf beaches that serve important functions as wildlife habitat, storm barriers, and limiting salt water intrusion into marshes. Coordination with the Louisiana State Historic Preservation Officer is being undertaken to determine if any historic shipwrecks are present in the Freshwater Bayou ODMDS area. Impacts to historic properties from EPA's site designation action will be discussed in the Final EIS.

E. Proposed Action

EPA proposes to designate the Freshwater Bayou ocean dredged material disposal site. The existing site is compatible with the general criteria and specific factors used for site evaluation. While the Corps does not administratively issue itself a permit, the requirements that must be met before dredged material derived from Federal project can be discharged into ocean waters are the same as where a permit would be required. EPA has the authority to approve or to disapprove or to propose conditions upon dredged material permits for ocean dumping.

F. Regulatory Assessments

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. EPA has determined that this action will not have a significant impact on small entities since the site designation will only have the effect of providing a disposal option for dredged material. Consequently, this rule does not necessitate preparation of a Regulatory Flexibility Analysis.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This action will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified by the Executive Order as a "major" rule. Consequently, this rule does not necessitate preparation of a Regulatory Impact Analysis.

This Proposed Rule does not contain any information collection requirements subject to the Office of Management and Budget review under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

List of Subjects in 40 CFR Part 228

Water Pollution Control

Dated: January 14, 1991.

Joe D. Winkle,

Acting Regional Administrator of Region 6.

In consideration of the foregoing, subchapter H of chapter I of title 40 is proposed to be amended as set forth below.

PART 228—[AMENDED]

1. The authority citation for part 228 continues to read as follows:

Authority: 33 U.S.C. 1412 and 1418.

2. Section 228.12 is amended by removing from paragraph (a)(3) under "Dredged Material Sites" the entry for Freshwater Bayou, Louisiana-Bar Channel and adding paragraph (b)(89) to read as follows:

§ 228.12 Delegation of management authority for interim ocean dumping sites.

* * * * *

(b) * * *

(89) Freshwater Bayou, Louisiana—Region 6.

Location: 29°31'59" N, 92°18'47" W; 29°32'04" N, 92°19'17" W; 29°28'24" N, 92°19'28" W; 29°28'29" N, 92°19'57" W.

Size: 1.464 square nautical miles.

Depth: Ranges from 0–17 feet.

Primary Use: Dredged material.

Period of Use: Continuing use.

Restriction: Disposal shall be limited to dredged material from the vicinity of Freshwater Bayou Gulf Channel.

[FR Doc. 91-1797 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-M

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40 CFR Part 721

[OPTS-50586; FRL-3775-5]

RIN 2070-AB27

Erionite Fiber; Proposed Significant New Use of Chemical Substance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for erionite fiber as identified by CAS Nos. 12510-42-8 or 66733-21-9. EPA believes that this chemical substance may be hazardous to human health and that any use may result in significant human exposure. As a result of this rule, certain persons who intend to manufacture, import, or process or import an article containing this chemical substance for any significant new use would be required to notify EPA at least 90 days before commencing that activity. The required notice would provide EPA with the opportunity to evaluate the intended use and, if necessary, prohibit or limit that activity before it can occur.

DATES: Written comments should be submitted to EPA by February 25, 1991.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments should be sent in triplicate to: TSCA Document Receipt Office (TS-790), Office of Toxic Substances, U.S. Environmental Protection Agency, 401 M St., SW., Rm. E-105, Washington, DC 20460. Comments should include the docket control number OPTS-50586. Nonconfidential comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, 401 M St., SW., Rm. EB-545, Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This proposed SNUR would require persons to notify EPA at least 90 days before commencing the manufacture, import, or processing of erionite fiber or any article containing erionite fiber for any use. The required notice would provide EPA with the information needed to evaluate an intended use and associated activities, and an opportunity to protect against potentially adverse exposure to the chemical substance before it can occur.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." The Agency must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2).

Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the chemical substance for that use.

Persons subject to this SNUR would comply with the same notice requirements and EPA regulatory procedures as submitters of premanufacture notices (PMNs) under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and (d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under section 5(e), 5(f), 6, or 7 to control the activities for which it has received a SNUR notice. If EPA does not take action, section 5(g) of TSCA requires EPA to explain in the **Federal Register** its reasons for not taking action.

Persons who intend to export a chemical substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

II. Applicability of General Provisions

In the **Federal Register** of September 5, 1984 (49 FR 35011), EPA promulgated general regulatory provisions applicable to SNURs (40 CFR part 721, subpart A). On July 27, 1988 (53 FR 28354) and July 27, 1989 (54 FR 31298), EPA promulgated amendments to the general provisions which apply to this SNUR except as provided in § 721.1054(b)(1) and (b)(2). Interested persons should refer to those two documents for further information. In the **Federal Register** of August 17, 1988 (53 FR 31252), EPA promulgated a "User Fee Rule" (40 CFR part 700) under the authority of TSCA section 26(b). Provisions which require the submission of certain fees to EPA are discussed in detail in that **Federal Register** notice.

III. Summary of This Proposed Rule

The chemical substance which is the subject to this proposed SNUR is erionite fiber, identified by CAS No. 66733-21-9 (when an exact molecular formula is known) or 12510-42-8 (when an exact molecular formula is not known). EPA is proposing to designate the manufacture, import, or processing of erionite fiber or any article containing erionite fiber for any use as a significant new use. This proposed rule would require persons who intend to manufacture, import, or process erionite fiber or any product containing erionite fiber to submit a significant new use notice to EPA at least 90 days before any manufacturing, importing, or processing.

Because EPA is concerned with the possibility of human exposure associated with the import and processing of erionite fiber in articles, EPA is proposing to make § 721.45(f) inapplicable to this chemical substance. Persons who intend to import or process erionite fiber as part of an article would be subject to the notification requirements of § 721.25.

IV. Background Information on Erionite Fiber

A. Production and Use Data

Erionite fiber is a naturally occurring mineral of the fibrous zeolite class with a typical formula of $(Ca, Mg, Na_2, K_2)_{4.5}[(AlO_2)_9(SiO_2)_{27}] \cdot 27H_2O$. Erionite fiber occurs as white prismatic crystals in radiating groups, as either single needles or in clusters and are, on the average, shorter than asbestos fibers. Erionite is a hydrated silicate (i.e., a silicon compound containing one or more waters of hydration) of calcium, potassium, sodium, and aluminum. Natural erionite occurs in abundance in sedimentary rock in the Southwest and Pacific Northwest regions of the United States. Of approximately 40 distinct species of naturally occurring zeolite, only 2 of the species, erionite and mordenite, always occur in fibrous form. Naturally occurring erionite has no exact synthetic counterpart. Fiber dimensions of natural erionite vary with the particular deposit. The fibers can attain a maximum length of 50 μm (micrometers, one-millionth of a meter) and widths generally range from 0.25 to 1.5 μm, although fibers exhibiting widths of 0.01 to 5.0 μm have been recorded. Based on available experimental data, erionite fiber appears to be at least as hazardous as asbestos. Erionite fiber has been used as a noble-metal-impregnated catalyst in a hydrocarbon cracking process in a U.S. plant; in house building materials; to increase soil fertility; and to control odors in livestock production. There is currently no known manufacture, import, or processing of erionite fiber, nor has it been manufactured, imported, or processed in the United States for the past few years.

B. Health Effects

Erionite is a respirable, nonasbestos, durable fiber, which (like asbestos) may cause cancer and lung fibrosis in humans when inhaled. The airborne erionite fibers, both natural and synthetic, penetrate the lung and pleura, eliciting early lung tissue responses similar to those induced by asbestos.

In inhalation or injection studies in the rat and mouse, erionite fibers are more potent than crocidolite or chrysotile asbestos in inducing malignant mesothelioma. Epidemiological data show that populations exposed to fibrous erionite have a high risk of mesothelioma and an excess of nonmalignant pleural disease. For these reasons, the Agency classifies erionite fibers as a Category B1 (probable human) carcinogen. They have also been found to be genotoxic in test animals and to cause cytogenetic changes including chromosomal aberrations, sister chromatid exchanges, and cell transformation.

V. Objectives and Rationale for the Rule

To determine what would constitute a significant new use of erionite fiber, EPA considered relevant information on the toxicity of erionite fiber, likely exposures associated with possible uses, and the four factors listed in section 5(a)(2) of TSCA. Based on these considerations, EPA wishes to achieve the following objectives with regard to the significant new use that is designated in this rule:

1. EPA wants to ensure that it would receive notice of any company's intent to manufacture, process or import erionite fiber or import articles (§ 720.3(c)) containing erionite fiber for any use before that activity begins.

2. EPA wants to ensure that it would have an opportunity to review and evaluate data submitted in a significant new use notice before the notice submitter begins manufacturing, importing, or processing erionite fibers or importing articles or products containing erionite fibers for any use.

3. EPA wants to ensure that it would be able to regulate prospective manufacturers, importers, or processors of erionite fibers or those importing articles or products containing erionite fibers before any use occurs, provided that the degree of potential health and environmental risk is sufficient to warrant such regulation.

Data indicate that erionite fiber may be carcinogenic, genotoxic, and fibrogenic. EPA is aware of no ongoing manufacture, import, or processing of the substance and no use in the United States. EPA believes that any use of erionite fiber and its related manufacture, import, or processing will increase the magnitude and duration of exposure. Currently, erionite fiber is subject to no Federal regulation which would notify the Federal Government of activities that might result in adverse

exposure, or provide a mechanism that could prevent potentially adverse exposure before they occur. Considering the toxicity and potential toxicity of erionite fiber, the reasonably anticipated situations that could result in exposure and the lack of sufficient regulatory controls, EPA believes that individuals could be exposed to erionite fiber at levels which may cause adverse effects. For the foregoing reasons, EPA is designating any use of erionite fiber as a significant new use.

Because EPA is concerned that erionite fiber may be released into the environment when used in articles, EPA is proposing to make the exemption at § 721.45(f) inapplicable to this rule. Persons who import erionite fiber as part of an article would be subject to the notification requirements of § 721.25.

VI. Alternatives

Before proposing this SNUR, EPA considered the following alternative regulatory actions for erionite fiber.

1. Promulgate a section 8(a) reporting rule for erionite fiber. Under such a rule, EPA could require any person to report information to the Agency when they intend to manufacture, import, or process erionite fiber or import products or articles containing erionite for any use. However, in the case of erionite fiber, the use of section 8(a) rather than SNUR authority would have several drawbacks. First, EPA would not be able to take immediate follow-up regulatory action under section 5(e) or 5(f) to prohibit or limit the activity. In addition, EPA may not receive important information from small businesses, because such firms are exempt from section 8(a) reporting requirements. In view of the level of health concern for erionite fiber, the Agency believes that a section 8(a) rule for erionite fiber would not meet EPA's regulatory objectives.

2. Regulate erionite fiber under section 6 of TSCA. EPA may regulate under section 6 only if there is a reasonable basis to conclude that the manufacture, importation, processing, distribution in commerce, use, or disposal of a chemical substance or mixture "presents or will present" an unreasonable risk of injury to human health or the environment. There is insufficient information about prospective manufacturing, importation, or processing operations and human health effects at this time to enable EPA to make a conclusive determination of risk. Therefore, the Agency may not at this time take action under section 6 to regulate erionite fiber.

VII. Applicability of Proposed Rule to Uses Occurring Before Effective Date of the Final Rule

EPA believes that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the proposal date of the SNUR rather than as of the effective date of the final rule. If uses begun during the proposal period of a SNUR were considered ongoing (and therefore not "new") as of the effective date, it would be difficult for EPA to establish SNUR notice requirements, because any person could defeat the purpose of the SNUR by initiating the proposed significant new use before the rule became final; this interpretation of section 5 would make it extremely difficult for EPA to establish SNUR notice requirements.

Persons who begin commercial manufacture, importation, or processing of erionite fiber for any use between proposal and the effective dates of the SNUR may comply with this proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h) (53 FR 28354, July 17, 1988), the person will be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of erionite fiber between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements (§ 721.25) and wait until the notice review period, including all extensions, expires.

VIII. Economic Analysis

EPA has evaluated the potential costs of establishing a SNUR reporting requirements for erionite fiber. EPA's complete economic analysis is available in the public record for this rule (OPTS-50536).

IX. Comments Containing Confidential Business Information

Any person who submits comments claimed as CBI must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as CBI at the time of submission will be placed in the public file. A complete public version must be submitted if the submitter claims any material CBI. Any comments marked as CBI will be treated in accordance with the procedures in 40 CFR part 2.

X. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS-50536). The record includes basic information considered by EPA in developing this proposed rule. EPA will supplement the record with additional information as it is received and will identify the complete rulemaking record by the date of promulgation. A public version of the record, without any confidential business information is available in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays. The TSCA Public Docket Office is located in Rm. NE-G004, 401 M St., SW., Washington, DC.

XI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this proposed rule would not be a "major" rule because it would not have an effect on the economy of $100 million or more, and it would not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA estimates that the reporting cost for submitting a significant new use notice would be approximately $4,500 to $11,800, including a $2,500 user fee payable to EPA to offset costs in processing the notice. EPA believes that, because of the nature of the rule and the chemical substance (erionite fiber) involved, there would be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact would be limited because such factors are unlikely to discourage an innovation that has high potential value.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this proposed rule would not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this proposed rule would likely be small businesses. However, EPA expects to receive few SNUR notices for the chemical substance. Therefore, EPA believes that the number of small

businesses affected by the rule would not be substantial, even if all of the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

OMB has approved the information collection requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and has assigned OMB control number 2070-0038. Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM-223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information requirements contained in this proposal.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: January 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 would continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. By adding new § 721.1054 to subpart E to read as follows:

§ 721.1054 Erionite fiber.

(a) *Chemical substance and significant new use subject to reporting.* (1) The chemical substance, erionite fiber (CAS No. 66733-21-9 (when an exact molecular formula is known) or 12510-42-8 (when an exact molecular formula is not known), is subject to reporting under this section for the significant new use described in paragraph (a)(2) of this section.

(2) Any significant new use is: Any use.

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by the following:

(1) *Persons who must report.* Section 721.5 applies to this section except for § 721.5(a)(2). A person who intends to manufacture, import, or process for commercial purposes the substance identified in paragraph (a)(1) of this section and intends to distribute the substance in commerce must submit a significant new use notice.

(2) *Exemptions.* Section 721.45 applies to this section except for § 721.45(f). A person who intends to import the substance identified in paragraph (a)(1) of this section as part of an article is subject to the notification provisions of § 721.25.

(Approved by the Office of Management and Budget under OMB control number 2070-0038)

[FR Doc. 91-1796 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-7012]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed modified base (100-year) flood elevations listed below for selected locations in the nation. The base (100-year) flood elevations are the basis for the floodplain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program.

DATES: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below

FOR FURTHER INFORMATION CONTACT: Mr. William R. Locke, Acting Chief, Risk Studies Division, Federal Insurance Administration, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2754

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of modified base flood elevations for selected locations in the nation, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Title XIII of the Housing and Urban Development Act of 1968, (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 44 CFR 67.4(a).

These elevations, together with the floodplain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, state of regional entities. The proposed modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance coverage on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed modified flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The local community voluntarily adopts floodplain area. The local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with minimum Federal standards, the elevations prescribe how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself has no economic impact.

List of Subjects in 44 CFR Part 67

Flood insurance, floodplains.

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127

The proposed modified base flood elevations for selected locations are

PROPOSED MODIFIED BASE FLOOD ELEVATIONS

State	City/town/county	Flooding source	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Arkansas	Clinton, City, Van Buren County.	Archey Creek Fork	Approximately 1.35 river miles upstream of confluence with South Fork Little Red River.	*519	*518
			Approximately 1.79 river miles upstream of confluence with South Fork Little Red River.	*528	*527
		Airport Branch	Approximately 0.8 river mile upstream of confluence with South Fork Little Red River.	*511	*510
			Approximately .99 river mile upstream of confluence with South Fork Little Red River.	*517	*516
		Town Branch	Approximately .34 river mile upstream of confluence with Archey Creek Fork.	*512	*511
			Approximately .54 river mile upstream of confluence with Archey Creek Fork.	*513	*512
Maps available for inspection at the City Hall, 404 E. Main Street, Clinton, Arkansas.					
Send comments to The Honorable Don Richardson, Mayor of the City of Clinton, Van Buren County, P.O. Box 277, Clinton, Arkansas 72031.					
California	City of San Diego, San Diego County.	Nestor Creek	At confluence with Otay River	*11	*11
			Just upstream of Hollister Street	*26	*27
			Upstream of Interstate 5	*32	*32
Maps are available for review at the City Operations Building, 1222 First Street, San Diego, California.					
Send comments to The Honorable Maureen O'Connor, Mayor, City of San Diego, 202 C Street, San Diego, California 92101.					
Missouri	City of Springfield, Greene County.	South Creek	About 1050 feet downstream of Campbell Avenue.	*1265	*1265
			Just downstream of National Avenue	*1301	*1295
			Just downstream of Kickapoo Avenue	None	*1305
		James River	About 0.4 miles downstream of Burlington Northern railroad.	*1152	*1151
			About 0.6 miles upstream of U.S. Highway 60	*1158	*1160
Maps available for inspection at the Department of Public Works, 830 Boonville Avenue, Springfield, Missouri.					
Send comments to The Honorable Thomas J. Carlson, Mayor, City of Springfield, 830 Boonville Avenue, Springfield, Missouri 65802.					
New Jersey	Monroe, Township, Middlesex County.	Clear Brook	Approximately 200 feet upstream of Union Valley-Half Acre Road.	*125	*127
			Approximately 800 feet upstream of Union Valley-Half Acre Road.	None	*127
Maps available for inspection at the Township Municipal Complex, Perrineville Road, Jamesburg, New Jersey.					
Send comments to The Honorable Richard Pucci, Mayor of the Township of Monroe, Middlesex County, Monroe Township Municipal Complex, Perrineville Road, Jamesburg, New Jersey 08831.					
New Mexico	Las Cruces, City, Doña Ana County.	Flow Path 9	Approximately 155 feet upstream of unnamed road.	None	*4,142
			Approximately 350 feet upstream of unnamed road.	None	*4,147
		Sand Hill Arroyo	Approximately 1,750 feet downstream of Elks Drive.	None	*3,968
		Flow Path 1	Approximately 1,050 feet downstream of Elks Drive.	None	*3,984
			Approximately .65 mile upstream of Delrey Boulevard.	None	*4,149
			Approximately .71 mile upstream of Delrey Boulevard.	None	*4,155
		Flow Path 3	Approximately 980 feet upstream of Road Runner Expressway.	None	*4,146
			Approximately 1,670 feet upstream of Road Runner Expressway.	None	*4,154
Maps available for inspection at the City Hall, Las Cruces, New Mexico.					
Send comments to Mr. Bruno Zaldo, Las Cruces City Manager, Doña Ana County, P.O. Drawer CLC, Las Cruces, New Mexico 88004.					
New York	Amherst, Town, Erie County.	Tonawanda Creek	Approximately 1,800 feet downstream of Robinson Road.	None	*574
			Downstream side of Transit Road	*582	*584
		Black Creek	At the confluence with Ransom Creek	*583	*581
			Approximately 100 feet downstream of Transit Road.	*586	*585
		Ransom Creek	At the confluence with Tonawanda Creek	*576	*579
			Downstream side of Transit Road	*583	*586
Maps available for inspection at the Municipal Center, 5583 Main Street, Williamsville, New York.					
Send comments to Mr. Daniel J. Ward, Amherst Town Supervisor, Erie County, 5583 Main Street, Williamsville, New York 14221.					
New York	Clay, Town, Onondaga County.	Mud Creek	Approximately 1,000 feet upstream of Caughdenoy Road.	None	*376
			Approximately 2,070 feet upstream of Caughdenoy Road.	None	*376

PROPOSED MODIFIED BASE FLOOD ELEVATIONS—Continued

State	City/town/county	Flooding source	Location	# Depth in feet above ground *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Town Hall, 4483 Route 31, Clay, New York. Send comments to Mr. Patrick DiDomenico, Supervisor of the Town of Clay, Onondaga County, 4483 Route 31, Clay, New York 13041.					
New York	Conesus, Town, Livingston County (FEMA Docket No. 6998).	Conesus Lake	At shoreline approximately 650 feet west of intersection of East Lake Road and Joy Road.	None	*821
			Shoreline at northernmost corporate limits	None	*821
Maps available for inspection at the Town Hall, Conesus, New York.					
Oklahoma	Anadarko, City, Caddo County.	Washita River	Approximately 3 miles downstream of U.S. Route 281.	None	*1,166
			Approximately .6 mile upstream of Central Boulevard.	None	*1,189
		Tributary 1	Approximately 1.0 mile upstream of confluence with Tonkawa Creek.	None	*1,176
			Approximately 2.4 miles upstream of confluence with Tonkawa Creek.	None	*1,176
		Tonkawa Creek	Approximately .5 mile downstream of State Route 8.	None	*1,176
			Approximately .4 mile upstream of Section Line Road.	None	*1,194
Maps available for inspection at the City Hall, 501 West Virginia, Anadarko, Oklahoma. Send comments to The Honorable Nancy Richey, Mayor of the City of Anadarko, Caddo County, c/o City Hall, P.O. Box 647, Anadarko, Oklahoma 73005.					
Oklahoma	Tulsa, City, Tulsa, Osage, and Rogers Counties.	Brookhollow Creek	Approximately 180 feet downstream of South 121st East Avenue.	*675	*674
			Approximately 270 feet downstream of South 136th East Avenue.	*703	*702
Maps available for inspection at the City Hall, 200 Civic Center, Tulsa, Oklahoma. Send comments to The Honorable Rodger A. Randle, Mayor of the City of Tulsa, Tulsa, Osage, and Rogers Counties, 200 Civic Center, Tulsa, Oklahoma 74103.					
Texas	Athens, City, Henderson County.	One Mile Creek	Approximately .5 mile downstream of North Pinkerton Road.	None	*400
			Approximately .3 mile downstream of North Pinkerton Road.	None	*406
Maps available for inspection at the City Hall, 5011 N. Pinkerton, Athens, Texas. Send comments to The Honorable Herbert Gatlin, Mayor of the City of Athens, Henderson County, 5011 N. Pinkerton, Athens, Texas 75751.					
Texas	Denton County, Unincorporated Areas.	Timber Creek	At the upstream corporate limits of the Town of Double Oak.	*629	*628
			Approximately 225 feet upstream of the upstream corporate limits of the Town of Double Oak.	*629	*628
		Cottonwood Branch	Approximately 0.43 mile downstream of State Route 423.	None	*539
			Approximately 300 feet downstream of State Route 423.	None	*544
Maps available for inspection at 110 West Hickory, Denton, Texas. Send comments to The Honorable Vic Burgess, Denton County Judge, 110 West Hickory, Denton, Texas 76201.					
Texas	Burleson (city), Johnson County.	Shannon Creek	Approximately 0.73 mile upstream of State Route 174.	None	*749
			At upstream corporate limits	None	*759
Maps available for inspection at City Hall, Burleson, Texas. Send comments to The Honorable Vera Calvin, Mayor of the City of Burleson, Johnson and Tarrant Counties, 141 West Renfro Street, Burleson, Texas 76028.					
Texas	Cleburne (City), Johnson County.	East Buffalo Creek	At confluence of unnamed stream	None	*714
			Approximately 1,500 feet upstream of confluence of unnamed stream.	None	*716
Maps available for inspection at City Hall, Cleburne, Texas. Send comments to The Honorable J.T. Bass, Mayor of the City of Cleburne, Johnson County, P.O. Box 657, Cleburne, Texas 76033.					
West Virginia	Raleigh County unincorporated areas.	Soak Creek	Town of Sophia upstream corporate limits	*2,330	*2,331
			Approximately 200 feet upstream of corporate limits.	*2,331	*2,332
Maps available for inspection at the Office of Planning and Zoning, 106½ N. Heber, Beckley, West Virginia. Send comments to The Honorable Paul Flanagan, President of the Raleigh County Commission, P.O. Box AN, Beckley, West Virginia 25810.					

Issued: January 14, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-1793 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[Docket No. 901197-0297]

Atlantic Swordfish Fishery

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

ACTION: Proposed rule; reopening of comment period.

SUMMARY: NOAA issues this notice to reopen the public comment period on the proposed amendment to the regulations implementing the Fishery Management Plan for Atlantic Swordfish. As published on December 5, 1990 (55 FR 50199), NOAA proposes to (1) establish as a condition for the renewal of an annual vessel permit in the Atlantic swordfish fishery that all fishing vessel reports required for that vessel must have been submitted, and (2) add to the swordfish regulations a reference regarding the marine mammal exemption program under the Marine Mammal Protection Act, as it applies to vessels and persons in the longline and gillnet fisheries for swordfish. The intent of this notice is to ensure that interested persons have sufficient time to comment on the proposed rule.

DATES: Written comments must be received by February 14, 1991.

ADDRESSES: Comments should be sent to Rodney C. Dalton, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Rodney C. Dalton, 813-893-3722.

SUPPLEMENTARY INFORMATION: The proposed rule, as published on December 5, 1990 (55 FR 50199), and corrected on December 17, 1990 (55 FR 51799), specified a public comment period from December 5 through December 20. NMFS encountered delays in issuing a news release notifying all permit holders of this proposed rule and the comment period, and mail deliveries of some notices of the proposed rulemaking were delayed by the holiday season. Because of these constituent notification problems, the proposed rule did not generate the extent of public input expected; accordingly, NMFS is reopening the public comment period for an additional 20 days, through February 14, 1991.

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

List of Subjects in 50 CFR Part 630

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: January 17, 1991.

David S. Crestin,

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

[FR Doc. 91-1704 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 17
Friday, January 25, 1991

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

Forms Under Review by Office of Management and Budget

January 18, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from:

Department Clearance Officer, USDA, OIRM, room 404-W Admin. Bldg., Washington, DC 20250, (202) 447-2118.

Revision

• Food and Nutrition Service
Integrated Quality Control Review Worksheet
FNS-380
Recordkeeping; On occasion
Individuals or households; State or local governments; 68,202 responses; 615,428 hours
Charlene L. Simmons, (703) 756-3472

• National Agricltural Statistics Service
Agricultural Labor Survey
On occasion; Monthly; Quarterly
Farms; Businesses or other for-profit; 102,930 responses; 28,039 hours
Larry Gambrell, (202) 447-7737

• Agricultural Marketing Service
National Research, Promotion, and Consumer Information Program
Recordkeeping; On occasion; Monthly; Semi-annually
Individuals or households; Farms; Businesses or other for-profit; Small businesses; 4,538,426 responses; 361,632 hours
Virginia M. Olson, (202) 475-3930

• Animal and Plant Health Inspection Service
National Animal Health Monitoring System (NAHMS)
Dairy NAHMS—11, 12, 13, 14, 15, 16, and 17
Monthly
Farms; 14,300 responses; 6,331 hours
George W. Hill, (303) 490-7892

Revision—Emergency

• Farmers Home Administration
7 CFR 1980-B, Guaranteed Farmer Program Loans
FmHA 449-11, 1980-15, -24, -25, -38, -58, -64
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; 106,610 responses; 129,169 hours
Jack Holston, (202) 382-9736

Revision—Emergency

• Farmers Home Administration
7 FR 1980-A, Guaranteed Loan Program (General)
FmHA 449-14, -30, -35, -36, 1989-19, -41, -43, -44
On occasion
Individuals or households; Businesses or other for-profit; 81,786 responses; 70,328 hours
Jack Holston, (202) 382-9736

Extension

• Forest Service
Timber Sale Bids Forms
FS-2400-14; FS-24000-12A
On occasion
Businesses or other for-profit; Small businesses or organizations; 30,000 responses; 5,875 hours
Milo Larson, (202) 475-3754

New Collection

• Food and Nutrition Service
Vendor Activity Monitoring Profile (VAMP) data
Recordkeeping; Annually
State or local governments; 81 responses; 594 hours
Laurie Hickerson, (703) 756-3710

New Collection—Emergency

• Farmers Home Administration
7 CFR 1941-A, Operating Loan Policies, Procedures and Authorizations
FmHA 403-1, 441-8, -10, -13, -18, -25, 1940-51, -53, -55, -56
On occasion
Individuals or households; Farms; Businesses or other for-profit; Small businesses or organizations; 79,500 responses; 15,213 hours
Jack Holston, (202) 382-9736

Reinstatement—Emergency

• Farmers Home Administration
7 CFR 1951-S, Farmer Program Account Servicing Policies
FmHA 1951-39, 1951-39A
On occasion
Individuals or households; State or local governments; Farms; Businesses or other for-profit; Small businesses or organizations; 59,758 responses; 79,742 hours
Jack Holston, (202) 382-9736

Larry K. Roberson,
Deputy Departmental Clearance Officer.

[FR Doc. 91-1648 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-01-M

Forest Service

Newspapers To Be Used for Publication of Legal Notice of Appealable Decisions for Southern Region; Alabama, Kentucky, Georgia, Tennessee, Florida, Louisiana, Mississippi, Virginia, West Virginia, Arkansas, Oklahoma, North Carolina, South Carolina, Texas, Puerto Rico

AGENCY: Forest Service, USDA.

ACTION: Notice; correction.

SUMMARY: Deciding Officers in the Southern Region will continue to use the newspapers as published in the **Federal Register** April 5, 1990 (55 FR 12693-12695) and October 23, 1990 (55 FR 42744) as modified below, for publication of legal notice of appealable decisions under 36 CFR part 217. As provided in 36 CFR 217.5(d), the public shall be advised, through **Federal Register** notice, of the principal newspaper to be utilized for publishing legal notices of decisions. Newspaper publication of notices of decisions is in addition to direct notice of decisions to

those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

DATES: The modification to the listing shall begin on or after January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Jean Paul Kruglewicz, Regional Appeals Coordinator, Southern Region, Planning and Budget, 1720 Peachtree Road, NW., Atlanta, Georgia 30367-9102, Phone: 404-347-4867.

SUPPLEMENTARY INFORMATION: Deciding Officers in the Southern Region will give legal notice of decisions subject to appeal under 36 CFR part 217 in the newspapers as previously published on April 5, 1990, and October 23, 1990, with the following exceptions.

Chattahoochee-Oconee National Forests, Georgia
District Ranger Decisions:

CORRECTION OF PRIMARY AND SECONDARY NEWSPAPERS OF:

Chattooga Ranger District: *Northeast Georgian* published weekly (Friday) in Clarksville, GA
The Telegraph, published weekly (Wednesday) in Cleveland, GA

Jefferson National Forest, Virginia and West Virginia
District Ranger Decisions:

ADDITION OF SECONDARY NEWSPAPERS OF:

Blacksburg Ranger District:
Monroe Watchman, published weekly (Thursday) in Union, WV

New Castle Ranger District:
Monroe Watchman, published weekly (Thursday) in Union, WV

Dated: January 18, 1991.

Robert B. Erickson,

Deputy Regional Forester.

[FR Doc. 91-1740 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-11-M

Salmon River Road, Salmon National Forest, Lemhi County, Idaho

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service, USDA, will prepare an Environmental Impact Statement (EIS) to document the analysis and disclose the environmental impacts of implementing a specially funded recreation initiative project which calls for the reconstruction and/or improvement of 47 miles of Forest development road and the development (construction/reconstruction) of 12 recreation sites along the Salmon River. The Proposed project area is within the Congressionally designated Recreation Section of the Salmon Wild and Scenic River corridor, Salmon National Forest, North Fork Ranger District, Lemhi County, Idaho. The EIS will analyze a range of road design concepts, from refurbishing the existing road surface (currently the first 22 miles is paved with the balance crushed or native road surface) to a paved road surface for its entire length.

DATES: Written comments concerning the scope of the analysis should be received by March 29, 1991.

ADDRESSEE: Rogers M. Thomas, District Ranger, North Fork Ranger District, Box 180, North Fork, ID 83466.

FOR FURTHER INFORMATION CONTACT: Rogers M. Thomas, District Ranger, (208) 865-2383.

SUPPLEMENTARY INFORMATION: The Salmon River Road EIS will tier to the final EIS for Salmon National Forest Land and Resource Management Plan (Forest Plan). The Salmon Forest Plan adopted by reference the 1983 Salmon Wild and Scenic River Management Plan. The Wild and Scenic Plan was a specifically prepared document which provides the overall management direction for this Congressionally designed component of the Wild and Scenic Rivers System. The Forest Service's proposed action will be in compliance with this direction. The Salmon Forest Plan has established a special management unit (6B) for this corridor, whose management emphasis is to retain this area as a component of the National Wild and Scenic River System, and further, the Recreation river section is managed to be readily assessible by road, and to maintain development that may have occurred along the shoreline.

Preliminary issues identified are visual character of the Wild and Scenic river corridor, high archeology values, water quality, and recreation visitor convenience and safety.

A range of alternatives will be considered, including a No-Action Alternative. Based on issues gathered through scoping, the action alternatives will vary from minimal road repair to full reconstruction (not relocation) and paving the entire 47 miles.

Public participation will be especially important at several points during the analysis, beginning with the scoping process (40 CFR 1501.7). The Forest Service will be seeking information, comments, and assistance from Federal, State, local agencies, and other individuals or organizations who may be interested in or affected by the proposed activities. This input will be used in preparation of the draft EIS.

Public response will assist the Forest Service in identifying those who wish to be kept informed and involved with the planning process. Continued scoping and public participation efforts will be used by the interdisciplinary team to identify new issues, determine alternatives in response to the issues, and determine the level of analysis needed to disclose potential biological, physical, economic, and social impact associated with this project. The Forest Service is seeking information, comments, and assistance from other agencies, organizations or individuals who may be interested in or affected by the proposed project. This input will be used in preparation of the draft EIS.

The Forest Service is the lead agency. The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by September 1, 1992. At that time, copies of the draft EIS will be distributed to interested and affected agencies, organizations, and members of the public for their review and comment. EPA will publish a notice of availability of the draft EIS in the **Federal Register.**

The comment period on the draft EIS will be 60 days from the date the EIS notice appears in the **Federal Register.** It is very important that those interested in the management of the Salmon National Forest participate at that time.

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of a draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC, 435 U.S. 519, 553 (1978).* Also, environmental objections that could be raised at the draft EIS stage but that are not raised until after completion of the final EIS may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir, 1986) and *Wisconsin Heritages, Inc.* v. *Harris* 490 F.Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or

chapters of the draft EIS. Comments may also address the adequacy of the draft EIS or the merits of the alternatives formulated and discussed in the statement. (Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.)

The final EIS is scheduled for completion by April 1, 1993. In the final EIS, the Forest Service is required to respond to substantive comments received during the comment period for the draft EIS. John E. Burns, Forest Supervisor, is the Responsible Official. As the Responsible Official, he will decide which, if any, of the proposed activities will be implemented. His decision and reasons for the decision will be documented in the Record of Decision which will be subject to Forest Service Appeal Regulations (36 CFR Part 217).

Dated: January 17, 1991.

Gene S. Jensen,

Acting Forest Supervisor, Salmon National Forest.

[FR Doc. 91-1742 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-11-M

White Mountain National Forest; Wildcat River Advisory Commission Meeting

AGENCY: Forest Service, USDA.

ACTION: Wildcat River Advisory Commission meeting.

SUMMARY: The Wildcat River Advisory Commission will meet on February 19, 1991 at the Jackson Grammar School in Jackson, New Hampshire. the meeting will begin at 6 p.m. An agenda for the meeting includes review of a draft cooperative agreement between the Town of Jackson, State of New Hampshire and US Forest Service, obtaining a river profile for predicting future streamcourse movement and a progress review for completing the comprehensive river plan.

Interested members of the public are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Direct questions about this meeting to Carl F. Gebhardt, Staff Officer, White Mountain National Forest, 719 Main Street, Laconia, NH 03247, (phone 603-528-8778).

Dated: January 15, 1991.

Charles L. Myers,

Deputy Forest Supervisor.

[FR Doc. 91-1817 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-11-M

Rural Electrification Administration

Tex-La Electric Cooperative of Texas, Inc.; Finding of No Significant Impact

AGENCY: Rural Electrification Administration, USDA.

ACTION: Finding of No Significant Impact relating to the construction and operation of the Pineland-Rayburn Switchyard 138 kV Transmission Line Project in Sabine and Jasper Counties, Texas.

SUMMARY: Notice is hereby given that the Rural Electrification Administration (REA), pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality Regulations (40 CFR parts 1500-1508), and REA Environmental Policies and Procedures (7 CFR part 1794), has made a Finding of No Significant Impact (FONSI) with respect to the construction and operation of the Pineland-Rayburn Switchyard 138 kV Transmission Line Project in Sabine and Jasper Counties, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Martin G. Seipel, Director, Southwest Area—Electric, Rural Electrification Administration, room 0207, Agriculture South Building, Washington, DC 20250, telephone: (202) 382-8848. Copies of the FONSI can be obtained from REA at the address provided above or at the office of Tex-La Electric Cooperative of Texas, Inc., P.O. Box 1623, Nacogdoches, Texas 75963-1623.

SUPPLEMENTARY INFORMATION: REA, in accordance with its environmental policies and procedures, required that Tex-La Electric Cooperative of Texas, Inc., (Tex-La) develop a Borrower's Environmental Report (BER) reflecting the potential impacts of the proposed facility. The BER, which includes input from Federal, State and local agencies, has been adopted as REA's Environmental Assessment (EA) for the project in accordance with 7 CFR 1794.61. REA has concluded that the BER represents an accurate assessment of the environmental impacts of the project. The project will allow Tex-La to meet its present and future area.

The proposed 138 kV transmission line will connect Deep East Texas Electric Cooperative's (DETEC) Pineland Substation located in the city of Pineland in Sabine County with the Rayburn Switchyard Substation located approximately 19 km (12 miles) northwest of the city of Jasper in Jasper County. The line will be approximately 43 km (27 miles) in length.

The proposed line would extend from the Pineland Substation approximately 1.2 km (0.75 miles) in an easterly direction, then 0.9 km (0.6 miles) southeast, then 1.2 km (0.75 miles) southwest, then 5.6 km (3.5 miles) southeast and 12.5 km (7.8 miles) in a southerly direction to the Horton Hill Substation. The corridor between the Pineland and Horton Hill Substations would be located on existing right-of-way. The proposed line would then extend in a easterly direction approximately 1.9 km (1.2 miles), then southeasterly 3.8 km (2.4 miles), then southwesterly 10.9 km (6.8 miles) and northwesterly 5.0 km (3.1 miles) to the Rayburn Switchyard Substation. This corridor would utilize approximately 6.4 km (4.0 miles) of existing right-of-way.

Alternatives examined for the proposed project included no action, eight alternative routes, alternative structures and undergrounding the transmission line. REA determined that the proposed project will meet Tex-La's existing and future needs and will have no significant impact on the environment. REA has concluded that its approval to allow Tex-La to construct the proposed project does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, REA has reached a FONSI with respect to its action related to the project.

In accordance with REA Environmental Policies and Procedures, 7 CFR part 1794, Tex-La published notices and advertisements in the Newton County News, East Texas Banner, Sabine County Reporter, Nacagdoches Daily Sentinel, Jasper Newsboy, Orange Leader, and the Beaumont Enterprise. The newspapers have general circulation in Jasper and Sabine Counties, Texas. The notices described the project, announced the availability of the BER for review and how copies could be obtained, and gave addresses where comments could be sent. The public was given at least 30 days to respond and submit comments. No responses were received by Tex-La or REA.

As a result of its independent evaluation, REA concluded that approval to construct the proposed project will not constitute a major Federal action significantly affecting the quality of the human environment. REA

hereby reaches a Finding of No Significant Impact with respect to the proposed project in accordance with 7 CFR part 1794.

Dated: January 18, 1991.

John H. Arnesen,

Assistant Administrator—Electric.

[FR Doc. 91-1818 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Town Branch Watershed, MO

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the Town Branch Watershed, Gentry County, Missouri.

FOR FURTHER INFORMATION CONTACT: Russell C. Mills, State Conservationist, Soil Conservation Service, 555 Vandiver Drive, Columbia, Missouri 65202, telephone (314) 875-5214.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Russell C. Mills, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The project concerns a plan for watershed protection, flood prevention, and fish and wildlife development. The alternative under consideration to reach these objectives includes a multiple-purpose dam.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation and consultation of agencies and individuals that have special expertise, legal jurisdiction, or interest in the preparation of the draft environmental impact statement. A meeting was held at 7 p.m., Thursday, April 5, 1990, in the Community Center of Albany, Missouri, to determine the scope of the evaluation of the proposed action. Further information on the proposed action, or the scoping meeting may be obtained from Russell C. Mills, State Conservationist, at the above address or telephone (314) 875-5214.

"(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and Local officials.)"

Dated: December 11, 1990.

Russell C. Mills,

State Conservationist.

[FR Doc. 91-1744 Filed 1-24-91; 8:45 am]

BILLING CODE 3410-16-M

ARCTIC RESEARCH COMMISSION

Meeting

Notice is hereby given that the United States Arctic Research Commission will hold its 23rd Meeting in Washington, DC, on February 20-21, 1991. On Wednesday, February 20, the Public Session will start at 9 a.m. in room 3003 of the Ariel Rios Federal Building, 12th Street and Constitution Avenue, NW., Washington, DC.

On Thursday, February 21, the 23rd Meeting Public Session will continue, starting at 10 a.m. The Commission will meet in Executive Session following the conclusion of regular business at 2:30 p.m. The Commission will reconvene in Public Session at 3:45 p.m. Agenda items for February 20, 1991, include: (1) Chairman's Report; (2) Comments from the Alaska Congressional Delegation; (3) Comments from the Alaska Governor's office; (4) Comments from the Interagency Arctic Research Policy Committee; and (5) Status of International Activities. The Commission will receive presentations from (6) the National Oceanic and Atmospheric Administration; (7) the National Aeronautics and Space Administration; (8) the Office of Naval Research; and (9) the National Science Foundation. On Thursday, February 21, 1991, the Commission will receive presentations on (10) Arctic Oil Spill Response; (11) Innovative Proposals for Arctic Energy Systems; (12) Environmental Issues Related to Arctic Energy Programs; (13) Research Requirements Attending Arctic Energy Programs; and (14) the Arctic Data Interactive. Following the conclusion of the Executive Session, the Commission will reconvene in Public Session to discuss (15) Approval of Matters Arising from the Executive Session, and (16) Other Matters.

Any person intending to attend this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs.

CONTACT PERSON FOR MORE INFORMATION: Philip L. Johnson, Executive Director, U.S. Arctic Research Commission, (202) 371-9631 or TDD (202) 357-9867.

Philip L. Johnson,

Executive Director, U.S. Arctic Research Commission.

[FR Doc. 91-1731 Filed 1-24-91; 8:45 am]

BILLING CODE 7555-01-M

COMMISSION ON CIVIL RIGHTS

New Jersey Advisory Committee; Agenda of Public Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 10 a.m. and adjourn at 6 p.m. on February 7, 1991, Trenton Federal Building and Court House, 402 East State Street, Trenton, NJ 08608. The Committee will conduct an informal factfinding meeting on law enforcement policies and practices in the State, as they are directed toward racial, religious and ethnic groups.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Zulima Farber or John I. Binkley, Director, Eastern Regional Division at (202) 523-5264, TDD (202) 376-8117. Hearing impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Eastern Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC., January 18, 1991.

Wilfredo J. Gonzalez,

Staff Director.

[FR Doc. 91-1681 Filed 1-24-91; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[A-433-801, A-423-801, A-405-801, A-427-803, A-428-808, A-475-803, A-421-801, A-401-803, A-412-807]

Initiation of Antidumping Duty Investigations: Coated Groundwood Paper from Austria, Belgium, Finland, France, Germany, Italy, the Netherlands, Sweden, and the United Kingdom

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the Department of Commerce (the Department), we are initiating antidumping duty investigations to determine whether imports of coated groundwood paper from Austria, Belgium, Finland, France, Germany, Italy, The Netherlands, Sweden, and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value. If these investigations proceed normally, the International Trade Commission (ITC) will make its preliminary determinations on or before February 11, 1991. If these determinations are affirmative, we will make our preliminary determinations on or before June 6, 1991.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or James Terpstra, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-8830 or (202) 377-3965, respectively.

SUPPLEMENTARY INFORMATION:

The Petition

On December 28, 1990, we received a petition filed in proper form by the Committee of the American Institute to Safeguard the U.S. Coated Groundwood Paper Industry and each of its nine individual members (petitioners), on behalf of the U.S. industry producing coated groundwood paper. Supplements to the petition were received on January 16 and 17, 1991. In compliance with the filing requirements of 19 CFR 353.12, petitioners allege that imports of coated groundwood paper from Austria, Belgium, Finland, France, Germany, Italy, The Netherlands, Sweden and the United Kingdom are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Tariff Act of 1930, as amended (the Act), and that these imports are materially injuring, or threaten material injury to, a U.S. industry.

Petitioners have stated that they have standing to file the petition because they are interested parties, as defined under section 771(9)(C) of the Act, and because they have filed the petition on behalf of the U.S. industry producing the product that is subject to these investigations. If any interested party, as described under paragraphs (C), (D), (E), or (F) of section 771(9) of the Act, wishes to register support for, or opposition to, this petition, please file written notification with the Assistant Secretary for Import Administration.

Under the Department's regulations, any producer or reseller seeking exclusion from a potential antidumping duty order must submit its request for exclusion within 30 days of the date of the publication of this notice. The procedures and requirements regarding the filing of such requests are contained in 19 CFR 353.14.

United States Price and Foreign Market Value

For all countries subject to these investigations, petitioners' estimate of U.S. price is based on prices obtained by a European consultant. In addition, for Austria, Belgium, Finland, Germany, The Netherlands and the United Kingdom, petitioners' estimate of U.S. price is based on information obtained from U.S. sales representatives of the petitioners. These prices are actual offers for sale of the subject merchandise in the United States. Finally, for France, Italy and Sweden, petitioners' estimate of U.S. price is also based on average f.o.b. import values. These values were derived by aggregating Department of Commerce import statistics for the two main HTS categories under which the subject merchandise is imported.

When U.S. price is based on purchase price (Austria, Belgium, a portion of German sales, Italy, The Netherlands and Sweden), petitioners adjusted said prices as follows. For those prices based on the consultant's report and actual offers, petitioners made deductions for movement charges, discounts, rebates and commissions paid to unrelated brokers. Petitioners incorrectly calculated U.S. duty based on an f.o.b. foreign import value inclusive of U.S. duty. We recalculated U.S. duty based on the f.o.b. foreign port value exclusive of the U.S. duty amount. We disallowed petitioners' deduction for commissions from U.S. price. For U.S. prices based on average import values, petitioners deducted foreign movement changes. In all cases, petitioners added the amount of value added tax (VAT) that would have been collected if the merchandise had not been exported.

When U.S. price is based on exporter's sales price (ESP) (Finland, France, a portion of German sales and the United Kingdom), petitioners adjusted these prices as follows. For those prices based on the consultant's report and actual offers, petitioners made deductions for movement charges, discounts, rebates, credit, and indirect selling expenses. Petitioners also deducted commissions paid to related brokers, which we reclassified as indirect selling expenses. Petitioners incorrectly calculated U.S. duty based on an f.o.b. foreign port value inclusive of U.S. duty. We recalculated U.S. duty based on the f.o.b. foreign port value exclusive of the U.S. duty amount. In all cases, petitioners added the amount of VAT that would have been collected if the merchandise had not been exported.

For all countries named in the petition, petitioners' estimate of foreign market value (FMV) is based on the European consultant's estimate of the average price of the subject merchandise prevailing in each country. For Austria, Belgium, Finland, The Netherlands, and Sweden, these prices were obtained through interviews with and/or documentation obtained from knowledgeable industry officials in each of the relevant countries. For France, Germany, Italy and the United Kingdom, these prices were obtained from a published source. Petitioners deducted rebates, discounts, movement charges and (for Italy only) commissions paid to unrelated brokers in their FMV calculations. When the U.S. price was based on purchase price, petitioners made a circumstance of sale adjustment for credit expenses. In addition, we made a circumstance of sale adjustment for commissions. When the U.S. price was based on ESP, petitioners also deducted home market indirect selling expenses capped by U.S. indirect selling expenses, and home market credit expenses. For all FMV calculations, petitioners made an upward adjustment to the tax-exclusive home market prices for the VAT computed for U.S. price. Petitioners also added U.S. packing expenses and deducted home market packing expenses.

For purposes of initiation, we are not accepting petitioners' less than fair value allegations which were based on published prices for coated groundwood paper sold in the United States that were obtained by the European consultant. These prices were based on a single estimate of the range of prevailing market prices of the subject merchandise in the United States and

could not be tied directly to exports from specific countries.

Based on the comparisons of U.S. price and FMV accepted by the Department, the alleged dumping margins for each country are as follows:

Country	Alleged margins
Austria	76.38 to 83.79 percent.
Belgium	23.55 to 30.83 percent.
Finland	34.23 to 62.75 percent.
France	24.30 to 33.70 percent.
Germany	47.84 percent.
Italy	11.88 to 20.43 percent.
The Netherlands	35.03 percent.
Sweden	36.96 to 54.35 percent.
The United Kingdom	28.41 percent.

Initiation of Investigations

Under section 732(c) of the Act, the Department must determine, within 20 days after a petition is filed, whether the petition sets forth the allegations necessary for the initiation of an antidumping duty investigation, and whether the petition contains information reasonably available to the petitioner supporting the allegations.

We have examined the petition on coated groundwood paper from Austria, Belgium, Finland, France, Germany, Italy, The Netherlands, Sweden, and the United Kingdom and found that the petition meets the requirements of section 732(b) of the Act. Therefore, in accordance with section 732 of the Act, we are initiating antidumping duty investigations to determine whether imports of coated groundwood paper from the above-referenced countries are being, or are likely to be, sold in the United States at less than fair value. If our investigations proceed normally, we will make our preliminary determinations by June 6, 1991.

Scope of Investigations

The product covered by these investigations is coated groundwood paper. For purposes of these investigations, coated groundwood paper is paper coated on both side with kaolin (China clay) or other inorganic substances (*e.g.*, calcium carbonate), of which more than ten percent by weight of the total fiber content consists of fibers obtained by mechanical processes, regardless of (1) basis weight (*e.g.*, pounds per ream or grams per one square meter sheet); (2) GE brightness; or (3) the form in which it is sold (*e.g.*, reels, sheets, or other forms).

This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item numbers 4810.21.00.00, 4810.29.00.00, and 4823.59.40.40. "Paperboard" is specifically excluded from the scope of these investigations. During the course of these proceedings, the Department will clarify the meaning of the term paperboard. We invite comments from all interested parties on the appropriate definition of paperboard. These comments should be submitted no later than February 11, 1991. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

ITC Notification

Section 732(d) of the Act requires us to notify the ITC of this action and to provide it with the information we used to arrive at this determination. We will notify the ITC and make available to it all non-privileged and non-proprietary information. We will allow the ITC access to all privileged and business proprietary information in the Department's files, provided the ITC confirms in writng that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

Preliminary Determinations

The ITC will determine by February 11, 1991, whether there is a reasonable indication that imports of coated groundwood paper from Austria, Belgium, Finland, France, Germany, Italy, The Netherlands, Sweden and the United Kingdom are materially injuring, or threaten material injury to, a U.S. industry. If its determinations are negative, the investigations will be terminated. Otherwise, the Department will make its preliminary determinations on or before June 6, 1991.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: January 17, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-1822 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-037]

Drycleaning Machinery From Germany; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On November 5, 1990, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty finding on drycleaning machinery from Germany. The review covers two manufacturers/exporters of this merchandise and the period November 1, 1987 through October 31, 1988.

We gave interested parties an opportunity to comment on the preliminary results. At the request of Boewe we held a public hearing. Based on our analysis of the comment received, we have changed the margin for Boewe. The margin for Seco remains unchanged.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois or John R. Kugelman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-8312/3601.

SUPPLEMENTARY INFORMATION:

Background

On November 5, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 46539) the preliminary results of its administrative review of the antidumping finding on drycleaning machinery from Germany. The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by the review are shipments of German drycleaning machinery currently classifiable under item number 8451.10.10 of the Harmonized Tariff Schedules (HTS). During the review period this merchandise was classifiable under item number 764.4100 of the Tariff Schedules of the United States Annotated (TSUSA). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers two manufacturers/exporters of this merchandise to the United States and the period November 1, 1987 through October 31, 1988.

Analysis of Comments Received

We invited interested parties to comment on the preliminary results. At the request of Boewe, we held a public hearing on December 20, 1990.

Comment: Boewe contends that the Department should allow certain bad debt and indirect sales office expenses as a level-of-trade (LOT) adjustment.

Department's Position: We have re-analyzed Boewe's LOT claim and have concluded that it is based upon evidence substantially similar to that presented in prior reviews of this finding. In those reviews, we did accept this claim. Therefore, for these final results, we have allowed certain bad debt and indirect sales office expenses as an adjustment for differences in levels of trade.

Final Results of Review

As a result of our review of the comment received, we have determined that the following weighted-average margins exist:

Manufacturer/ exporter	Time period	Margin (percent)
Boewe	11/1/87-10/31/88	1.35
Seco	11/1/87-10/31/88	4.44

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions directly to the Customs Service.

Further, as provided for by section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required.

For any future entries of this merchandise from a new exporter not covered in this or prior administrative reviews, whose first shipments occurred after October 31, 1988, and who is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of 1.35 percent shall be required. These deposit requirements are effective for all shipments of German drycleaning machinery entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(1990).

Dated: January 18, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-1823 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-582-501]

Preliminary Results of Antidumping Duty Administrative Review: Photo Albums and Filler Pages from Hong Kong

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: In response to requests by the petitioner, the Department of Commerce is conducting an administrative review of the antidumping duty order on photo albums and filler pages from Hong Kong. This review covers 36 producers/exporters of this merchandise to the United States during the periods December 1, 1986 through November 30, 1987 and December 1, 1987 through November 30, 1988. The review indicates the existence of dumping margins for the 36 firms during each period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Mi-Yong Kim, Office of Countervailing Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 377-0189.

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1985, the Department of Commerce ("the Department") published in the **Federal Register** (50 FR 43751) and antidumping duty order on photo albums and filler pages from Hong Kong.

On December 31, 1987 and December 30, 1988, petitioner, in accordance with 19 CFR 353.22(a), requested that we conduct this administrative review. We published the notices of initiation on January 27, 1988 (53 FR 2262), January 31, 1989 (54 FR 4872), September 20, 1989 (54 FR 38712), and October 25, 1989 (54 FR 43438). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended ("the Act"). This review covers 36 producers/exporters of photo albums and filler pages and the periods December 1, 1986 through November 30, 1987 and December 1, 1987 through November 30, 1988.

Responses to the Department's October 1989 questionnaire were received from Climax Paper Converters Limited (Climax) on December 18, 1989 and February 22, 1990. We received no responses from the remaining companies. A deficiency letter was sent to Climax on October 26, 1990. Deficiency responses were received on December 17 and 19, 1990. Climax submitted clarification of information submitted in prior responses on January 4 and January 8, 1991.

On January 4, 1991, the Department withdrew its request for cost of production information from Climax because the Department found that it has incorrectly requested this information.

For those companies that did not respond to the Department's questionnaire, we used the calculated margin in the final determination of the less than fair value investigation as best information available.

Scope of Review

The merchandise covered by this review is photo albums and photo album filler pages. During the periods of review, such merchandise was classifiable under the *Tariff Schedules of the United States* (TSUS) items 256.60, 256.87, 256.90, or 774.55. Since January 1, 1989, the subject merchandise has been classifiable under Harmonized Tariff Schedule (HTS) numbers 3920, 3921, 3926.90, 4819.50, 4820.50, 4820.90, or 4823.90. The TSUS and HTS item numbers are provided for convenience and customs purposes. The written description remains dispositive.

United States Price

We based United States price on both purchase price and exporter's sales price (ESP), in accordance with section 772(b) and (c) of the Act. Purchase price was used where sales were made directly to unrelated parties prior to importation into the United States. ESP was used where sales were made to unrelated purchasers after the date of importation into the United States. ESP was also used where the merchandise was sold to unrelated purchasers prior to importation but was carried in the inventory of a related U.S. company of Climax prior to delivery in the United States.

We calculated purchse price based on packed, f.o.b. Hong Kong port or c.i.f. prices. We made deductions where appropriate, for foreign inland freight, ocean freight and marine insurance, in accordance with section 772(d)(2) of the Act.

Where United States price was based on ESP, we calculated ESP based on f.o.b. U.S. warehouse prices. We made deductions, where appropriate, for foreign inland freight, ocean freight, marine insurance, U.S. brokerage, and U.S. inland freight. We made further

deductions, where appropriate, for discounts, rebates, credit expenses, commissions, inventory carrying costs, and other indirect selling expenses, in accordance with section 772(e) (1) and (2) of the Act.

Foreign Market Value

Foreign market value (FMV) was calculated based on third country prices or constructed value (CV), as appropriate.

In its response, Climax initially reported that the volume of sales in its home market of the class or kind of merchandise subject to review was not sufficient to provide a basis for calculating FMV. However, when the Department compared the volume of home market sales to the aggregate volume of third country sales in each category of such or similar merchandise, we found that the volume of home market sales represented more than five percent of the aggregate volume of third country sales in several of the such or similar categories. The Department therefore determined that, for these such or similar categories, home market sales constituted a viable basis for calculating FMV. Nevertheless, because information necessary for the proper analysis of these home market sales was not submitted until January 8, 1991, the Department did not have adequate time to use these sales as a basis for calculating FMV. Instead, for purposes of these preliminary results of review, CV was used as the basis for determining FMV for the such or similar categories in which home market sales were found to be viable.

For each such or similar category where the home market was not viable, we then looked to see whether there were sufficient sales of the subject merchandise to a third country market to provide a basis for establishing FMV. In selecting the appropriate third country market to use for comparison purposes, we first determined which third country markets had an "adequate" volume of sales, in accordance with 19 CFR 353.49(b)(1). We determined that the volume of sales to a third country market was adequate if the sales of such or similar merchandise exceeded or was equal to five percent of the volume sold to the United States. In determining which third country market with an adequate sales volume was the most appropriate for comparison purposes, we selected the third country market with the largest volume of sales, in accordance with 19 CFR 353.49(b)(2). Where neither the home market nor any third country market had an adequate volume of sales to constitute a viable market for calculating FMV, we based FMV on CV, in accordance with section 773(a)(2) of the Act.

Where FMV was based on a third country market, we made deductions, where appropriate, for foreign inland freight, ocean freight, and marine insurance. We deducted third country packing costs and added U.S. packing costs, in accordance with section 773(a)(1)(B) of the Act.

We made circumstance of sale adjustments, where appropriate, for differences in credit expenses in accordance with 19 CFR 353.56. Where commissions were paid only in the U.S. market, we also made an adjustment, where appropriate, using third country indirect selling expenses to offset commissions paid in the United States, in accordance with 19 CFR 353.56(a)(2).

For comparisons involving ESP transactions, we made further deductions for third country indirect selling expenses capped by indirect selling expenses incurred on ESP sales, in accordance with 19 CFR 353.56(b)(2).

In addition, where appropriate, we made adjustments to account for differences in the physical characteristics of the merchandise, in accordance with 19 CFR 353.57.

