2-20-91
Vol. 56 No. 34
Pages 6789-6938

federal register

Wednesday
February 20, 1991

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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.

WASHINGTON, DC

WHEN: February 28, at 9:00 a.m.
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
RESERVATIONS: 202–523–5240

LOS ANGELES, CA

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

SAN DIEGO, CA

WHEN: March 5, at 9:00 a.m.
WHERE: Federal Building, 880 Front St. Conference Room 4S–13 San Diego, CA
RESERVATIONS: 1–800–726–4995

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Title 3—

The President

Memorandum of February 11, 1991

Delegation of Authority Under Section 103(a) of the United States-Canada Free-Trade Agreement Implementation Act of 1988

Memorandum for the United States Trade Representative

By virtue of the authority vested in me as President by the Constitution and laws of the United States, including section 301 of title 3 of the United States Code, you are hereby delegated the authority to perform the functions necessary to fulfill the consultation and lay-over requirements set forth in section 103(a) (1) through (4) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 ("the Act"), including:

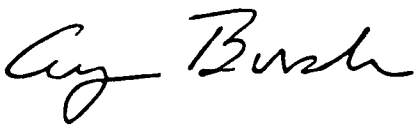
(1) obtaining advice from the appropriate advisory committees and the U.S. International Trade Commission on the proposed implementation of an action by Presidential proclamation;

(2) submitting a report on such action to the House Ways and Means and Senate Finance Committees; and

(3) consulting with such committees during the 60-day period following the date on which the requirements under (1) and (2) have been met.

The President retains the sole authority under the Act to implement an action by proclamation after the consultation and lay-over requirements set forth in section 103(a) (1) through (4) have been met.

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



THE WHITE HOUSE
February 11, 1991

[FR Doc. 91-4124
Filed 2-15-91; 1:53 pm]
Billing code 3190-01-M

Rules and Regulations

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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

Farmers Home Administration

7 CFR Part 1940

Implementation of Section 709 of the Cranston-Gonzalez National Affordable Housing Act of 1990

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations on funding. This action is being taken to implement recently enacted legislation. The intended effect is to provide guidance on the Rural Housing Targeting Set Aside (RHTSA) of sections 502, 504, 514, 515 and 524 housing funds in designated underserved areas. The Cranston-Gonzalez National Affordable Housing Act of 1990 (herein referred to as the "Act") Act also makes certain colonias eligible for housing assistance. In addition, colonias have priority for funding in certain circumstances. Colonias are located in the States of Texas, Arizona, New Mexico and California.

DATES: This regulation is effective February 20, 1991. Comments must be submitted on or before April 22, 1991.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Regulations Analysis and Control Branch, Farmers Home Administration, room 6346, South Agriculture Building, 14th and Independence Ave., SW., Washington, DC 20250. All written comments made pursuant to this notice will be available for public inspection during regular work hours at the above address.

FOR FURTHER INFORMATION CONTACT: Joyce H. Akers, Senior Loan Specialist, Multi-Family Housing Processing Division, room 5347, telephone (202) 382-1608 or Robert Hall, Senior Loan Specialist, Single Family Housing Processing Division, room 5330, telephone (202) 382-1474. The address is: USDA-FmHA, South Agriculture Building, 14th and Independence Ave., SW., Washington, DC 20250.

SUPPLEMENTARY INFORMATION:

Classification

This rulemaking action has been reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291 and has been determined to be "nonmajor" since the annual effect on the economy is less than $100 million and there will be no significant increase in cost or prices for consumers, individual industries, Federal, State or local Government agencies, or geographic regions. Furthermore, there will be no adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States enterprise to compete with foreign based enterprises in domestic or import markets.

Discussion of use of Interim Final Rule

It is the policy of the Department to publish notice of proposed rulemaking with a comment period before rules are issued even though 5 U.S.C. 553 exempts rules relating to public property, loan, grants, benefits, or contracts. However, exemptions are permitted where an Agency finds, for good cause, that compliance would be impracticable, unnecessary or contrary to the public interest. This rulemaking package is issued to implement portions of Cranston-Gonzalez National Affordable Housing Act, dated November 28, 1990, Public Law 101-625, which required implementation within 180 days of enactment. Because of this short timeframe, this rulemaking document is issued as an interim final rule. Since these changes are legislatively mandated within a short time frame, it would not be possible to publish the regulation as a proposed rule with a 60-day comment period and then publish a final rule with a 30-day implementation period, as required in section 534 of the Housing Act of 1949, as amended, Further, the set aside of funds affects Fiscal Year (FY) 1991 appropriations. Much of the FY 91 appropriation would be expended by the time regulations could be promulgated under section 534 of the Housing Act, defeating the intent of the Act. Comments will be accepted for a 60-day period after publication of this interim rule. FmHA will consider such comments, to the extent statutory permitted, before issuing a final rule. Due to the time constraints, comments received will be considered for the FY 92 portion of RHTSA.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, "Environmental Program." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Public Law 91-90, an Environmental Impact Statement is not required.

Programs Affected

These programs/activities are listed in the Catalog of Federal Domestic Assistance under Nos:

10.405 Farm Labor Housing Loans and Grants
10.410 Low Income Housing Loans
10.411 Rural Housing Site Loans
10.415 Rural Rental Housing Loans
10.417 Very Low Income Housing Repair Loans and Grants
10.427 Rural Rental Assistance Payments

Intergovernmental Consultation

For the reasons set forth in the Final Rule related Notice(s) to 7 CFR part 3015, subpart V, 10.410 and 10.417 are excluded from the scope of Executive Order 12372 which requires Intergovernmental consultation with State and local officials. The remaining programs are subject to intergovernmental consultation with State and local officials.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (Pub. L. 96-354), the undersigned has determined and certified by signature of this document that this rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program, and the

reporting/registration requirements are imposed by statute.

General Information

Background and Statutory Authority (Section (709))

Section 709 of the Cranston-Gonzalez National Affordable Housing Act of 1990 adds subsection (f) to section 509 of the Housing Act of 1949, as amended. The Act requires the Secretary to initially target 100 underserved counties in each of fiscal years 1991 and 1992 that have extremely high concentrations of poverty and substandard housing. The Act further requires that eligible counties had to have received substantially less rural housing assistance than other counties in the State for the past five fiscal years. FmHA initially considered targeting counties that received less than half the amount of housing assistance than other counties in the State. Using this criteria, too few counties were identified. Using 40 percent, 166 were identified. This number of counties, plus colonias, is a reasonable number of counties to target with funds made available under the Act. Smaller percentages targeted so many counties that it would be unrealistic to provide a meaningful amount of assistance with the available funds. The Act further provides a set-aside of 3.5 percent of housing funds in 1991 and 5 percent in 1992, along with an appropriate amount of rental assistance, for assistance in targeted areas. In order to ensure that a meaningful amount of assistance is available to each state, minimum funding levels were established, based on the number of eligible RHTSA counties in the state. In the 502 program, each state received at least enough funds to obligate 5 section 502 initial loans in each targeted county, using nationwide average of $48,000 per initial loan. In section 515, each state received at least enough funds ($438,000) to obligate one 12-unit project for each group of 1 to 3 RHTSA counties in the state. A nationwide average unit cost of $36,500 was used. FmHA utilized the section 502 and 515 formula elements and weights contained in this subpart and applied them to the specified states and counties participating in RHTSA. Each state's funding level was the greater of the formula allocation or the established minimum. In the 504 loan and grant programs, each state's RHTSA amount is based on its number of eligible counties with each county receiving an equal share of the total funds available. Unused funds set aside for the underserved areas will be pooled and available to certain colonias and underserved areas prior to year-end National pooling.

The Act requires and FmHA intends to provide outreach to facilitate the use of these funds by all qualified applicants regardless of race, color and sex.

FmHA has developed Exhibit C to subpart L to part 1940 to implement the provisions of the Act.

In FY 1989, FmHA administratively implemented the Rural Housing Targeting Demonstration Program (RHTDP). This demonstration program targeted section 502, 504 and 515 funds in 100 underserved counties throughout 38 states and Puerto Rico. When developed, it was FmHA's intent to continue the RHTDP for three fiscal years. The RHTDP was successful in FY 1989, and widely accepted by FmHA personnel and the public. FmHA was pleased with the success of the RHTDP, however, has terminated the program in light of the requirements of the Act. We would like to explain how RHTDP and RHTSA compare.

While the intent of the RHTDP and RHTSA is essentially the same, several differences exist between the programs. Under RHTDP, FmHA targeted funds to counties with high percentages of substandard housing and rural households with very-low incomes. Also, FmHA targeted funds to counties which received less than the average amount of housing assistance received by other counties in the state over the three previous fiscal years. Further, FmHA attempted to target funds to the most needy county in each state. The differences under RHTSA, as mandated by the Act, require FmHA to target funds to areas with a high per capita population at the poverty level. Per capita poverty level income statistics are generally not used in FmHA's housing program. In addition, the Act required FmHA to target funds in counties that have received substantially less than the average amount of assistance received by other counties in the state over the previous five fiscal years. Further, the Act required FmHA to direct funds to the most needy counties which were identified. This did not provide FmHA the discretion to attempt to target funds to each state; therefore, approximately half the states will participate in RHTSA than in the RHTDP. However, these states have more targeted counties. Other differences in the program are apparent. The Act provides for the eligibility of certain colonias and provides priority for funding in these areas under certain conditions. Also, additional counties are targeted for any unused and pooled funds. FmHA looks forward to targeting funds under RHTSA, and although differences exist, will work towards making RHTSA an equal success.

List of Subjects in 7 CFR Part 1940

Accountability, Administrative practice and procedure, Grant programs—Housing and community development, Loan programs—Housing and community development, Low and moderate income housing—Rental, Reporting and recordkeeping requirements.

Therefore, part 1940, chapter XVIII, title 7, Code of Federal Regulations is amended as follows:

PART 1940—GENERAL

1. The authority citation for part 1940 continues to read as follows:

Authority: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart L—Methodology and Formulas for Allocation of Loan and Grant Program Funds

2. Exhibit C is added to subpart L to part 1940 to read as follows:

Exhibit C to Subpart L—Housing in Underserved Areas

I. Objective

A. To improve the quality of affordable housing by targeting funds under Rural Housing Targeting Set Aside (RHTSA) to designated areas that have extremely high concentrations of poverty and substandard housing and have severe, unmet rural housing needs.

B. To provide for the eligibility of certain colonias for rural housing funds.

II. Background

The Cranston-Gonzalez National Affordable Housing Act of 1990 (herein referred to as the "Act") requires that FmHA set aside 3.5 percent of FY 91 and 5 percent of FY 92 section 502, 504, 514, 515 and 524 funds for assistance in targeted underserved areas. An appropriate amount of section 521 new construction rental assistance (RA) is set aside for use with section 514 and 515 loan programs. Under the Act, certain colonias are now eligible for FmHA housing assistance.

III. Colonias

A. Colonia is defined as any identifiable community that:

1. Is in the State of Arizona, California, New Mexico or Texas;

2. Is in the area of the United States within 150 miles of the border between the United States and Mexico, except that the term does not include any standard metropolitan statistical area that has a population exceeding 1,000,000;

3. Is designated by the State or county in which it is located as a colonia;

4. Is determined to be a colonia on the basis of objective criteria, including lack of

potable water supply, lack of adequate sewage systems, and lack of decent, safe, and sanitary housing; and

5. Was in existence and generally recognized as a colonia before November 28, 1990.

B. Requests for housing assistance in colonias have priority as follows:

1. When the State did not obligate its allocation in one or more of its housing programs during the previous two FYs, priority will be given to requests for assistance, in the affected program(s), from regularly allocated funds, until an amount equal to 5 percent of the current FY program(s) allocation is obligated in colonias. This priority takes precedence over other processing priority methods.

2. When the State did obligate its allocation in one or more of its housing programs during the previous two FYs, priority will be given to requests for assistance, in the affected program(s), from RHTSA funds, until an amount equal to 5 percent of the current FY program(s) allocation is obligated in colonias. This priority takes precedence over other processing priority methods.

C. Colonias may access pooled RHTSA funds as provided in paragraph IV G of this exhibit.

IV. RHTSA

A. *Amount of Set Aside.* Set asides for RHTSA from the FY 91 allocations are as follows:

Program	Set aside amount
Section 502	$44,676,000
Section 504 Loans	397,000
Section 504 Grants	438,000
Section 514	570,500
Section 515	20,086,500
Section 524	21,000
Section 521 (RA units)	550

B. *Selection of Targeted Counties*—1. *Eligibility*: eligible counties met the following criteria: (1) 20 percent or more of the county population is at or below poverty level, (2) 10 percent or more of the occupied housing units are substandard and (3) the average funds received on a per capita basis in the county during the previous 5 FYs was more than 40 percent below the State per capita average during the same period. Data from the most recent available Census was used for all three criteria, with criteria (2) and (3) based on the FmHA rural area definition. This resulted in 166 eligible counties.

2. *Selection*: The Act requires that 100 of the most underserved counties be initially targeted for RHTSA funds. In establishing the 100 counties, those with 28 percent or more of its population at or below poverty level and 13 percent or more of its occupied housing units substandard, have preference. Fifty-nine (59) of the 166 eligible counties qualified for preference and inclusion in the 100-county group. To complete the 100-county group, each of the remaining 107 counties was ranked, based upon a total of its substandard housing and poverty level percentages. The 41 highest-ranking counties were then selected for inclusion in the 100-county list. An updated list of counties will be developed for FY 92 using the same criteria.

C. *State RHTSA Levels.* Sections 514 and 524 funds are available on a first-come, first-served basis. Sections 502 and 515 funds are available up to the amounts shown on Attachment 1 of this exhibit. In order to ensure that a meaningful amount of assistance is available to each state, minimum funding levels were established, based on the number of eligible RHTSA counties in the state. In the 502 program, each state received at least enough funds to obligate 5 section 502 initial loans in each targeted county, using nationwide average of $48,000 per initial loan. In section 515, each state received at least enough funds ($438,000) to obligate one 12-unit project for each group of 1 to 3 RHTSA counties in the state. A nationwide average unit cost of $36,500 was used. FmHA utilized the section 502 and 515 formula elements and weights contained in this subpart and applied them to the specific states and counties participating in RHTSA. Each state's funding level was the greater of the formula allocation or the established minimum. In the 504 loan and grant programs, each state's RHTSA amount is based on its number of eligible counties with each county receiving an equal share of the total funds available.

D. *Use of Funds.* To maximize the assistance to targeted counties, allocated program funds should be used in addition to RHTSA funds, where possible. The State Director has the discretion to determine the most effective delivery of RHTSA funds among the targeted counties within his/her jurisdiction. The 100 counties listed in Attachment 2 of this exhibit are eligible for RHTSA funding consideration immediately. Colonias are also eligible for RHTSA funds as described in paragraph III of this exhibit.

E. *National Office RHTSA Reserves.* A limited National Office reserve is available April 1, 1991 (and 1992) on an individual case basis when the State is unable to fund the request from their regular or RHTSA allocation.

F. *Requests for Funds and Rental Assistance (RA).* All RHTSA funds are reserved in the National Office and requests for these funds and RA units must be submitted by the State Director using the applicable format shown on Attachments 4 or 5 of this exhibit (available in any FmHA State Office). The State Director is responsible for notifying the Director of Single Family Housing Processing Division (SFHPD) or Multi-Family Housing Processing Division (MFHPD) of any RHTSA funds and RA units authorized but not obligated by RHTSA pooling date.

G. *Pooling.* Unused RHTSA funds and RA will be pooled close of business (COB) July 1, 1991, and will be available on a first-come, first-served basis to all eligible colonias and all counties listed on Attachments 2 and 3 of this Exhibit. Pooled RHTSA funds will remain available until the year-end pooling data tentatively scheduled for COB August 16, 1991.

H. *Outreach.* Outreach efforts publicizing the availability of loan and grant funds for the eligible RHTSA counties will be aggressively carried out. Each affected State Director will develop an outreach plan which includes such techniques as news releases, community meetings, coordination with other Federal, State and local government organizations, to promote full utilization of these targeted funds by all qualified applicants regardless of race, color and sex. In addition to the above outreach efforts, States with eligible colonias should establish liaison with community groups in order to leverage support and assistance provided to residents of colonias.

I. [Reserved]

J. *Requests for Assistance.* Requests for assistance in targeted counties must meet all loan making requirements of the applicable program Instructions, except as modified for colonias in paragraph III of this exhibit. For section 515, States may issue Form AD-622s, "Notice of Preapplication Review Action," up to 150 percent of the amount shown in Attachment 1 of this Exhibit.

V. Exception Authority

The Administrator, or his/her designee, may, in individual cases, make an exception to any requirements of this exhibit which are not inconsistent with the authorizing statute, if he/she finds that application of such requirement would adversely affect the interest of the Government or adversely affect the intent of the authorizing statute and/or housing programs or result in an undue hardship by applying the requirement. The Administrator, or his/her designee, may exercise this authority upon the request of the State Director, Assistant Administrator for Housing, Director of the Single Family Housing Processing Division or Director of the Multi-Family Housing Processing Division. The request must be supported by information that demonstrates the adverse impact or effect on the program. The Administrator, or his/her designee, also reserves the right to change the pooling date, establish/change minimum and maximum fund usage from set asides and/or the reserve, or restrict participation in set asides and/or reserves.

Attachment 1

Farmers Home Administration

Fiscal Year 1991 Set Aside

Rural Housing Targeting Set Aside (RHTSA)

State	Very low-income 502 loans FY 1991 set aside	Low-income 502 loans FY 1991 set aside	Total 502 loans FY 1991 set aside	504 grants FY 1991 set aside	504 loans FY 1991 set aside	515 loans FY 1991 set aside
Alabama	518,000	778,000	1,296,000	17,000	15,000	876,000
Alaska	367,000	551,000	918,000	4,000	4,000	438,000
Arizona	660,000	989,000	1,649,000	8,000	8,000	438,000
Arkansas	595,000	893,000	1,488,000	21,000	19,000	876,000
Georgia	1,440,000	2,160,000	3,600,000	62,000	57,000	2,190,000
Idaho	104,000	155,000	259,000	4,000	4,000	438,000
Kentucky	1,735,000	2,602,000	4,337,000	46,000	41,000	1,752,000
Louisiana	1,465,000	2,198,000	3,663,000	29,000	26,000	1,314,000
Mississippi	331,000	497,000	828,000	12,000	11,000	438,000
Montana	96,000	144,000	240,000	4,000	4,000	438,000
New Mexico	760,000	1,141,000	1,901,000	12,000	11,000	438,000
North Carolina	918,000	1,377,000	2,295,000	17,000	15,000	876,000
North Dakota	96,000	144,000	240,000	4,000	4,000	438,000
Puerto Rico	4,416,000	6,624,000	11,040,000	46,000	41,000	2,871,000
South Dakota	864,000	1,296,000	2,160,000	37,000	34,000	1,314,000
Tennessee	617,000	925,000	1,542,000	12,000	11,000	438,000
Texas	1,344,000	2,016,000	3,360,000	58,000	53,000	2,190,000
Utah	96,000	144,000	240,000	4,000	4,000	438,000
Virginia	328,000	492,000	820,000	8,000	8,000	438,000
West Virginia	228,000	342,000	570,000	8,000	8,000	438,000
State total	16,978,000	25,468,000	42,446,000	413,000	378,000	19,077,000
Reserve	892,000	1,338,000	2,230,000	25,000	19,000	1,009,500
National total	17,870,000	26,806,000	44,676,000	438,000	397,000	20,086,500

Attachment 2

100 Counties Eligible for RHTSA Funds Immediately and at Pooling

State	County Name
Alabama	Crenshaw
Alabama	Dallas
Alabama	Russell
Alabama	Washington
Alaska	Palmer
Arizona	Apache
Arizona	Coconino
Arkansas	LaFayette
Arkansas	Lee
Arkansas	Lincoln
Arkansas	Phillips
Arkansas	Woodruff
Georgia	Appling
Georgia	Baker
Georgia	Calhoun
Georgia	Candler
Georgia	Charlton
Georgia	Clay
Georgia	Echols
Georgia	Johnson
Georgia	McIntosh
Georgia	Screven
Georgia	Taliaferro
Georgia	Treutlen
Georgia	Washington
Georgia	Webster
Georgia	Wilcox
Idaho	Madison
Kentucky	Bell
Kentucky	Casey
Kentucky	Green
Kentucky	Knott
Kentucky	Knox
Kentucky	Lawrence
Kentucky	Leslie
Kentucky	Letcher
Kentucky	Perry
Kentucky	Robertson
Kentucky	Whitley
Louisiana	Claiborne
Louisiana	Evangeline
Louisiana	Franklin
Louisiana	Madison
Louisiana	Morehouse
Louisiana	St Landry
Louisiana	West Feliciana
Mississippi	Amite
Mississippi	Issaquena
Mississippi	Oktibbeha
Montana	Petroleum
New Mexico	McKinley
New Mexico	Mora
New Mexico	San Juan
North Carolina	Greene
North Carolina	Robeson
North Carolina	Tyrrell
North Carolina	Warren
North Dakota	Sioux
Puerto Rico	Adjuntas
Puerto Rico	Barranquitas
Puerto Rico	Coamo
Puerto Rico	Fajardo
Puerto Rico	Guayama
Puerto Rico	Humacao
Puerto Rico	Juana Diaz
Puerto Rico	Rio Grande
Puerto Rico	San Lorenzo
Puerto Rico	San Sebastian
Puerto Rico	Utuado
South Dakota	Buffalo
South Dakota	Corson
South Dakota	Dewey
South Dakota	Faulk
South Dakota	Jackson
South Dakota	Mellette
South Dakota	Shannon
South Dakota	Todd
South Dakota	Ziebach
Tennessee	Campbell
Tennessee	Cooke
Tennessee	Grainger
Texas	Crosby
Texas	Dimmit
Texas	Edwards
Texas	Grimes
Texas	Hudspeth
Texas	Kenedy
Texas	La Salle
Texas	Maverick
Texas	Presidio
Texas	Real
Texas	Reeves
Texas	San Jacinto
Texas	Webb
Texas	Zavala
Utah	San Juan
Virginia	Mecklenburg
Virginia	Northampton
West Virginia	Summers
West Virginia	Webster

Attachment 3

66 Counties Eligible for RHTSA Pooled Funds only

State	County Name
Alabama	Clay
Alabama	Henry
Alabama	Tuscaloosa
Arkansas	Calhoun
Arkansas	Jefferson
Arkansas	Union
Colorado	Dolores
Florida	Franklin

State	County Name
Florida	Glades
Florida	Hardee
Florida	Hendry
Florida	Liberty
Georgia	Gilmer
Georgia	Jasper
Georgia	Laurens
Georgia	Thomas
Illinois	Pope
Kentucky	Christian
Kentucky	Madison
Kentucky	Pulaski
Louisiana	Assumption
Louisiana	Tangipahoa
Minnesota	Mahnomen
Mississippi	Greene
Mississippi	Marion
Mississippi	Monroe
Missouri	Bollinger
Missouri	Mercer
Missouri	New Madrid
Missouri	Ozark
Missouri	Reynolds
Missouri	Scotland
Missouri	Texas
Missouri	Wayne
Montana	Big Horn
Montana	Blaine
New Mexico	Catron
New Mexico	Torrance
North Carolina	Perquimans
North Dakota	Benson
Oklahoma	Atoka
Oklahoma	Okfuskee
South Dakota	Charles Mix
Texas	Bailey
Texas	Bee
Texas	Cochran
Texas	Dawson
Texas	Dickens
Texas	Floyd
Texas	Gaines
Texas	Glasscock
Texas	Gonzales
Texas	Hale
Texas	Jeff Davis
Texas	Jim Wells
Texas	Karnes
Texas	Kleberg
Texas	Lynn
Texas	Madison
Texas	Medina
Texas	Newton
Texas	Parmer
Texas	San Augustine
Texas	Terry
West Virginia	McDowell
West Virginia	Monroe

Dated: January 28, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91-4084 Filed 2-19-91; 8:45 am]

BILLING CODE 3410-07-M

7 CFR Part 1941

Annual Operating Loans to Delinquent Farmer Programs Borrowers

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its authority that became effective on March 16, 1988, for the making of annual operating (OL) loans to delinquent borrowers for production purposes, or the granting of subordinations to delinquent borrowers to enable them to obtain annual operating credit from another lending source. This action is necessary due to provisions in the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624), dated November 28, 1990 (hereinafter referred to as "The 1990 Farm Bill"), that require the Agency to revise its notices concerning loan service programs available to delinquent Farmer Programs borrowers. The intended effect is to provide annual operating loan assistance, or the granting of subordinations, to deserving farmers who are delinquent and do not have the opportunity to have their accounts restructured until the Agency revises and reissues these notices.

DATES: Interim rule effective February 19, 1991. Written comments must be submitted on or before March 22, 1991.

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

FOR FURTHER INFORMATION CONTACT: Mark Falcone, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Agriculture Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475-4019.

SUPPLEMENTARY INFORMATION:

Classification

This action was reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and was determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more. In Fiscal Year (FY) 1988, 324 annual operating loans were made to delinquent borrowers for a total of $11,671,400. In FY 1989, 238 loans were made for a total of $8,854,120. In FY 1990, 361 loans were made for a total of $16,460,960. As of September 30, 1990, approximately 103,000 servicing notices had been mailed to delinquent Farmer Programs borrowers as required by the Agricultural Credit Act of 1987 (Pub. L. 100-233). These notices advised delinquent borrowers of the various loan service programs available to them for restructuring their loans. Approximately 30,000 notices were scheduled to be sent in February 1991. However, the 1990 Farm Bill requires FmHA to revise these notices. Since FmHA will be unable to restructure delinquent accounts until these notices are revised and mailed to borrowers, the Agency anticipates making more of these loans in Fiscal Year 1991. However, most of the delinquent borrowers who will obtain this assistance would have received a regular operating loan if all debt restructuring authorities were available to them, as their accounts would have been brought current. Therefore, we do not anticipate an annual effect on the economy of $100 million or more.

Paperwork Reduction Act

The reporting and recordkeeping requirements contained in this regulation have been approved under an emergency clearance through April 1991 by the Office of Management and Budget and have been assigned OMB control number 0575-0141. Public reporting burden for this collection of information is estimated to vary from 5 to 30 minutes per response, with an average of .19 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 this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB# 0575-0141), Washington, DC 20503.

Intergovernmental Consultation

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

Programs Affected

These changes affect the FmHA operating loan program, as listed in the

Catalog of Federal Assistance: 10.406—Farm Operating Loans.

Environmental Impact Statement

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

Discussion of Interim Rule

FmHA is implementing this interim rule immediately with a 30-day comment period. It is necessary to implement these changes effective upon publication to provide immediate assistance to eligible farmers and ranchers. The regulations authorizing the making of annual operating loans or granting of subordinations for delinquent borrowers were published on March 16, 1988 (53 FR 8738), to comply with a provision in Chapter X of Title I of the Supplemental Appropriations Act for 1987 (Pub. L. 100-71), dated July 11, 1987. Amended regulations were published on March 20, 1989 (54 FR 11363), for clarification purposes. The regulations state that delinquent borrowers must meet certain criteria to be eligible and may be considered for this assistance if FmHA has not completed the process of considering the borrower for debt restructuring. Since the 1990 Farm Bill requires the Agency to revise its notices to include additional servicing options and extend various timeframes for delinquent farmer Programs borrowers, these borrowers cannot be notified of, or considered for, all the servicing options available to them. Therefore, the Agency must amend its regulations to allow delinquent borrowers to be considered for an annual operating loan or a subordination when their accounts cannot be serviced by the agency until provisions of the 1990 Farm Bill are implemented.

List of Subjects in 7 CFR Part 1941

Crops, Livestock, Loan Programs-Agriculture, Rural Areas, Youth.

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

PART 1941—OPERATING LOANS

1. The authority citation for part 1941 continues to read as follows:

Authority: 7 U.S.C. 1989; 5 U.S.C. 301; 7 CFR 2.23; 7 CFR 2.70.

Subpart A—Operating Loan Policies, Procedures, and Authorizations

2. Section 1941.14 is amended by adding new paragraph (a)(8) to read as follows:

§ 1941.14 Annual production loans to delinquent borrowers.

* * * * *

(a) * * *

(8) The Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624), dated November 28, 1990, requires FmHA to revise its notices on loan service programs for delinquent borrowers to include additional servicing options and extend various timeframes. Therefore, all delinquent borrowers who cannot be considered for all servicing options until FmHA implements these provisions of the Act, will be considered for an annual production loan or a subordination under this section.

* * * * *

Dated: January 24, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91-3888 Filed 2-19-91; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-131-AD; Amdt. 39-6906]

Airworthiness Directives: Boeing Model 737 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 737 series airplanes, which requires a one-time inspection of the engine control cable systems and, if non-corrosion resistant steel cables are installed, replacement with corrosion resistant steel cables. This amendment is prompted by reports of engine control cable strand separation due to cable corrosion. This condition, if not corrected, could result in engine control cable separation and subsequent loss of engine control.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Bray, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2681. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Model 737 series airplanes, which requires a one-time inspection of the engine control cable systems and, if non-corrosion resistant steel cables are installed, replacement with corrosion resistant steel (CRS) cables, was published in the **Federal Register** on July 19, 1990 (55 FR 29378).

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

Several commenters objected to the proposal because of the requirement to replace the carbon steel engine control cables with CRS cables since they have not experienced any corrosion problems with the carbon steel cables. Therefore, they do not see a need to replace them. Several commenters recommended repetitive inspections in lieu of cable replacement with one commenter specifically proposing a repetitive inspection interval of 1,500 flight hours. The FAA does not concur. The FAA has reviewed all currently available data relative to engine control cable separation due to corrosion and has found that a significant basis exists for the issuance of this rule. Further, the FAA has determined that long term continued operational safety will be better assured by actual modification of the airframe to remove the source of the problem, rather than by repetitive inspections. Long term repetitive inspections may not provide the level of safety necessary for the transport airplane fleet. This, coupled with a better understanding of human factors associated with numerous repetitive inspections, has led the FAA to consider placing less emphasis on repetitive inspections and more emphasis on design improvements. The proposed modification requirement is consistent with that policy decision.

One commenter, however, proposed that replacement of carbon steel cables be required prior to further flight, only if

inspections determines them to be unserviceable. The FAA concurs and the final rule has been modified accordingly.

The manufacturer, in support of its request to withdraw the proposed AD, noted that the failure modes and effects analysis for the engine control system do not vary with the type of material from which the cables are fabricated. The manufacturer further commented that since the engine control system complies with the requirements of FAR 25, regardless of cable material, the proposal would only impose a perception by the FAA that CRS cables are more durable than carbon steel cables. The FAA does not concur. The FAA has determined that corrosion within carbon steel cables can significantly degrade the structural strength of this type of cable without exhibiting any external evidence. Therefore, to ensure the safety of the fleet, the FAA has determined that AD action is necessary to reduce the occurrence of cable failures due to the corrosion of carbon steel engine control cables.

In addition, the manufacturer stated that CRS cables are not used throughout existing airplane systems. The adoption of this proposed rule on a single system on a single model could cause industry and operator concern on the viability of the other systems on other models which continue widespread use of carbon steel cables for various control functions. The FAA does not concur. This action was originally prompted by several reports of engine control cable separation due to cable corrosion on Model 737 series airplanes. Since the FAA has not received reports of a similar service history involving other control cable systems on this airplane or other airplanes, the FAA has determined that it is necessary to place an emphasis on more immediate action, which addresses the problem directly relating to the Boeing Model 737 airplane.

The manufacturer continued its comments by stating that the Boeing Model 737 survey referred to in the NPRM did not produce evidence of cable corrosion on any Model 737. Evidence of wear was discovered only on the Model 737-300 corrosion resistant steel T2B cables, and was found to be induced by cable frettage on a clearance hole in the wing leading edge. The FAA does not concur. The FAA has reviewed the above survey and other sources of available data on internal cable corrosion and has found that a significant portion of the known cable separations in the Model 737 fleet were due to internal corrosion compounded by chafing against adjacent airframe structure.

A final comment by the manufacturer stated that, if a final rule is issued, the manufacturer recommends that the references to Boeing Maintenance Manuals be replaced by Service Letter 737-SL-76-9 (similar to Service Letter 737-SL-76-2-A), for the purpose of defining the locations where CRS cables are required on the Model 737-300 and 737-400 airplanes. The FAA concurs. Since issuance of the Notice, the FAA has reviewed and approved Boeing Service Letter 737-SL-76-9, dated November 21, 1990, which describes procedures for inspection and replacement of engine control cables on Model 737-300 and 737-400 series airplanes. The final rule has been revised to reference Boeing Service Letter 737-SL-76-9, dated November 21, 1990.

The manufacturer also requested that the compliance time be extended to 36 months from the proposed 3,000 flight hours, "since the directive has no effect on airworthiness or safety." The FAA does not concur with this commenter that this AD is not based upon an unsafe condition. The FAA has determined that sufficient justification exists for the issuance of this AD based upon the findings of corrosion within carbon steel cables, which significantly degrade the structural strength of the cable without exhibiting any external evidence. However, in developing an appropriate compliance time for this AD action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the practical aspects of incorporating the required inspection into the affected operators' maintenance schedules in a timely manner. After reviewing parts availability and average utilization rates for U.S. operators, the FAA has determined that extending the initial inspection from 3,000 flight hours to 36 months will provide an acceptable level of safety. The final rule has been revised accordingly.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes noted above. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 1,750 Model 737 series airplanes of the affected design in the worldwide fleet. It is estimated that 850 airplanes of U.S. registry will be affected by this AD, that it will take approximately 40 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Replacement cables are estimated to cost on the average of $800 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,040,000. However, a survey of major U.S. Model 737 operators indicates that only about 25% of the cables currently installed will need to be replaced, which would make the impact on the U.S. fleet total approximately $510,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 737 series airplanes, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent loss of engine control due to engine control cable separation resulting from corrosion, accomplish the following:

A. Within the next 36 months after the effective date of this AD, inspect the engine control cable system as listed in Boeing Service Letters 737-SL-76-2-A, dated August 25, 1977, for Models 737-100 and 737-200 series airplanes; and 737-SL-76-9, dated November 21, 1990, for Models 737-300 and 737-400 series airplanes; for the type of cable installed.

Note: Determination of cable(s) part number by review of maintenance records is considered acceptable in lieu of actual inspection.

1. If corrosion resistant stainless steel cables are installed, no further action is necessary.

2. If carbon steel cables are installed and found to be:

(a) Unserviceable, replace the cables in accordance with the appropriate Boeing Service Letter prior to further flight.

(b) Serviceable, replace the cables in accordance with the appropriate Boeing Service Letter within three years of the effective date of this AD.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective March 25, 1991.

Issued in Renton, Washington, on February 7, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3916 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-153-AD; Amdt. 39-6907]

Airworthiness Directives; Boeing Model 747-400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 747-400 series airplanes, which requires modification of the engine fire extinguishing system wiring to preclude improper connection during maintenance. This amendment is prompted by reports of crossed wiring and plumbing in the engine fire extinguishing system on Boeing airplanes of similar design. This condition, if not corrected, could result in severe damage to an airplane in the event of an engine fire.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Jon Regimbal, Seattle Aircraft Certification Office, Propulsion Branch, ANM-140S; telephone (206) 227-2687. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to Boeing Model 747-400 series airplanes, which requires modification of the engine fire extinguishing system wiring to preclude improper connection during maintenance, was published in the **Federal Register** on September 20, 1990 (55 FR 38695).

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

One commenter requested that the compliance time be extended from the proposed 6 months to 12 months so that the modification, which requires 57 manhours per airplane, may be accomplished during scheduled maintenance. The FAA concurs. Because no reports of crossed fire panels on Model 747-400 airplanes have been received, and because the Boeing Model 747-400 Maintenance Manual calls for a complete functional check of the fire extinguishing system following any maintenance actions on that system (these functional checks are required by AD 89-03-51 to address similar safety concerns on Model 747-100, 747-200, and 747-300 airplanes), the FAA has determined that an acceptable level of safety can be maintained by extending the compliance time to 12 months. The final rule has been revised accordingly.

Another commenter requested that the proposed rule be canceled or postponed until Boeing Service Bulletin 747-26-2131 is issued, which would supersede Boeing Service Bulletin 747-26-2141 referenced in the proposed AD. The FAA does not concur. The FAA has reviewed the proposed content of the not-yet-released service bulletin and has determined that it will not supersede Service Bulletin 747-26-2141. The procedures contained in Service Bulletin 747-26-2141 are intended to prevent the improper connection of the number 3 engine and the auxiliary power unit (APU) fire handle module electrical harnesses; whereas, the procedures described in the not-yet-released Service Bulletin 747-26-2131 are intended to prevent the inadvertent mislocation of the four engine fire handle modules in the fire control panel.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 74 Model 747-400 series airplanes of the affected design in the worldwide fleet. It is estimated that 10 airplanes of U.S. registry will be affected by this AD, that it will take approximately 57 manhours per airplane to accomplish the required actions on 6 of these airplanes; the required part kits for these 6 airplanes are estimated to cost $392 per airplane. Approximately 7 manhours per airplane will be required to accomplish the required actions on the remaining 4 airplanes (these airplanes will not require the additional part kits). The average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $17,152.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 747-400 series airplanes, listed in Boeing Service Bulletin 747-26-2138, Revision 1, dated March 1, 1990, and Boeing Service Bulletin 747-26-2141, Revision 1, dated July 12, 1990, certificated in any category. Compliance required within the next 12 months after the effective date of this AD, unless previously accomplished.