Where FMV was based on CV, we included materials, fabrication, general expenses, profit, and packing. For comparisons involving purchase price and ESP sales we used: (1) The statutory ten percent minimum of materials and fabrication costs to represent general expenses because actual general expenses were less than the statutory minimum; (2) the statutory minimum profit of eight percent of the cost of production because actual profit was less than the statutory minimum; and (3) credit and commissions which were included in the selling expenses.

We made an adjustment to CV, in accordance with 19 CFR 353.56, for differences in circumstances of sale. This adjustment was made for differences in credit expenses and commissions.

For comparisons involving ESP transactions, we made a further deduction for indirect selling expenses capped by the indirect selling expenses incurred on ESP sales, in accordance with 19 CFR 353.56(b)(2).

For those U.S. sales where we had no matches in the third country market or constructed value, we used the calculated margin from the final determination of the less than fair value investigation as best information available.

Preliminary Results of the Review

As a result of our review, we preliminarily determine that the following margins exist for the periods December 1, 1986 through November 30, 1987 (Period I) and December 1, 1987 through November 30, 1988 (Period II):

Manufacturer/exporter	Period I	Period II
	Margin (percent)	Margin (percent)
Climax	1.32	1.87
AICO	3.96	3.96
Bernlaxie	3.96	3.96
Chung Wai	3.96	3.96
Consolidated Powers	3.96	3.96
Evergreen & Pych	3.96	3.96
Hoi Kun	3.96	3.96
Lee Tung	3.96	3.96
Marks International	3.96	3.96
Mascotte	3.96	3.96
Mirai Denshi (HK)	3.96	3.96
Northvale	3.96	3.96
Orient Consolidation	3.96	3.96
Perfect Leather Ware	3.96	3.96
Potex	3.96	3.96
S & C Import Export	3.96	3.96
Schenker (HK)	3.96	3.96
Sun Woo	3.96	3.96
Tradepower Holdings Limited	3.96	3.96
Union Paper Box & Printing	3.96	3.96
Wah Luen	3.96	3.96
World Wide Stationery	3.96	3.96
Far East Metal & Plastic	3.96	3.96
General Trading	3.96	3.96
Graphics International	3.96	3.96
Great China Industrial	3.96	3.96
Hang Fat	3.96	3.96
Hip Sing Leather Products	3.96	3.96
Pavri Bros.	3.96	3.96
Perfect Industrial	3.96	3.96
Sincere	3.96	3.96
Tai Shun	3.96	3.96
Unique Stationary	3.96	3.96
Wing Shing	3.96	3.96
Wiseman Plastic Products	3.96	3.96
Zamform Enterprises	3.96	3.96

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within ten days of publication. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any written or oral comments.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate

entries. The Department will issues appraisement instructions directly to the Customs Service upon completion of this administrative review.

Furthermore, the following deposit requirements will be effective upon publication of our final results of this administrative review for all shipments of the subject merchandise from Hong Kong entered, or withdrawn from warehouse, for consumption on or after that publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for any shipments of this merchandise manufactured or exported by the remaining known manufacturers/exporters not covered in this review will continue to be at the rate published in the final determination of sales at less than fair value; (2) the cash deposit rate for the reviewed companies will be that established in the final results of the December 1, 1987 through November 30, 1988 review; (3) the cash deposit rate for any future entries of this merchandise from a new producer and/or exporter, not covered in the December 1, 1986 through November 30, 1987 review period or the original investigation, whose first shipments occurred after November 30, 1987 but before December 1, 1988, and who is unrelated to a reviewed firm or any firm that was subject to the original investigation will be 1.32 percent, the rate established for Climax for the period December 1, 1986 through November 30, 1987; and (4) the cash deposit rate for any future entries of this merchandise from a new producer and/or exporter, not covered in this administrative review or the original investigation, whose first shipments occurred after November 30, 1988, and who is unrelated to a reviewed firm or any firm that was subject to the original investigation will be 1.87 percent, the rate established for Climax for the period December 1, 1987 through November 30, 1988. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: January 18, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-1824 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-805]

Final Determination of Sales at Less Than Fair Value: Sodium Thiosulfate from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commmerce.

ACTION: Notice.

SUMMARY: We determine that imports of sodium thiosulfate from the People's Republic of China are being, or are likely to be, sold in the United States at less than fair value. We also determine that critical circumstances do not exist with respect to these imports. The ITC will determine on or before April 4, 1991, whether these imports materially injure, or threaten material injury to, a U.S. industry.

EFFECTIVE DATE: January 25, 1991.

FOR FURTHER INFORMATION CONTACT: Kate Johnson or Shawn Thompson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-8830 or (202) 377-1776, respectively.

SUPPLEMENTARY INFORMATION:

Final Determination

We determine that imports of sodium thiosulfate from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1673(d)(a) (the Act). The estimated margin is shown in the "Suspension of Liquidation" section of this notice.

Case History

Since the notice of preliminary determination (55 FR 51140, December 12, 1990), there has been no further activity in this proceeding.

Scope of the Investigation

The products covered by this investigation are all grades of sodium thiosulfate, in dry or liquid form, used primarily to dechlorinate industrial waste water. The chemical composition of sodium thiosulfate is $Na_2S_2O_3$. Sodium thiosulfate is currently classifiable under Harmonized Tariff Schedule (HTS) subheading 2832.30.1000. The HTS subheading is provided for convenience and customs purposes. The written description remains dispositive.

Period of Investigation

The period of investigation is February 1, 1990, through July 31, 1990.

Best Information Available

To determine whether sales of sodium thiosulfate from the PRC to the United States were made at less than fair value, we used the best information available, as required by section 776(c) of the Act. For a discussion of the reasons for using best information available, see the preliminary determination in this case.

As best information available, we used the only margin listed in the petition for sodium thiosulfate for the period of investigation.

Critical Circumstances

Petitioner alleges that "critical circumstances" exist with respect to imports of the subject merchandise from the PRC. For a discussion of the factors considered in our analysis, see the preliminary determination in this case.

For our preliminary determination, we found that critical circumstances did not exist based on an analysis of the Commerce Department's import statistics for sodium thiosulfate from the PRC for the two months following the month of the filing of the petition (*i.e.*, August and September 1990). We examined only two months because those months represented the latest information available at the time.

Since the preliminary determination, we have been able to obtain updated U.S. import statistics through October 1990. The statistics for August through October indicate that imports of sodium thiosulfate from the PRC have not been massive. Therefore, in accordance with section 733(e)(1)(B), we determine that critical circumstances do not exist with respect to imports of sodium thiosulfate from the PRC.

Verification

No verification occurred because no response was received to the Department's questionnaire.

Interested Party Comments

There were no comments submitted in connection with this investigation.

Continuation of Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to continue to suspend liquidation of all entries of sodium thiosulfate from the PRC, as defined in the "Scope of the Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of

publication of this notice in the **Federal Register**. The Customs Service shall continue to require a cash deposit or posting of a bond equal to 25.57 percent (the estimated dumping margin) on these entries. The suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 735(c) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

The ITC will determine on or before April 4, 1991, whether these imports material injury, or threaten material injury to, a U.S. industry. If the ITC determines that material injury, or the threat of material injury, does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that such injury does exist, the Department will issue an Antidumping Duty Order directing customs officials to assess antidumping duties on sodium thiosulfate from the PRC entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, equal to the margin shown above.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)).

Dated: January 17, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-1825 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DS-M

National Institute of Standards and Technology

[Docket No. 901248-0348]

National Voluntary Laboratory Accreditation Program (NVLAP) Program Establishment

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Request for comments on need for establishing a laboratory accreditation program.

SUMMARY: The National Institute of Standards and Technology (NIST) has received a request to establish a laboratory accreditation program. In a letter dated November 27, 1990, the National Electrical Manufacturers Association, Washington, DC, requested that NIST establish an accreditation program for testing electric lighting product performance (but not safety). A copy of the request letter is set out as an appendix to this notice. Announcement of this request by the National Electrical Manufacturers Association (NEMA), and of the NIST request for comments with respect thereto, are being made under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR Part 7.11(d)) of the referenced procedures.

DATES: Comments may be submitted on or before March 26, 1991.

ADDRESSES: Persons desiring to comment on the need for such an accreditation program are invited to submit there comments in writing within the 60 day comment period to Nancy M. Trahey, Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, Building 411 A124, Gaithersburg, MD 20899. Copies of comments received will be available for inspection and copying at the Department of Commerce Central Reference and Records Inspection Facility, room 6228, Hoover Building, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Lawrence Galowin, Project Leader, Laboratory Accreditation, National Institute of Standards and Technology, Building 411 A124, Gaithersburg, MD 20899; phone (301) 975-4022.

SUPPLEMENTARY INFORMATION:

Scope of Laboratory Accreditation

The request letter called for accreditation of test laboratories based on standard test methods for product performance of electric lighting products for the proposed program. The standard test methods and related performance standards consist of the published standards from development organizations such as the American National Standards Institute, American Society for Testing Materials, Illuminating Engineering Society of North America, and National Electrical Manufacturers Association.

Procedure Following Receipt of Comments

After the 60 days comment period, NIST will thoroughly evaluate all comments pertaining to the proposed accreditation program and will notify all interested persons by copy of a FR notice (those are submitters of comments or those requested to be placed on the NVLAP mailing list) of the decision by the director of NIST regarding development of this program. If the decision is made to develop the accreditation program, technical assistance and input will be sought from all interested parties to prepare or comment on the program handbook, establish the list of appropriate specific test methods, technical criteria for laboratory requirements of the program, specific checklists for assessing the applicant laboratories in accordance with NVLAP criteria and establishing appropriate proficiency testing programs. Also, the NVLAP procedures provide for public comment prior to final publication of the accreditation requirements.

Dated: January 16, 1991.

John W. Lyons,

Director.

Appendix

November 27, 1990.

Director, National Institute of Standards and Technology, Gaithersburg, MD 20899.

Dear Dr. Lyons: This letter is written on behalf of the Lighting Equipment Division of NEMA to request that a laboratory accreditation program (LAP) be established through the National Voluntary Laboratory Accreditation Program of the National Institute of Standards and Technology.

The purpose of this program would be to accredit testing laboratories to certify that standard test methods for product performance (and not safety) are followed in testing electric lighting products, such as indoor and outdoor luminaires, lamps, ballasts, and systems comprised of the foregoing and other lighting products. The standard test methods and related performance standards would be those developed through such standards making organizations as NEMA, the Illuminating Engineering Society of North America, the American National Standards Institute, and the American Society for Testing Materials.

The reasons for this request to establish such a program are as follows:

1. It would avoid the duplication of efforts by different federal government agencies.
2. It would avoid the establishment of accreditation programs not based on consensus or consensus standards.
3. It would establish credible data for consumers and thereby avoid confusion in the marketplace.
4. It would assist in improving the general quality of products in the marketplace.

The NEMA Lighting Equipment Division is willing to assist the National Institute of standards and Technology in identifying and possibly obtaining the necessary technical resources to establish the accreditation program.

Please give this request your immediate attention.

Sincerely,

Frank Kitzantides,

Vice President, Engineering.

[FR Doc. 91-1814 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Intent To Conduct a Public Meeting on the Preparation of a Draft Environmental Impact Statement for the Proposed Delaware National Estuarine Research Reserve

AGENCY: National Oceanic and Atmospheric Administration, National Ocean Service, Office of Ocean and Coastal Resource Management.

ACTION: Notice of intent to conduct public meeting and prepare a Draft Environmental Impact Statement.

SUMMARY: In accordance with section 315 of the Coastal Zone Management Act of 1972, as amended, the State of Delaware and the National Oceanic and Atmospheric Administration (NOAA) intend to conduct a public meeting to present a preliminary draft management plan for the proposed Delaware National Estuarine Research Reserve and to discuss significant issues related to the preparation of a Draft Environmental Impact Statement (DEIS). The DEIS and draft management plan address research, monitoring, education and resource protection needs for the reserve.

DISCUSSION: In June 1990, NOAA approved the nomination of the St. Jones River and Upper Blackbird Creek in Delaware as a proposed research reserve. Research reserves provide natural coastal habitats as field laboratories for baseline ecological studies and education programs. Research and monitoring programs are designed to enhance basic scientific understanding to coastal environments and aid in resource management decisionmaking.

The Delaware Department of Natural Resources and Environmental Control has developed a preliminary draft management plan for the proposed reserve system. The draft plan identifies specific needs and priorities related to research, monitoring, education, and resource protection at the approved sites. It also contains a five-year administration plan and budget as well as a discussion of volunteer programs, public access, visitor use policies, and facilities development needs.

At the public meeting, the DNREC and NOAA will provide a synopsis of the draft management plan and will solicit comments on significant enviornmental issues which will be incorporated into a Draft Environmental Impact Statement.

The public meeting will be held at 7 p.m. on Tuesday, February 12, 1991 at the Fraternal Order of Police Kitts Hummock Lodge on Kitts Hummock Road, County Road 68, 1½ miles east of Route 9 and located on the south side of County Road 68, in Dover, Delaware.

Interested parties who wish to submit suggestions, comments or substantive information regarding the scope or content of this DEIS are invited to attend. Parties who wish to respond in writing should do so by February 26, 1991.

Comments may be submitted in writing to Ms. Cheryl A. Graham, Program Specialist, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, NOAA, 1825 Connecticut Avenue NW., suite 714, Washington, DC 20235 (Telephone 202/673-5122).

(Federal Domestic Assistance Catalog Number 11.420 (Coastal Zone Management) Estuarine Sanctuaries)

Dated: January 18, 1991.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91-1826 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-08-M

Granting of Exclusive Licensing

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of intent to grant exclusive license.

SUMMARY: NOAA announces, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the Northwest Fisheries Center, National Marine Fisheries Service (NMFS), NOAA, will grant an exclusive license in the United States and certain foreign countries to practice the invention embodied in U.S. Patent Number 4,935.192 to Nonpareil Corporation, having a place of business at Blackfoot, Idaho. The patent rights in this invention have been assigned to the United States of America. The exclusive license, which will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7, will be granted unless, within 60 days from the date of publication of this notice, written evidence and argument that establish that the grant of license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7 are received.

DATES: Comments must be received by March 26, 1991.

ADDRESSES: Inquiries, comments and other materials relating to the license must be submitted to Dr. Mel Eklund, Director, Utilization Research Divison, Northwest Fisheries Center, NOAA, NMFS, 2725 Montlake Boulevard, East, Seattle, WA 98112.

FOR ADDITIONAL INFORMATION CONTACT: Dr. Mel Eklund, (206) 553-7746.

SUPPLEMENTARY INFORMATION: The invention is a method for the preparation and use of products derived from potatotes for treating fish meat to prevent softness due to presence of proteolytic enzymes. The availability of the invention for licensing was published on May 30, 1989 at 54 FR 22927.

Dated: January 14, 1991.

William W. Fox, Jr.,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 91-1830 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-12-M

National Marine Fisheries Service, Marine Mammals; Application for Permit; California Marine Mammal Center (P472)

Notice is hereby given that the Applicant has applied in due form for a Permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

1. Applicant: Janette Roletto, Curator, California Marine Mammal Center, Fort Cronkhite, CA 94965.

2. Type of Permit: Scientific Research.

3. Name and Number of Marine Mammals: California sea lions (*Zalophus californianus*) 2.

4. Type of Take: The Applicant proposes to condition two male captive born California sea lions for release in the wild. The study will determine if two captive born sea lions can survive in the wild and successfully integrate with wild conspecifics. The purpose of the release is to test the hypothesis that captive-born sea lions can be conditioned to live in the wild.

The Applicant states that, by conducting this project, they nor the California Marine Mammal Center promote or condone the release of captive reared marine mammals. This study is purely to determine if captive born sea lions could survive in the wild. They do not feel that this is the only solution to the problem of over population of captive sea lions.

5. Location and Duration of Activity: Animals will be released to the Southeast Farallon Island at Fisherman's Bay in early March.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Hwy., room 7234, Silver Spring, Maryland 20910, within 30 days of the publication of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries. All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review by interested persons in the following offices:

Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., suite 7324, Silver Spring, Maryland 20910; and

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731.

Dated: January 18, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91-1706 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-22-M

COMMISSION OF FINE ARTS

[BAC: 6330-01]

Meeting

The Commission of Fine Arts' next meeting is scheduled for Thursday, 21 February 1991 at 10 a.m. in the Commission's offices in the Pension Building, Suite 312, Judiciary Square, 441 F Street, NW., Washington, DC 20001 to discuss various projects affecting the appearance of Washington, DC, including buildings, memorials, parks, etc.; also matters of design referred by other agencies of the government. Handicapped persons should call the Commission offices (202-504-2200) for details concerning access to meetings.

Inquiries regarding the agenda and requests to submit written or oral statements should be addressed to Charles H. Atherton, Secretary, Commission of Fine Arts, at the above address or call the above number.

Dated in Washington, 18 January 1991.

Charles H. Atherton,

Secretary.

[FR Doc. 91-1816 Filed 1-24-91; 8:45 am]

BILLING CODE 6330-01-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of Import Levels for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

January 18, 1991.

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

ACTION: Issuing a directive to the Commissioner of Customs establishing import levels for the new agreement year.

EFFECTIVE DATE: February 1, 1991.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566-5810. For information on embargoes and quota re-openings, call (202) 377-3715.

SUPPLEMENTARY INFORMATION:

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

The Bilateral Textile Agreement, effected by exchange of notes dated February 19 and 24, 1986, as amended and extended, between the Governments of the United States and the People's Republic of Bangladesh establishes limits for the period February 1, 1991 through January 31, 1992.

A copy of the agreement is available from the Textiles Division, Bureau of Economic and Business Affairs, U.S. Department of State, (202) 647-3889.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 20, 1990).

The letter to the Commissioner of Customs and the action taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

January 18, 1991.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), and the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as further amended on July 31, 1986; pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated February 19 and 24, 1986, as amended and extended, between the Governments of the United States and the People's Republic of Bangladesh; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on February 1, 1991, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, man-made fiber, silk blend and other vegetable fiber textiles and textile products in the following categories, produced or manufactured in Bangladesh and exported during the twelve-month period which begins on February 1, 1991 and extends through January 31, 1992, in excess of the following restraint limits:

Category	12-month restraint limit
331	701,307 dozen pairs.
334	84,451 dozen.
335	151,632 dozen.
336/636	258,428 dozen.
338/339	786,070 dozen.
340/640	1,776,958 dozen of which not more than 657,474 dozen shall be in Categories 340-Y/640-Y.[1]
341	1,472,049 dozen of which not more than 646,451 dozen shall be in Category 341-Y.[2]

Category	12-month restraint limit
342/642	254,687 dozen.
347/348	1,324,843 dozen.
351-651	404,496 dozen.
635	191,420 dozen.
638/639	996,880 dozen.
641	616,388 dozen.
645/646	234,105 dozen.
647/643	833,235 dozen of which not more than 541,602 dozen shall be in Categories 647-T/648-T.[3]
847	421,350 dozen.

[1] Category 340-Y: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2046, 6205.20.2050 and 6205.20.2060; Category 640-Y: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2050 and 6205.30.2060.

[2] Category 341-Y: only HTS numbers 6204.22.3060, 6206.30.3010 and 6206.30.3030.

[3] Category 647-T: only HTS numbers 6103.23.0040, 6103.29.1020, 6103.43.1520, 6103.43.1540, 6103.49.1020, 6103.49.3014, 6112.12.0050, 6112.19.1050, 6112.20.1060, 6113.00.0045, 6203.23.0060, 6203.29.2030, 6203.43.2500, 6203.43.3500, 6203.43.4010, 6203.43.4020, 6203.49.1500, 6203.49.2010, 6203.49.2030, 6203.49.3030, 6210.40.1030, 6211.20.1525, 6211.20.3030 and 6211.33.0030; Category 648-T: only HTS numbers 6104.23.0032, 6104.29.1030, 6104.29.2038, 6104.63.2010, 6104.63.2025, 6104.69.2030, 6104.69.3026, 6112.12.0060, 6112.19.1060, 6112.20.1070, 6113.00.0050, 6117.90.0046, 6204.23.0040, 6204.29.2020, 6204.29.4038, 6204.63.2000, 6204.63.3000, 6204.63.3510, 6204.63.3530, 6204.69.2510, 6204.59.2530, 6204.59.3030, 6204.69.9030, 6210.50.1030, 6211.20.1555, 6211.20.6030, 6211.43.0040 and 6217.90.0060.

Imports charged to these category limits for the period February 1, 1990 through January 31, 1991 shall be charged against the levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

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

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-1819 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DR-M

Announcing 1991 Agreement Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Hong Kong; Correction

January 18, 1991

On page 50860, first column, of the notice published in the Federal Register on December 11, 1990, the correct limit for Category 846(2) is 428,071 dozen.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-1820 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DR-M

Announcement of Requests for Bilateral Consultations with the People's Republic of Bangladesh

January 18, 1991.

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

ACTION: Notice.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist Office of Textiles and Apparel, U.S. Department of Commerce (202) 377-4212. For information on categories on which consultations have been requested, call (202) 377-3740.

SUPPLEMENTARY INFORMATION:

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

On December 31, 1990, under the terms of Article 3 of the Arrangement Regarding International Trade in Textiles, done at Geneva on December 20, 1973, as further amended on July 31, 1986, the Government of the United States requested consultations with the Government of the People's Republic of Bangladesh concerning Categories 363 (cotton, terry and other pile towels) and 634 (other man-made fiber men's and boys' coats), produced or manufactured in Bangladesh.

The purpose of this notice is to advise the public that, if no solution is agreed upon in consultations with the People's Republic of Bangladesh, the Committee for the Implementation of Textile Agreements may later establish limits for the entry and withdrawal from warehouse for consumption of textile products in Categories 363 and 634, produced or manufactured in Bangladesh and exported during the twelve-month period which began on December 31, 1990 and extends through December 30, 1991, at levels of not less than 10,648,989 numbers for Category 363 and 164,575 dozen for Category 634.

Summary market statements concerning these categories follow this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Categories 363 and 634, or to comment on domestic production or availability of products included in these categories is invited to submit 10 copies of such comments or information to Auggie D. Tantillo, Chairman, Committee for the Implementation of Textile Agreements, U.S. Department of Commerce, Washington, DC 20230, ATTN: Public Comments.

Because the exact timing of the consultations is not yet certain, comments should be submitted promptly. Comments or information submitted in response to this notice will be available for public inspection in the Office of Textiles and Apparel, Room H3100, U.S. Department of Commerce, 14th and Constitution Avenue, NW, Washington, DC.

Further comments may be invited regarding particular comments or information received from the public which the Committee for the Implementation of Textile Agreements considers appropriate for further consideration.

The solicitation of comments regarding any aspect of the agreement or the implementation thereof is not a waiver in any respect of the exemption contained in 5 U.S.C. 553(a)(1) relating to matters which constitute "a foreign affairs function of the United States."

The United States remains committed to finding a solution concerning Categories 363 and 634. Should such a solution be reached in consultations with the Government of the People's Republic of Bangladesh, further notice will be published in the **Federal Register.**

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990).

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Market Statement—Cotton Terry and Other Pile Towels; Category 363

Bangladesh
December 1990

Import Situation and Conclusion

U.S. imports of cotton towels—Category 363—from Bangladesh surged to 10,997,889 units in the year ending October 1990, double the 5,620,761 units imported a year earlier. During the first ten months of 1990, Bangladesh shipped 9,628,509 units, nearly double their January-October 1989 level and 49 percent above their total calendar year 1989 level. There were no category 363 imports from Bangladesh in 1987. In the January-October 1990 period, Bangladesh became the fourth largest supplier of cotton terry towels to the United States, accounting

for 8 percent of the total category 363 imports. In 1989 Bangladesh was ranked ninth among the major supplying countries and accounted for 4 percent of total category 363 imports.

The sharp and substantial increase of Category 363 imports from Bangladesh is disrupting the U.S. market for cotton terry and other pile towels.

Import Penetration and Market Share

U.S. production of cotton terry towels declined in 1988, recovered in 1989, and declined again in the first six months of 1990, falling 14 percent below the 1987 level on an annualized basis.

U.S. imports on the other hand increased in every year since 1987 reaching 148,151,000 units in 1989, 12 percent above the 1987 level. Imports reached 158,257,000 units in the year ending October 1990, 13 percent above the year ending October 1989 level. During the first ten months of 1990 cotton terry towel imports increased by 9 percent over the January–October 1989 level.

The domestic producers' share of the cotton towel market fell from 81 percent in 1987 to 75 percent during the first six months of 1990. The ratio of imports to domestic production increased from 24 percent in 1987 to 34 percent during the first half of 1990.

Duty Paid Value and U.S. Producers' Price

Approximately 95 percent of Category 363 cotton towel imports from Bangladesh during 1990 entered under HTSUSA number 6302.60.0020, toilet linen of terry toweling or similar terry fabrics other than dish towels. These cotton towels entered the U.S. at duty paid landed values below U.S. producers' prices for comparable towels.

Market Statement—Men's and Boys' Man-Made Fiber Other Coats; Category 634

Bangladesh
December 1990

Import Situation and Conclusion

U.S. imports of men's and boys' man-made fiber other coats, Category 634, from Bangladesh reached 175,382 dozen for the year ending October 1990, two and a half times the 69,762 dozen imported a year earlier. During the first ten months of 1990, imports from Bangladesh were 151,133 dozen, more than twice the amount imported during the same period a year earlier, and 65 percent higher than the amount imported during calendar year 1989.

The sharp and substantial increase in Category 634 imports from Bangladesh is causing disruption in the U.S. market for men's and boys' man-made fiber other coats.

U.S. Production and Market Share

U.S. production of men's and boys' man-made fiber other coats, Category 634, declined 7 percent form calendar year 1987, falling from 4,219 thousand dozen to 3,915 thousand dozen in 1989. The U.S. manufacturers' share of this market fell from 55 percent in 1987 to 51 percent in 1989.

U.S. Imports and Import Penetration

U.S. imports of men's and boys' man-made fiber other coats, Category 634, grew from 3,397 thousand dozen to 3,699 thousand dozen between 1987 and 1989, an increase of 9 percent. Imports continue to increase in 1990, up 17 percent in the first 10 months of 1990 over the January–October 1989 level. The ratio of imports to domestic production in Category 634 increased from 81 percent in 1987 to 94 percent in 1989, an increase of 13 percentage points.

Duty-Paid Value of U.S. Producers' Price

Approximately 79 percent of Category 634 imports from Bangladesh during the frist ten months of 1990 entered under HTSUSA numbers 6201.93.3000—men's and boys' man-made fiber water resistant anoraks, windbreakers, and similar jackets; 6210.20.1010—men's and boys' man-made fiber coats or jackets except those with an outer surface covered with rubber or plastic which completely obscures the underlying fabric; and 6210.40.1020—other men's and boys' man-made fiber anoraks, windbreakers, and similar articles. These coats entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable coats.

[FR Doc. 91-1821 Filed 1-24-91; 8:45 am]

BILLING CODE 3510-DR-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List; Additions

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

ACTION: Additions to procurement list.

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

EFFECTIVE DATE: February 25, 1991.

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

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

SUPPLEMENTARY INFORMATION: On December 7, 1990, the Committee for Purchase from the Blind and Other Severely Handicapped published notice (55 FR 50577) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified workshops to produce the commodities and provide the service at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

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

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

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

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

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

Commodities

Brassard, Military Police
8455-00-818-8826

Marker, Traffic Control Device
9905-01-009-7826

Service

Janitorial/Custodial, F. Edward Hebert Federal Building, 600 South Maestri Place, New Orleans, Louisiana.

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 91-1795 Filed 1-24-91; 8:45 am]

BILLING CODE 6820-33-M

COMMODITY FUTURES TRADING COMMISSION

Commodity Exchange Inc., Proposed Amendment Relating to the Silver Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule change.

SUMMARY: The Commodity Exchange, Inc. ("COMEX" or "Exchange") submitted a proposal to amend its silver futures contract. The proposed amendment will increase the minimum permissible price fluctuation to five tenths of one cent per troy ounce from one tenth of one cent per troy ounce for trading in the silver futures contract for outright trades only. Under the proposal, silver futures straddles executed at a differential would continue to be subject to the existing one-tenth-cent per troy ounce minimum price fluctuation. In accordance with section 5a(12) of the Commodity Exchange Act and acting pursuant to the authority delegated by Commission Regulation 140.96, the Director of the Division of Economic

Analysis ("Division") of the Commodity Futures Trading Commission ("Commission") has determined, on behalf of the Commission, that publication of this proposal is in the public interest and will assist the Commission in considering the views of interested persons. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before February 25, 1991.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Reference should be made to the amendment to the minimum price fluctuation for the COMEX silver futures contract.

FOR FURTHER INFORMATION CONTACT: Joseph B. Storer, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 29581, (202) 254-7303.

SUPPLEMENTARY INFORMATION: The Exchange proposal was resubmitted on January 16, 1991, incorporating an earlier COMEX submission of March 9, 1990 which was previously remitted and a letter from COMEX dated June 1, 1990.

The COMEX silver futures contract's current rules mandate that all bids and offers to buy or sell silver futures contracts shall be quoted on a per troy ounce basis, in cents and decimal fractions of one cent. The contract's current rules do not permit transactions in silver futures contracts at prices smaller than one tenth of one cent per troy ounce ($.001), which is the minimum tick.

With the proposed amendment, outright transactions in silver futures would not be permitted at prices smaller than five tenths of one cent per troy ounce ($.005). However, transactions involving spreads or straddles in silver futures could continue to be executed in minimum increments of one tenth of one cent per troy ounce under the proposal. The Exchange indicated that, following Commission approval, the amended rules would be made effective with respect to all existing and newly listed contract months. In justification of the proposal, the Exchange indicated that:

> The Exchange believes that the current .1 c.p.o. minimum price fluctuation in outright silver futures is inefficient and is inconsistent with pricing practices in the market. The Exchange conducted a comprehensive analysis of outright silver futures transactions at various price levels for all contract months and over a period of three months (February 1–April 26, 1990) . . . .
>
> The results revealed that 92% of total outright contract volume and 92% of total outright trades were transacted in prices ending in .0 or .5 c.p.o. With regard to customer trades, 91% of all customer contract volume and customer transactions occurred at these price levels. During active periods, reflected by the five minute open and close, 94–95% of both total contract volume and transactions were conducted in .0 or .5 c.p.o. The percentages for customer trades were similarly high, with 93% of customer volume and 92–94% of customer trades occurring at these prices.
>
> These results support the Exchange's view that the outright futures market trades primarily in prices registered in .5 c.p.o. and that the current .1 c.p.o. tick does not conform with pricing practices. Trades at .1 c.p.o. increments are often the result of limit orders which, in the presence of a fast-moving market that trades primarily in .5 c.p.o. increments, may have a disruptive effect. In such a market, the likelihood of a broker missing a fill at .1 c.p.o. is high. Such occurrences cause disruptions in trading and therefore interfere with smooth and efficient pricing. Moreover, costs are imposed on brokers who may be forced to fill a limit order at a higher price. To the extent that overall execution costs are increased, these costs are ultimately translated to customers. As such, the current .1 c.p.o. minimum price fluctuation is inefficient.
>
> . . . The Exchange believes that maintaining the .1 c.p.o. tick for future straddles executed at a differential (i.e. regular straddles) is appropriate because a .5 c.p.o. tick on these straddles would impose costs on participants by artificially increasing the costs of immedicacy. The proposed rule change is consistent with a market that already trades primarily in .5 c.p.o. increments for outrights and in .1 c.p.o. increments for straddles.

The Division, on behalf of the Commission, requests comment on the proposed increase in the minimum price fluctuation for COMEX silver futures. The Division also specifically requests comment on the Exchange's proposal to apply the proposed increase in the minimum permissible price change to existing positions in currently listed silver futures contract months.

Copies of the proposed amendment will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the amended terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314.

The materials submitted by the Exchange in support of the proposed amendment may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such material should be made to the FOI, Privacy and Sunshine Acts Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendment should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC, by the specified date.

Issued in Washington, DC on January 18, 1991.

Gerald Gay,

Director, Division of Economic Analysis.

[FR Doc. 91-1675 Filed 1-24-91; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Broad Agency Announcement DAAA21-91-BAA1

AGENCY: U.S. Army Armament, Munitions and Chemical Command, DOD.

ACTION: Notice.

SUMMARY: The U.S. Army, AMCCOM, for the Joint Service Small Arms Program (JSSAP) Office, is soliciting proposals from industry, academia, government, and other agencies in support of scientific study and experimentation directed at advancing the combat effectiveness and survivability of the combatant. State-of-the-art technology advancements in the small arms areas of Non-conventional Incapacitation Mechanisms (Less-Than-Lethal), Weapon System Embedded Training, and Soldier Integrated "Heads-Up" Fire Control Systems are desired.

FOR FURTHER INFORMATION CONTACT: Commander, U.S. Army Armament, Munitions and Chemical Command, ATTN: AMSMC-PCW-D(D)/Ms. Jean Grinter, Picatinny Arsenal, NJ 07806-5000, (201) 724-2016. Any technical questions related to this BAA should be directed to Mr. Matthew Zimmerman, U.S. Army ARDEC, SMCAR-CCJ, Picatinny Arsenal, NJ 07806-5000, (201) 724-7993.

SUPPLEMENTARY INFORMATION: Non-Conventional Incapacitation Mechanisms (Less-Than-Lethal) refer to other than conventional kinetic or chemical energy methods for incapacitating personnel without killing, or rendering equipment targets inoperable. Future application of this technology is envisioned to be in a man-portable, Individual and/or Crew Served Weapon role.

Weapon System Embedded Training is a computer derived training capability designed into a small arms fire control system to enhance the user's proficiency to operate and maintain the weapon. The programmable, interactive Embedded Training is envisioned to include dry-fire type training exercises via computer generated images on the fire control system.

The Solider Integrated "Heads-Up" Fire Control system is envisioned to be a fire control system that integrates the Combatant, his helmet, and a future Individual Combat Weapon, aimed at improving the Combatant's ability to detect, acquire, and engage targets. Research activities are to include methods of projecting a weapon's line-of-fire and combat environment information on a helmet mounted display.

Phase I of the two phased program calls for concept formulation, design, development, a laboratory feasibility demonstration, and a plan for follow-on development. Authority to proceed into Phase II is dependent on Phase I performance. Phase II shall consist of a prototype design, fabrication, and demonstration. The Government is contemplating multiple Cost Plus Fixed Fee (CPFF) type contracts. The contracts resulting from this BAA will be awarded in late Fiscal Year 91. Organizations interested in submitting proposals should respond in writing by requesting a copy of BAA DAAA21-91 BAA1 from the above address.

Due date for proposals is 8 March 1991.

Kenneth L. Denton,

Alternate Army Liaison Officer with the Federal Register.

[FR Doc. 91-1736 Filed 1-24-91; 8:45 am]

BILLING CODE 3710-08-M

Intent; Chemical Stockpile Disposal Program

Intent to prepare an Environmental Impact Statement (EIS) and to initiate the public scoping process for the construction and operation of a chemical agent disposal facility at Aberdeen Proving Ground, Maryland.

AGENCY: Department of the Army, DOD.

ACTION: Notice of intent.

SUMMARY: This announces the Notice of Intent to prepare an EIS on the potential impact of the design, construction, operation and closure of the proposed chemical agent demilitarization facility at Aberdeen Proving Ground, Maryland. The proposed facility will be used to demilitarize all mustard (a blister agent)-filled ton containers currently stored at Aberdeen Proving Ground. Potential environmental impacts will be examined for several locations of the on-site incineration facility and "no action" alternatives. The "no action" alternative is considered to be continued storage of the mustard-filled ton containers at Aberdeen Proving Ground.

SUPPLEMENTARY INFORMATION: In its Record of Decision (53 FR, No. 38, pp. 5816-17) for the Final Programmatic Evironmental Impact Statement on the Chemical Stockpile Disposal Program, the Department of the Army selected on-site disposal by incineration at all eight chemical munitions storage sites within the continental United States. The Army has decided that an EIS will be prepared to assess the site-specific health and environmental impacts of on-site incineration of mustard-filled ton containers at Aberdeen Proving Ground. The first phase of this effort will entail the collection and analysis of detailed site-specific information to ensure that the selected programmatic alternative (on-site incineration) remains valid for Aberdeen Proving Ground. A separate report, required by Congress, summarizing this effort will be published prior to preparation of the draft EIS for Aberdeen Proving Cround. The draft EIS will be available in the Spring of 1992. Upon completion of the draft EIS, the public will be notified of its availability for review.

NOTICE OF PUBLIC MEETING: Notice is further given of the Army's intention to conduct scoping meetings to aid in determining the significant issues related to the proposed action at Aberdeen Proving Ground. Public, as well as Federal, State and local agencies, participation and input are welcome. An initial scoping meeting will be held on February 12, 1991 at 7 p.m. at the Edgewood High School. Interested individuals, governmental agencies and private organizations are encouraged to attend and submit information and comments for consideration by the Army.

FOR FURTHER INFORMATION CONTACT: Program Manager for Chemical Demilitarization, ATTN: SAIL-PMI (Ms. Marilyn Tischbin), Aberdeen Proving Ground, Maryland 21010-5401. Individuals desiring to be placed on a mailing list to receive additional information on the public scoping process and copies of the draft and final EIS should contact the Program Manager at the above address.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 91-1755 Filed 1-24-91; 8:45 am]

BILLING CODE 3710-08-M

Department of the Army Corps of Engineers

Environmental Impact Statement for Additional Water Shortage for Municipal and Industrial Use, Howard Hanson Dam and Reservior, Green River, Pierce County, WA

ACTION: Notice of Intent (NOI) to prepare EIS.

SUMMARY: This NOI describes the major issues being considered in preparation of an Environmental Impact Statement (EIS) for subject proposal. The City of Tacoma is the local sponsor for a study of the potential to store additional water in Howard Hanson Reservoir for use by it as well as for fisheries purposes. The proposed action is to increase the summer conservation pool height from the present elevation of 1141 feet to approximately 1177 feet (maximum flood control pool is 1206 feet). In support of the increased summer pool, a fish passage facility, a variable temperature withdrawal system, additional right abutment drainage control, seepage control at the North Folk Green River, and rock slope protection may need to be constructed. The EIS will address potential impacts of the pool level raise and the timing involved, as well as of the associated actions.

DATES: Informal scoping has already occurred. Written comments for formal initial scoping should be submitted by 31 March 1991. The draft EIS will be available for comment by spring 1993.

ADDRESS: Comments may be directed to the attention of Planning Branch, U.S. Army Corps of Engineers, Seattle District, Post Office Box C-3755, Seattle Washington, 98124-2255.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Scuderi, Environmental Coordinator, at (206) 764-3479) or at the above address.

SUPPLEMENTARY INFORMATION: The City of Tacoma, Washington, has requested a study of the feasibility of storing more water in the existing reservoir during the summer conservation period in order to meet rising demands for municipal and industrial water supply. The higher pool elevation that this would involve creates

several issues with respect to fish and wildlife. Fisheries issues are better understood with the information that the upper watershed has been inaccessible to anadromous fish since Tacoma built its water diversion at river mile 61.0 in 1913. Howard Hanson Dam was completed in 1963 at river mile 64.5. Since 1982, anadromous fish fry (coho and chinook salmon, steelhead trout) have been planted for rearing in the watershed above Howard Hanson Dam by State agencies and the Muckleshoot Tribe. Additional summer conservation storage would seasonally inundate reaches of reservior tributaries which are now inundated only in winter flood control operations. This has potentially detrimental impacts on resident fish in those tributaries, as well as on rearing anadromous fry. Furthermore, consideration is being given to placing adult steelhead trout above the dam for spawning in these tributaries. Therefore, there is a need to define impacts to fish habitat in tributaries. Impacts to outmigrating juvenile salmonids will need to be defined, but an investigation will also be made into the need and feasibility of installing a fish passage device to move these outmigrants from the reservoir. Wildlife impacts might include inundation of an open shelf near the upper end of the reservior which is important to an elk herd in the area. Furthermore, recreational flows will be a subject of concern to downstream boaters. Agency, tribal and sportsmen's representatives have been and will be part of the coordination process, and any resource studies will be performed with their full participation

Alternatives

The currently identified alternatives include (1) no action, and (2) a pool raise to increase summer conservation storage by approximately 37,000 acre-feet. Hydrologic studies will be performed to identify which of several combinations of flow augmentation and associated reliability may be acceptable to both fisheries interests and the City of Tacoma.

Significant Issues

With the no-action alternative, the City of Tacoma faces the potential of being unable to meet water supply requirements for forecast growth. Furthermore, the ability to address any fish outmigration problems may be lessened without the project. With the pool-raise alternative, (a) any fish outmigration problem may be exacerbated, (b) elk lands may be inundated, and (c) reservoir tributary spawning habitat may be lost.

Scoping and Public Involvement

Scoping letters are being sent to key agencies, groups, and individuals; and coordination is occurring with the U.S. Fish and Wildlife Service pursuant to the requirements of section 7(c) of the Endangered Species Act, as amended. The Advisory Council on Historic Preservation and the State Historic Preservation Office are also being contacted as required under the National Historic Preservation Act.

Dated: January 17, 1991.

Milton Hunter,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 91-1732 Filed 1-24-91; 8:45 am]

BILLING CODE 3710-ER-M

DEPARTMENT OF ENERGY

Bonneville Power Administration

Intent To Prepare an Environmental Impact Statement for the Yakima River Basin Fisheries Project and Notice of Public Scoping Meetings

AGENCY: Bonneville Power Administration (BPA), DOE.

ACTION: Notice of intent to prepare and consider an Environmental Impact Statement (EIS) and conduct public scoping meetings.

SUMMARY: The BPA proposes to fund the construction and operation of anadromous fish production facilities in the Yakima River Basin to supplement wild fish populations. This EIS will analyze subbasin harvest, production, genetic diversity, interaction/intra-action of species, and straying of supplementation fish. The EIS will discuss these issues in relation to the operation of the central, satellite, and acclimation facilities proposed for the Yakima River Basin. Siting and construction of the acclimation facilities in the Yakima River Basin will also be covered under this proposal. Activities originally proposed for the Klickitat River Basin will be covered in a separate environmental document to be prepared later. This is due to the need for additional analysis on the Klickitat River Basin which will extend the schedule for the completion of the preliminary design activities to 1992.

The purpose of the Yakima Fisheries Project is to supplement and enhance natural production of salmon and steelhead in the Yakima River Basin. Spawning and rearing habitat will continue to be protected and enhanced to maximize natural production. The Northwest Power Planning Council has stated that the purpose of the project is "to test the assumption that new artificial production in the Yakima and Klickitat subbasins can be used to increase harvest and enhance natural production while maintaining genetic resources."

This project represents a major component of the Council's Fish and Wildlife Program's interim goal to add two and one half million fish to the Columbia River system.

INVITATION TO COMMENT: BPA seeks written comments or suggestions to assist BPA in identifying significant environmental issues and the appropriate scope of the EIS. Comments should be sent to the address below so as to be received by March 15, 1991. Late comments will be considered to the extent practicable.

DATE AND LOCATION: Six scoping meeting are scheduled for the EIS process. They are:

Yakima, Washington: February 19, 1991, 7-10 p.m. Towne Plaza Motor Inn, Upper Terrace Room, North 7th and East Yakima Avenue.

Goldendale, Washington: February 20, 1991, 7-10 p.m., Klickitat County Public Utility District Auditorium, 1313 South Columbus Street.

Richland, Washington: February 21, 1991, 7-10 p.m., Shilo Rivershore, International Ballroom III, 50 Comstock Street.

Ellensburg, Washington: February 26, 1991, 7-10 p.m., Central Washington University, Samuleson Union Building, room 204-5, 8th Street.

Bellevue, Washington: February 27, 1991, 7-10 p.m., Holiday Inn, Yarrow Room, 11211 Main Street.

Portland, Oregon: February 28, 1991, 1-4 p.m., Travelodge Hotel, Columbia Room, 1441 NE. 2nd.

ADDRESSES: Written comments should be sent to arrive not later than March 15, 1991, and should be addressed to: Public Involvement Manager, Bonneville Power Administration, P.O. Box 12999, Portland, OR 97212.

FOR FURTHER INFORMATION CONTACT: Mr. Roy B. Fox, Coordination and Review Manager—PG, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208; telephone (503) 230-4261; or Mr. Mark Danley, Public Affairs Specialist—ALP, Bonneville Power Adminstration, P.O. Box 12999, Portland, OR, 97212; telephone (503) 230-3478; toll-free 800-452-8429 (in Oregon); 800-547-6048 (in other Western States).

SUPPLEMENTARY INFORMATION:

A. Background

The Pacific Northwest Electric Power Planning and Conservation Act of 1980 (Northwest Power Act) directed the Northwest Power Planning Council (Council) to "promptly develop and adopt . . . a program to protect, mitigate, and enhance fish and wildlife, including related spawning grounds and habitat, on the Columbia River and its tributaries." The Yakima Indian Nation submitted a recommendation to the Council identifying the need for anadromous fish production facilities on the Yakima River Basin to supplement natural runs. The Council adopted this recommendation and incorporated it as section 703(f)(3), 503(c)(2), and 803(d) in the Columbia River Basin Fish and Wildlife Program (Program) in accordance with the Northwest Power Act.

The Program identifies artificial propagation of anadromous fish as a means to enhance the dwindling runs of naturally spawning salmon and steelhead in the Columbia River system and to mitigate the effects of hydroelectric development.

The Yakima Basin Project would consist of three central facilities, two satellite facilities, as many as 33 acclimation and release sites, and four additional adult and juvenile trapping facilities. Fish produced will be used to supplement the natural production of salmon and steelhead while maintaining the genetic diversity of these stocks. Supplementation would sustain artificially enhanced production of salmon and steelhead in a manner that avoids creation of separate hatchery and natural populations. The project is designed to use supplementation fish to increase rather than replace natural production.

The supplementation techniques being studied in context of the Yakima Basin project are the only ones of their kind in the Pacific Northwest. The information from these studies may be applied to other subbasins within the Columbia River Basin. These techniques should improve the genetic diversity and strength and increase the number of wild stocks.

BPA prepared an Environmental Assessment (EA) on the siting and construction of the central and satellite facilities in the Yakima and Klickitat River Basins. A Finding of No Significant Impact (FONSI) was approved by the Department of Energy (DOE) on April 16, 1990. Within this EA was a brief discussion of the anticipated need for additional environmental documentation to cover operational issues related to the various facilities and siting and construction of the acclimation facilities.

Since completion of the EA/FONSI in April 1990, various entities have expressed concern over the interaction between wild and hatchery (supplementation) fish. The issue of interaction between wild and hatchery fish has been raised in the context of Endangered Species Act (see section B, below). The EIS will analyze these additional operations issues. Although not all research will be completed before the Final EIS and Record of Decision are prepared, enough information will be available to support decisions and to propose mitigation measures. (See the discussion in 40 CFR 1502.22, Incomplete or unavailable information.)

Currently, long-term studies are being conducted on genetic risks and interaction between wild populations of fish in the Yakima Basin and supplementation fish. The studies will take up to 10 years. Final decisions on the construction and operation of the Yakima Basin facilities will need to be made before these studies are completed. The EIS must address genetic and interaction risks and develop mitigation measures, if necessary.

B. Potential Environmental Issues

One issue related to the Yakima Basin project is the potential genetic effects on wild fish populations caused by introduction of supplementation fish. Complicating this concern is the possible listing of certain fish stocks as threatened and endangered species. Fish stocks that are being considered for listing at this time are the upper Snake River sockeye salmon; lower Columbia River coho salmon; and Snake River spring, summer, and fall chinook salmon. While none of these stocks occur in the Yakima Basin, petitions to list these species highlight the general concern over natural fish population and genetic diversity.

The EIS will also evaluate operational issues. These issues include subbasin harvest, production, genetic diversity, species interaction/introaction, and straying of supplementation fish. Harvest issues include the numbers and species of fish to be harvested within the Yakima River Basin in any given year. Production issues include numbers and species of fish to be produced and locations of outplanting and acclimation sites. Genetic diversity issues include measuring genetic differences between specific stocks of fish in the Yakima River Basin and how the proposed increases in supplementation fish might narrow the gene pool. Species interaction issues include how anadromous fish being reintroduced into the Yakima River system will interact with resident fish populations of a different species. Species intra-action issues include how supplementation fish will interact with wild fish operations of the same species. Issues dealing with straying of supplementation fish include the genetic interaction of supplemented stocks that stray into other streams outside the Yakima River Basin and potentially affect wild fish populations. Straying supplementation fish could also reduce limited spawning areas for other fish.

BPA expects the following issues to be of concern and to be addressed in the environmental document:

- fundamental management decisions affecting fish that would relate to the Yakima Basin;
- subbasin harvest;
- interaction between supplementation fish and will fish populations;
- intraaction between the reintroduction of additional anadromous fish and resident fish populations;
- water claims and water flows:
- water quality conditions;
- assessment of genetic risks;
- risk of disease transmission between supplementation and wild stocks;
- straying of Yakima fish into other systems;
- potential effects to threatened and endangered species related to the project;
- potential effect on cultural resources at the various acclimation sites;
- which genetic types (phenotype or genotype) will be used to build the Yakima Supplementation program.

Some of these issues were partially addressed in the Yakima-Klickitat Production Project EA/FONSI approved by the DOE on April 16, 1990. That EA adequately addressed environmental issues associated with the location and construction of the central and satellite facilities.

C. National Environmental Policy Act Review Requirements

Public meetings were held during the development of the Yakima-Klickitat Production Project EA. Public comment was taken on the draft EA and on the final EA. Comments made during development of the draft and final EA/FONSI will be considered in scoping the draft EIS. Oral and written comments and suggestions received during the scoping process will be considered in preparing the draft EIS. Public

comments will also be solicited on the draft EIS, to be released for public review in the winter of 1991/1992. Comments on the draft EIS will be considered in preparing the final EIS.

Based on review of the above issues. BPA believes that significant environmental impacts and controversy could occur from proceeding with the Yakima Basin Project. Construction and siting of the central and satellite facilities were analyzed in the EA and were found to have no significant impacts. Operational issues, the siting and construction of the acclimation facilities, and the controversy surrounding the genetic risks associated with the project, however, suggest a need to prepare an EIS. Therefore, BPA has determined an EIS should be prepared on the proposed action.

Issued in Portland, Oregon, on January 14, 1991.

James J. Jura,

Administrator.

[FR Doc. 91-1828 Filed 1-24-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project Nos. 2892-013, et al.]

Hydroelectric Applications (Friant Power Authority, et al.); Applications Filed With the Commission

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1. a. *Type of filing:* Transfer of License.

b. *Project nos.:* 2892-013 and 11068-000.

c. *Date filed:* November 1, 1990.

d. *Applicant:* Friant Power Authority (Transferor) and Orange Cove Irrigation District (Transferee).

e. *Name of project:* Fish Release Power Plant.

f. *Location:* On the pipeline providing water from the Friant Dam to the San Joaquin River Fish Hatchery, in Fresno and Madera Counties, California.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:*

Friant Power Authority, Attention: John Boudreau, 24790 Avenue #95, Terra Bella, CA 93270, (209) 535-4414.

Orange Cove Irrigation District, Attention: James C. Chandler, 1130 Park Boulevard, Orange Cove, CA 93646, (209) 626-4461.

i. *Commission contact:* Mr. James Hunter (202) 219-2839.

j. *Comment date:* February 28, 1991.

k. *Description of proposed action:* On February 18, 1987, an amendement of the license for the Friant Dam Project was issued for the construction, operation, and maintenance of the Fish Release Power Plant. Friant Power Authority proposes to transfer its interests and obligations under the license, with respect to that power plant, to Orange Cove Irrigation District. The purpose of the proposed transfer is to facilitate the financing and completion of construction of the power plant. The Transferor certifies that it has fully complied with the terms and conditions of the license. The Transferee accepts all the terms and conditions of the license, with respect to the power plant, and agrees to be bound thereby to the same extent as though it were the original licensee.

1. This notice also consists of the following standard paragraphs: B and C.

2 a. *Type of application:* Surrender of license.

b. *Project no.:* 7728-010.

c. *Date filed:* October 9, 1990.

d. *Applicant:* Robley Point Hydro Partners.

e. *Name of project:* Robley Point.

f. *Location:* In Plumas National Forest, on the West Branch North Fork Feather River, in Butte County, California.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Ingolf Hermann, Independent Hydro Developers, 1000 Shelard Parkway, suite 404 Minneapolis, MN 55426, (602) 488-2798.

i. *FERC contact:* Michael Spencer at (202) 219-2846.

j. *Comment date:* February 21, 1991.

k. *Description of proposed action:* The proposed run-of-the-river project would have consisted of a diversion, a penstock, and a powerhouse. The Licensee seeks to surrender its license because it will be impossible to meet the deadline for start of construction.

The Licensee states that no construction has been done.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

3 a. *Type of application:* Transfer of License.

b. *Project no.:* 7887-006.

c. *Date filed:* December 21, 1990.

d. *Applicant:* Minnewawa Hydro Company, Inc. Marlborough Hydro Corporation.

e. *Name of project:* Minnewawa Hydroelectric Project.

f. *Location:* On the Minnewawa Brook in the Town of Marlborough, Cheshire County, New Hampshire.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant contact:* John W. Bernotavicz, Esquire, Curtis, Thaxter, Broder and Micoleau, One Canal Plaza, Portland, ME 04112, (207) 775-2361.

i. *FERC contact:* Mary C. Golato (202) 219-2804.

j. *Comment date:* February 25, 1991.

k. *Description of project:* Minnewawa Hydro Company, Inc. proposes to transfer the license for the Minnewawa Hydroelectric Porject No. 7887 to Marlborough Hydro Corporation. Transfer of the project would allow for the continued development of the project since the transferee has determined that it is unable to complete construction and operation of the project economically, where as the transferee, because of its lower construction costs, can do so.

1. This notice also consists of the following standard paragraphs: B, C, and D2.

4 a. *Type of filing:* Surrender of License.

b. *Project no.:* 8045-010.

c. *Date filed:* December 26, 1990.

d. *Applicant:* James River Paper Company, Inc.

e. *Name of project:* Brooklyn.

f. *Location:* Upper Ammonoosuc in Coos County, New Hampshire.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Mr. Matthew, R. Knatola, James River Paper Company, Inc., Groveton, NH 03582, (603) 636-1154.

i. *FERC contact:* Ms. Julie Bernt, (202) 219-2814.

j. *Comment date:* February 28, 1991.

k. *Description of application:* The proposed project would have consisted of: (1) An existing 4-foot-high control dam with a crest elevation of 882.6 feet msl; (2) an existing reservoir with a surface area of 66 acres and a storage capacity of 200 acre-feet; (3) an existing 16-foot-high second dam with a crest elevation of 877.8 feet msl; (4) an existing reservoir with a surface area of 26 acres and a storage capacity of 50 acre-feet; (5) an existing powerhouse at the second dam containing a proposed generating unit with a rated capacity of 500 kW; and (6) a proposed 150-foot-long transmission line.

The applicant states that the project is not economical at this time.

1. This notice also consists of the following standard paragraphs: B and C.

5 a. *Type of filing:* Surrender of Exemption.

b. *Project no.:* 8428-001.

c. *Date filed:* December 26, 1990.

d. *Applicant:* Town of Montague.

e. *Name of project:* Montague Wastewater Treatment Facility.

f. *Location:* On the Montague Wastewater Treatment Facility in Franklin County, Massachusetts.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant contact:* David A. Simmons, Town of Montague, Montague, MA 01351, (413) 773–8865.

i. *FERC contact:* Julie Bernt, (202) 219–2814.

j. *Comment date:* February 28, 1991.

k. *Description of application:* The proposed project would utilize the existing Town of Montague's wastewater treatment conduit and consist of a generating unit being placed in a 6-foot-diameter manhole with a rated capacity of 4kW.

The applicant states the project is not economically feasible.

l. This notice also consists of the following standard paragraphs: B and C.

6 a. *Type of application:* Major License.

b. *Project No.:* 10269–002.

c. *Date filed:* May 31, 1990.

d. *Applicant:* Washington Hydro Development Corporation.

e. *Name of project:* Jackman Creek Hydroelectric.

f. *Location:* On Jackman Creek and an unnamed tributary in Skagit County, Washington, Township 35 and 36 North, Range 9 East, Willamette Meridian.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Mr. Michael S. Wright, Permit/Engineering, Inc., 1300—114th Ave. SE #220, Bellevue, WA 98004, (206) 451–7371.

i. *FERC contact:* Mr. James Hunter, (202) 219–2839.

j. *Comment date:* February 20, 1991.

k. *Description of project:* The proposed project would consist of: (1) a 200-foot-long sheet pile diversion weir across Jackman Creek with a gated sluiceway and a 100-foot-long overflow crest at elevation 1,895, 11 feet above the streambed; (2) a 22-foot-wide, 50-foot-long intake structure on the left bank with trash racks, fish screens, a fish return pipe, and a gated penstock inlet; (3) a 60-inch-diameter, 2,900-foot-long steel penstock; (4) a 5-foot-wide, 10-foot-long collection chamber in the bed of an unnamed tributary at elevation 1,898; (5) a 70-foot-long, 30-inch-diameter pipeline; (6) a similar, 8-foot-wide, 18-foot-long intake structure; (7) a 200-foot-long, 30-inch-diameter sluicepipe back to the tributary; (8) a 100-foot-long, 24-inch-diameter pipeline connecting to the penstock; (9) a forebay consisting of a 7-foot-diameter standpipe extending to elevation 1,901; (10) a 27,200-foot-long, 54-inch-diameter penstock, then a 580-foot-long, 48-inch-diameter penstock; (11) a 49-foot-long, 46-foot-wide reinforced concrete powerhouse containing a 13-MW generating unit; (12) a 13-foot-wide tailrace discharging flows to Jackman Creek at normal water elevation 608.5; (13) a switchyard and a 2-mile-long, 115-kV transmission line connecting to the existing Van Horn substation; and (14) about one mile of new access roads. The project would have an estimated annual output of 48.75 GWh and would cost $20.7 million in 1990 dollars.

l. *Purpose of project:* Generated power would be sold to a local utility.

m. This notice also consists of the following standard paragraphs: A3, A9, B, and C.

7 a. *Type of application:* Major License (less than 5 MW).

b. *Project No.:* 10462–002.

c. *Date filed:* May 31, 1990.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Allens Falls.

f. *Location:* On the West Branch of the St. Regis River, St. Lawrence County, New York.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Mr. Michael W. Murphy, Systems Law Department, C–3, Niagara Mohawk Power Corp., 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428–6941.

i. *FERC contact:* Michael Dees (202) 219–2807.

j. *Comment date:* February 25, 1991.

k. *Description of project:* The proposed project would consist of: (1) an existing concrete ambursen type dam with flashboards two feet high; (2) an existing intake structure; (3) an existing pipeline 9,344 feet long and seven feet in diameter; (4) an existing differential surge tank; (5) an existing penstock 886 feet long and seven feet in diameter; (6) an existing powerhouse housing an existing 4,400-kW hydropower unit; (7) an existing tailrace 450 feet long; (8) a proposed penstock 50 feet long and 3.5 feet in diameter; (9) a proposed outdoor type hydropower unit with a capacity of 400 kW; (10) an existing 115-kV transmission line 2.35 miles long; (11) a proposed 4.8-kV transmission line about 2 miles long; and (12) an appurtenant facilities. The estimated annual energy production is 22.0 GWh. Project energy would be used by the applicant to satisfy its customers needs. The project facilities are owned by Niagara Mohawk Power Corp.

l. This notice also consists of the following standard paragraphs: A3, A9, B, C, and D1.