To preclude cross connection of fire extinguishing wiring during maintenance, accomplish the following:

A. For airplanes identified in Boeing Service Bulletin 747-26-2138, Revision 1, dated March 1, 1990: Modify the engine fire extinguishing system in accordance with that service bulletin.

B. For airplanes identified in Boeing Service Bulletin 747-26-2141, Revision 1, dated July 12, 1990: Modify the fire control module in accordance with that service bulletin.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective March 25, 1991.

Issued in Renton, Washington, on February 7, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3920 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-157-AD; Amdt. 39-6904]

Airworthiness Directives; Boeing Model 757, 767, and 747-400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 757, 767, and 747-400 series airplanes equipped with Collins autopilot systems, which imposes operational restrictions on the use of the Category III (CAT III) automatic landing system. This amendment is prompted by incidents of autopilot disconnects during the approach, touchdown, and rollout phases of flight. This condition, if not corrected, cold result in a landing accident due to loss of the automatic flare function, or loss of the rollout guidance after touchdown during reduced visibility operations.

EFFECTIVE DATE: March 5, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Frank vanLeynseele, Seattle Aircraft Certification Office, Systems & Equipment Branch, ANM-130S; telephone (206) 227-2671. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: In-flight incidents, confirmed by laboratory investigations, have demonstrated that unintentional disconnects of the autoland functions on various Boeing airplane models can occur at an unacceptable rate for autoland operation in restricted visibility conditions.

Two unrelated malfunctions have been identified: one causing an autopilot disconnect during the landing flare maneuver, and the other disengaging the rollout guidance function of the autopilot after touchdown. The autoland computer anomalies affect the various airplane models differently. Loss of the automatic rollout guidance may occur on the Model 757, 767, and 747-400 series airplanes, and loss of the autoland flare may occur only on the Model 757 and 767 series airplanes. These conditions, if not corrected, could contribute to a landing accident due to loss of automatic flare function, or loss of the rollout guidance after touchdown during reduced visibility operations.

The FAA has determined that the rollout guidance system no longer meets the initial airworthiness and performance criteria. Therefore, the Airplane Flight Manual (AFM) must be revised to reflect this reduced performance. The current AFM states that the autopilot system was shown to meet the applicable airworthiness performance and integrity requirements for an autopilot system to comply with FAA Advisory Circular (AC) 120-28C, Appendices 1, 2, and 3, for an automatic landing system. The AFM statement must be revised to show compliance with AC 120-28C, Appendices 1 and 2 only.

The FAA has determined that to prevent a no-flare landing, an interim operating procedure must be instituted, until a new design computer becomes available. (Once the new design is approved and available, the FAA may consider further rulemaking to address it.) The interim procedures prohibit an autoland landing from an approach when the annunciation changes from "Land 3" to "Land 2" below 1,500' AGL. Accordingly, the pilot must judge the weather conditions and make either a manual approach and landing, or a go-around, in accordance with the operational instruction for that operator.

Since this condition is likely to exist on other airplanes of the same type design, this Ad requires an AFM revision (as described above) which imposes a restriction on the operational use of the autopilot when used in low visibility Category III (CAT III) weather conditions.

This action is considered an interim measure. The FAA may consider further rulemaking action to require retrofitting the autopilot computers with a modified

design when such a design becomes available.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

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

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to all Model 757, 767, and 747-400 series airplanes, certificated in any category. Compliance required within 30 days after the effective date of this AD, unless previously accomplished.

To prevent landing accidents as a result of inadvertent autopilot disconnection during restricted visibility conditions, accomplish the following:

A. Revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) as follows. This may be accomplished by inserting a copy of this AD in the AFM.

1. For the Model 747-400 series airplane, add the following paragraph under AUTOPILOT/FLIGHT DIRECTOR SYSTEM:

"For low weather minima automatic landing, fail-operational, the autopilot system has only been shown to meet the applicable airworthiness performance and integrity requirements to comply with FAA Advisory Circular (AC) 20-57A, and Appendices 1 and 2 of AC 120-28C, for an automatic landing system. (This supersedes information stated in NORMAL PROCEDURES)."

2. For the Model 767 series airplane, add the following paragraph under AUTOPILOT-FLIGHT DIRECTOR:

"For autoland, fail-operational, the autopilot system has only been shown to meet the applicable airworthiness performance and integrity requirements to comply with Appendices 1 and 2 of FAA Advisory Circular 120-28C for an automatic landing system. (This supersedes information stated in NORMAL PROCEDURES)."

3. For the Model 757 series airplane, add the following paragraph under AUTOPILOT-FLIGHT DIRECTOR.

"For autoland fail-operational, the autopilot system has only been shown to meet the applicable airworthiness performance and integrity requirements to comply with Appendices 1 and 2 for FAA Advisory Circular 120-28C for an automatic landing system. (This supersedes information stated in NORMAL PROCEDURES)."

B. For the Model 767 and 757 series airplanes, revise the Certificate Limitations Section of the FAA-approved AFM under AUTOPILOT-FLIGHT DIRECTOR to include the following. This may be accomplished by inserting a copy of this AD in the AFM.

"For Autoland Operation, if the crewmember's status message changes from LAND 3 to LAND 2, an autoland is prohibited, and the pilot must disconnect the autopilot and execute a manual go-around or make a manual landing on *that* approach."

C. An alternate means of compliance which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Transport Airplane Directorate.

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

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

This amendment becomes effective March 5, 1991.

Issued in Rention, Washington, on February 7, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3917 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-160-AD; Amdt. 39-6903]

Airworthiness Directives; Boeing Model 767-300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 767-300 series airplanes, which requires modification of the engine and cargo compartment fire extinguishing wiring and plumbing to preclude improper connection during maintenance. This action also allows for termination of certain repetitive inspections and functional tests of the engine and cargo extinguishing systems following system maintenance which are currently required by another AD. This amendment is prompted by reports of crossed wiring and plumbing in the engine and cargo compartment fire extinguishing system. This condition, if not corrected, could result in misdirection of the extinguishing agent in the event of an engine or cargo compartment fire.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. G.M. Dail, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2674. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to

Boeing Model 767-300 series airplanes, which requires the modification of the engine and cargo compartment fire extinguishing wiring and plumbing, which was published in the Federal Register on September 19, 1990 (55 FR 38557).

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

The manufacturer and one operator requested that the proposed rule be withdrawn and that accomplishment of the referenced service bulletins be optional. Two commenters further asserted that the required inspections which follow maintenance in that area are sufficient to ascertain system integrity since the systems are rarely "opened" during the life of the airplane. The FAA does not concur. It is the FAA's policy that when a reasonable modification is available, the incorporation of the modification will better assure continued safety, rather than depending upon long term repetitive inspections.

The Air Transport Association (ATA) of America requested that the compliance time be increased from the proposed 2 years to 4 years so that the modification may be accomplished during scheduled maintenance. The FAA concurs with this request. The inspections and functional tests that are currently required by AD 89-03-51 will assure an acceptable level of safety until the modification is incorporated. The final rule has been changed accordingly.

Since issuance of the NPRM, the FAA has become aware that the proposed modification has been incorporated on airplanes in production, starting with line number 275. Because AD 89-03-51 applies to all Model 767 series airplanes, those airplanes are currently subject to the repetitive inspection and functional test requirements of that AD. Since the FAA's intent in adopting this AD is to allow the termination of those inspections and tests upon accomplishment of the modification, the final rule has been revised to clarify which inspections and tests may be terminated, and for which airplanes the modification was incorporated in production.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with changes previously described. The FAA had determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

There are approximately 63 Model 767-300 series airplanes of the affected design in the worldwide fleet. It is estimated that 30 airplanes of U.S. registry will be affected by this AD, that it will take approximately 110 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Replacement parts are estimated to cost $7,450 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $355,500.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 767-300 series airplanes certificated in any category listed in Boeing Service Bulletins 767-26-0045, dated May 10, 1990, and 767-26-0048, dated June 21, 1990 Compliance required within the next 48 months after the effective date this AD, unless previously accomplished.

To preclude cross-connection of engine and cargo compartment fire extinguishing systems wiring and plumbing during maintenance, accomplish the following:

A. Modify the engine and cargo compartment fire extinguishing system wiring and plumbing in accordance with Boeing Service Bulletin 767-26-0045, dated May 10, 1990, or 767-26-0048, dated June 1990, as appropriate. Accomplishment of this modification constitutes terminating action for the repetitive inspections and functional tests required by Airworthiness Directive 89-03-51, Amendment 39-6213, on Boeing Model 767-300 airplanes following maintenance on the engine and cargo compartment fire extinguishing wiring and plumbing.

Note: The modification described in Boeing Service Bulletin 767-26-0045 was incorporated in production on airplanes starting with line number 275, and the modification described in Boeing Service Bulletin 767-26-0048 was incorporated in production on airplanes starting with line number 290. Accordingly, this paragraph terminates the repetitive inspection and functional test requirements of AD 89-03-51 for those airplanes.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective March 25, 1991.

Issued in Renton, Washington, on February 6, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3918 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-CE-49-AD; Amdt. 39-6902]

Airworthiness Directives; Dornier Models Do228-100, Do228-101, Do228-200, Do228-201, Do228-202, and Do228-212 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Dornier Do228 series airplanes. This action requires the installation of a second electrical bonding strap between the wing rear spar and the fuselage, an inspection for galvanic corrosion between the wing front spar and several electrical connectors, and the improvement of the electrical bonding jumpers between the horizontal stabilizer and the elevator. Several reports from U.S. airplane operators were received of malfunctions of electrical equipment located in the wings of these airplanes. The actions specified in this AD are intended to assure the safety of the electrical equipment and help eliminate subsequent engine failure.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: Dornier Service Bulletin (SB) No. SB-228-106, Revision 1, dated December 11, 1989, Dornier SB No. SB-228-152, Revision 1, dated February 19, 1990, and Dornier SB No. SB-228-162, dated February 19, 1990, that are discussed in this AD may be obtained from Dornier Luftfahrt GmbH, Product Support, P.O. Box 3, D-8031 Wessling, Federal Republic of Germany; Telephone (498153)-300; Facsimile (498153)-30.29.85. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Heinz Hellebrand, Brussels Aircraft Certification Office, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium; Telephone (322)-513.38.30, Extension 2710; or Mr. Herman Belderok, Project Officer, FAA, 601 E. 12th Street, Kansas City, Missouri 64106, Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to Dornier Models Do228-100, Do228-101, Do228-200, Do228-201, Do228-202, and Do228-212 airplanes was published in the **Federal Register** on November 9, 1990 (55 FR 47071). The proposed AD would require the installation of a second electrical bonding strap between the wing rear spar and the fuselage, an inspection for galvanic corrosion between the wing front spar and electrical connectors 56VP, 57VP, 58VP, and 59VP (electrical connectors 23QXa and 24QXa if option Ik04 is installed), and the improvement of the electrical bonding jumpers between the horizontal stabilizer and the elevator.

Interested persons have been afforded an opportunity to participate in the making of this amendment. The one commenter who responded stated that the proposed AD action was a good idea and that it was clear that an alternate bonding path from the wing to the fuselage was necessary for safety.

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. These minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

It is estimated that 43 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 20 hours to accomplish the required actions at $40 an hour, and that parts cost approximately $546. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $57,878.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety

Adoption of the Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Dornier: Amendment 39-6902; Docket No. 90-CE-49-AD. Applicability: Models Do228-100, Do228-101, Do228-200, Do228-201, Do228-202, and Do228-212 airplanes (series numbers as indicated in the body of the AD), certificated in any category. Compliance: Required within the next 300 hours time-in-service after the effective date of this AD, unless already accomplished.

To assure the electrical bonding integrity of the affected airplanes, accomplish the following.

(a) For serial numbers (S/N) 7000 through 7168 and S/N 8000 through 8190 airplanes, replace the 4 mm^2 cross-sectional area bonding straps between the horizontal stabilizer and the elevator with 6 mm^2 cross-sectional area bonding straps in accordance with the instructions in Dornier Service Bulletin (SB) No. SB-228-106, Revision 1, dated December 11, 1989.

(b) For S/N 7000 through 7168, S/N 8000 through 8175, and S/N 8177 airplanes, visually inspect the wing front spar area around electrical connectors 56VP, 57VP, 58VP and 59VP (electrical connectors 23QXa, 24QXa if option IK04 is installed) for corrosion in accordance with the instructions in Dornier SB No. SB-228-152, Revision 1, dated February 19, 1990. If corrosion is found, prior to further flight, remove the corrosion and treat the affected area in accordance with the instructions in Dornier SB No. SB-228-152, "Accomplishment Instruction" paragraph 2.2.

(c) For S/N 7000 through 7168 and S/N through 8179 airplanes, install an additional grounding strap between the wing rear spar and the fuselage in accordance with the instructions in Dornier SB No. SB-228-162, dated February 19, 1990.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(e) An alternate method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Staff, Europe, Africa and Middle East Office, FAA, c/o American Embassy, 1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add

comments and then send it to the Manager, Brussels Aircraft Certification Office.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Dornier Luftfahrt GmbH, Product Support, P.O. Box 3, D-8031 Wessling, Federal Republic of Germany; Telephone (498153)-300; Facsimile (498153)-30.29.85; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 25, 1991.

Issued in Kansas City, Missouri, on February 5, 1991.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3914 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-233-AD; Amdt. 39-6905]

Airworthiness Directives; Fokker Model F-28 Mark 1000, 2000, 3000, and 4000 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F-28 Mark 1000, 2000, 3000, and 4000 series airplanes, which requires incorporation of certain structural modifications. This amendment is prompted by reports of recent incidents involving fatigue cracking and corrosion in transport category airplanes that are approaching or have exceeded their economic design goal. These conditions, if not corrected, could result in degradation in the structural capabilities of the affected airplanes. This action also reflects the FAA's decision that long term continued operational safety should be assured by actual modification of the airframe rather than repetitive inspections.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: The applicable service information may be obtained from Fokker Aircraft USA, Inc., 1199 N. Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227-2145. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain Fokker Model F-28 Mark 1000, 2000, 3000, and 4000 series airplanes, which requires incorporation of certain structural modifications, was published in the **Federal Register** on November 26, 1990 (55 FR 49072).

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

The commenter supported the rule.

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

This is considered to be interim action. The manufacturer is currently developing additional modifications. Additionally, the "F-28 Aging Aircraft Program" will be finalized in the winter of 1990, and may result in the implementation of a "Corrosion Prevention and Control Program" into the FAA-approved maintenance program. Once these items are developed, the FAA may consider further rulemaking to revise this AD to require additional necessary action.

It is estimated that 48 airplanes of U.S. registry will be affected by this AD, that it will take approximately 471 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The estimated cost for required parts is $16,541 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,698,288.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Fokker: Applies to Model F-28 Mark 1000, 2000, 3000, and 4000 series airplanes, as listed in Part II of Fokker Report No. SE-243, Issue No. 1, dated June 1, 1990, certificated in any category. Compliance is required as indicated, unless previously accomplished.

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

A. Accomplish the structural modifications according to the service bulletins and the "incorporation threshold" listed in Part II of Fokker Report No. SE-243, Issue No. 1, dated June 1, 1990 as follows:

1. For airplanes that have accumulated time-in-service exceeding the specified "incorporation threshold" as of the effective date of this AD, the structural modifications must be accomplished by the following dates:

a. July 1, 1996, for those service bulletins to which [Note 1] applies.

b. July 1, 1993, for those service bulletins to which [Note 2] applies.

c. July 1, 1993, or 14 years after the airplane's manufacturing date, whichever occurs later, for service bulletins to which [Note 4] applies.

2. For airplanes that have accumulated time-in-service less than the specified "incorporation threshold" as of the effective date of this AD, the structural modifications must be accomplished before the applicable "incorporation threshold" or by the following dates, whichever occurs later:

a. July 1, 1996, for service bulletins to which [Note 1] applies.

b. July 1, 1993, for service bulletins to which [Note 2] applies.

c. July 1, 1993, or 14 years after the airplane's manufacturing date, whichever comes later, for service bulletins to which [Note 4] applies.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may

be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Transport Airplane Directorate.

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fokker Aircraft USA, Inc., 1199 N. Fairfax Street, Alexandria, Virginia 22314. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

This amendment becomes effective March 25, 1991.

Issued in Renton, Washington, on February 7, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3919 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-CE-33-AD; Amdt. 39-6892]

Airworthiness Directives; Pilatus Britten-Norman Limited Model BN-2T Turbine Islander Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pilatus Britten-Norman (PBN) Limited Model BN-2T Turbine Islander airplanes. This action requires modification of the engine ignition system to provide continuous ignition when engine inlet heat is selected. Incidents have been reported of single and dual engine flameouts that resulted from undetected ice ingestion. The actions specified in this AD are intended to prevent engine flameout caused by ice ingestion.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: PBN Service Bulletin (SB) BN-2/SB 193, dated April 11, 1990, that is discussed in this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, PO36 5PR, England; Telephone (44-983) 872511. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to Pilatus Britten-Norman (PBN) Limited Model BN-2T Turbine Islander airplanes was published in the **Federal Register** on October 26, 1990 (55 FR 43141). The proposed AD would require the modification of the engine ignition system in accordance with PBN Service Bulletin (SB) BN-2/SB 193, dated April 11, 1990.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. These minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

There are no airplanes in the U.S. registry affected by this AD, but these airplanes are type certificated for operation in the United States. If any of these airplanes were added to the U.S. registry, it is estimated that it will take approximately 6 hours per airplane to accomplish the required action, and that parts cost approximately $5,695 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Pilatus Britten-Norman (PBN): Amendment 39-6892; Docket No. 90-CE-33-AD.

Applicability: Model BN-2T Turbine Islander airplanes (all serial numbers), certificated in any category, that do not have PBN Modification Number NB/M/1429 incorporated.

Compliance: Required within the next 200 hours time-in-service after the effective date of this AD, unless already accomplished.

To prevent the loss of engine power on both engines simultaneously, accomplish the following:

(a) Modify the airplane engine ignition system as described in PBN Service Bulletin BN-2/SB 193, dated April 11, 1990.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternate method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Brussels Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Staff.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman Limited, Bembridge Airport, Isle of Wight, PO36 5PR, England; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room

1558, 601 E. 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 25, 1991.

Issued in Kansas City, Missouri, on January 30, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3913 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-CE-32-AD; Amdt. 39-6891]

Airworthiness Directives; Pilatus Britten-Norman Limited Model BN-2T Turbine Islander Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pilatus Britten-Norman (PBN) Limited Model BN-2T Turbine Islander airplanes. This action requires modification of the starter/generator electrical circuit. Service experience has shown that it is possible to have an undetected circuit breaker trip in the starter/generator circuit after an engine shutdown. The action required by this AD is intended to ensure the ability to restart the engine in flight if an undetected circuit breaker trip occurs.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: PBN Service Bulletin (SB) BN2/SB 194, dated April 11, 1990, that is discussed in this AD may be obtained from Pilatus Britten-Norman Limited, Bembridge, Isle of Wight, PO36 5PR, England; Telephone (44-983) 872511. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Carl F. Mittag, Aircraft Certification Staff, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30 ext. 2710; Facsimile (322) 230.68.99; or Mr. John P. Dow, Sr., Small Airplane Directorate, Airplane Certification Service, FAA, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932; Facsimile (816) 426-2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to Pilatus Britten-Norman (PBN) Limited Model BN-2T Turbine Islander airplanes was published in the **Federal Register** on October 26, 1990 (55 FR 43142). The proposed AD would require the modification of the starter/generator circuit in accordance with PBN Service Bulletin BN2/SB 194, dated April 11, 1990.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. These minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

There are currently no airplanes in the U.S. registry affected by this AD, but these airplanes are type certificated for operation in the United States. If any of these airplanes were added to the U.S. registry, it is estimated that it will take approximately 3 hours per airplane to accomplish the required action at $40 an hour, and that parts cost approximately $278 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13—[Amended]

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

Pilatus Britten-Norman (PBN): Amendment 39-6891; Docket No. 90-CE-32-AD.

Applicablity: Model BN-2T Turbine Islander airplanes (all serial numbers), certificated in any category, that do not have PBN Modification Number NB/M/1415 incorporated.

Compliance: Required within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished.

To ensure the ability to restart the engines in flight if an undetected circuit breaker trip occurs, accomplish the following:

(a) Modify the airplane electrical system in accordance with the instructions in PBN Service Bulletin BN2/SB 194, dated April 11, 1990.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(c) An alternate method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manger, Brussels Aircraft Certification Staff, FAA, Europe, Africa, and Middle East Office, c/o American Embassy, B-1000 Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Staff.

(d) All persons affected by this directive may obtain copies of the document referred to herein upon request to Pilatus Britten-Norman Limited, Bembridge Airport, Isle of Wight, PO36 5PR, England; or may examine this document at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 25, 1991.

Issued in Kansas City, Missouri, on January 30, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification.

[FR Doc. 91-3915 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-CE-20-AD; Amdt. 39-6887]

Airworthiness Directives; SOCATA Models TB 20 and TB 21 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain SOCATA Models TB 20 and TB 21 airplanes. This action requires initial and repetitive visual inspections for cracks of fuselage frame No. 0 that is adjacent to the engine mount and landing gear mount. Three cracks of this fuselage frame have been reported. The actions specified in this AD are intended to prevent failure of the fuselage frame and loss of structural integrity.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: Aerospatiale Service Bulletin No. 42/1, dated July 1990, and SOCATA Service Kit 9152 that are discussed in this AD may be obtained from Aerospatiale, Aeroport Tarbes-Ossum-Lourdes, B.P. 930 65009, Tarbes Cedex, France; Telephone 62.51.7300. The service information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Everett Pittman, Aerospace Engineer, Aircraft Certification Office, Europe, Africa, and Middle East Office, FAA, c/o American Embassy, B-1000 Brussels, Belgium; Telephone (322) 513.38.30; or Mr. Richard F. Yotter, Aerospace Engineer, Project Support Section-Foreign, 601 E. 12th Street, Kansas City, Missouri 64106; Telephone (816) 426-6932.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain SOCATA Models TB 20 and TB 21 airplanes was published in the **Federal Register** on June 4, 1990 (55 FR 22804). The proposed AD would require initial and repetitive inspections of fuselage frame No. 0 for cracks and repair if cracks are found in accordance with the instructions in Aerospatiale Service Bulletin No. 42/1, dated July 1990. After the issuance of the proposal, SOCATA revised the applicable service information to include additional airplanes. Since this expanded applicability went beyond the scope of the earlier proposed AD, the proposal was revised accordingly and a supplemental notice of proposed rulemaking was issued. The revised proposal was published in the **Federal Register** on November 16, 1990 (55 FR 40198).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposals or the FAA's determination of the related cost. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. These minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

It is estimated that 148 airplanes in the U.S. registry will be affected by this AD, and that it will take approximately 2 hours per airplane to accomplish the required actions at $40 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $11,840.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

SOCATA: Amendment 39-6887; Docket No. 90-CE-20-AD. Applicability: Models TB 20 and TB 21 airplanes (serial numbers (S/N) 1 through 1051, except S/N 1040 and S/N 1042), certificated in any category.

Compliance: Required as indicated after the effective date of this AD, unless already accomplished.

To prevent structural failure of the fuselage frame in the area of the landing gear attachment, accomplish the following:

(a) On airplanes with more than 1,500 hours time-in-service (TIS) on the effective date of this AD, within the next 100 hours TIS after the effective date of this AD and, thereafter, at intervals not to exceed 500 hours TIS, visually inspect the fuselage frame No. 0 for cracks in the area of the engine mount and landing gear mount in accordance with the instructions in Aerospatiale Service Bulletin (SB) No. 42/1, dated July 1990. Prior to further flight, repair any cracked frames found in accordance with the instructions in the above SB.

(b) On airplanes with less than 1,500 hours TIS on the effective date of this AD, within the next 100 hours TIS or prior to accumulating 1,600 hours TIS, whichever occurs later, and, thereafter, at intervals not to exceed 500 hours TIS, visually inspect the fuselage frame No. 0 for cracks in the area of the engine mount and landing gear mount in accordance with the instructions in Aerospatiale SB No. 42/1, dated July 1990. Prior to further flight, repair any cracked frames found in accordance with the instructions in the above SB.

(c) The repetitive inspections specified in paragraphs (a) and (b) of this AD are no longer required when the airplane has been modified in accordance with Socata Kit 9152.

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

(e) An alternate method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Aircraft Certification Office, Europe, Africa, Middle East Office, FAA, c/o American Embassy, B-1000, Brussels, Belgium. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Brussels Aircraft Certification Office.

(f) All persons affected by this directive may obtain copies of the documents referred to herein upon request to Aerospatiale Aeroport Tarbes-Ossum-Lourdes, B.P. 930 65009 Tarbes, France; Telephone 62.51.7300; or may examine the service information at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 610 E. 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective on March 25, 1991.

Issued in Kansas City, Missouri, on January 25, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3912 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 590

[Docket No. R-91-1501; FR-2808-F-01]

RIN 2506-AB05

Urban Homesteading; Technical and Conforming Amendments

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: The Department is amending part 590 of its regulations to conform to changes required by the Financial Institutions, Reform, Recovery, and Enforcement Act of 1989 (Pub. L. 101-73, approved August 9, 1989) (FIRREA). Part 590 implements the Urban Homesteading Program authorized by section 810 of the Housing and Community Development Act of 1974 (section 810). The FIRREA amended section 810 to include the Resolution Trust Corporation (RTC) as a Federal agency that the Secretary is authorized to reimburse for properties conveyed for use in a HUD-approved local urban homesteading program.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: John D. Garrity, Director, Urban Homesteading Program, Rehabilitation Loans and Homesteading Division, Office of Community Planning and Development, Department of Housing and Urban Development, room 7158, 451 Seventh Street, SW., Washington, DC 20410-8000, telephone (202) 708-0324. Hearing- or speech-impaired individuals may call the TDD number of the Office Community Planning and Development, (202) 708-2565. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Statement

The information collection requirements for the Urban Homesteading Program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 and have been assigned OMB Control Number 2506-0042. This rule does not contain additional information collection requirements.

Background

Section 810 of the Housing and Community Development Act of 1974 (12 U.S.C. 1706e) (section 810) provides for an urban homesteading program. Under this program, HUD is authorized to transfer, without payment, to local urban homesteading agencies (LUHAs), HUD-owned one-to-four family properties for use in HUD-approved local urban homesteading programs, with appropriate reimbursement to the applicable HUD housing loan fund from the section 810 appropriation. Section 810 also authorizes HUD to reimburse the housing loan funds of the Farmers Home Administration (FmHA) and the Department of Veterans Affairs (VA) for properties conveyed by these agencies to LUHAs for use in the Urban Homesteading Program.

The Financial Institutions Reform, Recovery, and Enforcement Act of 1974 (Pub. L. 101-73, approved August 9, 1989), among other actions, created the Resolution Trust Corporation (RTC), and amended section 810 to include the RTC as a Federal agency that HUD may reimburse for properties conveyed in connection with HUD-approved local urban homesteading programs. Accordingly, this final rule makes the conforming amendments required by the FIRREA. The rule also clarifies, by amendment to the definition of "Federally-owned property," that properties conveyed in connection with the local urban homesteading programs may include single-dwelling units in a condominium project.

Justification for Final Rulemaking

It is the Department's usual practice to publish regulation changes as proposed rulemaking for public comment before adopting the changes as final. In this instance, the Department has determined that notice and prior public comment on this rule are unnecessary. The amendments made by this final rule merely conform the part 590 regulations to reflect the FIRREA's inclusion of the RTC as a Federal agency the HUD may reimburse for properties conveyed for use in the Urban Homesteading Program. The final rule does not substantively alter the existing regulatory framework of the Urban Homesteading Program.

Other Matters

This rule does not constitute a "major rule" as that term is defined in section 1(b) of Executive Order 12291 on Federal Regulation issued on February 17, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect 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.

Under 5 U.S.C. 605(b) (the Regulatory Flexibility Act), the Undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities. The rule merely conforms the part 590 regulations to reflect the FIRREA's inclusion of the RTC as a Federal agency authorized to be reimbursed for properties conveyed in connection with the Urban Homesteading Program.

This rule was listed as sequence number 1249 in the Department's Semiannual Agenda of Regulations published on October 29, 1990 (55 FR 44530, 44559), under Executive Order 12291 and the Regulatory Flexibility Act.

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 50.20 (k) and (l) of the HUD regulations, the policies and procedures set forth in this rule are determined not to have the potential of having a significant impact on the quality of the human environment. The amendments made by this final rule do not change the current environmental requirements of the Urban Homesteading Program under 24 CFR part 590. Because the rule does not provide for additional environmental requirements, a new Finding of No Significant Impact with respect to the environment is not required.

The General Counsel, as the Designated Official under section 6(a) of Executive Order No. 12611, Federalism, has determined that this rule does not have a substantial, direct effect on the States or on the relationship between the Federal government and the States, or on distribution of power or responsibilities among the various levels of government. The rule does not introduce new program requirements or procedures.

The General Counsel, as the Designated Official under Executive

Order 12606, The Family, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and thus is not subject to review under the Order. No significant change in existing HUD policies or programs will result from promulgation of this rule, as those policies and programs relate to family concerns.

The Catalog of Federal Domestic Assistance Program title and number is 14.222, Urban Homesteading.

List of Subjects in 24 CFR Part 590

Government property, Housing, Intergovernmental relations, Low and moderate income housing, Reporting and recordkeeping requirements, Urban renewal.

Accordingly, 24 CFR part 590 is amended as follows:

PART 590—URBAN HOMESTEADING

1. The authority citation for 24 CFR part 590 continues to read as follows:

Authority: Sec. 810, Housing and Community Development Act of 1974 (12 U.S.C. 1706e); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d).

2. In § 590.5, the definitions of "Federally-owned property" introductory text and paragraphs (1) and (3) and "Section 810 funds" are revised, and a definition for "RTC" is added, alphabetically, to read as follows:

§ 590.5 Definitions.

* * * * *

Federally-owned property means any real property which the Secretary of HUD, the Secretary of Agriculture, the Secretary of Veterans Affairs, or the Director of the RTC (as receiver, or in its corporate capacity) has power to dispose of, and which is:

(1) Improved with a one-to-four-family residence, including a single-family dwelling unit in a condominium project;

* * * * *

(3) Not occupied by an individual or family under a lease. (Property of this nature is also referred to as "HUD-owned property," "FmHA-owned property," "VA-owned property," or "RTC-owned property" when the context requires identification of the particular agency.)

* * * * *

RTC means the Resolution Trust Corporation.

Section 810 funds means funds available to reimburse HUD, FmHA, VA, or RTC (as applicable) for federally-owned property transferred to LUHAs in accordance with this part.

3. In § 590.7, paragraphs (b)(2)(v) and (c)(2)(i) are revised to read as follows:

§ 590.7 Program requirements.

* * * * *

(b) * * *

(2) * * *

(v) Provide that, before a property is offered to other prospective homesteaders who are eligible, the property will be offered to eligible lower income families, except that properties obtained under the RTC's Affordable Housing Disposition Program (12 CFR part 1609) must be transferred to lower-income families; and

* * * * *

(c) * * *

(2) * * *

(i) Act as LUHA in its own name, while identifying within its administrative organization a lead department or agency to act as the primary contact point for HUD, VA, FmHA and RTC as described in § 590.11(a)(7).

* * * * *

4. Section 590.9 and its section heading are revised to read as follows:

§ 590.9 Listing of Federally-owned properties.

In order to facilitate planning for local urban homesteading programs, HUD, FmHA, VA and RTC, upon request by a LUHA, each shall provide the LUHA with a listing of all residential one-to-four-unit properties, including single-family dwelling units in a condominium project, in the LUHA's jurisdiction, which each has the power to dispose of, and which are not subject to executed repair or sale contracts or leases. The list of residential one-to-four-unit properties to be provided by the RTC is limited to those properties obtained under the RTC's Affordable Housing Disposition Program. The LUHA shall give the public access to the list during ordinary business hours at the offices of the LUHA.

5. In § 590.11, paragraphs (a)(6), (b)(1), and (d)(3)(v) are revised to read as follows:

§ 590.11 Applications.

(a) * * *

(6) An estimate of the amount of section 810 funds to be used during the current Federal fiscal year and a statement concerning the basis for the estimate, including the number of properties expected to be acquired during the year, prepared after consultation with HUD/FHA, FmHA, VA, and RTC, as appropriate;

* * * * *

(b) *Annual Requests for Program Participation.* (1) An applicant that has previously submitted and received approval of an initial application under paragraph (a) of this section shall notify the HUD Field Office in writing on or before August 1 of each succeeding fiscal year if it wishes to continue in the program. At the same time, the applicant shall notify HUD of its estimate of the section 810 funds to be used during the upcoming Federal fiscal year, along with an explanation of the basis for the estimate, including the number of properties expected to be acquired during the year, prepared after consultation with HUD/FHA, FmHA, VA, and RTC, as appropriate.

* * * * *

(d) * * *

(3) * * *

(v) Procedures for conveying fee simple title to the residential property received from HUD, FmHA, VA or RTC to the homesteader, without substantial consideration, upon his or her full compliance with the agreement required in § 590.7(b)(7).

* * * * *

6. Section 590.15 is revised to read as follows:

§ 590.15 Urban homesteading program participation agreement.

Upon approval of an application, HUD, the State or unit of general local government and the designated LUHA, if any, will execute an urban homesteading program participation agreement in the form prescribed by HUD. The agreement authorizes the LUHA to request HUD, VA, FmHA, and RTC to transfer properties to the LUHA under the provisions of this part, to the extent that funds available are sufficient to reimburse the Federal agency for the properties. The agreement also obligates the LUHA to use the properties in accordance with the Act, this part, other applicable laws and regulations, and its approved application. However, the agreement does not obligate HUD, FmHA, VA or RTC to transfer a specific number of properties or particular properties identified in a program application, or a program amendment.

7. In § 590.18, the section heading, the introductory text, paragraph (c) introductory text, and paragraph (c)(2) are revised, and a new paragraph (c)(3) is added to read as follows:

§ 590.18 Reimbursement to FmHA, VA and RTC.

The Secretary shall reimburse FmHA, VA or RTC from LUHA's section 810 funds in an amount agreed to between the LUHA and the respective Federal agency for each agency's property plus

approved closing costs under the following conditions:

* * * * *

(c) The reimbursement (excluding closing costs) does not exceed the lesser of the amounts specified in paragraphs (c) (1), (2) or (3) of this section:

* * * * *

(2) The amount certified by FmHA or VA to be a fair value for the property based on the lesser of the market value or the amount of FmHA's or VA's claim plus the expenses connected with Federal ownership; or

(3) The amount certified by RTC as the applicable price consistent with RTC pricing policies in effect at the time; and

8. Section 590.19 is revised to read as follows:

§ 590.19 Use of section 810 funds.

Section 810 funds may be used to reimburse HUD, VA, FmHA or RTC for federally-owned properties. Section 810 funds may not be used to reimburse LUHAs for administrative costs, nor may they be used to acquire property other than through reimbursement for federally-owned property. Participants receiving Community Development Block Grant (CDBG) funds may charge eligible administrative expenses incurred in operating their urban homesteading programs to their otherwise available CDBG administrative funds, provided such administrative expenditures would satisfy other Title I requirements.

9. In § 590.21, the first and second sentences are revised to read as follows:

§ 590.21 Reservation of funds.

After execution of the applicant's urban homesteading program participation agreement during the first program year, and thereafter following approval of the applicant's annual request for program participation, HUD will reserve funds to reimburse the FHA Fund, HUD's Rehabilitation Loan Fund, FmHA, VA, or RTC when specific properties are identified for transfer to the LUHA, as stated in § 590.17 or § 590.18. Funds will be reserved by HUD on a first-come, first-served basis subject to availability from the applicable field office subassignment, except that field offices may designate a temporary minimum initial allocation of section 810 funds to be exclusively available for each participating LUHA for a period not to exceed 90 days from the date the LUHA is notified of such temporary allocation.* * *

Dated: February 11, 1991.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 91-3971 Filed 2-19-91; 8:45 am]

BILLING CODE 4210-29-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 580, 581 and 583

[Docket No. 91-01]

Bonding of Non-Vessel-Operating Common Carriers

AGENCY: Federal Maritime Commission.

ACTION: Stay of effective date of interim rule.

SUMMARY: This stays the effective date of the Interim Rule in Docket No. 91-01 for a period of sixty days. This stay implements an exemption granted by the Commission from the requirements of section 710 of Public Law No. 101-595.

DATES: Stay effective February 20, 1991. Interim rules effective April 15, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, DC 20573-0001, (202) 523-5725.

SUPPLEMENTARY INFORMATION: The Commission published an Interim Rule in this proceeding in the **Federal Register** on January 15, 1991 (56 FR 1493) with an effective date of February 14, 1991. The Interim Rule implemented the provisions of Section 710 of Public Law No. 101-595 by establishing requirements relating to bonding of non-vessel-operating common carriers. The Commission now, in response to a petition from interested parties, has granted a 60 day exemption pursuant to section 16 of the Shipping Act of 1984, 46 U.S.C. app. section 1715, from the provisions of section 710 of Public Law No. 101-595. In view of this exemption, a corresponding stay of the effective date of the rules to April 15, 1991, is appropriate.

By the Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91-3880 Filed 2-19-91; 8:45 am]

BILLING CODE 6730-01-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. 1, Amdt. 1-238]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) hereby delegates to the Maritime Administrator authority conferred by subtitle B—Shipping Provisions, Public Law 101-624, enacted November 28, 1990.

EFFECTIVE DATE: February 20, 1991.

FOR FURTHER INFORMATION CONTACT: James E. Saari, Secretary, Maritime Administration, 400 Seventh Street SW., Room 7300, Washington, DC 20590, telephone: (202) 366-5746; or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, Room 10424, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone: (202) 366-9307.

SUPPLEMENTARY INFORMATION: Subtitle B of Public Law 101-624 confers on the Secretary of Transportation authority to designate a vessel as an American Great Lakes vessel. The Secretary is hereby amending regulations of the Office of the Secretary of Transportation, at 49 CFR 1.66, to delegate to the Maritime Administrator that authority. A corresponding change is being made to the Department's Organization Manual.

Since this amendment relates to Departmental organization, notice and comment are unnecessary, and the rule may become effective in fewer than thirty days after publication in the **Federal Register**.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 49 U.S.C. 322.

2. Section 1.66 is amended as follows:

Add a new paragraph (w) at the end, to read as follows:

§ 1.66 [Amended]

* * * * *

(w) Carry out the provisions of subtitle B of Public Law 101–624.

Issued on: February 5, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91–3890 Filed 2–19–91; 8:45 am]

BILLING CODE 4910–62–M

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49 CFR Part 1

[OST Docket No. 1; Amdt. 1-239]

Organization and Delegation of Powers and Duties

AGENCY: Office of the Secretary, Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This document delegates authority to the Administrators of the Department of Transportation's Operating Administrations to carry out the provisions of the Sanitary Food Transportation Act of 1990 (Pub. L. 101–500).

EFFECTIVE DATE: February 20, 1991.

FOR FURTHER INFORMATION CONTACT: Mary M. Crouter, Senior Attorney, Office of the Chief Counsel, Research and Special Programs Administration, DCC–1, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590; telephone number (202) 366–4400, or Steven B. Farbman, Office of the Assistant General Counsel for Regulation and Enforcement, C–50, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, telephone number (202) 366–9307.

SUPPLEMENTARY INFORMATION: On November 3, 1990, the President signed the Sanitary Food Transportation Act of 1990 (SFTA; Pub. L. 101–500). The SFTA requires the Secretary of Transportation, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, to issue regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles which are used to transport either refuse or other nonfood products which, when so transported, would make such food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

Section 9 of the SFTA provides that the Secretary of Transportation may implement the SFTA through means that include inspections conducted by state employees who are funded under the Motor Carrier Safety Assistance Program (MCSAP). The Secretary, in cooperation with the other Federal agencies, is required to develop and carry out a training program for inspectors to conduct vigorous enforcement of the statute and regulations. Section 10 of the SFTA provides that the Secretary shall have the same powers and duties under the SFTA as the Secretary has under section 109 (other than subsections (c)(1), (d), and (e)) of the Hazardous Materials Transportation Act (HMTA).

Section 11 of the SFTA provides that civil and criminal violations of regulations or orders issued under the SFTA shall be determined, and civil and criminal penalties for such violations shall be imposed, in the same manner and to the same extent that violations are determined and penalties are imposed under section 110 of the HMTA. Section 11 also provides for equitable relief in the same manner and to the same extent that the Secretary is authorized to take such action under section 111 of the HMTA. Section 12 of the SFTA provides that the provisions of the HMTA relating to the relationship of that Act to a law or other requirement of a State, political subdivision, or Indian tribe shall apply with respect to the relationship of the SFTA to a law or other requirement of a State, political subdivision, or Indian tribe which concerns a subject covered under the SFTA. This amendment delegates the authority of the Secretary to issue regulations and enforce the SFTA to the Administrators of certain of the Department of Transportation Operating Administrations.

Section 15 of the SFTA, the Motor Carrier Safety Act of 1990, amends the Hazardous Materials Transportation Act, 49 U.S.C. 1801 *et seq.*, to prohibit a motor carrier receiving an unsatisfactory safety rating from operating a commercial motor vehicle to transport (1) hazardous materials for which placarding is required, or (2) more than 15 passengers, including the driver. Section 15 also requires the Secretary to issue regulations establishing a system to make safety ratings readily available to the public, and establishing procedures to ensure the correction of violations noted during inspections funded under MCSAP. Section 15 provides that the Secretary shall establish operational procedures to initiate enforcement action for serious safety violations, and requires the Secretary to initiate rulemaking on the need to make trucks more visible to motorists so as to reduce accidents. This amendment delegates the authority of the Secretary under Section 15 of the SFTA to the Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration.

Since these amendments relate to Departmental management, notice and public comment are unnecessary. For the same reason, good cause exists for not publishing this rule at least 30 days before its effective date, as is ordinarily required by 5 U.S.C. 553(d). The SFTA was enacted on November 3, 1990, more than 30 days prior to the effective date of this rule. Therefore, the delegations of authority to the Administrators of the Operating Administrators are effective as of the date of publication of this final rule.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, part 1 of title 49, Code of Federal Regulations, is amended as follows:

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

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

Authority: 49 U.S.C. 322.

2. Section 1.48 is amended by adding a new paragraph (hh) as follows:

§ 1.48 Delegations to Federal Highway Administrator.

* * * * *

(hh) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, 13, 15(b), 15(c), 15(d), and 15(e) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101–500; 104 Stat. 1213), with respect to transportation by highway.

3. Section 1.49 is amended by adding a new paragraph (ee) as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

* * * * *

(ee) Carry out the functions vested in the Secretary by sections 9, 10, 11, 12, and 13 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101–500; 104 Stat. 1213), with respect to transportation by railroad.

4. Section 1.50 is amended by adding a new paragraph (m) as follows:

§ 1.50 Delegations to the National Highway Traffic Safety Administrator.

* * * * *

(m) Carry out the functions vested in the Secretary by section 15(f) of the Sanitary Food Transportation Act of 1990 (Pub. L. 101–500; 104 Stat. 1213).

5. Section 1.53 is amended by adding a new paragraph (i) as follows:

§ 1.53 Delegations to the Administrator of the Research and Special Programs Administration.

* * * * *

(i) Carry out the functions vested in the Secretary by sections 4, 5, 6, 7, and 8 of the Sanitary Food Transportation Act of 1990 (Pub. L. 101-500; 104 Stat. 1213).

Issued on February 5, 1991.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-3891 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-62-M

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49 CFR Part 27

[Docket 47192; Notice 90-29]
RIN 2105-AB53

Transportation for Individuals With Disabilities

AGENCY: Office of the Secretary, DOT.

ACTION: Notice in response to comments.

SUMMARY: On October 4, 1990, the Department published a final rule amending its rule implementing section 504 of the Rehabilitation Act of 1973, as it applies to mass transit services for individuals with disabilities. The Department is not changing the rule in light of comments received. This notice explains the Department's responses to the comments.

EFFECTIVE DATE: The effective date for the final rule remains November 19, 1990.

FOR FURTHER INFORMATION CONTACT: Robert C. Ashby, Deputy Assistant General Counsel for Regulation and Enforcement, Department of Transportation, 400 7th Street, SW., Washington, DC, 20950, Room 10424. 202-366-9306 (voice); 202-755-7687 (TDD); or Susan Schruth, Office of Chief Counsel, Urban Mass Transportation Administration, same address as above, Room 9316, 202-366-4011.

SUPPLEMENTARY INFORMATION: On October 4, 1990, the Department published a final rule (55 FR 40762) amending its rule implementing section 504 of the Rehabilitation Act of 1973 as applied to mass transit service for individuals with disabilities (49 CFR part 27). The rule responded to a decision of the U.S. Court of Appeals for the Third Circuit by removing the so-called "cost cap" feature from the rule. It also added a "maintenance of effort" provision designed to prevent cutbacks in existing paratransit service during the transition to compliance with paratransit requirements of the Americans with Disabilities Act of 1990 (ADA). On the same day, the Department also published a rule (49 CFR part 37) implementing the accessible vehicle acquisition provisions of the ADA.

The Department received only two comments in response to this rule. The transit agency for Lincoln, Nebraska, sought clarification of the rule, seeking language that would permit a city which heretofore has complied with part 27 with a paratransit system to avoid having to make its paratransit system conform with all service criteria. The Department believes the rule is clear as it stands: If a transit agency is to comply with part 27 with a paratransit system, then the paratransit system must meet all regulatory service criteria. By direction of the Third Circuit decision, the Department removed the "cost cap" provision in the regulation, which allowed transit agencies to comply with the rule by partially meeting the service criteria, if the transit agency was spending three percent or more of its operating budget on service for individuals with disabilities. In the absence of this provision, the rule simply requires compliance with all the criteria.

Lincoln requested a phase-in period, or waiver provision, to provide flexibility. A phase-in period for paratransit systems under this section 504 rule would probably not make sense, since requirements of the ADA for supplemental paratransit will become effective in a short time (January 1992). The Department does not believe that an additional waiver provision in the rule is necessary, given the existing provisions of 49 CFR 27.101 and 49 CFR 5.11, under which a regulated party can apply for relief from generally applicable provisions of the rule. Questions about the timing of the supplemental paratransit requirements can be addressed in the additional ADA rulemaking the Department will conduct.

The Eastern Paralyzed Veterans' Association (EPVA) expressed a concern that a transit agency with no accessible buses and an inadequate paratransit system could, under the rule, switch to being an accessible bus system for compliance purposes and continue to operate its paratransit system at the same level as it did under the cost cap, resulting in poor service for passengers with disabilities. EPVA suggested that a switch of this kind be permitted only if one fourth of the transit authority's buses were accessible, and the full performance level of accessible bus service, as defined in the existing section 504 rule, would be met by September 1993.

As EPVA noted in its comment, the public participation and DOT approval requirements for switches in mode of compliance under part 27 are intended to act as safeguards against changes in service that would have unnecessarily adverse impacts on the quality of service. The Department could condition approvals of switches in mode of compliance to ensure that such impacts did not occur. However, the Department does not believe that setting rigid numerical prerequisites for permitting such a change is desirable, particularly given the transition from part 27 standards to ADA standards for transit systems.

For these reasons, the Department is not changing the final rule as published on October 4, and it went into effect on November 19 as scheduled.

Issued this 22nd day of January 1991, at Washington, DC.

Samuel K. Skinner,

Secretary of Transportation.

[FR Doc. 91-3883 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-01-M

Proposed Rules

Federal Register
Vol. 56, No. 34
Wednesday, February 20, 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.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-NM-13-AD]

Airworthiness Directives; Airbus Industrie Model A310, A320, and A300-600 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A310, A320, and A300-600 series airplanes, which would require the replacement of certain Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and to test these units for correct operation. This proposal is prompted by reports of the passenger emergency oxygen masks failing to deploy due to a malfunction of the oxygen container doors. This condition, if not corrected, could result in passengers being unable to receive oxygen during an emergency situation.

DATES: Comments must be received no later than April 8, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-13-AD, 1601 Lind Avenue S.W., Renton, Washington 98055-4056. The applicable service information may be obtained from Airbus Industrie, Airbus Support Division, 31700 Blagnac, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

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

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted to response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-13-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Général de l'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain Airbus Industrie Model A310, A320, and A300-600 series airplanes. There have been recent reports of the passenger emergency oxygen masks failing to deploy due to a malfunction of the oxygen container doors. The door unit's latch seal, in some cases, can contribute to too high a load on the unit door, thereby preventing the latch from operating properly. Thus, the door may not open when electrically activated and the passenger oxygen masks may not deploy. This condition, if not corrected, could result in passengers being unable to receive oxygen during an emergency situation.

Airbus Industrie has issued Service Bulletins A310-35-2002, Revision 1, dated July 30, 1990; A320-35-1002, dated March 6, 1990; and A300-35-6001, Revision 1, dated July 30, 1990; which describe procedures to replace certain Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and to test these units to ensure proper operation. These Airbus service bulletins reference several Puritan Bennett Services Bulletins for additional instructions. The French DGAC has classified these service bulletins as mandatory, and has issued Airworthiness Directives 90-103-012(B) and 90-135-113(B) addressing this subject.

These airplane models are manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require the replacement of certain Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and to test these units to ensure properly operation in accordance with the Airbus Service Bulletins previously described.

It is estimated that 70 airplanes of U.S. registry would be affected by this AD, that it would take approximately 4 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The required parts will be supplied to the operators at no cost. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $11,200.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Airbus Industrie: Applies to Model A310, A320, and A300-600 series airplanes, as listed in Airbus Industrie Service Bulletins A310-35-2002, Revision 1, dated July 30, 1990; A320-35-1002, dated March 6, 1990; and A300-35-6001, Revision 1, dated July 30, 1990; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent the malfunction of the emergency oxygen container doors, accomplish the following:

A. Within 90 days after the effective date of this AD, replace Puritan Bennett passenger emergency oxygen container door latch seals with modified seals, and test all units for correct operation, in accordance with Airbus Industrie Service Bulletins A310-35-2002, Revision 1, dated July 30, 1990 (for the Model A310); A320-35-1002, dated March 6, 1990 (for the Model A320); and A300-35-6001, Revision 1, dated July 30, 1990 (for the Model A300-600).

Note: The Airbus Service Bulletins reference several Puritan Bennett Service Bulletins for additional instructions.

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

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

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

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

Issued in Renton, Washington, on February 5, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3924 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-CE-57-AD]

Airworthiness Directives; Beach Models B200, B200C, B200T, 300, and 300LW Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to certain Beech Models B200, B200C, B200T, 300, and 300LW airplanes. The proposed action would establish more restrictive life limits for the lower forward wing attach fittings, and provide for extension of these limits when the airplane is equipped with modified spar bushings. The manufacturer has reported that a test article equipped with an unmodified spar bushing prematurely failed and the FAA has determined that the corresponding safe life limits should be reduced. The actions specified in this proposal are intended to prevent in-service fatigue failures.

DATES: Comments must be received on or before April 12, 1991.

ADDRESSES: Beech Kit No. 101-4050 that is discussed in this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. Information that is applicable to this AD may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-57-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-57-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Beech Models B200, B200C, B200T, 300, and 300LW airplanes were type certificated with an interim safe life of 15,000 hours time-in-service (TIS) for the lower forward wing attach fittings. Since that time, Beech began full-scale fatigue testing with the goal of extending this safe life to 30,000 hours TIS. During this testing, a fitting test article of the original, unimproved design prematurely failed. Beech has examined the nature of the failure, conducted further fatigue

analysis, and developed a modification in order to maintain the life limit at the interim level of 15,000 hours TIS. The modification can be accomplished by installing Beech Kit No. 101-4050. Based upon these studies and an evaluation of the above modification, the FAA has determined that Beech Kit No. 101-4050 should be installed in order to maintain the 15,000 hour TIS safe life limit on the affected airplanes. Such action is intended to prevent in-service fatigue failures.

Since the condition described is likely to exist or develop in other Beech Models B200, B200C, B200T, 300, and 300LW airplanes of the same type design, the proposed AD would establish more restrictive life limits for the lower forward wing attach fittings, and provide for returning these limits back to 15,000 hours TIS when the airplane is modified by the installation of Beech Kit No. 101-4050.

It is estimated that 344 airplanes will be affected by the proposed AD, that it will take approximately 60 hours per airplane to accomplish the proposed actions at $40 an hour, and that the cost of parts to accomplish the modification is estimated to be $3,900 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $2,167,200.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Beech: Docket No. 90-CE-57-AD.

Applicability: Models B200, B200C, and B200T airplanes (serial numbers (S/N) BB-1158, S/N BB-1167, S/N BB-1193 through BB-1203, S/N BB-1207 through BB-1312, S/N BB-1314 through BB-1334, S/N BL-124 through BL-132, and S/N BT-33), and Models 300, and 300LW airplanes (S/N FA-2 through FA-190), certificated in any category.

Compliance: Required as indicated, unless already accomplished.

To allow continued operation to the interim safe life limit of 15,000 hours for the lower forward wing attach fittings, accomplish the following:

(a) For Model 300LW airplanes, upon the accumulation of 8,300 hours time-in-service (TIS) or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, modify the wing spar attachment by installing Beech Kit No. 101-4050.

(b) For Model 300 airplanes, upon the accumulation of 9,000 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, modify the wing spar attachment by installing Beech Kit No. 101-4050.

(c) For Models B200, B200C, and B200T airplanes, upon the accumulation of 9,500 hours TIS or within the next 100 hours TIS after the effective date of this AD, whichever occurs later, modify the wing spar attachment by installing Beech Kit No. 101-4050.

Note: Section 4-00-00 of the Beech 200 and 300 series maintenance manuals contains information related to this AD.

(d) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(e) An alternate method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(f) All persons affected by this directive may obtain the service kit and maintenance manual information referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or may examine information that is applicable to this AD at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on January 31, 1991.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3922 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-CE-47-AD]

Airworthiness Directives; Beech Models 1900 and 1900C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD) that would be applicable to Beech Models 1900 and 1900C airplanes. The proposed action would require initial and repetitive visual inspections of the engine trusses for cracks at the weld joints and the installation of reinforcement doublers on these airplanes. There have been numerous reports of engine truss cracks at the weld joints on the affected airplanes. The actions specified in this proposed AD are intended to prevent engine truss failure that could result in complete loss of the engine from the airplane.

DATES: Comments must be received on or before April 15, 1991.

ADDRESSES: Beech Service Bulletin (SB) No. 2196, dated September 1987, and Beech SB No. 2255, Revision II, dated December 1990, that are discussed in this AD may be obtained from the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 676-7111. This information also may be examined at the Rules Docket at the address below. Send comments on the proposal in triplicate to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-47-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Don Campbell, Aerospace Engineer, Airfame Branch, Wichita Aircraft

Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; Telephone (316) 946-4409.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 90-CE-47-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

There have been several reports of cracks at the weld joints on the engine trusses on certain Beech Models 1900 and 1900C airplanes. Cracking has led to failure of individual truss tubes that resulted in structural deficiency of the truss. Recently, Beech developed an improved engine truss, part number (P/N) 118-910025-37 in response to early indications of this problem. A subsequent configuration of the truss, identified as P/N 118-910025-121, has been developed to facilitate manufacture. The P/N 118-910025-121 truss is structurally equivalent to the P/N 118-910025-37 truss. Recently, cracks at the weld joints on these improved trusses have also been reported.

After receiving these reports of cracking on the improved trusses, Beech issued Service Bulletin (SB) No. 2255, Revision II, dated December 1990, that specifies inspection procedures to detect cracking of the engine trusses at the weld joints and repair or replacement instructions if cracks are found. In addition, Beech SB No. 2196, dated September 1987, specifies the installation of a reinforcement doubler on those airplanes that have engine trusses P/N 114-910025-1 or P/N 118-910025-1 installed. Beech Letter No. 52-86-1645, dated December 15, 1986, also specifies the installation of the reinforcement doublers. The FAA has determined that if the requirements of Beech SB No. 2255, Revision II, dated December 1990, and Beech SB No. 2196, dated September 1987, are followed there is a reduced possibility of undetected cracks on the engine trusses at the weld joints.

Since the unsafe condition described above is likely to exist on other airplanes of the same type design, the FAA is proposing an AD that would be applicable to Beech Models 1900 and 1900C airplanes. It would require the installation of a reinforcement doubler in accordance with the instructions in Beech SB No. 2196, dated September 1987, on airplanes that have engine truss P/N 114-910025-1 or P/N 118-910025-1 installed. This requirement would not be mandatory if the doubler had been installed in accordance with Beech Letter No. 52-86-1645, dated December 15, 1986. The proposed AD would also require initial and repetitive visual inspections of the engine trusses for cracks at the weld joints and, if cracks are found, repair or replacement in accordance with Beech SB No. 2255, Revision II, dated December 1990, on certain Beech Models 1900 and 1900C airplanes.

It is estimated that 225 airplanes in the U.S. registry will be affected by the proposed AD and that it will take approximately 19 hours per airplane to accomplish the proposed actions at about $40 per hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $171,000.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

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

Beech: Docket No. 90-CE-47-AD.

Applicability: Model 1900 airplanes (serial numbers (S/N) UA-2 and UA-3); and Model 1900C airplanes (S/N UB-1 through UB-74, S/N UC-1 through UC-156, and S/N UD-1 through UD-6), certificated in any category.

Compliance: Required initially upon the accumulation of 1,700 hours time-in-service (TIS), or within the next 100 hours TIS, whichever occurs later, after the effective date of this AD, unless already accomplished, and thereafter as indicated.

To detect cracks and prevent possible failure of the engine truss assembly, accomplish the following:

(a) If engine truss, part number (P/N) 118-910025-37 or P/N 118-910025-121 is installed, or if engine truss P/N 114-910025-1 or P/N 118-910025-1 that has a reinforcement doubler incorporated in accordance with the instructions in Beech Service Bulletin 2196, dated September 1987, or Beech Letter No. 52-86-1645, dated December 15, 1986, is installed, inspect the engine trusses for cracks at the weld joints in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990.

(1) If no cracks are found, return the airplane to service and reinspect the engine trusses at intervals of 600 hour TIS thereafter.

(2) If cracks are found, prior to further flight, repair the cracked engine truss in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990, or replace the cracked engine truss with a new truss, P/N 118-910025-37 or P/N 118-910025-

121, in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990, and reinspect the engine trusses at intervals of 600 hours TIS thereafter.

Note: Any time the engine is removed, it is recommended that the truss be removed and a magnetic particle inspection be performed in accordance with Beech SB 2255, Revision II, dated December 1990.

(b) If engine truss, P/N 114-910025-1 or P/N 118-910025-1 that does not have a doubler incorporated in accordance with the instructions in Beech Service Bulletin 2196, dated September 1987, or Beech Letter No. 52-86-1645, dated December 15, 1986, is installed, inspect the engine trusses for cracks at the weld joints in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990.

(1) If no cracks are found, install a reinforcement doubler in accordance with the instructions in Beech SB 2196, dated September 1987, or Beech Letter No. 52-86-1645, dated December 15, 1986, and reinspect the reinforced engine trusses at intervals of 600 hours TIS thereafter.

(2) If cracks are found, prior to further flight, repair the cracked engine truss in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990, and install a reinforcement doubler in accordance with the instructions in Beech SB 2196, dated September 1987, or Beech Letter No. 52-86-1645, dated December 15, 1986; or replace the cracked engine truss with a new truss, P/N 118-910025-37 or P/N 118-910025-121 in accordance with the instructions in Beech SB 2255, Revision II, dated December 1990, and reinspect the engine trusses at intervals of 600 hours TIS thereafter.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a location where the requirements of this AD can be accomplished.

(d) An alternate method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Wichita Aircraft Certification Office, 1801 Airport Road, Room 10, Mid-Continent Airport, Wichita, Kansas 67209. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita Aircraft Certification Office.

(e) All persons affected by this directive may obtain copies of the documents referred to herein upon request to the Beech Aircraft Corporation, Commercial Service, Department 52, P.O. Box 85, Wichita, Kansas 67201-0085; Telephone (316) 676-7111; or may examine these documents at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Issued in Kansas City, Missouri on February 4, 1991.

J. Robert Ball,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3921 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-16-AD]

Airworthiness Directives; British Aerospace Viscount Model 810 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all British Aerospace Viscount Model 810 series airplanes, which would require a one-time X-ray inspection to detect incorrectly machined door operating torque shaft coupling sleeves, and replacement, if necessary. This proposal is prompted by a report of the rear passenger entrance door upper locking claws failing to operate due to the complete fracture of the door operating torque shaft coupling sleeve plug end. This condition, if not corrected, could result in in-flight separation of an entrance or emergency door from the airplane and subsequent decompression of the passenger cabin.

DATES: Comments must be received no later than April 8, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 91-NM-16-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from British Aerospace, PLC, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041-0414. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 227-2148. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 91-NM-16-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The United Kingdom Civil Aviation Authority (CAA), in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all British Aerospace Viscount Model 810 series airplanes. There has been a recent report of the rear passenger entrance door upper locking claws failing to operate due to the complete fracture of the door operating torque shaft coupling sleeve plug end. Further investigation subsequently revealed that the sleeve was incorrectly machined. This condition, if not corrected, could result in in-flight separation of an entrance or emergency door from the airplane and subsequent decompression of the passenger cabin.

British Aerospace has issued Viscount Preliminary Technical Leaflet (PTL) No. 194, Revision 1, dated December 1989, which describes procedures for a one-time non-destructive testing (NDT) X-ray inspection of the forward passenger door and the rear entrance and rear emergency doors on all Model 810 series airplanes, to detect incorrectly machined door operating torque shaft coupling sleeves, and replacement of the sleeves, if necessary. The United

Kingdom CAA has classified the British Aerospace PTL as mandatory.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require a one-time NDT X-ray inspection to detect incorrectly machined door operating torque shaft coupling sleeves, and replacement, if necessary, in accordance with the PTL previously described.

It is estimated that one airplane of U.S. registry would be affected by this AD, that it would take approximately 6 manhours per airplane to accomplish the required actions, and the the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD of U.S. operators is estimated to be $240.

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

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

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

British Aerospace: Applies to all Viscount Model 810 series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent in-flight separation of an entrance or emergency door from the airplane and subsequent decompression of the passenger cabin, accomplish the following:

A. Within 90 days after the effective date of this AD, perform a non-destructive testing (NDT) X-ray inspection of the forward passenger door, and of the rear entrance and rear emergency doors, for incorrectly machined door operating torque shaft coupling sleeves, in accordance with Viscount Preliminary Technical Leaflet (PTL) No. 194, Revision 1, dated December 1989.

B. If incorrectly machined door operating torque shaft coupling sleeves are found, prior to further flight, replace the sleeves with correctly machined serviceable parts in accordance with Viscount PTL No. 194, Revision 1, dated December 1989.

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

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

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

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

Issued in Renton, Washington, on February 5, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3927 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-291-AD]

Airworthiness Directives; Fokker Model F-28 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Fokker Model F-28 series airplanes, which would require removal of certain rivets from the cold-bonded lap joints; visual and high frequency eddy current inspections to detect cracks and damage to the area adjacent to the rivet holes, and repair, if necessary; and installation of protruding-head rivets. This proposal is prompted by reports of disbonds of the fuselage lap joints. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

DATES: Comments must be received no later than April 8, 1991.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-291-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 227-2145. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-291-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

As part of the F-28 Aging Aircraft Project, Fokker conducted inspections of the cold-bonded longitudinal fuselage lap joints on the Fokker Model F-28 series airplanes. Disbonds were discovered, but none of the lap joints required immediate repair. However, prolonged operation with large areas of disbonded lap joints can eventually result in corrosion, delamination, and fatigue cracks in the lap joints and subsequent lap joint failure. This condition, if not corrected, could result in reduced structural integrity of the fuselage.

Fokker has issued Service Bulletin F28/53-109, dated October 24, 1990, which describes procedures to remove certain rivets from the cold-bonded lap joints; to perform both visual and high frequency eddy current (HFEC) inspections to detect cracks and damage to the areas adjacent to the rivet holes, and repair, if necessary; and to install protruding-head rivets. The Rijksluchtvaartdienst (RLD), which is the airworthiness authority of the Netherlands, has classified this service bulletin as mandatory, and has issued Airworthiness Directive BLA No. 90-126 addressing this subject.

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

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require the removal of certain cold-bonded lap joints rivets; visual and HFEC inspections to detect cracks and damage to the areas adjacent to the rivet holes, and repair, if necessary; and the installation of protruding-head rivets, in accordance with the service bulletin previously described.

There are currently no airplanes of U.S. registry that would be affected by this AD. However, should one be imported and placed on the U.S. Register, it would take approximately 435 manhours per airplane to accomplish the required actions, and the average labor cost would be $40 per manhour. The estimated cost for required parts is $200. Based on these figures, the total cost impact of this AD would be $17,400 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

39.13 [Amended]

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

Fokker: Applies to Model F-28 series airplanes; Serial Numbers 11003 through 11013, 11991, and 11992; certificated in any category. Compliance is required as indicated, unless previously accomplished.

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

A. Within one year after the effective date of this AD, remove the cold-bonded lap joint rivets, and perform detailed visual and high frequency eddy current inspections to detect cracks and damage to the areas adjacent to the rivet holes, in accordance with the Accomplishment Instructions of Fokker Service Bulletin F28/53-109, dated October 24, 1990.

1. If no cracks or damage is found, prior to further flight, install 3/16-inch protruding-head rivets in accordance with the Accomplishment Instructions of the service bulletin.

2. If cracks or damage is found, prior to further flight, repair and install 3/16-inch protruding-head rivets in accordance with the Accomplishment Instructions of the service bulletin.

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

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

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington.

Issued in Renton, Washington, on February 5, 1991.

Leroy A. Keith,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-3923 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-ANE-03]

Airworthiness Directives; General Electric Company (GE) CF6-45/-50 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to GE CF6-45/-50 series turbofan engines, which would require rework of the fan rotor stage 1 disk platforms. This proposal is prompted by twelve uncontained failures of fan rotor stage 1 disk platforms. This condition, if not corrected, could result in an uncontained engine failure.

DATES: Comments must be received no later than March 25, 1991.

ADDRESSES: Comments on the proposal may be mailed in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 91-ANE-03, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, or may be delivered in duplicate to Room 311 at the above address.

Comments may be inspected at the above location in Room 311, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable engine manufacturer's service bulletin may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246, or may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (617) 273-7096.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-ANE-03." The postcard will be date/time stamped and returned to the commenter.

Discussion

There have been twelve failures of the fan rotor stage 1 disk platform where penetration of the fan stator case occurred. Three of these failures resulted in fan cowl penetrations, and debris from one failure punctured a hydraulic line, impairing the operation of the aircraft nose landing gear.

Certain fan rotor stage 1 disk platforms have an improper forward hook radius which results in a stress concentration at the platform hook corners. The initiation of cracks in the forward hook has been attributed to this stress concentration in conjunction with corrosion pitting. This condition, if not corrected, could result in an uncontained engine failure.

The FAA has reviewed and approved GE CF6-50 Service Bulletin (SB) 72-909, Revision 1, dated December 9, 1988, which describes a rework of the fan rotor stage 1 disk platform including an application of a protective coating.

Since this condition is likely to exist or develop on other engines of this same type design, an AD is proposed which would require rework of the fan rotor stage 1 disk platforms in accordance with the service bulletin previously described.

There are approximately 517 GE CF6-45/-50 series engines of the affected design installed on aircraft of U.S. registry which would be affected by this AD. It is estimated that it would take approximately 19 manhours per engine to accomplish the required actions, and that the average labor cost would be $40 per workhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $302,920.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration (FAA) proposed to amend 14 CFR part 39 of the Federal Aviation Regulations (FAR) as follows:

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

General Electric Company: Applies to General Electric Company (GE) CF6-45/-50 series engines installed on, but not limited to, Airbus A300, Boeing 747, and McDonnell Douglas DC-10-15 and DC-10-30 aircraft.

Compliance is required at the next engine shop visit, or within 24 months after the effective date of this AD, whichever occurs first, unless previously accomplished.

To prevent uncontained engine failure, accomplish the following:

(a) Rework fan rotor stage 1 disk platforms, Part Numbers 9073M42G02, 9073M42G04, 9073M42G06, 9073M42G07, and 9073M42G10, in accordance with the Accomplishment Instructions in GE CF6-50 Service Bulletin 72-909, Revision 1, dated December 9, 1988.

(b) For the purpose of this AD, an engine shop visit is defined as the induction of the engine into a shop for maintenance.

(c) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method

of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

Issued in Burlington, Massachusetts, on January 28, 1991.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91-3926 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-ANE-04]

Airworthiness Directives; General Electric Company (GE) CF-80C2 Series Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to GE CF6-80C2 series turbofan engines, which would require initial and repetitive inspections to detect fuel manifold leak. The proposed AD would also require the replacement of affected fuel manifold systems with an improved design. This proposal is prompted by the failure of a fuel manifold weld joint. This condition, if not corrected, could result in an engine fire.

DATES: Comments must be received no later than April 8, 1991.

ADDRESSES: Comments on the proposal may be mailed in duplicate to the FAA, New England Region, Office of the Assistant Chief Counsel, Attn: Rules Docket No. 91-ANE-04, 12 New England Executive Park, Burlington, Massachusetts 01803-5299, or may be delivered in duplicate to Room 311 at the above address.

Comments may be inspected at the above location in Room 311, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except federal holidays.

The applicable service information may be obtained from General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246, or may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803-5299.

FOR FURTHER INFORMATION CONTACT: Thomas Boudreau, Engine Certification Branch, ANE-142, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803-5299; telephone (617) 273-7096.

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 91-ANE-04." The postcard will be date/time stamped and returned to the commenter.

Discussion

There has been one failure of a fuel manifold due to an incomplete penetration of a weld joint. Further investigation revealed that certain fuel manifold systems may have incomplete weld joints which could subsequently result in cracking and fuel leakage. This condition, if not corrected, could result in an engine fire.

The FAA has reviewed and approved GE CF6-80C2 Service Bulletin (SB) 73-115, dated December 5, 1990, which describes inspection procedures to detect fuel manifold leaks. Also, the FAA has reviewed and approved GE CF6-80C2 SB 73-114, Revision 1, dated December 6, 1990, which describes procedures for installing improved fuel manifold systems.

Since this condition is likely to exist or develop on other engines of this same type design, an AD is proposed which would require repetitive inspections to detect fuel manifold system leaks, in accordance with CF6-80C2 SB 73-115. Also, the proposed AD would require replacement of affected fuel manifold systems with an improved design, in accordance with CF6-80C2 SB 73-114, Revision 1.

There are approximately 128 GE CF6-80C2 series engines of the affected design installed on aircraft of U.S. registry which would be affected by this AD. It is estimated that it would take approximately 1 manhour per engine for each inspection, that each engine would require 8 inspections, and that the average labor cost would be $40 per manhour. Also, it is estimated that it would cost $12,000 per engine to replace affected fuel manifold systems. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,576,960.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

General Electric Company: Applies to General Electric Company (GE) CF6–80C2 series turbofan engines installed on, but not limited to, Airbus A300 and A310, Boeing 747 and 767, and McDonnell Douglas MD–11 aircraft.

Compliance is required as indicated, unless previously accomplished.

To prevent engine fire, accomplish the following:

(a) Visually inspect left-hand fuel manifolds, Part Numbers (P/N) 1303M31G06, 1303M31G07, and 1303M31G08, and right-hand fuel manifolds, P/N 1303M32G06, 1303M32G07, and 1303M32G08, in accordance with the Accomplishment Instructions contained in GE CF6–80C2 Service Bulletin (SB) 73–115, dated December 5, 1990, as follows:

(1) Inspect the engine drain mast for fuel leakage every day of operation, after the effective date of this AD.

(2) Inspect the circumferential fuel supply manifold at the next scheduled core cowl opening after the effective date of this AD, and every scheduled core cowl opening thereafter, but no later than 500 hours time-in-service since the last inspection.

(3) Remove from service prior to further flight, any fuel manifold that exhibits leakage, and replace with a serviceable part.

(b) Replace left-hand fuel manifolds, P/N 1303M31G06, 1303M31G07, and 1303M31G08, with left-hand fuel manifold, P/N 1303M31G10, and replace right-hand fuel manifolds, 1303M32G06, 1303M32G07, and 1303M32G08, with right-hand fuel manifold, P/N 1303M32G10, in accordance with the Accomplishment Instructions of GE SB 73–114, Revision 1, dated December 6, 1990, at the next engine removal, after the effective date of this AD, but no later than June 30, 1993.

(c) Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

(d) Upon submission of substantiating data by an owner or operator through an FAA Airworthiness Inspector, an alternate method of compliance with the requirements of this AD or adjustments to the compliance times specified in this AD may be approved by the Manager, Engine Certification Office, Engine and Propeller Directorate, Aircraft Certification Service, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803–5299.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to General Electric Aircraft Engines, CF6 Distribution Clerk, Room 132, 111 Merchant Street, Cincinnati, Ohio 45246. These documents may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, Massachusetts.

Issued in Burlington, Massachusetts, on January 30, 1991.

Jack A. Sain,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 91–3925 Filed 2–19–91; 8:45 am]

BILLING CODE 4910–13–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300225B; FRL–3880–6]

RIN 2070–AC18

Pesticide Tolerances for Procymidone; Reissuance of Proposal

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reissuance.

SUMMARY: In the **Federal Register** of February 6, 1991 (56 FR 4772), EPA issued a proposed rule to establish a 4-year time-limited tolerance for residues of the fungicide procymidone, N-(3,5-dichlorophenyl)-1,2-dimethylcyclopropane 1,2-dicarboximide, in or on the raw agricultural commodity (RAC) wine grapes grown prior to January 1, 1990, at 7.0 parts per million (ppm). Due to an inadvertent error in transmitting the document from EPA to the Office of the Federal Register for publication, certain late revisions to the document signed by the Director, Office of Pesticide Programs, on January 31, 1991, were not reflected in the document published in the **Federal Register**. To correct this error, EPA is reissuing the proposed rule in its entirety. A new 30-day comment period is started by this reissuance.

DATES: Comments, identified by the document control number [OPP–300225B], should be received on or before March 22, 1991.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202.