8. a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10636–000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Sugar Island Hydro Project.

f. *Location:* On the Raquette River, in the Town of Potsdam, St. Lawrence County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 91 (a)–825(r).

h. *Applicant contact:* Michael W. Murphy, 300 Erie Boulevard West, Syracuse, NY 13202, 315–428–6941.

i. *FERC contact:* Ed Lee (202) 357–0809.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Applicant proposes to study the technical and economic feasibility of installing an additional generating unit at its existing, operating Sugar Island Development of its licensed Middle Raquette River Project No. 2302.

It is contemplated that the project will be evaluated for utilization of flows up to 2,650 cfs and have a combined rated capacity of approximately 11,700 KW at a hydraulic head of approximately 63 feet. The estimated average annual energy production of such a facility would be 51,700 Mwh. The existing turbine/generator was installed in 1924, is in good condition and has a rated generator capacity of 2,400 KW. The proposed project would include a new unit having a rated generator capacity of 6,900 KW. Applicant estimates that the cost of the studies to be performed under the terms of the permit would be $185,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

8. a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10637–000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Fulton Project..

f. *Location:* On the Oswego River in Oswego County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)–825(r).

h. *Applicant contact:* Michael W. Murphy, Esq., System Attorney, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, 315–428–6941.

i. *FERC contact:* Robert W. Bell (202) 219–2806.

j. *Comment date:* February 28, 1991.

k. *Description of Project:* Applicant proposes to study the technical and economic feasibility of installing additional generating units at its existing, operating Fulton Development of its Hudson River Project No. 2474.

It is contemplated that the project will be evaluated for utilization of flows up to 2,255 cfs and have a combined rated capacity of approximately 2,630-kW at a hydraulic head of approximately 43 feet. The estimated annual generation energy production of such a facility would be 8,580 MWh. The existing turbine generator was installed in 1928, is in good condition and has a rated generator capacity of 1,190-kW. The applicant estimates that the cost of the studies to be performed under the terms of the permit would be $185,000.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

10 a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10638-000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Sherman Island Project.

f. *Location:* On the Hudson River in Warren and Saratoga Counties, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r)

h. *Applicant contact:* Michael W. Murphy, Esq., System Attorney, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, 315-428-6941.

i. *FERC contact:* Robert W. Bell (202) 219-2806.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Applicant proposes to study the technical and economic feasibilty of installing additional generating units at its exisitng, operating Sherman Island Development of its Hudson River Project No. 2482.

It is contemplated that the project will be evaluated for utilization of flows up to 9000 cfs and have a combined rated capacity of approximately 42,000-kW at a hydraulic head of approximately 43 feet. The estimated annual generation energy production of such a facility would be 170,000 MWh. The existing turbine generator was installed in 1923, is in good condition and has a rated generator capacity of 7,200-kW. The applicant estimates that the cost of the studies to be performed under the terms of the permit would be $225,000.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

11 a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10639-000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e *Name of project:* Norfolk.

f. *Location:* On the Raquette River, in the Town of Norfolk, Norfolk Township, St. Lawrence County, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791 (a)-825(r).

h. *Applicant contact:* Michael W. Murphy, 300 Erie Boulevard West, Syracuse, NY 13202, 315-428-6941.

i. *FERC contact:* Charles T. Raabe (202) 219—2811.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Applicant proposes to study the technical and economic feasibility of installing an additional generating unit at its existing, operating Norfolk Development of its licensed Raquette River Project No. 2330.

It is contemplated that the project will be evaluated for utlization of flows up to 2,650 cfs and a combined rated capacity of approximately 8,080 KW at a hydraulic head of approximately 43 feet. The estimated average annual energy production of such a facility would be 38,550 Mwh. The existing turbine/generator was installed in 1928, is in good condition and has a rated generator capacity of 4,400 KW. The proposed project would include a new unit having a rated generator capacity of 3,680 KW. Applicant estimates that the cost of the studies to be performed under the terms of the permit would be $185,000.

1. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

12. a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10640-000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Beaver River Water Power Project.

f. *Location:* On the Beaver River, in Herkimer and Lewis County, New York.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)-825(r).

h. *Applicant contact:* Michael W. Murphy, Esq., System Attorney, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428-6941.

i. *FERC contact:* Mary Golato (dmt) (202) 219-2804.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Nimo is the licensee for Project No. 2645 which consists of 8 developments. Nimo proposes to study the development of excess capacity at each development as follows: (1) Moshier development—two existing 4,000-kW units and one proposed 350-kW unit at a total rated capacity of 8,350 kW; (2) Eagle development—three existing 1,350-kW units, one existing 2,000-kW unit, and one proposed 215-kW unit at a total rated capacity of 6,266 kW; (3) Soft Maple development—two existing units totalling 15,000 kW, one 7,500-kW existing unit, and one proposed 110-kW unit for a total rated capacity of 15,110 kW; (4) Effley development—four existing units totalling 2,960 kW and no proposed capacity; (5) Elmer development—two existing units at a combined capacity of 1,500 kW and one proposed 630-kW unit at a total rated capacity of 2,130 kW; (6) Taylorville development—four existing units totalling 4,500 kW and one proposed 98-kW unit for a total rated capacity of 4,590 kW; (7) Belfort development—three existing units at a combined capacity of 1,800 kW and one proposed 2,040-kW unit for a total rated capacity of 3,840 kW; and (8) High Falls development—three existing units at a combined capacity of 4,800 kW and one proposed 1,730-kW unit at a total rated capacity of 6,500 kW.

The Beaver River Project utilizes dams with reservoirs that vary in size and capacity. (1) The Moshier development has a reservoir with a surface area of 340 acres, 11,630 acre-feet in storage capacity, and a crest elevation of 1,639 feet mean sea level. (2) The Eagle reservoir has a surface area of 138 acres, a storage capacity of 3,200 acre-feet, and a crest elevation of 1,452.2 feet mean sea level. (3) The Soft Maple reservoir has a surface area of 400 acres, a storage capacity of 11,780 acre-feet, and a crest elevation of 1,288.4 feet mean sea level. (4) The Effley reservoir has a surface area of 340 acres, a storage capacity of 3,680 feet, and a crest elevation of 1,163 feet mean sea level. (5) The Elmer reservoir has a surface area of 34 acres, a storage capacity of 192 acre-feet, and a crest elevation of 1,108 feet mean level. (6) The Taylorville reservoir has a surface area of 170 acres, a storage capacity of 1,265 acre-feet, and a crest elevation of 1,069 feet mean sea level. (7) The Belfort reservoir has a surface area of 35 acres, a storage capacity of 148 acre-feet, and a crest elevation of 964 feet mean sea level. (8) The High Falls reservoir has a surface area of 35 acres, a storage capacity of 1,827 acre-feet, and a crest elevation of 915 feet mean sea level.

The eight dams are owned by Niagara Mohawk Power Corporation. The applicant estimates that the cost of the studies under permit would be $130,000. The total installed capacity of the eight dams would be 44,850 kW, producing an average annual generation of 202,300,000 kilowatthours.

1. This notice also consists of the following standard paragraphs A5, A7, A9, A10, B, C, and D2.

13a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10641-000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Spier Falls Project.

f. *Location:* On the Hudson River in Warren and Saratoga Counties, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Michael W. Murphy, Esq., System Attorney, Niagara Mohawk Power Corporation, 300 Erie Boulevard West, Syracuse, NY 13202, 315-428-6941.

i. *FERC contact:* Robert W. Bell (202) 219-2806.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Applicant proposes to study the technical and economic feasibility of installing additional generating units at its existing, operating Spier Falls Development of its Hudson River Project No. 2482.

It is contemplated that the project will be evaluated for utilization of flows up to 14,300 cfs and have a combined rated capacity of approximately 85,100-kW at a hydraulic head of approximately 80 feet. The estimated annual generation energy production of such a facility would be 245,900 MWh. The existing turbine generator was installed in 1924, is in good condition and has a rated generator capacity of 7,200-kW. The applicant estimates that the cost of the studies to be performed under the terms of the permit would be $205,000.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

14a. *Type of application:* Preliminary Permit.

b. *Project No.:* 10642-000.

c. *Date filed:* August 10, 1988.

d. *Applicant:* Niagara Mohawk Power Corporation.

e. *Name of project:* Hoosic.

f. *Location:* On the Hoosic River, in the towns of Schaghticoke, Pittstown, Cambridge, and Hoosic, Rensselaer and Washington Counties, New York.

g. *Filed pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Michael W. Murphy, 300 Erie Boulevard West, Syracuse, NY 13202, (315) 428-6941.

i. *FERC contact:* Charles T. Raabe (tag) (202) 219-2811.

j. *Comment date:* February 28, 1991.

k. *Description of project:* Applicant proposes to study the technical and economic feasibility of installing additional generating units at its existing, operating Johnsville and Schaghticoke Developments of its licensed Hoosic River Project No. 2616. Applicant estimates that the cost of the studies to be performed under the terms of the permit would be $400,000.

The Johnsville Development will be evaluated for utilization of flows up to 1,850 cfs and a combined rated capacity of approximately 5,200 kW at a hydraulic head of approximately 38 feet. The estimated average annual energy production of such a facility would be 17,000 MWh. The existing turbine/generators were installed in 1909, are in good condition and have a rated generator capacity of 4,800 kW. The proposed project would include a new unit having a rated generator capacity of 400 kW.

The Schaghticoke Development will be evaluated for utilization of flows up to 1,950 cfs and a combined rated capacity of approximately 17,700 kW at a hydraulic head of approximately 146 feet. The estimated average annual energy production of such a facility would be 71,000 MWh. The existing turbine/generators were installed in 1908, are in good condition and have a rated generator capacity of 13,120 kW. The proposed project would include new units having rated generator capacity of 4,600 kW.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

15a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11014-000.

c. *Date filed:* September 27, 1990.

d. *Applicant:* Greenwood Pumped Storage Corporation.

e. *Name of project:* Greenwood Water Power Project.

f. *Location:* On Carp Creek near Ishpeming in Marquette County, Michigan.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Contact person:* Mr. David B. Ward, 1000 Potomac Street, NW., suite 402, Washington, DC 20007, (202) 298-6910.

i. *FERC contact:* Ms. Julie Bernt, (202) 219-2814.

j. *Comment date:* February 25, 1991.

k. *Description of project:* The proposed pumped-storage project would consist of: (1) A 12,900-foot-long circular embankment with a top elevation of 1,570 m.s.l. forming the upper reservoir; (2) an upper reservioir with a maximum water surface elevation of 1,568 m.s.l. and 8,200 acre-feet of storage; (3) an 18-foot-diameter penstock connecting the upper reservioir with the powerhouse; (4) an underground powerhouse at elevation 200 m.s.l. containing two generating units each with a rated capacity of 250 MW; (5) a lower reservoir using the existing features of the Greenwood iron mine with a minimum of 8,200 acre-feet of storage; and (6) a 9,000-foot-long transmission line. The applicant estimates that average annual energy production to be 657 GWh and the cost of the work to be performed under the preliminary permit to be $1,500,000.

l. *Purpose of project:* The power produced would be sold to a local power company.

m. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C and D2.

16a. *Type of application:* Preliminary Permit.

b. *Project No.:* 11024-000.

c. *Date filed:* October 9, 1990.

d. *Applicant:* Robert and Barbara Sullivan.

e. *Name of project:* Sullivan Island Water Power Project.

f. *Location:* On the Oswegatchie River, St. Lawrence County, New York.

g. *Filed pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant contact:* Mr. Robert E. Sullivan, R.D. #3 Box 191, Gouverneur, NY 13642, (315) 562-3634.

i. *FERC contact:* Michael Dees (tag), (202) 219-2807.

j. *Comment date:* February 28, 1991.

k. *Competing application:* Project No. 11007-000; *Date filed:* September 19, 1990; *Competing due date:* December 27, 1990.

1. *Description of project:* The proposed project would consist of: (1) A proposed north dam approximately 200 feet long and 12 feet high, and a proposed south dam approximately 100 feet long and 15 feet high; (2) a reservoir with a surface area of 103 acres at a normal water surface elevation of 610 feet msl; (3) a proposed penstock 200 feet long; (4) a proposed powerhouse housing two hydropower units with a total capacity of 2,300 kW; (5) a 23-kV transmission line 700 feet long; and (6) appurtenant facilities. The applicant estimates that the annual energy generation would be 11.4 GWh and that the cost of the studies to be performed under the permit would be $125,000. The energy would be sold to Niagara Mohawk Power Corporation. The project site is owned by Robert and Barbara Sullivan.

m. This notice also consists of the following standard paragraphs: A8, A10, B, C, and D2.

a. *Type of application:* Declaration of Intention.

b. *Docket No.:* EL91-11.

c. *Date filed:* 12/20/90.

d. *Applicant:* Rebecca R. and Thomas Guy Monroe III.

e. *Name of project:* Monroe Project.

f. *Location:* On an unnamed creek near Haines, AK Copper River Meridian, Alaska, T. 29 S., R. 57 E., sec. 10, lot 1.

g. *Filed pursuant to:* Section 23(b) of the Federal Power Act, 16 U.S.C. §§ 817(b).

h. *Applicant contact:* Mr. and Mrs. Thomas Guy Monroe III, Box 206, Haines, AK 99827, (907) 767-5574.

i. *FERC contact:* Diane M. Scire, (202) 219-2682.

j. *Comment date:* February 27, 1991.

k. *Description of project:* The proposed project would consist of: (1) An intake; (2) a 6-inch-diameter pipeline, approximately 650 feet long; (3) a powerhouse with an installed capacity of 50 kilowatts; and (4) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project; (1) would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. *Purpose of project:* To supplement power produced by a diesel generator for personal use.

m. This notice also consists of the following standard paragraphs: B, C, and D2.

Standard Paragraphs

A3. *Development application*—Any qualified development applicant desiring to file a competing application must submit to the Commission, on or before the specified comment date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified comment date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

A5. *Preliminary permit*—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A7. *Preliminary permit*—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before the specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36

A8. *Preliminary permit*—Public notice of the filing of the initial preliminary permit application, which has already been given, established the due date for filing competing preliminary permit and development applications or notices of intent. Any competing preliminary permit or development application or notice of intent to file a competing preliminary permit or development application must be filed in response to and in compliance with the public notice of the initial preliminary permit application. No competing applications or notices of intent to file competing applications may be filed in response to this notice. A competing license application must conform with 18 CFR 4.30(b) (1) and (9) and 4.36.

A9. *Notice of intent*—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, include an unequivocal statement of intent to submit, if such an application may be filed, either (1) A preliminary permit application or (2) a development application (specify which type of application), and be served on the applicant(s) named in this public notice.

A10. *Proposed scope of studies under permit.*—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. *Comments, protests, or motions to intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. *Filing and service of responsive documents*—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426. An additional copy must be sent to Dean Shumway, Director, Division of Project Review, Federal Energy Regulatory Commission, room 1027 (810 1st), at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D1. *Agency comments*—States, agencies established pursuant to federal law that have the authority to prepare a comprehensive plan for improving, developing, and conserving a waterway affected by the project, federal and state agencies exercising administration over fish and wildlife, flood control, navigation, irrigation, recreation, cultural or other relevant resources of the state in which the project is located, and affected Indian tribes are requested to provide comments and recommendations for terms and conditions pursuant to the Federal

Power Act as amended by the Electric Consumers Protection Act of 1986, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Public Law No. 88-29, and other applicable statutes. Recommended terms and conditions must be based on supporting technical data filed with the Commission along with the recommendations, in order to comply with the requirement in section 313(b) of the Federal Power Act, 16 U.S.C. section 8251(b), that Commission findings as to facts must be supported by substantial evidence.

All other federal, state, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the statutes listed above. No other formal requests will be made. Responses should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If an agency does not respond to the Commission within the time set for filing, it will be presumed to have no comments. One copy of an agency's response must also be sent to the Applicant's representatives.

D2. *Agency comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtain by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: January 18, 1991, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 91-1703 Filed 1-24-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP91-902-000]

Del Webb Communities, Inc. vs. Kern River Gas Transmission Co., Complaint

January 17, 1991.

Take notice that on January 10, 1991, Del Webb Communities, Inc. (Del Webb), 2231 East Camelback Road, P.O. Box 29040, Phoenix, Arizona 85038, filed a complaint and request for investigation in Docket No. CP91-902-000, pursuant to section 13 and 14 of the Natural Gas Act, 15 U.S.C. 717 (I) and (M), and rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206 against Kern River Gas Transmission Company (Kern River), all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Kern River is the holder of a certificate of public convenience and necessity issued by the FERC, which permits Kern River to build a natural gas pipeline and requires it to use the "North Las Vegas Variation" route. Del Webb holds a recorded option on parts of land owned by Howard Hughes Properties, Limited Partnership, along the North Las Vegas Variation, through which Kern River plans to build its pipeline. Del Webb is a defendant in a condemnation action brought by Kern River with respect to this pipeline in the U.S. District Court in Nevada.

The proposed North Las Vegas Variation will run through the property owned by Howard Hughes Properties known as Husite, a master-planned community located within the city of Las Vegas.

In its FERC submittal, Howard Hughes Properties objected to the North Las Vegas Variation generally, and in the alternative, argued that there should be minimum restrictions on any routing through the Howard Hughes Properties property.

The entire Husite property is approximately 12,000 acres. By agreement dated July 27, 1987, Del Webb contracted to buy a parcel of 1,050 acres of Husite property from Howard Hughes Properties. Closing on the acreage occurred February 22, 1988, and that land is now being fully developed as a residential community.

Kern River recognized that it had a duty under its FERC authorization to negotiate concerning the alignment through the Husite property. Commencing at least by February 1990, Kern River entered its negotiations with Howard Hughes Properties for acquisition of a pipeline easement across Husite. In April 1990, in accordance with the terms of a preconstruction license agreement, Kern River committed to consider the Outer Parkway alignment without indication of any concern that the alignment might require an amendment to the certificate.

In September, 1990, it appears that, Kern River unilaterally stopped negotiations with Howard Hughes Properties because of concern about time pressure. In a September, 1990, meeting with Del Webb, Howard Hughes Properties advised Del Webb that Kern River might be routed along the Hualapai alignment. The Hualapai alignment, runs through the planned residential community, on the option property to be developed by Del Webb.

Del Webb and Kern River have failed to resolve any concerns of the landowner and its knowledge that Del Webb opposes a route which conflicts with the intended use of the land. On December 21, 1990, Kern River filed a condemnation for the District of Nevada naming Del Webb as one of the dependents.

Del Webb in this complaint claims that (1) Kern River has failed to negotiate in good faith with Del Webb, as required by Federal Law and the FERC decisions authorizing the certificate; (2) Kern River fails to implement its authority under the FERC Decisions authorizing the certificate to realign the route through Husite; and (3) The Hualapai alignment being pursued by Kern River is inconsistent with the FERC Environmental Impact Statement (FEIS).

Del Webb respectfully requests that the Commission investigate this complaint and provide the following relief, as appropriate based upon the outcome of the investigation:

1. That FERC issue an order clarifying that, with respect to this particular property, the certificate authorization requires good faith negotiations with Del Webb and Howard Hughes Properties on the final route alignment.

2. That FERC issue an order confirming that Kern River contemplated in the FEIS, has the authority under its existing certificate to make final pipeline alignments on the Husite property, even if beyond a one-mile corridor, in order to avoid land use conflict, the impacts of which have not been evaluated in the FEIS.

3. That FERC issue an order confirming that its intent in the FEIS was that Kern River should minimize potential land use conflicts at Husite by aligning the pipeline along the common transportation/utility corridor, which is the Outer Parkway alignment.

4. That is view of Kern River's motion in the condemnation action for immediate occupany on or before February 1, 1991, the Commission stay on suspend Kern River's certificate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before February 19, 1991, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the

appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. Complainants state that a copy of the complaint has been served on Respondent. Respondent's answer to the complaint shall also be due on or before. Answers to the complaint shall be due on or before February 19, 1991.

Lois D. Cashell,

Secretary.

[FR Doc. 91-1702 Filed 1-24-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP90-111-000]

East Tennessee Natural Gas Co. Informal Settlement Conference

January 18, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on January 30, 1991, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426.

Any party, as defined by 18 CFR 385.102(c), or any participant, as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald A. Heydt (202) 208-0248 or Irene Szopo (202) 208-1589.

Lois D. Cashell,

Secretary.

[FR Doc. 91-1699 Filed 1-24-91; 8:45 am]

BILLING CODE 6717-01-M

Docket No. GP91-4-000]

Meridian Oil, Inc.; Petition to Withdraw NGPA Section 108 Application

January 17, 1991.

Take notice that on November 19, 1990, Meridian Oil, Inc. (Meridian) on behalf of Southland Royalty Company, filed with the Federal Energy Regulatory Commission (Commission) a petition to withdraw its NGPA section 108 application for the R.S. Lance 17, 19, 20, 26 #1-D well. Meridian claims to have just recently discovered that this well is dually completed (Lewis and Middle Lewis zones). Meridian states that the section 108 application did not include the Lewis zone and that the total well's production exceeded the 60 Mcf per day limit.

Any person desiring to be heard or protest this petition 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 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 7, 1991. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-1700 Filed 1-24-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. GP91-3-000]

Meridian Oil, Inc.; Petition to Withdraw NGPA Section 108 Application

January 17, 1991.

Take notice that on November 19, 1990, Meridian Oil, Inc. (Meridian) filed with the Federal Energy Regulatory Commission (Commission) a petition to withdraw its NGPA section 108 application for the Howell E #1A well. Meridian claims to have just recently discovered that this well is dually completed (Blanco MV and PC zones). Meridian states that the section 108 application did not include the Blanco MV zone and that the total well's production exceeded the 60 Mcf per day limit.

Any person desiring to be heard or protest this petition 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 214 and 211 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 7, 1991. All protests filed will be considered, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. Copies of this petition are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-1701 Filed 1-24-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Conservation and Renewable Energy

[Case No. F-025]

Energy Conservation Program for Consumer Products; Decision and Order Granting Waiver from Furnace Test Procedures to Rheem Manufacturing Company

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Decision and order.

SUMMARY: Notice is given of the Decision and Order (Case No. F-025) granting Rheem Manufacting Company (Rheem) a waiver for its GEC(-) upflow and GKB(-) downflow models condensing gas furnaces from existing Department of Energy (DOE) test procedures regarding blower time delay for determining the models' energy efficiency.

FOR FURTHER INFORMATION CONTACT:

Cyrus H. Nasseri, U.S. Department of Energy, Office of Conservation and Renewable Energy, Mail Station CE-43, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9127

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC-41, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9507

SUPPLEMENTARY INFORMATION: In accordance with 10 CFR 430.27(g), notice is hereby given of the issuance of the Decision and Order as set out below. In the Decision and Order Rheem has been granted a waiver for its GEC(-) and GKB(-) models condensing gas furnaces, permitting the company to use an alternate test method in determining the Annual Fuel Utilization Efficiency (AFUE).

Issued in Washington, DC, January 7, 1991.

J. Michael Davis, P.E.

Assistant Secretary Conservation and Renewable Energy.

In the matter of: Rheem Manufacturing Company (Case No. F-025)

Background

The Energy Conservation Program for Consumer Products (other than automobiles) established pursuant to the Energy Policy and Conservation Act (EPCA), Public Law 94-163, 89 Stat. 917, as amended by the National Energy Conservation Policy Act (NECPA), Public Law 95-619, 92 Stat. 3266, the National Appliance Energy Conservation Act of 1987 (NAECA),

Public Law 100–12, and the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988), Public Law 100–357, requires DOE to prescribe standardized test procedures to measure the energy consumption of certain consumer products, including furnaces. The intent of the test procedures is to provide a comparable measure of energy consumption that will assist consumers in making purchasing decisions. These test procedures appear at 10 CFR part 430, subpart B.

DOE amended the prescribed test procedures by adding 10 CFR 430.27 to create a waiver process. 45 FR 64108, September 26, 1980. Thereafter, DOE further amended its appliance test procedure waiver process to allow the Assistant Secretary for Conservation and Renewable Energy (Assistant Secretary) to grant an interim waiver from test procedure requirements to manufacturers that have petitioned DOE for a waiver of such prescribed test procedures. 51 FR 42823, November 26, 1986.

The waiver process allows the Assistant Secretary to waive temporarily test procedures for a particular basic model when a petitioner shows that the basic model contains one or more design characteristics which prevent testing according to the prescribed test procedures or when the prescribed test procedures may evaluate the basic model in a manner so unrepresentative of its true energy consumption as to provide materially inaccurate comparative data. Waivers generally remain in effect until final test procedure amendments become effective, resolving the problem that is the subject of the waiver.

The interim waiver provisions, added by the 1986 amendment, allow the Assistant Secretary to grant an interim waiver when it is determined that the applicant will experience economic hardship if the Application for Interim Waiver is denied, if it appears likely that the Petition for Waiver will be granted, and/or the Assistant Secretary determines that it would be desirable for public policy reasons to grant immediate relief pending a determination on the Petition for Waiver. An Interim Waiver remains in effect for a period of 180 days or until DOE issues its determination on the Petition for Waiver, whichever is sooner, and may be extended for an additional 180 days, if necessary.

Rheem filed a "Petition for Waiver" dated June 1, 1990, in accordance with § 430.27 of 10 CFR part 430. DOE published in the **Federal Register** on September 12, 1990, Rheem's petition and solicited comments, data and information respecting the petition. 55 FR 37521. Rheem also filed an "Application for Interim Waiver" under § 430.27(g) which DOE granted on September 4, 1990. 55 FR 37521, September 12, 1990.

No comments were received concerning either the "Petition for Waiver" or the "Interim Waiver." DOE consulted with Federal Trade Commission (FTC) concerning the Rheem petition. The FTC did not have any objectives to the issuance of a waiver to Rheem.

Assertions and Determinations

Rheem's Petition seeks a waiver from the DOE test provisions that require a 1.5 minute time delay between the ignition of the burner and the starting of the circulating air blower. Rheem requests the allowance to test using a 30-second blower time delay when testing its GEC(-) and GKB (-) series condensing gas furnaces. Rheem states that since the 30-second delay is indicative of how these models actually operate and since such a delay results in an improvement in efficiency of approximately 2.0 percent, the waiver should be granted.

Under specific circumstances, the DOE test procedures contain exceptions which allow testing with blower delay times of less than the prescribed 1.5 minute delay. Rheem indicates that it is unable to take advantage of any of these exceptions for the GEC(-) and GKB(-) series.

Since the blower controls incorporated on the Rheem furance are designed to impose a 30-second blower delay in every instance of start up, and since the current provisions do not specifically address this type of control, DOE agrees that a waiver should be granted to allow the 30-second blower time delay when testing the Rheem GEC(-) and GKB(-) series furnaces. Accordingly, with regard to testing the GEC(-)and GKB(-) series furnaces only, today's Decision and Order exempts Rheem from the existing provisions regarding blower controls and allows testing with the 30-second delay.

It is, therefore, ordered that:

(1) The "Petition for Waiver" filed by the Rheem Manufacturing Company (Case No. F–025) is hereby granted as set forth in paragraph (2) below, subject to the provisions of paragraphs (3), (4) and (5).

(2) Not withstanding any contrary provisions of appendix N of 10 CFR part 430, subpart B, the Rheem Manufacturing Company shall be permitted to test its GEC(-) and GKB(-) series condensing gas furances on the basis of the test procedure specified in 10 CFR part 430, with modifications set forth below:

(i) Section 3.0 in appendix N is deleted and replaced with the following paragraph:

3.0 Test Procedure. Testing and measurements shall be as specified in section 9 in ANSI/ASHRAE 103–82 with the exception of sections 9.2.2, 9.3.1, and 9.3.2, and the inclusion of the following additional procedures:

(ii) Add a new paragraph 3.10 in appendix N as follows:

3.10 Gas-and Oil-Fueled Central Furnaces. The following paragraph is in lieu of the requirement specified in section 9.3.1 in ANSI/ASHRAE 103–82. After equilibrium conditions are achieved following the cool-down test and the required measurements performed, turn on the furnace and measure the flue gas temperature, using the thermocouple grid described above, at 0.5 and 2.5 minutes after the main burner(s) comes on. After the burner start-up, delay the blower start-up by 1.5 minutes (t−), unless: (1) the furnace employs a single motor to drive the power burner and the indoor air circulating blower, in which case the burner and blower shall be started together; or (2) the furnace is designed to operate using an unvarying delay time that is other than 1.5 minutes, in which case the fan control shall be permitted to start the blower; or (3) the delay time results in the activation of a temperature safety device which shuts off the burner, in which case the fan control shall be permitted to start the blower. In the latter case, if the fan control is adjustable, set it to start the blower at the highest temperature. If the fan control is permitted to start the blower, measure time delay, (t−), using a stop watch. Record the measured temperatures. During the heat-up test for oil-fueled furnaces, maintain the draft in the flue pipe within ±0.01 in. of water gauge of the manufacturer's recommended on-period draft.

(iii) With the exception of the modification set forth in subparagraph (ii) above, Rheem Manufacturing Company shall comply in all respects with the test procedures specified in appendix N of 10 CFR part 430, subpart B.

(3) The waiver shall remain in effect from the date of issuance of this Order until DOE prescribes final test procedures appropriate to the GEC(−) and GKB(−) series condensing gas furnaces manufactured by Rheem Manufacturing Company.

(4) This waiver is based upon the presumed validity of statements, allegations, and documentary materials

submitted by the petitioner. This waiver may be revoked or modified at any time upon a determination that the factual basis underlying the petition is incorrect.

(5) Effective January 7, 1991, this Waiver supersedes the Interim Waiver granted Rheem Manufacturing Company on September 4, 1990. 55 FR 37521, September 12, 1990 (Case No. F-025).

Issued in Washington, DC, January 7, 1991.

J. Michael Davis, P.E.,

Assistant Secretary Conservation and Renewable Energy.

[FR Doc. 91-1829 Filed 1-24-91; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

[FE Docket No. 90-110-NG]

Alcan Aluminum Corporation; Application to Export Natural Gas to and Import Natural Gas From Canada

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of application for authorization to export natural gas to and import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on December 11, 1990, of an application filed by Alcan Aluminum Corporation (Alcan) for authorization to export to Canada at St. Clair, Michigan, up to 8 MMcf per day of natural gas and to import from Canada at Grand Island, New York, up to 8 MMcf per day of natural gas, with adjustments for line losses, for a period of 15 years. Alcan intends to utilize firm transportation service on the proposed Empire State Pipeline, whose applications for construction currently are pending before the New York State Public Service Commission and the Federal Energy Regulatory Commission (FERC). The applicant also has entered into or is negotiating agreements for transportation with ANR Pipeline Company (ANR), Great Lakes Transmission Company (Great Lakes), TransCanada PipeLines Limited, and Union Gas Limited (Union).

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the addresses listed below no later than 4:30 p.m., e.s.t., February 25, 1991.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Linda Silverman, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-094, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-7249.

Diane Stubbs, Office of the Assistant General Counsel for Fossil Energy, U.S. Department of Energy, Forrestal Building, room 6E-042, GC-14, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION: Alcan, which is a subsidiary of Alcan Aluminum Limited, operates a large aluminum smelting and rolling facility in Oswego, New York (Oswego Works). Alcan is located within the service territory of Niagara Mohawk Power Corporation (Niagara Mohawk). Because CNG Transmission Corporation (CNG) is the sole supplier of interstate gas transportation service into Niagara Mohawk, Alcan is totally dependent on CNG for its interstate gas transportation. Alcan's recent application for firm transportation service on the CNG system was rejected. Therefore, the applicant is pursuing a program of natural gas supply, transportation, and storage diversification in order to lessen its dependence upon CNG and to obtain alternative natural gas supplies, transportation, and storage service at competitive prices and on favorable terms. Alcan anticipates initially purchasing most of the natural gas on the domestic spot market, although eventually some or all of the natural gas may be purchased under long-term contracts.

According to the application, the same gas would be exported and imported solely as part of a transportation arrangement, and would not be sold or stored in Canada. Consequently, DOE does not believe that it is necessary to consider in its evaluation domestic need for the gas with respect to the proposed export, nor competitiveness, need for the gas, or security of supply with respect to the proposed import. DOE will consider the impact of the transportation agreement on the availability of gas in markets served by the proposed Empire State Pipeline and by the other pipeline systems involved in the proposal.

The applicant asserts that the gas is needed at Oswego Works, that delivery of the gas will not deprive the United States or any region of the country of needed natural gas, and that the proposed arrangement will further the goal of providing additional volumes of natural gas to the northeastern United States. Parties opposing the arrangment bear the burden of overcoming these assertions.

All parties should be aware that if the requested export/import arrangement is approved, the authorization would be conditioned on the filing of quarterly reports indicating the volume of natural gas exported and imported.

NEPA Compliance

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321, *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed actions. FERC currently is performing an environmental review of the impacts of constructing and operating the proposed facilities related to the Empire State Pipeline project in FERC Docket Nos. CP 90-316 and CP 90-317. DOE will independently review the results of the FERC environmental evaluation of this project in the course of making its own environmental determination. No final decision will be issued in this proceeding until DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including the parties' written

comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of Alcan's application is available for inspection and copying in the Office of Fuels Programs Docket room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, January 18, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-1827 Filed 1-24-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3899-9]

Agency Information Collection Activities; Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this 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; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before February 25, 1991.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Solid Waste and Emergency Response

Title: Wood Preservative Information Requirements (EPA ICR# 1579.01). This ICR requests approval of a new collection.

Abstract: Owners and operators of facilities that handle wood preservatives must comply with several recordkeeping and reporting requirements. Specifically, generators and facilities that handle chlorophenolic formulations, creosote formulations, or inorganic preservatives containing arsenic or chromium are required to: (1) Document integrity of drip pads which includes: (a) Preparing a technical assessment of existing drip pads, (b) preparing upgrade plans for existing drip pads and submitting them to the Regional Administrator, (c) certifying compliance of upgrade plans, and (d) certifying compliance of new drip pads;

(2) Maintain documentation for operating and maintaining drip pads that includes a report of past operating history and an operating log that documents weekly inspections, holding times for treated wood, and weekly cleaning of the drip pad;

(3) Keep records for reclassifying pentachlorophenol wastes which includes the preparation of a written report documenting decontamination procedures and results;

(4) Notify EPA and maintain records of releases and clean up that includes documentation of damage, notification of the Regional Administrator of releases, a repair and clean-up plan, and a report documenting repair and clean-up;

(5) Maintain documentation of proper closure procedures;

(6) Modify any RCRA permits to include drip pads operations and submit these modifications to the Regional Administrator for review and approval.

Burden Statement: EPA estimates the public recordkeeping and reporting burden for this collection of information to average 250 hours for reporting and 69 hours for recordkeeping annually per respondent.

Respondents: Owners and operators of wood preserving facilities.

Estimated No. of Respondents: 402.

Estimated Total Annual Burden on Respondents: 109,498 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch, 401 M Street, SW., Washington, DC 20460

and

Troy Hillier, Office of Management and Budget, Office of Information and Regulatory Affairs, 725 17th Street, NW., Washington, DC 20530.

Dated: January 17, 1991.

Paul Lapsley,

Director, Regulatory Management Division.

[FR Doc. 91-1798 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3900-2]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 7, 1991 Through January 11, 1991 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 13, 1990 (55 FR 13949).

Draft EISs

ERP No. D-BLM-H70000-KS Rating E02, Kansas Comprehensive Resources Management Plan (RMP), Oil and Gas Leasing and Development, Implementation, Several Counties, KS.

Summary. EPA believes this document should discuss subsequent NEPA analysis that will be provided when the application for permit to drill is reviewed. The RMP/EIS should address other regulatory needs required by the law (e.g. Clean Water Act Section 404 authorizations) and document proposed mitigation for wetlands.

ERP No. F-FHW-E40734-GA Rating E02, Georgia Transportation Connectors Construction, I-75 in Bartow County to GA-371 Forsyth County and I-20 in Newton County to GA-316 Gwinnett County, Funding, Possible COE section 404 Permit, Bartow, Cherokee, Forsyth,

Newton, Rockdale and Walton Counties, GA.

Summary. EPA has concerns over potential destruction of a large acreage of wetlands and requested additional analysis of avoidance and mitigation options. Additional water quality analysis was also requested.

ERP No. D-FHW-E40735-AL Rating EC2, Corridor X Construction, U.S. 78 Eight Miles West of Jasper near the Walker/Jefferson County Line, Funding, U.S. Coast Guard Permit and COE section 404 Permit, Walker County, AL.

Summary. EPA's review raised concerns about water quality stream channel, wetland and upland forest impacts. Additional information is needed on impacts to aquatic resources and mitigation to offset their impacts.

Final EISs

ERP No. F-BLM-J61079-00 Craig District Wilderness Study Areas (WSAs) Wilderness Recommendations, Designation or Nondesignation, Oil Spring Mtn, Windy Gulch, Black Mtn, Willow Creek, Skull Creek, Bull Canyon, Troublesome/Platte River Contiguous WSAs, White River/Kremmling Resource Areas, Jackson, Moffat, and Rio Blanco Counties, CO and Uintah County, UT.

Summary. EPA feels the draft comments are to be applicable general guidelines indicating the concerns for future actions in these WSAs.

Dated: January 22, 1991.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 91-1800 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3900-1]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075. Availability of Environmental Impact Statements Filed January 14, 1991 Through January 18, 1991 Pursuant to 40 CFR 1506.9

EIS No. 910018, FINAL EIS, AFS, ID, Valbois Destination Resort Village, Special Use Permit and Land/Resource Management Plan Amendments, Cascade Lake, Boise National Forest, Valley County, ID, Due: February 19, 1991, Contact: Greg W. Spangenberg (208) 364-4104.

This EIS was inadvertantly omitted from the 1-18-91 **Federal Register**. The official 30 NEPA review period is calculated from 1-18-91.

EIS No. 910019, Draft EIS, AFS, CA, Duncan/Sunflower Timber Sales, Implementation, Duncan Canyon, Tahoe National Forest, Foresthill Ranger District, Placer County, CA, Due: March 11, 1991, Contact: Philip G. Tuma (916) 367-2224.

EIS No. 910020, Final EIS, BOP, NY, Brooklyn Metropolitan Detention Center, Construction and Operation, New York City, NY, Due: February 25, 1991, Contact: William J. Patrick (202) 514-6471.

NIS No. 910021, Draft EIS, AFS, MT, Bender-Retie Timber Sale and Road Construction/Reconstruction, Implementation, Beaverhead National Forest, Wisdom Ranger District, Beaverhead County, MT, Due: March 11, 1991, Contact: Philip Kemp (406) 683-3900.

EIS No. 910022, Final EIS, FRC, OH, Summit Pumped Storage Hydroelectric Project, Construction, Operation and Maintenance, License, Summit County, OH, Due: February 25, 1991, Contact: Lee Emery (202) 219-2779.

EIS No. 910023, Final EIS, AFS, MT, South Fork Complex Timber Sales Road Construction and Reconstruction, Implementation, Lewis and Clark National Forest, Judith Ranger District, Judith Basin County, MT, Due: March 11, 1991, Contact: Jerome E. Dombrovske (406) 566-2292.

Amended Notices

EIS No. 900442, Draft EIS, GSA, VA, U.S. Navy Systems Commands Consolidation, Office Complex Construction and Rehabilitation at Seven Sites in either City of Alexandria or Arlington County, VA Due: February 18, 1991, Contact: Thomas Sherman (202) 708-5891.

Published FR 12-7-90— Review period extended.

Dated: January 22, 1991.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 91-1799 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-44562; FRL 3873-4]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data on methyl ethyl ketoxime (MEKO) (CAS No. 96-29-7) and mercaptobenzothiazole (MBT) (CAS No. 149-30-4), submitted pursuant to a final test rule under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received.

I. Test Data Submissions

Test data for MEKO were submitted by the Industrial Health Foundation, Inc., pursuant to a test rule at 40 CFR 799.2700. They were received by EPA on December 31, 1990. The submission describes an acute *in vivo* cytogenetics assay in rats. Health effects testing is required by this test rule. This chemical is used primarily as a nonreactive antiskinning agent in alkyd surface coating and paints. It is also used as a blocking agent for isocyanates and siloxanes.

Test data for MBT were submitted by the Chemical Manufacturers Association on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.2475. They were received by EPA on December 31, 1990. The submission describes a two generation reproduction study in rats. Health effects testing is required by this test rule. This chemical is used as a vulcanization accelerator in tires.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44562). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603

Dated: January 14, 1991.

James B. Willis,

Acting Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 91-1802 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-59292; FRL 3875-1]

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 premanufacturing 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 one applications for exemption, provides a summary, and requests comments on the appropriateness of granting these exemptions.

DATES:

Written comments by:

T 91-7, February 7, 1991.

ADDRESSES: Written comments, identified by the document control number "(OPTS-59291)" and the specific TME 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) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. EB-44, 401 M St., SW, Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer of the TME received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

T 91-7

Close of Review Period. February 21, 1991.

Manufacturer. Confidential.

Chemical. (G) Polyether alcohol.

Use/Production. (G) Gasoline additive. Prod. range: Confidential.

Dated: January 18,1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-1803 Filed 1-24-91 8:45 am]

BILLING CODE 6560-50-F

[OPTS-59902; FRL 3876-3]

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 46066) (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 4 such PMN(s) and provides a summary of each.

DATES: Close of review periods:

Y 91-66, December 31, 1990.

Y 91-68, January 2, 1991.

Y 91-74, January 29, 1991.

Y 91-75, January 28, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

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-G004 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 91-66

Manufacturer. Confidential.

Chemical. (G) Polyester polyurethane.

Use/Production. (S) Polymeric coating for leather, wood, metal. Prod. range: 300,000-600,000 kg/yr.

Y 91-68

Manufacturer. Confidential.

Chemical. (G) Linoleic acid, tall oil fatty acids, cycloboxylic acids, aromatic mono and dicarboxylic acids, aliphatic polyols alkyd.

Use/Production. (G) Water reducible resin for coatings. Prod. range: Confidential.

Y 91-74

Manufacturer. Cook Composities and Polymers.

Chemical. (G) Unsaturated polyester.

Use/Production. (S) Pigmented in-mold gel coat. Prod. range: 75,000-200,000 kg/yr.

Y 91-75

Importer. Phoenix Systems International, Ltd.

Chemical. (G) Alkyd resin, silicone modified.

Use/Production. (S) Conformal coating for electronic assembles. Import range: 700-5,000 kg/yr.

Dated: January 18, 1991.

Steve Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

[FR Doc. 91-1804 Filed 1-24-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-890-DR]

Alabama; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA-890-DR), dated January 4, 1991, and related determinations.

DATED: January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency

Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that the incident period for this disaster is closed effective January 16, 1991.

(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. 91-1771 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-890-DR]

Alabama; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Alabama (FEMA-890-DR), dated January 4, 1991, and related determinations.

DATED January 9, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Alabama, dated January 4, 1991, is hereby amended to include the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of January 4, 1991:

Marshall County for Individual Assistance and Public Assistance; and

Limestone County for Individual Assistance only.

(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. 91-1772 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-891-DR]

Indiana; Amendment to Notice of a Major Disaster Declaration

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.

DATED: January 14, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Indiana, dated January 5, 1991, is hereby amended to include Public Assistance in 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 Adams, Allen, Brown, Clark, Dearborn, Franklin, Greene, Hamilton, Howard, Knox, Marion, Montgomery, Morgan, Parke, Pulaski, Rush, Vermillion, and Vigo for Public Assistance. (Previously designated 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. 91-1774 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-891-DR]

Indiana; Amendment to Notice of a Major Disaster Declaration

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.

DATED: January 12, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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 Boone, Floyd, Hancock, Harrison, Jefferson, and Starke 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. 91-1775 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-891-DR]

Indiana; Amendment to Notice of a Major Disaster Declaration

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.

DATED: January 12, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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:

Steuben County 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. 91-1776 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-891-DR]

Indiana; Amendment to Notice of a Major Disaster Declaration

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.

DATED: January 10 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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 Adams, Blackford, Clark, De Kalb, Elkhart, Fulton, Gibson, Henry, Huntington, Jay, Knox, Kosciusko, Marshall,

Miami, Monroe, Newton, Pike, Porter, Posey, Pulaski, St. Joseph, Sullivan, Tipton, Vanderburgh, Vermillion, and Vigo 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. 91-1777 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-885-DR]

Indiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Indiana (FEMA-885-DR), dated December 6, 1990, and related determinations.

DATED: January 14, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Indiana, dated December 6, 1990, is hereby amended to include Public Assistance in 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 December 6, 1990:

Lake County for Public 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. 91-1778 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-888-DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

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.

DATED: January 14, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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:

Simpson County 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. 91-1779 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-892-DR]

Federated States of Micronesia; Notice of 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 Federated States of Micronesia (FEMA-892-DR), dated January 17, 1991, and related determinations.

DATED: January 17, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that, in a letter dated January 17, 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 Federated States of Micronesia, resulting from Typhoon Russ on December 16-17, 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 Federated States of Micronesia.

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 John D. Swanson 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 Federated States of Micronesia to have been affected adversely by this declared major disaster:

Pohnpei States for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Wallace E. Stickney,

Director, Federal Emergency Management Agency.

[FR Doc. 91-1773 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02

[FEMA-888-DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

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.

DATED: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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:

Harrison County for Individual Assistance only.

(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. 91-1780 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-888-DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

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.

DATED: January 14, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice is hereby given that the incident period for this disaster is closed effective January 14, 1991.

(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. 91-1781 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-889-DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.

DATED: January 10, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Eliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 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 4, 1991:

The counties of Coffee, Jackson, and Morgan for Individual Assistance and Public 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. 91-1782 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-889-DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.

DATED: January 12, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 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 4, 1991:

The counties of Anderson and Bedford 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. 91-1783 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-889-DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.

DATED: January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: Notice is hereby given that the incident period for this disaster is closed effective January 14, 1991.

(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. 91-1784 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-889-DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.

DATED: January 16, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Tennessee, dated January 4, 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 4, 1991:

Polk County for Individual Assistance and Public Assistance;

The counties of Lauderdale and Roane for Individual Assistance only; and

The counties of Dyer and Obion for Public Assistance. (Previously designated 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. 91-1785 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-01-M

[FEMA-889-DR]

Tennessee; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Tennessee (FEMA-889-DR), dated January 4, 1991, and related determinations.

DATED: January 7, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

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 disaaster by the President in his declaration of January 4, 1991:

The counties of Bledsoe, Cumberland, Fentress, Van Buren, and Warren for Individual Assistance and Public Assistance; and

The counties of Franklin, Lincoln, Marion, and Rhea for Public Assistance (previously designated 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. 91-1786 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-883-DR]

Washington; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Washington (FEMA-883-DR), dated November 26, 1990, and related determinations.

DATED: January 15, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Washington, dated November 26, 1990, 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 November 26, 1990:

Kitsap County for Public Assistance. (Previously designated 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. 91-1787 Filed 1-24-91; 8:45 am]

BILLING CODE 6718-02-M

FEDERAL MEDIATION AND CONCILIATION SERVICE

Implementation of the Administrative Dispute Resolution Act, Public Law 101-552

ACTION: Notice of services; procedure for requesting assistance.

SUMMARY: On November 15, 1990, the President signed into law H.R. 2497, the Administrative Dispute Resolution Act (Pub. L. 101-552). The purpose of this Act is to encourage Federal agencies to use various settlement techniques including mediation, to resolve disputes prior to litigation before an administrative or other tribunal.

The scope of the Act encompasses a broad range of programs, including disputes arising out of rulemaking, adjudication, licensing, investigations, contracts and grants. Under the Act, Federal agencies are required to (1) designate a senior official as dispute resolution specialist, (2) provide training for this specialist, and for other employees involved in dispute resolution activities, (3) adopt a dispute resolution policy—in consultation with the Administrative Conference of the United States and the Federal Mediation and Conciliation Service, and (4) review the language used in its contracts, grants and other agreements, to determine if the language needs to be changed to provide for dispute resolution procedures.

Under the Act, FMCS may provide its services to Federal agencies to aid in the resolution of disputes. These services include consultation concerning dispute resolution policies and programs, training in skills and procedures employed in dispute resolution, and furnishing persons to provide mediation for various disputes.

In order to obtain FMCS services, or further information, inquiries should be addressed to: John A. Wagner, Director, Field Services and Training, Federal Mediation and Conciliation Service, 2100 K Street, NW., Washington, DC 20427 (202-653-2055).

Dated: January 22, 1991.

Bernard E. DeLury,

Director.

[FR Doc. 91-1813 Filed 1-24-91; 8:45 am]

BILLING CODE 6372-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Advisory Committee Meetings in February-March

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Correction of meeting notice.

SUMMARY: Public notice was given in the **Federal Register** on January 11, 1991, Volume 56, No. 8, on page 1194, that the Biochemistry Research Subcommittee of the Drug Abuse Biomedical Research Review Committee, NIDA, would neet on February 12. The Committee will meet February 12-14. On February 12 the meeting will be open from 8:30-9 a.m.; the remainder of the meeting will be closed.

Dated: January 18, 1991.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 91-1714 Filed 1-24-91; 8:45 am]

BILLING CODE 4160-20-M

Food and Drug Administration

[Docket No. 90N-0332]

Fraud, Material False Statements, Bribery, and Illegal Gratuities; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending to

February 21, 1991, the comment period for the proposed policy that describes the regulatory approach FDA intends to take regarding applicants that seek to subvert the agency's review and approval of market applications for example, new and generic drug applications, biological product license applications, new animal drug applications, device product market applications, food additive petitions. The proposed policy also outlines corrective actions by which applicants may seek to restore FDA's confidence in their integrity and permit agency approval of their market applications. This document extends for 30 days the time for submission of comments on the proposed policy.

DATES: Comments by February 21, 1991.

ADDRESSES: Submit written comments on the proposed policy to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Comments should be identified with the docket number found in brackets in the heading of this document. Received comments will be available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mischelle B. Ledet, Division of Compliance Policy (HFC-230), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-1500.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of December 21, 1990 (55 FR 52323), FDA published a proposed policy that outlines corrective actions by which manufacturers may seek to restore integrity in the conduct of their business and permit substantive review and approval by the agency of their market applications. The agency's actions, and the corrective actions that firms will be expected to take, will be tailored to the facts and circumstances of particular cases. In addition to regulatory mechanisms that are already in place, the proposed policy describes a new compliance policy with regard to applications that may be affected by acts of fraud, material false statements, bribery, or illegal gratuities, as well as applications found to contain fraudulent information. The proposal gave interested persons an opportunity to submit written comments for 30 days (by January 22, 1991).

In response to the proposed policy, the Pharmaceutical Manufacturers Association (PMA), the National Association of Pharmaceutical Manufacturers (NAPM), the Health Industry Manufacturers Association (HIMA), and the Nonprescription Drug Manufacturers Association (NDMA) requested a 30-day extension of the comment period. These trade associations represent drug and medical device manufacturers that have a substantial interest in the proposed policy. In its request for an extension, PMA noted that, because the 30-day comment period on the proposed policy spanned the year end holiday season during which many PMA companies provided extended leave, or closed facilities, additional time was needed to prepare meaningful and comprehensive comments for submission to FDA. NAPM noted that the proposed policy was circulated and discussed at its annual meeting, which was held during the week of January 14, 1991, and additional time was needed to prepare comments resulting from that meeting. HIMA and NDMA stated the comment period included the December holiday season and that many members have been unable to comment.

FDA has carefully considered these requests and has determined that the comment period should be extended to provide a full opportunity for meaningful comment. Accordingly, the comment period for submissions by any interested person is extended to February 21, 1991.

Interested persons may, on or before February 21, 1991, submit written comments regarding this proposal to the Dockets Management Branch (address above). 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. Although the agency has decided to provide notice and an opportunity for comment by interested parties prior to implementation of the policy, the agency does not regard the proposed compliance policy as a rule. The policy, as proposed, does not contain any requirement that would be binding on either the agency or the regulated industry.

Dated: January 18, 1991.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 91-1718 Filed 1-22-91; 11:01 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Advisory Council; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of February 1991:

Name: Council on Graduate Medical Education.

Time: February 12, 1991, 8:15 a.m.-9:45 a.m.

Place: Conference Room P, Parklawn Conference Center, 5600 Fishers Lane, Rockville, MD 20857.

Open for entire meeting.

Purpose: Provides advice and recommendations to the Secretary and to the Committees on Labor and Human Resources, and Finance of the Senate and the Committees on Energy and Commerce and Ways and Means of the House of Representatives, with respect to (A) the supply and distribution of physicans in the United States; (B) current and future shortages of physicians in medical and surgical specialties and subspecialties; (C) issues relating to foreign medical graduates; (D) appropriate Federal policies regarding (A), (B), and (C) above; (E) appropriate efforts to be carried out by medical and osteopathic schools, public and private hospitals and accrediting bodies regarding matters in (A), (B), and (C) above; (F) deficiencies in the needs for improvements in, existing data bases concerning supply and distribution of, and training programs for physicians in the United States.

Agenda: The plenary Council will meet briefly in the morning to discuss revised action plans for development of the Third Report of the Council.

Anyone requiring information regarding the subject Council should contact Carol Gleich, Ph.D., Executive Secretary, Council on Graduate Medical Education, Health Resources and Services Administration, room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6190.

* * * * *

Name: Subcommittee on Medical Education Programs and Financing of the Council on Graduate Medical Education.

Time: February 12, 1991, 10 a.m.-5 p.m.

Place: Chesapeake Room, Parklawn Conference Center, 5600 Fishers Lane, Rockville, MD 20857, and

Time: February 13, 1991, 8:15 a.m.-3 p.m.

Place: Crown Plaza, Holiday Inn, Randolph Room, 1750 Rockville Pike, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: The subcommittee identifies the issues and problems in current methods of financing and support. Assesses the implications of alternative financing policies on medical education programs, service delivery, cost containment, physician supply & distribution, and shortages and excesses of physicians.

Analyzes existing information and data on current and alternative medical education programs of hospitals, schools of medicine and osteopathy, and accrediting bodies; federal policies regarding medical education programs; and their impact on the supply and distribution of physicians.

Agenda: (1) The Subcommittee will receive and discuss presentations by representatives of the Macy Foundation, Robert Wood Johnson Foundation, Pew Charitable Trusts, and Kellogg Foundation on initiatives for medical education reform which they support at individual medical schools. Reactor comments for further discussion will be provided by the Liaison Committee for Medical Education, the Department of Veterans Affairs, and the Accreditation Council for Graduate Medical Education.

Anyone requiring information regarding the subject Subcommittee should contact F. Lawrence Clare, M.D., Principal Liaison, or Dona Harris, Ph.D., Scholar-in-Residence, Division of Medicine, Bureau of Health Professions, room 4C-25, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 Telephone (301) 443-6326.

* * * * *

Name: Subcommittee on Physician Manpower of the Council on Graduate Medical Education.

Time: February 12, 1991, 10 a.m.-4:30 p.m.

Place: Conference Room L, Parklawn Conference Center, 5600 Fishers Lane, Rockville, MD 20857, and

Time: February 13, 1991, 8:30 a.m.-12:45 p.m.

Place: Crown Plaza, Holiday Inn, Presidential II, Conference room, 1750 Rockville Pike, Rockville, Maryland 20857.

Open for entire meeting.

Purpose: The subcommittee reviews and analyzes currently applicable studies of under and oversupply of physician manpower giving special attention to number and distribution of specialists, primary care physicians and residents. It also is concerned with studies and recommendations regarding the number of undergraduate medical students as well as the need for improving physician manpower data.

Agenda: Presentations of invited specialties on their assessments of adequacy of physician supply for their specialties, as well as their comments on draft report of ABT Associates on a reexamination of the adequacy of physician supply for selected specialties made by the Graduate Medical Education National Advisory Committee. Review of preliminary conclusions/recommendations on the geographic distribution of physician manpower. Discussion of future activities of the Subcommittee.

Anyone requiring information regarding the subject Subcommittee should contact Jerald M. Katzoff, Subcommittee Principal Staff Liaison, Division of Medicine, Bureau of Health Professions, room 4C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 Telephone (301) 443-6326.

* * * * *

Agenda Items are subject to change as priorities dictate.

Dated: January 22, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91-1715 Filed 1-24-91; 8:45 am]

BILLING CODE 4160-15-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-1917; FR-2934-N-09]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: January 25, 1991.

ADDRESSES: For further information, contact James Forsberg, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing and speech-impaired (202) 708-2565 (These telephone numbers are not toll free.)

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.) HUD publishes a Notice, on a weekly basis, identifying unutilized and underutilized Federal buildings and real property determined by HUD to be suitable for use for facilities to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable this week.

Dated: January 18, 1991.

Paul Roitman Bardack,

Depty Assistant Secretary for Economic Development.

[FR Doc. 91-1679 Filed 1-24-91; 8:45 am]

BILLING CODE 4210-29-M

Office of the General Counsel

[Docket No. D-91-941; FR-2969]

Redelegation of Authority Under the Fair Housing Act

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: In this notice the General Counsel is redelegating authority with regard to the processing of fair housing complaints, under 24 CFR 103.400, concurrently to the ten Regional Counsel and to the Associate General Counsel for Equal Opportunity and Administrative Law and the Assistant General Counsel for Fair Housing.

EFFECTIVE DATE: January 28, 1991.

FOR FURTHER INFORMATION CONTACT: David Enzel, Fair Housing Division, Office of the General Counsel, room 9238, Department of Housing and Urban Development, Washington, DC 20410. Telephone (202) 708-0570. (This is not a toll-free number.) The toll-free TDD number for hearing impaired persons is 1-800-543-8294.

SUPPLEMENTARY INFORMATION: 24 CFR part 103 contains the Department's regulations governing the processing of complaints filed under the Fair Housing Act. By final rule published December 28, 1990 (55 FR 53283), HUD revised 24 CFR 103.300(a) which governs the issuance of reasonable cause determinations. Under the revised rule, the Assistant Secretary for Fair Housing and Equal Opportunity will refer to the General Counsel all complaints where the Assistant Secretary, based on the facts, believes that a discriminatory housing practice has occurred or is about to occur. All other cases will be

dismissed by the Assistant Secretary under 24 CFR 103.400(a)(1). Where a referral is made, the General Counsel will either: (1) Issue A reasonable cause determination and a charge (24 CFR 103.400(a)(2)(i)); (2) issue a no reasonable cause determination and a dismissal (24 CFR 103.400(a)(2)(ii)); or (3) refer the matter to the Department of Justice if the complaint involves the legality of a local zoning or land use law or ordinance.

In this notice of redelegation of authority, the General Counsel is redelegating to the Regional Counsel of the ten HUD regions the authority referred to above under 24 CFR 103.400, except authority regarding complaints involving complex facts or novel issues of law or the legality of local zoning or land use laws or ordinances. The General Counsel also redelegates concurrently to the Associate General Counsel for Equal Opportunity and Administrative Law and to the Assistant General Counsel for Fair Housing the authority to determine which complaints involve complex facts or novel issues of law or involve the legality of local zoning or land use laws. With regard to cases that are not referred to the Regional Counsel, the General Counsel has retained the authority to take appropriate actions under 24 CFR 103.400.