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

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

SUPPLEMENTARY INFORMATION: On April 13, 1990, Sumitomo Chemical Co., Ltd., 345 Park Ave., New York, NY 10154, submitted a pesticide petition, PP OE3859, proposing the establishment of a tolerance for the residues of the fungicide procymidone in or on the raw agricultural commodity wine grapes at 5 ppm and to immediately establish an interim tolerance of 7 ppm, for 1 year. Tolerances and exemptions from tolerances for residues of pesticide chemicals in or on raw agricultural commodities are established by EPA pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 301 et seq.).

I. Introduction

In the **Federal Register** of September 25, 1990 (55 FR 39171), EPA issued an advanced notice of proposed rulemaking (ANPR) for procymidone to solicit comment on its preliminary assessment of the risk posed by procymidone residues in imported wine, its planned course of action, and several key scientific and policy questions raised by the request for tolerance. After considering the comments received on the ANPR and following further review of the data submitted by Sumitomo, EPA is in this document proposing to establish a time-limited tolerance on wine grapes. This proposed tolerance

has two conditions placed on it: (1) the tolerance will only be effective for 4 years, and (2) the tolerance will only apply to wine grapes grown in 1989 or before.

II. Science Findings

A. Summary of Studies

The data submitted in the petition and other relevant material have been evaluated. The toxicological data considered in support of the tolerances include:

1. A chronic feeding and carcinogenicity study in rats fed 0, 100, 300, 1,000, or 2,000 ppm in the diet. Enlarged cells in the liver were seen in both sexes at 1,000 and 2,000 ppm, and increased liver weights were found in females fed 1,000 ppm and in both sexes fed 2,000 ppm. A conservative approach was used to establish the lowest effect level (LEL) because an inadequate number of males were available for evaluation at termination in each of the 100 and 300 ppm groups. Although body weight/liver effects were not seen at either the 100 or 300 ppm doses, the LEL was established at 300 ppm. The study was sufficient to establish a NOEL of 100 ppm (5.0 mg/kg/day) for chronic effects other than cancer. There was a dose-related increased incidence of testicular interstitial cell tumors and hyperplasia at the 1,000 and 2,000 ppm dietary levels. There was also an increased incidence of ovarian stromal hyperplasia and pituitary adenomas at 2,000 ppm in females.

2. A carcinogenicity study in mice fed 0, 30, 100, 300, and 1,000 ppm in the diet. There were increases in the incidence of hepatocellular adenomas and carcinomas, as well as the combination of the two, in both treated males and females. However, these increases were not always dose related or statistically significant, and most were within the range of reported historical control data for each category. Of the four dose groups tested, all treated male groups showed an increase in adenomas, while increased carcinomas were found in 100, 300, and 1,000 ppm males; increased adenomas and combined adenomas/carcinomas were noted in 300 and 1,000 ppm females. There was also an increase in the incidence of hepatoblastomas (observed in male groups only) at 300 and 1,000 ppm. Hepatoblastomas have been classified by the National Cancer Institute, the National Toxicology Program, and the National Center for Toxicological Research as a variant of hepatocellular carcinoma. The combined incidence of adenomas/carcinomas/blastomas was increased in all treated male groups. Although the animals in this study could possibly have tolerated higher doses of procymidone, the risk estimate itself would not likely be altered significantly. Therefore, repeating this study is not necessary.

3. A 6-month subchronic study in dogs. Dogs were administered dose levels of 0, 20, 100, and 500 mg/kg/day (capsule). The NOEL is 100 mg/kg/day. The LEL is 500 mg/kg/day based on increased incidence of emesis (both sexes), diarrhea (females), elevated alkaline phosphatase levels (both sexes), and increased BUN (males). Data on the stability and purity of procymidone used in this study are currently under review.

4. A developmental toxicity study in rabbits. The highest dose tested (1,000 mg/kg/day) was a limit dose (the highest dose that is practical to test in laboratory animals). Treatment did not induce maternal toxicity at any level, nor was any developmental toxicity evident. The NOEL is greater than 1,000 mg/kg/day.

5. A developmental toxicity study in rats. The dose levels were not high enough to make an adequate assessment of the potential for developmental and/or maternal toxicity. There was no evidence of maternal toxicity at any dosage level (30, 100, or 300 mg/kg/day delivered in corn oil via gavage). There was also no evidence of treatment-related developmental toxicity at any dose level.

6. A reproductive toxicity study in rats fed 0, 50, 250 and 750 ppm in the diet (0, 2.5, 12.5 and 37.5 mg/kg/day). Data on the microscopic findings for the low- and mid-dose groups were not provided. Systemic toxicity was observed in adults and pups at 250 ppm and above in the form of decreased body weight gain and food consumption (statistically significant in the high-dose group), increased absolute and relative liver weights in males, increased testes weights and combined and adjusted and testes volume, along with decreases in pup prostate and epididymal absolute and relative weights. Macroscopic and microscopic changes were observed in the liver and male external genitalia (data were available only on the high-dose group). At this time, neither a NOEL nor a LEL has been established.

7. Mutagenicity tests. Procymidone has been tested in several mutagenicity studies, but all of these have been classified by EPA as unacceptable because of various serious deficiencies in methodology. All studies appear, on the surface, to be negative.

8. General metabolism study in rats and mice. Although this study provided useful information on procymidone, it did not satisfy all of the EPA data requirements for a metabolism study. In both rats and mice, a single dose of 100 mg/kg was readily absorbed from the gastrointestinal tract and distributed to all tissues examined. Absorption appeared to be slightly faster in mice than rats, whereas available data indicated that distribution, metabolism, and excretion were comparable between rats and mice. Both species metabolized procymidone extensively, so that within 48 hours of administration only minor quantities of the parent were excreted in urine and feces.

9. Additional studies. Studies in mice and rats demonstrate that procymidone is capable of increasing serum testosterone and luteinizing hormone levels and that it has weak binding affinity for androgen receptors on rodent prostate.

B. Peer Review

The Health Effects Division Peer Review Committee of the Office of Pesticide Programs carried out a weight-of-the-evidence review of all relevant data and concluded to classify procymidone as either Group B_2-Probable Human Carcinogen or Group C-Possible Human Carcinogen.

The B_2 classification was based on the statistically significant increasing trend and pair-wise increase in interstitial cell adenomas in male rats, pituitary adenomas in female rats, and liver adenomas and combined adenomas/carcinomas in female mice. Additionally, a rare variant of hepatocellular carcinoma, hepatoblastoma, had a significant trend in male mice. The hepatoblastoma rate at the top dose was well outside the historical control range. While the tumor incidences in mice were not greatly elevated, the effects were seen at doses well below an adequate top dose. The available evidence for a mechanism involving altered hormonal influences was not conclusive.

The C classification was supported by the same evidence as above but with a different consideration. Although there were significant increases in tumors in two species (both sexes of rat and in female mouse), these were primarily benign. The one malignant tumor, hepatoblastoma in male mice, occurred with a significant positive trend, but was not significantly increased in a pair-wise comparison with controls. Also, the hepatoblastomas were late occurring. The female mouse liver tumors (adenomas) were found only at the highest dose. The combined female mouse tumor incidence, consisting

mainly of benign tumors, was just outside historical controls. The female rat pituitary tumors were benign and considered common in aging rats. There was a lack of support from genotoxic evidence and structural activity relationship considerations. Although evidence involving altered hormonal influences was not conclusive, this mechanism was considered possible, and additional studies are encouraged.

A low-dose extrapolation model applied to the experimental animal tumor data was overwhelmingly recommended by the Peer Review Committee for quantification of human risk (Q^*) (upper-bound estimate of potency) regardless of the classification.

C. Science Advisory Panel

On November 30, 1990, the Science Advisory Panel (SAP) reviewed the Peer Committee recommendations. The finding of tumor formation at one site in one sex of one species (testicular interstitial cell tumors in male rats) in one study was considered by the Panel to justify inclusion in Category C, a possible human carcinogen. Although the Panel recognized that the data submitted did not meet all EPA data requirements, the Panel believed that there was sufficient data to conclude "that the hazards from exposure to procymidone residues in wine at the concentrations measured by FDA are limited." Accordingly, the panel concurred with EPA's preliminary risk assessment "that the health risks to consumers of wine containing residues of procymidone at the concentrations found in the FDA surveys are low." Nonetheless, because of the failure of the data to meet all requirements, the Panel concluded there was an "untenable degree of uncertainty" regarding the risk assessment which required that some studies be repeated (rat developmental toxicity study, substance intake and histopathology of low- and mid-doses in rat reproduction study, mutagenicity studies, general metabolism study, and chronic feeding study in dog).

The Health Effects Division Peer Review Committee is reviewing the Panel's conclusions to evaluate any impact on its previous determinations. Any needed modifications to the risk assessment will be made before a final interim tolerance is established and are not expected to raise the projected risks posed by procymidone. No modifications are expected.

D. Exposure and Risk Assessment

The Agency believes that the data on female mouse liver tumors can be used to provide an estimate of carcinogenic potential. It estimates a Q^* value of 0.023 $(mg/kg/day)^{-1}$, using the linearized multistage procedure. Q^*s estimated from male mouse liver tumors and male rat testicular tumors are 0.018 and 0.021 $(mg/kg/day)^{-1}$, respectively; the similarity in the values lends support to the value derived from the female mouse liver tumor data. The female mouse liver tumor data were used in this risk assessment because they provide the highest Q^* value. This maximizes the estimate of risk and is consistent with guidance provided in the Agency's risk assessment guidelines for cancer.

The Agency has evaluated dietary exposure to procymidone residues for imported wine grapes grown prior to 1990. Exposure would be limited to wine made from the treated grapes because all wine grapes of this vintage should already have been processed into wine. The estimated upper-bound risk of cancer for a given level of wine consumption is calculated by using the following formula: Upper-bound risk=AxBxCx(DxE/F)xGxH,

Where: A=Concentration of procymidone in wine.

B=Likelihood of drinking imported wine when any wine is consumed (assumed 0.145, unitless [14.5 percent wine sold in U.S. is imported]).

C=Likelihood of imported wine containing quantifiable amounts of procymidone (assumed 0.20, unitless [20 percent of imported wine was treated with procymidone]).

D=Fluid ounces of wine consumed per day (average consumer=1 glass/5.3 days [Mean] and high consumer=2 glasses/day [99.0 percentile]).

E=Grams of wine per fluid ounce (density assumed equal to that of water, 29.57 g/fl./oz.).

F=Average body mass of adult human, 18 or more years old (assumed, 70 kg).

G=Equivalence factor (1 kg wine/1,000 g wine)

H=Carcinogenic potency (0.023 (mg procymidone/kg body weight/day)$^{-1}$).

The upper-bound risk over a wine consuming lifetime of 52 years, representing continuous exposure from age 18 to age 70, was estimated by multiplying the 70-year upper bound risk by 52/70.

The upper bound to the carcinogenic risk is estimated to be 5.0×10^{-6} for a high consumer and 4.6×10^{-7} for an average consumer assuming a theoretical maximum residue of 3 ppm in wine based on the 7-ppm level in wine grapes.

Actual residues in wine will probably be less. The Food and Drug Administration (FDA) in monitoring of approximately 1,100 imported wine samples collected over the past year (since February 1990) found the highest level of 0.6 ppm in wine. The incidence of positive samples (i.e., at or greater than 0.02 ppm) was 9 percent, and the average positive finding was 0.06 ppm.

Assuming that a wine consumer manages to pick only vintages from before 1990 for the next 10 years and residue levels of procymidone in wine are at 0.6 ppm, the highest level detected by FDA, the dietary carcinogenic risk is estimated for the high consumer to be 1.92x10-7 and for the average consumer to be 1.8×10^{-8}.

The average and high consumers were derived for wine drinkers only and do not include the 53 percent of the U.S. population who claimed not to have drunk any wine in approximately 1 year.

Procymidone appears to cause effects on reproduction and development of reproductive organs. Since neither a LEL nor a NOEL has been established, a quantitative assessment is not possible at this time. However, in view of the 4 orders of magnitude difference between the dose that did not cause frank effects in rats and the exposure even for the 99th percentile of wine consumers, it does not appear that reproductive effects would be expected.

The kinds of effects measured in the chronic rat study are not likely to result from exposure to procymidone in wine at 0.6 ppm. The NOEL for chronic effects was established at 5.0 mg/kg/day; the level of exposure for even the 99th percentile consumer of wine is expected to be on the order of 10^{-4} mg/kg/day.

Developmental toxicity is also not expected. The NOEL from the accepted study is above 1,000 mg/kg/day; exposure to the 99th percentile of wine consumers is expected to be approximately 7 orders of magnitude less.

The risk of mutagenicity cannot be assessed either qualitatively or quantitatively at this time because of the poor quality of the submitted studies. However, since the Agency has assumed that procymidone may be carcinogenic and has estimated that carcinogenic risks are negligible, even to high wine consumers, the results of additional mutagenicity tests are unlikely to increase the estimate of carcinogenic risk significantly.

III. Outstanding Data Requirements

The following data are currently lacking and are needed for establishing a permanent tolerance. Sumitomo Chemical Co., Ltd., has agreed to generate and submit the data within the following timeframes:

Data submitted and currently in review:

Stability and Purity of Procymidone in Dog Study.

Additional information on the physical and chemical properties to fulfill requirements as outlined in guidelines sections 63-4, -6, -7, and 63-9 through 13.

The composition of the various formulations used on grapes and grape products which may be imported to the U.S.

Additional information concerning the amount of grape processed commodities which are exported to the U.S.

Additional information concerning the amount of meat and poultry products which are exported to the U.S.

Information on the use of procymidone on other commodities exported to the U.S. and whether tolerance petition(s) for these commodities will be forthcoming.

The labels of all procymidone products for all countries exporting grapes and grape products to the U.S.

January 1991:

Product chemistry data: a. Details concerning the beginning materials and manufacturing process. b. Details concerning the procedures for quantifying the amounts of major impurities. Sample chromatograms and spectra of standards should be submitted.

April 1991:

Microscopic findings on the low- and mid-dose groups for the multigenerational rat reproduction study.

Gene Mutation Study

July 1991:

Structural Chromosomal Aberration

Other Genotoxic Effects

Analytical Methods for Product Chemistry

Metabolism Study in Grapes

January 1992:

Ruminant and Poultry Metabolism Studies

Rat Developmental Toxicity Study

July 1992:

Grape Metabolism—Processing Study

Validation of Analytical Methodology

Field trial data conducted in geographically representative locations for representative grape varieties which will likely be imported into the U.S.

General Metabolism Study

January 1993:

Chronic Feeding Study in the Dog

Based on the review of these studies the Agency will determine whether the issuance of a permanent tolerance is appropriate. The interim tolerance proposed in this document will expire 4 years from the date of publication of the final rule.

IV. Tolerance Proposal

A. Timing and Form of Tolerance Proposal

EPA received extensive comment on the ANPR, and EPA's response to that comment appears in the following section. That comment has been helpful in formulating this proposed tolerance. Of particular importance to this proposal are three general points made in the comments: (1) The economic impact from not establishing a tolerance would be severe, particularly on United States wine importers; (2) EPA should treat similarly situated pesticide manufacturers similarly; and (3) EPA should not respond to the petition in such a manner that would encourage pesticide manufacturers to rely on potential trade disruptions as a means of skirting customary data requirements.

The United States imports approximately $1 billion worth of wine per year. Potentially, $300 million worth of that flow may have been disrupted because of the use of procymidone by overseas growers. Those losses will fall heavily on United States wine importers due to the loss of sales and the fact that many of these importers have already purchased wine containing procymidone. Impacts could also be severe in exporting countries particularly in areas which, as a consequence of geographical factors, used procymidone most extensively.

These potential impacts convinced EPA that an interim tolerance should be proposed if the scientific data on procymidone, even if not meeting all EPA requirements, were sufficiently reliable to conduct a risk assessment. As detailed above, following both internal and external peer review of the data, EPA believes that a reasoned judgement can be made on the risks posed by procymidone. However, the fact that several of the procymidone studies must be redone requires that EPA act particularly cautiously in proposing to establish any tolerance.

Having concluded that expedited action is appropriate and is possible with the existing data base, EPA considered how any proposed tolerance could be structured to ensure that it treated similarly situated petitioners similarly and did not encourage extensive marketing of a pesticide overseas as a means of obtaining a tolerance on an expedited basis. EPA decided that both of these concerns could be addressed by limiting any tolerance to those commodities treated with procymidone prior to the filing of the petition for tolerance. Thus, Sumitomo would be treated similarly to any other petitioner whose petition failed to meet all data requirements. Sumitomo would not be entitled to a tolerance allowing usage of the pesticide while the additional data are being produced. Further, the retrospective approach would remove most, if not all, of any advantage that could be gained by creating a trade disruption necessitating expedited tolerance review. Finally, EPA has proposed that this tolerance be established with a fixed expiration date to ensure the timely submission of missing data.

B. Tolerance Commodity

EPA considered three separate commodities, grapes and grape products, wine grapes, and wine in determining what type of tolerance should be proposed for procymidone. EPA decided to propose a tolerance on wine grapes because the risk estimate for wine grapes grown prior to 1990 is low and setting the tolerance on a raw commodity is in accord with usual practices.

EPA rejected grapes as the tolerance commodity for a number of reasons. The Agency has evaluated dietary exposure to procymidone residues on grapes and grape products (raisins and juice but not wine). The Agency made the following assumptions: (1) Tolerance level residues of 8 ppm on grapes; (2) concentration factors of 4.3 and 1.2 for raisins or juice, respectively; (3) no decrease or increase in residue concentration upon cooking of any grape item; (4) imported meat and milk do not contain any residues of procymidone; (5) all residues are evenly spread over all imported crops which are treated; and (6) the percent of imported commodity that is treated with procymidone is 20 percent for grapes, and 20 percent for grape juice, and 100 percent for raisins. The estimated cancer risk based on these assumptions is 2.6×10^{-6}. Although that risk level might be acceptable in other circumstances, EPA believes that as a general matter it should err on the conservative side given the uncertainty in the data base on procymidone. This is particularly true for grapes because the data EPA has on procymidone residues in grapes are very weak. A further consideration weighing against setting the tolerance on grapes is that the economic impact which has necessitated expedited action is not a result of procymidone usage on all types of grapes only wine grapes. EPA believes that, if extraordinary action is taken in circumstances such as this, it should be narrowly tailored to address the specific cause of the economic impact.

EPA also considered setting the tolerance on wine. This would have

required establishing a food additive regulation under section 409 of the FFDCA. Although the estimated risk for procymidone residues in wine would be the same as the estimated risk for wine grapes grown prior to 1990, EPA decided it would not be appropriate in this case to establish a section 409 food additive regulation. EPA's usual practice is to establish a tolerance on the raw commodity unless the raw commodity is not marketed or unless risk concerns may be negated by setting the tolerance for processed food alone. Here the raw agricultural commodity is marketed, and if the tolerance is limited to wine grapes there are no risk concerns in establishing a section 408 tolerance. Thus, EPA saw no basis for taking the unusual step of establishing a section 409 food additive regulation for wine.

V. Comments for the ANPR

In response to the procymidone ANPR, 349 comments (plus 30 late comments) have been received.

1. The vast majority were a standard comment submitted by various wine distributors requesting that an enforcement level be immediately established. The affected nations' embassies, the European Commission, and the wine producer associations stated that since "EPA has determined that residue levels are safe," and considering their projected $300 million dollar losses, they cannot wait until the summer of 1991 for establishment of an interim tolerance.

EPA's response: As stated in the September 25, 1990 Advanced Notice of Proposed Rule Making, EPA and FDA had decided that it would not be appropriate to establish a specific enforcement level due to uncertainties in EPA's risk assessment. Since the publication of the ANPR, the toxicity data base has undergone both an internal and external peer review which confirmed EPA's preliminary risk assessment. After careful review of all the data, the Agency now believes it has an adequate data base to establish a time-limited tolerance of 7 ppm on wine grapes grown prior to January 1, 1990. Because a tolerance is being proposed, an enforcement level is no longer necessary.

2. The Natural Resources Defense Council (NRDC) stated that for EPA to grant any tolerance for procymidone would not only be imprudent but illegal. The toxicological data have many deficiencies and are not rigorous enough to provide definite conclusions. Furthermore, uncertainties cloud any analysis of exposure. NRDC maintained that FFDCA does not grant EPA authority to establish interim tolerances. If EPA were to fashion any exceptions to data requirements or procedures in this case, it would signal to manufacturers that widespread overseas use and the threat of trade disruptions may enable them to avoid their obligations to subject their pesticide to full testing and review before it is introduced into the American food supply.

EPA's response: As to deficiencies in the procymidone data base, EPA has explained above why it believes the data are sufficient to make the necessary statutory determinations under FFDCA section 408. EPA disagrees with NRDC regarding EPA's authority to set interim or time-limited tolerances. NRDC appeared to argue that because EPA regulations permit the granting of temporary tolerances for pesticide residues resulting from use of a pesticide under an Experimental Use Permit (EUP), EPA may only impose time limitations on tolerances connected to such permits.

In FFDCA section 408(b), EPA is granted the authority to establish tolerances "to the extent necessary to protect the public health." This broad grant of authority gives EPA wide discretion in the conditions EPA may impose in establishing tolerances. Certainly, FFDCA section 408(j) which preserves the authority first granted under FIFRA for EPA to establish temporary tolerances in connection with experimental use permits does not by implication preclude EPA from placing time limitations on other tolerances. Section 408(j) was not enacted for the purpose of allowing EPA to establish temporary tolerances but temporary tolerances for pesticides used pursuant to experimental use permits. Congress thought special factors should be considered in granting a tolerance in connection with an experimental use permit and spelled out those factors in section 408(j) ("the necessity for experimental work in developing an adequate, wholesome, and economical food supply and the limited hazard to the public health involved in such work"). Thus, section 408(j) was intended to expand EPA's authority and NRDC's attempt to cite it as a limitation on the broad authority in section 408(b) is unconvincing.

NRDC also notes that tolerances for pesticides used pursuant to experimental use permits may only be approved following a finding that the tolerance will protect the public health. NRDC concludes from this that a tolerance for an experimental use may only be granted where there is a complete data set and therefore there must be a complete data set on procymidone before a tolerance can be established. EPA disagrees. The standard for approving a tolerance is whether the tolerance protects the public health not whether there is a complete data set. Although there are some deficiencies in the procymidone data set, as explained above, EPA believes the data submitted are sufficient for it to conclude that the time-limited procymidone tolerance which EPA is proposing protects the public health.

Finally, EPA agrees with NRDC's comment that granting exceptions to its customary data requirements in situations where there is a potential disruption in trade may send the wrong signal to pesticide manufacturers. Although the extraordinary circumstances involved in this petition have convinced EPA to take expedited action, EPA believes that action should go no further than addressing the circumstances which necessitated the expedited action. Accordingly, EPA has proposed a time-limited and retrospective tolerance. In this way, pesticide manufacturers receive little incentive to attempt to recreate a situation similar to the present one.

3. DowElanco and NOR-AM support the harmonization of residue tolerances for pesticides; however, they strongly urged the Agency to hold all petitioners, whether involving a domestic or foreign use of a pesticide, to the same substantive data requirements and standards of approval. The National Agricultural Chemicals Association (NACA) stated that it supports innovative solutions to what appears to be a significant hardship; however, any action along these lines should be done as part of an across-the-board policy and not restricted to a specific situation.

EPA's response: As noted above, EPA is sensitive to these commenters' concerns regarding similar treatment of petitions for foreign and domestic tolerances. Accordingly, EPA has taken several steps to ensure that the petitioner in this instance does not receive preferential treatment because of the potential economic impacts on United States wine importers and others. Moreover, like NACA, EPA would prefer to issue a policy on these types of situations before acting in an individual case. In the present circumstances, however, that would effectively deny any relief to the parties affected. In any event, EPA would note that it did take the unusual step of issuing an ANPR to solicit comment on all possible options prior to even proposing a tolerance. Thus, there has

been an opportunity for substantial public input.

4. Kenneth W. Weinstein on behalf of Sumitomo stated that EPA should accelerate establishment of a procymidone tolerance to avoid adverse effects on the food supply and international trade. Sumitomo believed that the existing data base is more than adequate to establish an interim tolerance and that the risk assessments support an immediate issuance of the interim tolerance. Sumitomo also stated that EPA has the authority to grant an interim tolerance conditioned on the submission of additional data, an adoption of a procymidone tolerance will not burden other petitioners, and the conduct of the petitioner is not material to the adaption of a procymidone tolerance.

EPA's response: As stated previously, because of the potential impact on international trade and the food supply, the Agency is proposing to establish an interim tolerance at an earlier point than was suggested by the ANPR. Thus, for the most part, EPA agrees with Sumitomo's comments. EPA would note, however, that, contrary to Sumitomo's comment, any decision by EPA on this petition could have a potentially large effect on the tolerance approval process and for that reason this tolerance must be carefully circumscribed. Finally, EPA would add that the conduct of the petitioner was not considered in ruling on this peititon.

VI. Conclusions

The nature of the residues is adequately understood on imported wine grapes for a time limited tolerance. Residues of procymidone can be adequately determined using FDA multiresidue methodology which is published in Volume I of the FDA Pesticide Analytical Manual. There is no reasonable expectation of secondary residues in eggs, milk, meat, and meat byproducts from the use of procymidone on wine grapes prior to 1990.

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

Interestea persons are invited to submit written comments on the proposed tolerances. Comments must bear a notation indicating the document control number, [OPP-300225B]. All written comments filed in response to this document will be available in the Public Docket and Freedom of Information Section, at the address given above from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

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

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

List of Subjects in 40 CFR Part 180

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

Dated: February 14, 1991.

Douglas D. Campt,

Director, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

2. By adding new § 180.455, to read as follows:

§ 180.455 Procymidone; tolerance for residues.

A tolerance is established for the residues of the fungicide procymidone, N-(3,5-dichlorophenyl)-1,2-dimethylcyclopropane-1,2-dicarboximide, in or on the following raw agricultural commodity:

Commodity	Parts per million	Expiration date
Wine grapes grown prior to January 1, 1990....	7.0	(Date 4 years after date of publication of final rule)

There are no U.S. registrations as of February 20, 1991.

[FR Doc. 91-4115 Filed 2-19-91; 8:45 am]

BILLING CODE 6560-50-F

DEPARTMENT OF ENERGY

48 CFR Parts 901, 904, 908, 909, 914, 915, 922, 933, 935, 942, 943, 952, 970, and 971

Acquisition Regulation; Miscellaneous Amendments (Number 2)

AGENCY: Department of Energy (DOE).

ACTION: Notice of proposed rulemaking.

SUMMARY: The Department of proposing to amend the Department of Energy Acquisition Regulation (DEAR) to specify that utility acquisitions comply with DOE Directives as well as the Federal Acquisition Regulation (FAR) and this regulation, to specify utility contract review requirements and circumstances when delegation of utility acquisition authority to management and operating (M&O) contractors may occur. The proposal would also increase the threshold at which individual employee compensation for management and operating (M&O) contractor personnel must be reviewed and approved. A change is being proposed to promulgate, on a preliminary basis, the technology transfer provision of the National Competitiveness Technology Transfer Act and the Stevenson-Wydler Act. DOE proposes to require M&O contractors managing DOE facilities to conduct those duties in accordance with applicable DOE Directives. The Department is also proposing to amend the DEAR to perform housekeeping duties such as updating references, removing sections, some of which have been outdated by more recent changes in the Federal Acquisition Regulation (FAR), correcting editorial errors and clarifying some guidance.

DATES: Written comments should be submitted no later than March 22, 1991.

ADDRESSES: Comments should be addressed to the Department of Energy, Procurement Policy Division, Procurement and Assistance Management MA-421, 1000 Independence Avenue SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT:

Richard B. Langston, Procurement and Assistance Management (PR-121) Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-8247.

Bruce Ballai, Office of the Assistant General Counsel, for Procurement and Finance (GC-34), Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-1526.

SUPPLEMENTARY INFORMATION:

I. Background
II. Section by Section Analysis
III. Procedural Requirements
A. Review Under Executive Order 12291
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act
D. Review Under Executive Order 12612
E. National Environmental Policy Act
F. Public Hearing
IV. Public Comments

I. Background

Under section 644 of the Department of Energy Organization Act, Public Law 95–91 (42 U.S.C. 7254), the Secretary of Energy is authorized to prescribe such procedural rules and regulations as may be deemed necessary or appropriate to accomplish the functions vested in the position. Accordingly, the DEAR was promulgated with an effective date of April 1, 1984, (49 FR 11922, March 28, 1984), 48 CFR chapter 9.

The Department is proposing to amend the DEAR to specify, at a new subpart 908.3, that utility acquisitions comply with DOE Directives as well as the Acquisition Regulation (FAR) and this regulation, to specify utility contract review requirements, and to describe circumstances when delegation of utility acquisition to management and operating (M&O) contractors may be appropriate. A change, at 970.3102–2, would increase, from $60,000 to $70,000, the threshold at which the Department reviews individual employee compensation under M&O contracts. Another change would be the amendment of 970.5204–13, Allowable costs and fixed-fee (Management and Operating Contracts) to allow the costs of prosecution of defense of patent infringement litigation when incurred as a part of the management and operating contractor's technology transfer mission. This is viewed as a preliminary measure with further changes expected in the next few months. Finally, DOE proposes, at 970.72, to require M&O contractors managing DOE facilities to conduct those duties in accordance with DOE Directives.

An additional purpose of this proposed rule is to make miscellaneous editorial changes, including updates and corrections. A detailed listing of individual changes follows.

II. Section by Section Analysis

A detailed list of changes being proposed is as follows:

1. The authority citation is restated.

2. Subsection 901.104–1, "Publication and code arrangement" is amended at (a)(2) by changing the word "of" to "in" between the words "form" and "the", and by adding the words "generally updated on an annual basis" immediately following the words "Code of Federal Regulations".

3. Section 901.105 is proposed to be amended by the substitution of an updated listing of Office of Management and Budget (OMB) control numbers assigned to information collections contained elsewhere in the regulation.

4. Subsection 901.603–70 is proposed to be amended for clarity by changing the word "present" to "existing", by adding the words "certificate of" before the word "appointment" and by adding the words "of appointment" after the word "certificate".

5. Subsection 904.601 is proposed to be amended to reflect an organizational name change. Specifically, the "Office of Procurement Support" becomes the "Office of Procurement Information Systems/Property."

6. The proposed rule would amend the DEAR to add a new subpart 908.3. It includes a new section 908.303, General, which requires utility acquisition to comply with DOE Directives and describes circumstances which are appropriate for delegating authority to conduct utility service acquisitions. It also includes 908.307, Precontract Acquisition Reviews, which specifies review requirements for certain utility acquisitions.

7. Subsection 909.104–1 is proposed to be deleted as its paragraph (b) duplicates FAR 9.104(e) and its paragraph (g) duplicates 922.804–2(c), except for the second sentence of the present 909.104–1(g) which is proposed to be moved to become a new second sentence at 922.804–2(c).

8. Subsection 914.406–3 is amended at paragraph (e) to remove an unnecessary reference to subparagraphs of a FAR citation.

9. Section 915.405–1 is revised to substitute the word "solicitations" for the word "solicitation" in the first line of the paragraph.

10. Subsection 915.970–8 is proposed to be amended to correct an incorrect FAR citation. Specifically, the reference to "FAR 31.205–2(e)" should read "FAR 31.205–26(e)" at paragraph (b)(2)(i)(D) and the reference to "970.7001–4 and 970.7001–8" should read "FAR 30.414" at paragraph (d).

11. Part 922 is proposed to be amended to add a new second sentence to paragraph (c) of 922.804–2. The text of the new sentence is the same as the second sentence of the current 909.104–1(g) which is being relocated to what is deemed a more relevant location.

12. Section 933.105 is proposed to be amended to improve clarity regarding procedures to be followed if a subcontract level protest is received after being lodged with the General Services Board of Cotnract Appeals (GSBCA).

13. Section 935.010, "Scientific and Technical reports," is proposed to be revised to clarify that a copy of each scientific and technical report, not only the final report, is to be submitted to the DOE Office of Scientific and Technical Information. That office's name is also updated.

14. Subpart 942.14 is proposed to be amended at 5 places to recognize an organization's name change.

15. Section 943.170 is amended at paragraph (i) to correct a citation by changing "FAR 15.507(b)" to "FAR subpart 6.3."

16. Section 952.204–73 is amended at paragraph (c), question 7, to reflect more recent Department of Commerce regulations by deleting country code "P" and adding country code "S" and by deleting the reference "15 CFR 370" and substituting the reference "15 CFR part 770".

17. Subsection 952.212–73 is revised to delete an obsolete organization name and publication number.

18. Subsection 952.214–27 is deleted as it is duplicative of FAR 52.215–27 and FAR 14.201–7(b).

19. Subsection 952.215–18 is proposed to be removed as it is essentially duplicative of FAR 52.215–33.

20. Subsection 952.219–9 is proposed to be amended to insert a missing number for a form.

21. Subsection 952.227–79(b) is proposed to be amended to correct a grammatical error. Specifically, the word "on" is substituted for the word "for" between the words "information" and "use".

22. Subsection 952.235–70 is amended, at the third sentence of the clause, by adding the words "contractor with the written consent of the" before the title "Contracting Officer" where that title first appears.

23. It revises the text of 970.0603 to better describe the review process if an M&O contractor is authorized to procure utility services.

24. Subsection 970.3102–2 is proposed to be amended to increase the review and approval threshold for individual employee compensation, under an M&O contract's personnel appendix, from $60,000 to $70,000.

25–31. Subsections 970.5203–3, 970.5204–10, 970.5204–12, 970.5204–13, 970.5204–15, 970.5204–26 and 970.5204–31 are proposed to be amended to correct grammatical errors and misspellings, and to correct erroneous citations.

32. It revises 970.7104-3 by adding "DOE Directives as explained at" between the words "with" and "970.0803" at the end of the sentence.

33. Subsection 970.7104-12 is amended to add the words "except FAR 19.705-7 and the implementing clause of FAR 52.219-16 which need not be included in subcontracts issued by management and operating contractors" between "Subpart 19.7" and the closing period. This is in keeping with the applicable law which states, at 15 U.S.C. 637(d)(4)(F)(i), that liquidated damages are applicable to prime contractors.

34. Subsection 970.7104-39 is amended to substitute "FAR Section 3.102" in place of "FAR Subpart 3.1" because the section reference is the more specific location for the subject matter being implemented.

35. It revises 971.101 to add a reference to other review requirements at 908.307.

36. Subsection 971.103 is amended to delete paragraph (a)(1)(ii) as it is obsolete due to changes in the FAR, to update an outdated title for a special type justification at paragraph (a)(1)(iii), and to correct an erroneous citation at paragraph (c)(2).

III. Procedural Requirements

A. Review Under Executive Order 12291

This Executive Order, entitled "Federal Regulation," requires that certain regulations be reviewed by the OMB prior to their promulgation. OMB Bulletin 85-7 exempts all but certain types of procurement regulations from such review. This proposed rule does not involve any of the topics requiring review under the bulletin, and accordingly, is exempt from such review.

B. Review Under the Regulatory Flexibility Act

This rule was reviewed under the Regulatory Flexibility Act of 1980, Public Law 96-354, which requires preparation of a regulatory flexibility analysis for any rule which is likely to have significant economic impact on a substantial number of small entities. This rule will have no impact on interest rates, tax policies or liabilities, the cost of goods or services, or other direct economic factors. It will also not have any indirect economic consequences, such as changed construction rates. DOE certifies that this rule will not have a significant economic impact on a substantial number of small entities and, therefore, no regulatory flexibility analysis has been prepared.

C. Review Under the Paperwork Reduction Act

No new information collection or recordkeeping requirements are imposed by this proposed rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*).

D. Review Under Executive Order 12612

Executive Order 12612, entitled "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the national government and the States, or in the distribution of power and responsibilites among various levels of government. If there are sufficient substantial direct effects, then the Executive Order requires preparation of a federalism assessment to be used in all decisions involved in promulgating and implementing a policy action. Today's proposed rule, when finalized, will affect States which contract with the DOE. However, the DOE has determined that none of the revisions will have a substantial direct effect on the institutional interests or traditional functions of the States.

E. National Environmental Policy Act

DOE has concluded that promulgation of this rule would not represent a major Federal action having significant impact on the human environment under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 432 *et seq.*) (1976) or the Council on Environmental Quality Regulations (40 CFR part 1020) and, therefore, does not require an environmental impact statement or an environmental assessment pursuant to NEPA.

F. Public Hearing

The Department has concluded that this proposed rule does not involve a substantial issue of fact or law and that the rule should not have a substantial impact on the nation's economy or large numbers of individuals or businesses. Therefore, pursuant to Public Law 95-91, the DOE Organization Act, the Department does not plan to hold a public hearing on this proposed rule.

IV. Public Comments

Interested persons are invited to participate by submitting data, views, or arguments with respect to the proposed DEAR amendments set forth in the notice. Three copies of written comments should be submitted to the address indicated in the "**ADDRESS**" section of this notice. All comments received will be available for public inspection in the DOE Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, between the hours of 8 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

All written comments received (by the date indicated in the "**DATE**" section of this notice) will be carefully assessed and fully considered prior to publication of the proposed amendment as a final rule. Any information you consider to be confidential must be so identified and submitted in writing, on copy only. DOE reserves the right to determine the confidential status of the information and to treat it according to our determination.

List of Subjects in 48 CFR Ch. 9

Government procurement.

For the reasons set out in the preamble, Chapter 9 of Title 48 of the Code of Federal Regulations is proposed to be amended as set forth below.

Issued in Washington, DC, on February 13, 1991.

Berton J. Roth,

Acting Director, Office of Procurement, Assistance and Program Management.

1. The authority citation for chapter 9 continues to read as follows:

Authority: 42 U.S.C. 7254; 40 U.S.C. 486(c).

PART 901—FEDERAL ACQUISITION REGULATIONS SYSTEM

2. In 901.104-1, paragraph (a)(2) is revised to read as follows:

901.104-1. Publication and code arrangement.

(a) * * *

(2) cumulative form in the Code of Federal Regulations, generally updated on an annual basis, and

* * * * *

3. In 901.105, the listing of control numbers following the introductory paragraph is revised to read as follows:

901.105 OMB control numbers.

* * * * *

Dear	Title	Control No.
	Special contracting methods	
917.72	Program opportunity notices for commercial demonstrations.	1910-4100
917.73	Program research & development (R&D) announcement.	1910-4100

Dear	Title	Control No.
Application of Labor Laws to Government acquisition		
922.804-2(b)(2)	Affirmative action compliance requirements for construction.	1910-4100
Bonds and insurance		
928.170	Fidelity bond	1910-4100
Construction and architect-engineer contracts		
936.7301	Outline of agreement for rental of contract owned contract equip.	1910-4100
Termination of contracts		
949.505-70(d)	Termination-cost plus fixed fee architect-engineer contracts.	1910-4100
Solicitation provisions and contract clauses		
952.217-70	Acquisition of real property.	1910-4100
952.235-70	Key personnel	1910-4100
DOE management and operating (M&O) contractors		
[illegible]	[illegible]	[illegible]
970.5204-9	Accounts, records, and inspection.	1910-4100
970.5204-10	Foreign ownership, control or influence over contractors.	1910-4100
970.5204-11	Changes	1910-4100
970.5204-12	Contractor's Organization.	1910-4100
970.5204-13	Allowable costs & fixed fees (CPFF M&O contracts).	1910-4100
970.5204-14	Allowable costs & fixed fee (support contracts).	1910-4100
970.5204-19	Printing	1910-4100
970.5204-21	Property	1910-4100
970.5204-22	Contractor procurement.	1910-4100
970.5204-27	Consultant or other comparable employment services of contractor employees.	1910-4100
970.5204-29	Permits	1910-4100
970.5204-31	Litigation and claims.	1910-4100
970.5204-32	Required bonds & insurance—exclusive of government property (cost-type contracts).	1910-4100
970.5204-38	Special clause for procurement of construction.	1910-4100
970.5204-45	Termination clause for M&O contracts.	1910-4100
970.5204-50	Cost and schedule control systems.	1910-4100

4. Section 901.603-70 is revised to read as follows:

901. 603-70 Modification of appointment.

To modify a contracting officer's authority, the existing certificate of appointment shall be revoked and a new certificate of appointment issued.

PART 904—ADMINISTRATIVE MATTERS

904.601 [Amended]

5. Section 904.601, "Federal procurement data system," is amended, at paragraph (c) by removing the name "Office of Procurement Support" and inserting the name "Office of Procurement Information/Property" in the first sentence.

PART 908—REQUIRED SOURCES OF SUPPLIES AND SERVICES

6. A new subpart 908.3, is added to read as follows:

Subpart 908.3—Acquisition of Utility Services

[illegible]

908-303 General

908.303-70 DOE directives.

908.303-71 Use of subcontracts.

908.307 Precontract acquisition reviews.

Subpart 908.3—Acquisition of Utility Services

908.303 General.

908.303-70 DOE Directives.

Utility services (defined at FAR 8.301) shall be acquired in accordance with FAR subpart 8.3 and DOE directives in subseries 4540 (Public Services).

908.303-71 Use of subcontracts.

Utility services for the furnishing of electricity, gas (natural or manufactured), steam, water and/or sewerage at facilities owned or leased by DOE shall not be acquired under a subcontract arrangement, except as provided for at 970.0803 or if the prime contract is with a utility company.

908.307 Precontract acquisition reviews.

Proposed solicitations and contracts (including interagency and intraagency agreements and subcontracts), and modifications thereto, for the acquisition of utility services at facilities owned or leased by DOE, are required to be submitted for Headquarters review and approval as follows:

(a) Review by the Public Utilities Branch in accordance with (1) FAR section 8.307 and (2) DOE directives in subseries 4540 (Public Services), and

(b) Review by the Business Clearance Division in accordance with (1) DEAR subpart 971.1 and (2) the letters(s) of delegation of delegation of contracting authority issued to the Head of a Contracting Activity which contains conditions on the exercise of such authority. Those offices shall coordinate their reviews and usually provide a single response addressing approval.

PART 909—CONTRACTING QUALIFICATIONS

909.104-1 [Removed]

7. Section 909.104-1, "General Standards," is removed

PART 914—SEALED BIDDING

914.406-3 [Amended]

8. Section 914.406-3, "Other mistakes disclosed before award," is amended to remove the words "paragraphs (a) and (c) of".

PART 915—CONTRACTING BY NEGOTIATION

[illegible]

9. Section 915.405-1 is amended by substitution of the word "solicitations" for the word "solicitation".

915.970-8 [Amended]

10. Section 915.970-8 is amended to correct incorrect references, specifically, at paragraph (b)(2)(i)(D), the reference to "FAR 31.205-2(e)" should read "FAR 31.205-26(e)" and at paragraph (d), the reference to "930.7001-4 and 930.7001-8" should read "FAR 30.414".

PART 922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

11. Section 922.804-2 is proposed to be amended at paragraph (c) by the addition of a second sentence to read as follows:

922.804-2 Construction.

* * * * *

(c) * * * In the case of construction acquisition by DOE prime contractors, this determination shall be made only with the approval of the DOE contracting officer.

PART 933—PROTESTS, DISPUTES, AND APPEALS

12. Section 933.105 "Protests to GSBCA" is amended by revising paragraph (a)(1)(i) to read as follows:

933.105 Protests to GSBCA.

(a)(1)(i) If a subcontract level protest against a purchase of ADPE is lodged with the GSBCA, the cognizant

contracting officer will promptly notify local counsel and the Office of the Assistant General Counsel for Procurement and Finance, Headquarters.

* * * * *

PART 935—RESEARCH AND DEVELOPMENT CONTRACTING

13. Section 935.010 "Scientific and technical reports" is revised to read as follows:

935.010 Scientific and technical reports.

(c) All research and development contracts which require submission of scientific and technical reports, shall include a clause requiring the contractor to submit all scientific and technical reports, and any other notices or reports relating thereto, to the following address: U.S. Department of Energy, Office of Scientific and Technical Information, P.O. Box 62, Oak Ridge, TN 37831. The phrase "any other notices or reports relating thereto" does not include notices or reports concerning administrative matters such as contract cost or financial data and information.

(d) Contractors shall be required to submit with each report a completed DOE Form 1332.15, "DOE and Major Contractor Recommendations for Announcement and Distribution of Documents," except when the contract is with an educational institution, in which case the contractor shall be required to submit with each report a completed DOE Form 1332.16, "University Contractor, Grantee and Cooperative Agreement Recommendations for Annoucement and Distribution of Documents."

PART 942—CONTRACT ADMINISTRATION

Subpart 942.14—[Amended]

14. Subpart 942.14 "Traffic and Transportation," is amended to update an organizational reference. The "Office of Operations and Traffic" is changed to "Office of Transportation Management" wherever it appears in sections 942.1401, 942.1402(a)(2), 942.1403–1 (a) and (c), and 942.1403–2.

PART 943—CONTRACT MODIFICATIONS

943.170 [Amended]

15. Section 943.170, "Extension of contracts resulting from unsolicited proposals", is amended at the end of the final sentence of paragraph (i) to corect the reference to "FAR 15.507(b)" to read "FAR subpart 6.3."

PART 952—SOLICIATION PROVISIONS AND CONTRACT CLAUSES

952.204–73 [Amended]

16. Section 952.204–73, "Foreign ownership, control, or influence over contractor (representation)" is amended at paragraph (c), question 7, to remove country group code "P" while adding "S" and to correct the reference to "15 CFR part 370" to read "15 CFR part 770".

952.212–73 [Amended]

17. Section 952.212–73, "Cost and schedule control system criteria," is amended to remove "Office of the Controller Publication CR–0015," from the final sentence of the paragraph of instruction and "DOE/CR–0015," from the first sentence of the clause.

952.214–27 [Removed]

18. Section 952.214–27, "Price reduction for defective cost or pricing data—modification—seal bidding," is removed.

952.215–18 [Removed]

19. Section 952.215–18, "Order of precedence," is removed.

952.219–9 [Amended]

20. Section 952.219–9, "Small business and small disadvantaged business subcontracting plan," is amended at paragraph (d)(10) by insertion of the missing form number "294" after "Standard Form (SF)."

952.227–79 [Amended]

21. Section 952.227–79(b) is amended by changing "for" to "or" between the words "information" and "use".

952.235–70 [Amended]

22. Section 952.235–70 is amended, in the third sentence of the clause, by adding the words "contractor without the written consent of the" before the title "Contracting Officer" where that title first appears.

970.0803 [Amended]

23. Section 970.0803 is revised to read as follows:

970.0803 Acquisition of Utility Services.

(a) Utility services defined at FAR 8.301 for the furnishing of electricity, gas (natural or manufactured), stream, water, and/or sewerage to facilities owned or leased by DOE shall be acquired directly by DOE and not by a contractor using a subcontractor arrangement.

(b) However, under unusual circumstances as discussed below, the Head of a Contracting Activity may authorize a management and operating contractor for a facility to acquire such utility service for the facility, after requesting and receiving concurrence to make such an authorization from the Director, Office of Project and Facilities Management (OPFM), at Headquarters. Requests for such concurrence should be included in the Utility Service Requirements and Options Studies required by DOE directives in subseries 4540 (Public Services). Alternatively, they may be made in a separate document submitted to the Director, OPFM early in the acquisition cycle. The requests shall set forth whey utility acquisition at the subcontract level is in the best interest of DOE, i.e., why the benefits, such as economic advantage, are clearly favorable.

(c) The requirements of FAR subpart 8.3, this section, and DOE directives in subseries 4540 shall be applied to subcontract level acquisition for furnishing utility services to a facility owned or leased by DOE.

(d) Requirements for Headquarters review and approval of proposed solicitations, contracts, and subcontracts, and modifications thereto, for the acquisition of utility services are summarized at 908.307.

970.3102–2 [Amended]

24. Section 970.3102–2 is amended at paragraph (d) to change "$60,000" to "$70,000" where it appears twice.

970.5203–3 [Amended]

25. Section 970.5203–3 is amended by changing the words "used" to "use" and "delivered" to "deliver".

970.5204–10 [Amended]

26. Section 970.5204–10 is amended at paragraph (b) by changing the reference "925.204–74" to "952.204–74".

970.5204–12 [Amended]

27. Section 970.5204–12 is amended at paragraph (a) by changing "connecting" to "connection".

970.5204–13 [Amended]

28. Section 970.5204–13 is amended as follows:

a. At paragraph (d)(8)(i) to change "or" to "of" where it last appears in the first sentence.

b. At paragraph (d)(8)(ii) to change "Workmen's" to "workers".

c. Change the clause title date from "June 1988" to "XXX 1990" and at paragraph (e)(16), between the word "litigation" and the period symbol add the following words "(except where incurred pursuant to the contractor's performance of the Government-funded technology transfer mission and in accordance with the Litigation and Claims article)".

d. At (e)(17) by changing "other" to "others" the second time it appears.

e. At (e)(17)(iii) by changing "from " to "for".

f. At (e)(20) by changing "the" to "other".

970.5204-15 [Amended]

29. Section 970.5204-15 "Obligation of funds," is amended as follows:

a. At paragraph (b) by changing the word "article" to "clause" as it appears three times, by removing the word "is" following the third use of the word "contract" in the first sentence.

b. At paragraph (e) by changing "article" to "clause".

970.5204-26 [Amended]

30. Section 970.5204-26 Nuclear facility safety is amended by changing "of" to "on" between the words "persons" and "the" at paragraph (d)(7).

970.5204-31 [Amended]

31. Section 970.5204-31 is amended at paragraph (b), third sentence, by changing the phrase "or all of the" to read "of all the" and by adding the words "or claim" after the word "action" as it appears three times in the last sentence.

32. 970.7104-3 is revised to read as follows:

970.7104-3 Acquisition of Utility Services.

When authorized by DOE (subject to appropriate delegation) to acquire utility services, such acquisition shall be in compliance with DOE Directives as explained at 970.0803.

970.7104-12 [Amended]

33. Section 970.7104-12 is amended, in paragraph (a), by adding the words "except FAR 19.705-7 and the implementing clause at 52.219-16, which need not be included in subcontracts issued by management and operating contractors" between "Subpart 19.7" and the closing period.

970.7104-39 [Amended]

34. Section 970.7104-39 is amended to substitute the reference "FAR section 3.102" in place of the reference to "FAR subpart 3.1".

PART 971—REVIEW AND APPROVAL OF CONTRACT ACTIONS

35. Section 971.101 is revised to read as follows:

971.101 Requirements—General.

Solicitations and contract awards which are:

(a) In excess of the authority delegated to Heads of Contracting Activities;

(b) Likely to provoke unusual public interest; or,

(c) Of a new or unusual nature shall be submitted to the Procurement Executive or designee for appropriate review and approval.

Contract actions are those actions relating to the letting of contracts, subcontracts, agreements with other governmental agencies, and subsequent modifications, extensions, and settlements of terminations thereof. Questions of contract policy or procedure which arise in the course of negotiation and administration of such contract actions shall be submitted for advance Headquarters review and approval. Additional clearance requirements regarding utility service acquisitions are at 908.307.

36. Section 971.103, "Documentation submittals" is amended by removing the existing paragraph (a)(1)(ii) and redesignating paragraphs (a)(1) (iii) and (iv) as (a)(1) (ii) and (iii) and revising newly redesignated paragraph (a)(1)(ii) and paragraph (c)(2) to read as follows:

971.103 Documentation submittals.

(a) * * *

(1) * * *

(ii) If applicable, one copy of the Justification For Other Than Full and Open Competition shall be provided.

* * * * *

(c) * * *

(2) The supporting documentation should include a copy of the local independent review, if any, conducted in accordance with 971.203.

[FR Doc. 91-3865 Filed 2-19-91; 8:45 am]

BILLING CODE 6450-01-M

Notices

Federal Register
Vol. 56, No. 34
Wednesday, February 20, 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

Animal and Plant Health Inspection Service

[Docket No. 90-013]

Public Meeting; Veterinary Biologics

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Advance notice of public meeting and request for topics.

SUMMARY: This is to notify producers of veterinary biological products and other interested persons that we are holding a third annual public meeting to discuss regulatory and policy issues related to the manufacture and distribution of veterinary biological products. The agenda for this year's meeting is being finalized and suggestions for topics of general interest to producers and other interested persons are requested.

PLACE, DATES AND TIMES OF MEETING: The third annual public meeting will be held in the Scheman Building at the Iowa State Center, Ames, Iowa, on Thursday, August 15 from 8 a.m. to 5:30 p.m. and Friday, August 16, 1991, from 8 a.m. to 12 noon.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Y. Tang, Biotechnology Coordination and Technical Assistance Staff, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 851, 6505 Belcrest Road, Hyattsville, MD 20782, Telephone (301) 436-4833.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) held its second annual public meeting on veterinary biological products on August 23-24, 1990, in Ames, Iowa (see 55 FR 29077, July 17, 1990, Docket No. 90-125). The meeting provided an opportunity for the exchange of information between APHIS representatives, producers of veterinary biological products, and interested persons on issues of common concern. APHIS is in the process of planning the agenda for a third annual public meeting on veterinary biologics to be held in Ames, Iowa, on August 15, and 16, 1991.

As yet, the agenda for the third annual meeting is not complete. APHIS will entertain suggestions for meeting topics from producers and the interested public before finalizing the agenda. Topics which have been suggested include: (1) An update on the implementation of the 1985 Amendments to the Virus-Serum-Toxin Act (21 U.S.C. 151-159); (2) further discussion of the regulation of autogenous biologics; (3) international harmonization of regulation of veterinary biologics; and (4) safety issues related to pre- and post-licensing of biological products. Please submit additional suggested meeting topics to the person listed under **FOR FURTHER INFORMATION CONTACT** by March 15, 1991.

After the agenda is finalized, APHIS will announce the schedule and registration information for the third annual public meeting on veterinary biologics in a notice in the **Federal Register**.

Done in Washington, DC, this 13th day of February 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-3959 Filed 2-19-91; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Sequoia National Forest, CA; Exemption From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal, Hume Lake Ranger District, Sequoia National Forest.

SUMMARY: The Forest Service is exempting from appeal the decisions resulting from the Pine-Mill Insect Salvage, Cherry-Gap Insect Salvage, and the Box Insect Salvage analyses. These environmental analyses are being prepared in response to the severe timber mortality in the Pine, Mill, McKenzie, Indian, Hoist, and Dry compartments in the Hume Lake Ranger District, Sequoia National Forest. The unusual mortality is being caused by drought and related insect infestation. The Pine-Mill Insect Salavage analysis (portions of the Pine, Mill, and McKenzie compartments) area is within the Mill and Mill Flat Creek watersheds, and adjacent to Kings Canyon National Park and the Kings River Special Management Area. The Cherry-Gap Insect Salvage (portion of Hoist and Indian compartments) analysis area is within the Indian, Verplank and Coverse Creek Watersheds, approximately 1 mile north of Kings Canyon National Park and adjacent to the Kings River Special Management Area. The Box Insect Salvage analysis (portions of the Dry and McKenzie compartments) area is within the Mill Creek Watershed, and is adjacent to Kings Canyon National Park on the east side.

There are currently much higher than normal levels of tree mortality occurring throughout the Sequoia National Forest as a result of four consecutive years of below normal precipitation. The Hume Lake District is proposing tractor harvest of approximately 2.0 million board feet (MMBF) on 3,000 acres in the Pine-Mill Insect Salvage analysis, approximately 1.0 MMBF on 2,500 acres in the Cherry-Gap Insect Salvage and proposing harvesting of approximately 1.0 MMBF on 1,000 acres, employing both helicopter and tractor yarding, in the Box Insect Salvage analysis. No new road construction or road reconstruction is planned for any of the analysis areas. All areas are within the General Forest Zone, as delineated by the Sequoia National Forest Land and Resource Management Plan. An important analysis feature is coordination with occupants of private residences in the Pinehurst and Cedar Brook Area under the Box Insect Salvage analysis.

The drought has caused a high degree of stress within the trees, which reduces their natural defense mechanisms and weakens them to the extent that they are now predisposed to attack by bark and engraver beetles. Trees killed by insect attack deteriorate very rapidly.

Prompt removal of the dead and dying timber minimizes value and volume loss. Any unnecessary delays of the proposed salvage sales could delay harvesting until the 1992 logging season which could decrease the value by as much as $200,000. In addition, excessive numbers of dead trees produce heavy fuel concentrations, which makes wildfire control extremely difficult.

The decisions for the proposed projects are scheduled to be issued in mid-March and April 1991. If projects are delayed because of appeals (delays can be up to 100 days, with an additional 15–20 days for discretionary review by the Chief of the Forest Service), it is likely that the projects would not be implemented this field season. This would result in the substantial monetary loss.

Pursuant to 36 CFR 217.4(a)(11), it is my decision to exempt from appeal the decisions relating to the harvest and restoration of lands affected by drought-induced timber mortality in the Mill, Mill Flat, Verplank, Converse and Indian Creek watersheds of the Hume Lake Ranger District, Sequoia National Forest. The environmental documents being prepared will address the effects of the proposed actions on the environment, will document public involvement, and will address the issues raised by the public.

EFFECTIVE DATE: This decision is effective February 20, 1991.

FOR FURTHER INFORMATION CONTACT: Questions about this decision should be addressed to Ed Whitmore, Timber Management Staff Director, Pacific Southwest Region, Forest Service, USDA, 630 Sansome Street, San Francisco, CA 94111, (415) 705–2648, or to James A. Crates, Forest Supervisor, Sequoia National Forest, 900 W. Grand Ave., Porterville, CA 93257, (209) 784–1500.

ADDITIONAL INFORMATION: The environmental analyses for this proposal will be documented in the Pine-Mill Insect Salvage, Cherry-Gap Insect Salvage and Box Insect Salvage enviornmental documents. A public scoping notice was published in the Porterville Recorder on January 25, 1991 to determine the issues to be addressed in the environmental analyses. Additionally, letters were mailed to representatives of various environmental groups and the timber industry to provide information on the projects and to generate public issues and concerns. The project files and related maps are available for public review at the Hume Lake Ranger District, 35860 East Kings Canyon Road, Dunlap, CA 93621.

The catastrophic damage presently occurring in the Mill, Mill Flat, Verplank, Converse, and Indian Creek watersheds involves approximately 24,000 acres. Within this area, approximately 6,500 acres, with an associated 4.0 MMBF, is presently being analyzed for salvage in three sales. The value to the Forest Service of the salvage volume is estimated at $400,000. This figure does not include the many jobs and thousands of dollars in benefits that are realized in related service, supply, and construction industries. Fresno County will share 25% of the selling value for any of the timber that is salvaged in a commercial timber sale. Rehabilitation and restoration measures will be necessary for watershed protection, erosion prevention, and fuels reduction.

The proposals are not expected to adversely affect snag dependent wildlife species. Initial review indicates that post-harvest snag numbers will approximate the Forest Plan Standard and Guideline of 1.5 snags per acre. Preliminary scoping for the Box Insect Salvage analysis indicates that land owners would like to see the dead and dying trees removed with any disruption minimized through a limited operating period. No Wild and Scenic rivers, wetlands, wilderness areas, roadless areas, or threatened or endangered species are within the proposed project areas.

Dated: February 12, 1991.

David M. Jay,

Deputy Regional Forester.

[FR Doc. 91–3974 Filed 2–19–91; 8:45 am]

BILLING CODE 3410–11–M

Stanislaus National Forest, CA; Exemption From Appeal

AGENCY: Forest Service, USDA.

ACTION: Notice of exemption from appeal, Little Moss Fire Salvage, Groveland Ranger District, Stanislaus National Forest.

SUMMARY: The Forest Service is exempting from appeal the decision resulting from the Little Moss Fire Salvage analysis. This environmental analysis is being prepared in response to the severe timber mortality located primarily in the Dry Gulch, Moss Canyon and Little Crane Creek drainages on the Groveland Ranger District, Stanislaus National Forest. The severe timber mortality is due to trees killed during the A-Rock Complex Fire, the long-term drought, and insect infestation. The analysis area is approximately one mile north and northwest of El Portal and is adjacent to Yosemite National Park.

The A-Rock Complex Fire burned 11,610 acres of Stanislaus National Forest lands adjacent to Yosemite National Park. Approximately 4,700 acres of the burned over lands supported timber stands of commercial value. Approximately 70% of the fire was classified as a high intensity burn. Spotted Owl Habitat Area (SOHA) G–25, in Moss Canyon drainage, sustained substantial damage with 450 acres of the SOHA remaining outside the fire perimeter. The project consists of removal of fire, drought and insect-killed timber as sawlogs and biomass with an estimated total volume of 45 million board feet (MMBF). Burned area emergency rehabilitation measures are already underway. Additional rehabilitation measures will be implemented for this project. Harvesting of the fire, drought and insect-killed timber will be accomplished through the use of tractor, cable and helicopter logging systems. Both new road construction and reconstruction are proposed.

Pursuant to 36 CFR part 217.4(a)(11), it is my decision to exempt from appeal, the decision relating to the harvest and restoration of lands affected by the A-Rock Complex Fire, drought and insect induced timber mortality in primarily the Dry Gulch, Moss Canyon and Little Crane Creek areas of the Groveland Ranger District, Stanislaus National Forest. The environmental document being prepared will address the effects of the proposed actions on the environment, will document public involvement, and will address the issues raised by the public.

EFFECTIVE DATE: This decision is effective February 20, 1991.

FOR FURTHER INFORMATION CONTACT: Questions about this decision should be addressed to Edward Whitmore, Timber Management Staff Director, Pacific Southwest Region, Forest Service, USDA, 630 Sansome Street, San Francisco, CA 94111, (415) 705–2648, or to Janet L. Wold, Forest Supervisor, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370, (209) 532–3671.

ADDITIONAL INFORMATION: The A-Rock Complex Fire Area encompasses 11,610 acres of National Forest System Lands on the Stanislaus National Forest in the Moss Canyon and Trumbull Compartments. Maps of this area are available for public review at the Groveland Ranger Station, Star Route 75G, Groveland, CA 95321 and at the Stanislaus National Forest Supervisor's Office, 19777 Greenley Road, Sonora, CA 95370. The analysis for this project will be documented in the Little Moss Fire Salvage Environmental Assessment.

On September 11, 1990, a letter soliciting comments, ideas, considerations, and concerns was sent to over 300 members of the public using the recently-updated Forest Environmental Analysis Quarterly

mailing list. On December 24, 1990, the Stanislaus National Forest Supervisor published a notice in the local newspaper of intent to prepare environmental documents for proposals to salvage dead and dying timber damaged beyond recovery by the A-Rock Complex Fire and the continuing drought and insect activities. Pursuant to 40 CFR 1501.7, scoping is being conducted by the Stanislaus National Forest to determine the issues to be addressed in the environmental analysis. As part of the scoping effort, the Groveland Ranger District has conducted tours of the burned area.

Individuals from Yosemite National Park, California Department of Fish and Game, Mariposa County, Sierra Club and the Audubon Society have taken part in the tours. On November 20, 1990, a meeting was held with industry representatives to discuss their particular concerns. Contact was also made with the local Native American communities. Additional scoping will be conducted as necessary prior to completing the environmental analysis on the Little Moss Fire Salvage.

The Stanislaus National Forest is planning on completing the Little Moss Fire Salvage environmental analysis in February 1991.

Analysis of the timber volume and value indicates that about 45 MMBF of ponderosa and sugar pine, white fir, and incense-cedar, valued at about $2,000,000, is dead or dying. Complete loss of this timber could result in an estimated loss of about $2,000,000 to the citizens of the United States with $450,000 of that being a loss in National Forest receipts to the counties. Additionally, rehabilitation and restoration measures would be necessary for watershed protection, erosion prevention and fuels reduction. Delay of the salvage project increases the cost of these restoration and rehabilitation measures, thus reducing receipts from the timber salvage.

Anticipated rates of decay in the Little Moss Salvage were partially based on experienced decay in the 1987 Stanislaus Complex Fire. Eighteen months after the 1987 Stanislaus Complex Fire, the three trunks of standing fire-damaged conifers had developed deep splits or cracks (weather checked) sufficient to make many trees unmerchantable. At the end of 24 months, deterioration of the woody material had progressed to a point where salvage of trees for lumber/plywood purposes was no longer feasible.

It is anticipated that the trees in the Little Moss Salvage will deteriorate at a faster rate than trees in the 1987 Stanislaus Complex Fire salvage, thus reducing the time available for harvest. This increased rate is expected because the Little Moss Salvage trees were already weakened by the continued below-normal precipitation during the previous five out of six years and because the Little Moss Fire was during a period of active tree growth (which also increases the rate of deterioration).

It is estimated that significant deterioration would be evident within 12 months following the fire occurrence and that complete deterioration and value loss for lumber purposes would be seen by the end of 1991. Because of this, it is extremely important to remove the estimated 45 MMBF of dead and dying timber during the 12 months following the fire.

If the project is exempted from appeal, it is estimated that salvage operations could be initiated in mid-May 1991. A contract termination date in mid-October 1991 would allow five months to harvest 45 MMBF at a rate of approximately 370 MBF per day. However, if an appeal was made of the decision to conduct salvage operations, and an assumption was made that salvage would be initiated following resolution of the appeal, it is estimated that salvage could not begin until August or September 1991.

The termination date of the contract(s) would remain the same under either scenario, however, the volume available for salvage would be reduced to approximately 30 MMBF if the project is delayed until August or September. (An estimated 15 MMBF would become unmerchantable during the 4-month period that salvage was forgone.)

On the basis that 30 MMBF would be available for salvage during the remaining time prior to contract termination, removal of material would have to be at a rate of approximately 1,430 MBF per day. The increased production rate is considered unrealistic for the following reasons: The main access road is not capable of supporting the associated increase in log truck traffic; the dependence of the logging operation on helicopter availability and safe aerial space; and the amount of contract time (estimated 2–4 months) needed to complete road construction and reconstruction.

Delays for any reason could jeopardize chances of accomplishing recovery of this damaged resource before deterioration renders the trees unmerchantable. Delays could result in volume and value losses, and increase the chances of wildfires occurring due to the large additional quantity of standing and down fuels.

Dated: February 11, 1991

David M. Jay,

Deputy Regional Forester.

[FR Doc. 91-3975 Filed 2-19-91; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 7-91

Foreign-Trade Zone 40—Cleveland, OH; Application for Expansion

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Cleveland-Cuyahoga County Port Authority, grantee of FTZ 40, requesting authority to expand its general-purpose foreign-trade zone in Cleveland, Ohio, within the Cleveland Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 30, 1991.

FTZ 40 was approved by the Board on September 29, 1978 (Board Order 135, 43 FR 46886, 10/11/78), and expanded in 1982 (Board Order 194, 47 FR 27579, 6/25/82). The zone currently involves a site (30 acres) at the Port of Cleveland and a site (175 acres) adjacent to Cleveland Hopkins International Airport. The Port Authority is now requesting authority to expand its zone site at the port to include the entire Port of Cleveland complex (94 acres) on Lake Erie at the mouth of the Cuyahoga River.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, 55 Erieview Plaza, Cleveland, Ohio 44114; and, Major David P. Plank, District Engineer, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, New York 14207.

Comments concerning the proposed zone expansion invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 5, 1991.

A copy of the application is available for public inspection at each of the following locations;

U.S. Department of Commerce District Office, 666 Euclid Avnue, Room 668, Cleveland, Ohio 44114.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 4213, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 11, 1991.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 91-3979 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-DS-M

[Order No. 510]

Resolution and Order Approving the Application of the Metropolitan Nashville Port Authority for a Special-Purpose Subzone at the Auto Tubing Components Plant of Form Rite Corp. in Hawkins County, TN

Proceedings of the Foreign-Trade Zones Board, Washington, DC

Resolution and Order

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) has adopted the following Resolution and Order:

The Board, having considered the matter, hereby orders:

After consideration of the application of the Metropolitan Nashville Port Authority, grantee of FTZ 78, filed with the Foreign-Trade Zones Board (the Board) on March 2, 1990, requesting special-purpose subzone status at the automotive tubing components manufacturing plant of Form Rite Corporation located in Hawkins County, Tennessee, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the FTZ Board's regulations would be satisfied, and that the proposal would be in the public interest provided approval is subject to a special reporting requirement on Form Rite's adherence to the plan outlined in the application regarding sourcing and production/sales levels, approves the application subject to the foregoing restriction.

The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized to issue a grant of authority and appropriate Board Order.

Grant of Authority To Establish a Foreign-Trade Subzone For Form Rite Corporation in Hawkins County, Tennessee

Whereas, by an act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 91a-81u) (the Act), the Foreign-Trade Zone Board (the Board) is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Board's regulations (15 CFR 400.304) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and where a significant public benefit will result;

Whereas, the Metropolitan Nashville Port Authority, grantee of Foreign-Trade Zone 78, has made application (filed March 2, 1990, FTZ Docket 11-90, 55 FR 11632), in due and proper form to the Board for authority to establish a special-purpose subzone at the automotive tubing components manufacturing plant of Form Rite Corporation located in Hawkins County, Tennessee;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and,

Whereas, the Board has found that the requirements of the Act and the Board's regulations would be satisfied and that the proposal would be in the public interest if approval were given subject to the reporting requirement in the resolution accompanying this action;

Now, Therefore, in accordance with the application filed March 2, 1990, the Board hereby authorizes the establishment of a subzone at the Form Rite plant in Hawkins County, Tennessee, designated on the records of the Board as Foreign-Trade Subzone No. 78F at the location mentioned above and more particularly described on the maps and drawings accompanying the application, said grant of authority being subject to the provisions and restrictions of the Act and regulations issued thereunder, to the special reporting requirement in the resolution accompanying this action, and also to the following express conditions and limitations:

Activation of the subzone shall be commenced within a reasonable time from the date of issuance of the grant, and prior thereto any necessary permits shall be obtained from Federal, state, and municipal authorities.

Officers and employees of the United States shall have free and unrestricted access to and throughout the foreign-trade subzone facility in the performance of their official duties.

The grant shall not be construed to relieve responsible parties from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said subzone, and in no event shall the United States be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the Army District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In Witness Whereof, the Foreign-Trade Zones Board has caused its name to be signed and it seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 13th day of February, 1991, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Eric I. Garfinkel,

Assistant Secretary of Commerce for Import Administration, Chairman, Committee of Alternates.

[FR Doc. 91-3980 Filed 2-19-91; 8:45 am]

BILILNG CODE 3510-DS-M

International Trade Administration

[A-570-811]

Initiation of Antidumping Duty Investigation; Tungsten Ore Concentrates From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce (the Department), we are initiating an antidumping duty investigation to determine whether imports of tungsten ore concentrates 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. We are notifying the U.S. International Trade Commission (ITC) of this action so that it may determine whether imports of tungsten ore concentrates from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If this investigation proceeds normally, the ITC will make its preliminary determination on or before March 11, 1991. If that determination is affirmative, we will make our preliminary determination on or before July 2, 1991.

EFFECTIVE DATE: February 20, 1991.

FOR FURTHER INFORMATION CONTACT: Roy A. Malmrose, Office of Countervailing Investigations, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; elephone (202) 377-5414.

SUPPLEMENTARY INFORMATION:

The Petition

On January 23, 1991, we received a petition filed in proper form by U.S. Tungsten Corporation (USTC) on behalf of the U.S. industry producing tungsten ore concentrates. The petition was supplemented on January 24, February 6, and February 11, 1991. In compliance with the filing requirements of section 353.12 of the Department's regulations (19 CFR 353.12 (1990)), petitioner alleges that imports of tungsten ore concentrates from the PRC 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.

Petitioner has stated that it has standing to file the petition because it is an interested party, as defined under section 771(9)(C) of the Act, and because it filed the petition on behalf of the U.S. industry producing the product that is subject to this investigation.

On February 1, 1991, the Department received a submission filed by GTE Products Corporation (GTE) in opposition to the petition. This submission included letters from General Electric Company and Kennametal Inc. which stated their opposition to the petition. GTE argues that the "like product" should be defined to include intermediate tungsten products such as ammonium paratungstate (APT) and tungsten powders. If the domestic industry is defined as including the producers of tungsten ore concentrates and intermediate products, GTE contends that its submission demonstrates that a majority of the domestic industry opposes the petition. On February 8, 1991, USTC made a submission arguing that the Department was precluded from considering GTE's arguments under *United States* v *Roses, Inc.*, 706 F.2d 1563 (1983) and otherwise refuting GTE's claims on the appropriate definition of like product and the relevant industry.

Based on these submissions we determine for purposes of deciding standing in this initiation that tungsten intermediates are not like the imported product, tungsten ore concentrates. As a result, GTE, GE, and Kennametal are not part of the industry on whose behalf this petition was brought. We intend, however, to continue examining this issue in the course of the investigation. 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.

United States Price and Foreign Market Value

Petitioner's estimate of United States price (USP) for both the high- and low-grade concentrates is based on U.S. Bureau of the Census import statistics. Prices derived from import statistics were adjusted for inland freight in the PRC.

Petitioner alleges that the PRC is a nonmarket economy country within the meaning of section 773(c) of the Act. Accordingly, petitioner based foreign market value (FMV) on constructed value (CV). CV was calculated using factors of production developed for the PRC. Petitioner used factors of production experienced in its own business with respect to labor, electricity, and diesel. The remaining factors were those experienced by a producer of tungsten ore concentrates in Peru.

Petitioner's factors were primarily valued based on a country at a stage of economic development comparable to the PRC and which is a significant producer of comparable merchandise (i.e., India). Where efforts to obtain Indian values were unsuccessful, petitioner valued factors based on Peruvian prices on the basis that (1) Peru is a significant producer of comparable merchandise, (2) information from Peru was reasonably available, (3) Peru possesses a middle-income economy, while other producers of tungsten ore concentrates possess upper-middle or high-income economies, and (4) Peruvian ore possesses characteristics similar to those of Chinese ore.

To calculate an estimated CV for the subject merchandise, petitioner included electricity, labor, diesel, and material and maintenance costs for mining, crushing, grinding and concentrating the ore. Packing, exploration and capital costs were excluded. Petitioner added the statutory minimums of ten percent for SG&A and eight percent for profit, in accordance with section 773(e)(1)(B) of the Act.

Petitioner's calculations resulted in a margin of 122 percent for the high-grade concentrates and 151 percent for the low-grade concentrates.

Initiation of Investigation

Under section 732(c) of the Act, the Department must determine, within 20 days after the 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 tungsten ore concentrates from the PRC 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 an antidumping duty investigation to determine whether imports of tungsten ore concentrates from the PRC are being, or are likely to be, sold in the United States at less than fair value. If our investigation proceeds normally, we will make our preliminary determination by July 2, 1991.