Accordingly, the General Counsel redelegates the following authority:

Section A—Authority delegated

(1) to the ten Regional Counsel the General Counsel's authority under 24 CFR 103.400, except with regard to complaints found by the General Counsel to involve either complex facts or novel issues of law, or the legality of local zoning or land use laws or ordinances.

(2) to the Associate General Counsel for Equal Opportunity and Administrative Law and to the Assistant General Counsel for Fair Housing the authority to determine which complaints involve complex facts or novel issues of law, or involve the legality of local zoning or land use laws.

Section B—Authority excepted

The authority granted in Section A of this redelegation may not be redelegated.

Section C—Delegation revoked

The redelegation of authority published in the **Federal Register** on June 7, 1990 at 55 FR 23301 (Docket No. D-90-920; FR-2842-D-01) is revoked.

Authority: 42 U.S.C. 3600-3619; 42 U.S.C. 3535(d).

Dated: January 14, 1991.

Frank Keating,

General Counsel.

[FR Doc. 91-1707 Filed 1-24-91; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Coordinated Long-Range Operation of Colorado River Reservoirs

AGENCY: Bureau of Reclamation, Interior.

ACTION: Correction of **Federal Register** Notice, Vol. 56, No. 4, Monday, January 7, 1991, p. 534 (Addition of omitted material).

Immediately following the last paragraph, insert the following Operating Criteria:

Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs Pursuant To The Colorado River Basin Project Act of September 30, 1968 (Public Law 90-537)

The Operating Criteria are promulgated in compliance with section 602 of Public Law 90-537. They are to control the coordinated long-range operation of the storage reservoirs in the Colorado River Basin constructed under the authority of the Colorado River Storage Project Act (hereinafter "Upper Basin Storage Reservoirs") and the Boulder Canyon Project Act (Lake Mead). The Operating Criteria will be administered consistent with applicable Federal laws, the Mexican Water Treaty, interstate compacts, and decrees relating to the use of the waters of the Colorado River.

The Secretary of the Interior (hereinafter the "Secretary") may modify the Operating Criteria from time to time in accordance with section 602(b) of Public Law 90-537. The Secretary will sponsor a formal review of the Operating Criteria at least every 5 years, with participation by State representatives as each Governor may designate and such other parties and agencies as the Secretary may deem appropriate.

I. Annual Report

(1) On January 1, 1972, and on January 1 of each year thereafter, the Secretary shall transmit to the Congress and to the Governors of the Colorado River Basin States a report describing the actual operation under the adopted criteria for the preceding compact water year and the projected plan of operation for the current year.

(2) The plan of operation shall include such detailed rules and quantities as may be necessary and consistent with the criteria contained herein, and shall reflect appropriate consideration of the uses of the reservoirs for all purposes, including flood control, river regulation, beneficial consumptive uses, power production, water quality control, recreation, enhancement of fish and wildlife, and other environmental factors. The projected plan of operation may be revised to reflect the current hydrologic conditions, and the Congress and the Governors of the Colorado River Basin States shall be advised of any changes by June of each year.

II. Operation of Upper Basin Reservoirs

(1) The annual plan of operation shall include a determination by the Secretary of the quantity of water considered necessary as of September 30 of that year to be in storage as required by section 602(a) of Public Law 90-537 (hereinafter "602(a) Storage"). The quantity of 602(a) Storage shall be determined by the Secretary after consideration of all applicable laws and relevant factors, including, but not limited to, the following:

(a) Historic streamflows;

(b) The most critical period of record;

(c) Probabilities of water supply;

(d) Estimated future depletions in the upper basin, including the effects of recurrence of critical periods of water supply;

(e) The "Report of the Committee on Probabilities and Test Studies to the Task Force on Operating Criteria for the Colorado River," dated October 30, 1969, and such additional studies as the Secretary deems necessary;

(f) The necessity to assure that upper basin consumptive uses not be impaired because of failure to store sufficient water to assure deliveries under section 602(a) (1) and (2) of Public Law 90-537.

(2) If, in the plan of operation, either:

(a) The Upper Basin Storage Reservoirs active storage forecast for September 30 of the current year is less than the quantity of 602(a) Storage determined by the Secretary under Article II(1) hereof, for that date; or

(b) The Lake Powell active storage forecast for that date is less than the Lake Mead active storage forecast for that date;

the objective shall be to maintain a minimum release of water from Lake Powell of 8.23 million acre-feet for that year. However, for the years ending September 30, 1971 and 1972, the release may be greater than 8.23 million acre-feet if necessary to deliver 75,000,000 acre-feet at Lee Ferry for the 10-year period ending September 30, 1972.

(3) If, in the plan of operation, the Upper Basin Storage Reservoirs active storage forecast for September 30 of the current water year is greater than the quantity of 602(a) Storage determination for that date, water shall be released annually from Lake Powell at a rate greater than 8.23 million acre-feet per year to the extent necessary to accomplish any or all of the following objectives.

(a) To the extent it can be reasonably applied in the States of the Lower Division to the uses specified in Article III(e) of the Colorado River Compact, but no such releases shall be made when the active storage in Lake Powell is less than the active storage in Lake Mead,

(b) To maintain, as nearly as practicable, active storage in Lake Mead equal to the active storage in Lake Powell, and

(c) To avoid anticipated spills from Lake Powell.

(4) In the application of Article II(3)(b) herein, the annual release will be made to the extent that it can be passed through Glen Canyon Powerplant when operated at the available capability of the powerplant. Any water thus retained in Lake Powell to avoid by-pass of water at the Glen Canyon Powerplant will be released through the Glen Canyon Powerplant as soon as practicable to equalize the active storage in Lake Powell and Lake Mead.

(5) Releases from Lake Powell pursuant to these criteria shall not prejudice the position of either the upper or lower basin interests with respect to required deliveries at Lee Ferry pursuant to the Colorado River Compact.

III. Operation of Lake Mead

(1) Water released from Lake Powell, plus the tributary inflows between Lake Powell and Lake Mead, shall be regulated in Lake Mead and either pumped from Lake Mead or released to the Colorado River to meet requirements as follows:

(a) Mexican Treaty obligations;

(b) Reasonable consumptive use requirements of mainstream users in the Lower Basin;

(c) Net river losses;

(d) Net reservoir losses;

(e) Regulatory wastes.

(2) Until such time as mainstream water is delivered by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met.

(3) After commencement of delivery of mainstream water by means of the Central Arizona Project, the consumptive use requirements of Article III(1)(b) of these Operating Criteria will be met to the following extent:

(a) *Normal.* The annual pumping and release from Lake Mead will be sufficient to satisfy 7,500,000 acre-feet of annual consumptive use in accordance with the decree in *Arizona* v. *California*, 376 U.S. 340 (1964).

(v) Priorities set forth in Article II(a) of the decree in *Arizona* v. *California;* and

(vi) the purposes stated in Article I(2) of these Operating Criteria.

The shortage provisions of Article II(B)(3) of the decree in *Arizona* v. *California* shall thereupon become effective and consumptive uses from the mainstream shall be restricted to the extent determined by the Secretary to be required by section 301(b) of Public Law 90-537.

IV. Definitions

(1) In addition to the definitions in section 606 of Public Law 90-537, the following shall also apply:

(a) *Spills,* as used in Article II(3)(c) herein, means water released from Lake Powell which cannot be utilized for Project purposes, including, but not limited to, the generation of power and energy.

(b) *Surplus,* as used in Article III(3)(b) herein, is water which can be used to meet consumptive use demands in the three Lower Division States in excess of 7,500,000 acre-feet annually. The term "surplus" as used in these Operating Criteria is not to be construed as applied to, being interpretive of, or in any manner having reference to the term "surplus" in the Colorado River Compact.

(c) *Net inflow to Lake Mead,* as used in Article III(3) (b)(iv) and (c)(iii) herein, represents the annual inflow to Lake Mead in excess of losses from Lake Mead.

(b) *Surplus.* The Secretary shall determine from time to time when water in quantities greater than "Normal" is available for either pumping or release from Lake Mead pursuant to Article II(B)(2) of the decree in *Arizona* v. *California* after consideration of all relevant factors, including, but not limited to, the following:

(i) The requirements stated in Article III(1) of these Operating Criteria;

(ii) Requests for water by holders of water delivery contracts with the United States, and of other rights recognized in the decree in *Arizona* v. *California;*

(iii) Actual and forecast quantities of active storage in Lake Mead and the Upper Basin Storage Reservoirs; and

(iv) Estimated net inflow to Lake Mead.

(c) *Shortage.* The Secretary shall determine from time to time when insufficient mainstream water is available to satisfy annual consumptive use requirements of 7,500,000 acre-feet after consideration of all relevant factors, including, but not limited to, the following:

(i) The requirements stated in Article III(1) of these Operating Criteria;

(ii) Actual and forecast quantities of active storage in Lake Mead;

(iii) Estimate of net inflow to Lake Mead for the current year;

(iv) Historic streamflows, including the most critical period of record;

(d) *Available capability,* as used in Article II(4) herein, means that portion of the total capacity of the powerplant that is physically available for generation.

Dated: January 18, 1991.

Dennis B. Underwood,

Commissioner.

[FR Doc. 91-1689 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-09-M

Bureau of Land Management

[AK-967-4230-15; AA-10534]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of Section 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(h)(1), will be issued to Sealaska Corporation for approximately 9.6 acres. The lands involved are in the vicinity of Yakutat Alaska.

Copper River Meridian

T. 28 S., R. 34 E

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the JUNEAU EMPIRE. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue #13, Anchorage, Alaska 99513-7599 ((907) 271-5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until February 25, 1991 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the

requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Elizabeth P. Carew,

Acting Chief, Branch of KCS Adjudication.

[FR Doc. 91-1752 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-JA-M

[CA-060-01-4352-12]

Interim Closure of Public Lands in the Rand Mountains/Fremont Valley Area Ridgecrest Resource Area, Kern County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of interim closure of public lands in eastern Kern County, CA.

SUMMARY: Notice is hereby given that certain Public Lands in California are closed to vehicular access with the exception of certain open routes of travel, closed to the discharge of firearms except for the lawful taking of upland game birds within an area identified for such use, and closed to camping except within a specific area identified for such use.

This closure covers Public Lands in the Rand Mountain/Fremont Valley Management Area that is bounded approximately by the community of Randsburg, CA and U.S. Highway 395 on the east, Garlock and Randsburg-Red Rock Roads on the north, the western edge of the Koehn Dry Lake on the west, and private lands encompassed by the incorporated city limits of California City, CA on the south.

Order: Notice is hereby given that effective on the date of publication of this notice in the **Federal Register**, the following use restrictions will be in effect on Public Lands in the Rand Mountain/Fremont Valley Management Area and will remain in effect until the Rand Mountain/Fremont Valley Management Plan is approved and implemented.

1. No person may use, drive or otherwise operate a motorized vehicle except on those routes of travel that are identified on the ground by brown colored open route signs.

2. No person may discharge a firearm at any time except shotguns and then only during the fall and winter hunting seasons for the lawful taking of upland game birds (September 1 through January 31) in the upland and mountainous portions of the area.

3. Camping is prohibited except in the southeast portion of the management area bounded on the south by the Randsburg-Mojave Road, on the west by the Willis Well Road (#R13) and on the north by designated vehicle route #R134. Within this area, camping may occur only in previously disturbed areas within 100 feet of open routes of travel. Staging for day use may occur only in those previously disturbed areas where camping is allowed.

Exemptions to this order are use of existing access routes to residences, active mining operations and communication sites (Government Peak). All other exemptions to this order are by written authorization of the California Desert District Manager or the Ridgecrest Area Manager only.

The legal land description for lands affected by this closure are as follows:

Mount Diablo Meridian:

T. 29 S, R.38 E, sec. 34, 35, 36. T. 29 S, R.39 E, sec. 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 34, 35. T. 29S, R.40E, sec. 7, 8, 10, 14, 15, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35. T. 30 S, R. 38 E, sec. 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 21, 22, 23, 24, 26, 27, 28. T. 30 S, R. 39 E, sec. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35. T. 30 S, R. 40 E, sec. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34. T. 30 S, R. 41 E, sec. 19, 30. T. 31 S, R. 39 E, sec. 5.

Maps identifying these lands, restrictions, and exempted motorized vehicle routes are available at the California Desert District and Ridgecrest Resource Area offices.

Authority for this interim closure and use restrictions is found in 43 CFR 8364.1. Violation of this closure is punishable by a fine not to exceed $1000 and/or 12 months in jail.

SUPPLEMENTARY INFORMATION: The purpose of this interim closure and use restrictions is to provide increased protection for the desert tortoise populations and its habitat until final approval and implementation of the comprehensive Rand Mountain/Fremont Valley Management Plan. The desert tortoise is listed as a threatened species under the Federal Endangered Species Act and is afforded increased protection under terms of the Act and this plan.

On October 1, 1989, a temporary emergency quarantine/road closure for up to a year was placed on these lands to protect tortoise populations and its habitat while this plan was developed. This emergency closure was extended to November 21, 1990. It was anticipated that the management plan would be completed and approved by then. However, consultation requirements with the U.S. Fish and Wildlife Service have delayed final plan approval and implementation. This interim closure will provide the legal basis for enforcement until the plan is completed.

The vehicular and shooting restrictions will greatly reduce impacts to the tortoise and its habitat caused by vehicular use and casual shooting. The camping closure and restrictions will reduce trampling of soils and vegetation and other impacts associated with prolonged human use. This closure will provide the basis for effective enforcement of these protective measures.

EFFECTIVE DATE: This order is effective January 25, 1991, and will remain in effect until the Rand Mountains/Fremont Valley Management Plan is completed and implemented and this order is rescinded by the California Desert District Manager or the Ridgecrest Area Manager.

FOR FURTHER INFORMATION CONTACT:

Gerald E. Hillier, District Manager, California Desert District, 1695 Spruce Street, Riverside CA 92507 714-276-6394, or

Lee Delaney, Area Manager, Ridgecrest Resource Area, 300 South Richmond Street, Ridgecrest CA, 93555, 619-375-7125.

Dated: January 14, 1991.

Gerald E. Hillier,

District Manager.

[FR Doc. 91-1748 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-40-M

[G-010-4111-02-ADVB/G1-0105]

Albuquerque District, NM; District Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Albuquerque district advisory council meeting.

SUMMARY: The BLM Albuquerque District Advisory Council will meet February 15, 1991 in the Albuquerque District Office located at 435 Montano NE in Albuquerque, New Mexico. The meeting will begin at 10 a.m. and will continue until about 3 p.m.

The main topic on the agenda will be to review progress made by Congressman Bill Richardson's Rio Grande National Conservation Area Committee. The group, formed by the congressman, is attempting to reach consensus on draft legislation to create a National Conservation Area on BLM lands within the Albuquerque District. The Council will also receive information on other current issues.

The public is invited to attend all or part of the meeting. Individuals wishing to address the Council should contact Alan Hoffmeister, Public Affairs Specialist, 435 Montano NE., Albuquerque, New Mexico 87107 (505) 761-4513.

Robert T. Dale,

District Manager.

[FR Doc. 91-1683 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-FB-M

Establishment of Supplemental Rule for Public Lands in California Regarding Possession of Alcohol While Operating or Riding on/in Motor Vehicles

AGENCY: Bureau of Land Management, Department of Interior.

ACTION: Establishment of supplemental rule, applying to public lands administered by the Bureau of Land Management (BLM) in California.

SUMMARY: The purpose of this notice is to establish a supplemental rule to help in reducing the number of alcohol related accidents on Public Land. Therefore, no person shall have in their possession or on their person, any open container that contains an alcoholic beverage while operating or riding in or on a motor vehicle or off-road vehicle on public lands administered by the Bureau of Land Management within California. Also, no person shall drink any alcoholic beverage while operating or riding in or on a motor vehicle or off-road vehicle on public lands administered by the Bureau of Land Management within California.

BACKGROUND: Hundreds of people are injured each year while operating or riding vehicles off highway on the Public Lands. A large percentage of these injury accidents are alcohol related. This rule will give the BLM a tool with which to increase our enforcement efforts related to driving under the influence and ultimately to reduce the number of alcohol related incidents. For purpose of this rule, a motor vehicle is defined as any self propelled device in, upon, or by which a person is or may be transported. "Off-road vehicle" is defined in 43 CFR 8340.0-5(a).

EFFECTIVE DATE: This rule will go into effect February 25, 1991, and will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: State Staff Ranger, Bureau of Land Management, California State Office, 2800 Cottage Way, Sacramento, CA 95825, 916-978-4725.

SUPPLEMENTARY INFORMATION: The authority for this supplemental rule is found in 43 CFR 8365.1-6. Violation of this rule is punishable by a fine not to exceed $1,000.00 and/or imprisonment not to exceed 12 months.

Dated: January 16, 1991.

Ed Hastey,

State Director.

[FR Doc. 91-1753 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-40-M

[CA-050-09-4212-13; CA 27703]

Realty Action; Exchange of Public Lands in Siskiyou, Shasta, Trinity, Tehama, and Butte Counties, CA

SUMMARY: The public lands described below have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716. These public lands have been identified for disposal in the Draft Redding Resource Management Plan, and are listed by management area. These descriptions apply only to lands managed by the Bureau of Land Management.

Mount Diablo Meridian

Klamath Management Area

The following descriptions are for both the surface and subsurface estates:

T. 48 N., R. 8 W.,
Sec. 35: All.
T. 48 N., R. 7 W.,
Sec. 34: All.
T. 48 N., R. 5 W.,
Sec. 15: All;
Sec. 22: All.
T. 48 N., R. 4 W.,
Sec. 7: SE¼SE¼;
Sec. 15: All;
Sec. 22: All;
Sec. 30: N½SE¼;
Sec. 34: S½SE¼;
Sec. 35: All.
T. 48 N., R. 3 W.,
Sec. 23: S½NE¼;
Sec. 24: All;
Sec. 34: All.
T. 48 N., R. 2 W.,
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All.
T. 48 N., R. 1 W.,
Sec. 11: All;
Sec. 30: All;
Sec. 14: All;
Sec. 24: All;
Sec. 28: All.
T. 48 N., R. 1 E.,
Sec. 19: All;
Sec. 30: All.
T. 47 N., R. 8 W.,
Sec. 1: All;
Sec. 2: All.
T. 47 N., R. 7 W.,
Sec. 13: All.
T. 47 N., R. 6 W.,
Sec. 8: All;
Sec. 12: All;
Sec. 18: All;
Sec. 29: N½SE¼NE¼, W½NE¼NE¼;
Sec. 30: All;
Sec. 31: All;
Sec. 32: Lots 1-4, SE¼NW¼, N½NW¼, NE¼SW¼.
T. 47 N., R. 5 W.,
Sec. 6: All;
Sec. 8: SE¼NE¼.
T. 47 N., R. 4 W.,
Sec. 2: All;
Sec. 9: All;
Sec. 10: All.
T. 47 N., R. 2 W.,
Sec. 10: NE¼NE¼, SW¼, S½NW¼;
Sec. 22: All;
Sec. 28: All;
Sec. 30: All.
T. 46 N., R. 6 W.,
Sec. 2: All;
Sec. 4: NE¼, NW¼SE¼, NE¼SW¼;
Sec. 6: N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 10: All;
Sec. 20: N½, SE¼, N½SW¼, SE¼SW¼;
Sec. 32: All.
T. 46 N., R. 5 W.,
Sec. 6: All.
T. 45 N., R. 7 W.,
Sec. 11: All;
Sec. 21: W½NW¼, NE¼NW¼, N½SE¼NW¼.
T. 45 N., R. 6 W.,
Sec. 4: All.
T. 45 N., R. 4 W.,
Sec. 8: All;
Sec. 10: All;
Sec. 28: All;
Sec. 34: All.
T. 44 N., R. 5 W.,
Sec. 22: All.
T. 44 N., R. 4 W.,
Sec. 2: All;
Sec. 10: all;
Sec. 22: All;
Sec. 26: All.
T. 43 N., R. 6 W.,
Sec. 12: All.
T. 43 N., R. 5 W.,
Sec. 12: NE¼;
Sec. 34: All.
T. 43 N., R. 4 W.,
Sec. 2: All;
Sec. 4: All;
Sec. 18: All;
Sec. 22: All.
T. 43 N., R. 3 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 18: All.
T. 42 N., R. 5 W.,
Sec. 4: SW¼SW¼, NE¼SW¼, NW¼SE¼;
Sec. 18: All;
Sec. 24: All.
T. 39 N., R. 3 W.,
Sec. 6: All.

The following descriptions are for the subsurface estate only:

T. 48 N., R. 5 W.,
Sec. 28: N½NW¼.
T. 48 N., R. 4 W.,
Sec. 20: All.

T. 48 N., R. 3 W.,
Sec. 26: All.
T. 47 N., R. 6 W.,
Sec. 4: All.
Sec. 8: NE¼, N½NW¼, E½SE¼NW¼, E½NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 10: All;
Sec. 22: N½SE¼;
Sec. 24: SE¼SW¼, SW¼SE¼.
T. 47 N., R. 5 W.,
Sec. 2: All;
Sec. 14: All;
Sec. 18: N½, SW¼;
Sec. 20: E½SW¼, S½SE¼;
Sec. 28: All.
T. 47 N., R. 4 W.,
Sec. 6: All;
Sec. 30: All;
Sec. 32: All.
T. 47 N., R. 2 W.,
Sec. 14: All.
T. 46 N., R. 6 W.,
Sec. 4: S½S½, NE¼SE¼;
Sec. 8: NW¼SE¼, SE¼SE¼;
Sec. 14: All;
Sec. 22: All;
Sec. 28: All.
T. 46 N., R. 4 W.,
Sec. 34: All.
T. 45 N., R. 7 W.,
Sec. 11: Lots 64–67, 73–76, 78–80, 83–87;
Sec. 21: N½SW¼NE¼.
T. 45 N., R. 4 W.,
Sec. 4: All.
T. 45 N., R. 2 W.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: All;
Sec. 14: All;
Sec. 15: All;
Sec. 23: All;
Sec. 24: All.
T. 44 N., R. 6 W.,
Sec. 6: All;
Sec. 12: SW¼NW¼;
Sec. 26: All;
Sec. 32: All.
T. 44 N., R. 4 W.,
Sec. 30: All;
Sec. 31: All;
Sec. 32: All;
Sec. 34: All.
T. 43 N., R. 6 W.,
Sec. 24: All.
T. 43 N., R. 5 W.,
Sec. 2: E½W½, E½;
Sec. 6: All;
Sec. 12: NW¼, S½;
Sec. 34: N½N½, S½NE¼, SE¼NW¼, N½SE¼, SE¼SE¼.
T. 43 N., R. 4 W.,
Sec. 8: All.

Scott Valley Management Area

The following descriptions are for both the surface and subsurface estates:

T. 45 N., R. 7 W.,
Sec. 30: All.
T. 44 N., R. 10 W.,
Sec. 8: All;
Sec. 12: All;
Sec. 24: All;
Sec. 26: All;
Sec. 30: All;
Sec. 36: All.
T. 44 N., R. 9 W.,
Sec. 3: All;
Sec. 11: All;
Sec. 12: Lots 1, 2, 4, 5, N½NW¼, SE¼NW¼, W½NE¼SW¼;
Sec. 14: All;
Sec. 18: All;
Sec. 22: All;
Sec. 32: All.
T. 44 N., R. 8 W.,
Sec. 14: All;
Sec. 18: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 44 N., R. 7 W.,
Sec. 32: All.
T. 43 N., R. 10 W.,
Sec. 1: All;
Sec. 11: All;
Sec. 12: All;
Sec. 13: All;
Sec. 32: All.
T. 43 N., R. 9 W.,
Sec. 6: All;
Sec. 7: All;
Sec. 12: All;
Sec. 18: All;
Sec. 20: All.
T. 43 N., R. 8 W.,
Sec. 6: Lots 5, 6, E½SW¼;
Sec. 10: All;
Sec. 12: All;
Sec. 26: All;
Sec. 28: All;
Sec. 34: All.
T. 43 N., R. 7 W.,
Sec. 2: All;
Sec. 4: All;
Sec. 6: N½;
Sec. 10: All;
Sec. 14: All;
Sec. 18: SW¼, NW¼SE¼, S½SE¼, NE¼NE¼;
Sec. 22: All;
Sec. 34: All.
T. 43 N., R. 6 W.,
Sec. 18: Lots 1–4.
T. 42 N., R. 10 W.,
Sec. 2: All;
Sec. 22: All;
Sec. 24: All.
T. 42 N., R. 9 W.,
Sec. 12: All.
T. 42 N., R. 8 W.,
Sec. 2: All;
Sec. 4: All;
Sec. 6: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 34: All.
T. 42 N., R. 7 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 12: SW¼SW¼, NE¼NE¼;
Sec. 14: All;
Sec. 20: All;
Sec. 22: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 35: All.
T. 42 N., R. 6 W.,
Sec. 6: All;
Sec. 20: All;
Sec. 22: All;
Sec. 26: All.
T. 41 N., R. 9 W.,
Sec. 4: All;
Sec. 10: All;
Sec. 20: All;
Sec. 27: All;
Sec. 34: All.
T. 41 N., R. 8 W.,
Sec. 2: All;
Sec. 10: All;
Sec. 12: All;
Sec. 13: All;
Sec. 14: SE¼NE¼, NE¼SE¼, S½SE¼;
Sec. 20: All;
Sec. 22: All;
Sec. 28: All;
Sec. 32: All;
Sec. 34: All.
T. 41 N., R. 7 W.,
Sec. 4: All;
Sec. 6: All;
Sec. 7: All;
Sec. 8: All;
Sec. 10: All.
T. 40 N., R. 9 W.,
Sec. 12: All.
T. 40 N., R. 8 W.,
Sec. 2: All;
Sec. 6: Lots 1, 3, SE¼, NE¼NE¼;
Sec. 7: All;
Sec. 8: All;
Sec. 10: All;
Sec. 17: All;
Sec. 22: All.

The following descriptions are for the subsurface estate only:

T. 44 N., R. 6 W.,
Sec. 32: All.
T. 43 N., R. 8 W.,
Sec. 2: All;
Sec. 6: Lots 5, 6, E½SW¼;
Sec. 8: All;
Sec. 14: All;
Sec. 18: All;
Sec. 22: All;
Sec. 24: All;
Sec. 32: All.
T. 43 N., R. 7 W.,
Sec. 8: All;
Sec. 12: All;
Sec. 24: All.
T. 43 N., R. 6 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 18: SE¼SW¼, SE¼NE¼, E½SE¼
T. 42 N., R. 8 W.,
Sec. 8: All;
Sec. 32: All;
Sec. 34: N½, NE¼SE¼.
T. 42 N., R. 7 W.,
Sec. 12: NW¼SW¼, NW¼;
Sec. 26: SE¼;
Sec. 34: All.

T. 41 N., R. 9 W.,
Sec. 12: All.
T. 41 N., R. 8 W.,
Sec. 4: All;
Sec. 6: All;
Sec. 14: E½NW¼, SW¼NW¼, W½SW¼;
Sec. 26: All.

Shasta Management Area

The following descriptions are for both the surface and subsurface estates:

T. 30 N., R. 5 W.,
Sec. 6: All.
T. 30 N., R. 6 W.,
Sec. 4: Lots 1, 2, E½SE¼, S½SW¼SE¼, N½NW¼SE¼.
T. 30 N., R. 7 W.,
Sec. 6: E½;
Sec. 10: N½SE¼.
T. 30 N., R. 8 W.,
Sec. 1: All;
Sec. 12: All.
T. 31 N., R. 5 W.,
Sec. 5: Lots 6, 12, 14–17, 19, 21–23, 26–32, 44–46, 48–50, 52–54, 56, 58–64, 66–74, 76–82, 84;
Sec. 6: Lots 8–10, 12–20, 22, 26, 28–30;
Sec. 7: Lot 8;
Sec. 8: All;
Sec. 9: NW¼NE¼;
Sec. 10: All;
Sec. 14: All;
Sec. 16: E½NE¼, SW¼NE¼, E½NW¼NE¼, SW¼NW¼NE¼, S½NW¼NW¼NE¼, E½E½E½SE¼;
Sec. 17: SW¼SE¼, S½SW¼, NW¼SW¼, W½NE¼SW¼, W½E½NE¼SW¼;
Sec. 21: All;
Sec. 28: All;
Sec. 29: All;
Sec. 31: N½N½, S½SE¼;
Sec. 32: All.
T. 31 N., R. 6 W.,
Sec. 1: All;
Sec. 7: All;
Sec. 16: All;
Sec. 17: All;
Sec. 18: All;
Sec. 19: All;
Sec. 20: Lots 1–7, NE¼NW¼, E½SW¼;
Sec. 29: All;
Sec. 34: All;
Sec. 36: Lot 3.
T. 31 N., R. 7 W.,
Sec. 12: All;
Sec. 20: All.
T. 31 N., R. 8 W.,
Sec. 10: Lots 1–5;
Sec. 12: All;
Sec. 14: All;
Sec. 22: All;
Sec. 26: All;
Sec. 28: All;
Sec. 35: All.
T. 32 N., R. 5 W.,
Sec. 3: E½, E½W½;
Sec. 10: Lots 13–19, 21–25, 27–30, E½NE¼, SW¼NE¼, S½NW¼NE¼, N½N½SE¼, S½NW¼SE¼, N½SW¼SE¼, N½SE¼SW¼, SW¼SE¼SW¼, E½SW¼SW¼, E½NW¼SW¼, E½NW¼NW¼SW¼, SW¼NW¼, SW¼SW¼SW¼SW¼;
Sec. 11: Lots 4–11, S½NE¼SW¼NE¼SW¼, S½NW¼SW¼NE¼SW¼, N½SE¼SW¼NE¼SW¼, N½SW¼SW¼NE¼SW¼, N½S½SE¼NE¼SE¼SW¼, S½SE¼NE¼SE¼SW¼, N½NE¼SE¼SE¼SW¼, W½NW¼NW¼SW¼NW¼;
Sec. 12: All;
Sec. 14: Lots 8, 12, 13, 18, 22, 26, W½NE¼NE¼SE¼, SAC 056756 Deed from USBR, W½NW¼NW¼SW¼SW¼, W½SW¼NW¼SW¼, N½NE¼SW¼NW¼SW¼;
Sec. 15: Lots 4–12, 15–17, 20, 21, E½SW¼, SW¼SW¼, S½NW¼SW¼, SE¼NE¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼;
Sec. 19: All;
Sec. 20: Lots 1, 4–7, 11, 12, 16–24;
Sec. 22: W½SE¼SE¼NE¼;
Sec. 29: Lots 8, 9, SW¼NE¼, NE¼NE¼, N½NE¼SE¼, N½S½SE¼ (portion of);
Sec. 30: Lots 1–3, 5–10, 13–15, W½NE¼, N½SE¼, SW¼SE¼, E½SW¼, E½NW¼;
Sec. 31: Lots 11–19, 29–38, 40–46, Davis Lode (cancelled), Homestake Lode #3;
Sec. 32: Lots 138–140, 142, 144–147, 150, 155, 159–165, 167–170, 173–176, 178–182, 184, 186–196, 198–208, 212–215, 218–229, 233;
Sec. 33: All.
T. 32 N., R. 7 W.,
Sec. 6: All;
Sec. 8: W½NE¼NW¼.
T. 32 N., R. 8 W.,
Sec. 12: All.
T. 33 N., R. 4 W.,
Sec. 14: NE¼, S½;
Sec. 18: All;
Sec. 30: All.
T. 33 N., R. 5 W.,
Sec. 22: SE¼SE¼;
Sec. 24: All;
Sec. 26: All;
Sec. 27: All;
Sec. 34: All;
Sec. 35: SW¼NW¼SE¼, SE¼NW¼.
T. 33 N., R. 7 W.,
Sec. 32: N½.
T. 33 N., R. 8 W.,
Sec. 26: SW¼SW¼.
T. 34 N., R. 7 W.,
Sec. 2: All.

The following descriptions are for the subsurface estate only:

T. 30. N., R. 6 W.,
Sec. 4: S½NE¼SE¼, N½SW¼SE¼.
T. 30 N., R. 7 W.,
Sec. 18: SW¼SW¼.
T. 31 N., R. 4 W.,
Sec. 4: NW¼SW¼.
T. 31 N., R. W.,
Sec. 5: Lots 8, 10, 11, 13, 16, 20, 24, 25, 35, 47, 51, 55, 57, 65, 75;
Sec. 6: Lots 11, 16, 21, 23–25, 27;
Sec. 9: N½NE¼SW¼SW¼, N½SW¼NE¼, NW¼SW¼NE¼, S½SE¼SE¼NW¼NE¼, N½NE¼NE¼SW¼NE¼;
Sec. 15: All;
Sec. 16: W½SE ¼, W½E½SE¼, W½E½E½SE¼, N½NW¼NW¼NE¼;
Sec. 17: E½E½NE¼SW¼;
Sec. 19: All.
T. 31 N., R. 6 W.,
Sec. 20: E½
Sec. 30: All;
Sec. 32: All.
T. 32 N., R. 4 W.,
Sec. 7: All.
T. 32 N., R. 5 W.,
Sec. 1: All;
Sec. 2: All;
Sec. 10: Lot 20, SE¼SW¼SW¼SW¼, N½SW¼SW¼SW¼, NW¼SW¼SW¼, SW¼NW¼SW¼, W½NW¼N W¼SW¼;
Sec. 11: N½NE¼SW¼, N½N½S½NE¼SW¼, S½N½SE¼NE¼SW¼, N½S½SE¼NE¼SW¼, S½S½S½NE¼SW¼, N½N½SE¼SW¼, SW¼NE¼SE¼SW¼, N½SE¼NE¼SE¼SW¼, W½SE¼SE¼SW¼, SE¼SE¼SE¼, SW¼S½NE¼SE¼SE¼SW¼, SW¼SE¼SW¼, S½NW¼SE¼SW¼, SE¼NW¼, E½SW¼NW¼, SW¼SW¼NW¼, E½NW¼SW¼NW¼, SW¼NW¼SW¼NW¼ E½NW¼NW½SW¼NW¼;
Sec. 14: Lots 2–7, 9, 10, 19, 27–29, E½NE¼, E½NW¼NE¼NE¼, W½NW¼SE¼NE¼, W½SW¼NE¼, NW¼NW¼NE¼, W½NW¼SE¼NE¼, W½SW¼NE¼, N½SE¼NW¼SE¼, N½N½S½SE¼NW¼SE¼, N½S½N½S½SE¼NW¼SE¼, E½E½NE¼SW¼, NW¼NE¼NE¼SW¼, SW¼SE¼NE¼SW¼W½NE¼SW¼, E½SW¼SW¼, SW¼SW¼SW¼, S½NW¼SW¼SW¼W½, NE¼NW¼SW¼SW¼, E½NW¼NW¼SW¼SW¼, E½NW¼SW¼, NW¼NW¼SW¼, SE¼SW¼NW¼SW¼, S½NE¼SW¼NW¼SW¼, E½NE¼NW¼NW¼NE¼NW¼, N½SW¼NE¼NW¼, N½N½SE¼NW¼, SW¼NW¼:
Sec. 15: Lots 3, 13, 14, 18, S½SW¼NE¼, S½S½SE¼SE¼, W½SE¼, N½NW¼SW¼;
Sec. 20: Lots 15, 25;
Sec. 22: N½NE¼, W½SE¼NE¼, NE¼SE¼NE¼, E½SE¼NE¼NE¼, SW¼NE¼;
Sec. 29: Lots 4–7–
Sec. 30: Lots 11, 12;
Sec. 31: Lots 20–23, 27, 39;
Sec. 32: Lots 33,34, 148, 149, 166, 171, 172, 177, 183, 185, 197, 209–211, 216, 217.
T. 33 N., R. 4 W.,
Sec. 14: NW¼;
Sec. 24: All.
T. 33 N., R. 5 W.,
Sec. 23: All;
Sec. 35: NW¼NW¼, SE¼

Trinity Management Area

The following descriptions are for both the surface and subsurface estates:

T. 31 N., R. 8 W.,
Sec. 4: All;
Sec. 6: All;
Sec. 8: All;
Sec. 9: All;
Sec. 18: All.
T. 31 N., R. 9 W.,
Sec. 1: All;
Sec. 6: All;
Sec. 26: All;
Sec. 30: All;
Sec. 34: All.
T. 31 N., R. 11 W.,
Sec. 2: All;
Sec. 3: All;
Sec. 6: All;
Sec. 7: All;
Sec. 18: All.
T. 31 N., R. 12 W.,
Sec. 1: All;
Sec. 13: All;
Sec. 24: All.

T. 32 N., R. 8 W.,
Sec. 20: All;
Sec. 28: All;
Sec. 30: Lots 5–8, 12, 14, 15;
Sec. 32: All;
Sec. 34: All.
T. 32 N., R. 9 W.,
Sec. 18: All;
Sec. 20: S½S½N½;
Sec. 27: S½;
Sec. 28: All;
Sec. 30: All;
Sec. 31: All;
Sec. 32: All.
Sec. 33: All;
Sec. 34: All.
T. 32 N., R. 10 W.,
Sec. 10: All;
Sec. 12: SE¼;
Sec. 14: All;
Sec. 19: All;
Sec. 20: All.
T. 32 N., R. 11 W.,
Sec. 26: All;
Sec. 27: All;
Sec. 31: All;
Sec. 32: All;
Sec. 33: All;
Sec. 34: All;
Sec. 35: All;
Sec. 36: All.
T. 33 N., R. 8 W.,
Sec. 20: All;
Sec. 28: All;
Sec. 30: All.
T. 33 N., R. 9 W.,
Sec. 5: E½;
Sec. 6: All;
Sec. 7: Lot 4, NE¼NE¼SE¼;
Sec. 8: Lot 1, E½SW¼, E½NW¼SW¼, NW¼NW¼SW¼, N½SW¼NW¼ SW¼;
Sec. 17: NE¼NE¼, W½NE¼, E½NW¼, N½N½SW¼;
Sec. 18: Tract 86, Lots 83, 89–91;
Sec. 19: N½;
Sec. 24: All;
Sec. 26: All;
Sec. 35: All.
T. 33 N., R 10 W.,
Sec. 3: SE¼;
Sec. 11: N½;
Sec. 12: Lots 14, 15, SW¼SW¼, S½SW¼ SE¼;
Sec. 13: NE¼;
Sec. 24: NE¼NE¼.

The following descriptions are for the subsurface estate only:

T. 31 N., R. 11 W,
Sec. 4: All;
Sec. 5: All.
T. 33 N., R. 9 W.,
Sec. 7: Lots 24–35, 37–41;
Sec. 8: SW¼SW¼, S½SW¼NW¼SW¼;
Sec. 17: W½NW¼;
Sec. 18: Tract 87, Lots 21–39, 42, 43, 48–59, 62–78, 80, 84, 85, E½NE¼NE¼, SW¼ NE¼NE¼.
T. 33 N., R. 10 W.,
Sec. 12: NE¼SW¼, N½SW¼SE¼.

Sacramento River Management Area

The following descriptions are for both the surface and subsurface estates:

T. 30 N., R. 3 W.,
Sec. 5: Lot 2, NE¼NE¼;
Sec. 28: W½E½.
T. 29 N., R. 2 W.,
Sec. 8: SE¼SW¼, W½SE¼;
Sec. 18: SE¼NE¼, SE¼SW¼, SE¼.
T. 28 N., R. 3 W.,
Sec. 20: SW¼NW¼;
Sec. 32: SW¼SW¼.
T. 28 N., R. 2 W.,
Sec. 30: Lot 2, NE¼NW¼.
T. 27 N., R. 3 W.,
Sec. 2: Lots 1, 2, S½NE¼.

The following descriptions are for the subsurface estate only:

T. 28 N., R. 4 W.,
Sec. 12: S½SE¼.

Ishi Management Area

The following descriptions are for both the surface and subsurface estates:

T. 30 N., R. 2 W.,
Sec. 34: S½S½.
T. 29 N., R. 2 W.,
Sec. 2: N½NW¼.
T. 29 N., R. 1 W.,
Sec. 4: SE¼SE¼;
Sec. 28: All.
T. 29 N., R. 1 E.,
Sec. 24: NE¼.
T. 29 N., R. 2 E.,
Sec. 6: All;
Sec. 32: All.
T. 29 N., R. 3 E.,
Sec. 19: All;
Sec. 20: All.
T. 28 N., R. 2 W.,
Sec. 8: SE¼SE¼;
Sec. 20: NW¼NE¼, SE¼NE¼, NW¼ NW¼, SE¼NW¼, NW¼SW¼, SE¼ SW¼, NW¼SE¼, SE¼SE¼;
Sec. 30: Lot 2, NE¼NW¼.
T. 27 N., R. 3 W.,
Sec. 2: NE¼.
T. 27 N., R. 2 W.,
Sec. 4: All;
Sec. 8: All.
T. 25 N., R. 4 E.,
Sec. 4: All;
Sec. 29: All.
T. 24 N., R. 1 E.,
Sec. 22: NW¼Se¼.
T. 24 N., R. 2 E.,
Sec. 2: All;
Sec. 4: E½E½;
Sec. 10: All;
Sec. 18: SE¼NE¼, E½SE¼;
Sec. 22: All;
Sec. 32: NE¼NE¼.
T. 24 N., R. 3 E.,
Sec. 4: All;
Sec. 12: All;
Sec. 12: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: All;
Sec. 30: All;
Sec. 32; All;
Sec. 36: All.
T. 24 N., R. 4 E.,
Sec. 12: All;
Sec. 34: All.
T. 24 N., R. 5 E.,
Sec. 17: All.
T. 23 N., R. 2 E.,
Sec. 2: SW¼NE¼, NE¼NW¼, N½SW¼, E½SE¼;
Sec. 4: NE¼SE¼;
Sec. 6: NE¼SW¼;
Sec. 8: S½SE¼;
Sec. 10: SE¼;
Sec. 24: NE¼, N½SW¼;
Sec. 26: E½NE¼. NE¼SE¼.
T. 23 – ½ N., R. 2 E.,
Sec. 2: All.
T. 23 N., R. 3 E.,
Sec. 8: All;
Sec. 13: All;
Sec. 14: All;
Sec. 18: All;
Sec. 32: SW¼;
Sec. 34: S½S½, NW¼SW¼.
T. 23 N., R. 4 E.,
Sec. 8: SE¼SW¼SE¼;
Sec. 9: SE¼SE¼;
Sec. 29: All;
Sec. 30: W½NW¼NE¼.
T. 22 N., R. 2 E.,
Sec. 10: All;
Sec. 28: All;
Sec. 36: N½.
T. 22 N., R. 3 E.,
Sec. 2: All;
Sec. 3: All;
Sec. 4: All;
Sec. 8: SE¼SW¼NW¼, NE¼SE¼SW¼, W½NW¼SE¼, NW¼SW¼SE¼.
T. 22 N., R. 4 E.,
Sec. 4: Lots 2, 3;
Sec. 6: All;
Sec. 8: All;
Sec. 18: All;
Sec. 20: Lots 1, 2, 5, 6;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All.
T. 21 N., R. 3 E.,
Sec. 6: All;
Sec. 10: All.
T. 21 N., R. 4 E.,
Sec. 4: Lot 6;
Sec. 6: All;
Sec. 12: NE¼SW¼;
Sec. 14: All;
Sec. 22: All;
Sec. 23: All;
Sec. 26: All;
Sec. 28: All;
Sec. 29: All;
Sec. 32: All;
Sec. 33: All.
T. 20 N., R. 4 E.,
Sec. 2: All;
Sec. 3: All;
Sec. 4: Lots 7, 8;
Sec. 9: All;
Sec. 10: All;
Sec. 12: All;
Sec. 24: NE¼NE¼;
Sec. 28: Lots 1–3, 9, 10, N½NW¼;
Sec. 32: All;
Sec. 33: Lot 8;
Sec. 34: All.
T. 20 N., R. 5 E.,
Sec. 20: NE¼NE¼;
Sec. 22: NE¼SW¼, S½NE¼, SE¼SW¼, SE¼;
Sec. 23: All;
Sec. 24: All;
Sec. 27: N½NE¼, SW¼NE¼, N½SE¼ NW¼, SE¼NW¼;
Sec. 28: SW¼SW¼, SE¼;

Sec. 32: All;
Sec. 33: NE¼NE¼, NW¼SW¼;
Sec. 35: S½NW¼, NE¼NE¼SE¼, N½NW¼NE¼SE¼, SW¼NW¼NE¼SE¼.
T. 20 N., R. 6 E.,
Sec. 4: All;
Sec. 6: All;
Sec. 8: All;
Sec. 18: All;
Sec. 20: W½NE¼, NW¼;
Sec. 28: All;
Sec. 30: All;
Sec. 31: W½NW¼NW¼, NW¼NW¼, NE¼NE¼NW¼, W½NW¼SE¼NW¼, S½SE¼NE¼, SE¼SW¼NE¼.
T. 19 N., R. 5 E.,
Sec. 3: All;
Sec. 4: All;
Sec. 10: All;
Sec. 14: All;
Sec. 22: All;
Sec. 28: All.
T. 19 N., R. 6 E.,
Sec. 6: All;
Sec. 10: Lot 8;
Sec. 17: All;
Sec. 20: All.

The following descriptions are for the subsurface estate only:

T. 30 N., R. 1 W.,
Sec. 32: SW¼NW¼, NW¼SW¼.
T. 30 N., R. 2 E.,
Sec. 34: All.
T. 29 N., R. 2 W.,
Sec. 2: S½NW¼, S½;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 34: All.
T. 29 N., R. 1 W.,
Sec. 6: All;
Sec. 10: All;
Sec. 14: All;
Sec. 18: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 32: All;
Sec. 34: All.
T. 29 N., R. 1 E.,
Sec. 8: All;
Sec. 10: Lots 5, 10, SW¼, SW¼SE¼, SE¼SE¼;
Sec. 14: SW¼NE¼, S½NW¼, S½;
Sec. 24: S½;
Sec. 25: All;
Sec. 26: All;
Sec. 28: All;
Sec. 32: All;
Sec. 34: All.
T. 29 N., R. 2 E.,
Sec. 28: All;
Sec. 30: All.
T. 28 N., R. 2 W.,
Sec. 2: All;
Sec. 10: All;
Sec. 30: Lot 4, NE¼NE¼, SE¼NE¼, NE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 32: All.
T. 28 N., R. 1 W.,
Sec. 2: All;
Sec. 4: All;
Sec. 8: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 27 N., R. 2 W.,
Sec. 6: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All.
T. 27 N., R. 1 W.,
Sec. 2: All;
Sec. 12: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 27 N., R. 3 E.,
Sec. 24: All;
T. 26 N., R. 1 W.,
Sec. 2: All;
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: N½NW¼;
Sec. 28: All;
Sec. 34: S¼S½, NE¼SE¼.
T. 26 N., R. 1 E.,
Sec. 2: All;
Sec. 4: All;
Sec. 4: Lot 1–4, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: SE¼SW¼, SW¼SE¼;
Sec. 22: All;
Sec. 24: All;
Sec. 26: N½SW¼;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 25 N., R. 2 W
Sec. 14: All;
Sec. 24: All.
T. 25 N., 1 W.,
Sec. 8: All;
Sec. 12: All;
Sec. 18: All;
Sec. 20: All.
T. 25 N., 1 E.,
Sec. 4: All;
Sec. 6: All;
Sec. 8: All;
Sec. 14: SW¼SE¼;
Sec. 18 :SW¼SE¼;
Sec. 22: E½;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 24., R. 1 E.,
Sec. 4: All;
Sec. 8: All;
Sec. 10: All;
Sec. 12: All;
Sec. 14: All;
Sec. 22: NE¼NE¼;
Sec. 24: All.
T. 24 N., R. 2 E.,
Sec. 4: W½E½, W½;
Sec. 6: All;
Sec. 8: All;
Sec. 18 NE¼NE¼, W½E½, W½;
Sec. 20: All.
Sec. 28: All.
Sec. 32: W½NW¼, S½S½, NE¼SE¼.
T. 24 N., R. 3 E.,
Sec. 6: All.
T. 23 N., 1 E.,
Sec. 4: All.
T. 23 N., R. 2 E.,
Sec. 2: NW¼NE¼, E½NE¼;
Sec. 4: W½NW¼, NW¼SW¼, NW¼SE¼;
Sec. 6: NW¼NE¼, NW¼;
Sec. 9: All;
Sec. 10: SW¼;
Sec. 11: All;
Sec. 12: All;
Sec. 14: All;
Sec. 15: All;
Sec. 22: All;
Sec. 24: S½SW¼, NW¼SE¼;
Sec. 26: NW¼NW¼;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 23½ N., R. 2. E.,
Sec. 4: Lots 3, 4;
Sec. 6: All.
T. 23 N., R. 3 E.,
Sec. 30: All.
T. 23 N., R. 4 E.,
Sec. 19: All.
T. 22 N., R. 2 E.,
Sec. 2: All;
Sec. 14: All;
Sec. 36: Lot 5, SW¼SW¼NW¼.
T. 22 N., R. 3 E.,
Sec. 6: All;
Sec. 8: Lot 2.
T. 22 N., R. 4 E.,
Sec. 20: NE¼;
Sec. 26: All.
T. 21 N., R. 3 E.,
Sec. 1: All.
T. 21 N., R. 4 E.,
Sec. 2: All;
Sec. 4: Lot 7;
Sec. 12: SE¼;
Sec. 19: All.
T. 20 N., R. 4 E.,
Sec. 4: Lot 6;

Sec. 24: W½NE¼, SE¼NE¼, SW¼;
Sec. 28: Lots 7, 8, NE¼NE¼;
Sec. 33: E½NW¼.
T. 20 N., R. 5 E.,
Sec. 4: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: W½NE¼, SE¼NE¼, N½NW¼, SE¼;
Sec. 22: N½NE¼, NW¼, W½SE¼;
Sec. 26: All;
Sec. 27: S½;
Sec. 28: N½, N½SW¼, SE¼SW¼;
Sec. 33: S½NE¼, N½SE¼;
Sec. 34: All;
Sec. 35: N½N½NE¼, N½NW¼.
T. 20 N., R. 6 E.,
Sec. 20: SW¼;
Sec. 29: All;
Sec. 31: W½NW¼.
T. 19 N., R. 5 E.,
Sec. 2: All;
Sec. 11: All;
Sec. 12: All.

Yolla Bolly Management Area

The following descriptions are for both the surface and subsurface estates:

T. 31 N., R. 8 W.,
Sec. 32: SE¼, E½SW¼
T. 30 N., R. 9 W.,
Sec. 10: All;
Sec. 12: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: N½, N½SW¼;
Sec. 28: All;
Sec. 32: All.
T. 30 N., R. 8 W.,
Sec. 4: All;
Sec. 6: All;
Sec. 8: NE¼NE¼, S½;
Sec. 10: All;
Sec. 14: E½E½;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 28: All;
Sec. 32: SW¼.
T. 29 N., R. 9 W.,
Sec. 10: W½NE¼, E½NW¼, E½SW¼, SE¼;
Sec. 4: S½NW¼;
Sec. 15: N½NE¼, SW¼NE¼, E½NW¼.
T. 29 N., R. 8 W.,
Sec. 6: Lot 4;
Sec. 28: SW¼, S½SE¼, NE¼SE¼;
Sec. 34: S½.
T. 28 N., R. 9 W.,
Sec. 2: SE¼NW¼, N½SW¼, NW¼SE¼;
Sec. 22: All;
Sec. 26: NE¼NW¼, SW¼NW¼, SW¼SW¼;
Sec. 27: All;
Sec. 28: NE¼;
Sec. 33: NW¼NE¼;
Sec. 34: All.
T. 28 N., R. 8 W.,
Sec. 32: W½SW¼, SE¼SW¼.
T. 28 N., R. 5 W.,
Sec. 10: W½SW¼.
T. 27 N., R. 9 W.,
Sec. 12: All.
T. 27 N., R. 8 W.,
Sec. 4: S½, S½NW¼;
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 14: W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 18: All;
Sec. 20: N½, N½S½;
Sec. 22: E½NE¼, NW¼NE¼, NE¼NW¼, SW¼, S½SE¼;
Sec. 24: N½NE¼, S½S½, NW¼SW¼;
Sec. 26: NW¼NE¼, N½NW¼, S½SE¼.
T. 27 N., R. 7 W.,
Sec. 18: Lots 6, 7, SE¼SW¼.
T. 27 N., R. 5 W.,
Sec. 10: All.
T. 26 N., R. 8 W.,
Sec. 8: N½NE¼, W½NW¼, SW¼;
Sec. 10: SE¼SE¼, N½SE¼;
Sec. 14: All;
Sec. 20: S½;
Sec. 22: All;
Sec. 24: All;
Sec. 31: All;
Sec. 34: All.
T. 26 N., R. 7 W.,
Sec. 2: All;
Sec. 4: S½NE¼, S½;
Sec. 8: NE¼, E½NW¼, Se½;
Sec. 10: Lots 1, 4, 8, 15;
Sec. 14: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 24: All;
Sec. 26: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 25 N., R. 7 W.,
Sec. 2: Lots 2–4, SW¼, W½SE¼;
Sec. 4: All;
Sec. 10: All;
Sec. 14: All;
Sec. 22: All;
Sec. 28: All;
Sec. 34: All.
T. 25 N., R. 6 W.,
Sec. 30: All.
T. 24 N., R. 7 W.,
Sec. 2: E½SE¼;
Sec. 4: All;
Sec. 10: All;
Sec. 12: Lot 15;
Sec. 14: All;
Sec. 22: All;
Sec. 26: All;
Sec. 34: All.
T. 24 N., R. 6 W.,
Sec. 15: All.
T. 23 N., R. 6 W.,
Sec. 3: All.
T. 23 N., R. 4 W.,
Sec. 10: All.

The following descriptions are for the subsurface estate only:

T. 30 N., R. 8 W.,
Sec. 8: NW¼NE¼, NE¼NW¼;
Sec. 14: W½, W½E½.
T. 30 N., R. 6 W.,
Sec. 10: All;
Sec. 12: All;
Sec. 14: All.
T. 30 N., R. 5 W.,
Sec. 20: All;
Sec. 30: All.
T. 29 N., R. 9 W.,
Sec. 2: All;
Sec. 5: All;
Sec. 8: W½, W½E½;
Sec. 11: All;
Sec. 12: All;
Sec. 14: NW¼NE¼, S½NE¼, S½;
Sec. 15: SE¼SE¼;
Sec. 17: NW¼NW¼, N½NW¼;
Sec. 20: S½;
Sec. 21: N½SW¼;
Sec. 24: All;
Sec. 26: All;
Sec. 27: S½, S½NE¼, SE¼NW¼;
Sec. 34: All.
T. 29 N., R. 8 W.,
Sec. 6: Lots 1–3;
Sec. 8: All;
Sec. 10: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 28: N½, NW¼SE¼;
Sec. 30: All;
Sec. 32: All;
Sec. 34: N½.
T. 29 N., R. 6 W.,
Sec. 12: All;
Sec. 14: All;
Sec. 28: All;
Sec. 32: All.
T. 29 N., R. 5 W.,
Sec. 28: All.
T. 28 N., R. 9 W.,
Sec. 1: All;
Sec. 2: S½NE¼, NE¼NE¼;
Sec. 12: All;
Sec. 14: All;
Sec. 24: All;
Sec. 26: SE¼NW¼, E½, N½SW¼, SE¼SW¼;
Sec. 28: S½;
Sec. 33: NW¼.
T. 28 N., R. 8 W.,
Sec. 2: All;
Sec. 4: All;
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 14: All;
Sec. 18: All;
Sec. 20: All;
Sec. 22: All;
Sec. 26: All;
Sec. 28: All;
Sec. 32: N½, NE¼SW¼, SE¼;
Sec. 34: All.
T. 28 N., R. 7 W.,
Sec. 2: All;
Sec. 12: All;
Sec. 14: All;
Sec. 30: All;
Sec. 32: All.
T. 28 N., R. 6 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 10: All;
Sec. 18: All;
Sec. 28: All;
Sec. 30: All;
Sec. 32: All;
Sec. 34: All.
T. 28 N., R. 5 W.,
Sec. 10: SE¼NE¼, N½SE¼;
Sec. 20: All;
Sec. 30: All.
T. 27 N., R. 8 W.,

Sec. 2: All;
Sec. 4: Lots 1–4, S½NE¼;
Sec. 12: All;
Sec. 14: N½, NE¼SW¼, N½SE¼, SE¼ SE¼;
Sec. 22: W½NW¼.
T. 27 N., R. 8 W.,
Sec. 24: NW¼, NE¼SW¼, N½SE¼, S½ NE¼;
Sec. 26: NE¼NE¼, N½S½.
T. 27 N., R. 7 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 14: All;
Sec. 18: Lots 2, 3, E½NW¼;
Sec. 22: All;
Sec. 32: S½NW¼, SW¼NE¼.
T. 27 N., R. 6 W.,
Sec. 6: All;
Sec. 8: All;
Sec. 18: All;
Sec. 22: All.
T. 27 N., R. 5 W.,
Sec. 6: All.
T. 26 N., R. 7 W.,
Sec. 10: Lots 2, 3, 5–7, 9–14, 16;
Sec. 12: All.
T. 26 N., R. 6 W.,
Sec. 2: All;
Sec. 18: All;
Sec. 30: All;
Sec. 32: All.
T. 25 N., R. 7 W.,
Sec. 2: Lot 1, E½SE¼;
Sec. 12: All;
Sec. 24: All;
Sec. 26: All.
T. 25 N., R. 6 W.,
Sec. 6: All.
T. 24 N., R. 7 W.,
Sec. 2: Lots 1–5, 8, SW¼, S½SE¼;
Sec. 12: Lots 3–14;
Sec. 24: All.
T. 24 N., R. 6 W.,
Sec. 18: All;
Sec. 20: All.
T. 23 N., R. 7 W.,
4 Sec. 10: S½S½.

Exchange of public lands contained within the descriptions above will not be undertaken without full National Environmental Policy Act (NEPA) compliance. Lands to be transferred from the United States will be subject to standard reservations, terms and conditions.

DATES: Until March 11, 1991, interested parties may submit comments regarding the proposed exchange to the Area Manager, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002.

SUPPLEMENTARY INFORMATION: The public lands listed above have been segregated for a period of two years from the date of publication from the operation of the general mining laws, except for leasing under the mineral leasing laws.

ADDRESSES: Detailed information concerning this action is available for review at the Office of Bureau of Land Management, Redding Resource Area, 355 Hemsted Drive, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Mark Morse, Area Manager, at the address listed above.

Mark T. Morse,

Area Manager.

[FR Doc 91-1684 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-40-M

[CA-060-09-4212-13; CA-26859; CA-26860]

Realty Action; Exchange of Public and Private Lands, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action; exchange of public and private lands, CA-26859; CA-26860.

SUMMARY: The following described public lands, located in Riverside County, California have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

San Bernardino Meridian, CA

Hart Parcel, CA-26859

T. 4 S., R. 6 E.;
Section 6: S½2NE¼NW¼SE¼, N½SE¼N W¼SE¼.

Consisting of 10 acres, more or less.