Scope of Investigation

The merchandise covered by this investigation is tungsten ore concentrates. This includes any concentrated or upgraded form of raw tungsten ore, whether high- or low-grade. High-grade tungsten ore concentrates are defined as a concentrated form of tungsten ore containing 65 percent or more by weight of tungsten trioxide. Low-grade tungsten ore concentrates are defined as a concentrated form of tungsten ore containing less than 65 percent by weight of tungsten trioxide. Low-grade tungsten ore concentrates include tungsten slime, which as a concentration of less than 35 percent by weight of tungsten trioxide. Tungsten ore concentrates are used in the production of intermediate tungsten products such as APT, tungstic oxide, and tungstic acid. These intermediate products have end uses in the metalworking, mining, construction, transportation, and oil- and gas-drilling industries. Tungsten ore concentrates are currently classifiable under item 2611.00.00.00 of the *Harmonized Tariff Schedule* (HTS). The HTS item number is 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 writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Director, Office of Antidumping Investigations, Import Administration.

Preliminary Determination by ITC

The ITC will determine by March 11, 1991, whether there is a reasonable indication that imports of tungsten ore concentrates from the PRC are materially injuring, or threaten material injury to, a U.S. industry. If its determination is negative, the investigation will be terminated; otherwise, the investigation will proceed according to statutory and regulatory time limits.

This notice is published pursuant to section 732(c)(2) of the Act.

Dated: February 12, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-3981 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-533-802]

Amendment to the Preliminary Countervailing Duty Determination; Steel Wire Rope From India

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

ANALYSIS: In its preliminary determination, published on February 4, 1991 (56 FR 4259), the U.S. Department of Commerce determined that benefits which constitute subsidies within the meaning of the countervailing duty law are being provided to manufacturers of steel wire rope in India. The Department held a disclosure conference on February 1, 1991. Counsel to respondents filed a submission on February 4, 1991 alleging the Department had made a ministerial error that overstated the benefits bestowed on Usha Martin Industries Ltd. (UMIL) under the International Price Reimbursement Scheme (IPRS). The Department has received no comments from petitioner contesting this. After reviewing respondents' comments, we agree that we made a ministerial error and that this error significantly affected UMIL's preliminary margin and changed the "All Other" rate.

It is not standard Departmental practice to amend preliminary determinations since these determinations only establish estimated margins, which are subject to verification and which almost always change in the final determination. However, in an investigation where the ministerial error results in a change of significant magnitude, we have determined that an amendment of the preliminary determination is appropriate. Therefore, the Department hereby amends its preliminary determination to correct for the ministerial error involved. This correction changes the estimated margins for UMIL, BWR and the "All Others Rate" as indicated below.

In order to ensure consistency, the Department intends to implement regulations governing the amendment of preliminary determinations in antidumping and countervailing duty investigations. The Department does not intend to alter its practice with regard to preliminary results in administrative reviews.

Therefore, in accordance with section 703(d)(2) of the Tariff Act of 1930, as amended, the Department will direct U.S. Customs officers to require a cash deposit or posting of a bond on all entries of steel wire rope from India subject to the suspension of liquidation equal to the following corrected estimated amounts:

Manufacturers/producers/exporters	Margin percentage
Usha Martin Industries Limited	14.57
Bombay Wire Ropes, Ltd	32.93
All Others	32.93

This constitutes an amendment to the preliminary determination with respect to steel wire rope from India.

Dated: February 13, 1991.

Eric I. Garfinckel,

Assistant Secretary for Import Administration.

[FR Doc. 91-3982 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-DS-M

Exporters' Textile Advisory Committee; Open Meeting

A meeting of the Exporters' Textile Advisory Committee will be held on March 14, 1991. The meeting will be from 2 p.m. in the 15th Floor Training Center facility at the office of KPMG Peat Marwick, 599 Lexington Avenue, New York, NY 10022.

The Committee advises Department of Commerce officials on textile and apparel export issues.

AGENDA: Report on conditions in the export market; review of Office of Textiles and Apparel export expansion activities; and other business.

The meeting will be open to the public with a limited number of seats available. For further information or copies of the minutes, contact William Dawson (202/377-4324).

Dated: February 14, 1991.

Auggie Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91-3935 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-DR-M

National Oceanic and Atmospheric Administration

Stone Crab Fishery of the Gulf of Mexico

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

ACTION: Notice of approval of an amendment to a fishery management plan.

SUMMARY: NOAA announces approval of Amendment 4 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico (FMP). Amendment 4 adds to the FMP a scientifically measurable definition of overfishing and an action plan to arrest overfishing should it occur, adds to the FMP a section on vessel safety considerations, and revises the section on habitat of significance to the fishery. Amendment 4 conforms the FMP with the revised national standard guidelines for fishery management plans and with the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended.

EFFECTIVE DATE: February 13, 1991.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The stone crab fishery is managed under the FMP, prepared by the Gulf of Mexico Fishery Management Council (Council), and its implementing regulations at 50 CFR part 654 under the authority of the Magnuson Act, as amended. In accordance with the national standard guidelines and as required by an amendment to the Magnuson Act, Amendment 4 adds to the FMP a scientifically measurable definition of overfishing and an action plan to arrest overfishing should it occur, adds to the FMP a section on vessel safety considerations, and revises the section on habitat of significance to the fishery.

Amendment 4 was submitted by the Council on November 20, 1990. A notice of availability of Amendment 4 and

request for comments was published in the **Federal Register** on December 4, 1990 (55 FR 50050). No comments were received.

Under the FMP, as revised by Amendment 4, overfishing exists when the realized egg production per recruit is reduced below 70 percent of potential production. Overfishing will be avoided when the minimum claw length allowed to be harvested assures survival of the stone crabs to achieve the 70 percent egg production per recruit potential. When overfishing occurs, the Council, by regulatory amendment and in concert with Florida, will adjust the minimum claw length allowed to be harvested, or institute other measures to reduce the fishing mortality, to increase the egg production per recruit to at least 70 percent of potential production.

Further information on the definition of overfishing, the action plan when overfishing occurs, vessel safety considerations in the fishery, and habitat of significance to the fishery are contained in Amendment 4.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) determined that Amendment 4 is necessary for the conservation and management of the stone crab fishery and that it is consistent with the Magnuson Act and other applicable law.

Since Amendment 4 has no implementing regulations, preparation of and conclusions based on a regulatory impact review (RIR)/regulatory flexibility analysis (RFA), normally required by E.O. 12291 and the Regulatory Flexibility Act, are not required. It should be noted, however, that each future action initiated under the action plan to arrest overfishing, established in Amendment 4, will be accompanied by an RIR and, if such action will have a significant economic impact on a substantial number of small entities, an RFA.

As part of Amendment 4, the Council prepared an environmental assessment (EA). Based on the EA, the Assistant Administrator concluded that there will be no significant adverse impact on the human environment as a result of Amendment 4.

The Council determined that Amendment 4 is consistent to the maximum extent practicable with the approved coastal zone management program of Florida, the only state affected. This determination was submitted for review by the responsible state agency under section 307 of the Coastal Zone Management Act. Florida agreed with the Council's determination.

Amendment 4 does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Amendment 4 does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

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

Dated: February 13, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 91-3864 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-22-M

Decision to Establish a Time Period in 1991 for the Acceptance and Evaluation of Research Proposals for Studies in the MONITOR National Marine Sanctuary and Request for Research Proposals

AGENCY: Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Commerce (DOC).

ACTION: Notice.

SUMMARY: Title III of the Marine Protection, Research, and Sanctuaries Act (MPRSA) of 1972, 16 U.S.C. 1431 *et seq.* (as amended), Implementing Regulations, 15 CFR part 922, 53 FR 43806, October 28, 1988, and the Monitor National Marine Sanctuary Implementing Regulations, 15 CFR part 924, 40 FR 21706, May 19, 1975, authorize NOAA to require permits for conducting prohibited activities; such permits may be issued only for research related to the MONITOR and casualty recovery operations.

Research on the MONITOR and its environment is essential to the acquisition of data that contribute directly to resolving management, interpretation, protection, and preservation problems in the MONITOR National Marine Sanctuary. Potential applicants should focus their proposals on research issues that address these concerns most closely and are directed to a specific listing of the types of historical, archaeological, environmental, engineering, and conservation information, considered most appropriate by NOAA. Guidelines for the research topics and the organization of research proposals can be found in Appendix B (Research Permits) of the MONITOR Sanctuary Management Plan Copies of the management plan are available for inspection at, or may be obtained at, the address listed in this announcement.

In an effort to encourage research on the MONITOR and to provide an equitable and efficient review of all proposals NOAA is issuing this **Federal Register** notice to establish a specified time period of 45 days, beginning with the issuance of this announcement, for the submission and review of research proposals relating to the MONITOR. Valid research proposals will be evaluated consistent with the criteria set forth in 15 CFR 924.6. After appropriate review and evaluation of these proposals, NOAA will determine the number of permits that may be issued to accomplish the objectives set forth in the MONITOR Sanctuary Management Plan, the MONITOR regulations, and the MPRSA.

ADDRESSES: Susan E. Durden, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Ave., NW., Washington, DC 20235.

FOR FURTHER INFORMATION CONTACT: Ervan Garrison, 202/673-5126.

Dated: February 7, 1991.

Virginia K. Tippie,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 91-3885 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-08-M

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

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

ACTION: Notice of availability of reports; notice of public meetings and hearings.

SUMMARY: The Pacific Fishery Management Council (Council) has begun its annual preseason management process for the 1991 ocean salmon fisheries. As required by the final framework amendment to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (FMP), this notice announces: (1) The availability of specific Council documents relating to the 1991 ocean salmon fishing season, and (2) dates and locations of Council meetings and public hearings which comprise the complete schedule for determining proposed and final management measures for the 1991 ocean salmon fishing season.

DATES: See **"SUPPLEMENTARY INFORMATION"** for the dates of the scheduled meetings and public hearings. For the public hearings being held, written comments will be accepted at

the Council office until April 5, 1991. All public hearings begin at 7 p.m., on the dates and at the locations specified below.

ADDRESSES: Send written comments to Lawrence Six, Executive Director, Pacific Fishery Management Council, Metro Center, suite 420, 2000 SW. First Avenue, Portland, Oregon 97201.

FOR FURTHER INFORMATION CONTACT: John Coon, 503-326-6352.

SUPPLEMENTARY INFORMATION: Council meetings are open to the pubic; public comment on pertinent issues is solicited at specific times during the meetings. Written comments may be addressed to the Council office. Further details of each meeting will be available in Council news releases and the **Federal Register** or by contacting the Council office directly.

The Council's schedule for development of ocean salmon fishery management recommendations for the 1991 season is as follows:

February 21, 1991—Salmon Advisory Subpanel, Salmon Technical Team (STT), and selected Scientific and Statistical Committee members meet with policy and technical staff from the state and Federal fishery agencies and treaty Indian tribes to review preliminary stock abundance estimates prepared by the SST. The meeting will be held at the Red Lion Inn-Jantzen Beach, Portland, Oregon.

March 1, 1991—Council reports that summarize the 1990 salmon season and project the expected salmon stock abundance for 1991 are available to the public from the Council office.

March 11-15, 1991—Council and its advisory entities meet at the Clarion Hotel-San Francisco Airport to adopt 1991 regulatory options for public review. The options should meet the management objectives of the FMP. Any need for emergency changes to the FMP should be identified for public review. If an April 15 opening of the troll season off California is inappropriate, the Council must modify or rescind the opening date at this meeting.

March 15-25, 1991—SST completes "Preseason Report II-Analysis of Proposed Regulatory Options for 1991 Salmon Fisheries".

March 20, 1991—Newsletter describing proposed management options and schedule of public hearings is distributed (includes options, rationale, and condensed summary of biological and economic impacts).

March 29, 1991—The STT "Preseason Report II-Analysis of Proposed Regulatory Options for 1991 Ocean Salmon Fisheries" will be distributed with the Council briefing book.

April 2-3, 1991—Public hearings are held to review the proposed regulatory options adopted by the Council. All public hearings begin at 7 p.m. on the dates and at the locations specified below.

April 2, 1991—Astoria Middle School, 1100 Klaskanine Avenue, Astoria, Oregon.

April 2, 1991—Red Lion Inn, 1919 Fourth Street, Eureka, California.

April 3, 1991—General Administration Building, Large Meeting Room, Olympia, Washington.

April 3, 1991—Thunderbird Motor Inn, 1313 North Bayshore Drive, Coos Bay, Oregon.

April 3, 1991—Red Lion Inn, 2001 Point West Way, Sacramento, California

April 8-12, 1991—Council and its advisory entities meet at the Red Lion-Columbia River Inn, Portland, Oregon, to adopt final 1991 regulatory measures. New options or analyses presented at the April meeting must be reviewed by the SST and public prior to any council action.

April 17, 1991—Newsletter describing adopted ocean salmon fishing management measures is mailed to the public.

April 12-24, 1991—The STT completes drafting of "Preseason Report III-Analysis of Council Adopted Regulatory Measures for 1991 Ocean Salmon Fisheries."

May 1, 1991—Federal ocean salmon fishery management regulations implemented and Preseason Report III available for distribution.

Dated: February 13, 1991.

Richard H. Schaefer,

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

[FR Doc. 91-3944 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Permit Modification: Dr. Daniel P. Costa (P227H); Modification No. 1 to Permit No. 700

Notice is hereby given that pursuant to the provisions of §§ 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Scientific Research Permit No. 700 issued to Dr. Daniel P. Costa, Center for Marine Studies, University of California, Santa Cruz, California 95064, on March 27, 1990, is modified as follows:

Section A is changed to read:

1. Up to 5000 blood, 1000 milk and 300 miscellaneous tissue samples may be imported from the following species:

California sea lion (*Zalophus californianus californianus*)
Galapagos sea lion (*Z. californianus wallebaeki*)
Australian sea lion (*Neophoca cinerea*)
Southern sea lion (*Otaria flavescens*)
Hooker's sea lion (*Phocartos hookeri*)
Galapagos fur seal (*Artocephalus galapagoensus*)
Guadelupe fur seal (*A. townsendi*)
Antarctic fur seal (*A. gazella*)
South American fur seal (*A. australis*)
New Zealand fur seal (*A. forsteri*)
South African fur seal (*A. pusillus pusillus*)
Australian fur seal (*A. pusillus doriferus*)
Southern elephant seal (*Mirounga leonina*)
Weddel seal (*Leptonychotes weddelli*)

This modification becomes effective upon publication in the **Federal Register**.

Documents pertaining to the Permit and modification are available for review in the following Offices:

By appointment: Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Room 7324, Silver Spring, Maryland 20910.

Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California 90731-7415.

Dated: February 13, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91-3977 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-22-M

National Marine Fisheries Service; Marine Mammals; Application for Permit; NMFS Northeast Fisheries Center [P77#46]

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:* Allen E. Peterson, Jr., Director, Science and Research, Northeast Fisheries Center, Woods Hole, MA 02543.

2. *Type of Permit:* Scientific Research.

3. *Name and Number of Marine Mammals:*

Bottlenose dolphins (*Tursiops truncatus*)
Whitesided dolphin (*Lagenorhynchus acutus*)
Whitebeaked dolphin (*L. albirostris*)
Pilot Whale (*Glorbicephala spp.*)
Risso's dolphin (*Grampus griseus*)
Saddleback dolphin (*Delphinus delphis*)
Spotted dolphin (*Stenella spp.*)
Striped dolphin (*S. coeruleoalba*)
Spinner dolphin (*S. longirostris*)
Beaked whale (*Mesoplodon spp.*)

Goosebeaked whale (*Ziphius cavirostris*)
Rough-toothed dolphin (*Steno bredanensis*)
Harbor porpoise (*Phocoena phocoena*)
Harbor seal (*Phoca vitulina*)
Gray seal (*Halicohoerus grypus*)

Other species taken in small numbers during coastal and offshore fishing operations.

4. *Type of Take:* The applicant proposes to take animals killed incidental to commercial fishing operations. The primary objective of the proposed research is to obtain marine mammal carcasses or parts for scientific research for studies including, but not limited to, stock discrimination, food habits, age and growth, reproductive rates, parastie levels, and environmental contamination.

5. *Location and Duration of Activity:* Fishery Conservation Zone of the Atlantic Ocean and Gulf of Mexico. Dates of taking will be throughout the year, specifically, December–May for the Altantic mackerel trawl fishery, summer months for the foreign tuna-longline fishery, throughout the year for the groundfish gillnet fishery, and May–October for U.S. swordfish drift gillnet fishery.

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:

By appointment: Permit Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Hwy., Suite 7324, Silver Spring, Maryland 20910 (301/427–2289);

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813/893–3141); and

Director, Northeast Region, National Marine Fisheries Service, Federal Bldg., One Blackburn Drive, Gloucester, Massachusetts 01930 (508/284–9200).

Dated: February 13, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91–3978 Filed 2–19–91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of a Request for Bilateral Textile Consultations With the Government of India on Certain Man-Made Fiber Textile Products

February 14, 1991.

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

ACTION: Notice.

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

SUPPLEMENTARY INFORMATION:

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

On December 28, 1990, the Government of the United States requested consultations with the Government of India with respect to imports in Category 635 (women's and girl's man-made fiber coats).

Under the terms of the current bilateral agreement between the Governments of the United States and India, the United States reserves the right to establish a limit of 40,642 dozen for the ninety-day consultation period which began on December 28, 1990 and extends through March 27, 1991.

A summary market statement concerning Category 635 follows this notice.

Anyone wishing to comment or provide data or information regarding the treatment of Category 635 under the agreement with India, or on any other aspect thereof, or to comment on domestic production or availability of products included in Category 635, 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 Category 635. Should such a solution be reached in consultations with the Government of India, 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.

India—Market Statement

Category 635—Women's and Girls' Man-Made Fiber Coats

December 1990

Import Situation and Conclusion

U.S. imports of women's and girls' man-made fiber coats, Category 635, from India reached 116,120 dozen in the year ending September 1990, more than four times the 27,315 dozen imported a year earlier. During the first nine months of 1990 imports from India were 109,760 dozen, over 5 times their January-September 1989 level and more than four times their total calendar year 1989 level.

The sharp and substantial increase in Category 635 imports from India is causing disruption in the U.S. market for women's and girls' man-made fiber coats.

U.S. Production and Market Share

U.S. production of women's and girls' man-made fiber coats, Category 635, declined 30 percent between 1987 and 1989, falling from 4,977 thousand dozen in 1987 to 3,461 thousand dozen in 1989. The U.S. manufacturers' share of the women's and

girls' man-made fiber coat market fell from 55 percent in 1987 to 46 percent in 1989, a drop of 9 percentage points.

U.S. Imports and Import Penetration

U.S. imports of women's and girls' man-made fiber coats increased from 4,023 thousand dozen in 1987 to 4,644 thousand dozen in 1988, dropped to 4,021 thousand dozen in 1989, and then surged to a record level 5,178 thousand dozen in the year ending September 1990. Category 635 imports are up 41 percent in the first nine months of 1990 over the January-September 1989 level. The ratio of imports to domestic production in Category 635 increased from 81 percent in 1987 to 116 percent in 1989, an increase of 35 percentage points.

Duty-Paid Value and U.S. Producers' Price

Approximately 84 percent of Category 635 imports from India during the first nine months of 1990 entered under HTSUSA numbers 6202.93.5010—women's man-made fiber anoraks, windbreakers and similar jackets, other than water resistant; 6204.39.3010—women's man-made fiber suit type jackets and blazers. These coats entered the U.S. at landed duty-paid values below U.S. producers' prices for comparable coats.

[FR Doc. 91-3936 Filed 2-19-91; 8:45 am]

BILLING CODE 3510-DR-M

COPYRIGHT ROYALTY TRIBUNAL

[CRT Docket No. 91-2-89CD]

Ascertainment of Whether Controversy Exists Concerning Distribution of 1989 Cable Royalty Fund

AGENCY: Copyright Royalty Tribunal.

ACTION: Notice.

SUMMARY: The Copyright Royalty Tribunal directs all claimants to royalty fees paid by cable operators for secondary transmissions during 1989 (Phase I and Phase II) to submit any comments concerning whether a controversy exists with regard to the distribution of the 1989 cable royalty fees. All claimants intending to participate in the 1989 proceeding shall include with their comments a Notice of Intent to Participate. Any particular controversy, Phase I or Phase II, of which the Tribunal does not become advised by the end of the comment period will not be considered at a later date without a showing of good cause. Specifically for Phase II, each claimant must state each program category in which he or she has an interest which by the end of the comment period has not yet been satisfied by private agreement.

DATES: Comments are due April 19, 1991.

ADDRESSES: Chairman, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009 (202) 673-5400.

Dated: February 14, 1991.

Mario F. Aguero,

Chairman.

[FR Doc. 91-3968 Filed 2-19-91; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF DEFENSE

Department of the Air Force

Air Force Academy Board of Visitors; Meeting

Pursuant to section 9355, title 10, United States Code, the Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, April 12-14, 1991. The purpose of the meeting is to consider morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy.

This meeting will be closed to the public to discuss matters analogous to those listed in subsections (2), (4), and (6) of section 552b(c), title 5, United States Code. These closed sessions will include: panel discussions with groups of cadets and military staff and faculty officers involving personal information and opinions, the disclosure of which would result in a clearly unwarranted invasion of personal privacy. Closed sessions will also include executive sessions involving discussions of personal information, including financial information, and information relating solely to internal personnel rules and practices of the Board of Visitors and the Academy. Meeting sessions will be held in various facilities throughout the cadet area.

For further information, contact Major Wayne Taylor, Headquarters, U.S. Air Force (DPPA), Washington, DC 20330-5060, at (703) 967-2919.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-3937 Filed 2-19-91; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board Ad Hoc Committee on Off-Board Sensors for Air Combat Operations; Meeting

The USAF Scientific Advisory Board Ad Hoc Committee on Off-Board Sensors for Air Combat Operations will meet on 13-15 Mar 91 from 8 a.m. to 5 p.m. at Hanscom AFB, MA 01731.

The purpose of this meeting will be to receive briefings and gather information in support of the SAB study. This meeting will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) and (5) thereof, and accordingly will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697-4648.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-3960 Filed 2-19-91; 8:45 am]

BILLING CODE 3910-01-M

USAF Scientific Advisory Board Ad Hoc Committee on the Software and Computer Processor Upgrades to Software Intensive Aircraft; Meeting

The USAF Scientific Advisory Board's Ad Hoc Committee on the Software and Computer Processor Upgrades to Software Intensive Aircraft will meet on 5-7 March 1991 from 8 a.m. to 5 p.m. at Wright-Patterson AFB, Ohio.

The purpose of this meeting is to gather information in support of the SAB study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-3961 Filed 2-19-91; 8:45 am]

BILLING CODE 3910-01-M

Department of the Army

Armed Forces Epidemiological Board; Closed Meeting

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

Name of committee: Armed Forces Epidemiological Board, DOD.

Date of meeting: 28 February 1991.

Time: 0800-1430.

Place: USAMRIID, Ft. Detrick, Frederick, MD.

Proposed agenda: Medical Aspects of Chemical Defense.

This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof and title 5, U.S.C., appendix

1, subsection 10(d). The classified and unclassified matters to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting.

FOR FURTHER INFORMATION CONTACT: Should additional information be desired, please contact the AFEB Executive Secretary, Skyline Six, 5109 Leesburg Pike, room 667, Falls Church, Virginia 22041-3258.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 91-4011 Filed 2-19-91; 8:45 am]

BILLING CODE 3710-08-M

Armed Forces Epidemiological Board; Open Meeting

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

Name of committee: Armed Forces Epidemiological Board, DOD.

Date of meeting: 1 March 1991.

Time: 0800-1430.

Place: USAMRIID, Ft. Detrick, Frederick, MD.

Proposed agenda: Service Preventive Medicine officer reports; oral typhoid vaccine; hepatitis vaccine; recommendations for 1991-1992 influenza vaccine; AFEB operations; and overview of service infectious disease research and development programs.

This meeting will be open to the public but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Interested persons wishing to participate should advise the Executive Secretary, AFEB, Skyline Six, 5109 Leesburg Pike, room 667, Falls Church, Virginia 22041-3258.

Kenneth L. Denton,

Alternate Army Federal Register Liaison Officer.

[FR Doc. 91-4012 Filed 2-19-91; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF ENERGY

Office of Energy Research

Special Research Grant Program Notice 91-7; Human Genome Program

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy (DOE) hereby announces its interest in receiving applications for Special Research Grants in support of the Humane Genome program. This program is a coordinated multidisciplinary research effort aimed at developing creative, innovative resources and technologies which will lead to a detailed understanding of the human genome at the molecular level. The research goals encompassed in this notice are improvements in cDNA technologies supporting the identification of human DNA sequences which can serve as sequence tagged sites (STS) for human chromosome mapping. Appropriate subtopics include improved production of cDNA libraries, normalization of cDNA libraries, rapid assignment of cDNAs to chromosomes and sub-chromosomal regions so that optimally spaced cDNAs for STS definition can be chosen, limited or complete cDNA sequencing supporting identification of candidate STS sites, and validation of the utility of candidate sites. All participants in cDNA projects must contribute to a coordinated resource of data and materials which will serve to minimize redundant efforts by identifying already characterized cDNAs across distinct libraries.

DATES: To permit timely consideration for awards in fiscal year 1991 formal applications submitted in response to this notice should be received by March 22, 1991.

ADDRESSES: Completed applications referencing Program Notice 91-7 should be forwarded to: U.S. Department of Energy, Office of Energy Research, Division of Acquisition and Assistance Management, ER-64, room G-236, Washington, DC 20585, ATTN: Program Notice 91-7. The personal or courier delivery address is: U.S. Department of Energy, Division of Acquisition and Assistance Management, ER-64, 19901 Germantown Road, Germantown, MD 20874.

FOR FURTHER INFORMATION CONTACT: Dr. Benjamin J. Barnhart, Office of Health and Environmental Research, ER-72 (GTN), Washington, DC 20585, (301) 353-5037.

SUPPLEMENTARY INFORMATION: It is anticipated that approximately $1M will be applied to cDNA technology awards during FY 1991. Multiple year funding of awards is expected, subject to the availability of appropriated funds. Information about development and submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found at 10 CFR part 605. The Office of Energy Research (ER), as part of its grant regulations, requires at 10 CFR 605.11(b) that a grantee funded by ER and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules" (51 FR 16958, May 7, 1986), or such later revision of those guidelines as may be published in the **Federal Register.** Application kits and copies of 10 CFR part 605 are available from the same office listed under "Addresses" section of this Notice. Telephone requests may be made by calling (301) 353-5037. Instructions for preparation of an application are included in the application kit. The Catalog of Federal Domestic Assistance number for this program is 81.049.

Issued in Washington, DC, on February 8, 1991.

D.D. Mayhew,

Deputy Director for Management, Office of Energy Research.

[FR Doc. 91-4000 Filed 2-19-91; 8:45 am]

BILLING CODE 6450-01-M

Special Research Grant Program Notice 91-8; Human Genome Program

AGENCY: Department of Energy (DOE).

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Health and Environmental Research (OHER) of the Office of Energy Research (ER), U.S. Department of Energy (DOE) hereby announces its interest in receiving applications for Special Research Grants in support of the Human Genome program. This program is a coordinated multidisciplinary research effort aimed at developing creative, innovative resources and technologies which will lead to a detailed understanding of the human genome at the molecular level. Several research goals are encompassed in this notice: (1) Research will be supported to develop technologies and resources necessary for the physical mapping of human chromosomes, i.e., establishing the original linear order of DNA fragments. This includes development of improved automated systems for analysis of DNA fragments and clones, better means of obtaining DNA as purified chromosomes or chromosome fragments, improved yeast artificial chromosome (YAC) technologies and improved cDNA technologies supporting choices of sequence tagged sites; (2) Research will be supported for development of

advanced DNA sequencing technology, particularly innovative new approaches with potential for rapid, cost-effective sequencing of a million DNA bases per day, which includes non-gel techniques and direct imaging approaches; (3) Research will be supported to develop data management systems for use in DNA mapping and sequencing, including data structures, retrieval schemes, user interfaces and advanced database theory. Also desired are improved algorithms and hardware for analyzing DNA sequences, including identification of homologies, regulatory sites, and protein coding regions; and (4) Research and conference grants will be supported that address ethical, legal and societal issues that may arise from applications of knowledge and materials resulting from the Human Genome program. Grant applications should be focused and address specific issues related to the Human Genome program.

PREAPPLICATION INFORMATION: Potential applicants are encouraged to first submit a brief preapplication in accordance with 10 CFR 600.10(d)(2) which consists of two to three pages of narrative describing the research project objectives and method of accomplishment. These will be reviewed relative to the scope and the research objectives of the DOE Human Genome program. Preapplications should be received by April 19, 1991, and sent to the following address: Dr. Benjamin J. Barnhard, Office of Health and Environmental Research, ER-72 (GTN), Washington, DC 20585, (301) 353-5037. Telephone and telefax numbers are required to be part of the preapplication. A response to the preapplications discussing the potential program relevance of a formal application will be communicated by May 24, 1991.

DATES: Formal applications submitted under this notice should be received by 4:30 p.m. E.D.T., August 9, 1991 to be accepted for a October 1991 review and to permit timely consideration for award in fiscal year 1992.

ADDRESSES: Formal applications should be forwarded to: U.S. Department of Energy, Division of Acquisition and Assistance Management, ER-64, room G-236, Washington, DC 20585, ATTN: Program Notice 91-8. The personal or courier delivery address is: U.S. Department of Energy, Division of Acquisition and Assistance Management, ER-64, 19901 Germantown Road, Germantown, MD 20874.

SUPPLEMENTARY INFORMATION: It is anticipated that, subject to the availability of appropriated funds, approximately $3M will be available for awards during FY 1992. Again, subject to the availability of appropriated funds, multiple year funding of awards is expected. Information about development and submission of applications, eligibility, limitations, evaluation and selection processes, and other policies and procedures may be found at 10 CFR part 605. The Office of Energy Research (ER), as part of its grant regulations, requires at 10 CFR 605.11(b) that a grantee funded by ER and performing research involving recombinant DNA molecules and/or organisms and viruses containing recombinant DNA molecules shall comply with the National Institutes of Health "Guidelines for Research Involving Recombinant DNA Molecules" (51 FR 16958, May 7, 1986), or such later revision of those guidelines as may be published in the **Federal Register.** Application kits and copies of 10 CFR part 605 are available from the same office listed under "Addresses" section of this Notice. Telephone requests may be made by calling (301) 353-5037. Instructions for preparation of an application are included in the application kit. The Catalog of Federal Domestic Assistance number for this program is 81.049.

Issued in Washington, DC, on February 11, 1991.

D.D. Mayhew,

Deputy Directory for Management, Office of Energy Research.

[FR Doc. 91-4001 Filed 2-19-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. CP91-780-000]

Northwest Pipeline Corp.; Intention To Prepare A Draft Environmental Impact Statement for the Proposed Northwest Pipeline Expansion Project and Request for Comments on Environmental Issues

February 13, 1991.

Summary

Notice is hereby given that the staff of the Federal Energy Regulatory Commission (FERC or the Commission) will prepare a draft environmental impact statement (DEIS) on the facilities proposed in the above referenced docket for the Northwest Pipeline Expansion Project.

Northwest Pipeline Corporation (Northwest), pursuant to sections 7(b) and 7(c) of the Natural Gas Act, and 18 CFR, §§ 157.7(a) and 157.18 of the Commission's regulations, is seeking a certificate of public convenience and necessity for authorization to construct and operate approximately 625.7 miles of new loop and replacement pipeline in 29 segments, approximately 89 miles of existing mainline requalified for higher operating pressures, approximately 148,250 horsepower (hp) of new and additional compression at 21 sites, 69 related meter station modifications and crossover taps, and 19 new non-compressor station communication sites.[1] Additionally, Northwest seeks permission and approval to abandon portions of its Klamath Falls Lateral and portions of existing compression and metering facilities that are proposed to be upgraded.

The purpose of the proposed expansion of Northwest's mainline looping and compression facilities is to increase its pipeline capacity by approximately 534 million cubic feet of gas per day (MMcf/d). Northwest indicates that this expansion would accommodate all of its existing and pending firm service obligations.

By this notice, the FERC staff is requesting comments on the scope of the analysis that should be conducted for this DEIS.

All comments will be reviewed prior to the preparation of the DEIS and significant environmental issues will be addressed. Comments should focus on potential environmental effects, alternatives to the proposal (including alternative routes), and measures to mitigate adverse impact. Written comments must be submitted by March 18, 1991 in accordance with the "Scoping and Comment Procedures" provided at the end of this notice.

Proposed Action

The general location of the facilities proposed in Docket No. CP91-780-000 is shown on figures 1 and 2.[2] A listing of the facilities is provided in table 1. The proposed facilities would include a total of 625.7 miles of new pipeline loop on Northwest's existing mainline and lateral systems. Mainline expansion consisting of 39.0 miles of 30-inch-diameter pipeline and 451.2 miles of 24-inch-diameter pipeline in 21 segments. New pipeline proposed to be built on the lateral systems would include 135.5 miles of pipeline consisting of 8.8 miles

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[1] A pipeline loop is a segment of pipeline which is usually installed adjacent to an existing pipeline and connected to it at both ends. The loop allows more gas to be moved through the pipeline system at the location in which the loop is installed.

[2] Figures 1 and 2 are not being printed in the **Federal Register** but copies are available from the Commission's Public Reference Branch, telephone (202) 208-1371. Copies of figures 1 and 2 are attached to each mailed copy of this notice.

of 20-inch-diameter loop, 52.1 miles of 16-inch-diameter loop, 23.8 miles of 12-inch-diameter loop, 36.1 miles of 10-inch-diameter loop, and 14.7 miles of 6-inch-diameter lateral that would replace an existing 4-inch-diameter lateral. The lateral system loops and replacement would occur in eight segments.

The proposed facilities would also include approximately 83,830 hp of compression at 11 new compressor stations and approximately 64,420 hp of additional compression at 10 existing compressor stations.

Additionally, Northwest has proposed to: Requalify to a higher operating pressure approximately 89 miles of existing 26-inch-diameter mainline in two segments; perform modifications of existing compressor equipment and/or piping at 23 existing compressor stations; and construct upgrades and/or crossover taps to loop lines for 69 existing meter stations. Northwest also requests Commission approval of the abandonment of 14.7 miles of 4-inch-diameter pipeline (to be replaced with 6-inch-diameter pipeline, as described above) on its Klamath Falls Lateral and various existing equipment which would be replaced by upgraded equipment at 33 existing meter stations and 2 existing compressor stations. The total estimated cost of the entire expansion project is $446 million.

Northwest's existing mainline system consists of various diameter pipeline that extends from the Washington-Canadian border at the Sumas Compressor Station south and east across Washington, Oregon, Idaho, Wyoming, Utah, and Colorado to the Blanco Hub in northwestern New Mexico. Its Grants Pass Lateral extends from Portland, Oregon south to Grants Pass. The proposed major facilities would cross or be located in 8 counties in Washington, 9 counties in Oregon, 8 counties in Idaho, 2 counties in Wyoming, 3 counties in Utah, and 6 counties in Colorado. The proposed facilities would cross Fort Lewis and Camp Bonneville Military Reservations; Massacre Rocks State Park; Fort Hall Indian Reservation; lands managed by the U.S. Bureau of Land Management (BLM), the U.S. Forest Service, and the U.S. Bureau of Reclamation; and lands owned by the states of Oregon, Idaho, Wyoming, Utah, and Colorado.

Construction

The proposed loops would generally be constructed parallel and adjacent to existing pipelines with a minimum 20-foot separation between the existing and proposed pipelines on all lands where practical. Northwest would require a maximum 100-foot-wide construction right-of-way. In general, during original right-of-way acquisition, loop rights were secured on 84 percent of the existing easements which provided for the future placement of additional pipelines.

Approximately 10 acres would be acquired for each new compressor station, although Northwest anticipates the disturbance of only 5 acres during construction. No additional acreage would be required for the expansion of the existing stations.

Prior to construction, Northwest would survey and stake the centerline and the exterior right-of-way boundaries of the proposed pipeline loop and maintain these markers throughout construction. The right-of-way would be cleared and cut timber would be treated in accordance with land management agency regulations or private landowner wishes. Construction of the proposed pipeline would generally follow standard pipeline construction methods. Ditching would be conducted with a wheelditcher, saw trencher, or backhoe. Northwest has indicated that it would utilize double-ditching techniques in cultivated areas to separate the topsoil from the subsoils in areas directly over the trench. On all lands, the wishes of the landowner/manager would be considered in determining ditching techniques. The depth of the ditch would vary with the diameter of the pipeline, but in all cases it would be sufficiently deep enough to accommodate 3 feet of cover on top of the pipe in normal soils and 2 feet of cover in areas of consolidated rock.

In areas of rugged topography with steep side-slopes, Northwest would utilize cut and fill techniques. During cleanup and reclamation, the disturbed land would be restored to as near the original contours of the land as possible, utilizing vegetation and other stabilization techniques as appropriate. In areas where surface or subsurface rock is unrippable and excavation or grading is required, blasting for grade or ditch excavation would be necessary. In these areas, care would be taken to prevent damage to underground structures (i.e., cables, conduits, and pipelines), or to springs, water well, or other water courses. All blasting would be conducted during daylight hours and would not begin until occupants of nearby buildings, stores, residences, places of businesses and farmers have been notified.

At all surface water crossings, stream flow would be maintained at all times during construction. The pipeline would be installed at least 4 feet below the stream or river bed to prevent high water flows from scouring or otherwise damaging the pipeline. Backfilling would be conducted such that the stream or river bed would be restored to its original contours. The banks would then be restored to their original profiles and stabilized to prevent erosion. Northwest has indicated it would utilize flumes, cofferdams, and silt fences at all major stream crossings to minimize turbidity and maintain adequate streamflow. Any temporary water diversions would be removed to prevent trapping or stranding of fish.

During construction across roadways, Northwest would comply with all crossing requirements of the state or county where the road is located. Roadways would be either bored or open cut, depending on the determination of the state or county highway department. Typically, dirt or gravel surfaced roads would be open cut and the pipeline installed, the road resurfaced, and the crossing completed within 1 day. Crossings at heavily traveled roads would be made by horizontal boring at a minimum depth of 4 to 5 feet beneath the roadway.

After pipeline installation and testing is completed, the work areas would be finally graded and restored as nearly as possible to the preconstruction contours. This would include moving fill material back into and restoring sidehill cuts. Permanent soil stabilization efforts proposed by Northwest include construction of water bars along contours of disturbed areas and the reseeding of the rights-of-way. Northwest has proposed that the reseeding occur the next season after construction (as determined by the land management agency or the landowner). Finally, the rights-of-way that intersect with public roads on Federal, state, or private lands would be closed off at the landowners' request to prevent the rights-of-way from being used as roads. Earthen berms or rock piles would be constructed across the rights-of-way at all intersections.

Environmental Issues

Based on preliminary analysis of the application and the environmental information provided by Northwest for the proposed facilities, the FERC staff has identified a number of issues that will be specifically addressed in the DEIS. These include a list of potentially sensitive areas on or near the proposed route. These areas have been identified and are presented in table 2.

Comments are solicited on any additional topics of environmental concern from residents and others in the project area. One issue raised by Northwest is whether an environmental

assessment (EA) would be more appropriate in lieu of an EIS. The staff requests specific comments on this issue. After comments in response to this notice are received and analyzed and the various issues investigated, the FERC staff will prepare a DEIS, or an EA (depending on the comments received), for the Northwest Pipeline Expansion Project. The DEIS or EA will be based on the FERC staff's independent analysis of the proposal and, together with the comments received, will comprise part of the record to be considered by the Commission in this proceeding.

Cooperating Agencies

The BLM has already indicated its interest to be a cooperating agency. Pursuant to Section 28 of the Mineral Leasing Act (30 U.S.C. 181 et seq.), the Utah BLM State Director has been designated as the Authorizing Officer for the issuance if the rights-of-way grant for all Federal lands, except lands within the Fort Hall Indian Reservation. Within the Fort Hall Indian Reservation the Bureau of Indian Affairs has the responsibility. The Utah State Office of the BLM will be the point of contact for all other Federal land managing agencies whose lands would be affected by the proposed project.

The following agencies are requested to indicate whether they wish to be cooperating agencies in production of the DEIS:

Advisory Council on Historic Preservation
Department of Agriculture:
  Soil Conservation Service
  U.S. Forest Service
Department of Commerce:
  National Oceanic and Atmospheric Administration
Department of Defense:
  U.S. Army Corps of Engineers
Department of Energy
Department of the Interior:
  U.S. Fish and Wildlife Service
  U.S. Geological Survey
  Bureau of Indian Affairs
  Bureau of Reclamation
Department of State
Department of Transportation:
  Federal Highway Administration
  Federal Railroad Administration
Environmental Protection Agency

These, or any other Federal, state, or local agencies desiring cooperating agency status should send a request describing how they would like to be involved to Ms. Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. The request should reference Docket No. CP91-780-000 and should be received by *March 18, 1991.* An additional copy of the request should be sent to the FERC project manager identified at the end of this notice. Cooperating agencies are encouraged to participate in the scoping process and to provide information to the lead agencies. Cooperating agencies are also welcome to suggest format and content modifications to facilitate ultimate adoption of the DEIS. However, the lead agency will decide what modifications will be adopted in light of production constraints.

Scoping and Comment Procedures

Public scoping meeting will be conducted by staff from FERC and BLM, and are presently planned to be held between March 18, 1991 and March 26, 1991 at the following locations:

March 18, 1991—Portland, Oregon
March 19, 1991—Pocatello, Idaho
March 20, 1991—Green River, Wyoming
March 21, 1991—Grand Junction, Colorado
March 25, 1991—Moab, Utah
March 26, 1991—Cortez, Colorado

The precise locations and agenda of the meetings will be identified in a subsequent **Federal Register** notice which will be sent to all parties returning the attached appendix.

The scoping meetings are primarily intended to obtain input from state and local governments and the public. Federal agencies have formal channels for input into the Federal process (including separate meetings where appropriate) on an interagency basis. Federal agencies are expected to coordinate their comments through the lead Federal agency and not use the scoping meetings for this purpose.

Interested groups and individuals are encouraged to attend the meetings and present oral comments on the environmental impact which they believe should be addressed in the DEIS. Anyone who would like to make an oral presentation should contact the project manager identified below to have their name placed on the speakers list. A second speakers list would be available at the public meeting. A transcript will be made of the meeting and comments will be used to help determine the scope of the DEIS.

Copies of this notice have been distributed to Federal, state, and local agencies, public interest groups, libraries, newspapers, parties in the proceeding, and other interested individuals. Written comments are also welcome to help identify significant issues or concerns related to the proposed action, to determine the scope of the issues, and to identify and eliminate from detailed study the issues that are not significant. All comments on specific environmental issues should contain supporting documentation and rationale. Written comments must be filed on or before March 18, 1991, reference Docket No. CP91-780-000, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. A copy of these comments should also be sent to the project manager identified below.

The DEIS will be mailed to Federal, state, and local agencies, public interest groups, interested individuals, newspapers, libraries, and the parties in this proceeding. A 45 day comment period will be allotted for review of the DEIS.

Any person may file a motion to intervene on the basis of the staff's DEIS (18 CFR 380.10(a) and 385.214). After these comments are reviewed, and new issues are investigated, and modifications are made to the DEIS, a final EIS (FEIS) will then be published by the staff and distributed. The FEIS will contain the staff's responses to comments received on the DEIS.

Organizations and individuals receiving this Federal notice have been selected to ensure public awareness of this project and public involvement in the review process under the National Environmental Policy Act. Any subsequent information published regarding the Northwest Pipeline Expansion Project will be sent automatically to the appropriate Federal agencies. However, to reduce printing and mailing costs and related logistical problems, the information will only be distributed to those organizations, state and local agencies, and individuals who return the attached appendix to this notice within 30 days.

Additional information about this proposed project is available from Ms. Lauren O'Donnell, Project Manager, Federal Energy Regulatory Commission, Room 7312, 825 North Capitol Street, NE., Washington, DC 20426, or call (202) 208-0874.

Lois Cashell,
Secretary.

TABLE 1.—NORTHWEST EXPANSION PROJECT FACILITY LOCATIONS

Pipeline system/proposed facilities	Pipe diameter (in)	Approximate length (mi)	Added or new compression (hp)	County and State
Mainline:				
Chehalis North Loop	30	25.1		Thurston/Pierce, WA.
Washougal North Loop	30	13.9		Clark, WA.
Plymouth South Loop	24	15.0		Umetilla, OR
				Benton, WA.
Burley North Loop	24	30.4		Twin Falls/Cassia, ID.
Pocatello North Loop	24	60.9		Power/Cassia ID.
Pocatello South Loop	24	14.7		Bannock/Power, ID.
Lava Hot Springs North Loop	24	20.8		Bannock, ID.
Lava Hot Springs South Loop	24	19.6		Bannock/Caribou, ID.
Soda Springs South Loop	24	15.3		Bear Lake, ID.
Pegram South Loop	24	18.8		Bear Lake, ID.
				Rich, UT.
				Lincoln, WY.
Kemmerer Loop	24	8.8		Lincoln, WY.
Green River North Loop	24	30.3		Sweetwater/Lincoln, WY.
Flamming Gorge North Loop	24	8.6		Sweetwater, WY.
Vernal North Loop	24	15.0		Uintah, UT.
Vernal South Loop	24	23.8		Uintah, UT.
Baxter Pass Variation	24	68.6		Uintah, UT.
				Mesa/Garfield/Rio Blanco, CO.
Bar X South Loop	24	10.7		Grand, UT.
				Mesa, CO.
Cisco South Loop	24	7.5		Grand, UT.
Moab North Loop	24	5.2		San Juan, UT.
Moab South Loop	24	50.3		San Juan, UT.
				Dolores/San Miguel, CO.
Cahone South Loop	24	26.9		Montezuma, CO.
Sumas (Expansion)			28,800	Whatcom, WA.
Mt. Vernon (Expansion)			4,390	Skagit, WA.
Willard (New)			11,000	Skamania, WA.
Goldendale (Expansion)			6,500	Klickitat, WA.
Roosevelt (New)			6,500	Klickitat, WA.
Plymouth (Expansion)			4,390	Benton, WA.
Kamela (New)			8,780	Umatilla, OR.
Huntingon (New)			13,000	Baker, OR.
Boise (New)			13,000	Ada, ID.
Buhl (New)			5,500	Twin Falls, ID.
Pegram (Expansion)			4,390	Bear Lake, ID.
Muddy Creek (Expansion)			4,390	Lincoln, WY.
Vernal (Expansion)			4,390	Uintah, UT.
Cisco (New)			11,000	Grand, UT.
Moab (Expansion)			4,390	San Juan, UT.
Cahone (New)			11,000	Montezuma, CO.
Stanfield (New)			1,350	Umatilla, OR.
Grants Pass:				
Washougal South Loop	20	7.3		Clark, WA
				Multnomah, OR.
Oregon City North Loop	20	1.5		Clackamas, OR.
Oregon City South Loop	16	20.2		Clackmas, OR.
Albany North Loop	12	23.8		Linn/Marion, OR.
Albany South Loop	10	35.3		Linn/Lane, OR.
Sutherlin (New)			1,350	Douglas, OR.
Spokane:				
Mesa (New)			1,350	Franklin, WA.
PGT:				
Klamath Falls (Replacement)	6	14.7		Klamath, OR.
Reno:				
Little Valley South Loop	16	31.9		Owyhee, ID.
Little Valley (Expansion)			1,350	Owyhee, ID.
Owyhee (Expansion)			1,350	Owyhee, ID.
North Tacoma:				
North Tacoma Loop	10	0.8		Pierce, WA

TABLE 2.—POTENTIALLY SENSITIVE AREAS ON OR NEAR THE PROPOSED ROUTE [1]

Loop segments	Location	Areas of concern
Chehalis North (Seg. 3): Fort Lewis Military Reservation	Pierce Co., WA	Possible land use conflict.
Washougal North (Seg. 4): Camp Bonneville Military Reservation.	Clark Co., WA	Possible land use conflict.
Plymouth South (Seg. 9): Cold Spring National Wildlife Refuge [2].	Umatilla Co., OR	Wildlife disturbance.
Pocatello North (Seg. 15):		
Fort Hall Indian Reservation	Power Co., ID	Possible land use conflict, impacts on cultural resources.

TABLE 2.—POTENTIALLY SENSITIVE AREAS ON OR NEAR THE PROPOSED ROUTE [1]—Continued

Loop segments	Location	Areas of concern
Massacre Rocks State Park	Power Co., ID	Possible land use conflict, impacts on recreation and aesthetics.
Minidoka National Wildlife Refuge [2]	Power Co., ID	Wildlife disturbance.
Pocatello South (Seg. 16):		
Caribou National Forest [1]	Power Co., ID	Possible land use conflict.
Fort Hall Indian Reservation	Bannock Co., ID	Possible land use conflict, impacts on cultural resources.
Lava Hot Springs North (Seg. 17): Portneuf River (7 crossings).	Bannock Co., ID	Removal of riparian vegetation.
Kemmerer South (Seg. 22): Fossil Butte National Monument [2].	Lincoln Co., WY	Impact on visual resources and recreation.
Flaming Gorge North (Seg. 25): Devils Playground Wilderness [3].	Sweetwater Co., WY	Impact on visual resources and recreation.
Vernal South (Seg. 28): Dinosaur National Monument [2]	Uintah Co., UT	Impact on visual resources and recreation.
Baxter Pass Variation (Seg. 29):		
Area with high potential for landslide activity (MP 237.3—MP 241).	Garfield Co., CO	Potential for pipeline rupture.
Grand Valley Intensive Recreation Management Area.	Mesa Co., CO	Impact on visual resources and recreation.
White River Intensive Recreation Management Area	Rio Blanco Co., CO	Impact on visual resources and recreation.
Bar X South (Seg. 30): Grand Valley Intensive Recreation Management Area.	Mesa Co., CO	Impact on visual resources and recreation.
Cahone South (Seg. 37):		
Escalante Recreation Area [2]	Montezuma Co., CO	Impact on visual resources and recreation.
San Juan National Forest [2]	Montezuma Co., CO	Impact on visual resources and recreation.
Washougal South (Seg. 38):		
Columbia River	Clark Co., WA and Multnomah Co., OR.	Impact on anadromous fish, interference with navigation.
Columbia River Gorge National Scenic Area	Multnomah Co., OR	Impact on visual resources and recreation.
Albany South (Seg. 42):		
Armitage State Park [2]	Lane Co., OR	Impact on visual resources and recreation.
Little Valley South (Seg. 48):		
Big Jacks Creek Wilderness Study Area [3]	Owyhee Co., ID	Any construction-related impacts that affect the WSA would be prohibited.
Little Jacks Creek Wilderness Study Area [3]	Owyhee Co., ID	Any construction—related impacts that affect the WSA would be prohibited.

[1] Based on our review of the information provided by Northwest, the Loops not listed in this table do not appear to affect any potentially sensitive areas.
[2] These areas would not be crossed, but are within 0.5 mile of the route as proposed.
[3] These areas are directly adjacent to the proposed route.

Appendix

Information Request

I wish to receive subsequent published information regarding the environmental analysis being conducted for the Northwest Pipeline Expansion Project.

Name/Agency

Address

City State Zip Code

[FR Doc. 91-3906 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-89-000]

Algonquin Gas Transmission Co.; Proposed Changes in FERC Gas Tariff

February 12, 1991.

Proposed to be Effective September 1, 1990

Sub 26 Rev Sheet No. 211
Sub 22 Rev Sheet No. 214
Sub 3 Rev Sheet No. 403
Sub 7 Rev Sheet No. 404
Sub 1 Rev Sheet No. 433
Sub 5 Rev Sheet No. 434

Proposed to be Effective October 1, 1990

Sub 27 Rev Sheet No. 211
Sub 23 Rev Sheet No. 214

Proposed to be Effective December 1, 1990

2 Sub 28 Rev Sheet No. 211
2 Sub 24 Rev Sheet No. 214

Proposed to be Effective January 1, 1991

Sub 29 Rev Sheet No. 211
3 Sub 25 Rev Sheet No. 214

Proposed to be Effective February 1, 1991

Sub 26 Rev Sheet No. 214

Algonquin states that it is making the instant filing in order to incorporate language into its Rate Schedules STB and SS-III terms and conditions to permit the assessment of the GRI and ACA charges on third party gas injections into Storage. With the waiver of Rate Schedule STB and SS-III tariff provisions granted by the Commission to permit third party gas injections, it became possible for these charges to be circumvented. Algonquin states that the instant filing makes the necessary changes to the terms and conditions of Rate Schedules STB and SS-III to permit the proper assessment of such charges.

Algonquin states that the effect of the instant filing is to increase the Injection charges under Rate Schedules STB and SS-III for third party gas by $0.0142 per MMBtu for the month of September, 1990, by an additional $0.0005 per MMBtu for the period October 1, 1990 through December 31, 1990 and by a further $0.0016 per MMBtu from January 1, 1991 forward.

Algonquin notes that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before February 20, 1990. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public

inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-3892 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER89-401-006]

Citizens Power & Light Corp., Informational Filing

February 12, 1991

Take notice that on February 1, 1991, Citizens Power & Light Corporation (Citizens) filed certain information as required by Ordering Paragraph (M) of the Commission's August 8, 1989 order in this proceeding. 48 FERC ¶ 61,210 (1989). Copies of Citizens' informational filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-3895 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-90-000]

Columbia Gas Transmission Corp.; Proposed Chances in FERC Gas Tariff

February 12, 1991.

Take notice that Columbia Gas Transmission Corporation (Columbia) on February 8, 1991, tendered for filing the following proposed changes to its FERC Gas Tariff, First Revised Volume No. 1.

To Be Effective March 10, 1991

Sixth Revised Sheet No. 30B01
Original Sheet Nos. 30B02-30B04
Original Sheet Nos. 30C01-30C06

To Be Effective January 6, 1991

Substitute Fourth Revised Sheet Nos. 30A01-30A05
Substitute Original Sheet Nos. 30A06-30A12

By this filing, Columbia proposes to (i) flow through the take-or-pay costs billed to Columbia by Panhandle Eastern Pipe Line Company (Panhandle) in Docket No. RP91-53; (ii) flow through the take-or-pay costs billed to Columbia by Texas Gas Transmission Corporation (Texas Gas) in Docket No. RP91-61; and (iii) file substitute tariff sheets to correct allocation factors and charges to all customers due to incorrect determinants applicable to Dayton Power and Light Company in Columbia's December 6, 1990 filing in Docket No. RP91-41 to flow through Transco's Order No. 500 settlement costs.

Columbia states that copies of the filing were served on Columbia's jurisdictional customers, interested state commissions, and upon each person designated on the official service list compiled by the Commission's Secretary in Docket Nos. RP88-187, RP88-181, RP89-214, RP89-229, TM89-3-21, TM89-4-21, TM89-5-21, TM89-7-21, RP90-26, TM90-2-21, TM90-5-21, TM90-6-21, TM90-7-21, TM90-8-21, TM90-10-21, TM90-12-21 and RP91-41.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests should be filed on or before February 20, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of Columbia's filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-3896 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-1-46-038]

Kentucky West Virginia Gas Co.; Compliance Filing

February 12, 1991.

Take notice that on February 1, 1991, Kentucky West Virginia Gas Company (Kentucky West), tendered for filing certain revised tariff sheets to Volume No. 3 of its FERC Gas Tariff.

Kentucky West states that the revised tariff sheets were filed in compliance with the Commission's order of December 28, 1990 in Docket No. TQ89-1-46-000 approving a settlement agreement between Kentucky West and Equitable Gas Company (West Virginia), with the tariff sheets to become effective February 1, 1991.

Kentucky West states that service of the filing has been made upon each of Kentucky's West's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before February 20, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secreary.

[FR Doc. 91-3893 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TQ89-1-46-037]

Kentucky West Virginia Gas Co.; Compliance Filing

February 12, 1991.

Take notice that on February 1, 1991, Kentucky West Virginia Gas Company (Kentucky West), tendered for filing certain revised tariff sheets to Volume No. 3 of its FERC Gas Tariff.

Kentucky West states that the revised tariff sheets were filed in compliance with the Commission's order of December 28, 1990 in Docket No. TQ89-1-46-000 approving a settlement agreement between Kentucky West and Equitable Gas Company (Pennsylvania), with the tariff sheets to become effective February 1, 1991.

Kentucky West states that service of the filing has been made upon each of Kentucky's West's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC, 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990)). All such protests should be filed on or before February 20, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-3897 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

National Fuel Gas Supply Corp.; Proposed Changes in FERC Gas Tariff

February 12, 1991

Take notice that on February 8, 1991, National Fuel Gas Supply Corporation ("National") tendered for filing, as part of its FERC Gas Tariff and as supplemented on February 8, 1991, the following tariff sheets, proposed to become effective on January 1, 1991:

First Revised Volume No. 1

41st Revised Sheet No. 4
Alternate 41st Revised Sheet No. 4

Second Revised Volume No. 1

Substitute First Revised Sheet No. 5
Alternate Substitute First Revised Sheet No. 5
First Revised Sheet No. 6
Substitute First Revised Sheet No. 6

National states that its filing is to comply with the Commission's "Order Accepting and Rejecting Tariff Sheets, Denying Request for Waiver, and Conveying Technical Conference," issued on January 25, 1991, in the above-referenced proceeding.

National further states that 41st Revised Sheet No. 4 to First Revised Volume No. 1 reflects the reallocation of producer demand charges for recovery through its commodity sales rates and utilizes, as base tariff rates, the rates in effect prior to its rate case settlement approved by the Commission's order issued on November 1, 1990, at Docket Nos. RP86-136-000, et al. In addition, an adjustment is said to be made for the annual reconciliation of National's Account No. 858 costs, as previously shown in National's revised tariff sheet filed on December 31, 1990, at Docket Nos. RP86-136-000, *et al.* Alternative 41st Revised Sheet No. 4 is said to omit the Account No. 858 adjustment.

Substitute First Revised Sheet No. 5 to National's Second Revised Volume No. 1 is said to reflect the settlement base tariff rates, together with the modification of National's commodity sales rates required by the annual reconciliation of its Account No. 858 costs. Alternate Substitute First Revised Sheet No. 5 omits the adjustment to commodity rates for the reconciliation of Account No. 858 costs.

National states that First Revised Sheet No. 6 to Second Revised Volume No. 1 updates the GRI surcharge amount applicable to National's transportation rates. National also states that Substitute First Revised Sheet No. 6 corrects typographical errors, appearing with respect to T-1 rate, on First Revised Sheet No. 6.

National states that copies of this filing were served upon the Company's jurisdictional customers and the Regulatory Commissions of the States of New York, Ohio, Pennsylvania, Delaware, Massachusetts and New Jersey.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214, 385.211 (1990). All such protests should be filed on or before February 20, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to this proceeding need not file a motion to intervene in this matter. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-3894 Filed 2-19-91; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3906-4]

Meeting on Potential Hazards of Municipal Solid Waste Recycling

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of expert panel meeting.

SUMMARY: This notice announces an expert panel meeting to be held by the Environmental Criteria and Assessment Office (ECAO-CIN) of EPA's Office of Health and Environmental Assessment to facilitate the preparation of a draft document titled, "Potential Hazards of Municipal Solid Waste Recycling." The meeting will be held at the Drawbridge Inn, I-75 and Buttermilk Pike, Fort Mitchell, Kentucky.

DATES: The meeting will be held on February 25, 1-5 p.m. and February 26, 8:30-4 p.m. Members of the public are invited to attend. Space is limited. However, public comments will be accepted at the end of the last day.

ADDRESSES: ILSI Risk Science Institute, under a Cooperative Agreement with EPA, is providing logistical support and co-chairing the workshop. To attend the meeting as an observer, call Diane Dalisera, ILSI Risk Science Institute, 1126 Sixteenth Street NW., Washington, DC 20036, Telephone (202) 659-3306.

FOR FURTHER INFORMATION CONTACT: Eletha Tshitambwe, U.S. Environmental Protection Agency, Office of Health and Environmental Assessment, Environmental Criteria and Assessment Office, ML 190, Cincinnati, Ohio 45268, (513) 569-7662 or (FTS) 684-7662.

SUPPLEMENTARY INFORMATION: Recycling of emissions from municipal solid waste (MSW) has become a matter of great public interest. However, the potential emissions and risk to health and the environment of many recycling processes are as yet unexplored. The purpose of this project is to develop an emission inventory describing the potential hazards of these recycling processes, and to make this information available to local waste managers in a form that will assist them in making decisions about recycling of MSW.

Dated: February 12, 1991.

Carl R. Gerber,

Acting Assistant Administrator for Research and Development.

[FR Doc. 91-4112 Filed 2-19-91; 8:45 am]

BILLING CODE 6560-50-M

[OPP-34011; FRL 3875-8]

Pesticide Reregistration; Outstanding Data Requirements for Certain List B Active Ingredients

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended in 1988 mandates reregistration of pesticide products containing active ingredients "contained in any pesticide first registered before November 1, 1984." FIFRA requires the Administrator to publish in Phase 4 of reregistration, the outstanding data requirements identified for active ingredients on reregistration List B, which was published in the **Federal Register** on May 25, 1989 (54 FR 22706). The present Notice lists the outstanding data requirements for the first 10 of the 143 List B active ingredients still being supported for reregistration. The remaining active ingredients will be addressed in one or more follow-up notices.

FOR FURTHER INFORMATION, CONTACT: By mail, David H. Chen, Special Review and Reregistration Division (H-7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, Crystal Station 1, 2800 Crystal Drive, Arlington, VA 22202. Telephone No. (703) 308-8178.

SUPPLEMENTARY INFORMATION: This Notice identifies, pursuant to FIFRA section 4(f)(1)(B), the outstanding data requirements needed for reregistration

of certain of the active ingredients on List B. That section also calls for the separate issuance of Data Call-In notices to registrants to obtain information satisfying these data requirements. The Agency has recently issued such Data Call-In notices to the appropriate registrants.

This Supplementary Information is divided into four units. Unit I provides background information on pesticide reregistration. Unit II discusses the requirements of section 4(f)(1)(B). Unit III describes the process used by the Agency in identifying outstanding data requirements. It also contains a table of the outstanding data requirements for each active ingredient. Unit IV describes the Data Call-In notices that have been issued to obtain data to satisfy the data requirements identified in this Notice.

I. Background

Section 4 of FIFRA as amended in 1988 required the Agency to conduct pesticide reregistration of older pesticides in five phases. In Phase 1, the Agency published Lists A, B, C, and D of pesticide active ingredients subject to reregistration. For Lists B, C, and D in Phase 2, registrants seeking reregistration of their products indicated to the Agency how they would fulfill data requirements necessary for the reregistration of their products. Registrants had to identify those data which they believe would apply to their active ingredients in their products, and any data requirements that they believed were now satisfied. In Phase 3, these registrants summarized and in some cases reformatted studies that they believed were adequate and that they had previously submitted to the Agency. In Phase 4, the Agency is directed to review the materials submitted by registrants in Phases 2 and 3, and to identify the outstanding data requirements that need to be fulfilled in order for the Agency to determine whether or not pesticides containing particular active ingredients are eligible for reregistration. The Agency is further directed to issue Data Call-In notices to obtain data to satisfy these outstanding requirements. Finally, in Phase 5, the Agency must review the data submitted by registrants; determine whether pesticides containing particular active ingredients are eligible for reregistration; obtain product-specific information needed to determine whether particular products should be reregistered; and make final determinations on whether such products should be reregistered. The final determination on reregistration is to be based on whether a pesticide meets the standards of FIFRA section 3(c)(5), which prescribes the standards for initial registration of pesticides. If the Administrator determines that a pesticide should not be reregistered, section 4 directs the Administrator to take appropriate regulatory action.

Pursuant to FIFRA section 4(c)(2)(B) the Agency published in the **Federal Register** on May 25, 1989, a list of 229 chemicals (in 149 review cases) constituting List B of reregistration. The Agency then sent guidance on how to comply with Phase 2 of reregistration to all registrants of pesticides containing active ingredients on List B. Registrants were required by August 25, 1989, to inform EPA of their intent to seek or not to seek reregistration, to identify data requirements they believe applied to their active ingredients in their products, to identify the data requirements for which they have already submitted adequate data, and to commit to replace missing or inadequate data concerning the List B active ingredients contained in their products.

To assist registrants in complying with Phase 3, the Agency issued on December 24, 1989 the FIFRA Accelerated Reregistration —Phase 3 Technical Guidance (EPA No. 540/09-90-078). This document provides detailed instructions on: (i) Summarizing studies; (ii) reformatting studies; (iii) identifying adverse information; and (iv) identifying previously submitted studies that may not fully satisfy current requirements. To meet the requirements for Phase 3, registrants were required to submit summaries of previously submitted studies that they wished to rely on for reregistration. Additionally, for studies submitted prior to January 1, 1982, registrants had to submit a reformatted version of the study, if data were for certain toxicological and residue chemistry guidelines. Registrants were to certify that the raw data for the previously submitted studies were either in their possession, or in the possession of the Agency, or were readily accessible elsewhere. Registrants were to identify and submit any data considered under section 6(a)(2) to show an adverse effect of the pesticide. Also, registrants were to identify any other information they considered to be supportive of registration. And registrants had to commit to fill any new data gaps identified by them. FIFRA required that these actions be completed by registrants of products containing List B chemicals by May 25, 1990.

In Phase 4, the Agency initiated a review of all submissions received for active ingredients on List B during Phases 2 and 3 and in compliance with any Data Call-In notices previously issued for those chemicals under section 3(c)(2)(B) of FIFRA. The purpose of the Agency's review was to identify all data requirements that, based on information available to the Agency at this time, are necessary for a determination of eligibility for reregistration. The Agency is publishing in this Notice, and in future notices to be published in the **Federal Register**, all current outstanding data requirements. For many active ingredients, registrants may have already committed to meet some of those requirements but have not yet submitted the results of their studies to the Agency. To effect the submission of data for which commitments have not yet been made, the Agency is issuing Data Call-In notices for the additional data required by the Agency at this time. Collection of this information is authorized under the Paperwork Reduction Act by the Office of Management and Budget under OMB Clearance No. 2070-0107.

II. Outstanding Data Requirements

Section 4 (f)(1)(B) of FIFRA requires the Agency to publish this Notice of outstanding data requirements for each active ingredient on reregistration List B. The Agency has been conducting a review of the information provided on all List B submissions on record for data adequacy and completeness, and has identified in this Notice a partial list of those chemicals with outstanding data requirements. Section 2(ff) of FIFRA defines outstanding data requirements as "a requirement for any study, information, or data that is necessary to make a determination under section 3(c)(5) and which study, information, or data — (A) has not been submitted to the Administrator; or (B) if submitted to the Administrator, the Administrator has determined must be resubmitted because it is not valid, complete, or adequate to make a determination under section 3(c)(5) and the regulations and guidelines issued under such section."

For purposes of this Notice, outstanding data requirements include all requirements identified by the Agency which have yet to be satisfied at the active ingredient level, before or pursuant to Phases 2, 3, and 4 of reregistration. If registrants committed during Phases 2 and 3 or pursuant to prior actions to submit data to fulfill certain data requirements, and the data had not yet been submitted, the Agency is identifying them as outstanding. Upon review of the completed studies submitted either in response to earlier Data Call-In notices or as part of the reregistration process, the Agency may

need to call in some additional studies before a final determination on reregistration can be made.

For reference purposes, the following Table 1 provides a complete listing of the Guideline Reference Numbers (GRN) and corresponding titles for the data requirements referred to in the Notice.

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS

Guideline Reference No.	Title of Study
61-1	Product Identification and Disclosure of Ingredients
61-2(a)	Description of Beginning Materials and Manufacturing Process
61-2(b)	Discussion of Formation of Impurities
62-1	Preliminary Analysis
62-2	Certification of Limits
62-3	Analytical Methods to Verify Certified Limits
Physical and Chemical Characteristics	
63-2	Color
63-3	Physical State
63-4	Odor
63-5	Melting Point
63-6	Boiling Point
63-7	Density, Bulk Density, or Specific Gravity
63-8	Solubility
63-9	Vapor Pressure
63-10	Dissociation Constant
63-11	Octanol/Water Partition Coefficient
63-12	pH
63-13	Stability
63-14	Oxidizing or Reducing Action
63-15	Flammability
63-16	Explodability
63-17	Storage Stability
63-18	Viscosity
63-19	Miscibility
63-20	Corrosion Characteristics
63-21	Dielectric Breakdown Voltage
64-1	Submittal of Samples
Wildlife and Aquatic Organisms Data Requirements	
71-1(a)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck
71-1(b)	Acute Avian Oral Toxicity (LD50) in Bobwhite Quail or Mallard Duck (Using Typical End-Use Product)
71-2(a)	Acute Avian Dietary Toxicity (LC50) in Bobwhite Quail
71-2(b)	Acute Avian Dietary Toxicity (LC50) in Mallard Duck
71-3	Wild Mammal Toxicity Test
71-4(a)	Avian Reproductive Toxicity in Bobwhite Quail
71-4(b)	Avian Reproductive Toxicity in Mallard Duck
71-5(a)	Simulated Terrestrial Field Study
71-5(b)	Actual Terrestrial Field Study
72-1(a)	Fish Toxicity in Bluegill Sunfish
72-1(b)	Fish Toxicity in Bluegill Sunfish (Using Typical End-Use Product)
72-1(c)	Fish Toxicity in Rainbow Trout
72-1(d)	Fish Toxicity in Rainbow Trout (Using Typical End- Use Product)
72-2(a)	Invertebrate Toxicity Freshwater LC50 (Daphnia Preferred)
72-2(b)	Invertebrate Toxicity Freshwater LC50 (Daphnia Preferred - Using Typical End-Use Product)
72-3(a)	Toxicity to Estuarine and Marine Organisms (in Fish)
72-3(b)	Toxicity to Estuarine and Marine Organisms (in Mollusks)
72-3(c)	Toxicity to Estuarine and Marine Organisms (in Shrimp)
72-3(d)	Toxicity to Estuarine and Marine Organisms (in Fish - Using Typical End-Use Product)
72-3(e)	Toxicity to Estuarine and Marine Organisms (in Mollusks - Using Typical End-Use Product)
72-3(f)	Toxicity to Estuarine and Marine Organisms (in Shrimp - Using Typical End-Use Product)
72-4(a)	Early Life Stage in Fish
72-4(b)	Life Cycle in Aquatic Invertebrates (Daphnia/Mysid)
72-5	Fish Life Cycle Study
72-6	Aquatic Organism Accumulation Study
72-7(a)	Simulated Field Tests for Aquatic Organisms
72-7(b)	Actual Field Tests for Aquatic Organisms
Toxicology Data Requirements	
81-1	Acute Oral Toxicity in the Rat
81-2	Acute Dermal Toxicity
81-3	Acute Inhalation Toxicity in the Rat
81-4	Primary Eye Irritation in the Rabbit
81-5	Primary Dermal Irritation
81-6	Dermal Sensitization
81-7	Acute Delayed Neurotoxicity in the Hen
82-1(a)	90-Day Feeding Study in the Rodent
82-1(b)	90-Day Feeding Study in the Non-Rodent
82-2	21-Day Dermal
82-3	90-Day Subchronic Dermal
82-4	90-Day Inhalation in Rat

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Title of Study
82-5(a)	90-Day Neurotoxicity in Hen
82-5(b)	90-Day Neurotoxicity in the Mammal (Rat Preferred)
83-1(a)	Chronic Feeding Study in the Rodent
83-1(b)	Chronic Feeding Study in the Non-Rodent
83-2(a)	Oncogenicity Study in the Rat
83-2(b)	Oncogenicity Study in the Mouse
83-3(a)	Teratogenicity in the Rat
83-3(b)	Teratogenicity in the Rabbit
83-4	2-Generation Reproduction Study in the Rat
83-5	Chronic Feeding/Oncogenicity in the Rat
84-2(a)	Gene Mutation
84-2(b)	Structural Chromosome Aberration
84-4	Other Genotoxic Effects
85-1	General Metabolism
85-2	Dermal Penetration
86-1	Domestic Animal Safety
Plant Protection Data Requirements	
Tier I	
122-1(a)	Seed Germination and Seedling Emergence
122-1(b)	Vegetative Vigor
122-2	Aquatic Plant Growth
Tier II	
123-1(a)	Seed Germination and Seedling Emergence
123-1(b)	Vegetative Vigor
123-2	Aquatic Plant Growth
Tier III	
124-1	Terrestrial Field
124-2	Aquatic Field
Reentry Protection Data Requirements	
132-1(a)	Foliar Residue Dissipation
132-1(b)	Soil Residue Dissipation
133-3	Dermal Passive Dosimetry Exposure
133-4	Inhalation Passive Dosimetry Exposure
Non-Target Insect Data Requirements	
141-1	Honey Bee Acute Contact (LD50)
141-2	Honey Bee Toxicity of Residues on Foliage
141-5	Field Testing for Pollinators
Biochemical Pesticides Data Requirements	
(a) Product Analysis Data Requirements:	
151-10	Product Identity
151-11	Manufacturing Process
151-12	Discussion of Formation of Unintentional Ingredients
151-13	Analysis of Samples
151-15	Certification of Limits
151-16	Analytical Methods
151-17(a)	Color
151-17(b)	Physical State
151-17(c)	Odor
151-17(d)	Melting Point
151-17(e)	Boiling Point
151-17(f)	Density, Bulk Density, Specific Gravity
151-17(g)	Solubility
151-17(h)	Vapor Pressure
151-17(i)	pH
151-17(j)	Stability
151-17(k)	Flammability
151-17(l)	Storage Stability
151-17(m)	Viscosity
151-17(n)	Miscibility
151-17(o)	Corrosion Characteristics
151-17(p)	Octanol/Water Partition Coefficient
151-18	Submittal of Samples
(b) Residue Data Requirements	
153-3(a)	Chemical Identity
153-3(b)	Directions for Use
153-3(c)	Nature of the Residue (plants)
153-3(d)	Nature of the Residue (livestock)
153-3(e)	Residue Analytical Method
153-3(f)	Magnitude of the Residue (crop field trials)
153-3(g)	Magnitude of the Residue (processed food/feed)
153-3(h)	Magnitude of the Residue (meat/milk/poultry/eggs)
153-3(i)	Magnitude of the Residue (potable water)
153-3(j)	Magnitude of the Residue (fish)
153-3(k)	Magnitude of the Residue (irrigated crops)
153-3(l)	Magnitude of the Residue (food handling)
153-3(m)	Reduction of Residue
153-3(n)	Proposed Tolerance
153-3(o)	Reasonable Grounds in Support of the Petition
(c) Toxicology Data Requirements:	