A-1 Parcel, CA-26860

T. 4 S., R. 6 E.;
Section 6: lots 9, 10 & 11, W½SE¼SW¼.

Consisting of 68.10 acres, more or less.

The selected public land parcels aggregate 78.10 acres, more or less.

In exchange for the above public lands, the United States will acquire from The Nature Conservancy the offered private lands described in the Notice of Realty Action (NORA) published in Volume 55, Number 144, Page 30527 of the **Federal Register**, dated July 26, 1990. The public land will be used to equalize land values for 1,371.8 acres of offered private lands within the Salt Creek Area of Critical Environmental Concern described in the above referenced NORA.

SUPPLEMENTARY INFORMATION: The purpose of this exchange is to acquire non-Federal lands within the Salt Creek Area of Critical Environmental Concern (ACEC). The Salt Creek ACEC contains riparian habitat supporting two Federally listed endangered species, the Yuma Clapper Rail and Desert Pupfish. The Bureau of Land Management has entered into a land exchange pooling agreement with The Nature Conservancy to acquire 1,371.8 acres of offered non-Federal lands in the Salt Creek ACEC through a series of land exchanges to occur within the next two years until the values of the offered and selected lands reach equal fair market value as described by regulation.

The purpose of the exchange is to acquire non-Federal lands within a designated Area of Critical Environmental Concern (ACEC). The Salt Creek ACEC provides critical habitat for sensitive desert wildlife. The exchange would create a more logical and efficient land management pattern and would enhance the Bureau of Land Management's goal to acquire private lands within critical wildlife habitat areas for conservation purposes. The public interest will be served by completing this exchange.

The values of the lands to be exchanged are approximately equal. Full equalization of values will be achieved through either acreage adjustment or by cash payment in an amount not to exceed 25% of the value of the lands being transferred out of federal ownership at the conclusion of the exchange process.

The lands to be transferred from the United States will be subject to the following reservations and rights-of-way:

Hart Parcel, CA-26859

1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (43 U.S.C. 945).
2. A communication site right-of-way granted by the United States to Country Club Communications, its successors, or assigns, by right-of-way grant CA-20348 under the Act of October 21, 1976 (43 U.S.C. 1761).
3. An aerial telephone line right-of-way granted by the United States to GTE California, Incorporated, its successors, or assigns, by right-of-way grant CA-25463 under the Act of October 21, 1976 (43 U.S.C. 1761).
4. A 7.5/12.5 KV aerial power transmission line right-of-way granted by the United States to Imperial Irrigation District, its successors, or assigns, by right-of-way grant CA-25464 under the Act of October 21, 1976 (43 U.S.C. 1761).

A-1 Parcel, CA-26860

1. A reservation to the United States of a right-of-way for ditches and canals constructed by the authority of the United States; Act of August 30, 1890 (43 U.S.C. 945).
2. A reservation to the United States of a road by right-of-way CA-27340, pursuant to the Act of October 21, 1976 (43 U.S.C. 1767).
3. An access road right-of-way granted by the United States to Robert Bertrand, his successors, or assigns, by right-of-way grant CA-19091 under the Act of October 21, 1976 (43 U.S.C. 1761).
4. A gravel, concrete, and asphalt processing plant right-of-way granted by the

United States to Sun Shelter, Incorporated, its successors, or assigns, by right-of-way grant CA-20228 under the Act of October 21, 1976 (43 U.S.C. 1761).

Lands to be acquired in this exchange will be subject to the encumbrances or reservations described in the July 26, 1990 Notice of Realty Action, as published in the above-cited **Federal Register**.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining laws, except for mineral leasing. This segregative effect will expire upon issuance of patent or two (2) years from the date of publication, whichever occurs first.

For detailed information concerning this exchange contact Russell L. Kaldenberg, BLM Palm Springs-South Coast Resource Area, at (619)-323-4421.

For a period of 45 days after publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, California Desert District, 1695 Spruce Street, Riverside, CA 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Dated: January 17, 1991.

Russell L. Kaldenberg,

Acting District Manager.

[FR Doc. 91-1733 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-40-M

[CA-060-00-4212-13; CA-27767]

Exchange of Public and Private Lands, Riverside County, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action; Exchange of Public and Private Lands, CA-27767.

SUMMARY: The following described public lands, located in Riverside County, are being considered for disposal by exchange under section 206 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1716):

San Bernardino Meridian, California

T. 7 S., R. 7 E.,
Section 4: Entire.
Containing 638.56 acres, more or less.

In exchange for these lands, the United States will acquire from The Nature Conservancy the following offered private lands in Riverside County, California, within the Santa Rosa Mountains National Scenic Area:

San Bernardino Meridian, California

T. 5 S., R. 4 E.,
Section 5: Entire.
Section 21: Entire.
Section 27: Entire.
Section 29: Entire.
T. 5 S., R. 5 E.,
Section 33: Entire.
Offered Lands contain 3,207.24 acres, more or less.

SUPPLEMENTARY INFORMATION: The purpose of the exchange is to acquire non-Federal lands within the Santa Rosa Mountains National Scenic Area (SRMNSA).

The exchange would create a more logial and efficient land management pattern and would enhance the Bureau of Land Management's goal to acquire private lands within the SRMNSA to protect important wildlife, recreation, cultural and aesthetic values in the Santa Rosa Mountains. The public interest will be served by completing this exchange.

The SRMNSA contains critical habitat supporting a Federal and State listed endangered species, the Desert Slender Salamander, as well as critical habitat for Peninsular bighorn sheep, a State listed threatened species. The Bureau of Land Management's Santa Rosa Mountains Habitat Management Plan indentifies the offered private lands as a top priority for Federal acquisition.

The Bureau of Land Management has entered into a land exchange pooling agreement with The Nature Conservancy to acquire the offered non-Federal lands through a series of land exchanges to occur within the next two years until the values of the offered and selected lands reach equal fair market value as described by regulation. Additional Notices of Realty Action will be published identifying all specific additional offered and selected lands being considered under the land exchange pooling agreement.

The Nature Conservancy will enter into a binding agreement with the Bureau of Land Management to survey and reconvey to the United States approximately 160 acres of the hillside area within portions of the SW¼ and W½SE¼ of section 4 to allow access to Toro Canyon. The reconveyed land would be incorporated within the Santa Rosa Mountains National Scenic Area.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by payment to the United States by The Nature Conservancy of funds in an amount not to exceed 25 percent of the total value of the land to be transferred out of Federal ownership.

The land to be transferred from the United States will be subject to the following reservation:

A right-of-way thereon for ditches and canals constructed by the authority of the United States, pursuant to the Act of August 30, 1890 (26 Stat. 391; 43 U.S.C. 945).

The offered private land will be acquired subject to the following third party rights and reservation:

1. Rights of the public over any portion of said land lying within the boundaries of any road, steet or highway within section 33 of T. 5 S., R. 5 E., SBM.

2. The entire mineral estate within Section 5, T. 5 S., R. 4 E., San Bernardino Meridian is reserved to SF Pacific Properties, Incorporated and its successors and assigns.

Publication of this notice in the **Federal Register** segregates the public lands from the operation of the public land laws and the mining law, except for mineral leasing. The segregative effect will end upon issuance of patent or two (2) years from the date of publication, whichever occurs first.

For detailed information concerning this exchange contact Russell L. Kaldenberg, BLM Palm Springs-South Coast Resource Area, at (619) 323-4421.

For a period of 45 days after publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, California Desert District, 1695 Spruce Street, Riverside, California 92507. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Dated: January 13, 1991.

Gerald E. Hillier,

District Manager.

[FR Doc. 91-1750 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-40-M

[ID-050-01-4212-14; IDI 27486]

Modified Competitive Sale of Public Lands in Lincoln County

AGENCY: Bureau of Land Management.

ACTION: Notice of Realty Action, IDI 27486.

SUMMARY: The following described lands in Lincoln County, Idaho have been examined, and through the

development of land use decisions based on public input, it has been determined that the sale of these parcels is consistent with section 203(a) of the Federal Land Policy and Management Act of 1976. The lands will be offered for sale at no less than the appraised value indicated below:

T. 6S., R. 19 E., Boise Meridian
Section 8: NE¼SW¼, N½SE¼, SE¼SE¼
Section 9: SW¼NE¼.
Containing 200 acres.
Fair Market Value—$10,000.

A bid will constitute an application for conveyance of mineral interests of no known value. A $50.00 filing fee for processing such mineral conveyance, along with, but separate from, 30 percent of the full bid price, must accompany each bid.

When patented, the land will be subject to the following reservations:

1. The reservation to the United States of a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All valid and existing rights of record.

The lands are being sold subject to a preference bidding designation to allow Jerry Nance of Dietrich, Idaho, to meet the highest bid based on historical use and adjacent landownership. Refusal or failure to meet the highest bid within 30 days of this offering shall constitute a waiver of such bidding provisions and the land will be offered to the high bidder. If no bid is received on the date of this offering, preference provisions will be waived and the land will be offered for sale using competitive procedures for a period of 180 days after the sale date.

The lands are hereby segregated from appropriation under the public land laws, including the mining laws, as provided by 43 CFR 2711.1-2(d).

DATES: The sale offering will be on Wednesday, April 3, 1991, at 10 a.m.

ADDRESSES: The sale will be held at the Shoshone District Office, 400 West F Street, Shoshone, Idaho 83352.

FOR FURTHER INFORMATION CONTACT: Additional information concerning these parcels, terms and conditions of the sale, and bidding instructions may be obtained from Tim Fuller at the above address or by calling (208) 886-2206.

SUPPLEMENTARY INFORMATION: For a period of 45 days from the date of publication of this notice, interested parties may submit comments regarding this proposed action to the District Manager. Comments will be evaluated and the proposed action may be vacated, modified or affirmed. In the absence of any objections, this realty action will become the final determination of the Department.

Dated: January 15, 1991.

Janis VanWyhe,

Associate District Manager.

[FR Doc. 91-1751 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-66-M

[OR-120-01-4212-13; GP1-090; OR-45689]

Exchange of Public Land, Douglas County, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The following described public domain lands, including mineral rights, are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716):

Willamette Meridian, OR

T. 21 S., R. 11 W.,
Lot 18 Sec. 32
Comprising 40 acres, more or less

Final determination on disposal will await completion of an environmental assessment.

The patent, if issued, will be subject to a reservation of a right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945) and subject to right-of-way grant ORE 0001777 to Douglas Electric Cooperative for an electric distribution line, Act of March 4, 1911.

In exchange for these lands the United States would acquire the following described lands from Dean and Sojna Wooley:

Willamette Meridian, OR

T. 21 S., R. 11 W.,
SE¼SE¼, Lot 08 Sec. 33
Lots 5 and 6 Sec. 34
T. 22 S., R. 11 W.,
Lot 15 Sec. 3

Excepting therefrom those portions lying north of the southerly right-of-way line of the Umpqua Highway, comprising 116.3 acres more or less.

The value of the lands to be exchanged have been established by fair market value appraisals and are approximately equal, a donation to the United States will be made to equalize the values at the time of consummation of the exchange transaction.

The purpose of this exchange is to acquire non-Federal lands that have significant multiple-use values, including recreational, wildlife habitat, wetlands, and scenic values that far outweigh values found on the Federal lands to be exchanged. The non-Federal lands are adjacent to the Dean Creek Elk Viewing Area and support a large herd of Roosevelt elk which are highly visible from Oregon State Highway 38. If acquired these lands would be managed cooperatively with the Oregon Department of Fish and Wildlife to enhance the wildlife habitat values and wildlife viewing opportunities associated with the Dean Creek Elk Viewing Area.

This exchange proposal is consistent with the management objectives of the Coos Bay Management Framework Plan (MFP) and the public lands have been identified for disposal in the MFP. This exchange has been discussed with City of Reedsport, Douglas County and various State of Oregon agencies who have indicated that the proposal is consistent with local government plans. The public interest will be well served by making this exchange.

The publication of this notice in the **Federal Register** segregates the public lands described herein from all other forms of appropriation and entry under the public laws, including the mining laws, for a period of two years from the date of publication. The exchange is expected to be completed before the end of that period.

ADDRESSES: Detailed information concerning the exchange, including the draft environmental analysis, is available for review at the Bureau of Land Management's Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459.

DATES: For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the Coos Bay District Manager at the above address (Reference exchange number OR 45689). Objections will be evaluated by the Oregon State Director of the Bureau of Land Management who may sustain, vacate or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Thom Green, Coos Bay District Office (503) 756-0100.

Dated: January 17, 1991.

Melvin E. Chase,

District Manager.

[FR Doc. 91-1735 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-33-M

[OR-943-01-4214-10; GP1-069; OR-16124]

Proposed Withdrawal and Reservation of Lands, Oregon; Correction

The land description and acreage in FR Doc. 77-6310 published on page 12265, in the issue of Thursday, March 3, 1977, is hereby corrected as follows:

On page 12266, column two, under T. 25 S., R. 1 E., reads "A strip of land 300 feed wide", and is corrected to read "A strip of land 330 feet wide".

On page 12266, at the top of column three under Sec. 30, T. 25 S., R. 2 E., reads "The areas described aggregate approximately 2840 acres, of which 1045 acres are in Douglas County and 1795 acres are in Lane County, Oregon.", and is corrected to read "The areas described aggregate approximately 2000 acres, of which 700 acres are in Douglas County and 1300 acres are in Lane County, Oregon."

On page 12266, in column three under Sec. 33, T. 24 S., R. 2 E., reads "Creek Road No. 232, a strip of land 300 feet wide", and should read "Creek Road No. 232, a strip of land 330 feet wide".

On page 12266, in column three under Sec. 19, T. 25 S., R. 2 E., reads "The areas described aggregate approximately 435 acres of which 110 acres" and should read "The areas described aggregate approximately 400 acres of which 75 acres".

Dated: January 10, 1991.

Robert E. Mollohan,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 91-1734 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-33-M

[MT-930-4214-10; SDM 79849]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Department of Agriculture, Forest Service, proposes to withdraw 55 acres of National Forest System (NFS) lands in Pennington and Lawrence Counties to protect the Pactola Visitor Information Center, Pactola Marina North, Pactola Marina South, and Spearfish Workcenter. This notice closes the land for the Spearfish Workcenter for up to 2 years from location and entry under the United States mining laws, but the lands will remain open to all uses other than the mining laws. The remaining lands have been withdrawn from surface entry and mining for the Rapid Valley Reclamation Project.

DATES: Comments and requests for a public meeting must be received by April 25, 1991.

ADDRESSES: Comments and meeting requests should be sent to the Montana State Director, BLM, P.O. Box 36800, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: James Binando, BLM Montana State Office, 406-255-2935.

SUPPLEMENTARY INFORMATION: On December 31, 1990, the U.S. Department of Agriculture filed an application to withdraw the following described NFS lands from location and entry under the United States mining laws, subject to valid existing rights:

Black Hills Meridian Spearfish Workcenter (20 acres)

T. 6 N., R. 2 E.,
Sec. 20, W½NW¼NW¼.

Pactola Visitor Information Center (5 acres)

T. 1 N., R. 5 E.,
Sec. 2, W½SW¼SW¼SE¼.

Pactola Marina South (20 acres)

T. 1 N., R. 5 E.,
Sec. 10, SW¼ of lot 4, NW¼NE¼SE¼.

Pactola Marina North (10 acres)

T. 2 N., R. 5 E.,
Sec. 34, SE¼SW¼SE¼.

The areas described aggregate 55 acres in Pennington and Lawrence Counties.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Montana State Director, Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the State Director within 90 days from the date of publication of this notice. Upon determination by the State Director that a public meeting will be held, a notice of the time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands for the Spearfish Workcenter will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are those within the statutory authorities pertinent to NFS lands and subject to discretionary approval. The remaining lands are presently segregated as specified above under the Secretarial Orders which created the Reclamation withdrawals.

The withdrawal application or proposal shall not affect administative jurisdiction over the lands.

Dated: January 15, 1991.

John A. Kwiatkowski,

Deputy State Director, Division of Lands and Renewable Resources.

[FR Doc. 91-1749 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-DN-M

Fish and Wildlife Service

Receipt of Applications for Permits

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-754866

Applicant: Philadelphia Zoological Garden, Philadelphia, PA.

The applicant requests a permit to import five male and five female captive-born Rodrigues fruit bats (*Pteropus rodricensis*) from the Jersey Wildlife Preservation Trust, Channel Islands, United Kingdom, and the Zoological Society of London, London, England, for exhibition and captive-breeding purposes.

PRT-754994

Applicant: Riverbanks Zoological Park, Columbia, SC.

The applicant requests a permit to import one male and one female captive-born Golden lion tamarin (*Leontopithecus rosalia rosalia*) from the Rio de Janeiro Primate Center, Rio de Janeiro, Brazil for captive-breeding purposes.

PRT-754745

Applicant: The Hawthorn Corporation, Grayslake, IL.

The applicant requests a permit to import three pair of captive-born tigers (*Panthera tigris*) from Germany. These tigers are the progeny of applicant's own tigers that are currently performing in Germany. The tigers will be imported for purposes of exhibition and captive breeding. In the future, the applicant will

export and re-import these animals for the same purposes.

PRT-704930

Applicant: U.S Fish and Wildlife Service, Regional Director, Region 6, Denver, CO.

The applicant requests amendment of their current permit to include the take of Neosho madtom (*Noturus placidus*) for scientific purposes and the enhancement of propagation or survival in accordance with Recovery Plans or other Service work for this species.

PRT-755467

Applicant: Bio Systems Analysis, Inc., Tiburon, California.

The applicant requests a permit to live-trap and release Salt Marsh Harvest mice (*Reithrodontomys raviventris*) in Marin County, California, to determine the occurrence of this species within the survey areas that are under study for various development projects to determine whether proposed actions will affect this species or its habitat.

PRT-754469

Applicant: The City of Boulder City, Boulder City, NV.

The applicant requests a permit for incidental take of the desert tortoise (*Gopherus agassizii*) which may occur during development of the Boulder City Business Center site. The applicant has prepared and submitted a conservation plan.

PRT-754223

Applicant: San Diego Wild Animal Park, Escondido, CA.

The applicant requests a permit to import a pair of captive born Somali wild ass (*Equus africanus somalicus*) from the Basel Zoo, Switzerland for the purpose of captive propagation.

Documents and other information submitted with these applications are available to the public during normal business hours (7:45 am to 4:15 pm) room 432, 4401 N. Fairfax Dr., Arlington, VA 22203, or by writing to the Director, U.S. Office of Management Authority, P.O. Box 3507, Arlington, Virginia 22203-3507.

Interested persons may comment on any of these applications within 30 days of the date of this publication by submitting written views, arguments, or data to the Director at the above address. Please refer to the appropriate PRT number when submitting comments.

Dated: January 18, 1991.

R.K. Robinson,

Chief, Branch of Permits, U.S. Office of Management Authority.

[FR Doc. 91-1708 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-55-M

Meeting; Klamath River Basin Fisheries Task Force

AGENCY: Department of the Interior.

ACTION: Notice of meetings.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. app. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, establised under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss et seq.). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force will meet from 9 a.m. to 5 p.m. on Tuesday, February 5; and from 8 a.m. to 3 p.m. on Wednesday, February 6, 1991.

PLACE: The meeting will be held at the Miner's Inn Convention Center, 122 East Miner Street, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1030 South Main), Yreka, California 96097-1006, telephone (916) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

On February 5, the Task Force will review final drafts of a long-range plan for the Klamath Fishery Restoration Program, and a plan amendment treating upper Klamath basin issues. After public comment, decisions will be sought on how to proceed in the long-range planning process. The Task Force will also discuss operational or action planning; that is, ways to carry out the policies of the long-range plan. The agenda on February 6 will include reports on results of projects funded through the Restoration Program.

Dated: January 16, 1991.

William E. Martin,

Acting Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 91-1741 Filed 1-24-91; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Information Collection Requirements

AGENCY: Minerals Management Service, Interior.

ACTION: Request for comments on the information collection requirements for Outer Continental Shelf (OCS) Minerals and Rights-of-Way Management, General (OMB No. 1010-0006).

SUMMARY: The Minerals Management Service (MMS), as part of its continuing effort to reduce the paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Public Law 96-511, 44 U.S.C. 3501 *et seq.*), provides the general public, industry, and State and other Federal agencies an opportunity to comment on current and proposed information collection requirements. The MMS will evaluate all comments and will revise reporting and recordkeeping requirements, as appropriate, to minimize respondent burdens. This notice specifically requests comments regarding the information collection burdens imposed by MMS regulations to determine if an applicant filing for a lease in the OCS is qualified to hold such a lease. This information collection is being submitted to the Office of Management and Budget (OMB) for approval.

DATES: Comments may be submitted on or before February 25, 1991.

ADDRESSES: Comments and suggestions on these collection requirements should be submitted to John V. Mirabella, Acting Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070-4817, with copies to the Bureau Clearance Officer; Mail Stop 2300; 381 Elden Street; Herndon, Virginia 22070-4817 and to the Office of Management and Budget; Paperwork Reduction Project (1010-0006); Washington, DC 20503, telephone (202) 395-7340.

FOR FURTHER INFORMATION CONTACT: Copies of the current information collection requirements and supporting material may be obtained by contacting John V. Mirabella; Acting Chief, Engineering and Standards Branch; telephone (703) 787-1600 or (FTS) 393-1600.

SUPPLEMENTARY INFORMATION:

I. Background

The OCS Lands Act, 43 U.S.C. 1331 *et seq.*, gives the Secretary of the Interior the responsibility to preserve, protect, and develop oil and gas resources in the OCS in a manner which is consistent with the need to make such resources available to meet the Nation's energy needs as rapidly as possible; balance orderly energy resources development with protection of the human, marine, and coastal environments; ensure the public a fair and equitable return on OCS resources; and preserve and maintain free enterprise competition. To carry out these responsibilities, the Director of MMS has issued rules to

establish procedures to administer a leasing program for minerals on the submerged lands of the OCS in 30 CFR Part 256—Outer Continental Shelf Minerals and Rights-of-Way Management, General.

The Paperwork Reduction Act of 1980 requires MMS to obtain approval of the information collection requirements for 30 CFR part 256 from OMB. The MMS obtained approval for the information collection requirements for 30 CFR part 256 in March 1988. This information collection was approved by OMB through March 31, 1991.

II. Current Actions

The MMS is preparing an information collection request that will be submitted to OMB in order to obtain renewal of the authorization for information collections under 30 CFR part 256. An information collection authorization request must contain a description of the information collection requirements, statements justifying their collection, and responses to comments from individuals affected by the information collection. This notice provides a brief description of the information collection requirements for 30 CFR part 256 and the estimated burden for industry to prepare the information.

III. Request for Comments

The sections of 30 CFR part 256 that contain information collection requirements are listed below, along with MMS's estimates of the number of requests or annual plans submitted, preparation time per response or plan, and total burden hours for each requirement. The MMS requests the oil and gas industry and other interested parties to comment on these information collection requirements, including comments regarding the clarity of the information requirements, availability of required information, estimated burden hours, and the frequency of collection.

1. Section 256.23 Information on Areas

(b) * * * The Calls for Information and Nominations shall be published in the **Federal Register** * * * Information on areas shall be addressed to the appropriate regional Minerals Manager (Regional Director of the Minerals Management Service with a copy to any other office which may be specified in the Call. The Director shall also request comments on areas which should receive special concern and analysis. For an oil and gas lease sale Call area, the Director may request comments concerning geological conditions * * * archeological or cultural sites on the seabed or nearshore; multiple uses of the proposed leasing area * * *.

2. Section 256.41 Joint Bidding Requirements (Qualification of bidders.) (Statements of production.)

(a) Any person who submits a joint bid for any oil and gas lease during a 6-month bidding period, and who was chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas and liquified petroleum products, shall have filed under oath with the Director, a Statement of Production of crude oil, natural gas and liquified petroleum products * * * no later than 45 days prior to the commencement of the applicable 6-month bidding period * * *. Statements of Production shall be submitted to the Director, MMS (Attention: Offshore Leasing Management Division), Washington, DC 20240 * * *.

3. Section 256.46 Submission of Bids

(a) A separate sealed bid shall be submitted for each tract unit bid upon as described in the notice of lease sale. A bid may not be submitted for less than an entire tract.

(b) Each bidder shall submit with the bid, a certified or cashier's check or bank draft on a solvent bank, or cash * * * for one-fifth of the amount of the cash bonds * * *.

(c) If the bidder is an individual, a statement of citizenship shall accompany the bid.

(d) If the bidder is an association * * * the bid shall be accompanied by a certified statement indicating the State in which it is registered and that it is authorized to hold mineral leases on the OCS * * *.

(e) If a bidder is a corporation, the following information shall be submitted with the bid:

(1) A statement certified by the corporate Secretary or Assistant Secretary over the corporate seal showing the State in which it was incorporated and that it is authorized to hold mineral leases on the OCS * * *.

(2) Evidence of authority of persons signing to bind the corporation * * * in the form of either a certified copy of the minutes of the board of directors or of the bylaws * * * or a certificate * * * signed by the Secretary or Assistant Secretary of the corporation * * *.

(g) To verify the accuracy of any statement submitted * * * the Director may require the person * * * to:

(1) Submit no later than 30 days after receipt of the request by the Director, a detailed Report of Production which shall list, in barrels, the average daily production of crude oil, natural gas and liquified petroleum products chargeable to the reporting person * * *.

4. Section 256.64 Requirements for Filing of Transfers

(a)(1) All instruments of transfer of a lease or an interest * * * shall be filed in triplicate for approval within 90 days from the date of final execution. They shall include a statement over the transferee's own signature with respect to citizenship and qualifications similar to that required of a lessee and shall contain all of the terms and conditions agreed upon by the parties thereto * * *.

(2) An application for approval of any instrument required to be filed shall not be accepted unless accompanied by a nonrefundable fee of $25. Any document not required to be filed by these regulations but submitted for record purposes shall be accompanied by a nonrefundable fee of $25 per lease affected * * *.

(b) An attorney in fact, in behalf of the holder of a lease, operating rights or sublease, shall furnish evidence of authority to execute the assignment or application for approval * * *.

(d) An heir or devisee of a deceased holder of a lease, * * * shall be recognized as the lawful successor to such lease or interest, if evidence * * * is furnished in the form of:

(1) A certified copy of an appropriate order or decree of the court * * * or,

(2) If no court action is necessary, the statements of two disinterested parties having knowledge of the facts or a certified copy of the will.

(e) * * * the heirs or devisees shall file statements that they are the persons named as successors to the estate with evidence of their qualifications * * *.

(h) Where the proposed assignment or transfer is by a person who, at the time of acquisition of an interest in the lease, was on the List of Restricted Joint Bidders, and that assignment or transfer is of less than the entire interest of the assignor or transferor, to a person or persons on the same List of Restricted Joint Bidders, the assignor or transferor shall file a copy, prior to approval of the assignment, of all agreements applicable to the acquisition of that lease or a fractional interest.

5. Section 256.76 Relinquishment of Leases or Parts of Leases

A lease or any officially designated subdivision thereof may be surrendered by the record title holder by filing a written relinquishment, in triplicate,

with the appropriate OCS office of the MMS * * *.

Public reporting burden for this collection is estimated to average 4.8 hours per response. The estimated number of responses per respondent is 18. There are no recordkeeping hours. Therefore, the estimated total annual information collection burden on lessees for 30 CFR part 256 is 12,819. (150) respondents x 18 responses per respondent = 2,693 annual responses x 4.8 hours per response = 12, 819 total burden hours)

Comments submitted in response to this notice will be summarized and/or included in the information collection application submitted to OMB for approval of this information collection. These comments will also become a matter of public record.

Authority: Sec. 204, Public Law 95-372, 92 Stat 629 (43 U.S.C. 1334).

Dated: December 27, 1990.

Thomas Gernhofer

Associate Director for Offshore Minerals Management.

[FR Doc. 91-1685 Filed 1-24-91; 8:45 am

BILLING CODE 4310-MR-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 328]

Investigation of Tank Car Allowance System

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed revision in tank car valuation methodology.

SUMMARY: The Commission is considering the request filed November 9, 1990, by a group of railroads,[1] The Association of American Railroads (AAR) and General American Transportation Corporation (collectively petitioners), for the Commission to modify the standard for valuing certain tank cars currently based on the now-repealed investment tax credit and established in *Investigation of Tank Car Systems*, 3 I.C.C.2d 196 (1986). The proposed revision would not affect the current valuation based on the manufacturer's invoice to the original purchaser but would replace the outdated mvestment tax credit valuation in situations (a) where no invoice is available, such as where a car is retained by the manufacturer for its own leasing business, or (b) where the invoice demonstrably does not reflect the true value of the car, such as where a purchaser can show that it has contributed physical assets of significant value that were used by the manufacturer in fabricating the car and which resulted in a reduction of the invoice price by more than $1,000 per car below the price that otherwise would have been charged. In either instance, an owner would be able to certify an alternative "true value."[2] The proposed revision serves as the basis for the petitioners' final settlement in Ex Parte No. 328 (Sub-No. 1), *Association of American Railroads, et al.—Petition for Clarification of Tank Car Allowance and Implementing Tariff* (not printed), served January 16, 1991.

Under the proposal, any car owner certifying a "true value" would be required to provide the auditor of AAR an annual officer's certificate of compliance with the Commission's order. Also, petitioners request that we order car registrants to provide certain information necessary to determine the "true value" of tank cars. Comments are invited on the proposed modification.

DATES: An original and 10 copies of comments must be filed by February 25, 1991.

ADDRESSES: Send comments referring to Ex Parte No. 328 to: 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) 289-4357/435. (Assistance for the hearing impaired is available through TDD services (202) 275-1721.)

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

We certify that this action will not have a significant impact on a substantial number of small entities. In this proceeding, we are adopting a proposal which will make tank car allowances more market sensitive and therefore more conducive to an appropriate level of investment in tanks cars. The proposed valuation methodology will merely replace a former methodology that is no longer appropriate.

Decided: January 10, 1991.

Authority: 49 U.S.C. 10321, 10324(b), 10747, and 11122, and 5 U.S.C. 553.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-1770 Filed 1-24-91; 8:45 am]

BILLING CODE 7035-01-M

[1] The Atchison, Topeka and Santa Fe Railroad Company; Burlington Northern Railroad Company; Chicago and North Western Transportation Company; Consolidated Rail Corporation; Union Pacific Railroad Company; Norfolk & Western Railway Company; Southern Railway Company; CSX Transportation, Inc.; and Southern Pacific Lines.

[2] "True value" is defined as the price for which a car or group of cars would have been sold in an arms-length transaction. This valuation, however, cannot exceed the average invoice price of similar cars (those of substantially identical mechanical design and equipped with comparable accessories and/or appurtenances) registered in UMLER at invoice price during the most recent 12-month period for which UMLER registration data are available, except to reflect changes in the market values of new cars as currently reflected in average car prices. If no similar cars were registered during the most recent 12-month period, the "true value" will not exceed the average price at which a manufacturer could reasonably expect to sell a car or group of cars to a purchaser under prevailing market conditions, considering the volume of cars involved and the prices at which the most nearly comparable car types were sold during that 12-month period, again adjusted for changes in the market values of new tank cars.

[Finance Docket No. 31729]

Colorado-Denver/Warehouse Delivery, Inc.—Exemption of Highway TOFC Service From Regulation

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from economic regulation Colorado-Denver/Warehouse Delivery, Inc.'s pickup and delivery services in Colorado and Utah, in connection with trailer-on-flatcar movements provided by rail carrier over the Rocky Mountains.

DATES: Provided no timely filed comments have been received, this exemption will be effective on February 24, 1991. Petitions to stay must be filed by February 14, 1991, and comments on reconsideration must be filed by February 4, 1991.

ADDRESSES: Send pleadings referring to Finance Docket No. 31729 to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423 and

(2) Petitioner's representative: T.M. Brown, 1777 South Bellaire Street, Suite 205, Denver, CO 80222.

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.)

Decided: January 8, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-1767 Filed 1-24-91; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-318 (Sub-No. 1X)]

Louisiana & Delta Railroad, Inc.—Abandonment Exemption—in Vermilion Parish, LA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of 49 U.S.C. 10903-10904 the abandonment by Louisiana & Delta Railroad, Inc., of a 9.53-mile line of railroad in Vermilion Parish, LA, 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 24, 1991. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by February 4, 1991. Petitions to stay must be filed by February 11, 1991. Petitions to revoke the exemption must be filed by February 21, 1991. Requests for a public use condition must be filed by February 4, 1991.

ADDRESSES: Send pleadings, referring to Docket No. AB-318 (Sub-No. 1X), to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423. and

(2) Petitioner's representative: James B. Gray, Harter, Secrest & Emery, 700 Midtown Tower, Rochester, NY 14604.

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 at (202) 275-1721.)

Decided: January 8, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-1768 Filed 1-24-91; 8:45 am]

BILLING CODE 7035-01-M

[Docket Nos. AB-322 (Sub-No. 1X and AB-323 (Sub-No. 1X)]

NRUC Corp. Petition for Exemption-Discontinuance of Service and Operations in St. Lawrence County, NY and Ogdensburg Bridge and Port Authority—Petition for Exemption—Abandonment and Discontinuance of Service Between Ogdensburg and Waddington, in St. Lawrence County, NY

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: Pursuant to 49 U.S.C. 10505, the Commission exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*; (1) NRUC Corporation's discontinuance of service and operations over a 43.2-mile line owned by the Ogdensburg Bridge and Port Authority (OBPA), between Ogdensburg and Waddington, in St. Lawrence County, NY; and, (2) OBPA's abandonment and discontinuance of service over the same track, subject to: (a) The condition that OBPA (i) avoid adverse impacts to the wetlands when removing track and ties; (ii) remove materials from the site to prevent contamination; (iii) not alter the size and shape of the roadbed; and (iv) maintain and make functional all culverts as long as it owns the property; (b) the condition that, should OBPA decide at some future time to dispose of any or all of the property, it must first consult with the United States Fish and Wildlife Service (FWL) to determine if FWL has an interest in acquiring such property; and (c) the condition that OBPA shall dismantle or maintain any bridges at road crossings and, when removing rail at current grade crossings, repair the road pavement in accordance with the requirements of the government agency responsible for such roads. No employee protective conditions are imposed.

DATES: Provided no formal expression of intent to file an offer of financial assistance has been received, this exemption will be effective on February 24, 1991. Formal expressions of intent to file an offer [1] of financial assistance under 49 CFR 1152.27(c)(2) must be filed by February 1, 1991. Petitions for reconsideration must be filed by February 19, 1991. Requests for a public use condition must be filed by February 1, 1991.

ADDRESSES: Send pleadings referring to Docket No.'s AB-322 (Sub-No. 1X) and AB-323 (Sub-No. 1X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representatives: Andrew P. Goldstein, 703 Ring Building, 1200 Eighteenth Street, NW., Washington, DC 20036

and

James B. Gray, Jr., 700 Midtown Tower, Rochester, NY 14604

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.].

Decided: January 9, 1991.

By the Commission, Chairman Philbin, Vice Chairman Phillips, Commissioners Simmons, Emmett, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-1768 Filed 1-24-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Judgment in Action To Enjoin Violation; Colt Insulation, Inc.

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a Consent Decree in *United States* v. *Colt Insulation, Inc.,*

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[1] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

[1] *See Exemp. of Rail Line Abandonment-Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987), and final rules published in the **Federal Register** on December 27, 1987 (52 FR 48440-48446).

Civil Action No. HAR 89-1012 (D. Md.), was lodged with the United States District Court for the District of Maryland on November 2, 1990. The Consent Decree provides for penalties for violations of the National Emission Standards for Hazardous Air Pollutants ("NESHAPs") for asbestos, 40 CFR part 61, subpart M, promulgated under the Clean Air Act, 42 U.S.C. 7401 *et seq.* ("CAA"), and enjoins further violations of the CAA and the asbestos NESHAP.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530 and should refer to *United States* v. *Colt Insulation, Inc.*, D.O.J. Ref. No. 90-5-2-1-1330.

The Consent Decree may be examined at the Office of the United States Attorney, District of Maryland, U.S. Courthouse, 101 West Lombard Street, 8th Floor, Baltimore, Maryland 21201, at the Region III office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, and at the Environmental Enforcement Section, Environment and Natural Resources Division of the Department of Justice, room 1515, Ninth Street and Pennsylvania Avenue, NW., Washington, DC 20530. A copy of the Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004, Telephone Number (202) 347-2072. In requesting a copy, please tender a check in the amount of $2.75 (25 cents per page reproduction charge) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-1690 Filed 1-24-91; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

National Cooperative Research Notification; Computer Aided Manufacturing-International, Inc.

Notice is hereby given that, on January 3, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), Computer Aided Manufacturing-International, Inc. ("CAM-I") filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in the membership and research and development project areas of CAM-I. The notification were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

The current industrial member companies in the United States are: Alcoa; Allied-Signal Aerospace Co.; Arthur Andersen & Co.; AT&T; The Boeing Company; Brown & Sharpe; Caterpillar, Inc.; Clark Equipment Co.; Deere & Company; Deloitte & Touche; Eastman Kodak Company; Electronic Data Systems; Ernst & Young; General Dynamics-Ft. Worth; General Electric; Grumman Aerospace; Harris Corportion; Hewlett Packard; Honeywell, Inc.; Hughes Aircraft Co.; LTV Aerospace & Defense; Martin Marietta Energy Sys.; McDonnell Douglas Corp.; Northrop Corp.; KPMG Peat Marwick; Price Waterhouse; Proctor & Gamble Co.; Rockwell International; Sandia National Labs; Schlumberger; Texas Instruments; U.S. Air Force; U.S. Navy; Westinghouse; and Xerox.

The current industrial member companies in Europe are: Aerospatiale; Alcatel NV; British Aerospace; Bull; Coopers & Lybrand Deloitte; Eurosept Associes; Finmeccanica; IBM Eurocoordination; IVF Swedish Inst. of Production Engr.; Lucas Group Services; Messerschmitt-Bolkow-Blohm; Nuovo Pignone S.P.A.; Philips International; Siemens AG.; T & N PLC; TNO Metaalinstituut; Valmet Corporation; and Volkswagen AG.

Current industrial member companies in the Pacific region are: Fujitsu, Ltd.; Hitachi, Ltd.; Honda Engineering Co.; and Oki Electric.

Current educational members in the United States are: Arizona State University; Brigham Young University; California Polytechnic State University; Illinois Institute of Technology; Massachusetts Institute of Technology; North Carolina State University; North Texas State University; Oklahoma State University; Portland State University; Purdue University; Rensselaer Polytechnic Institute; University of California; University of California (UCLA); University of Maryland; University of Massachusetts; University of Minnesota; University of Missouri-Rolla; University of New Hampshire; University of Southern California; Univ. of Texas, Austin; and University of Waterloo-Ontario.

Current eductional members in Europe are: Cranfield Institute of Technology; Helsinki University of Technology; Katholieke Universiteit Leuven (CRIF); Loughborough University of Technology; Politechnico Di Milano; Royal Institute of Stockholm; Tech. Institute of Aachen; Universiteit Frederciana Karlsruhe; University of Trondhiem-Norway and Univ. of Twente, The Netherlands.

The current educational member in the Pacific region is Kyoto University.

The planned activities of CAM-I remain unchanged except that the project area relating to electronics automation has been discontinued.

On December 15, 1984, the Joint Venture filed its original notification pursuant of Section 6(a) of the Act. The Department of Justice ("the Department") published a notice in the **Federal Register** pursuant to section 6(b) of the Act on January 24, 1985, 50 FR 3425-26. Additional notifications showing changes in membership were published in the **Federal Register** on February 26, 1986, 51 FR 6812-13; May 4, 1987, 52 FR 16321-22; February 12, 1988, 53 FR 4232-33; February 6, 1989, 54 FR 5693-94 and February 12, 1990, 55 FR 4916-17.

Joseph H. Widmar,

Director of Operations Antitrust Division.

[FR Doc. 91-1739 Filed 1-24-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notifications; Industry Cooperative for Ozone Layer Protection, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Industry Cooperative for Ozone Layer Protection, Inc. ("ICOLP"), on December 26, 1990, filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notification was filed for the purpose of maintaining the protections of the Act limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, the notification stated that the following additional party has become a member of ICOLP: International Business Machines Corp., 2000 Purchase Street, Purchase, NY 10577.

No other changes have been made in either the membership or the planned activities of ICOLP. Membership in this group project remains open.

On March 13, 1990, ICOLP filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 18, 1990 (55 FR 14493). On

August 7, 1990, ICOLP filed an additional written notification. The Department published a notice in the **Federal Register** in response to this notification on September 6, 1990 (55 FR 36710).

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-1686 Filed 1-24-91; 8:45 am]

BILLING CODE 4410-01-M

National Cooperative Research Notifications; Portland Cement Association

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Portland Cement Association ("PCA") has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission on December 18, 1990, disclosing that there have been changes in the membership of PCA. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Aetna Cement Company/ESSROC Materials, Coplay Cement/ESSROC Materials, and Rochester Portland Cement Company/ESSROC Materials are all to be listed as ESSROC Materials, Inc.; Lake Ontario Cement/ESSROC Canada and Miron/ESSROC Canada are to be listed as ESSROC Canada; BCW Inc., CalMat Co., CalMat Terminals, and F.L. Smidth should be deleted; and ESSROC Corp., Arizona Portland Cement Company, California Portland Cement Company, CPC Terminals, Kaiser Cement Corporation, and Utah Idaho Cement Shippers Association should be added to the PCA membership list.

No other changes have beem made in either the membership or planned activities of PCA.

On January 7, 1985, PCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice (the "Department") published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 5, 1985, 50 FR 5015. On March 14, 1985, August 13, 1985, January 3, 1986, February 14, 1986, May 30, 1986, July 10, 1986, December 31, 1986 February 3, 1987, April 17, 1987, June 3, 1987, July 29, 1987, August 6, 1987, October 9, 1987, February 18, 1988, March 9, 1988, March 11, 1988, July 7, 1988, August 9, 1988, August 23, 1988, January 23, 1989, February 24, 1989, March 13, 1989, May 24, 1989, July 20, 1989, August 24, 1989, September 25, 1989, December 14, 1989, January 31, 1990, and May 29, 1990, PCA filed additional written notifications. The Department published notices in the **Federal Register** in response to these additional notifications on April 10, 1985 (50 FR 14175), September 16, 1985 (50 FR 37594), November 15, 1985 (50 FR 47292), December 24, 1985 (50 FR 52568), February 4, 1986 (51 FR 4440), March 12, 1986 (51 FR 8573), June 27, 1986 (51 FR 23479), August 14, 1986 (51 FR 29173), February 3, 1987 (52 FR 3356), March 4, 1987 (52 FR 6635), May 14, 1987 (52 FR 18295), July 10, 1987 (52 FR 26103), August 26, 1987 (52 FR 32185), November 17, 1987 (52 FR 43953), March 28, 1988 (53 FR 9999), August 4, 1988 (53 FR 29397), September 15, 1988 (53 FR 35935), September 28, 1988 (53 FR 37883), February 23, 1989 (54 FR 7894), March 20, 1989 (54 FR 11455), April 25, 1989 (54 FR 17835), June 28, 1989 (54 FR 27220), August 23, 1989 (54 FR 35092), September 11, 1989 (54 FR 37513), October 20, 1989 (54 FR 43146), February 1, 1990 (55 FR 3497), March 7, 1990 (55 FR 8204), July 3, 1990 (55 FR 27518), and July 19, 1990 (55 FR 29432) respectively.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-1687 Filed 1-24-91; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 4, 1991.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than February 4, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 7th day of January 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
American Tree Co., Inc. (Wkrs)	Pittsburgh, PA	01/07/91	12/07/90	25,234	Decorations.
B.W. Harris, Powderhorn Div. (Wkrs)	Watertown, SD	01/07/91	12/10/90	25,235	Outerware.
Bates Fabrics, (TAW)	Lewiston, ME	01/07/91	12/14/90	25,236	Bedspreads.
Bethel Cedar Products (Company)	South Bend, WA	01/07/91	12/17/90	25,237	Shakes & Shingles.
Blue Bird Knitwear Co., Inc. (Wkrs)	Hampton, VA	01/07/91	12/20/90	25,238	Sweaters.
Bold Enterprises (Wkrs)	Spartanburg, SC	01/07/91	12/17/90	25,239	Shirts.
Boyertown Auto Body Works (Wkrs)	Boyertown, PA	01/07/91	12/17/90	25,240	Truck Bodies.
Bradford Electronics, Inc. (Wkrs)	Bradford, PA	01/07/91	12/14/90	25,241	Resistors.
Cincinnati Milacron-Heald Corp	Worchester, MA	01/07/91	12/27/90	25,242	Tools.
Continental Plastic Containers (GMP)	Milltown, NJ	01/07/91	12/18/90	25,243	Containers.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Corey & Sons, Inc. (Wkrs)	Philadelphia, PA	01/07/91	12/12/90	25,244	Lumber.
Craftex Mills, Inc. (ACTWU)	Detroit, MI	01/07/91	12/28/90	25,245	Repair Upholstery.
Dale Electronics (Wkrs)	El Paso, TX	01/07/91	12/18/90	25,246	Electronic Components.
Damson Oil Corporation (Company)	Houston, TX	01/07/91	12/27/90	25,247	Oil & Gas.
Detroit Strip Div., Cyclops Corp (Company)	Detroit, MI	01/07/91	12/28/90	25,248	Steel.
Dukesa Sales Corp. (Wkrs)	Hammonton, NJ	01/07/91	12/18/90	25,249	Alcoholic & Beverages.
Extraudant metal products (IAM)	Cottoes, NY	01/07/91	12/19/90	25,250	Frames & Doors.
Family Foods (Wkrs)	Grand Rapids, MI	01/07/91	12/19/90	25,251	Groceries.
General Electric (Wkrs)	Mt. Vernon, IN	01/07/91	11/29/90	25,252	Business Equip.
General Plastic Corp. (Wkrs)	Marion, IN	01/07/91	12/12/90	25,253	Siding.
Herlitz, Inc. (Wkrs)	Garland, TX	01/07/91	12/10/90	25,254	School Supplies.
Jumping Jack Shoes, Inc	Monett, MO	01/07/91	12/17/90	25,255	Shoes.
Leeson Electric Corp. (Wkrs)	Little Falls, NY	01/07/91	12/14/90	25,256	Electric Motors.
Lone Star Industries (Wkrs)	Houston, TX	01/07/91	12/14/90	25,257	Cement.
Memorex Telex Corp. (Wkrs)	King of Prussia, PA	01/07/91	11/09/90	25,258	Computer Equip.
Moore Business Forms (Wkrs)	Buckhannon, WV	01/07/91	12/12/90	25,259	Business Forms.
National Standard Company (Wkrs)	Niles, MI	01/07/91	12/12/90	25,260	Steel Wire.
Neville Chemical (Wkrs)	Pittsburgh, PA	01/07/91	12/20/90	25,261	Resins.
North & Judd, Inc. (Company)	Middletown, CT	01/07/91	12/26/90	25,262	Plumbing Hardware.
Oxford Marking Products (Wkrs)	Spring Valley, NY	01/07/91	12/13/90	25,263	Rubber Stamps.
Patty Precision Products Co	Sapulpa, OK	01/07/91	12/20/90	25,264	Bomb Ejectors.
Pep Industries (Wkrs)	Houston, MS	01/07/91	12/17/90	25,265	Auto Wiring.
Perkiomen Clothing Co., Inc. (Wkrs)	Red Hill, PA	01/07/91	12/15/90	25,266	Clothing.
Phillips Consumer Electronics Corp	Greenville, TN	01/07/91	12/17/90	25,267	TV's.
Prior Shingle Co. (Wkrs)	Forks, WA	01/07/91	12/12/90	25,268	Cedar Shingles.
Private Label, Inc. (Wkrs)	Frackville, PA	01/07/91	12/12/90	25,269	Women & Childrens Ware.
Publix Shirt Co., L.P. (ACTWU)	Columbia, TN	01/07/91	12/21/90	25,270	Sportswear.
Sandvik Special Metals (Wkrs)	Kennerwisk, WA	01/07/91	12/10/90	25,271	Zironium.
Scott Company, Inc	Anderson, SC	01/07/91	12/17/90	25,272	Shirts.
Snugli, Inc. (ACTWU)	Denver, Co	01/07/91	12/12/90	25,273	Baby Carriers.
Tacoma (Boat Building) Inc. (M.T.C.)	Tacoma, WA	01/07/91	12/18/90	25,274	Ships.
Thomas Electronics, Inc. (Wkrs)	Wayne, NJ	01/07/91	12/13/90	25,275	Tubes Assemblies.
U.S. Vanadium Corporation (Company)	Hot Springs, AK	01/07/91	12/18/90	25,276	Vanadium Oxides.
UCKR Carbon, Co. (Wkrs)	Clarksburg, WV	01/07/91	12/18/90	25,277	Carbon & Graphite Electrodes.
United Technologies Auto., Inc. (Wkrs)	N. Manchester, IN	01/07/91	12/13/90	25,278	Bat. Wire Harness.
VCS Puerto Rico Can Co. (Wkrs)	Mercedita, PR	01/07/91	12/10/90	25,279	Cans & Covers.
Walbro Automative (Wkrs)	Meriden, CT	01/07/91	12/12/90	25,280	Auto Fuel Systems.
Walbro Corporation Auto. Parts (Wkrs)	Cass City, MI	01/07/91	12/19/90	25,281	Elec. Fuel Systems.

[FR Doc. 91-1808 Filed 1-24-91; 8:45 am]
BILLING CODE 4510-30-M

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494. as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be otbained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Corrections to General Wage

Determination Decisions

Pursuant to the provisions of the Regulations set forth in title 29 of the Code of Federal Regulations, part 1, § 1.6(d), the Administrator of the Wage and Hour Divison may correct any wage determination that contains clerical errors.

Corrections being issued in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" are indicated by Volume and are included immediately following the transmittal sheet(s) for the appropriate Volume(s).

Volume I:

Wage Decision No. NY89-3, Modification Nos. 10 through 12

Pursuant to the Regulations, 29 CFR part 1, § 1.6(d), such corrections shall be included in any bid specifications containing the wage determinations, or in any on-going contracts containing the wage determinations in question, retroactively to the start of construction.

Modifications to General Wage

Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by Volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut:
CT90-1 (Jan. 5, 1990) ..... p. 63, pp. 66-67.

Kentucky:
KY90-3 (Jan. 5, 1990) ..... p. 297, p. 298.
KY90-4 (Jan. 5, 1990) ..... p. 303, p. 304.
KY90-25 (Jan. 5, 1990) ..... p. 361, pp. 362-363.
KY90-26 (Jan. 5, 1990) ..... p. 367, pp. 368-369.
KY90-27 (Jan. 5, 1990) ..... p. 371, pp. 372-373, 375.
KY90-28 (Jan. 5, 1990) ..... p. 377, pp. 378-380.
KY90-29 (Jan. 5, 1990) ..... p. 381, p.383.

New Jersey:
NJ90-2 (Jan. 5, 1990) ..... p. 665, p. 666.
NJ90-3 (Jan. 5, 1990) ..... p. 685, p. 686.

Pennsylvania:
PA90-4 (Jan. 5, 1990) ..... p. 941, pp. 942-943.

Tennessee:
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West Virginia:
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OH90-34 (Jan. 5, 1990) ..... p. 918a, p. 918b.

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California:
CA90-1 (Jan. 5, 1990) ..... p. 31, pp. 32-33, 36-37.
CA90-4 (Jan. 5, 1990) ..... p. 71, pp. 72-73, 75-89.

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entited "General Wage Determinations Issued Under The Davis-Bacon and Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determination for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 18th day of January 1991.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 91-1697 Filed 7-24-91; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Attestations Filed by Facilities Using Nonimmigrant Aliens as Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose .

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor,

room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The addresses of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Regarding the attestation process: Chief, Division of Foreign Labor Certifications, U.S. Employment Service. Telephone: 202-535-0163 (this is not a toll-free number).

Regarding the complaint process: Chief, Farm Labor Programs, Wage and Hour Division. Telephone: 202-523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1182(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 18th day of January, 1991.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS, APPROVED ATTESTATIONS [1]

[From Jan. 7, 1991 to Jan. 11, 1991]

CEO-Name	Phone	Facility Name	State	Approval date
Mr. Kevin E. Lofton	202-865-1521	Howard U. Hosp., 2041 Georgia Ave., NW, Washington, DC 20060	DC	01/09/91
Mr. Richard J. Stull	305-344-3000	Coral Springs Med. Ctr., 3000 Coral Hills Dr., Coral Springs, FL 33065	FL	01/09/91
Mr. Richard J. Stull	305-355-4400	Broward General Med. Ctr., 1600 South Andrews Ave., Port Lauderdale, FL 33316	FL	01/09/91
Ms. Joan Birdzell	312-278-2000	St. Elizabeth's Hosp., 1431 N. Claremont Ave., Chicago, IL 60622	IL	01/09/91
Mr. Frank Butler	606-233-5767	U. of Kentucky Hosp., 800 Rose Street, Lexington, KY	KY	01/09/91
Ms. Darlene Grover	207-729-5895	Int'l Nurses Alliance, P.O. Box 661, Brunswick, ME 04011	ME	01/09/91
Mr. Stephen Lazovitz	609-663-4044	Seniors Management, Inc., 1114 Wynwood Ave., Cherry Hill, NJ 08002	NJ	01/09/91
Mr. Paul A. Marks	212-639-2000	Memorial Sloan-Kettering Canc, 1275 York Ave., New York, NY 10021	NY	01/09/91
Mr. Frederick Croft	401-781-9200	Cranston Gen. Hosp., 1763 Broad St., Cranston, RI 02905	RI	01/09/91
Ron J. Anderson, M.D.	214-590-8011	Parkland Memorial Hospital, 5201 Harry Hines Boulevard, Dallas, TX 75235	TX	01/09/91
A.R. Hixson III	817-571-1330	Technitrol, 3829 Aspenwood, Bedford, TX 76021	TX	01/09/91

[1] Number of Attestations, 11.

[FR Doc. 91-1809 Filed 1-24-91; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

[Docket No. NRTL-1-89]

ETL Testing Laboratories, Inc.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of expansion of current recognition as a nationally recognized testing laboratory; correction.

SUMMARY: This notice announces the Agency's correction of the final decision on the ETL Testing Laboratories, Inc. application for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

FOR FURTHER INFORMATION CONTACT:

James J. Concannon, Director, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

Correction: In notice document 90-29548 appearing on page 51972 in the issue of Tuesday, December 18, 1990, make the following correction.

In the second column, the following paragraph should be deleted:

"**Note:** The use of ANSI/UL 913—*'Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous Locations'*, for which ETL has previously received recognition for the testing and certification of products, is hereby also limited to Class I, Division I locations."

Signed at Washington DC this 18th day of January 1991.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 91-1810 Filed 1-24-91; 8:45 am]

BILLING CODE 4510-26-M

Connecticut State Standards; Approval

Background

Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State Plan, which has been approved in accordance with section 18 (c) of the Act and 29 CFR part 1902. On November 3, 1978, notice was published in the **Federal Register** (43 FR 51390) of the approval of the Connecticut Public Sector State Plan and the adoption of subpart E to part 1956 containing the decision.

The Connecticut Public Sector only State Plan provides for the adoption of Federal standards as State standards after:

a. Publishing an intent to amend the State Plan by adopting the standard(s) in the Connecticut Law Journal.

b. Approval by the Commissioner of Labor and the Attorney General of the State of Connecticut.

c. Approval by the Legislative Regulation Review Committee, State of Connecticut.

d. Filing in the Office of the Secretary of State, State of Connecticut.

e. Publishing a notice that the State Plan is amended by adopting the standards in the Connecticut Law Journal.

The Connecicut Public Sector State Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6, of the Act. By letter dated August 31, 1990 from Commissioner Betty L. Tianti, Connecticut Department of Labor, to John B. Miles, Jr., Regional Administrator, and incorporated as part of the plan, the State submitted updated State standards identical to 29 CFR parts 1910 and 1926 and subsequent amendments thereto, as described below:

(1) Corrections to 29 CFR 1910.1048, Occupational Exposure to Formaldehyde; Final Rule (54 FR 29545, dated 3/6/89; 54 FR 31765, dated 8/1/89).

(2) Revision to 29 CFR 1910.66, Powered Platforms for Building Maintenance; Final Rule (54 FR 31456, dated 7/28/89).

(3) Redesignation of 29 CFR 1910.150 [from 1910.147], Control of Hazardous Energy Source (Lockout/Tagout); (54 FR 36687, dated 9/1/89).

(4) Addition of new 29 CFR 1910.147 Control of Hazardous Energy Source (Lockout/Tagout); Final Rule (54 FR 36687, dated 9/1/89).

(5) Amendment to 29 CFR 1910.1000, Air Contaminants, (54 FR 36767, dated 9/5/89).

(6) Revision to 29 CFR 1916.704, Concrete and Masonry Construction Safety Standards, Requirements for Precast Concrete (54 FR 41088, dated 10/5/89).

(7) Amendment to 29 CFR 1926, Occupational Safety and Health Standards—Excavations; Final Rule (54 FR 45959, dated 10/31/89).

Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly are approved.

Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 133 Portland Street, Boston, Massachusetts, 02114; Office of the Commissioner, State of Connecticut, Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, and the OSHA Office of State Programs, room N-3476, Third Street and Constitution Avenue, NW., Washington, DC 20210.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Connecticut Public Sector Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

1. The standards were adopted in accordance with the procedural requirements of State law which included public comment, and further public participation would be repetitious.

The decision is effective January 25, 1991.

Authority: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Boston, Massachusetts, this 5th day of November, 1990.

John B. Miles, Jr.,

Regional Administrator.

[FR Doc. 91-1811 Filed 1-24-91; 8:45 am]

BILLING CODE 4510-26-M

Maryland State Standards; Approval

Background

Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart 0 to part 1952 containing the decision.

The Maryland State Plan provides for the adoption of all Federal standards as State standards after comments and public hearing. § 1952.210 of subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letter dated December 31, 1990, from Commissioner Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: 29 CFR 1910.110, 1910.272, and appendix A of 1910.272, pertaining to amendments and corrections to the Welding, Cutting and Brazing Standards for General Industry as published in the **Federal Register** of June 20, 1990 (55 FR 25094). This standard is contained in COMAR 09.12.31. This Maryland occupational safety and health standard was promulgated after public hearing on July 11, 1990. This standard became effective on November 12, 1990.

Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

Location of the Supplements for Inspection and Copying.

A copy of the standard supplement, along with the approved plan, may be inspected at the following locations during normal business hours: Officer of the Regional Administrator, Occupational Safety and Health Administration, 3535 Market Street, suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202–2272; and the Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, room N–3700, Third Street and Constitution Avenue, NW., Washington, DC 20210.

Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standard is identical to the Federal standard which was promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective January 25, 1991.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pennsylvania, this 8th day of January 1991.

Richard Soltan,

Deputy Regional Administrator.

[FR Doc. 91–1812 Filed 1–24–91; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL COMMISSION ON ACQUIRED IMMUNE DEFICIENCY SYNDROME

Site Visits

AGENCY: National Commission on Acquired Immune Deficiency Syndrome.

ACTION: Notice of site visits.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463 as amended, the National Commission on Acquired Immune Deficiency Syndrome announces forthcoming site visits of the Commission.

DATES AND TIMES: Wednesday, February 6, 1991, Thursday, February 7, 1991.

PLACE: South Florida.

TYPE OF MEETING: Open.

FOR FURTHER INFORMATION CONTACT: Maureen Byrnes, Executive Director, The National Commission on Acquired Immune Deficiency Syndrome, 1730 K Street, NW., suite 815, Washington, DC 20006, (202) 254–5125. Records shall be kept of all Commission proceedings and shall be available for public inspection at this address.

AGENDA: The Commission will conduct a series of site visits in the South Florida area. For information about the specific sites, please contact the Commission office.

Dated: January 18, 1991.

Maureen Byrnes,

Executive Director.

[FR Doc. 91–1709 Filed 1–24–91; 8:45 am]

BILLING CODE 6820–CN–M

NATIONAL ENDOWMENT FOR THE ARTS AND HUMANITIES

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Film/Video Production Pre-screening Section) to the National Council on the Arts will be held on February 13, 1991 from 9 a.m.—6:30 p.m. and February 14 from 9 a.m.—6 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation of the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, these sessions will be closed to the public pursuant to subsections (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: January 18, 1991.

Martha Y. Jones.

Acting Director, Council and Panel Operations, National Endoment for the Arts.

[FR Doc. 91–1761 Filed 1–24–91; 8:45 am]

BILLING CODE 7537–01–M

Music Advisory Panel; Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Centers for New Music Resources and Services to Composers Section) to the National Council on the Arts will be held on February 12, 1991 from 9 a.m.–5 p.m. in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public from 4 p.m.–5 p.m. The topics will be policy discussion and guidelines review.

The remaining portion of this meeting from 9 a.m. to 4 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms.

Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: January 18, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-1763 Filed 1-24-91; 8:45 am]

BILLING CODE 7537-01-M

Museum Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Special Exhibitions I Section) to the National Council on the Arts will be held on February 12-14, 1991 from 9 a.m.-5:30 p.m. in room 714 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on Febuary 12 from 9 a.m.-10 a.m. The topics will be opening remarks and general discussion.

The remaining portions of this meeting on February 12 from 10 a.m.-5:30 p.m. and February 13-14 from 9 a.m.-5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: January 18, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-1762 Filed 1-24-91; 8:45 am]

BILLING CODE 7537-01-M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Art in Public Places Section) to the National Council on the Arts will be held on February 13-14, 1991 from 9 a.m.-6 p.m. and February 15 from 9 a.m.-4 p.m. in room 730 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on February 15 from 2:30 p.m.-4 p.m. The topics will be policy discussion and guidelines review.

The remaining portions of this meeting on February 13-14 from 9 a.m.-6 p.m and February 15 from 9 a.m. to 2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of December 11, 1990, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: January 18, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-1764 Filed 1-24-91; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements; Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: The Nuclear Regulatory Commission has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

1. *Type of submission, new, revision or extension:* Revision.

2. *Title of the information collection:* 10 CFR part 50, Codes and Standards, Proposed amendment to 10 CFR 50.55a.

3. *The form number if applicable:* Not applicable.

4. *How often the collection is required:* The information is generally not collected, but is retained by the licensee to be made available to the NRC in the event of an NRC audit.

5. *Who will be required or asked to report:* Licensees for nuclear power plants.

6. *An estimate of the number of responses:* 119.

7. *An estimate of the number of hours annually needed to complete the requirement or request:* 16,095 hours (135 hours per response).

8. *An indication of whether section 3504(h), Public Law 96-511 applies:* Applicable.

9. *Abstract:* The proposed rulemaking updates existing references to specific sections of the ASME Boiler and Pressure Vessel Code that set forth the requirements by which nuclear power plant components are constructed, inspected, and tested. Specifically, the proposed rulemaking would incorporate by reference the 1986 Addenda, 1987 Addenda, 1988 Addenda, and 1989 Edition of Division 1 rules of Section III, "Rules for Construction of Nuclear Power Plant Components," and Division 1 rules of Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components." These rules provide, among other things, that plant owners maintained records of certain safety related activities.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC.

Comments and questions should be directed by mail to the OMB reviewer:

Ronald Minsk, Paperwork Reduction Project (3150-0011), Office of Information and Regulatory Affairs, NEOB-3019, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395-3084. NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 15th day of January 1991.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Designated Senior Official for Information Resources Management.

[FR Doc. 91-1760 Filed 1-24-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-369 and 50-370]

Duke Power Co.; Consideration of Issuance of Amendments to Facility Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Power Company (the licensee) for operation of McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments are a change for McGuire Unit 1 Cycle 7 to reduce from 75% to 50% the number of available moveable incore detector thimbles required for the Moveable Incore Detection System to be operable, thus allowing continued operation of Unit 1 should the current problem with sticking detector thimbles become worse. The amendment for Unit 2 is only of an administrative nature because it shares a common Technical Specification document with Unit 1.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendments involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

As required by 10 CFR 50.19(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed amendments would not involve an increase in the probability of an accident previously evaluated. The Moveable Incore Detection System is used only to provide confirmatory information on the neutron flux distribution and is not required for the day-to-day safe operation of the core. Its information is not considered in the accident analyses. The system is not a process variable that is an initial condition in FSAR [Final Safety Analysis Report] chapter 15 analyses. The only previously evaluated accident the system could be involved in is breaching of the detector thimbles (due to wear by the detectors for example) which would be enveloped by the small break loss of coolant accident (LOCA) analysis. As the proposed changes do not involve any changes to the system's equipment and no equipment is operated in a new or more deleterious manner, there is no increase in the probability of such an accident. The proposed amendments would not involve an increase in the consequences of an accident previously evaluated. The Moveable Incore Detection System is not used for accident mitigation (the system is not used in the primary success path for mitigation of a Design Basis Accident). The system is a control system not required for safety. The ability of the Reactor Protection System or Engineered Safety Features System instrumentation to mitigate the consequences of an accident have not been impaired. The small break LOCA analysis (and thus its consequences) continues to bound potential breaching of the system's detector thimbles. Therefore, the change does not involve an increase in the probability or consequences of an accident previously evaluated.

The proposed amendments would not create the possibility of a new or different kind of accident from any accident previously evaluated as they only affect the minimum complement of equipment necessary for operability of the Moveable Incore Detection System. As discussed above, no new equipment is introduced and no equipment is operated in a new manner. Thus the changes could create no new or different accident causal mechanisms. Therefore, the proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated since it does not modify plant operation or components.

The proposed amendments would not involve a significant reduction in a margin of safety. The reduction in the minimum complement of equipment necessary for operability of the Moveable Incore Detection System could only impact the monitoring/calibration functions of the system. Reduction of the number of available moveable incore detector thimbles to the 50% level does not significantly degrade the ability of the Moveable Incore Detection System to measure core power distributions. Core peaking factor measurement uncertainties will be increased, but will be compensated for by conservative measurement uncertainty adjustments in the Technical Specifications to ensure that pertinent core design parameters are maintained. Sufficient additional penalty is added to the power distribution measurements such that this change does not impact the safety margins which currently exist. Also, available detector thimble reduction has negligible impact on the quadrant tilt and core average axial power shape mesurement. Sufficient detector thimbles will be available to ensure that no quadrant will be unmonitored. Based on these factors, the margin of safety is not reduced as the core will continue to be adequately monitored.

In addition, similar changes for other plants in the past (as well as for McGuire Unit 1 Cycle 6) have been determined not to involve Significant Hazards Considerations.

Based upon the preceding analysis, Duke Power Company concludes that the proposed amendments do not involve a Significant Hazards Consideration.

The Commission's staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 10 CFR 50.92 are satisfied. Therefore, based on the above considerations, the Commission has made a proposed determination that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination

unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By February 25, 1991, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceedings must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission on Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendments involves no significant hazards consideration, the Commission may issue the amendments and make them effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If a final determination is that the amendments involve a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to David B. Matthews: (petitioner's name and telephone number), (date petition was mailed), (plant name), and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the

Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated December 19, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223.

Dated at Rockville, Maryland, this 17th day of January, 1991.

For the Nuclear Regulatory Commission.

Timothy A. Reed,

Project Manager, Project Directorate II–3, Division of Reactor Projects–I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91–1758 Filed 1–24–91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 04008989]

Envirocare of Utah, Inc.; Receipt of Application for Byproduct Material Waste Disposal License

Notice of Receipt of Application for Byproduct Material Waste Disposal License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has received, by letter dated November 14, 1989, an application and safety analysis report from Environcare of Utah, Inc., for a license to accept and dispose of uranium and thorium byproduct material (as defined in section 11e.(2) of the Atomic Energy Act, as amended) received from other persons, at a site near Clive, Utah.

The applicant proposes to dispose of high-volume, low-activity section 11e.(2) byproduct material received in bulk by rail and truck.

The material will be placed in earthen disposal cells in lifts and covered with earth and rock. The applicant proposes to conduct operations on a site where the applicant currently disposes of Naturally Occurring Radioactive Material (NORM) under license from the Utah Department of Health, Bureau of Radiation Control.

Th State of Utah has recently been granted an amended agreement, pursuant to section 274b. of the Atomic Energy Act, as amended, to expand its regulatory authority to include the disposal of low-level radioactive waste. The authority does not, however, include authority to regulate the disposal of section 11e.(2) byproduct material. Regulatory authority for the disposal of section 11e.(2) byproduct material in the State of Utah remains with the NRC.

The disposal of waste considered in this notice would occur in disposal units separate from those used to dispose of other categories of waste.

FOR FURTHER INFORMATION CONTACT: Terry L. Johnson, Uranium Recovery Branch, Division of Low-Level Waste Management and Decommissioning, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 492–3440.

Notice of Availability of Applicant's Application

The applicant's application, which describes the natural and proposed design features of the facility, as well as facility operations, is being made available for public inspection at the Commission's Public Document room at 2120 L Street, NW. (Lower Level), Washington, DC 20555.

Notice of the Regulatory requirements That NRC Will Apply in the Review of the Application and in Reaching a Licensing Decision

By this notice, the Commission is establishing the applicability of its regulations to this specific application for the commercial disposal of section 11e.(2) byproduct material.

1. The Commission has determined that 10 CFR part 40, including appendix A, applies to the review of this application to dispose of section 11e.(2) byproduct material. The applicant may request an exemption from any requirements in 10 CFR part 40 that it believes should not apply.

2. The NRC staff will prepare an environmental impact statement (EIS) pursuant to the requirements of 10 CFR part 51. The EIS will be based on the staff evaluation of an environmental report to be prepared by the applicant.

3. Certain administrative and recordkeeping requirements delineated in 10 CFR part 61, subpart G, must be included in the license. These requirements are given in 10 CFR 61.80 and 61.82.

4. The waste manifest requirements contained in 10 CFR 20.311 will be made applicable by a license condition. The licensee will be allowed to accept waste only if it is accompanied by a manifest prepared according to 10 CFR 20.311. Based on the application, the NRC staff may consider, as part of the licensing process, exemptions for certain specific packaging, classification, and labeling requirements contained in 10 CFR 20.311, for land burial, that may not be germane to section 11e.(2) byproduct material waste shipped to the facility. The staff will also require that more information be obtained from the generator on the chemical constituents than the "principle chemical form" as specified in 10 CFR 20.311(b) in order to address the data and groundwater protection requirements of appendix A to 10 CFR part 40.

5. The general requirements of other Commission regulations: 10 CFR part 19—"Notices, Instructions, and Reports to Workers: Inspections and Investigations"; 10 CFR Part 20—"Standards for Protection Against Radiation"; and 10 CFR Part 21—"Reporting of Defects and Noncompliance," will apply according to their terms.

Notice of Opportunity for Hearing

The applicant and any person whose interest may be affected by the issuance of this license may file a request for a hearing. A request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852); be served on the applicant (Envirocare of Utah, Inc., 175 South West Temple, suite 500, Salt Lake City, Utah 84101); and must comply with the requirements set forth in the Commission's regulations, 10 CFR 2.105 and 2.714. The request for hearing must set forth with particularity the interest of the petitioner in the proceeding and how that interest may be affected by the results of the proceeding, including the reasons why the request should be granted, with particular reference to the following factors:

1. The nature of the petitioner's right, under the Act, to be made a party to the proceeding;

2. The nature and extent of the petitioner's property, financial or other interest in the proceeding; and

3. The possible effect, on the petitioner's interest, of any order which may be entered in the proceeding.

The request must also set forth the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes a hearing.

The applicant, any person admitted as a party, or an entity participating under 10 CFR 2.715(e), may move the Commission to reconsider any portion of this notice relating to the applicability of 10 CFR 20.311 and 10 CFR 61.80 and 61.82. The petition must be filed within

60 days after the person or entity is admitted to the proceeding and contain all technical or other arguments to support the petition. The motion will be processed under 10 CFR 2.730.

Dated at Rockville, Maryland, this 18th day of January 1991.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 91-1756 Filed 1-24-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461

Illinois Power Company, Et. Al., Clinton Power Station, Unit No. 1; Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed no Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to Illinois Power Company (IP) et. al. (the licensees), for operation of the Clinton Power Station, Unit No. 1 located in DeWitt County, Illinois.

The proposed amendment would consist primarily of an administrative change to the Clinton Power Station's (CPS's) Technical Specifications (TS's) to reflect an exemption to Appendix J of Title 10 of the Code of Federal Regulations, Part 50 (Appendix J) if approved by the Commission. The one time exemption to Appendix J would authorize plant operation for one cycle following the current refueling outage. NRC approval of this request would allow IP ample time to develop and implement a long term solution (which may involve a change to the current plant design) to air leakage problems in check valves 1B21-F032A and B.

The current exigent circumstances were unforeseeable due to the fact that prior to January 8, 1991, IP believed it was in full compliance with Appendix J and the CPS TS's. On January 8, 1991, the NRC staff informed IP that the CPS design did not have supporting analysis to allow check valves 1B21-F032A and B to be exlcuded from the maximum pathway leakage determination for the feedwater penetrations 1 MC-009 and 010. The exigent nature of this request is necessary due to the identification of this issue near the completion of the current CPS refueling outage and is required to be reviewed and approved by the staff prior to resumption of operation of CPS.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The staff has evaluated the licensee's request and analysis of no significant hazards considerations and is providing an evaluation against each of the above criteria below:

(1) The licensee has indicated that the three postulated accident analyses potentially impacted by the request are, (1) the feedwater line break outside containment, (2) the feedwater line break inside containment, and (3) the design basis accident recirculation line break. For all the postulated accident scenarios above, the licensee has indicated that the design of the feedwater system piping would provide adequate assurance that an air leakage pathway from the containment to the environment would not exist. Additionally, the CPS feedwater penetrations have two additional containment isolation valves, 1B21-F010A/B and 1B21-F065A/B, which have demonstrated acceptable air leakage rates. Based mainly on the above information and the successful completion of an ASME Code water test of the 1B21/F032A and B check valves, it appears that this request would not result in an increase in the probability of occurrence of any event previously evaluated.

(2) The licensee's request does not involve a change to the plant design. However, plant operation in accordance with the proposed exemption would constitute a change in plant operation relative to the testing requirements of the 1B21-F032AZ and B check valves. The licensee has determined that this change in plant operation has the potential to impact only the consequences of loss-of-coolant accidents previously dicussed in Item 1 above. Based on the above discussion, it appears that leakage or failure of the 1B21-F032A and B check valves cannot alone create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) As dicussed by the licensee, the only margin of safety that could potentially be impacted by the request is the margin concerning the offsite dose consequences of the postulated design basis loss of coolant accident. The licensee's analysis indicates that the capability to prevent containment atmosphere leakage to the environment is maintained by a combination of both satisfactory leak rate tests of two additional containment isolation valves, 1B21-F010A/B and 1B21-F065A/B, and the presence of a water seal that would be in the feedwater piping. Based on the above analysis, it appears that the licensee's request woud not result in a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three criteria are satisified. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

Written comments may also be delivered to Room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is dicussed below.

By February 25, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request

for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325-6000 (in Missouri 1 (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Walker Drive, Chicago, Illinois 60606, attorney for the licensees.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 18, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the Local Public Document Room, Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois 61727.

Dated at Rockville, Maryland, this 22nd day of January 1991.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-1917 Filed 1-24-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-267

Public Service Co., (Fort St. Vrain Nuclear Generating Station); Exemption

I.

Public Service Company of Colorado (PSC or the licensee) is the holder of Facility Operating License No. DPR-34 which authorizes operation of the Fort St. Vrain Nuclear Generating Station (FSV). The facility is a high temperature gas cooled reactor located at the licensee's site in Weld County, Colorado. FSV was shutdown on August 18, 1989. PSC began defueling FSV on November 27, 1989 and completed the removal of one-third of the core (the maximum capacity of its on site storage wells) on February 7, 1990. By Confirmatory Order dated May 7, 1990, License No. DPR-34 was revised to prohibit taking the FSV reactor to critically or operating FSV at any power level. This license states, among other things, that it is subject to all rules, regulations and orders of the Nuclear Regulatory Commission (the Commission or NRC) now or hereafter in effect.

II.

Pursuant to 10 CFR 50.54(w), each commercial power reactor licensee shall, by June 29, 1982, take reasonable steps to obtain onsite property damage insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the Commission that it possesses an equivalent amount of protection covering the facility, provided, among other things, that this insurance must have a minimum coverage limit no less than the combined total of (i) That offered by either American-Nuclear Insurers (ANI) and Mutual Atomic Energy Reinsurance Pool (MAERP) jointly or Nuclear Mutual Limited (NML); plus (ii) that offered by Nuclear Electric Insurance Limited (NEIL), the Edison Electric Institute (EEI), ANI and MAERP jointly, or NML as excess property insurance. On August 5, 1987, the Commission amended this regulation to require a minimum coverage limit for the reactor station site of either $1.06 billion or whatever amount of insurance is generally available from private sources, whichever is less (52 FR 28963).

III.

The licensee, prior to this proposed exemption, was required to carry the full amount of onsite primary property damage insurance coverage ($1.06 billion). By letter dated August 8, 1990, the licensee requested an exemption to reduce the amount of property damage insurance from the full amount of $1.06 billion to $169 million. The licensee states that the requirement to fully comply with the regulation represents an undue financial hardship and burden, and that maintaining a lower level of primary property damage insurance will reduce the capital cost of FSV by $1 million a year. By letter dated August 8, 1990, the licensee provided its justification that $169 million of primary property damage insurance provides an adequate level of coverage to stabilize, clean up or decontaminate the FSV plant based on the limited and much less severe accidents that could occur given that FSV is shutdown and in a partially defueled condition.

The NRC may grant exemptions from the requirements of the regulations which, pursuant to 10 CFR 50.12(a) are (1) Authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security, and (2) present special circumstances. Pursuant to 10 CFR 50.12(a)(2)(ii) special circumstances exist when compliance with a rule would not serve the purpose of or is not necessary to achieve the underlying purpose of the rule. Pursuant to 10 CFR 50.12(a)(2)(iii) special circumstances exist if compliance would result in undue hardship or costs in excess of those contemplated when the regulation was adopted, or costs that are significantly in excess of those incurred by others similarly situated.

By letter dated August 8, 1990, the licensee requested an exemption from one of the requirements of 10 CFR 50.54(w)(1). The licensee has requested that it not be required to carry the full amount ($1.06 billion) of the required onsite property insurance.

PSC contends that exemption from the requirement for the full amount of onsite damage insurance while FSV is in a permanently shutdown and partially defueled condition is justified by the following:

1. Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve its underlying purpose, 10 CFR 50.12(a)(2)(ii), and

2. Compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted or that are significantly in excess of those incurred by others similarly situated, 10 CFR 50.12(a)(2)(iii).

PSC has requested that in lieu of the current required coverage, that it be allowed to carry $169 million of onsite insurance. PSC calculated this amount based on the results and methods from NUREG/CR-2601 used to derive the current $1.06 billion required amount. The requirement for $1.06 billion was established to cover accidents at large light water reactors operating at full power. Because FSV is shutdown and the reactor is in partially defueled condition and physical and administrative measures have been implemented to prevent FSV from achieving criticality, the possibility of a major credible accident with potential for significant property damage no longer exists. PSC concludes that the proposed insurance limit of $169 million is sufficient to cover stablization and decontamination expenses for any remaining credible accident and thus meets the underlying purpose of the rule.

IV.

The staff has reviewed the licensee's request for exemption and finds that requiring the licensee to carry the full amount of onsite property damage insurance coverage, $1.06 billion, as required by 10 CFR 50.54(w)(1), would result in undue hardship, is not necessary to achieve the underlying purpose of the rule, and that onsite property damage insurance coverage of $169 million is sufficient to satisfy the underlying purpose of the rule.

The staff also concludes that issuance of this exemption will have no significant effect on the safety of the public or the plant. Further, the licensee has shown special circumstances as described in the staff's supporting safety evaluation for this exemption.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of this exemption will have no significant impact on the environment.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12(a)(1) the exemption is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security. As indicated above, compliance with 10 CFR 50.54(w)(1) would result in undue costs considering the current operational restrictions placed on the FSV facility, and costs that are significantly in excess of the cost incurred for similar insurance by the other facilities in similar circumstances. Thus, special circumstances as described in both 10 CFR 50.12(a)(2) (ii) and (iii) exist. Consequently, the exemption falls within special circumstances

determined by the Commission to be sufficient to support the exemption. Therefore, the Commission hereby approves the following exemption:

The licensee is exempt from the requirement to carry onsite property damage insurance coverage in the full amount called for by 10 CFR 50.54(w)(1) provided that: (1) The licensee maintain such onsite property damage insurance in an amount of not less than $169 million; and (2) the reactor remains in its current shutdown status, at least partially defueled, with physical and administrative measures implemented to prevent the reactor from reaching criticality.

The applicant's letter dated August 8, 1990, and the NRC staff's letter and Safety Evaluation related to this action are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC 20555, and the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

The exemption is effective 10 working days from the date of issuance.

Dated at Rockville, Maryland this 18 day of January 1991.

For the Nuclear Regulatory Commission.

Dennis M. Crutchfield,

Director, Division of Advanced Reactors and Special Projects, Office of Nuclear Reactor Regulation.

[FR Doc. 91-1759 Filed 1-24-91; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

AGENCY: Railroad Retirement Board.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

SUMMARY OF PROPOSAL(S):

(1) *Collection title:* Employer's Deemed Service Month Questionnaire.

(2) *Form(s) submitted:* GL-99.

(3) *OMB Number:* 3220-0156.

(4) *Expiration date of current OMB clearance:* Three years from date of OMB approval.

(5) *Type of request:* Extension of the expiration date of a currently approved collection without any change in the substance or in the method of collection.

(6) *Frequency of response:* Annually.

(7) *Respondents:* Businesses or other for-profit.

(8) *Estimated annual number of respondents:* 450.

(9) *Total annual responses:* 9,500.

(10) *Average time per response:* .03336 hours.

(11) *Total annual reporting hours:* 317.

(12) *Collection description:* Under Section 3(i) of the Railroad Retirement Act (RRA), the Railroad Retirement Board may deem months of service in cases where an employee does not actually work in every month of the year. The collection obtains needed service and compensation information from railroad employers for determining if an employee may be credited with additional deemed months of railroad service.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed forms and supporting documents can be obtained from Dennis Eagan, the agency clearance officer (312-751-4693). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611 and the OMB reviewer, Laura Oliven (202-395-7316), Office of Management and Budget, Room 3002, New Executive Office Building, Washington, DC 20503.

Dennis Eagan,

Clearance Officer.

[FR Doc. 91-1738 Filed 1-24-91; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer—Kenneth A. Fogash (202) 272-2142.

Upon written request copies available from: Securities and Exchange Commission, Public Reference Branch, Washington, DC 20549-1002.

Extension

File No. 270-85, Rule 12a-5 and Form 26;
File No. 270-86, Rule 12d2-2 and Form 25;
File No. 270-89, Rule 15Ba2-2;
File No. 270-90, Rule 15Ba2-4;
File No. 270-91, Rule 15Ba2-5;
File No. 270-92, Rule 15Ba2-6;
File No. 270-98, Rule 12d2-1;
File No. 270-139, Rule 12f-1;
File No. 270-140, Rule 12f-2 and Form 27;
File No. 270-141, Rule 12f-3 and Form 28;
File No. 270-146, Rule 15c1-7;
File No. 270-148, Rule 17a-19;
File No. 270-149, Rule 17Ad-2(c), (d), and (h);
File No. 270-154, Rule 17a-10;
File No. 270-195, Rule 15c2-5;
File No. 270-202, Rule 17a-22;
File No. 270-203, Rule 17Ab2-1 and Form CA-1;
File No. 270-205, Rule 24b-1; and
File No. 270-206, Rule 13a-17 and Form 10-C.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et. seq.*) the Securities and Exchange Commission has submitted for extension of OMB approval the following rules and forms under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et. seq.*):

Rule 12a-5 and Form 26, which provide a temporary exemption whenever the holders of a security admitted to trading on a national securities exchange obtain the right to acquire all or part of a class of another or substitute security of the same or another issuer, or an additional amount of the original security. Nine respondents incur an estimated average of 15 burden hours to comply with the rule.

Rule 12d2-2 and Form 25, which require national securities exchanges to file an application with the Commission to strike a security from listing and registration. Nine respondents incur an estimated average of 50 burden hours to comply with the rule.

Rule 15Ba2-2, which provides that an application for registration of non-bank municipal securities dealers whose business is exclusively intrastate shall be filed on Form BD. Five respondents incur an estimated average of one burden hour to comply with the rule.

Rule 15Ba2-4, which provides that the registration of a predecessor municipal securities dealer shall be deemed to remain effective as the registration of the successor for a period of 75 days. Five respondents incur an estimated average of four burden hours to comply with the rule.

Rule 15Ba-5, which provides that the registration of a municipal securities dealer shall be deemed to be the registration of certain fiduciaries. One respondent incurs an estimated total of four burden hours to comply with the rule.

Rule 15Ba-6, which provides for the adoption of an application for registration of a municipal securities dealer filed by a predecessor municipal securities dealer. One respondent incurs an estimated total of one burden hour to comply with the rule.

Rule 12d2-1, which provides that a national securities exchange may suspend from trading a security listed and registered thereon in accordance with its rules. Nine respondents incur an estimated average of six burden hours to comply with the rule.

Rule 12f-1, which provides that an application may be made to the Commission by any national securities exchange for the extension of unlisted trading privileges to any security. Five respondents incur an estimated average

of 134 burden hours to comply with the rule.

Rule 12f-2 and Form 27, which are designed to inform the Commission of certain changes in securities admitted to unlisted trading privileges. One respondent incurs an estimated total of 40 burden minutes to comply with the rule.

Rule 12f-3 and Form 28, which prescribe the information that must be included in an application for notice of termination or suspension of unlisted trading privileges. Five respondents incur an estimated average of 20 burden hours to comply with the rule.

Rule 15c1-7, which provides a standard to determine whether a transaction is manipulative or fraudulent and establishes a means to ensure that all transactions occurring in a discretionary account are noted. Four-hundred recordkeepers incur an estimated average of 41.7 burden hours to comply with the rule.

Rule 17a-19, which provides that national securities exchanges and registered national securities associations report changes in the membership status of any member. Eight respondents incur an estimated average of 112.5 burden hours to comply with the rule.

Rule 17Ad-2(c), (d), and (h), which provides the requirements for turnaround, processing, and forwarding of items for registered transfer agents. Eight respondents incur an estimated average of 30 burden minutes to comply with the rule.

Rule 17a-10, which provides that every broker or dealer exempted from the filing requirements of paragraph (a) of Rule 17a-5 shall file a report on revenue and expenses. Seven thousand respondents incur an estimated average of one burden hour to comply with the rule.

Rule 15c2-5, which requires brokers or dealers to prepare disclosures and to satisfy other requirements when extending credit in certain transactions. Fifty respondents incur an estimated average of 12 burden hours to comply with the rule.

Rule 17a-22, which generally requires registered clearing agencies to send to the Commission copies of material that they distribute to participants and other business contacts. Twenty respondents incur an estimated average of 45 burden hours to comply with the rule.

Rule 17Ab2-1 and Form CA-1, which require clearing agencies to register with the Commission and meet certain standards. Two respondents incur an estimated average of 130 burden hours to comply with the rule.

Rule 24b-1, which requires a national securities exchange to keep and make available for public inspection a copy of its registration statement, together with any exhibits filed with the Commission. Ten recordkeepers incur an estimated average of 30 burden minutes to comply with the rule.

Rule 13a-17 and Form 10-C, which require NASDAQ issuers to report changes in their corporate name or increases or decreases by 5% in the aggregate amount of securities outstanding. Twenty-six hundred respondents incur an estimated average of ten burden minutes to comply with the rule.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: January 18, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1806 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-28794; File No. SR-Amex-90-36]

Self-Regulatory Organizations; Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange, Inc. Relating to Exchange to Fee Changes

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 19, 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 self-regulatory organization.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex is increasing option transaction charges, option comparison charges, and its equity regulatory fee; reducing equity transaction charges; establishing an equity intra-day comparison charge; and increasing its fee for registering sales personnel on the Central Registration Depository ("CRD") system.[2]

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

(A) Purpose

The Exchange is revising a number of charges imposed on members and member organizations.[3] Transaction charges for index options will increase from $.08 to $.10 per contract for proprietary trades. Option comparison charges are being increased from $.02 to $.03 per contract side effective January 1, 1991 and from $.03 to $.04 per contract side effective January 1, 1992 for professional business. The options keypunch charge is being raised from $.50 to $1.50 per card. The equity regulatory fee is being raised from $.0000225 to $.000045 per dollar of cleared value for all types of business.

Equity transaction charges also are being revised. The current practice of not charging for specialist transactions will continue, but member firm proprietary transactions now will be assessed a fee based on a sliding scale. The same sliding scale will apply to

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[1] On December 24, 1990, the Amex submitted to the Commission Amendment No. 1 to the proposed rule change.

[2] The CRD system is a computer data base that provides current registration information for every registered representative that is associated with a member of the National Association of Securities Dealers, Inc. and/or is licensed in a state that participates in the CRD system.

[3] For the complete schedule of fee charges *see* Exhibit A and Amendment No. 1 to File No. SR-Amex-90-36.

member customer transactions. The equity transaction charge is calculated by adding a share-based charge and a value-based charge, which are set out in the following sliding scale:

Share-based charge [4] shares/month	Rate (Per Share)
0-16,500,000	$0.00225
Over 16,500,000—25,000,000	0.00200
Over 25,000,000—33,000,000	0.00175
Over 33,000,000	0.00150

[4] In calculating this amount, each order will be valued up to the first 25,000 shares only.

Value-based charge total gross dollar value/month	Rate (per $1000)
0-200,000,000	$0.075
Over 200,000,000—300,000,000	0.070
Over 300,000,000—400,000,000	0.065
Over 400,000,000	0.050

In calculating this amount, each order will be valued up to the first 25,000 shares only.

Further, for round lot orders entered through the Post Execution Reporting (PER) system,[5] the order entering firm will receive a credit based upon the following schedule. Such credit shall be calculated monthly and will be applied against the firm's total monthly bill.

Round lot per trades/month	Credit (per trade)
0-2000	.25
2001-4000	.35
4001-6000	.45
6001-8000	.55
8001-10,000	.65
10001-12000	.75
12001-14000	.85
14001 and above	1.00

In addition, the Amex is establishing fees for the use of the Exchange's intra-day comparison system. Effective January 1, 1991, the fee for correction entry is $.40 per entry; the counter space fee is $2,200 per year; the shared access fee is $600 per year; the dedicated access fee is $2,400 per year; and the fee for compared trade reports is $600 per year.

Finally, the Exchange is increasing the fees charged to Amex member firms for registering sales personnel on the CRD system.[6] The initial fee for subscribing to the CRD system will increase from $25 to $40, the transfer fee will increase from $10 to $25, the termination fee will increase from $10 to $15, and the annual renewal fee will increase from $7 to $20.

[5] The PER system is the Amex's small other routing and execution system.

[6] See note 2, *Supra*.

Transaction charges for index options and option comparison charges were last increased in 1988. The equity regulatory fee has not been increased since 1983 and equity transaction charges were last revised in 1981. The fees for the CRD system were approved by the Commission in 1987 and have not been changed since that time. The new fee levels will keep the Exchange competitive with other equity and options exchanges offering similar services.

(B) Basis

The Exchange fee revisions are consistent with section 6(b) of the Act in general and further the objectives of section 6(b)(4) in particular in that they are intended to assure the equitable allocation of reasonable dues, fees, and other charges among members, issuers, and other persons using the Exchange's facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee or other change imposed by the Exchange, it has become effective pursuant to section 19(b)(3)(A) of the Act and subparagraph (e) of Securities Exchange Act rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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 at 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-90-36 and should be submitted by February 15, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: January 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR 91-1693 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28792; File No. SR-Amex-90-11]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Temporarily Approving Proposed Rule Change Relating to Percentage Orders

I. Introduction

On June 21, 1990, the American Stock Exchange, Inc. ("Amex" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] a proposed rule change to amend Exchange Rules 131 and 154 as those rules relate to percentage orders. The proposal is intended to amend the Exchange's percentage order procedures to conform substantially to such procedures currently in place at the New York Stock Exchange, Inc. ("NYSE").[3] on

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1990).

[3] See Securities Exchange Act Rel. No. 24505 (May 22, 1987), 52 FR 20484 (order approving File No. SR-NYSE-85-1); NYSE rules 13 and 123A.30. Amex's proposed rule change is identical to the NYSE Rules governing percentage orders, with the following two exceptions: (1) Pursuant to the Amex proposal, a specialist is required to obtain Floor Official approval before converting percentage orders for consecutive or contemporaneous trades on destabilizing ticks (see text accompanying note 16, *infra*), while NYSE rule 123A requires Floor Governor approval; and (2) the Amex proposal requires a 5,000 share minimum to plus and minus destabilizing transactions (*see* note 4 and text accompanying note 16, *infra*), rather than the 10,000 share minimum in effect at the NYSE.

October 26, 1990, the Exchange submitted Amendment No. 1 to this proposed rule change.[4]

The proposed rule change was noticed in Securities Exchange Act Release No. 28349 (August 17, 1990), 55 FR 34784 (August 24, 1990). No comments were received on the proposal.

The Exchange is proposing to amend Amex Rules 131 and 154, on a one year pilot basis,[5] to broaden a specialist's ability to represent percentage orders,[6] and generally to expand the types of percentage orders allowed to be effected on the Exchange. The proposed rule change is intended to broaden the ability of an Amex specialist to represent percentage orders by (1) Permitting a specialist to accept "last sale" and "buy minus—sell plus" percentage orders;[7] (2) permitting the conversion of a percentage order into a limit order on a destabilizing tick; and (3) allowing coversions that would have the effect of bettering the market.[8] The Exchange is proposing that these new conversion opportunities be subject to certain limitations and conditions designed to prevent conversions of percentage orders from unduly influencing the market. The Amex believes that this proposed rule change will contribute to the efficiency of the Exchange's market by providing the specialist with the necessary flexibility to handle and service large-size orders, thereby enhancing the overall quality of the Exchange's auction market system.

II. Background and Current Amex Percentage Order Procedures

The Exchange developed Amex rules 131 and 154 in order to free a floor broker from having to remain in the crowd to assure proper execution of a large order. When a broker executes an order, in addition to specifying the particular stock and "buy" or "sell," the broker specifies in advance the total number of shares and a limit price. The percentage order can be left by a broker with the specialist as a potential order on record that becomes an actual limit order on the specialist's "book" only under certain circumstances. The Amex percentage order rules currently provide procedures by which the specialist mechanically introduces the order into the auction process without unduly influencing the market price. Under the current Amex Rules, there exist two procedures by which percentage orders may be activated into live limit orders: (1) Transaction elections and (2) stabilizing tick conversions.

(A) Transaction Elections

The basic provisions regarding percentage orders provide that trades occurring in the market "elect" portions of a percentage order to become regular limit orders. A portion of the percentage order is "elected" into a limit order in the following manner:

—As a certain number of shares of the stock that is the subject of the percentage order is traded on the Exchange ("triggering transaction"),

—An equal number of shares is entered on the specialist's book as a regular limit order at the price specified on the order, and

—The percentage order is reduced by the certain number of shares.

The portion "elected" is always equal in size to the triggering transaction. The elected portion, of course, may not be immediately filled because there may not be orders on the opposite side at the proper price. To that extent, the elected portion will be treated as a new limit order and take its place behind other limit orders at the same price on the book. The mechanics of the market, therefore, determine the time of execution and the number of shares executed at any given time. The specialist merely supervises and logs the orderly progression of the execution.[9]

At his or her option, the floor broker placing the percentage order (the "entering broker") may give the specialist written permission to be on parity with the order, thereby allowing the specialist to trade along with the order. At no time, however, may the specialist participate in an amount greater than that of any "elected" portion(s), except that the specialist may participate for his own account to an extent greater than any particular percentage order where the size specified on such order has been satisfied. Further, the specialist may never trade ahead of, or with, other orders on the book.

(B) Stabilizing Tick Conversions

Current Rule 154 was designed to provide for percentage order participation in large contra-side interest entering the market, and to permit a specialist, under specified conditions, to convert an unelected percentage order into a limit order without waiting for all or part of the order to be elected. The current rules permit the order to trade directly with contra-side interest as that interest enters the market. Any portion of the temporarily-converted order that does not participate in the trade reverts back to the percentage order.

Percentage orders accompanied by conversion instructions are designated "convert" orders. Furthermore, convert orders permitting the specialist to be on "parity" are commonly referred to as "CAP" orders on the Floor.[10] Under current Amex rule 154, however, a specialist can execute an unelected portion of a CAP order only if the transaction is stabilizing (*i.e.*, on a "minus" or "zero minus" tick in the case of a buy order, and on a "plus" or "zero plus" tick in the case of a sell oreder).[11] In addition, when accompanied by written instructions, a convert or CAP order may be executed on a zero plus or zero minus destabilizing tick provided the order causing the conversion is for at least 5,000 shares. The broker entering such an order may specify in writing that only half of the order may be converted.[12]

[4] Amendment No. 1 proposes to amend proposed rule 154, and to make the necessary, corresponding amendments to proposed rule 131, in order to increase the minimum volume requirement for the conversion of a percentage order on a "destabilizing" tick from the Exchange's original proposal of 2,500 shares to 5,000 shares. Because Amendment No. 1 consists of technical changes only, it was not noticed prior to its approval.

[5] The Amex originally proposed a six-month pilot. The Exchange subsequently requested that the proposal be approved on a one-year pilot basis. Letter from Scott Noah, Assistant Vice President and Associate General Counsel, Amex, to Laurie Petrell, Division of Market Regulations, SEC, dated August 14, 1990.

[6] Amex rule 131(n) defines a percentage order as "a limited price order to buy (or sell) 50% of the volume of a specified stock after its entry."

[7] Pursuant to current Amex rule 131, only so-called "straight limit" order can be executed on the Exchange. For a definition of "straight limit," "buy minus-sell plus," and "last sale" percentage orders, see text accompanying note 19, *infra*.

[8] A transaction which betters the market either narrows the spread, adds depth to a prevailing bid or offer, or establishes a new bid or offer immediately after a transaction has cleared all bids and offers.

[9] When such an elected-portion/limit order is executed, it does not trigger other portions of the same or other percentage orders. Thus, execution of percentage orders have no influence on the same or other percentage orders (*i.e.*, there is no compounding or "snow-balling" effect).

[10] "CAP" is an acronym for "convert on parity." The "parity" instruction on a CAP order permits the specialist to be on parity (able to trade along) with a percentage order. If the specialist holds more than one one percentage order in the same stock, he may not be on parity with the orders unless each one of the entering brokers has permitted the specialist to be on parity with his individual order.

[11] More specifically, the buy (sell) transaction must be either lower (higher) than the last sale or it can be equal to the last sale if the last transaction at a changed price was at a lower (higher) price than the last preceding sale. Furthermore, note that a converted percentage order must go behind any limit orders in the specialist's possession at the same or a better price.

[12] As an example, assume that the market in XYZ is 29¾–30⅛ with a last sale at 30, a plus tick. Further, assume that the specialist then accepts a CAP order to buy 10,000 shares of XYZ stock with a top limit of 30 and that, thereafter, a market order to

Continued

II. Description of the Proposal

(A) Proposed Amendments to Amex Rule 154 [13]

The proposal to amend Amex rule 154 adds two additional conversion events to the current conversion events described in Section II above: (i) Conversions on plus and minus destabilizing ticks, provided certain requirements are satisfied; and (ii) conversions to better the market. Under the Exchange's proposal, however, the two new conversion events will be accompanied by limiting provisions that will assure that the increased opportunities for conversions do not come at the cost of disadvantaging other orders in the market or of unduly influencing overall market trends.

(i) Destabilizing Tick Conversions

Current Amex rule 154 recognizes that allowing a specialist to make conversions on stabilizing and zero destabilizing ticks,[14] and to execute percentage orders in stabilizing and zero destabilizing transactions, is consistent with his market-making and agency obligations.[15] The current tick restrictions were designed to assure that the specialist, in converting percentage orders, would not unduly influence market prices or market trends. In order to maintain this assurance, the Exchange's proposal to permit conversions on plus and minus destabilizing ticks is accompanied by three limitations.

First, the specialist may convert percentage orders on plus and minus destabilizing ticks only for participation in trades of 5,000 shares or more.[16] Second, the specialist only may convert precentage orders for participation in trades at a price that is no more than ¼ point away from the last sale.[17] Third, a specialist cannot convert percentage orders for consecutive trades on destabilizing ticks, or for a series of contemporaneous trades on destabilizing ticks even if not consecutive, without the approval of a Floor Official.

The Exchange believes that the proposed rule change is modest in scope when viewed from the prospective of the circumstances when the tick restrictions will remain. The first two limitations (*i.e.*, 5,000 shares and ¼ point limitations) have the effect of continuing to preclude conversions on plus and minus destablizing ticks to: buy (sell) stock in trades of less than 5,000 share size at a a price higher (lower) that the last sale, and buy (sell) stock in trades of any size at a price that is more (less) than ¼ point above (below) the last sale.[18] The modification recognizes that large-size trades ordinarily can be anticipated to move the market as much as ¼ point, and that such a price movement would not be considered unusual or improper given the size of the trade. The proposed rule change, therefore, would permit the specialist, for the first time, to execute percentage orders along with the market trend, thereby servicing entering brokers, in the way they and their customers desire.

The third limitation, which prohibites a series of trades on destabilizing ticks, prevents the specialist from "spitting" his conversions and executions among a series of trades. This prohibition precludes the specialist from creating a series of consecutive or contemporaneous trades which could work to create a market trend, even though each trade meets the ¼ point limitation.

When coupled with the percentage order's price limit and the interest of the customer in achieving executions of percentage orders at the most appropriate prices possible, the Exchange believes that the limitations governing conversions on destabilizing ticks will permit the specialist to service the auction market more efficiently, while still maintaining restrictions designed to prevent converted percentage orders from unduly influencing market prices or trends.

Allowing the specialist to convert percentage orders on destabilizing ticks, however, creates a potential problem in regard to cross transactions. This proposal substantially increases the potential for large orders left with the specialist to displace other large orders brought to the Floor by members for execution in cross transactions. In order to address this problem, the Amex has proposed to preclude the specialist from converting percentage orders on a destabilizing tick when a member wants to cross stock, unless the specialist can provide a better price to either side of the cross at or within the ¼ point price parameter. The specialist, therefore, cannot interfere with the proposed cross unless he is playing a positive market role by providing a more advantageous price to either the buyer or seller on the cross. The ability of the specialist to circumvent this limitation by effecting a proprietary trade that creates a new last sale price extending the ¼ point price parameter, thereby allowing the specialist to interfere with the proposed cross, would be prohibited.

(ii) Bettering the Market

The Exchange believes that "quote conversions," under appropriate circumstances, will help the specialist to reflect more accurately the trading interest in the market. The proposal permits the specialist to convert a percentage order on a stabilizing tick to make a bid or offer in such size as he deems appropriate. The Exchange believes that this provision is appropriate because stabilizing transactions traditionally are viewed as being beneficial to the marketplace.

Furthermore, in order to add size to a prevailing bid or offer, the Amex proposal also permits the specialist to convert a percentage order on a destabilizing tick to make a bid or offer in such size as he deems appropriate. The Exchange believes that this provision is appropriate becaue it will permit the specialist to reflect more accurately market interest at a price which is set by other market participants.

Additionally, the proposal permits the specialist to convert a percentage order on a destabilizing tick to make a bid or offer in such size as he deems appropriate, (1) Immediately following a transaction where such transaction has cleared the Floor of bids and offers or (2) to narrow the quotation spread. In these two situations, however, the specialist's destabilizing bid or offer may not be more than ⅛ point away from the last sale. Even though there may be times when it would be

sell 4,000 shares enters the market. The specialist can convert the unelected CAP order and execute it against the contra-side interest at 29⅞, since the execution will be a minus tick. If the sell order had been for 5,000 or more shares, however, the CAP order, coupled with appropriate written instructions, could have been executed at 30, a zero plus tick.

[13] It should be noted that this proposed rule change is concerned only with the conversion aspect of the percentage order rules; the election aspect is not proposed to be changed.

[14] A zero destabilizing tick occurs where a transaction is effected on a zero minus tick for sell orders or on a zero plus tick for buy orders.

[15] See generally Amex rule 170.

[16] It should be noted that Amex's proposed rule change differs from the existing NYSE percentage order rules with respect to the definition of block size trades. In this regard, in recognition of the generally lower volume and transaction size which exists on the Amex, the Amex determined to propose a 5,000 share minimum to plus and minus destabilizing transactions, rather than the 10,000 share minimum in effect at the NYSE. See Amendment No. 1, *supra* note 4. In additon, unlike the NYSE rules, the Amex has proposed that no volume limitations apply to zero destabilizing transactions, because these transactions have a minimal, if any, effect on the market.

[17] With the approval of a Floor Official, however, the entering broker can waive the ¼ point limitation. See proposed Amex Rule 154, Comm. 15 fourth paragraph.

[18] Subject to waiver as described in note, 17 *supra*.

appropriate to allow a specialist to reflect large buying (selling) interest in the market at a price above (below) the last sale, the Exchange has imposed this ⅛ point restriction so that any price movement, which is the result of a destabilizing bid or offer, would be limited to only the minimum variation of trading on the Exchange.

Additionally, as note above, the proposal restricts a specialist from effecting consecutive or contemporaneous destabilizing "active" conversions to participate in a trade of at least 5,000 shares, while also limiting the specialist's ability to take consecutive destabilizing actions that would move the stock's price in the absence of an established or confirmed price level by other market participants.

In this regard, when converting a percentage order to better the market, the specialist may not (1) Make an active conversion to participate in a trade of at least 5,000 shares and then make a bid (offer) at a higher (lower) price; (2) make a bid (offer) at a price higher (lower) than the last sale, and then, if a sale occurs at the bid (offer) price, make an active destabilizing conversion; or (3) make a bid (offer) higher (lower) than the last sale, and then make a higher (lower) bid (offer). The Exchange believes that these three restrictions strike an appropriate balance between minimizing the specialist's ability to convert percentage orders possibly to unduly influence market prices on the one hand, and permitting the specialist to accurately represent market interest, thereby strengthening the auction market, on the other hand.

(B) Proposed Amendments to Amex Rule 131

The proposal also provides for a revision of Amex rule 131 in order to expand the types of percentage orders permitted to be entered on the Exchange, thereby corresponding to those permitted at the NYSE. Currently, Amex rule 131 provides for straight limit percentage orders exclusively. Pursuant to the proposal, a straight limit percentage order would retain the current definition of a percentage order,[19] while last sale and buy minus—sell plus percentage orders would be added to Amex rule 131.[20]

Pursuant to a last sale percentage order, the elected portion of the order would be executable only at the last sale or better, provided such price is at or better than the limit price specified in the order. Until it is executed, the elected portion of a last sale percentage order would remain on the book at the limit price at which it was elected. The elected portion of a buy minus—sell plus percentage order would become a limit order executable only on a stabilizing tick. The elected portion of such an order would be adjusted in price as the stock moves, as long as it is able to be executed on the correct tick.

With respect to these three types of percentage orders, all volume subsequent to the receipt of the order at the specialist's post would be applied in determining the elected portion of the new percentage orders.

(C) Other Amex Rules Affected

The proposed rule change contains three provisions designed to clarify the application of several other Exchange rules to the specialist's conversion of percentage orders. These three provisions clarify the following: (i) The specialist may be the contra party to a converted percentage order, but must permit the other party, in compliance with Exchange rule 155, to reject the trade; (ii) the specialist must remain fully subject to Exchange rules as to purchases for his own account on destabilizing ticks; and (iii) the specialist must give priority to conventional limit orders already on his book when converting percentage orders.

Additionally, current Amex rule 154 prohibits a specialist who is on parity with one or more percentage orders from participating in a transaction for his own account in an amount larger than that received by each percentage order in the transaction.[21] The proposal would make clear, however, that this prohibition would not prevent a specialist from participating for his or her own account in an amount greater than the amount of any percentage order when the size specified in the percentage order has been satisfied in the transaction.

IV. Commission Findings

After careful review, the Commission has determined, based on the reasons set forth below, 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, the requirements of sections 6(b)(5) and 11(b) of the Act.[22]

To begin, the Commission notes that a substantially similar proposal submitted by the NYSE previously was approved.[23] Consequently, the percentage order procedures proposed by the Amex herein have been in effect on the Floor of the NYSE since their approval by the Commission in 1987. The Commission carefully and extensively reviewed the NYSE's percentage order proposal prior to its approval. Given the fact that the Amex's proposal is substantially similar to the NYSE's proposal,[24] and thus its current percentage order procedures,[25] the Commission believes that the Amex's proposal raises few new regulatory issues. As discussed below, the Amex proposal, like the NYSE's, adequately addresses any regulatory concerns over the relaxation of percentage order restrictions. The Amex's proposal includes limiting and protective provisions designed to help ensure that the proposal's broadened conversion provisions will not increase the possibility of specialist abuse of the market. In particular, the portion of the proposal relating to block cross trades provides for a 5,000 share and ¼ point restriction designed to ensure that such a conversion is implemented only to respond to large contra-side interest, without disrupting price continuity. Moreover, the restriction on contemporaneous or consecutive trades without securing Floor Official approval will act as a check against specialists using this technique to influence the market by splitting conversions and subsequent executions among a series of

[19] *See* note 6, *supra*.

[20] The various types of percentage orders differ only in terms of execution, and not the process by which they are elected.

[21] Under Amex rule 154, the specialist must obtain the entering broker's permission to be on parity with the percentage order. Further, when a specialist is handling more than one percentage order, he or she may not be on parity with any such order unless permission has been obtained from all brokers for whom he or she is holding percentage orders in the particular stock.

[22] 15 U.S.C. 78f and 78k(b) (1988).

[23] See note 3, *supra*.

[24] The Commission believes that the two differences between the Amex proposal and the NYSE Rules (see note 3, *supra*) are not substantively material differences, and are justified. First, the Amex stated that it proposed to require Floor Official approval, as opposed to Floor Governor approval, due to the limited number of Floor Governors at the Amex (approximately 3 to 4 Governors). The Amex believes that the Governors would be over burdened if required to approve the designated transactions as provided for under the proposed procedures (telephone conversation between Joseph Tietjen, Director, Rulings Department, Amex and Laurie Petrell, Staff Attorney, SEC). Second, the Amex chose a 5,000 share minimum to plus and minus destabilizing transactions due to the generally lower volume and transaction size which exists on the Amex as compared to that which exists on the NYSE.

[25] The Commission believes that since their implementation on the trading Floor, the NYSE's current percentage order rules have proven effective by providing the specialist with the additional flexibility to handle and service large-size orders, while alleviating the potential for market manipulation.

trades that, although satisfying separately the ¼ point requirement, as a whole create a disruptive market trend.

In determining to approve the proposal, the Commission also has relied on the proposed provision which permits the conversion of an order for the purpose of interacting with an established cross transaction only if the specialist can provide a superior price to one side of the cross. The Commission believes that this provision will prevent specialists from interfering with normal crossing procedures, while ensuring that the block conversion procedures will be utilized solely for purposes of price improvement.

The proposal also provides for conversions in order to better the market. Such conversions, however, may only be effected at or within the existing quotation spread. The Commission remains confident that these limiting parameters should guard against specialist abuse of these conversion procedures. Furthermore, the Commission believes that the cancellation provision embodied in the proposed bettering the market rule (requiring a specialist to cancel a converted order and revert it back to a percentage order if subsequent interest enters the market and establishes a superior quote) should ensure that the conversion procedures will not impede the section 6(b)(5) requirement of maintaining a free and open market, while at the same time alleviating the potential for specialist manipulation of stock prices.

In addition, the proposal's restriction against consecutive quotation conversions without a "meaningful," "intervening" transaction should reduce substantially any potential manipulative concern.[26] The restriction should prevent the specialist from causing a rapid increase or decline in any particular security via quotation conversions. Further, the ⅛ point conversion limitation in connection with the restrictions on contemporaneous or consecutive block conversions, as well as the restrictions on connected block and quote conversions, make it difficult for a specialist to use the conversion mechanism to influence the price of the market.

The Commission also believes that allowing the specialist to reflect unelected portions of percentage orders in the quote should make the quote more representative of the buy and sell interest present in the market, and may act to draw contra-side interest into the market that otherwise might not develop. This capability should complement effectively the specialist's negative and affirmative obligations in the marketplace.[27] In this regard, the necessity for specialist proprietary trading will be reduced to the extent that the conversion provisions create a quote which is more representative of the actual market for the security. The conversion provisions will, therefore, further assist the specialist in his duty of maintaining fair and orderly markets, consistent with section 6(b)(5) and section 11(b) of the Act.

Further, the Commission believes that the proposal also is consistent with the prohibition in sectoin 11(b) of the Act against providing discretion to a specialist in the handling of an order. When the Commission reviewed the NYSE's proposal to extend the percentage order conversion and quotation provisions, which is nearly identical to Amex's proposal being considered herein (*See* note 3, *supra*), it expressed a concern as to whether these extended provisions provide the specialist with "discretion" in violation of section 11(b).[28] Section 11(b) was designed, in part, to address potential conflicts of interest that may arise as a result of the specialist's dual role as agent and principal in executing stock transactions. In particular, Congress intended to prevent specialists from unduly influencing market trends through their knowledge of market interest from the specialist's book and their handling of discretionary agency orders.[29] The Commission has stated that, pursuant ot section 11(b), all orders other than market or limit orders are discretionary and therefore cannot be accepted by the specialist.[30] In the order approving the NYSE's proposal,[31] the Commission concluded, and again concludes with respect to the Amex proposal, that it is appropriate to treat percentage orders, even under the revised procedures, as equivalent to limit orders. While the Amex proposal permits the specialist to employ his judgment to a greater extent than the current percentage order requirements, the Commission still believes that the requirements imposed on the specialist when converting a percentage order for execution or quotation purposes provide sufficiently stringent guidelines to ensure that the specialist only will implement the conversion provisions in a manner consistent with his or her market making duties and section 11(b).

The Commission notes that the concept of a limit order with conditions subsequent is not unique.[32] For example, a stop limit order is a limit order that is unexecutable prior to the satisfaction of a future event (a transaction at or better than the stop price). Similarly, in the stop limit order situation, as with a percentage order, the triggering transaction can be effected by the specialist through a proprietary trade.

In sum, relying on the reasons set forth above, the Commission remains confident that the limitations and conditions implemented in connection with the ocnversion provisions will prevent the specialist from using the conversion provisions to influence the market, while providing him or her with increased opportunities to provide for efficient executions of large institutional orders and maintain a fair and orderly market.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[33] that the above mentioned proposed rule change be, and hereby is, approved for a one-year period ending on January 17, 1992.[34]

For the Commission, by the division of Market Regulation, pursuant ot delegated authority.[35]

[26] As a general matter, the Commission expects that such an "independent," "meaningful" transaction would exceed an average-sized transaction for that security.

[27] See 17 CFR 240.11b-1(a)(2); NYSE Rule 104. Generally, pursuant to NYSE Rule 104, the specialist shall effect purchases or sales of any security in which he is registered only if such dealings are reasonably necessary to permit the specialist to maintain a fair and orderly market.

[28] 15 U.S.C. 78k(b). Section 11(b) permits a specialist to accept only market or limit orders.

[29] See H. Rep. No. 1383, 73rd Cong. 2d Sess. 22, S. Rep. 792, 73d Cong. 2d Sess. 18 (1934).

[30] See, *e.g.*, SEC, Special Study of the Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess., Part 2, 72 (1963) (noting that "Section 11(b) . . . prohibits, without exception, a specialist's effecting any transaction except upon a market or limit order").

[31] See, Securities Exchange Act Rel. No. 24505, *supra* note 3.

[32] See *e.g.*, NYSE Rule 13, which defines "limit order" as "[a]n order to buy or sell a stated amount of a security at a specified price, or at a better price, if obtainable after the order is represented in the Trading Crowd."

[33] 15 U.S.C. 78s(b)(2) (1988).

[34] The Commission expects the Amex to submit a report detailing its experience with the percentage order pilot by October 17, 1991. The report should, at a minimum, describe the market surveillance procedures utilized by the Exchange in regard to percentage orders. In addition, the Amex's report should discuss whether the new percentage order rules being approved herein work to enhance the quality of the Exchange's auction market, and whether the limiting provisions which accompany the two new conversion events work to ensure that the increased opportunities for conversions do not come at the cost of unduly influencing the market. The Amex also should submit a proposed rule change by October 17, 1991 requesting either permanent approval of the proposed rule change or an extension of the pilot program.

[35] 17 CFR 200.30-3(a)(12) (1990).

Dated: January 17, 1991.
Margaret H. McFarland,
Deputy Secretary.
[FR Doc. 91-1694 Filed 1-24-91; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-28795; File Nos. SR-CSE-90-01 and 90-08]

Self-Regulatory Organizations; Cincinnati Stock Exchange, Inc.; Order Approving Two Proposed Rule Changes Relating To Establishment and Administration of Its Proficiency Examination

On January 16, 1990, the Cincinnati Stock Exchange, Inc. ("CSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to section 19(b) of the Securities Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] a proposed rule change (File No. SR-CSE-90-01) to amend Article II, section 5.1(b), and Interpretation and Policy .01 thereunder, of the Exchange's Rules in order to establish its own proficiency examination for prospective members. The proposed examination will be taken as an alternative to the General Securities Representative ("Series 7") Examination which currently is required to be completed by all prospective members prior to eligibility for Exchange membership.[3] Subsequent to the filing of CSE-90-01, on May 3, 1990, the Exchange submitted another, related proposed rule change (File No. SR-CSE-90-08), pursuant to section 19(b) under the Act and rule 19b-4 thereunder, requesting Commission approval of the actual proficiency examination proposed to be administered by the Exchange.

The proposed rule changes were noticed in Securities Exchange Act Release Nos. 27715 (February 20, 1990), 55 FR 6854 (February 27, 1990); and 28002 (May 8, 1990), 55 FR 20001 (May 14, 1990), respectively. No comments were received on either proposal.

I. Introduction

The CSE has devised its own proficiency examination and has proposed to adopt this examination into its rules in order to administer it to prospective Exchange members. Currently, pursuant to Article II, section 5.1(b) of the CSE's Rules and Interpretation and Policy .01 thereunder, prior to becoming eligible for admittance to the Exchange as a member, a prospective CSE member is required to complete successfully the Series 7 Examination which is administered by the National Association of Securities Dealers, Inc. ("NASD"). The Series 7 examination is designed to evaluate an applicant's overall knowledge of the specific subject matter areas needed to become a registered representative.[4]

The proposed rule change herein reflects the CSE's concern that the Series 7 examination, because it tests primarily an applicant's knowledge of general securities law, is directed at the qualification of registered representatives, not prospective Exchange members. In this regard, the Exchange believes that the Series 7 examination lacks adequate coverage of the specific trading and regulatory responsibilities attendant to membership on the Exchange. The CSE, therefore, has developed an exam directed at assessing a prospective member's ability to understand the rights and responsibilities of Exchange membership. Thus, while a portion of the CSE's exam will cover general securities law as does the Series 7 examination, the CSE's exam will be more narrowly tailored to assess a prospective member's requisite knowledge of specific Exchange rules. The Exchange believes that the main objective of its proficiency examination is to guard against the impairment of public and member confidence in the integrity of the Exchange and the securities markets by ensuring that CSE members have a thorough knowledge of Exchange rules and policies.

II. Description of the Proposal

The CSE proposes to amend section 5.1(b) and Interpretation and Policy .01 in order to incorporate into its Rules the development and administration of a proficiency examination for prospective members. The Exchange proposes to eliminate the current requirement for a prospective member to successfully complete the Series 7 examination prior to becoming eligible for admittance to the CSE as a member, and replace it with a requirement for such candidates to successfully complete the proficiency examination developed and administered by the CSE. The proposed examination will allow the Exchange to assess whether prospective members and associated persons of members have the necessary training, experience and competence to comply with the Rules and policies of the Exchange.[5]

In addition to deleting the requirement for prospective members to successfully complete the Series 7 examination prior to eligibility for CSE membership, the CSE's proposal also would delete the necessity for these prospective members to meet the standards of training, experience and competence required by the Commission for registration as a broker or dealer.[6] The Exchange deleted this provision due to the fact that the Commission no longer administers its own test of broker qualifications.[7] Furthermore, the Exchange proposes to amend section 5.1 in order to allow the CSE, upon written request, to accept other standards as evidence of an applicant's qualifications, and to waive the requirement for such a proficiency examination in exceptional cases and where good cause is shown.[8] According to the Exchange, this proposed waiver provision is intended to provide the Membership Committee with the power to excuse prospective members from taking the proficiency examination when it otherwise can be determined that an applicant is qualified, and where completion of the examination would be redundant and needlessly burdensome. The Exchange states that this waiver would be wielded judiciously where good cause is demonstrated.

Finally, it is important to note that even though the examination, as proposed in CSE-90-08, tests prospective members on rules specific to

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[1] 15 U.S.C. 78s(b) (1986).

[2] 17 CFR 240.19b-4 (1990).

[3] The Exchange will continue to require the successful completion of the Series 7 examination for any prospective member seeking to become a registered representative. See discussion *infra*. In addition, any person who has successfully completed the Series 7 examination will not be required to complete the CSE's proficiency examination.

[4] For example, certain of the areas covered by the Series 7 examination include the characteristics of equity securities, the types of customer accounts, short sale transactions, distributions of offerings and portfolio analysis.

[5] As proposed, the examination consists of 65 multiple choice questions and covers such topics as the requirements for CSE membership, the financial responsibility of members, the trading of ITS securities, member controversies, the filling of orders on the floor, trading in NSTS and listing standards.

[6] Pursuant to current section 5.1, a natural person or a registered broker or dealer cannot be admitted as, or be entitled to continue as, a CSE member or an associated person of a CSE member unless such person or entity meets the standards of training, experience, and competence required by the Commission for registration as a broker or dealer. The Commission is authorized to set such standards under section 15(b)(7) of the Act. See discussion *infra* at note 12 and accompanying text.

[7] See letter from Kevin S. Fogarty, Vice President, Market Regulation, CSE, to Mary Revell, Branch Chief, SEC, dated October 26, 1990.

[8] The proposed rule change specifically states that advanced age, physical infirmity or experience in fields ancillary to the securities business will not individually of themselves constitute sufficient grounds to waive a proficiency examination. See proposed Interpretation and Policies 01(b) under proposed Section 5.1.

the CSE, as well as general regulatory requirements set out in the Act, proposed Interpretations and Policies .01(c) under proposed Section 5.1 makes clear that the Exchange requires the Series 7 examination in qualifying persons seeking registration as general securities representatives. To summarize, all prospective members must successfully complete either the CSE's own proficiency examination or the Series 7 examination to be qualified for Exchange membership. Thus, those prospective members seeking to become registered representatives would take the Series 7 examination in lieu of the CSE's examination and the requirement to complete the CSE's proficiency examination would be waived for those persons who have successfully completed the Series 7 examination.[9]

III. Commission Findings

After careful consideration, the Commission has determined that the CSE's proposed rule change to establish and administer its own proficiency examination for prospective members is consistent with sections 6 [10] and 15 [11] of the Act. In particular, the Commission believes that the proposal is consistent with the section 6(b)(5) requirement that the rules of an exchange be designed to promote just and equitable principles of trade, and protect investors and the public interest. The examination requirement will help to ensure that only those candidates with a comprehensive knowledge of the specific rules of the Exchange, as well as an understanding of the relevant provisions of the Act, will be eligible for CSE membership. By ensuring this requisite level of knowledge, the Exchange can remain confident that its members have demonstrated an acceptable level of securities knowledge. In addition, those persons who sell securities to the public still are required to successfully complete the Series 7 examination prior to effecting any such transactions. The public investor, therefore, remains protected because those individuals transacting business with the public must complete the comprehensive Series 7 examination. The Commission also believes that the proposal is consistent with section 6(c)(3) (A) and (B) of the Act, which sets forth the basis upon which a national securities exchange may deny membership to, or condition the memberhsip of, a registered broker or dealer, or may bar a natural person from becoming a member or associated with a member, or condition the membership of a natural person or association of a natural person with a member of an exchange. By tailoring the exam toward evaluating the applicant's knowledge of specific Exchange rules and policies, the Exchange is confirming that such applicants have the requisite knowledge, training, experience, and competence to be granted Exchange membership.

In this regard, the Commission has reviewed carefully the format and substantive areas tested on the examination. In reviewing the examination, the Commission focused on the level of difficulty and comprehensiveness of the specific examination questions. After assessing the depth of knowledge required to pass the examination, the Commission concludes that the examination should sufficiently reflect the requisite minimum knowledge an applicant must possess to comply with CSE rules as well as with the pertinent rules and regulations of the Act.

Finally, the Commission believes the proposal is consistent with Section 15 of the Act. Pursuant to section 15(b)(7) of the Act, the Commission is granted the authority to impose "operational capability" standards on all registered broker-dealers in order to ensure that they meet Commission-imposed standards of training, experience, and competence. To effectuate section 15(b)(7), however, the Commission currently places upon the national securities exchanges and the NASD the obligation of developing and administering the actual examinations which ensure that brokers and dealers meet these qualifications.[12]

Along this line, the New York Stock Exchange, Inc. ("NYSE") developed the Series 7 examination, which subsequently has been utilized by the various national securities exchanges and the NASD, in order to assess the qualifications of a prospective member.[13] The development of the Series 7 was instrumental in providing uniformity among the national securities exchanges and associations with regard to assessing an applicant's fitness to become an exchange member.[14] While the proposal being approved herein deviates somewhat from this uniformity, it still is consistent with the Act.

First, many prospective CSE members are members of another SRO. If, pursuant to the exam requirements of the other SRO, the prospective member already has successfully completed the Series 7 exam, the prospective member would not have to take the CSE exam. Second, prospective members desiring to deal with public customers still must complete the Series 7. Thus, the only prospective CSE members that must pass the CSE's examination are persons that have no public customers and belong to no other SRO. Such persons are analogous to most specialists, market makers, and floor brokers at other exchanges who generally take specialized exams developed by the exchanges rather than the Series 7 exam. The Commission agrees with the CSE that for this limited group of persons the CSE exam is acceptable and that the Series 7 exam is not necessary.

It is therefore ordered, pursuant to section 19(b)(2) of the Act [15] that the proposed rule change is hereby approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Dated: January 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1695 Filed 1-24-91; 8:45 am]

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[9] Telephone conversation between Kevin Fogarty and Mary Revell, December 28, 1990.

[10] 15 U.S.C. 78f (1988).

[11] 15 U.S.C. 78o (1988).

[12] Consistent with this fact, the CSE has proposed to delete the portion of current section 5.1(b) which refers to examinations administered by the Commission. See *supra* note 6 and letter from Kevin S. Fogarty, Vice President, Market Regulation, CSE, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated October 28, 1990.

[13] As stated previously, the NASD administers the Series 7 examination.

[14] The NASD currently is the only national securities association.

[15] 15 U.S.C. 78s(b)(2) (1988).

[16] 17 CFR 200.30-3(a)(12) (1990).

[Release No. 28787; International Series Release No. 220; File No. SR-MSTC-90-04]

Self-Regulatory Organizations; Midwest Securities Trust Co.; Filing of a Proposed Rule Change Relating to the Designation of Certain Foreign Clearing Entities as Correspondent Depositories

January 16, 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 June 13, 1990, Midwest Securities Trust Company ("MSTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change (SR-MSTC-90-04) as described in Items I, II, and III below, which items have been prepared by MSTC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The following is the text of the proposed rule change that would designate West Canada Depository Trust Company ("WCDTC") and La Societe Interprofessionnelle pour la Compensation des Valeurs Mobilieres ("SICOVAM") as Correspondent Depositories.

Under the Rules and Procedures of Midwest Securities Trust Company ("MSTC"), MSTC may maintain accounts with another Correspondent Depository (Article I, Rule I). A Correspondent Depository includes any Foreign Clearing Corporation as defined in Article 8 of the Uniform Commercial Code as in effect in the State of Illinois. (Illinois UCC Article 8-320 defines a foreign clearing corporation as an entity or organization in the business of holding securities outside the U.S. and with which a registered clearing corporation is permitted by the Securities and Exchange Commission to maintain securities positions.)

Pursuant to its rules, MSTC hereby designates the following Foreign Clearing Corporations as Correspondent Depositories:

1. West Canada Depository Trust Company ("WCDTC")
2. La Societe Interprofessionnelle pour la Compensation des Valeurs Mobilieres ("SICOVAM").

MSTC originally intended in this rule filing to designate a third entity, the Canadian Depository for Securities ("CDS"), as a Correspondent Depository. Because MSTC's existing link with CDS currently is inactive, and because MSTC has not yet developed concrete plans to operate with CDS as a Correspondent Depository, MSTC has withdrawn those portions of the filing that relate to CDS.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, MSTC 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. MSTC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of such statements.

[1] *See* letter from Jeffrey Lewis, Associate Counsel, MSTC, to Jonathan Kallman, Assistant Director, Commission, dated January 11, 1991.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) The purpose of the proposed rule filing is to formally designate WCDTC and SICOVAM as permissible Foreign Clearing Corporations and Correspondent Depositories under MSTC's rules. The filing also describes MSTC's proposed initial steps towards the eventual development of depository links with these foreign clearing corporations.

Background

The international securities markets have experienced considerable growth and development over the past several years. The related increase in cross-border trading and securities settlement, as well as the continued coordination of international securities markets, have resulted in the need for international clearing corporations and depositories to provide mechanisms for the efficient clearance and settlement of international securities transactions. Establishment of depository linkages in the international arena facilitates the book-entry settlement of international securities transactions and to the greatest extent possible, eliminates the time-consuming and inefficient physical settlement of such transactions.

In furtherance of the development of the book-entry settlement of international securities transactions and the immobilization of underlying securities, MSTC is specifically designating WCDTC and SICOVAM as Foreign Clearing Corporations with which MSTC may maintain securities positions on behalf of MSTC Participants. The designation is an initial step towards the eventual development of bilateral linkages, *i.e.*, interfaces between MSTC and these designated foreign clearing corporations.

Under its existing rules, MSTC may use the facilities of a Correspondent Depository to maintain securities. MSTC's rules define a "Foreign Clearing Corporation" as any foreign clearing corporation defined under Article 8 of the Illinois Uniform Commercial Code ("UCC"). Article 8, section 320 of the Illinois UCC defines a "foreign clearing corporation" as an organization in the business of holding securities outside the United States on behalf of others and with which a registered clearing corporation is permitted by the Securities and Exchange Commission to maintain securities positions.

Description of WCDTC and SICOVAM

WCDTC is the successor to the Vancouver Stock Exchange Service Corporation (VSESC). VSESC changed its name to West Canada Depository Trust Company and VSESC's depository functions were assumed by WCDTC. WCDTC is a limited purpose trust company incorporated under the British Columbia Trust Companies Act and is subject to regulation by the British Columbia Superintendent of Financial Institutions. WCDTC is wholly owned by the Vancouver Stock Exchange (VSE). (VSE), also located in Vancouver, British Columbia, was incorporated in 1907 by a Special Act of the British Columbia legislature and is subject to the authority of the British Columbia Superintendent of Brokers.

SICOVAM is the official depository for French-issued securities. SICOVAM maintains its principal place of business in Paris, France. As a major part of its functions, SICOVAM also acts as the depository for shares of companies listed on the Paris Bourse. SICOVAM was established pursuant to a French Decree of 1949 to provide securities clearing services for French participants. Pursuant to a 1983 French decree, all securities issued in France and governed by French legislation were dematerialized (without certificates) and SICOVAM was authorized to provide depository services to depositors of securities accounts, as defined by French law.

Current Activity in the Existing Links

MSTC currently maintains linkages with WCDTC and SICOVAM under the terms of no-action letters issued by the Commission's Division of Market Regulation.[2] Those letters generally provide that the staff will not recommend that the Commission initiate enforcement action if those foreign clearing corporations and MSTC engage in the described activity and those foreign clearing corporations do not register as clearing agencies in the United States.

Under its existing link, WCDTC settles securities transactions and maintains securities positions on behalf of its participants through accounts maintained at MSTC. WCDTC is a Participant of MSTC and is liable as principal for transactions processed through the link. WCDTC is also subject to MSTC's rules as they relate to transactions processed through the link. VSE has guaranteed WCDTC's obligations and liabilities to MSTC.

[2] See letter from Jonathan Kallman, Assistant Director, Commission, to Michael Wise, Associate Counsel, MSTC, dated September 12, 1985, and letter from Jonathan Kallman, Assistant Director, Commission, to Jeffrey E. Lewis, Associate Counsel, MSTC, dated July 22, 1987

SICOVAM also is a Participant of MSTC and operates an omnibus account at MSTC in which it safekeeps U.S. securities on behalf of SICOVAM participants. SICOVAM may receive or deliver securities by book-entry without payment between SICOVAM, on behalf of its Participants, and U.S. broker-dealers, banks and other financial institutions. SICOVAM contributes to MSTC's Participants' Fund and, except for certain modifications, is subject to MSTC's rules. Until the existing link is expanded to include book-entry movements for value, SICOVAM's Participants' Fund contributions may be used only for losses or liabilities arising from the link.

All activity in the WCDTC and SICOVAM links is subject to MSTC's standard surveillance rules and procedures. Both organizations provide MSTC with periodic financial statements and allow MSTC to consult with such organizations' internal and outside auditors regarding their financial condition, internal accounting controls and safeguards. In addition, WCDTC and SICOVAM are subject to all of MSTC's risk reduction mechanisms, including the authority to demand further assurances of financial stability and operational capability.

Proposed Activities Subject to the Present Filing

Although MSTC intends eventually to establish a complete depository interface arrangement with WCDTC and SICOVAM, this present rule filing is limited to the proposed activity discussed below.

WCDTC: MSTC shall designate WCDTC as a Depository Satellite for MSTC-Eligible securities. (Eligible securities are those securities eligible for deposit at MSTC.) Under MSTC's rules and procedures, a Depository Satellite is a clearing corporation or custodian bank which receives from or releases to Participants securities and forwards or receives securities from MSTC.

WCDTC will act as MSTC's non-exclusive agent and custodian in receiving securities deposited by MSTC Participants or WCDTC-sponsored Participants under the existing link for crediting to their respective accounts. WCDTC will forward Eligible Canadian-issued securities to the appropriate transfer agent in Canada for re-registration in MSTC's nominee name and thereafter arrange for the delivery of such re-registered securities to MSTC. WCDTC will forward Eligible U.S.-issued securities directly to MSTC on the same day as receipt and MSTC will arrange for the re-registration itself.

WCDTC also will serve as MSTC's non-exclusive agent for the facilitation and transfer of Canadian-issued securities received from Participants directly by MSTC and will forward such securities for re-registration in MSTC's nominee name. WCDTC will submit and receive Canadian-issued securities to and from Canadian transfer agent, verify transfer status, and arrange for the return of securities to MSTC.

As is the case with all MSTC Depository Satellites, WCDTC is prohibited for maintaining any lien of securities held on MSTC's behalf, and WCDTC must maintain adequate insurance coverage with respect to any Eligible Securities within its custody.

SICOVAM: MSTC shall designate SICOVAM as a Correspondent Depository for French-issued book-entry only securities. These French securities are eligible for deposit at SICOVAM and are not available in certificated form. MSTC will maintain at SICOVAM an omnibus account for the safekeeping and custody of "fully-paid" French-eligible securities. MSTC, on behalf of its Participants, will also receive and deliver securities to or from the account by book-entry without payment or related money changes.

SICOVAM will provide MSTC with daily balance reports indicating receipts and deliveries of securities and will credit MSTC's designated bank account with dividend, interest or redemption payments. SICOVAM also will obtain from French issuers information concerning corporate actions, including redemptions, reorganizations, and tender offers, and notify MSTC in English of the terms and settlement dates of such corporate actions. Upon request, MSTC also may provide French issuers with Beneficial Holdings reports indicating MSTC Participants' holdings and allow such issuers to communicate directly with Participants. SICOVAM also will provide MSTC with appropriate evidence of insurance and allow the cooperation and coordination of one another's internal and external auditors. To date, SICOVAM has established links with depository organizations in over 15 foreign centers, including, among others, Luxembourg, Belgium, West Germany, Japan, the Netherlands, Switzerland, and the United Kingdom.

(2) The proposed rule change is consistent with the requirements of section 17A of the Act, in that it promotes the efficient clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

MSTC does not believe that any burdens will be placed on competition not necessary or appropriate in furtherance of the purpose of the Act.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Although MSTC has informally discussed the proposed rule change with several Participants, MSTC has not sought or received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period: (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the 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 parties 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 will 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 at the address noted above.

Copies of the filing also will be available for inspection and copying at MSTC's principal office. All submissions should refer to File No. SR-MSTC-90-04 and should be submitted by February 15, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1807 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28793; File No. SR-NASD-90-56]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc. Relating To Disclosure of Deferred Sales Charges

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 October 18, 1990, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. 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 NASD has proposed to amend Article III, section 26 of the NASD Rules of Fair Practice by adding new paragraph (n) which would require members selling investment company shares to disclose the existence of deferred sales charges on the front of the confirmation sent to the customer at the time the shares are purchased by the customer, by the inclusion of the following sentence: "On selling your shares, you may pay a sales charge. For the charge and other fees, see the prospectus."

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 NASD 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 test of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In April 1989, the NASD published Notice to Members 89-35 advising members that it would be a violation of the NASD Rules of Fair Practice for a registered representative to state or imply to a prospective investor that an investment company with a contingent deferred sales charge is a "no load fund." The notice resulted from a number of complaints received by the NASD from investors who claimed they were unaware of the existence of a sales charge on redemption and that they had been advised that the companies were "no load" or "no initial load" funds.

In that notice, the NASD indicated that a contingent deferred sales load is a sales load that is charged on redemption on a declining-percentage basis annually and is usually reduced to zero percent by the sixth or seventh year of share ownership. The NASD stated that to assert that a mutual fund with a contingent deferred sales load is a "no load" fund is an unacceptable misrepresentation and that to state that there is "no initial load" without explanation of the nature of the contingent deferred sales load is an omission of material information.

The NASD believes that it is the responsibility of all members and their registered representatives to ensure that prospective investors understand the nature of the various charges made by mutual funds to defray sales and sales promotion expenses, regardless of whether they are deducted from an investor's initial purchase payment, charged on redemption or levied against the net assets of the fund. The NASD also believes that disclosure on confirmations of the possibility of a deferred sales charge on redemption would help to alert prospective investors to the existence of such charges before they have paid for the shares. Many investors apparently do not study the prospectus thoroughly before making a purchase of investment company shares and often rely on the oral representations of a registered representative. Thus, through inadvertence or design, they may not be aware of the possibility of a sales charge on redemption.

Because of the continuing potential for investors to be unaware of deferred sales charges, the NASD remains concerned that reliance on disclosures of sales loads in prospectuses may not be sufficient to alert investors to the existence of a deferred sales charge at the time of the purchase. Therefore, the NASD is proposing to amend section 26 to add new paragraph (n) that would require that a short, simple disclosure statement be included on all confirmations for investment company shares that impose a deferred sales charge on redemption.

The NASD believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act which requires that the rules of the Association be designed to promote just and equitable principles of trade and, in general, to protect investors and the public interest, inasmuch as the proposed rule change is designed to ensure that clients of the investment companies are full informed at the time of the purchase of any deferred sales charges.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary for appropriate in futherance of the purposes of the Act, as amended.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

In Notice to Members 89-77 (December 1989) the NASD distributed for comment a proposed amendment to Article III, section 12 of the NASD Rules of Fair Practice that would have required disclosure on confirmations when investment company shares were subject to a deferred sales charge on redemption. The NASD received 22 comment letters in response to that notice.

Out of 22 commentators, six were opposed to the amendment. Four others expressed opposition to the amendment if it was intended to apply to the sale of variable contracts. Nine were in favor of the amendment, with four of them offering comments. One commentator expressed qualified approval and two did not express an opinion. After reviewing the comments the NASD adopted several changes to the original proposal.

The proposal in Notice to Members 89-77 would have involved an amendment to section 12 of the NASD Rules of Fair Practice, which is a confirmation rule of general application to the sale of securities by NASD members. A number of commentators suggested that, since most separate accounts of insurance companies issuing variable contracts (variable annuities and variable life insurance) are registered with the SEC under the

provisions of the Investment Company Act of 1940; the NASD should clarify that the proposed amendment to section 12 was not intended to apply to variable contracts. The NASD decided that, to avoid uncertainty about the scope of the new requirement, the proposal should be made a part of Article III, section 26 of the NASD Rules of Fair Practice rather than an amendment to section 12. Section 26 relates solely to investment companies and specifically exempts variable contracts from its provisions.

Two commentators who were generally in favor of the proposal asked for clarification that the rule not be interpreted to apply to fees charged for specific redemption services or dividend or distribution reinvestment plans. The NASD does not believe that a change in the proposed rule is necessary in order to address this concern. Sales loads are specifically defined in the Investment Company Act [1] and, therefore, any fees which do not fall within the definition of a sales load are not within the scope of the rule proposal. One of these two commentators also asked for a clarification that the proposed amendment would not apply to automatic dividend or distribution reinvestment plans. Automatic dividend or distribution reinvestment plans are exempt from the confirmation requirements, therefore, this proposed rule change would not apply to such plans because there would be no confirmation on which the required disclosure could be made.

Some of the commentators who opposed the proposal believe that current disclosure requirements in prospectuses and sales literature are adequate, while others thought that more prominent disclosure of a deferred sales charge should be made in prospectuses. Still other commentators believe that the proper place for disclosure is in the prospectus and not in a confirmation. Several of these commentators urged that rigorous enforcement of existing prohibitions against misrepresentations to customers would be sufficient to address the problem.

The NASD agrees that the proper place for most disclosures is the prospectus, but it regards the current proposal as an additional safeguard so that investors will be alerted to the presence of a deferred sales charge. The NASD also notes that customers may only become aware of a deferred sales charge several years after their purchase, usually at the time of sale, when their recollection of the representations of their brokers is dim or nonexistent. As a result, disciplinary actions for misrepresentations made in the original sale would be problematic. The NASD believes that the immediate disclosure required under this proposal provides greater protection for investors than does the deterrent value of potential disciplinary action years after the fact.

Some commentators, both in favor and opposed, asked for more extensive, less extensive, or merely different disclosure language. Some requested that members be permitted to draft their own legend. The NASD does not agree that the opposed disclosure language should be expanded or that members should be permitted to develop their own disclosure legend. Space on confirmations is limited and, in the NASD's view, the proposed legend is clear, concise, and will be readily understood by investors. Indeed, two commentators, while expressing support for the proposal, argued for more concise disclosure language in order to accommodate certain programming limitations in their confirmation printing systems. The NASD is of the opinion that, in a disclosure of this type, there is great merit in uniformity and that the disclosure as presently set forth is the minimum necessary to adequately carry out the intent of the proposed rule. The NASD, therefore, does not believe that any further changes to the rule proposal are required based on the concerns of the commentators. None of the commentators requesting more concise language provided evidence that the change mandated by the proposed rule change could not be accomplished or that the burdens imposed by the proposed rule change were excessive in relation to the customer protection goals. Finally, the NASD concluded that the proposed disclosure legend should be required to be placed on the front of a confirmation to ensure that the disclosure is highly visible to a prospective investor.

Some of the comments in opposition suggested that if there is a problem regarding inadequate disclosure, the solution should be to require different or more complete disclosure of sales charges in the fund prospectuses. Some commentators also suggested that disclosure of sales loads be printed in red on the cover of prospectuses. Still other commentators stated that improved communications by registered representatives to customers would improve disclosure without the burdens imposed by the proposed rule. The NASD has considered various solutions to the disclosure issue, including those proposed by the commentators. More complete or product-specific disclosure would conflict with the goal of simplicity and clarity desired for the disclosure, in addition to making more extensive language harder to include on confirmations where space is already at a premium. Additional disclosure on the cover of the prospectus, or in broker-customer communications, while desirable, does not assure the consistency of notice to the customer that the proposed rule change would provide. In addition, the NASD does not believe that the burdens imposed by the proposed requirement outweigh the benefit to be gained by greater customer awareness of deferred sales charges.

Finally, one commentator, while generally in favor of the proposal, noted that the disclosure on the confirmation would not occur prior to the customer purchase and, therefore, the disclosure would have no affect on a customer's decision to purchase. The NASD notes that any misrepresentation or failure to disclose a material fact, such as a deferred sales load, is actionable under the anti-fraud provisions of the federal securities laws. The notice of deferred sales charges, while not coming before the purchase, would provide a customer with notice of an actionable misrepresentation or omission in a timely fashion and allow the customer to pursue appropriate remedies before the statute of limitations or laches bar any action.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

[1] *Sales load* means the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested or held for investment by the issuer (or in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. In the case of a periodic payment plan certificate, "sales load" includes the sales load on any investment company securities in which the payments made on such certificate are invested, as well as the sales load on the certificate itself. Investment Company Act of 1940, 15 U.S.C. 80a-2(a)(35).

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comment

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. In particular, the Commission requests comments as to whether a similar amendment to section 12 of the NASD Rules of Fair Practice should be made to specifically include variable contracts. The Commission will review such comments to determine whether the NASD should propose a rule requiring similar disclosure in confirmations for variable contracts. 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 Room. Copies of the filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by February 15, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Dated: January 17, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1696 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28796; File No. SR-OCC-91-01]

Self-Regulatory Organizations; the Options Clearing Corporation; Filing and Immediate Effectiveness of Proposed Rule Change Relating to Consolidation of Its Membership and Margin Committees

January 17, 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 January 7, 1991, the Options Clearing Corporation ("OCC") 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

OCC filed the proposed rule change to conform certain OCC by-laws and rules to reflect OCC's consolidation of its membership and margin committees.[1]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC 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. OCC 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 purpose of this rule change is to conform certain OCC by-laws and rules to File No. SR-OCC-89-11, filed August 18, 1989, which became effective on filing with the Commission. That filing consolidated OCC's membership and margin committees of the board of directors into a single body, the "Membership/Margin Committee." To reflect that consolidation, this filing amends certain by-laws and rules which, due to an oversight, were omitted from File No. SR-OCC-89-11.

OCC believes that the proposed rule change is consistent with section 17A(b)(3)(F) of the Act in that the proposed rule change is designed to promote the prompt and accurate clearance and settlement of securities transactions.

B. Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change would impose any burden on competition.

[1] *See*, Securities Exchange Act Rel. No. 27211 (September 1, 1989), 54 FR 37855.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Other

Comments were not and are not intended to be solicited with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b-4 because the proposed rule change is concerned solely with the administration of the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

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 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 OCC. All submissions should refer to File No. SR-OCC-91-01 and should be submitted by February 15, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1691 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28797; File No. SR-PTC-90-10]

Self-Regulatory Organizations; Participants Trust Co.; Notice of Filing and Order Granting Immediate Effectiveness of Proposed Rule Change Relating to the Rebate of Fees

January 17, 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 December 28, 1990, the Participants 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's Board of Directors adopted a resolution with respect to the rebate of fees on December 19, 1990. Below is the text of that resolution.

Whereas, this corporation adopted a policy at the time of its organization, as evidenced by its Offering Statement relating to the sale of shares of its capital stock, to rebate excess fees to its Participants; and

Whereas, at the meeting of this Board on September 26, 1990, this Board confirmed its policy of rebating fees to Participants based upon the Corporation's earnings, financial needs and the desirability of paying dividends;

Whereas, this Board approved a Rule change setting forth said policy which Rule change has been filed with, and approved, by, the Securities and Exchange Commission; and

Whereas, the Board has reviewed the Corporation's 1990 actual and expected net earnings as of this date, the Corporation's financial needs based upon management's forecasts of expected earnings and plans for capital expenditures, and the desirability of paying dividends at this point;

Now, Therefore, be it

Resolved, that, subject to being advised that the Securities and Exchange Commission, the Federal Reserve System and the New York State Banking Department have no objection, this Board hereby declares a rebate to each Participant which is such at the time of the meeting of this Board in December 1990, or if there is no such meeting, which was such as of this date, of such percentage of each Participant's total fees, but not interest or penalties, paid to PTC in 1990 to and including December 31, 1990 that will result in PTC's having year-end 1990 total capital (including stockholders equity, paid in capital and retained earnings) of $15 million.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, PTC 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 Item IV below. PTC 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

(a) *Purpose*—The purpose of this proposed rule change is to take action under PTC's policy with respect to the rebate of fees to its participants. The rebate policy, as adopted by PTC's board of directors, was approved by the Commission on December 4, 1990.[1]

(b) *Basis*—PTC believes that the proposed rule change is consistent with Section 17A of the Act and, specifically, with section 17A(b)(3)(A). Section 17A(b)(3)(A) requires, among other things, a clearing agency be organized and have the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds for which it is responsible. PTC believes that the proposed rule change is consistent with these requirements since PTC will continue to have sufficient capital, after the rebate of fees, to satisfy the requirements of section 17A of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not perceive that the 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 members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act rule 19b-4 because the proposed rule change establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise, in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of PTC. All submissions should refer to file number SR-PTC-90-10 and should be submitted by February 15, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-1692 Filed 1-24-91; 8:45 am]

BILLING CODE 8010-01-M

[1] *See*, Securities Exchange Act Rel. No. 28677 (December 4, 1990), 55 FR 51367.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC No. 121-22A]

Proposed Advisory Circular on Maintenance Review Board (MRB).

AGENCY: Notice of availability of proposed Advisory Circular (AC), and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed Advisory Circular (AC) pertaining to MRB. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC. The proposed AC is intended to provide information and guidelines which may be used in the development and approval of initial maintenance/inspection requirements for air carrier transport category aircraft. These requirements are developed by the Industry Steering Committee (ISC) and approved by the MRB. All communications received on or before the closing date for comments will be considered before issuing the final AC.

DATES: Comments must be received on or before March 26, 1991.

ADDRESSES: Send all comments and requests for copies of the proposed AC to: Federal Aviation Administration, Aircraft Maintenance Division (Attention: AFS-330), 800 Independence Avenue, SW, Washington, DC 20591. Comments may be inspected at the above address between 8 a.m. and 5 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Otto E. Schoenholzer, AFS-330B, at the above address, telephone: (202) 267-3792 (8:30 a.m. to 5 p.m. est).

SUPPLEMENTARY INFORMATION: Comments are invited on all aspects of the proposed AC. Commenters should indicate file number AC 121-22A on their comments.

Issued in Washington, DC, on November 13, 1990.

Thomas C. Accardi,

Acting Director, Flight Standards Service.

[FR Doc. 91-1726 Filed 1-24-91; 8:45 am]

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Sunshine Act Meetings

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Vol. 56, No. 17
Friday, January 25, 1991

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMISSION ON CIVIL RIGHTS

January 23, 1991.

DATE AND TIME:

Thursday, January 31, 1991
9:30 a.m.–6:00 p.m.
Friday, February 1, 1991
9:00 a.m.–6:00 p.m.
Saturday, February 2, 1991
9:00 a.m–1:00 p.m.

PLACE: The Omni Richmond Hotel, James Center, Shenandoah Room, 100 South 12th Street, Richmond, VA 23219.

STATS: Open to the Public.

Thursday, January 31, 1991

9:30–9:45 A.M.: *Opening Remarks*

Chairman Arthur A. Fletcher

9:45–10:00 A.M.: *Introduction of Speaker*

Commissioner Russell G. Redenbaugh

10:00 A.M.–1:00 P.M.: *Guest Speaker:* Dr. Fernando Flores

"Civil, Economic, and Human Rights in the Year 2000: Producing an Agenda in the Midst of Chaos"

1:00–2:15 P.M.: *Luncheon Break*

2:15–4:15 P.M.: *Commission Meeting*

I. Approval of the Agenda
II. Approval of the Minutes of the December Meeting
III. Announcements
IV. State Advisory Committee Appointments Delaware, Georgia, Mississippi, North Dakota, Tennessee, and Vermont

4:15–4:30 P.M.: *Break*

4:30–6:00 P.M.: *Commission Meeting* (continued)

V. Staff Director's Report
Congressional/Public Affairs/Regional Updates
- Congressional
- Public Affairs
- Regional Directors

Friday, February 1, 1991

9:00 A.M.–12:00 Noon: *Reauthorization Draft Bill*

12:00 Noon–1:45 P.M.: *Luncheon Break*

2:00–6:00 P.M.: *Commission Consideration of Staff Proposals*

- Presentation of staff proposals
Office of Programs, Policy, and Review
Office of General Counsel
- Commissioner program planning discussion—e.g., urban policy, reapportionment, and other Commissioner proposals

Saturday, February 2, 1991

9:00–11:00 A.M.: *Commissioner Discussion/ Decisions on Program Plans*

11:00–12 Noon: *Discussion of Commissioners' Special Assistants*

12:00–1:00 P.M.: *Closing and Future Agenda Items*

CONTACT PERSON FOR FURTHER INFORMATION: Barbara Brooks, Press and Communications Division, (202) 376–8312.

Emma Monroig,
Solicitor.

[FR Doc. 91–2001 Filed 1–23–91; 3:55 pm]

BILLING CODE 6335-01-M

COMMODITY FUTURES TRADING COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 56 F.R. 557.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 11:00 a.m., Tuesday, January 29, 1991.

CHANGE IN THE AGENDA: The Commission has cancelled the closed meeting to discuss enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, Secretary of the Commission.

Jean A. Webb,
Secretary of the Commission.

[FR Doc. 91–1986 Filed 1–23–91; 3:55 pm]

BILLING CODE 6351-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 10:00 a.m., Wednesday, January 30, 1991.

PLACE: Marriner S. Eccles Reserve Board Building, C Street entrance between 20th and 21st Streets, NW, Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed amendments to Regulation CC (Availability of Funds and Collection of Checks) regarding same-day settlement of checks. (Proposed earlier for public comment; Docket No. R–0631)
2. Any items carried forward from a previously announced meeting.

Note. This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452–3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, DC 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: January 23, 1991.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 91–1913 Filed 1–23–91; 10:59 am]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 11:00 a.m., Wednesday, January 30, 1991, following a recess at the conclusion of the open meeting.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, DC 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Matter relating to Board employment practices. (This matter was originally announced for a closed Board meeting on January 14, 1991.)
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. 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.

Dated: January 23, 1991.

Jennifer J. Johnson,
Associate Secretary of the Board.

[FR Doc. 91–1914 Filed 1–23–91; 10:59 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

NOTICE OF CHANGE IN TIME OF MEETINGS

The previously announced time for the open and the closed meetings (Federal Register, Vol. 56, No. 8, page 1227, Friday, January 11, 1991) were changed. The open meeting scheduled for 9:30 a.m., Thursday, January 17, 1991, was changed to 11:30 a.m., Thursday, January 17, 1991. The closed meeting scheduled for 11:00 a.m., Thursday, January 17, 1991, was changed to 1:30 p.m.,

Thursday, January 17, 1991. Earlier announcement of these changes was not possible.

The previously announced items were:

STATUS: Open.

BOARD BRIEFINGS:

1. Economic Commentary.
2. Central Liquidity Facility Report and Report on CLF Lending Rate.
3. Insurance Fund Report.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Open Meeting.
2. Proposed Amendment: Section 701.21(h), Member Business Loans, NCUA's Rules and Regulations.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Approval of Minutes of Previous Closed Meetings.
2. Final Decision on Appeal of Denial of Insurance Coverage. Closed pursuant to exemptions (6) and (8).
3. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
4. Administrative Actions under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (5) and (9)(B).
5. Personnel Actions. Closed pursuant to exemption (2).

FOR MORE INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (202) 682-9600.

Becky Baker,

Secretary of the Board.

[FR Doc. 91-1932 Filed 1-23-91; 2:13 pm]

BILLING CODE 7535-01-M

Corrections

Federal Register
Vol. 56, No. 17
Friday, January 25, 1991

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.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

36 CFR Part 1191

[Docket No. 90-2]

RIN 3014-AA09

Americans With Disabilities Act (ADA) Accessibility Guidelines for Buildings and Facilities

Correction

In proposed rule document 91-1355 beginning on page 2296 in the issue of Tuesday, January 22, 1991, make the following corrections:

1. On page 2296, in the first column, under **SUMMARY**, in the second line from the bottom of the paragraph, "cannot" should read "must".

2. On page 2297, in the 3rd column, in the 33rd line, "of" should read "or".

3. On the same page, in the same column, under *Option 2.*, the last line now reading "1982 version of MGRAD." should read "existing MGRAD.".

4. On page 2306, in the third column, the heading for *4.1.4* should read "*Reserved*".

5. On page 2310, in the 3rd column, in the 12th line from the top, "1.12" should read "1:12".

6. On the same page, in the same column, in the heading for *4.9.2*, "*Trends*" should read "*Treads*".

7. On page 2311, in the 1st column, in the 18th line from the top, "The" should read "This".

8. On page 2312, in the third column, in the first paragraph under *4.30.3*, in the seventh line, "that" should read "than".

9. On page 2313, in the third column, in the paragraph under *4.30.7*, in the third line from the bottom of the paragraph, "or" should read "of".

10. On page 2314, in the second column, in the first paragraph under *4.34.4*, in the third line, "an" should read "and".

11. On page 2319, in the second column, in the third line of *Question 57*, insert "II" after "title".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

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

Correction

In proposed rule document 91-1017 beginning on page 1612 in the issue of Wednesday, January 16, 1991, make the following correction:

On page 1612, in the third column, under **DATES**, "February 5, 1991" should read "January 31, 1991".

BILLING CODE 1505-01-D

federal register

Friday
January 25, 1991

Part II

Department of Labor

Employment and Training Administration

Native American Programs; Notice of Proposed Total Allocations and Allocation Formulas

DEPARTMENT OF LABOR

Employment and Training Administration

Native American Programs; Proposed Total Allocations and Allocation Formulas for Program Year 1991 Regular Program and Calendar Year 1991 Summer Youth Employment and Training Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Employment and Training Administration of the Department of Labor is publishing the proposed Native American allocations, distribution formulas and rationale, and individual grantee planning estimates for Program Year (PY) 1991 (July 1, 1991–June 30, 1992) for regular programs funded under title IV–A of the Job Training Partnership Act, and for Calendar Year 1991 for Summer Youth Employment and Training Programs (SYETP) funded under title II–B of the JTPA.

DATES: Written comments on this proposal are invited and must be received on or before February 25, 1991.

ADDRESSES: Send written comments to: Mr. Paul A. Mayrand, Director, Office of Special Targeted Programs, Employment and Training Administration, Room N–4641, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Carmelo J. Milici, Phone: 202–535–0507 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: Pursuant to section 162 of the Job Training Partnership Act (JTPA), the Employment and Training Administration of the Department of Labor publishes below for review and comment the proposed allocations and distribution formulas for areas to be served by Native American grantees to be funded under JTPA section 401, and JTPA title II, part B. The amounts to be distributed are $59,625,000 for the JTPA section 401 programs for Program Year (PY) 1991 (July 1, 1991–June 30, 1992); and $12,726,012 for the JTPA title II, part B, Summer Youth Employment and Training Program (SYETP) for the Summer of Calendar Year 1991. The planning estimates reflect the existing grantees and their currently assigned areas, and are subject to change for such reasons as Administrative Law Judge decisions, the possibility that a grantee will want to have its designation withdrawn, legislative changes, et al.

The formula for allocating JTPA section 401 funds provides that 25 percent of the funding will be based on the number of unemployed Native Americans in the grantee's area, and 75 percent will be based on the number of poverty-level Native Americans in the grantee's area.

The formula for allocating SYETP funds divides the funds among eligible recipients based on the proportion that the number of Native American youths in a recipient's area bears to the total number of Native American youths in all eligible recipients' areas.

The rationale for the above formulas is that the number of poverty-level persons, unemployed persons, and youths among the Native American population is indicative of the need for training and employment funds.

Statistics on youths, unemployed persons, and poverty-level persons among Native Americans used in the above programs are derived from the Decennial Census of the Population, 1980.

Signed at Washington, DC this 14th day of January 1991.

Roberts T. Jones,

Assistant Secretary of Labor.

U.S. Department of Labor—Employment and Training Administration, PY 1991 Title IV–A and PY 1991 Title II–B (Summer 1991) planning estimates for Native American Grantees, (Date)

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV–A AND PY 1990 II–B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12–13–1990

	PY 1991 IV–A			PY 1990 II–B		
	Total	Program	Cost pool	Total	Program	Cost pool
Poarch Band of Creek Indians, Route 3, Box 243A, Atmore, Alabama 36502, Grant Number: 99–7–0648–55–104–02	388,551	310,841	77,710	2,309	1,847	462
Aleutian/Pribilof Islands Assoc., Inc., 401 East Fireweed Lane, Suite 201, Anchorage, Alaska 99503-2111, Grant Number: 99–7–0117–55–071–02	46,342	37,074	9,268	34,078	27,262	6,816
Assoc. of Village Council Presidents, P.O. Box 848, Bethel, Alaska 99559, Grant Number: 99–7–2713–55–135–02	550,851	440,681	110,170	256,092	204,874	51,218
Bristol Bay Native Association, P.O. Box 310, Dillingham, Alaska 99576, Grant Number: 99–7–0116–55–070–02	136,550	109,240	27,310	77,760	62,208	15,552
Central Council of Tlingit and Haida Indian TR, 320 W. Willoughby, Suite 300, Juneau, Alaska 99801, Grant Number: 99–7–0114–55–068–02	213,228	170,582	42,646	165,125	132,100	33,025
Cook Inlet Tribal Council, 670 West Fireweed Lane, Anchorage, Alaska 99503, Grant Number: 99–7–3402–55–188–02	353,858	283,086	70,772	196,987	157,590	39,397
Kawerak Incorporated, P.O. Box 948, Nome, Alaska 99762, Grant Number: 99–7–0123–55–073–02	215,155	172,124	43,031	90,505	72,404	18,101
Kenaitze Indian Tribe, P.O. Box 988, Kenai, Alaska 99611, Grant Number: 99–7–0089–55–067–02	29,353	23,482	5,871	17,177	13,742	3,435
Kodiak Area Native Association, 402 Center Avenue, Kodiak, Alaska 99615, Grant Number: 99–7–0115–55–069–02	62,213	49,770	12,443	32,877	26,302	6,575
Naniilaq Manpower, P.O. Box 725, Kotzebue, Alaska 99752, Grant Number: 99–7–0124–55–074–02	168,834	135,067	33,767	87,180	69,744	17,436
Metlakatla Indian Community, P.O. Box 8, Metlakatla, Alaska 99926, Grant Number: 99–7–0064–55–053–02	15,318	12,254	3,064	17,916	14,333	3,583
North Pacific Rim, 3300 C Street, Anchorage, Alaska 99503, Grant Number: 99–7–0118–55–072–02	56,188	44,950	11,238	25,674	20,539	5,135
Tanana Chiefs Conference, Inc., 122 First Avenue, Fairbanks, Alaska 99701, Grant Number: 99–7–3109–55–150–02	375,380	300,304	75,076	211,856	169,485	42,371
Affiliation of Arizona Ind. Cntrs. Inc., 333 West Indian School Road, Suite 210, Phoenix, Arizona 85013, Grant Number: 99–7–0268–55–089–02	248,300	198,640	49,660	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV-A AND PY 1990 II-B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12-13-1990—Continued

	PY 1991 IV-A			PY 1990 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
American Indian Assoc. of Tucson, P.O. Box 7246, Tucson, Arizona 85725, Grant Number: 99-7-0492-55-096-02	324,003	259,202	64,801	0	0	0
Colorado River Indian Tribes, Route 1, Box 23-B, Parker, Arizona 85344, Grant Number: 99-7-0498-55-097-02	79,353	63,482	15,871	30,661	24,529	6,132
Gila River Indian Community, Box 97, Sacaton, Arizona 85247, Grant Number: 99-7-0054-55-049-02	474,474	379,579	94,895	132,063	105,650	26,413
Hopi Tribal Council, Box 123, Kykotsmovi, Arizona 86039, Grant Number: 99-7-0057-55-050-02	371,805	297,444	74,361	105,097	84,078	21,019
Indian Dev. Dist. of Arizona, Inc., 4560 North 19th Ave., Suite 200, Phoenix, Arizona 85015, Grant Number: 99-7-0053-55-048-02	108,431	86,745	21,686	42,851	34,281	8,570
Native Americans for Community Action, 2717 North Steves Boulevard, Suite 11, Flagstaff, Arizona 86004, Grant Number: 99-7-1777-55-119-02	110,522	88,418	22,104	0	0	0
Navajo Tribe of Indians, P.O. Box 1889, Window Rock, Arizona 86515, Grant Number: 99-7-0059-55-052-02	6,589,540	5,271,632	1,317,908	2,317,482	1,853,986	463,496
Pasqua Yaqui Tribe, 7474 S. Camino De Oeste, Tucson, Arizona 85746, Grant Number: 99-7-3289--55-160-02	37,255	29,804	7,451	9,143	7,314	1,829
Phoenix Indian Center, Inc., 99 E. Virginia, Phoenix, Arizona 85004-1108, Grant Number: 99-7-0195-55-084-02	681,713	545,370	136,343	0	0	0
Salt River Pima-Maricopa Ind. Commun., Route 1, Box 216, Scottsdale, Arizona 85256, Grant Number: 99-7-0476-55-094-02	92,761	74,209	18,552	45,899	36,719	9,180
San Carlos Apache Tribe, P.O. Box O, San Carlos, Arizona 85550, Grant Number: 99-7-0173-55-081-02	302,624	242,099	60,525	115,532	92,426	23,106
Tohono O'Odham Nation, P.O. Box 837, Sells, Arizona 85634, Grant Number: 99-7-0181-55-083-02	413,574	330,859	82,715	124,952	99,962	24,990
White Mountain Apache Tribe, P.O. Box 700, White River, Arizona 85941, Grant Number: 99-7-0174-55-186-02	321,415	257,132	64,283	129,570	103,656	25,914
Am. Indian Center of Arkansas, Inc., 2 Van Circle, Suite 7, Little Rock, Arkansas 72207, Grant Number: 99-7-1778-55-120-02	450,201	360,161	90,040	0	0	0
California Indian Manpower CSRT., 4153 Northgate Boulevard, Sacramento, California 95834, Grant Number: 99-7-2058-55-181-02	2,939,793	2,351,834	587,959	150,718	120,574	30,144
Candelaria American Indian Council, 2635 Wagon Wheel Road, Oxnard, California 93030, Grant Number: 99-7-0086-55-066-02	445,564	356,451	89,113	0	0	0
United Indian Nations, 1404 Franklin Street, Suite 202, Oakland, California 94612, Grant Number: 99-7-2310-55-133-02	50,052	40,042	10,010	22,257	17,806	4,451
Hoopa Valley Business Council, P.O. Box 815, Hoopa, California 95546-0815, Grant Number: 99-7-1142-55-114-02	228,708	182,966	45,742	0	0	0
Indian Center of San Jose, Inc., 919 The Alameda, San Jose, California 95126, Grant Number: 99-7-0499-55-098-02	436,196	348,957	87,239	0	0	0
Indian Human Resources Center, 4040 30th Street, Suite A, San Diego, California 92104, Grant Number: 99-7-2441-55-134-02	314,190	251,352	62,838	15,146	12,117	3,029
Northern Calif. Ind. Dev. Council, Inc., 241 F Street, Eureka, California 95501, Grant Number: 99-7-0686-55-015-02	1,926,220	1,540,976	385,244	0	0	0
Southern California Indian Center, Inc., 12755 Brookhurst Street, P.O. Box 2550, Garden Grove, California 92642-2550, Grant Number: 99-7-0170-55-172-02	129,232	103,386	25,846	4,156	3,325	831
Tule River Tribe, Dept. of Health, Safety & Welfare, P.O. Box 589, Porterville, California 93258, Grant Number: 99-7-3219-55-153-02	621,116	496,893	124,223	0	0	0
YA-KA-AMA Indian Educ. and Dev., Inc., 6215 Eastside Road, Forestville, California 95436, Grant Number: 99-7-0082-55-065-02	127,934	102,347	25,587	0	0	0
Denver Indian Center, Inc., 4407 Morrison Road, Denver, Colorado 80219, Grant Number: 99-7-0076-55-062-02	596,647	477,318	119,329	0	0	0
Southern Ute Indian Tribe, P.O. Box 800, Ignacio, Colorado 81137, Grant Number: 99-7-2714-55-136-02	55,197	44,158	11,039	15,053	12,042	3,011
Ute Mountain Ute Tribe, P.O. Box 30, Towaoc, Colorado 81334, Grant Number: 99-7-1143-55-115-02	66,552	53,242	13,310	18,193	14,554	3,639
American Indians for Development, Inc., P.O. Box 117, Meriden, Connecticut 06450, Grant Number: 99-7-0361-55-091-02	185,821	148,657	37,164	0	0	0
Nanticoke Indian Association, Inc., Rt. 4, Box 107A, Millsboro, Delaware 19966, Grant Number: 99-9-3518-55-019-02	38,379	30,703	7,676	0	0	0
Fla. Governors Council on Ind. Affairs, 521 E. College Avenue, Tallahassee, Florida 32301, Grant Number: 99-7-0692-55-107-02	1,178,838	943,070	235,768	0	0	0
Miccosukee Corporation, P.O. Box 440021, Tamiami Station, Miami, Florida 33144, Grant Number: 99-7-0052-55-047-02	118,208	94,566	23,642	39,157	31,326	7,831
Seminole Tribe of Florida, 6073 Stirling Road, Hollywood, Florida 33024, Grant Number: 99-7-0004-55-009-02	66,575	53,260	13,315	7,665	6,132	1,533
Alu Like, Inc., 1024 Mapunapuna Street, Honolulu, Hawaii 96819-4417, Grant Number: 99-7-1179-55-116-02	2,451,949	1,961,559	490,390	2,032,853	1,626,282	406,571
American Indian Services Corporation, 1405 North King Street, Suite 302, Honolulu, Hawaii 96817, Grant Number: 99-7-3404-55-189-02	86,452	69,162	17,290	0	0	0
Kootenai Tribe of Idaho, P.O. Box 1269, Bonners Ferry, Idaho 83805, Grant Number: 99-7-3334-55-161-02	31,932	25,546	6,386	1,293	1,034	259
Nez Perce Tribe, P.O. Box 305, Lapwai, Idaho 83540-0305, Grant Number: 99-7-0065-55-054-02	79,879	63,903	15,976	12,098	9,678	2,420
Shoshone-Bannock Tribes, Fort Hall Business Council, P.O. Box 306, Fort Hall, Idaho 83203, Grant Number: 99-7-1780-55-121-02	237,185	189,748	47,437	39,250	31,400	7,850

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV-A AND PY 1990 II-B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12-13-1990—Continued

	PY 1991 IV-A			PY 1990 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
American Indian Business Association, 4753 North Broadway, Suite 700, Chicago, Illinois 60640, Grant Number: 99-7-0809-55-109-02	1,074,957	859,966	214,991	0	0	0
Mid America All Indian Center, Inc., 660 N. Seneca, Wichita, Kansas 67203, Grant Number: 99-7-0168-55-078-02	160,282	128,226	32,056	0	0	0
United Tribes of Kansas and S.E. Neb., P.O. Box 29, Horton, Kansas 66439, Grant Number: 99-7-0178-55-082-02	490,141	392,113	98,028	9,605	7,684	1,921
Inter-Tribal Council of Louisiana, Inc., 5425 Galeria Drive—Suite A, Baton Rouge, Louisiana 70816, Grant Number: 99-7-0026-55-026-02	444,170	355,336	88,834	5,356	4,285	1,071
Central Maine Indian Association, Inc., 157 Ark Street, Suite 3C, P.O. Box 2280, Bangor, Maine 04401, Grant Number: 99-7-2719-55-182-02	90,452	72,362	18,090	0	0	0
Tribal Governors, Inc., 93 Main Street, Orono, Maine 04473, Grant Number: 99-7-0001-55-167-02	104,053	83,242	20,811	26,874	21,499	5,375
Baltimore American Indian Center, 113 So. Broadway, Baltimore, Maryland 21231, Grant Number: 99-7-3405-55-192-02	353,336	282,669	70,667	0	0	0
Mashpee-Wampanoag Indian Tribal Council, P.O. Box 1048, Mashpee, Massachusetts 02649, Grant Number: 99-7-0408-55-093-02	82,118	65,694	16,424	0	0	0
Grand Rapids Inter-Tribal Council, 45 Lexington Ave. N.W., Grand Rapids, Michigan 49504, Grant Number: 99-7-0694-55-108-02	117,520	94,016	23,504	0	0	0
Grand Traverse Band of Ottawa and Chippewa Indians, Route 1, Box 135, Suttons Bay, Michigan 49682, Grant Number: 99-7-2721-55-137-02	54,446	43,557	10,889	2,401	1,921	480
Inter-Tribal Council of Michigan, Inc., 405 East Easterday Avenue, Sault Ste. Marie, Michigan 49783, Grant Number: 99-7-0172-55-080-02	65,223	52,178	13,045	29,830	23,864	5,966
Michigan Indian Employment and Training Service, 2450 Delphi Commerce Drive, Suite 5, Holt, Michigan 48842, Grant Number: 99-7-1144-55-179-02	785,921	628,737	157,184	0	0	0
North American Indian Assoc. of Detroit, 22720 Plymouth Road, Detroit, Michigan 48239, Grant Number: 99-7-0695-55-176-02	395,970	316,776	79,194	0	0	0
Potawatomi Indian Nation, 185 E. Main, Suite 300, Benton Harbor, Michigan 49022, Grant Number: 99-7-3339-55-164-02	150,414	120,331	30,083	0	0	0
Sault Ste. Marie Tribe of Chippewa Indians, 2151 Shunk Road, Sault Ste. Marie, Michigan 49783, Grant Number: 99-7-0507-55-100-02	231,327	185,062	46,265	41,835	33,468	8,367
Southeastern Michigan Indians, Inc., 22620 Ryan Road, P.O. Box 861, Warren, Michigan 48090, Grant Number: 99-7-3220-55-154-02	63,745	50,996	12,749	0	0	0
American Indian Fellowship Assn., 8 East Fourth Street, Duluth, Minnesota 55802, Grant Number: 99-7-0254-55-087-02	134,362	107,490	26,872	2,032	1,626	406
American Indian Opportunities Ctr., 1845 East Franklin Avenue, Minneapolis, Minnesota 55404, Grant Number: 99-7-3221-55-155-02	516,524	413,219	103,305	0	0	0
Bois Forte R.B.C., P.O. Box 698, Nett Lake, Minnesota 55772, Grant Number: 99-7-0010-55-014-02	38,369	30,695	7,674	8,773	7,018	1,755
Fond Du Lac R.B.C., 105 University Road, Cloquet, Minnesota 55720, Grant Number: 99-7-0009-55-013-02	39,212	31,370	7,842	6,280	5,024	1,256
Leech Lake R.B.C., Route 3, Box 100, Cass Lake, Minnesota 56633, Grant Number: 99-7-0012-55-017-02	177,272	141,818	35,454	47,931	38,345	9,586
Mille Lacs Band of Chippewa Indians, Star Route—Box 194, Onamia, Minnesota 56359, Grant Number: 99-7-0008-55-012-02	32,361	25,889	6,472	8,681	6,945	1,736
Minneapolis American Indian Center, 1530 East Franklin Avenue, Minneapolis, Minnesota 55404, Grant Number: 99-7-0204-55-085-02	302,435	241,948	60,487	12,098	9,678	2,420
Red Lake Tribal Council, P.O. Box 310, Red Lake, Minnesota 56671, Grant Number: 99-7-0017-55-020-02	141,946	113,557	28,389	61,783	49,426	12,357
White Earth R.B.C., Box 418, White Earth, Minnesota 56591, Grant Number: 99-7-0011-55-016-02	158,895	127,116	31,779	49,316	39,453	9,863
Mississippi Band of Choctaw Indians, Route 7, Box 21, Philadelphia, Mississippi 39350, Grant Number: 99-7-0005-55-010-02	307,741	246,193	61,548	50,886	40,709	10,177
Region VII American Indian Council, Inc., 310 Armour Road, Suite 205, North Kansas City, Missouri 64116, Grant Number: 99-7-0967-55-177-02	570,183	456,146	114,037	0	0	0
Assiniboine and Sioux Tribes, Fort Peck Indian Reservation, P.O. Box 1027, Poplar, Montana 59255, Grant Number: 99-7-0033-55-031-02	212,325	169,860	42,465	75,175	60,140	15,035
Blackfeet Tribal Business Council, P.O. Box 1090, Browning, Montana 59417, Grant Number: 99-7-0006-55-011-02	246,294	197,035	49,259	90,320	72,256	18,064
Chippewa Cree Tribe, Rocky Boy Route—P.O. Box 578, Box Elder, Montana 59521, Grant Number: 99-7-0035-55-033-02	99,110	79,288	19,822	29,091	23,273	5,818
Confederated Salish & Kootenai Tribes, P.O. Box 278, Pablo, Montana 59855, Grant Number: 99-7-0031-55-030-02	249,190	199,352	49,838	70,926	56,741	14,185
Crow Indian Tribe, P.O. Box 159, Crow Agency, Montana 59022, Grant Number: 99-7-0030-55-029-02	209,289	167,431	41,858	79,330	63,464	15,866
Fort Belknap Indian Community, P.O. Box 249, Harlem, Montana 59526, Grant Number: 99-7-0032-55-168-02	79,901	63,921	15,980	35,648	28,518	7,130
Montana United Indian Association, P.O. Box 6043, Helena, Montana 59604, Grant Number: 99-7-0074-55-060-02	429,710	343,768	85,942	0	0	0

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV-A AND PY 1990 II-B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12-13-1990—Continued

	PY 1991 IV-A			PY 1990 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
Northern Cheyenne Tribe, P.O. Box 368, Lame Deer, Montana 59043, Grant Number: 99-7-0034-55-060-02	165,845	132,676	33,169	53,195	42,556	10,639
Indian Center, Inc., 1100 Military Road, Lincoln, Nebraska 68508, Grant Number: 99-7-2722-55-183-02	171,031	136,825	34,206	0	0	0
Nebraska Indian Inter-Tribal Dev. Corp., Route 1—Box 66-A, Winnebago, Nebraska 68071, Grant Number: 99-7-0087-55-171-02	310,201	248,161	62,040	53,657	42,926	10,731
Inter-Tribal Council of Nevada, P.O. Box 7440, Reno, Nevada 89510, Grant Number: 99-7-0058-55-051-02	332,938	266,350	66,588	67,602	54,082	13,520
Las Vegas Indian Center, Inc., 2300 West Bonanza Road, Las Vegas, Nevada 89106, Grant Number: 99-7-0687-55-105-02	93,173	74,538	18,635	0	0	0
Shoshone Paiute Tribes, P.O. Box 219, Owyhee, Nevada 89832, Grant Number: 99-7-2723-55-138-02	164,063	131,250	32,813	18,840	15,072	3,768
Powhatan Renape Nation, Rankokus Reservation—P.O. Box 225, Rankokus, New Jersey 08073, Grant Number: 99-7-3222-55-156-02	294,781	235,825	58,956	0	0	0
Alamo Navajo School Board, P.O. Box 907, Magdalena, New Mexico 87825, Grant Number: 99-7-2724-55-139-02	77,052	61,642	15,410	17,455	13,964	3,491
All Indian Pueblo Council, Inc., 3939 San Pedro, NE P.O. Box 3256, Albuquerque, New Mexico 87190, Grant Number: 99-7-3341-55-165-02	127,263	101,810	25,453	66,216	52,973	13,243
Eight Northern Indian Pueblo Council, P.O. Box 969, San Juan Pueblo, New Mexico 87566, Grant Number: 99-7-3223-55-157-02	79,316	63,453	15,863	39,065	31,252	7,813
Five Sandoval Indian Pueblos, Inc., P.O. Box 580, Bernalillo, New Mexico 87004, Grant Number: 99-7-3336-55-162-02	119,453	95,562	23,891	66,863	53,490	13,373
Jicarilla Apache Tribe, P.O. Box 507, Dulce, New Mexico 87528-0507, Grant Number: 99-7-2725-55-140-02	53,742	42,994	10,748	30,569	24,455	6,114
Mescalero Apache Tribe, P.O. Box 176, Mescalero, New Mexico 88340, Grant Number: 99-7-3100-55-149-02	75,046	60,037	15,009	29,737	23,790	5,947
National Indian Youth Council, 318 Elm Street SE, Albuquerque, New Mexico 87102, Grant Number: 99-7—0077-55-063-02	713,155	570,524	142,631	0	0	0
Pueblo of Acoma, P.O. Box 469, Pueblo of Acoma, New Mexico 87034, Grant Number: 99-7-2199-55-128-02	100,740	80,592	20,148	40,543	32,434	8,109
Pueblo of Laguna, P.O. Box 194, Laguna, New Mexico 87026, Grant Number: 99-7-1583-55-117-02	75,610	60,488	15,122	56,796	45,437	11,359
Pueblo of Taos, P.O. Box 1846, Taos, New Mexico 87571, Grant Number: 99-7-2200-55-129-02	32,427	25,942	6,485	12,375	9,900	2,475
Pueblo of Zuni, Zuni Tribal Council, P.O. Box 339, Zuni, New Mexico 87327, Grant Number: 99-7-0021-55-023-02	289,164	231,331	57,833	125,506	100,405	25,101
Ramah Navajo School Board, Inc., Drawer G, Pine Hill, New Mexico 87537, Grant Number: 99-7-0146-55-075-02	92,332	73,866	18,466	22,903	18,332	4,581
Santa Clara Indian Pueblo, P.O. Box 580, Espanola, New Mexico 87532, Grant Number: 99-7-3224-55-158-02	19,332	15,466	3,866	5,541	4,433	1,108
Santo Domingo Tribe, P.O. Box 99, Santo Domingo, New Mexico 87052, Grant Number: 99-7-1781-55-122-02	125,876	100,701	25,175	40,543	32,434	8,109
American Indian Community House, Inc., 404 Lafayette Street, 2nd Floor, New York City, New York 10003, Grant Number: 99-7-0348-55-090-02	771,976	617,581	154,395	3,048	2,438	610
Native American Cultural Center, Inc., 2115 East Main Street, Rochester, New York 14609, Grant Number: 99-7-3407-55-191-02	283,490	226,792	56,698	7,111	5,689	1,422
Native American Comm. Svcs. Erie & Niagara, 1047 Grant Street (Rear)—P.O. Box 86, Buffalo, New York 14207-0086, Grant Number: 99-7-0689-55-106-02	229,912	183,930	45,982	9,974	7,979	1,995
St. Regis Mohawk Tribe, Community Building, Hogansburg, New York 13655, Grant Number: 99-7-0522-55-103-02	163,998	131,198	32,800	27,059	21,647	5,412
Seneca Nation of Indians, 1492 Route 438, Salamanca, New York 14081, Grant Number: 99-7-0169-55-079-02	304,959	243,967	60,992	53,287	42,630	10,657
Cumberland County Assoc. for Ind. People, 102 Indian Drive, Fayetteville, North Carolina 28301, Grant Number: 99-7-1782-55-123-02	124,814	99,851	24,963	0	0	0
Eastern Band of Cherokee Indians, P.O. Box 481, Cherokee, North Carolina 28719, Grant Number: 99-7-0003-55-008-02	235,245	188,196	47,049	84,964	67,971	16,993
Guilford Native American Assoc., P.O. Box 5623, 400 Prescott Street, Greensboro, North Carolina 27435-0623, Grant Number: 99-7-2727-55-142-02	94,872	75,898	18,974	0	0	0
Haliwa-Saponi Tribe, Inc., P.O. Box 99, Hollister, North Carolina 27844, Grant Number: 99-9-3514-55-015-02	66,122	52,898	13,224	0	0	0
Lumbee Reg. Dev. Assoc., P.O. Box 68, Pembroke, North Carolina 28372-0068, Grant Number: 99-7-0067-55-055-02	1,282,226	1,025,781	256,445	0	0	0
Metrolina Native American Assn., 6407 Idlewild Road—Suite 103, Charlotte, North Carolina 28212, Grant Number: 99-7-2726-55-141-02	96,964	77,571	19,393	0	0	0
North Carolina Comm. of Ind. Affairs, P.O. Box 27228, Raleigh, North Carolina 27611-7228, Grant Number: 99-7-0070-55-057-02	316,091	252,873	63,218	0	0	0
Devils Lake Sioux Tribe, P.O. Box 300, Fort Totten, North Dakota 58335, Grant Number: 99-7-0037-55-034-02	118,131	94,505	23,626	37,772	30,218	7,554
Standing Rock Sioux Tribe, Box D, Fort Yates, North Dakota 58538, Grant Number: 99-7-0046-55-041-02	247,218	197,774	49,444	91,798	73,438	18,360
Three Affiliated Tribes, Box 597, New Town, North Dakota 58763, Grant Number: 99-7-0062-55-170-02	167,082	133,666	33,416	54,580	43,664	10,916

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV-A AND PY 1990 II-B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12-13-1990—Continued

	PY 1991 IV-A			PY 1990 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
Turtle Mountain Band of Chippewa Indians, P.O. Box 900, Belcourt, North Dakota 58316, Grant Number: 99-7-0075-55-061-02	335,949	268,759	67,190	106,667	85,334	21,333
United Tribes Tech. College, 3315 University Drive, Bismarck, North Dakota 58511, Grant Number: 99-7-0206-55-173-02	169,473	135,578	33,895	0	0	0
North American Indian Cultural Centers, 1062 Triplette Boulevard, Akron, Ohio 44306, Grant Number: 99-7-3349-55-166-02	716,849	573,479	143,370	0	0	0
Caddo Tribe of Oklahoma, P.O. Box 487, Binger, Oklahoma 73009, Grant Number: 99-7-1783-55-124-02	27,605	22,084	5,521	12,098	9,678	2,420
Central Tribes of the Shawnee Area, Inc., 624 North Broadway, Shawnee, Oklahoma 74801, Grant Number: 99-7-0038-55-035-02	79,974	63,979	15,995	48,208	38,566	9,642
Cherokee Nation of Oklahoma, P.O. Box 948, Tahlequah, Oklahoma 74465, Grant Number: 99-7-0027-55-027-02	1,397,196	1,117,757	279,439	723,763	579,010	144,753
Cheyenne-Arapaho Tribes, P.O. Box 67, Concho, Oklahoma 73022, Grant Number: 99-7-0048-55-043-02	209,639	167,711	41,928	103,157	82,526	20,631
Chickasaw Nation of Oklahoma, 520 East Arlington, P.O. Box 1548, Ada, Oklahoma 74820, Grant Number: 99-7-0042-55-038-02	374,597	299,678	74,919	185,166	148,133	37,033
Choctaw Nation of Oklahoma, Drawer 1210, Durant, Oklahoma 74702-1210, Grant Number: 99-7-0041-55-037-02	762,888	610,310	152,578	325,264	260,211	65,053
Citizens Band Potawatomi Indians, 1901 South Gordon Cooper Drive, Shawnee, Oklahoma 74801, Grant Number: 99-7-2202-55-131-02	189,059	151,247	37,812	152,011	121,609	30,402
Comanche Tribe of Oklahoma, P.O. Box 908, Lawton, Oklahoma 73502, Grant Number: 99-7-3150-55-151-02	155,589	124,471	31,118	117,102	93,682	23,420
Creek Nation of Oklahoma, P.O. Box 580, Okmulgee, Oklahoma 74447, Grant Number: 99-7-0025-55-025-02	568,490	454,792	113,698	349,829	279,863	69,966
Four Tribes Consortium of Oklahoma, P.O. Box 1193, Anadarko, Oklahoma 73005, Grant Number: 99-7-2728-55-143-02	71,316	57,053	14,263	36,294	29,035	7,259
Inter-tribal Council of N.E. Oklahoma, P.O. Box 1308, Miami, Oklahoma 74355, Grant Number: 99-7-1135-55-110-02	49,839	39,871	9,968	35,278	28,222	7,056
Kiowa Tribe of Oklahoma, P.O. Box 361, Carnegie, Oklahoma 73015, Grant Number: 99-7-0047-55-042-02	202,016	161,613	40,403	83,763	67,010	16,753
Oklahoma Tribal Assistance Program, Inc., 1806 East 15th Street, P.O. Box 2841, Tulsa, Oklahoma 74101, Grant Number: 99-7-0072-55-058-02	329,808	263,846	65,962	192,185	153,748	38,437
Osage Tribal Council, P.O. Box 147—Osage Agency Campus, Pawhuska, Oklahoma 74056, Grant Number: 99-7-0022-55-024-02	100,691	80,553	20,138	75,082	60,066	15,016
Otoe-Missouria Indian Tribe of Okla., P.O. Box 99, Red Rock, Oklahoma 74651, Grant Number: 99-7-2730-55-145-02	13,732	10,986	2,746	7,942	6,354	1,588
Pawnee Tribe of Oklahoma, P.O. Box 470, Pawnee, Oklahoma 74058, Grant Number: 99-7-1785-55-126-02	22,732	18,166	4,546	15,977	12,782	3,195
Ponca Tribe of Oklahoma, White Eagle—Box 2, Ponca City, Oklahoma 74601, Grant Number: 99-7-0029-55-028-02	53,598	42,878	10,720	47,192	37,754	9,438
Seminole Nation of Oklahoma, P.O. Box 1498, Wewoka, Oklahoma 74884, Grant Number: 99-7-0051-55-046-02	143,490	114,792	28,698	65,755	52,604	13,151
Tonkawa Tribe of Oklahoma, P.O. Box 70, Tonkawa, Oklahoma 74653, Grant Number: 99-7-1136-55-111-02	42,333	33,866	8,467	46,268	37,014	9,254
United Urban Indian Council, 1501 Classen Blvd., Suite 100, Oklahoma 73106-5435, Grant Number: 99-7-2731-55-146-02	297,130	237,704	59,426	215,827	172,662	43,165
Confed. Tribes of Siletz Indians, P.O. Box 549, Siletz, Oregon 97380, Grant Number: 99-7-3153-55-152-02	592,149	473,719	118,430	13,576	10,861	2,715
Confed. Tribes of the Umatilla Ind. Res., P.O. Box 638, Pendleton, Oregon 97801, Grant Number: 99-7-3065-55-148-02	43,930	35,144	8,786	16,069	12,855	3,214
Confederate Tribes of Warm Srpings, P.O. Box C—Tenino Road, Warm Springs, Oregon 97761, Grant Number: 99-7-0256-55-088-02	92,706	74,165	18,541	41,743	33,394	8,349
Organization of Forgotten Americans, P.O. Box 1257, 4509 South 6th Street, Rm. 206, Klamath Falls, Oregon 97601-0276, Grant Number: 99-7-2732-55-147-02	431,171	344,937	86,234	4,063	3,250	813
Council of Three Rivers, 200 Charles Street, Pittsburgh, Pennsylvania 15238, Grant Number: 99-7-0642-55-175-02	684,561	547,649	136,912	0	0	0
United Am. Indians of the Del. Valley, 225 Chestnut Street, Philadelphia, Pennsylvania 19106, Grant Number: 99-7-0477-55-095-02	195,710	156,568	39,142	0	0	0
Rhode Island Indian Council, 444 Friendship St., Providence, Rhode Island 02907, Grant Number: 99-7-0510-55-101-02	378,368	302,694	75,674	0	0	0
Catawba Indian Nation, P.O. Box 957, Rock Hill, South Carolina 29731, Grant Number: 99-9-3516-55-017-02	261,419	209,135	52,284	11,267	9,014	2,253
Cheyenne River Sioux Tribe, P.O. Box 768, Eagle Butte, South Dakota 57625, Grant Number: 99-7-0039-55-036-02	223,665	178,932	44,733	81,177	64,942	16,235
Lower Brule Sioux Tribe, P.O. Box 187, Lower Brule, South Dakota 57548, Grant Number: 99-7-0073-55-059-02	56,682	45,346	11,336	14,222	11,378	2,844
Oglala Sioux Tribe, P.O. Box G, Pine Ridge, South Dakota 57770, Grant Number: 99-7-0043-55-039-02	705,868	564,694	141,174	223,030	178,424	44,606
Rosebud Sioux Tribe, Box 430, Rosebud, South Dakota 57570, Grant Number: 99-7-0044-55-040-02	418,108	334,486	83,622	113,408	90,726	22,682
Sisseton-Wahpeton Sioux Tribe, P.O. Box 509, Agency Village, South Dakota 57262, Grant Number: 99-7-0045-55-169-02	162,845	130,276	32,569	48,023	38,418	9,605
United Sioux Tribes Dev. Corp., P.O. Box 1193, Pierre, South Dakota 57501, Grant Number: 99-7-0165-55-077-02	691,709	553,367	138,342	62,615	50,092	12,523

U.S. DEPARTMENT OF LABOR—EMPLOYMENT AND TRAINING ADMINISTRATION, PY 1991 TITLE IV-A AND PY 1990 II-B (SUMMER 1991) PLANNING ESTIMATES FOR NATIVE AMERICAN GRANTEES, 12-13-1990—Continued

	PY 1991 IV-A			PY 1990 II-B		
	Total	Program	Cost pool	Total	Program	Cost pool
Native American Indian Association, 211 Union Street, Suite 401, Stahlman Building, Nashville, Tennessee 37501, Grant Number: 99-9-3515-55-016-02	333,405	266,724	66,681	0	0	0
Alabama-Coushatta Indian Tribal Council, Route 3—Box 645, Livingston, Texas 77315, Grant Number: 99-7-1784-55-125-02	648,053	518,442	129,611	5,264	4,211	1,053
Dallas Inter-Tribal Center, 209 East Jefferson Blvd., Dallas, Texas 75203-2690, Grant Number: 99-7-0078-55-064-02	265,955	212,764	53,191	0	0	0
Tigua Indian Tribe, P.O. Box 17579—Ysleta Station, El Paso, Texas 79917, Grant Number: 99-7-2099-55-127-02	442,660	354,128	88,532	11,544	9,235	2,309
Indian Center Employment Services, Inc., 1865 South Main, Suite I, Salt Lake City, Utah 84115, Grant Number: 99-9-3517-018-02	406,346	325,077	81,269	0	0	0
Ute Indian Tribe, P.O. Box 190, Fort Duchesne, Utah 84026, Grant Number: 99-7-0049-55-044-02	73,029	58,423	14,606	34,817	27,854	6,963
Abenaki Self-Help Assn./N.H.IND. Counc., Box 276, Swanton, Vermont 05488, Grant Number: 99-7-3064-55-185-02	108,210	86,568	21,642	0	0	0
Mattaponi Pamunkey Monacan Consortium, Route 2—P.O. Box 280, West Point, Virginia 23181, Grant Number: 99-7-3227-55-159-02	234,844	187,875	46,969	1,570	1,256	314
American Indian Community Center, East 801 Second Ave., Spokane, Washington 99202, Grant Number: 99-7-1138-55-112-02	698,238	558,590	139,648	116,641	93,313	23,328
Colville Confederated Tribes, P.O. Box 150, Nespelem, Washington 99155, Grant Number: 99-7-1726-55-118-02	198,077	158,462	39,615	49,408	39,526	9,882
Lummi Indian Business Council, 2616 Kwina Road, Bellingham, Washington 98225, Grant Number: ;99-7-2204-55-338-02	43,459	34,767	8,692	19,579	15,663	3,916
N.W. Inter-Tribal Council, P.O. Box 115, Neah Bay, Washington 98357, Grant Number: 99-7-0069-55-056-02	45,096	36,077	9,019	32,323	25,858	6,465
Puyallup Tribe, 2002 East 28th St., Tacoma, Washington 98404, Grant Number: 99-7-1137-55-178-02	159,918	127,934	31,984	19,671	15,737	3,934
Seattle Indian Center, 611 12th Avenue South—Suite 300, Seattle, Washington 98144, Grant Number: 99-7-0511-55-102-02	418,932	335,146	83,786	0	0	0
Western Wash. Ind. Empl. and Trng. Prog., 4505 Pacific Highway East, Suite C-5, Tacoma, Washington 98424, Grant Number: 99-7-1933-55-180-02	842,742	674,194	168,548	129,016	103,213	25,803
Lac Courte Oreilles Tribal Governing Board, Route 2, Box 2700, Hayward, Wisconsin 54843, Grant Number: 99-7-0018-55-021-02	94,937	75,950	18,987	25,212	20,170	5,042
Lac Du Flambeau Band of Lake Superior Chippewa, P.O. Box 67, Lac Du Flambeau, Wisconsin 54538, Grant Number: 99-7-1139-55-113-02	45,709	36,567	9,142	19,394	15,515	3,879
Menoninee Indian Tribe, P.O. Box 397, Keshena, Wisconsin 54135-0397, Grant Number: 99-7-0013-55-018-02	72,512	58,010	14,502	47,284	37,827	9,457
Milwaukee Area Am. Ind. Manpower Counc., 634 West Mitchell Street, Milwaukee, Wisconsin 53204-3512, Grant Number: 99-7-0227-55-086-02	224,780	179,824	44,956	0	0	0
Oneida Tribe of Indians of Wis., Inc., P.O. Box 365, Oneida, Wisconsin 54115-0365, Grant Number: 99-7-0015-55-019-02	199,268	159,414	39,854	31,307	25,046	6,261
Stockbridge-Munsee Community, Route 1, Bowler, Wisconsin 54416, Grant Number: 99-7-0500-55-099-02	60,565	48,452	12,113	9,328	7,462	1,866
Wisconsin Indian Consortium, P.O. Box 181, Odanah, Wisconsin 54861, Grant Number: 99-7-2207-55-132-02	89,034	71,227	17,807	26,320	21,056	5,264
Wisconsin-Winnebago Business Committee, P.O. Box 311, Tomah, Wisconsin 54660, Grant Number: 99-7-0019-55-022-02	193,307	154,646	38,661	14,961	11,969	2,992
Shoshone/Arapahoe Tribes, P.O. Box 217, Fort Washakie, Wyoming 82514, Grant Number: 99-7-0050-55-045-02	217,795	174,236	43,559	70,557	56,446	14,111
National total	59,625,00	47,700,000	11,925,000	12,726,012	10,180,811	2,545,201

[FR Doc. 91-1540 Filed 1-24-91; 8:45 am]
BILLING CODE 4510-30-M

federal register

Friday
January 25, 1991

Part III

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for OCTOBER 1990

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-53136; FRL 3875-3]

Premanufacture Notices; Monthly Status Report for OCTOBER 1990

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for OCTOBER 1990.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESS: Written comments, identified with the document control number "(OPTS-53136)" and the specific PMN and exemption request 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) 382-3532.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm EB-44, 401 M St., SW., Washington, DC 20460 (202) 382-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during OCTOBER; (b) PMNs received previous and still under review at the end of OCTOBER; (c) PMNs for which the notice review period has ended during OCTOBER; (d) chemical substances for which EPA has received a notice of commencement to manufacture during OCTOBER; and (e) PMNs for which the review period has been suspended.Therefore, the OCTOBER 1990 PMN Status Report is being published.

Dated: January 18, 1991.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Toxic Substances.

Premanufacture Notice Monthly Status Report for OCTOBER 1990.

I. 156 Premanufacture notices and exemption requests received during the month:

PMN No.

P 91-0001 P 91-0002 P 91-0003 P 91-0004
P 91-0005 P 91-0006 P 91-0007 P 91-0008
P 91-0009 P 91-0010 P 91-0011 P 91-0012
P 91-0013 P 91-0014 P 91-0015 P 91-0016
P 91-0017 P 91-0018 P 91-0019 P 91-0020
P 91-0021 P 91-0022 P 91-0023 P 91-0024
P 91-0025 P 91-0026 P 91-0027 P 91-0028
P 91-0029 P 91-0030 P 91-0031 P 91-0032
P 91-0033 P 91-0034 P 91-0035 P 91-0036
P 91-0037 P 91-0038 P 91-0039 P 91-0040
P 91-0041 P 91-0042 P 91-0043 P 91-0044
P 91-0045 P 91-0046 P 91-0047 P 91-0048
P 91-0049 P 91-0050 P 91-0051 P 91-0052
P 91-0053 P 91-0054 P 91-0055 P 91-0056
P 91-0057 P 91-0058 P 91-0059 P 91-0060
P 91-0061 P 91-0062 P 91-0063 P 91-0064
P 91-0065 P 91-0066 P 91-0067 P 91-0068
P 91-0069 P 91-0070 P 91-0071 P 91-0072
P 91-0073 P 91-0074 P 91-0075 P 91-0076
P 91-0077 P 91-0078 P 91-0079 P 91-0080
P 91-0081 P 91-0082 P 91-0083 P 91-0084
P 91-0085 P 91-0086 P 91-0087 P 91-0088
P 91-0089 P 91-0090 P 91-0091 P 91-0092
P 91-0093 P 91-0094 P 91-0095 P 91-0096
P 91-0097 P 91-0098 P 91-0099 P 91-0100
P 91-0101 P 91-0102 P 91-0103 P 91-0104
P 91-0105 P 91-0106 P 91-0107 P 91-0108
P 91-0109 P 91-0110 P 91-0111 P 91-0112
P 91-0113 P 91-0114 P 91-0115 P 91-0117
P 91-0118 P 91-0119 P 91-0120 P 91-0121
P 91-0122 P 91-0123 P 91-0124 P 91-0125
Y 91-0001 Y 91-0002 Y 91-0003 Y 91-0004
Y 91-0005 Y 91-0006 Y 91-0007 Y 91-0008
Y 91-0009 Y 91-0010 Y 91-0011 Y 91-0012
Y 91-0013 Y 91-0014 Y 91-0015 Y 91-0016
Y 91-0017 Y 91-0018 Y 91-0019 Y 91-0020
Y 91-0021 Y 91-0022 Y 91-0023 Y 91-0024
Y 91-0025 Y 91-0026 Y 91-0027 Y 91-0028
Y 91-0029 Y 91-0030 Y 91-0031 Y 91-0032

II. 214 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 84-0660 P 85-0433 P 85-0619 P 85-0730
P 86-0501 P 86-1322 P 86-1602 P 86-1607
P 87-0105 P 87-0323 P 87-0723 P 87-1555
P 87-1872 P 87-1881 P 87-1882 P 88-0083
P 88-0217 P 88-0319 P 88-0320 P 88-0353
P 88-0468 P 88-0515 P 88-0576 P 88-0831
P 88-0836 P 88-0918 P 88-1020 P 88-1021
P 88-1035 P 88-1212 P 88-1460 P 88-1473
P 88-1618 P 88-1619 P 88-1622 P 88-1630
P 88-1631 P 88-1632 P 88-1753 P 88-1761
P 88-1783 P 88-1807 P 88-1809 P 88-1811
P 88-1937 P 88-1938 P 88-1980 P 88-1982
P 88-1984 P 88-1985 P 88-1995 P 88-1999
P 88-2000 P 88-2001 P 88-2100 P 88-2169
P 88-2196 P 88-2210 P 88-2212 P 88-2213
P 88-2228 P 88-2229 P 88-2230 P 88-2231
P 88-2236 P 88-2237 P 88-2484 P 88-2518
P 88-2529 P 88-2530 P 88-2568 P 89-0089
P 89-0090 P 89-0091 P 89-0225 P 89-0254
P 89-0321 P 89-0326 P 89-0385 P 89-0386
P 89-0387 P 89-0396 P 89-0538 P 89-0589
P 89-0721 P 89-0764 P 89-0769 P 89-0775
P 89-0776 P 89-0867 P 89-0924 P 89-0942
P 89-0957 P 89-0958 P 89-0959 P 89-0963
P 89-0977 P 89-0978 P 89-0979 P 89-0980
P 89-1010 P 89-1038 P 89-1058 P 89-1062
P 89-1148 P 90-0002 P 90-0009 P 90-0013
P 90-0142 P 90-0158 P 90-0159 P 90-0211
P 90-0220 P 90-0226 P 90-0237 P 90-0248
P 90-0249 P 90-0260 P 90-0261 P 90-0262
P 90-0263 P 90-0319 P 90-0321 P 90-0347
P 90-0360 P 90-0364 P 90-0372 P 90-0384
P 90-0404 P 90-0405 P 90-0406 P 90-0441
P 90-0456 P 90-0489 P 90-0550 P 90-0558
P 90-0559 P 90-0560 P 90-0564 P 90-0581
P 90-0603 P 90-0608 P 90-0643 P 90-0669
P 90-0707 P 90-1280 P 90-1308 P 90-1311
P 90-1318 P 90-1319 P 90-1320 P 90-1321
P 90-1322 P 90-1338 P 90-1353 P 90-1358
P 90-1364 P 90-1366 P 90-1384 P 90-1413
P 90-1422 P 90-1454 P 90-1464 P 90-1472
P 90-1473 P 90-1511 P 90-1527 P 90-1528
P 90-1529 P 90-1530 P 90-1531 P 90-1541
P 90-1555 P 90-1556 P 90-1564 P 90-1592
P 90-1624 P 90-1635 P 90-1636 P 90-1650
P 90-1687 P 90-1718 P 90-1720 P 90-1721
P 90-1722 P 90-1723 P 90-1728 P 90-1730
P 90-1731 P 90-1732 P 90-1745 P 90-1785
P 90-1797 P 90-1809 P 90-1818 P 90-1821
P 90-1825 P 90-1830 P 90-1839 P 90-1840
P 90-1844 P 90-1845 P 90-1846 P 90-1864
P 90-1893 P 90-1937 P 90-1965 P 90-1968
P 90-1969 P 90-1973 P 90-1984 P 90-1985
P 90-2000 P 90-2003

III. 156 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the Inventory).

PMN No.

P 88-0894 P 88-1211 P 88-1690 P 88-1763
P 88-2177 P 88-2179 P 88-2180 P 88-2181
P 88-2188 P 90-0145 P 90-0512 P 90-0578
P 90-0584 P 90-0667 P 90-0668 P 90-1066
P 90-1393 P 90-1503 P 90-1594 P 90-1621
P 90-1623 P 90-1625 P 90-1626 P 90-1627
P 90-1628 P 90-1629 P 90-1630 P 90-1631
P 90-1632 P 90-1633 P 90-1634 P 90-1637
P 90-1638 P 90-1639 P 90-1640 P 90-1641
P 90-1651 P 90-1652 P 90-1653 P 90-1654
P 90-1655 P 90-1656 P 90-1657 P 90-1658
P 90-1659 P 90-1660 P 90-1661 P 90-1662
P 90-1663 P 90-1664 P 90-1665 P 90-1666
P 90-1667 P 90-1668 P 90-1669 P 90-1670
P 90-1671 P 90-1672 P 90-1673 P 90-1674
P 90-1675 P 90-1676 P 90-1678 P 90-1679
P 90-1680 P 90-1681 P 90-1682 P 90-1683
P 90-1685 P 90-1686 P 90-1688 P 90-1689
P 90-1690 P 90-1691 P 90-1692 P 90-1693
P 90-1694 P 90-1696 P 90-1697 P 90-1698
P 90-1699 P 90-1700 P 90-1701 P 90-1702
P 90-1703 P 90-1704 P 90-1705 P 90-1706
P 90-1707 P 90-1708 P 90-1709 P 90-1710
P 90-1711 P 90-1712 P 90-1713 P 90-1714
P 90-1715 P 90-1716 P 90-1717 P 90-1719
P 90-1724 P 90-1725 P 90-1726 P 90-1727
P 90-1729 P 90-1733 P 90-1734 P 90-1735
P 90-1736 P 90-1737 P 90-1738 P 90-1739
P 90-1740 P 90-1741 P 90-1742 P 90-1743
P 90-1744 P 90-1746 P 90-1747 P 90-1748
P 90-1749 P 90-1750 P 90-1751 P 90-1752

P 90-1753 P 90-1754 P 90-1755 P 90-1756 Y 90-0289 Y 90-0290 Y 90-0291 Y 90-0293 Y 91-0008 Y 91-0009 Y 91-0010 Y 91-0011
P 90-1757 P 90-1758 P 90-1858 P 90-1940 Y 90-0294 Y 91-0001 Y 91-0002 Y 91-0003 Y 91-0012 Y 91-0013 Y 91-0014 Y 91-0015
Y 90-0285 Y 90-0286 Y 90-0287 Y 90-0288 Y 91-0004 Y 91-0005 Y 91-0006 Y 91-0007

IV. 29 Chemical substances for which EPA has received notices of commencement to manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 80-0092	Polymer of styrene allyl alcohol copolymers, tall oil fatty acid and acrylic acid.	October 19, 1982.
P 80-0183	G *N*-(3-(Dimethylamino)propyl)perfluoro C14-C18 alkanesulfonamides, acid catalyzed reaction product with alkenyl carboxylic acid.	September 13, 1990.
P 82-0069	G Polymer of diphenylmethane diisocyanate and hydroxy alkyl ethers.	September 20, 1990.
P 84-1116	Adipic acid and phthalic anhydride polymers with ethylene glycol and neopentyl glycol terminated with 2-ethyl hexanol.	September 28, 1990.
P 85-0684	G Aliphatic polyester.	September 6, 1990.
P 85-0769	G Trans-5-*N*-alkyl-2 (-4-cyanobiphenyl)-1,3-dioxane.	September 18, 1990.
P 85-0777	G 5-*N*-Alkyl-2-4-*N*-alkoxyphenyl-1,3-pyrimidine.	September 18, 1990.
P 87-0776	G Sodium salt of dicarboxylic acid.	August 22, 1988.
P 87-1789	Methane sulfonyl pyrophosphate.	October 2, 1990.
P 88-1753	G Bis(substituted)carbomonocyclic azo)-carbomonocyclicol.	February 14, 1990.
P 88-2102	G Acetylated mixed aldehyde novolac.	August 28, 1990.
P 89-0511	G Polyester resin.	August 30, 1990.
P 89-0513	G Polyester resin.	August 16, 1990.
P 89-0701	2,5-Furanedione, homopolymer hydrolyzed potassium salt, butenedioic acid (Z-), homopolymer potassium salt.	September 20, 1990.
P 89-0705	G Trisubstituted ethylmethacrylate polymer.	August 7, 1989.
P 89-0771	G Substituted azo-naphthalenesulfonic acid.	September 5, 1990.
P 89-0936	G Substituted naphthalene disulfonic acid.	January 8, 1990.
P 89-0937	G Substituted naphthalene disulfonic acid.	March 1, 1990.
P 90-0176	G Acetyleneic alkyoxysilane.	September 11, 1990.
P 90-0397	G Polyester resin.	September 25, 1990.
P 90-0577	G Polyamide.	September 13, 1990.
P 90-0606	G Sulfonated trisubstituted amine salt.	September 12, 1990.
P 90-0703	G Organopolysiloxane.	October 4, 1990.
P 90-1333	G Substituted alkysilylurea.	August 29, 1990.
P 90-1380	G Oxyalkylated amine acetate.	September 21, 1990.
P 90-1423	G Polyurethane-urea.	September 5, 1990.
P 90-1695	Salts of acrylic aromatic polymers.	September 13, 1990.
Y 90-0262	G Modified soya fatty acid isophthalate alkyd.	September 18, 1990.
Y 90-0273	G Polyester.	September 19, 1990.

V. 40 Premanufacture notices for which the period has been suspended.

PMN No.

P 88-1618 P 88-1619 P 88-1620 P 88-1621
P 88-1622 P 88-1630 P 88-1631 P 88-1632
P 88-2212 P 88-2213 P 88-2228 P 88-2229
P 90-0226 P 90-0347 P 90-1393 P 90-1642
P 90-1643 P 90-1644 P 90-1645 P 90-1646
P 90-1647 P 90-1648 P 90-1649 P 90-1650
P 90-1677 P 90-1684 P 90-1687 P 90-1718
P 90-1720 P 90-1721 P 90-1722 P 90-1723
P 90-1728 P 90-1730 P 90-1731 P 90-1732
P 90-1745 P 91-0012 P 91-0046 Y 90-0292

[FR Doc. 91-1805 Filed 1-24-91; 8:45 am]

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federal register

Friday
January 25, 1991

Part IV

Department of the Interior

Bureau of Land Management

43 CFR Part 3190

Delegation of Authority, Cooperative Agreements and Contracts for Oil and Gas Inspections; Final Rule

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3190

RIN 1004-AB32

[WO-650-4121-2410-24 1A; Circular No. 2632]

Delegation of Authority, Cooperative Agreements and Contracts for Oil and Gas Inspections

AGENCY: Bureau of Land Management.

ACTION: Final rule. Providing Procedures for Implementing Certain Provisions of the Federal Oil and Gas Royalty Management Act.

SUMMARY: This final rulemaking establishes administrative procedures for States and Indian tribes to inspect supervised oil and gas leases within the limits of their jurisdictions. These procedures are necessary to implement section 202 of the Federal Oil and Gas Royalty Management Act of 1982.

EFFECTIVE DATE: February 25, 1991.

ADDRESSES: Inquiries or suggestions should be sent to: Director (610), Bureau of Land Management, Room 601, Premier Building, U.S. Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Susan Pepperney, (202) 653-2127.

SUPPLEMENTARY INFORMATION: This final rulemaking establishes a new subpart 3192 in part 3190, Group 3100 to implement the authority contained in section 202 of the Federal Oil and Gas Royalty Management Act of 1982 (FOGRMA) (30 U.S.C. 1732) relating to the inspection of Federally supervised oil and gas leases by a State or Indian tribe under a cooperative agreement between the Bureau of Land Management and the State or tribe. This is the second rule implementing the authority in FOGRMA that provides for inspection of Federally supervised oil and gas leases by other than Federal employees. The first, published in the **Federal Register** on July 17, 1987 (52 FR 27180), set forth general provisions pertaining to delegation of authority, cooperative agreements, and contracts, and more specific regulations governing delegation of authority. It has been the policy of the Department of the Interior to implement section 205 of FOGRMA first and then to follow with the implementation of section 202. This final rulemaking provides procedures for cooperative agreements under section 202 of the Act. It therefore covers cooperative agreements between the Bureau of Land Management and States and Indian tribes.

The purpose of the inspection is to determine whether there is compliance on oil and gas leases with the requirements of the mineral leasing laws and FOGRMA.

Section 202 of FOGRMA authorizes the Secretary of the Interior to enter into cooperative agreements with States and Indian tribes for the purposes of sharing oil and gas royalty management information, and carrying out inspection, investigation, and certain enforcement activities, including those activities authorized by section 108 of the Act. The Secretary may not enter into cooperative agreements with a State involving Indian lands without permission of the affected Indian tribe.

States and tribes should be aware that the continuation of any cooperative agreement made under this rulemaking will be conditioned upon the availability of the funds for compensation to an entity participating in the program.

The final rulemaking also adds a new § 3190.4 providing that the Bureau of Land Management will make available information needed by States or Indian tribes to carry out activities authorized by cooperative agreements, contracts, or delegation of authority provided for in this part.

The proposed rulemaking was published in the **Federal Register** on November 28, 1988 (53 FR 47904), and requested comments by December 28, 1988. Comments were received from 7 sources: 2 from Federal agencies, 1 from an Indian tribe, 1 from a State government agency, 1 from an oil company, 1 from an industry association, and 1 from an individual. All of the comments were given careful consideration during the preparation of this final rulemaking.

One general comment recommended that the Bureau of Land Management not engage in the practice of entering into cooperative agreements or otherwise delegating its responsibilities for protecting oil and gas resources, stating that the Bureau would be courting problems by involving other agencies and entities that have different priorities and functions than the Bureau does. The comment is not adopted. This final rulemaking implements section 202 of FOGRMA. The rulemaking does not require that the Bureau enter into cooperative agreements; it merely provides administrative procedures so that agreements can be approved.

Two comments suggested that § 3192.1-1(b) be amended to provide that an Indian tribe may only inspect those leases from which the subject tribe receives revenues or, by implication, over which it has jurisdiction. The amendment is not adopted. It is Department policy to permit tribes to include allotted lands under tribal agreements, provide that the tribe has the consent of affected allottees.

Two comments suggested that § 3192.1-3 be amended by adding paragraphs providing that, within 15 days of determining that a proposal for a cooperative agreement is complete, the Bureau of Land Management will notify operators who may be affected by the proposal of a State or tribe. The notification would request comments from the operators. The Bureau of Land Management would be required to consider the comments, and to reject the proposed cooperative agreement if it is provided with documented evidence of abuse of existing inspection or enforcement authority by the subject State or tribe. The amendment is not adopted. There is not statutory requirement that the Bureau of Land Management notify operators of a proposed cooperative agreement. States or tribes should not be penalized for incidents that occurred prior to the proposed agreement. If a State or tribe is found to be abusing the authority it receives as a result of the cooperative agreement, the Bureau will require corrective action or cancellation of the agreement. Operators can appeal the enforcement actions of a State or tribal inspector in the same manner that it does those of a Federal inspector, through the State Director review process.

One comment suggested the § 3192.1-4(b) be amended to provide that cooperative agreements would be effective for a term of from 1 to 5 years, and that agreements could be modified or renewed annually. The suggestion that the agreement term be changed from a maximum of 3 years to a maximum of 5 years is in keeping with Bureau policy for other types of cooperative agreements, and has been adopted in the final rule. The final rule also recognizes modification of the agreement at any time upon consent of both parties.

Two comments suggested that a new paragraph be inserted in § 3192.1-5 requiring the cooperative agreement to include a detailed description of the lands for which authority to inspect is being delegated, and that the reference to confidentiality of proprietary information in proposed paragraph (f) be amended to include a cross-reference to § 3190.1 of this title, which contains the regulations on proprietary data. This cross-reference is useful and the agreement should have a description of the lands to which it applies. The

suggestions are adopted in the final rulemaking.

One comment requested that § 3192.1-5(f) provide that the cooperative agreement include a detailed description of what constitutes proprietary information, and a provision that confidentiality restrictions would not apply once the proprietary information becomes part of the public record. A definition of proprietary data may be found in § 3190.0-5(f) of this title. It is therefore unnecessary to define proprietary data in each agreement.

Two comments suggested that § 3192.1-7 be amended to provide that the cooperative agreements impose standards on State and tribal inspectors at least as stringent as those the Bureau of Land Management imposes on its own inspectors. The standards referred to in this section of the regulations relate to the overall performance of the State or tribe in carrying out the activities described in the cooperative agreements, including but not limited to, performance of the individual inspectors. Section 3192.4-4 has been amended in response to these and other comments on inspector performance, but no amendment to § 3192.1-7 is necessary.

One comment suggested that § 3192.2-1 be amended to include a requirement that inspectors inspect for compliance with Onshore Oil and Gas Orders as well as Bureau regulations and the mineral leasing laws. The comment has been adopted in the final rulemaking as a clarification.

One comment stated that § 3192.2-1(b) should be amended to allow tribes to require inspections to meet standards that are higher than or different from Federal standards. The comment is not adopted in the final rulemaking. It is important that uniformity be maintained from State to State and tribe to tribe for Federal and Indian leases.

One comment suggested that § 3192.2-1(d) should be amended to add greater emphasis to taking into account tribal priorities, stating that the word "interests" does not sufficiently convey this emphasis. In response to this comment, the word "priorities" has been substituted for " interests" in this provision. Tribal priorities will be taken into account so long as they do not conflict with FOGRMA.

One comment requested clarification as to whether or not § 3192.2-2 includes shut-in authority. Language has been added to this section clarifying that certified State and tribal inspectors have shut-in authority, but are subject to the same level of management review as certified BLM inspectors are under District or Resource Area policy. This section has also been amended in response to a comment discussed under § 3192.3-1.

One comment recommended that § 3192.2-3(c) be removed, stating that determinations of whether losses are avoidable or unavoidable are made by petroleum engineers employed by the Bureau of Land Management, that neither Bureau nor State or Indian inspectors are responsible for making this determination, and that such determinations are not inspection and enforcement functions. The suggestion has been adopted in the final rule, and the paragraph has been removed in the final rule as unnecessary. For purposes of clarification, paragraphs (a) and (b) of § 3192.2-3 have been combined and modified to describe the correct delegation of Secretarial authority for criminal investigations to the Director, BLM, and to remove language appearing to establish rather than merely describe such authority. The final rule still provides that participation of State and Indian inspectors in such investigations shall be as specified in the agreement or at the discretion of the authorized officer.

One comment suggested that § 3192.2-4 be removed entirely, because the regulations already provide that inspections shall be in accordance with the appropriate policies of the State Office, district, and resource area, and argued that oil transporters need not be singled out for special treatment. The comment is not adopted in the final rulemaking. Oil transporter inspections are not covered by the standard inspection checklist employed by Bureau oil and gas inspectors.

One comment asked that § 3192.3-1 be clarified as to whether State and tribal inspectors will be allowed to issue second Notices of Incidents of Noncompliance (INCs) leading to automatic imposition of assessments. Section 3192.2-2(a) has been amended to make it clear that inspectors operating under cooperative agreements have authority only to issue initial INCs. Section 3192.2-2(b) and this section have been amended to make it clear that imposition of assessments and penalties remains the responsibility of the Bureau of Land Management.

One comment suggested that § 3192.4-1(a) should be amended to remove the provision that the authorized officer shall screen a list of nominees submitted by the State or tribe, stating that the Bureau of Land Management should not be responsible for screening nominee inspectors selected by the State or tribe. The comment has been adopted in the final rulemaking. There are no set standards or criteria for selecting inspectors. States and tribes should be able to select their own personnel without Bureau interference. It is the responsibility of the State or tribe to find qualified people for the program.

One comment addressed § 3192.4-4(a) and pointed out that BLM already has standards imposed on its own inspectors, and stated that State and Indian inspectors should be required to meet the same standards. In response to this comment and the two earlier comments on cooperative agreement inspectors meeting the same standards as BLM inspectors, this section has been amended in the final rulemaking to make it clear that State and Indian inspectors shall meet the same standards as are imposed on BLM inspectors.

One comment suggested addressing recent amendments to the Indian Self-Determination and Education Assistance Act (Pub. L. 93-638, amended by Pub. L. 100-472) in this rule. This comment was not adopted because this rule applies to States as well as Indian tribes, while that Act pertains only to Indians.

In order to reflect current Departmental policy, the reference to 50 percent funding has been removed from § 3192.1-5(*1*) (§ 3192.1-5(k) in the proposed rule). A new proposed rule that would amend § 3190.2-2, which provides for 50 percent Federal funding of such agreements, to provide for 100 percent funding, is presently under consideration.

Changes on General Services Administration Standard Form 424 necessitated changes in § 3192.1-2(d). Information requested in subparagraphs (3) and (4) of that paragraph are now required in the new forms, and the subparagraphs have been removed as unnecessary.

The principal author of this proposed rulemaking is Susan Pepperney of the Division of Fluid Mineral Lease and Reservoir Management, assisted by the staff of the Division of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that this proposed rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule, and under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.) that it will not have

a significant economic impact on a substantial number of small entities. Additionally, as required by Executive Order 12630, the Department has determined that the rulemaking would not cause a taking of private property.

The information collection requirements contained in § 3192.1-2(d)(1) of this rule have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 0348-0040, 0348-0043, and 0348-0044.

The information collection requirements contained in § 3192.1-2 (d)(2) and (e) have been submitted to the Office of Management and Budget for approval as required by 44 U.S.C. 3501 et seq. The collection of this information will not be required until it has been approved by the Office of Management and Budget.

List of Subjects in 43 CFR Part 3190

Administrative practice and procedure, Government contracts, Indian lands—Mineral resources, Intergovernmental relations, Mineral royalties, Oil and gas production, Public lands—Mineral resources, Reporting and recordkeeping requirements.

Under the authorities cited below, part 3190, Group 3100, subchapter C, chapter II of title 43 of the code of Federal Regulations is amended as set forth below:

Dated: November 19, 1990.

James M. Hughes,

Deputy Assistant Secretary of the Interior.

PART 3190—DELEGATION OF AUTHORITY, COOPERATIVE AGREEMENTS AND CONTRACTS FOR OIL AND GAS INSPECTION

1. The authority citation for Part 3190 continues to read as follows:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act of Acquired Lands of 1947, as amended (30 U.S.C. 351-359), the Act of March 3, 1909, as amended (25 U.S.C. 396), the Act of May 11, 1938, as amended (25 U.S.C. 396a-396q), the Act of February 18, 1891, as amended (25 U.S.C. 397), the Act of May 29, 1924 (25 U.S.C. 398), the Act of March 3, 1927 (25 U.S.C. 398a-398e), the Act of June 30 1919, as amended (25 U.S.C. 399) and the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 *et seq.*).

Subpart 3190—Delegation of Authority, Cooperative Agreements and Contracts for Oil and Gas Inspections; General

2. Section 3190.4 is added to read as follows:

§ 3190.4 Availability of information.

Information in the possession of the Bureau of Land Management that is necessary to carry out activities authorized by delegations of authority, cooperative agreements, or contracts entered into under this part will be provided by the BLM to the States and Indian tribes party to such agreements. Release of proprietary data shall be subject to the provisions of § 3190.1 of this part.

3. Subpart 3192 is added to read as follows:

Subpart 3192—Cooperative Agreements with States and Tribes

Sec.

3192.1 Establishment of cooperative agreements with States and tribes.
3192.1-1 Eligibility.
3192.1-2 Request for cooperative agreement.
3192.1-3 Action on request for cooperative agreement.
3192.1-4 Terms of agreements.
3192.1-5 Contents of agreements.
3192.1-6 Allowable costs.
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Subpart 3192—Cooperative Agreements with States and Tribes

§ 3192.1 Establishment of cooperative agreements with States and tribes.

§ 3192.1-1 Eligibility.

(a) Only those States with Federally supervised producing oil and gas leases within their boundaries may enter into cooperative agreements with BLM for the purpose of conducting oil and gas inspections.

(b) Only those tribes with producing oil or gas leases on Indian lands under their jurisdiction may enter into cooperative agreements with BLM for the purpose of conducting oil and gas inspections.

§ 3192.1-2 Request for cooperative agreement.

(a) Any eligible State or Indian tribe may propose to enter into a cooperative agreement with BLM for oil and gas inspection activities, as covered in this part.

(b) The Governor, tribal chairman or other appropriate official shall make a written proposal to the appropriate BLM State Director.

(c) States or tribes may request a preproposal meeting with the BLM for the purpose of obtaining information required for the preparation of a proposal.

(d) Proposals for cooperative agreements shall include the following:

(1) Completed Standard Form 424, Application for Federal Assistance; Standard Form 424A, Budget Information—Non-Construction Programs; and Standard Form 424B—Assurances—Non-Construction Programs.

(2) A description of the type and extent of oil and gas inspection activities proposed under the agreement and the period of time the proposed agreement will be in effect;

(e) States requesting cooperative agreements on Indian lands located within the boundaries of their State must include a signed statement from the appropriate tribal official(s) indicating agreement with the State proposal. The statement must include a description of the type and extent of activities to be carried out by the State on Indian lands and should indicate the period of time the proposed agreement between the State and the tribe will be in effect.

(f) Tribes may include allotted lands under a tribal agreement upon request of the allottee or on their own initiative with the consent of the allottee.

§ 3192.1-3 Action on request for cooperative agreement.

(a) Upon receipt of a proposal for a cooperative agreement from a State or tribe the BLM will review the proposal to determine if it is in keeping with the intent of FOGRMA.

(b) Within 30 days the BLM shall notify the State or tribe whether or not the proposal is complete. If the proposal is complete BLM will also indicate when the State or tribe can expect to begin negotiating the provisions of the agreement. If the proposal is not complete the BLM will state the reasons why the proposal is unacceptable.

§ 3192.1-4 Terms of agreements.

(a) All agreements entered into under this part shall be in accordance with the

purposes of FOGRMA and the Grants and Cooperative Agreements Act of 1977.

(b) All cooperative agreements shall be valid for a period of 1 to 5 years from the effective date of the agreement. Cooperative agreements may be modified upon written consent of both parties.

(c) Federal assistance received for cooperative agreements shall be used only for costs directly required to carry out the agreed upon activities.

(d) There shall be no subcontracting of agreed upon activities, except for financial audits or program funds, without approval of the authorized officer.

§ 3192.1-5 Contents of agreements.

Cooperative agreements shall contain as a minimum the following:

(a) A statement of purpose, objective and authority;

(b) Definitions as appropriate;

(c) Roles and responsibilities of the BLM and the State or tribe;

(d) A detailed description of activities to be carried out under the agreement;

(e) A detailed description of the lands covered by the cooperative agreement;

(f) Those performance standards required by § 3192.1-7 for activities to be carried out by a State or tribe under an agreement;

(g) Provisions for confidentiality of proprietary information, as provided in § 3190.1 of this title; conflict of interest; shared civil penalties; and termination of the agreement;

(h) Specific contacts for BLM and the State or tribe;

(i) Plans for scheduling inspection activities and for training State or Indian inspectors;

(j) A specific limit on the amount of Federal funding as established by BLM;

(k) Procedures for State or tribe to request reimbursement, as established by 43 CFR part 12, subpart A;

(l) A statement identifying those expenditures that are covered as allowable costs and therefore subject to reimbursement under § 3190.2-2 of this title;

(m) A schedule for periodic reviews and meetings;

(n) Plans for BLM oversight of State or tribe activities.

§ 3192.1-6 Allowable costs.

Allowable costs shall be as specified in 43 CFR part 12, subpart A.

§ 3192.1-7 Performance standards.

The BLM shall establish minimum performance standards for carrying out activities, which shall be incorporated into each agreement and shall be used as the basis for evaluating State or tribal performance.

§ 3192.1-8 Withdrawal of Indian lands from State cooperative agreements.

(a) When an Indian tribe withdraws permission for a State to conduct inspection and related activities on its lands, the Indian tribe shall provide written notice of its withdrawal of permission to the State, and provide a copy of the notice to the authorized officer.

(b) Upon withdrawal of Indian lands from a State cooperative agreement, the authorized officer shall immediately provide for the inspection and enforcement activities on the affected Indian lands.

(c) No later than 120 days after receipt of a notice of withdrawal of permission from an Indian tribe, that portion of the cooperative agreement applying to the lands covered by the notice shall terminate.

(d) Upon termination of that portion of a State cooperative agreement covering Indian lands, appropriate changes in funding shall be made by the authorized officer.

§ 3192.2 Activities authorized under cooperative agreements.

§ 3192.2-1 Inspections.

(a) Inspections of oil and gas operations covered by this part shall be carried out by State and Indian inspectors only as specified in the agreement.

(b) State and Indian inspectors conducting inspections as authorized representatives of the Secretary shall inspect for compliance with the regulations of the Bureau of Land Management, including Onshore Oil and Gas Orders, and the mineral leasing laws.

(c) State and Indian inspectors may conduct independent inspections, as specified in the agreement, after they are certified to do so as provided in § 3192.4-4 of this title.

(d) BLM shall select leases to be inspected. In making such selection, BLM shall take into account the priorities of the affected State or tribe.

(e) Inspections shall be scheduled in a manner to avoid duplication of effort between the BLM and the State or tribe.

(f) State and Indian inspectors shall use BLM inspection forms when conducting inspections. Completed forms are to be returned to BLM within the time frame specified in the agreement.

(g) Entering into an agreement does not preclude BLM or other authorized representatives of the Secretary from entering lease sites covered by the agreement to conduct inspections, investigations, or enforcement or other activities necessary to supervise lease operations.

§ 3192.2-2 Enforcement.

(a) Certified State and Indian inspectors may, subject to the agreement, be authorized to issue initial Notices of Incidents of Noncompliance, BLM Form 3160-9, and Notice to Shut Down Operation, Form 3160-12, in accordance with the policies of the appropriate BLM State, District or Resources Area Office.

(b) BLM is responsible for issuing any Notices of Incidents of Noncompliance that impose monetary assessments.

§ 3192.2-3 Investigations.

Criminal investigations of thefts of oil, gas, or condensate from Federally-supervised oil and gas leases are the responsibility of the BLM. Participation of State and Indian inspectors in such investigations shall be as specified in the agreement or at the discretion of the authorized officer.

§ 3192.2-4 Oil transporter inspection.

Inspection of oil transporters for documentation required in 43 CFR 3162.7 shall be carried out by State and Indian inspectors only as specified in the agreement.

§ 3192.3 Activities not authorized under cooperative agreements.

§ 3192.3-1 Assessments and penalties.

Imposition of assessments and penalties provided for in 43 CFR 3163.1 and 43 CFR 3163.2 and 3163.3, respectively, including assessments imposed as a result of Notices of Incidents of Noncompliance shall be the responsibility of the BLM.

§ 3192.3-2 Collections.

Collections of assessments and penalties, and collection of any other payments required in this part, shall be the responsibility of the BLM.

§ 3192.4 State and Indian inspectors.

§ 3192.4-1 Selection of inspectors.

(a) States and tribes shall select the inspector candidates to participate in the cooperative agreement program.

(b) Continued inspector participation in the program is contingent upon satisfactory completion of required training, certification, and satisfactory performance of activities carried out under the agreement.

§ 3192.4-2 Training.

(a) BLM shall schedule appropriate classroom and on-the-job training for State and Indian inspectors.

(b) BLM shall be required to train only those inspectors participating in a cooperative agreement.

(c) States and tribes shall ensure that State and Indian inspectors participating in the inspection program attend the appropriate training as required.

(d) Nomination of State and Indian inspectors for training shall be coordinated through the appropriate BLM State or District Office.

§ 3192.4-3 Inspector identification cards.

(a) Inspector identification cards shall be issued by BLM to those State and Indian inspectors who are qualified and are participating in inspection activities under a cooperative agreement. These cards shall identify State and Indian inspectors as representatives of the Secretary of the Interior.

(b) Identification cards remain the property of the Federal Government and shall be surrendered upon request of the authorized officer of BLM.

§ 3193.4-4 Certification.

(a) BLM shall establish standards for certification of State and Indian inspectors no less stringent than those imposed on BLM inspectors.

(b) State and Indian inspectors shall be certified by BLM before conducting independent inspections under this part.

(3) Certification of inspectors shall be contingent upon satisfactory completion of appropriate classroom and on-the-job training.

§ 3192.4-5 Conflict of interest.

(a) State and Indian inspectors shall not inspect the operations of those companies in which they or a member of their immediate family have a direct financial interest.

(b) State and Indian inspectors shall not inspect the operations of those companies in which their immediate supervisors have a direct financial interest.

(c) Information acquired by a State or Indian inspector as a result of his/her participation in a cooperative agreement may not be used for private gain for him/herself or another person by indirect or direct action on his/her part or by counsel, recommendation or suggestion to another person.

§ 3192.5 Termination and reinstatement of agreements.

§ 3192.5-1 Termination.

(a) A cooperative agreement may be terminated at any time by mutual agreement.

(b) A cooperative agreement may be terminated unilaterally by the BLM if it has been determined that the State or tribe has failed to carry out the terms of the agreement, or upon a finding that the agreement is no longer needed.

(c) If BLM intends to terminate an agreement under § 3192.5-1(b) because of a failure on the part of the State or tribe to carry out the terms of the agreement, the reason(s) shall be specified in detail in a notice of intent to the State or tribe. The State or tribe may provide a plan for correction. If the corrections proposed by the State or tribe will remedy the failure, the BLM may agree to withdraw the notice of intent. If the State or tribe does not implement corrective action within 30 days of BLM approval of the plan, BLM may provide a subsequent notice of termination. Failure to respond within 30 days to a notice of intent to terminate shall result in termination of the agreement.

§ 3192.5-2 Reinstatement.

(a) If a cooperative agreement has been terminated by mutual consent under § 3192.25-1(a) of this title, the State or Indian tribe may request that the appropriate State Director reinstate the cooperative agreement. The State Director, on receipt of the request, shall determine whether the cooperative agreement should be reinstated, and if so, what modifications, if any, should be made to the agreement.

(b) For cooperative agreements terminated under § 3192.5-1(b) due to deficiencies by the State or tribe in carrying out the provisions of the agreement, the State or tribe shall provide evidence that it has remedied all defects for which the cooperative agreement was terminated and that it is fully capable of resuming the activities to be carried out under the cooperative agreement. The State Director shall determine whether the cooperative agreement should be reinstated, and if so, what modifications, if any, should be made to the agreement.

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