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Title of Study
Tier I	
152-10	Acute Oral Toxicity
152-11	Acute Dermal Toxicity
152-12	Acute Inhalation
152-13	Primary Eye Irritation
152-14	Primary Dermal Irritation
152-15	Hypersensitivity Study
152-16	Hypersensitivity Incidents
152-17	Studies to Detect Genotoxicity
152-18	Immunotoxicity
152-20	90-Day Feeding
152-21	90-Day Dermal
152-22	90-Day Inhalation
152-23	Teratogenicity
Tier II	
152-19	Mammalian Mutagenicity Tests
152-24	Immune Response
Tier III	
152-26	Chronic Exposure
152-29	Oncogenicity
(d) Nontarget Organism, Fate and Expression Data Requirements:	
Tier I	
154-6	Avian Acute Oral
154-7	Avian Dietary
154-8	Freshwater Fish LC50
154-9	Freshwater Invertebrate LC50
154-10	Nontarget Plant Studies
154-11	Nontarget Insect Testing
Tier II	
155-4(a)	Volatility Study (Lab)
155-4(b)	Volatility Study (Field)
155-5	Dispenser-Water Leaching
155-6	Adsorption-Desorption
155-7	Octanol-Water Partition
155-8	U.V. Absorption
155-9	Hydrolysis
155-10	Aerobic Soil Metabolism
155-11	Aerobic Aquatic Metabolism
155-12	Soil Photolysis
155-13	Aquatic Photolysis
Tier III	
154-12	Terrestrial Wildlife Testing
154-13	Aquatic Animal Testing
154-14	Nontarget Plant Studies
154-15	Nontarget Insect Testing
Environmental Fate Data Requirements[14]	
160-5	Chemical Identity (See also 61-1)
161-1	Hydrolysis
161-2	Photodegradation in Water
161-3	Photodegradation on Soil
161-4	Photodegradation in Air
162-1	Aerobic Soil Metabolism Study
162-2	Anaerobic Soil Metabolism Study
162-3	Anaerobic Aquatic Metabolism Study
162-4	Aerobic Aquatic Metabolism Study
163-1	Leaching and Adsorption/Desorption
163-2	Laboratory Volatility Study
163-3	Field Volatility Study
164-1	Soil Field Dissipation Study
164-2	Aquatic Sediment Field Dissipation Stuoy
164-3	Forestry Field Dissipation Study
164-4	Combinations and Tank Mixes
164-5	Long Term soil Dissipation Study
165-1	Confined Rotational Crop Study
165-2	Field Rotational Crop Study
165-3	Accumulation in Irrigated Crops
165-4	Accumulation in Fish
165-5	Accumulation in Aquatic Non-Target Organis.
Groundwater Studies Data Requirements[15]	
166-1	Small Scale Prospective Groundwater Monitoring Study
166-2	Small Scale Retrospective Groundwater Monitoring Study
166-3	Large Scale Retrospective Groundwater Monitoring Study
Residual Chemistry Data Requirements[16]	
171-2	Chemical Identity
171-3	Directions For Use
171-4(a)	Nature of Residue in Plants
171-4(b)	Nature of Residue in Livestock
171-4(c)	Residue Analytical Method (Plants)
171-4(d)	Residue Analytical Method (Animals)

TABLE 1.—STUDY TITLES AND GUIDELINE REFERENCE NUMBERS OF REREGISTRATION DATA REQUIREMENTS—Continued

Guideline Reference No.	Title of Study
171-4(e)	Storage Stability
171-4(f)	Magnitude of the Residue in Potable Water
171-4(g)	Magnitude of the Residue in Fish
171-4(h)	Magnitude of the Residue in Irrigated Crops
171-4(i)	Magnitude of the Residue in Food Handling
171-4(j)	Magnitude of the Residue in Meat/Milk/Poultry/Eggs (Feeding/Dermal Treatment)
171-4(k)	Crop Field Trials
171-4(l)	Magnitude of the Residue in Processed Food/Feed
171-5	Reduction of Residues
171-6	Proposed Tolerance
171-7	Reasonable Grounds in Support of Petition
171-13	Analytical Reference Standard
Spray Drift Data Requirements[17]	
201-1	Droplet Size Spectrum
202-1	Drift Field Evaluation

[1] 40 CFR 158.155: Product Composition; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[2] 40 CFR 158.160: Description of Materials Used to Produce the Product; 40 CFR 158.162: Description of Production Process; 40 CFR 158.165: Description of Formulation Process; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[3] 40 CFR 158.167: Discussion of Formation of Impurities; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[4] 40 CFR 158.170: Preliminary Analysis; Subdivision D, Product Chemistry: NTIS PB 83-153890; Addendum 1, NTIS PB88-191705.
[5] 40 CFR 158.175: Certified Limits; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[6] 40 CFR 158.180: Enforcement Analytical Method; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[7] 40 CFR 158.190: Physical and Chemical Characteristics; Subdivision D, Product Chemistry: NTIS PB83-153890; Addendum 1, NTIS PB88-191705.
[8] 40 CFR 158.490; Subdivision E, Hazard Evaluation: Wildlife and Aquatic Organisms, NTIS PB83-153908; Addendum 1, NTIS PB86-248176; Addendum 2, PB87-207700; Addendum 3, NTIS PB88-117288.
[9] 40 CFR 158.340; Subdivision F, Hazard Evaluation: Human and Domestic Animals, NTIS PB83-153916 (old); NTIS PB86-108958 (revised); Addendum 1, NTIS PB86-248184; Addendum 2, NTIS PB88-162292; Addendum 3, NTIS PB88-161179; Addendum 4, NTIS PB88-162227; Addendum 5, NTIS PB88-162219; Addendum 6, NTIS PB89-124077; Addendum 7, NTIS PB89-124085; Position Document, Maximum Tolerated Dose, NTIS PB88-116736.
[10] 40 CFR 158.540; Subdivision J, Hazard Evaluation: Non-Target Plants, NTIS PB83-153940.
[11] 40 CFR 158.390: Exposure; Subdivision K, Reentry Protection: NTIS PB83-153940.
[12] 40 CFR 158.590; Subdivision L, Hazard Evaluation: Non-Target Insect, NTIS PB83-153957; Addendum 1, NTIS PB88-117296.
[13] 40 CFR 158.690: Biochemical Pesticides Data Requirements; Subdivision M, Biorational Pesticides: NTIS PB83-153965.
[14] 40 CFR 158.290; Subdivision N, Chemistry: Environmental Fate, NTIS PB83-153973; Addendum 1, NTIS PB86-247848; Addendum 2, NTIS PB87-208393; Addendum 3, NTIS PB88-159892; Addendum 4, NTIS PB88-159900; Addendum 5, NTIS PB88-161187; Addendum 6, NTIS PB88-161195; Addendum 7, NTIS PB88-191721; Addendum 8, NTIS PB88-191739.
[15] Pesticide Assessment Guidelines for groundwater studies are being developed; for further information, contact EPA's Office of Pesticide Programs, Environmental Fate and Effects Division, Environmental Fate and Groundwater Branch.
[16] 40 CFR 158.240; Subdivision O, Residue Chemistry: NTIS PB83-153961; Addendum 1, NTIS PB86-203734; Addendum 2, NTIS PB86-248192; Addendum 3, NTIS PB87-208641; Addendum 4, NTIS PB88-117270; Addendum 5, NTIS PB88-124003; Addendum 6, NTIS PB88-191713; Addendum 7, NTIS PB89-124598; Addendum 8, NTIS PB89-124606.
[17] 40 CFR 158.440; Subdivision R, Pesticide Spray Drift Evaluation: NTIS PB84-189216.

For further information and descriptions regarding specific data requirements, criteria for testing, and general guidance on data acceptability, consult the FIFRA Accelerated Reregistration - Phase 3 Technical Guidance document (December 24, 1989), and the Pesticide Assessment Guidelines available from the National Technical Information Service (NTIS), Attn: Order Desk, 5285 Port Royal Road, Springfield, VA 22161 (Tel: 703-487-4650).

III. Partial Listing of List B Active Ingredients Outstanding Data Requirements

The pesticide reregistration effort under section 4 has proved to be a monumental undertaking requiring significant effort and resources from both the Agency and the pesticide industry. The Agency received approximately 200 List B Phase 3 submissions for review of data requirements under Phase 4. The amount of data submitted by registrants was voluminous, and differed widely by active ingredient, the number of registrants supporting an ingredient, and the number and type of summaries and reformatted studies. In total this group of submissions contained some 5000 summaries, reformatted studies, and complete studies, and a similar number of study waiver requests that had to be reviewed and acted upon by the Agency.

For a variety of reasons EPA's issuance of the reregistration data requirements for active ingredients on List B was delayed beyond the statutory deadline of October 24, 1990. To fulfill its commitments in Phase 4 the Agency decided to publish **Federal Register** notices and issue Data Call-In notices for groups of active ingredients as their outstanding data requirements are identified. The present Notice is the first of several to be published in the coming months.

The 149 List B cases involving 229 active ingredients, originally published in the **Federal Register** in May 1989, have been reduced to 110 cases and 143 active ingredients as of this date. Of these, 130 active ingredients are presently on the Phase 4 reregistration schedule. An additional 13 active ingredients previously unsupported in Phase 2 are now supported, and will be on a later reregistration schedule. Approximately 80 of the remaining active ingredients are unsupported for reregistration at this time. And the Agency has taken action on the cancellation of most of these unsupported active ingredients pursuant to section 4(d)(5)(B) of FIFRA.

The following Table 2 contains the List B active ingredients with outstanding data requirements for which Data Call-in notices were sent to the registrants as of January 22, 1991.

TABLE 2.—OUTSTANDING DATA REQUIREMENTS FOR LIST B ACTIVE INGREDIENTS

Case No.	Active Ingredient No.	Active Ingredients	Outstanding Data Requirements (by guideline no.)
2040	116901	*N*-(Phenylmethyl)-1*H*-purin-6-amine	151-10; 151-11; 151-12; 151-13; 151-15; 151-16; 151-17(a); 151-17(b); 151-17(c); 151-17(d); 151-17(f); 151-17(g); 151-17(i); 151-17(j); 152-14; 152-16; 152-18; 152-20; 154-6; 154-7; 154-9
2210	038501	Diphenylamine	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-2; 63-3; 63-4; 63-5; 63-6; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 71-1(a); 71-1(b); 72-1(a); 72-1(c); 72-2(a); 81-1; 81-2; 81-3; 81-4; 81-5; 81-6; 82-1(a); 82-1(b); 83-1(a); 83-1(b); 83-2(a); 83-2(b); 83-3(a); 83-4; 84-2(a); 84-2(b); 84-4; 85-1; 132-1(a); 133-3; 133-4; 160-5; 161-1; 161-2; 161-3; 162-1; 162-2; 162-3; 163-1; 164-1; 171-2; 171-3; 171-4(a); 171-4(b); 171-4(c); 171-4(d); 171-4(e); 171-4(j); 231-x*; 232-x*; 235-x*
2225	110401	4-Cyclododecyl-2,6-dimethylmorpholine acetate	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-2; 63-3; 63-4; 63-5; 63-6; 63-7; 63-10; 63-12; 63-13; 81-1; 81-2; 81-3; 81-5; 81-6; 83-3(a); 85-1; 132-1(a); 133-3; 133-4; 161-2; 161-3; 162-1; 162-2; 163-2; 171-2; 171-3
2260	113101	*N*-Ethyl-*N*-(2-methyl-2-propenyl)-2,6-dinitro-4-(trifluoromethyl)benzeneamine	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-7; 63-11; 63-12; 72-1(b); 72-2(b); 72-4(a); 81-3; 82-2; 83-4; 85-1; 160-5; 161-1; 162-3; 163-1; 163-2; 164-1; 165-1; 165-4; 171-2; 171-4(a); 171-4(b); 171-4(e); 171-4(k); 171-4(l)
2325	111901	1-(2-(2,4-Dichlorophenyl)-2-(2-propenyloxy)ethyl)-1*H*-imidazole	61-2(a); 61-2(b); 62-1; 62-2; 62-3; 71-4(b); 81-3; 82-1(a); 82-1(b); 82-2; 83-2(b); 83-3(b); 83-4; 85-1; 160-5; 162-3; 171-4(a); 171-4(b); 171-4(d); 171-4(e); 171-4(j); 171-4(k); 171-4(l); 171-7
2370	114002	Diethanolamine mefluidide	61-1; 62-1; 63-2; 63-3; 63-4; 63-5; 63-6; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 72-1(b); 72-1(d); 72-2(a); 72-3(a); 72-3(b); 72-3(c); 81-1; 82-2; 83-3(a); 84-2(a); 84-2(b); 84-4; 123-1(a); 123-1(b); 123-2; 141-1; 160-5; 161-2; 161-3; 162-1; 163-1; 164-1; 165-4; 171-2; 201-1; 202-1
2370	114003	Mefluidide, potassium salt	61-1; 62-1; 63-5; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 72-1(a); 72-1(c); 72-2(a); 72-3(a); 72-3(b); 72-3(c); 81-6; 82-2; 83-3(a); 84-2(b); 123-1(a); 123-1(b); 123-2; 141-1; 160-5; 161-2; 161-3; 162-1; 163-1; 164-1; 165-4; 201-1; 202-1
2445	055601	(2-Naphthyloxy)acetic acid	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-2; 63-3; 63-5; 63-6; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 71-1(a); 71-2(a); 72-1(c); 72-2(a); 81-1; 81-2; 81-3; 81-4; 81-5; 81-6; 82-1(a); 82-1(b); 84-2(a); 84-4; 160-5; 161-1; 161-2; 162-1; 162-2; 163-1; 171-4(a); 171-4(b)
2595	071502	Ryanodine	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-2; 63-3; 63-4; 63-5; 63-6; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 71-1(a); 71-2(a); 71-2(b); 72-1(a); 72-1(c); 72-2(a); 81-1; 81-2; 81-3; 81-4; 81-5; 81-6; 82-1(a); 82-1(b); 83-3(a); 84-2(a); 84-2(b); 84-4; 141-1; 160-5; 161-1; 162-1; 163-1; 171-2; 171-3; 171-4(a)
2765	112802	*N*-Methyl-2,4-dinitro-*N*-(2,4,6-tribromophenyl)-6-(trifluoromethyl)benzenamine.	61-1; 61-2(a); 61-2(b); 62-1; 62-2; 62-3; 63-2; 63-3; 63-5; 63-6; 63-7; 63-8; 63-9; 63-10; 63-11; 63-12; 63-13; 72-1(a); 72-1(c); 72-2(a); 81-2; 81-3; 81-6; 82-5(a); 160-5; 161-1; 162-1; 163-1; 171-2

Key: * Special Studies; Guidelines for the following studies are presently being developed (for more information, contact the person named in the Notice):
231–x Estimation of Dermal Exposure.
232–x Estimation of Inhalation Exposure.
235–x Requirements for Monitoring of Exposure at Outdoor Sites by Biological Monitoring.

The Agency has listed for each currently supported active ingredient the Guideline Reference Numbers of all outstanding data requirements. In a number of instances, registrants have already committed to satisfy many of these requirements, with the remaining requirements being subjected to the recently issued Data Call-In notices. Of these, some may have been partially satisfied by studies that can be upgraded or supplemented with additional data. The data needs for specific crops are not presented here; instead the overall Guideline Reference Number is listed if any crop specific data are outstanding, even though some individual crop data requirements under it may be in fact satisfied.

IV. Phase 4 List B Data Call-In Notices

Under FIFRA section 3(c)(2)(B) the Agency has issued to affected registrants Phase 4 List B Data Call-In notices for the outstanding data requirements that registrants have not previously committed to satisfy for the active ingredients listed on Table 2 of this Notice. Registrants with unfilled data requirements for their active ingredients must respond to the Agency within 90 days of receipt of their Data Call-In Notice to express their intent to satisfy the remaining data requirements. Additional Data Call-In notices for List B chemicals not covered by this Notice will be sent to the affected registrants, and one or more **Federal Register** notices listing outstanding data requirements will be published during the next few months.

February 12, 1991.

Linda J. Fisher,
Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91–3965 Filed 2–19–91; 8:45 am]
BILLING CODE 6560–50–F

[OPP-300221; FRL-3770-8]

Pesticide Aerosol Flammability; Solicitation of Comments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is soliciting information and comment on revised precautionary language, the use of a modified closed drum test, and information on static electricity generation, all in connection with aerosols containing extremely flammable propellents. Based on comments submitted, the Agency may propose changes to its regulations and/or testing guidelines. EPA is soliciting comment on the use of a modified version of the closed drum test as outlined in ASTM D3065 in determining the flammability of pesticide aerosols. The Agency believes the current testing procedure does not fully characterize the flammability of pesticide aerosols. The Agency is also soliciting comments on revised precautionary labeling associated with pesticide aerosol products. The Agency believes that current labeling requirements may not present adequate precautionary information to the user. The Agency is also interested in comments and information on the triboelectric ignition potential of pesticide aerosol foggers. Available information indicates the possibility of explosions of aerosol foggers in use as a result of triboelectric buildup and subsequent autoignition.

DATES: Written comments, identified by the document number, [OPP-300221], must be received on or before April 22, 1991.

ADDRESSES: By mail, submit written comments to: Public Docket and Freedom of Information Section, Field Operations Division (H-7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., Sw., Washington, DC 20460. In person, bring comments to: Rm. 246, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

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

FOR FURTHER INFORMATION CONTACT: By mail: Donald R. Stubbs, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., Sw., Washington, DC 20460. Office location and telephone number: Rm. 206, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA, (703)-557-7700.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

With the banning of the use of chlorofluorocarbons (CFCs) as propellents in most aerosols in the late 1970s in order to protect the ozone layer of the upper atmosphere, a large gap was created as to the choice of propellents available for use in aerosols. The gap left by the loss of use of CFCs was largely replaced by the use of hydrocarbon propellents such as propane, butane, and isobutane, and ether propellents such as dimethyl ether. The use of liquified gases such as CFCs and the hydrocarbon propellents are necessary for the production of very small droplet sizes in aerosol spray stream, which cannot be produced by strictly gaseous propellents such as nitrogen and compressed air. While the CFCs are thought to destroy the ozone layer, they are nonflammable. Conversely, while the hydrocarbon and ether propellents do not destroy the ozone layer, they are extremely flammable. The flash points of the hydrocarbon and ether propellents currently in use range from approximately -40° F to -150° F, making them extremely flammable. Present testing methods, the Flash Point and Flame Extension Test, may not be adequate to fully assess the true flammability of these products. The Flash Point Test tests only for the nonpropellent portion of the product. With the Flame Extension Test, a "nonflammable" rating can be achieved by proper engineering of the nozzle and delivery system. The presence of the extremely flammable propellent can, however, present dangers for which these tests are not designed to screen. These dangers, fires and explosions, can result from the ignition of the propellent gases after product discharge. Ignition can occur from flame, sufficiently hot surfaces, electrical sparks, and even static electricity. This situation is further aggravated if the product contains large amounts of petroleum-based solvents.

II. CLOSED DRUM TEST

EPA is soliciting comments on a modified version of the closed drum test as outlined in ASTM D 3065. The principal modification is to substitute electronic ignition for the candle that is used in this test. The reason for such a modification is that the oxygen consumption by the lit candle might skew the test results. The Agency is also suggesting that the entire container be

discharged into the drum unless an explosion occurs at some earlier time. An explosion would indicate that the precautionary labeling requirements outlined below would apply. If no explosion occurs during the total discharge of the container's product into the drum, then an exemption from the requirement of this precautionary labeling would be granted. The spark generator should generate at least 10,000 volts (v) at a frequency of 1 cycle per second or faster. The energy of ignition should be no less than 25.0 millijoules (mJ). This test would be optional and would be performed only if the registrant desires an exemption from this precautionary language discussed below.

III. REVISED PRECAUTIONARY LANGUAGE

EPA is considering requiring the labeling of a flammability signal word for aerosol products to be based upon the most flammable portion of the product, solvent component, or propellent component. Additionally, those products containing either hydrocarbon or ether propellents would bear the following precautionary labeling under the heading "PHYSICAL OR CHEMICAL HAZARDS":

For total release foggers and space sprays:

"EXTREMELY FLAMMABLE. Do not use or store near fire, sparks, or heated surfaces. Do not use where ignition sources such as pilot lights or running electrical appliances are present unless the ignition sources are turned off. Use near ignition sources may result in fire or explosion. Relight pilot lights and reactivate electrical equipment only after airing out is complete. Do not smoke in use area. Contents under pressure. Do not puncture or incinerate container. Exposure to temperatures above 130 ° F may cause bursting. Incinerating container may cause explosion."

For other aerosols:

"EXTREMELY FLAMMABLE. Do not use or store near fire, sparks, or heated surfaces. Do not smoke while using. Contents under pressure. Do not puncture or incinerate container. Exposure to temperatures above 130 ° F may cause bursting. Incinerating container may cause explosion."

IV. AUTOIGNITION HAZARD

It has recently come to the Agency's attention that a discharging aerosol container acts to generate a static electricity charge. Accident data suggest the possibility that this charge may be sufficient to cause ignition of the releasing contents of the can. With a normal hand-held aerosol, the human body is usually sufficient to ground out the charge accumulation. However, if the can is electrically insulated as might be the case in an aerosol fogger placed on vinyl flooring, this charge might build to unacceptable levels. If the contents of the can contain flammable materials such as a hydrocarbon propellent, there exists potential for an autoigniting incendiary device. Interested parties are asked to submit any technical information which they possess on this subject.

Information in the literature suggests that aerosols generating more than 4,000 v within 4 seconds of spraying or that generate more than 0.25 mJ within 4 seconds of spraying are considered to be dangerous products. Foggers release the entire contents of the can rather than releasing short bursts; therefore, foggers may have potential for larger buildup of static electricity. Also, as mentioned above, foggers may very well be placed in electrically insulated situations. The 4,000 v/0.25 mJ parameters, therefore, may not be applicable to foggers.

In summary, EPA is requesting comments on the modified drum test and the precautionary language for foggers and other pesticide aerosols. EPA is also soliciting information on the energy of ignition for the drum test and information on the static electricity-generating potential for aerosols. In the event the Agency believes changes in testing or labeling should be made, a proposed notice of rulemaking will be published.

Dated: February 5, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-3966 Filed 2-19-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in § 560.602 and/or § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224-200447-001.

Title: Board of Commissioners of The Port of New Orleans/Coastal Cargo Company, Inc. Terminal Agreement.

Parties:

Board of Commissioners of the Port of New Orleans

Coastal Cargo Company, Inc. (CCC)

Filing Party: Mr. Joseph W. Fritz, Jr., Staff Attorney, The Port of New Orleans, P.O. Box 60046, New Orleans, LA 70160.

Synopsis: The agreement increases CCC's leased premises by approximately 46,800 square feet and increases its rent accordingly.

By Order of the Federal Maritime Commission.

Dated: February 13, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-3933 Filed 2-19-91; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200474.

Title: Port of Palm Beach District/Perry Oceanographics, Inc./Perry

Technologies Purchase/Sale and Reassignment Agreement.

Parties:

Port of Palm Beach District

Perry Oceanographics, Inc.

Perry Technologies, A Martin Marrieta Company

Synopsis: The agreement provides for the purchase and sale of property from Perry Oceanographics, Inc. and reassignment of Lease Agreement between Perry Oceanographics and Port of Palm Beach.

Agreement No.: 224-200475.

Title: Virginia International Terminals, Inc./Farrell Lines, Incorporated Terminal Agreement

Parties:

Virginia International Terminals, Inc. (VIT)

Farrell Lines, Incorporated (Farrell)

Synopsis: The Agreement provides for: Farrell's 3-year non-exclusive use of marine terminal facilities at VIT's Norfolk International Terminals; VIT to grant Farrell certain incentive rates on wharfage, portainer rental and storage; and, Farrell to guarantee a minimum throughput tonnage of 160,000 tons per year.

By Order of the Federal Maritime Commission.

Dated: February 13, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-3934 Filed 2-19-91; 8:45 am]

BILLING CODE 6730-01-M

[Petition No. P1-91]

Non-Vessel-Operating Common Carrier Bonding Requirements Petition for Temporary Exemption

Notice is hereby given that the Commission on February 13, 1991, pursuant to Section 16 of the Shipping Act of 1984, 46 U.S.C. app. 1715, has determined to grant a 60 day exemption from the requirements of section 710 of Public Law No. 101-595, the Non-Vessel-Operating Common Carrier Amendments of 1990.

Copies of the order granting the exemption may be obtained from the Secretary, Federal Maritime Commission, Washington, DC 20573, Phone (202) 523-5725.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91-3879 Filed 2-19-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

[Docket No. R—0710]

Federal Reserve Fees for Automated Clearing House Service; Modifications to the ACH Participation Fee

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Modification to the ACH fee schedule.

SUMMARY: The Board is delaying the implementation of a new $10 monthly ACH participation fee that had previously been scheduled to take effect on April 1, 1991 and is modifying the manner in which the fee will be applied during 1991. These actions are being taken to address concerns raised by some institutions that they would not be able to act on a sufficiently timely basis to avoid paying multiple participation fees beginning in April 1991. The new participation fee will become effective on July 1, 1991, and during the remainder of 1991 will apply only with respect to participant records that have commercial ACH volume in a given month.

EFFECTIVE DATE: The ACH participation fee becomes effective July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Louise L. Roseman, Assistant Director (202/452-3874), Gayle Brett, Manager (202/452-2934), or Scott Knudson, Senior Financial Services Analyst (202/452-3959), Division of Reserve Bank Operations and Payment Systems; for the hearing impaired only: Telecommunications Device for the Deaf, Dorothea Thompson (202/452-3544).

SUPPLEMENTARY INFORMATION: On October 31, 1990, the Board approved the introduction of a monthly participation fee for the automated clearing house (ACH) service. (55 FR 46720, November 6, 1990) Under the new fee structure, the Reserve Banks would assess a monthly fee of $10 for each commercial ACH participant (represented by a routing number on the ACH Customer Information File (CIF)), beginning on April 1, 1991.[1] This fixed monthly fee is designed to recover costs that are influenced by the number of participants rather than by volume. These costs include accounting—related costs, such as billing and settlement, the costs of providing statistical reports, and the costs of maintaining routing numbers on the CIF.

Since the announcement of the new fee, several depository institutions and ACH associations have raised concens about the ability of many institutions to reduce the number of routing numbers before the April 1 effective date in order to avoid paying multiple participation fees. These difficulties are related to the apparent time it takes for the commercial ACH notification of change (NOC) process to reroute ACH payments to a different routing number and the need to monitor routing numbers for payment activity for a number of months to ensure that they are indeed dormant. A number of depository institutions have a large number of routing numbers on the ACH CIF; many of these numbers are inactive or support only minimal volume.

The Reserve Banks have made information available to depository institutions on the routing numbers included on the CIF together with the recent volume associated with each routing number. Even though some institutions have begun efforts to reduce the number of routing numbers by sending NOCs to originators of payments, these institutions have indicated that payments may continue to be sent to these routing numbers for some time. Some depository institutions have indicated reluctance to eliminate these routing numbers even after taking action to reroute payments because they cannot be assured that the originator has complied with NOC instructions until the next payment cycle has been completed. Due to the infrequent nature of some payments, this process may be quite lengthy.

In order to address these concerns, the Board is delaying the implementation of the participation fee until July 1, 1991. The July 1, implementation date will provide depository institutions that have multiple routing numbers on the CIF additional time to migrate commercial ACH transactions to a fewer number of routing numbers, if they so choose. The Board is also modifying the manner in which the fee will be applied during 1991. The Reserve Banks will assess the participation fee only for those routing numbers that have commercial ACH volume in a given month. This policy will be effective until January 1, 1992, at which time the Federal Reserve Banks will begin assessing the monthly fee for all routing numbers maintained on the CIF that are eligible to receive commercial ACH items, regardless of volume levels. These actions will allow

[1] Also effective April 1, the Board approved a decrease in the interdistrict per item transaction fee and an increase in the fees for processing return items.

depository institutions to maintain inactive routing numbers on the CIF until January 1, 1992 without being assessed the participation fee with respect to these inactive numbers, so that they can ensure that payment activity has ceased prior to deleting them.

Other ACH fee changes that were approved by the Board in October 1990 that decreased the interdistrict per item transaction fee and increased fees for processing return items will be implemented April 1, 1991, as planned.

The Federal Reserve continues to believe that the elimination of inactive routing numbers will improve overall ACH processing efficiency by reducing the cost of maintaining the CIF, by eliminating many accounting and billing statements, and by reducing statistical processing and reporting. By modifying the manner in which the participation fee is applied until Jauanry 1, 1992, the Board intends to provide depository institutions with the ability to manage the elimination of inactive routing numbers more effectively and maintain the incentives for depository institutions to act promptly in their efforts to identify and eliminate unnecessary routing numbers.

These modifications will not materially affect the cost recovery for the ACH service. The Board anticipates that projected revenue from the participation fee will be reduced by approximately $430,000 due to the delay in its implementation and the modification to the manner in which it is applied, which would lower the projected 1991 ACH cost recovery by 0.8 percent to 98.0 percent. This revenue reduction may be offset, at least in part, by unbudgeted revenue generated by a larger number of NOCs as depository institutions attempt to eliminate volume on routing numbers that currently receive little ACH volume. Also, it appears that further cost reductions can be achieved through the anticipated deferral of some budgeted expenses related to the development of new ACH software. Therefore, the Board estimates that 1991 ACH cost recovery, assuming the delay in the implementaion of the participation fee, will be substantially similar to the 98.8 percent target previously approved by the Board.

By order of the Board of Governors of the Federal Reserve System, February 13, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91—3911 Filed 2—19—91; 8:45 am]

BILLING CODE 6210—01—M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Annual Update of the HHS Poverty Income Guidelines

AGENCY: Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This notice provides an update of the HHS poverty income guidelines to account for last (calendar) year's increase in prices as measured by the Consumer Price Index.

EFFECTIVE DATE: These guidelines go into effect on the day they are published (unless an office administering a program using the guidelines specifies a different effective date for that particular program).

ADDRESS: Office of the Assistant Secretary for Planning and Evaluation, Department of Health and Human Services, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: *For information about how the poverty guidelines are used in a particular program,* contact the Federal (or other) office which is responsible for that program.

For information about the poverty guidelines in general, contact Joan Turek-Brezina or Gordon Fisher, Office of the Assistant Secretary for Planning and Evaluation—telephone: (202) 245-6141.

For information about the Hill-Burton Uncompensated Services Program (no-fee or reduced health care services at certain facilities for certain persons unable to pay for such care), contact the Office of the Director, Division of Facilities Compliance—telephone: (301) 443-6512. The Division of Facilities Compliance notes that as set by 42 CFR 124.505(b), the effective date of this update of the poverty guidelines for facilities obligated under the Hill-Burton Uncompensated Services Program is 60 days from the date of this publication.

For information about the Department of Labor's Lower Living Standard Income Level (an alternative eligibility criterion with the poverty guidelines for certain Job Training Partnership Act programs), contact Hugh Davies, Office of Employment and Training Programs, U.S. Department of Labor—telephone: (202) 535-0580.

For information about the number of persons in poverty or about the Census Bureau (statistical) poverty thresholds, contact Enrique Lamas, Chief, Poverty and Wealth Statistics Branch, U.S. Bureau of the Census—telephone: (301) 763-8578.

This notice provides the 1991 update of the poverty income guidelines required by section 652 and 673(2) of the Omnibus Budget Reconciliation Act (ORBA) of 1981 (Pub. L. 97-35). As required by law, this update reflects last year's change in the Consumer Price Index (CPI-U); it was done using the same procedure used in previous years.

Section 673(2) of ORBA-1981 (42 U.S.C. 9902(2)) requires the use of the poverty guidelines as an eligibility criterion for the Community Services Block Grant program, while section 652 (42 U.S.C. 9847) requires the use of the poverty guidelines as an eligibility criterion for the Head Start program. The poverty guidelines are also used as an eligibility criterion by a number of other Federal programs (both HHS and non-HHS). When such programs give an OBRA-1981 citation for the poverty guidelines, they cite section 673(2).

The poverty guidelines are a simplified version of the Federal Government's statistical poverty thresholds used by the Bureau of the Census to prepare its statistical estimates of the number of persons and families in poverty. The *poverty income guidelines* issued by the Department of Health and Human Services are used for *administrative* purposes—for instance, for determining whether a person or family is financially eligible for assistance or services under a particular Federal program. The *poverty thresholds* are used primarily for *statistical* purposes.

In certain cases, as noted in the relevant authorizing legislation or program regulations, a program uses the poverty income guidelines as only one of several eligibility criteria, or uses a percentage multiple of the guidelines (for example, 130 percent or 185 percent of the guidelines). Some other programs, while not using the guidelines to exclude non-lower-income persons as ineligible, use them for the purpose of giving priority to lower-income persons or families in the provision of assistance or services. In some cases, these poverty income guidelines may not become effective for a particular program until a regulation or notice specifically applying to the program in question has been issued.

The poverty guidelines given below should be used for both farm and nonfarm families.

There is no single *administrative* definition of "income," "family," "family unit," or "household" that is valid for all programs that use the poverty guidelines. *Federal programs may use administrative definitions that differ somewhat from the statistical*

definitions given below; the Federal office which administers a program has the responsibility for making decisions about administrative definitions. Similarly, non-Federal organizations which use the poverty guidelines in non-Federally-funded activities may use administrative definitions that differ from the statistical definitions given below. In either case, *to find out the precise definitions used by a particular program, one must consult the office or organization administering the program in question.* The following *statistical* definitions (derived for the most part from language used in the U.S. Bureau of the Census, *Current Population Reports*, Series P-60, No. 163 and earlier reports in the same series) are made available for illustrative purposes only.

(a) *Family.* A family is a group of two or more persons related by birth, marriage, or adoption who live together; all such related persons are considered as members of one family. For instance, if an older married couple, their daughter and her husband and two children, and the older couple's nephew all lived in the same house or apartment, they would all be considered members of a single family.

(b) *Unrelated individual.* An unrelated individual is a person 15 years old or over (other than an inmate of an institution) who is not living with any relatives. An unrelated individual may be the only person living in a house or apartment, or may be living in a house or apartment (or in group quarters such as a rooming house) in which one or more persons also live who are not related to the individual in question by birth, marriage, or adoption. Examples of unrelated individuals residing with others include a lodger, a foster child, a ward, or an employee.

(c) *Household.* As defined by the Bureau of the Census for statistical purposes, a household consists of all persons who occupy a housing unit (house or apartment), whether they are related to each other or not. If a family and an unrelated individual, or two unrelated individuals, are living in the same housing unit, they would constitute two family units, but only one household. Some programs, such as the food stamp program and the Low-Income Home Energy Assistance Program, employ adminstrative variations of the "household" concept in determining income eligibility. A number of other programs use administrative variations of the "family" concept in determining income eligibility. Depending on the precise program definition used, programs using a "family" concept would generally apply the poverty guidelines separately to each family and/or unrelated individual within a household if the household includes more than one family and/or unrelated individual.

(d) *Family unit.* "Family unit" is not an official U.S. Bureau of the Census term, although it has been used in the poverty guidelines **Federal Register** notice since 1978. As used here, either an unrelated individual or a family (as defined above) constitutes a family unit. In other words, a family unit of size one is an unrelated individual, while a family unit of two/three/etc. is the same as a family of two/three/etc.

(e) *Income.* Programs which use the poverty guidelines in determining eligibility may use *administrative* definitions of "income" (or "countable income") which differ from the statistical definition given below. Note that the administrative purposes, in many cases, income data for a part of a year may be annualized in order to determine eligibility—for instance, by multiplying by four the amount of income received during the most recent three months.

For *statistical* purposes—to determine official income and poverty statistics—the Bureau of the Census defines income to include total annual cash receipts before taxes from all sources, with the exceptions noted below. Income includes money wages and salaries before any deductions; net receipts from nonfarm self-employment (receipts from a person's own unincorporated business, professional enterprise, or partnership, after deductions for business expenses); net receipts from farm self-employment (receipts from a farm which one operates as an owner, renter, or sharecropper, after deductions for farm operating expenses); regular payments from social security, railroad retirement, unemployment compensation, strike benefits from union funds, workers' compensation, veterans' payments, public assistance (including Aid to Families with Dependent Children, Supplemental Security Income, Emergency Assistance money payments, and non-Federally-funded General Assistance or General Relief money payments), and training stipends; alimony, child support, and military family allotments or other regular support from an absent family member or someone not living in the household; private pensions; government employee pensions (including military retirement pay), and regular insurance or annuity payments; college or university scholarships, grants, fellowships, and assistantships; and dividends, interest, net rental income, net royalties, periodic receipts from estates or trusts, and net gambling or lottery winnings.

For official *statistical* purposes, income does *not* include the following types of money received: Capital gains; any assets drawn down as withdrawals from a bank, the sale of property, a house, or a car; tax refunds, gifts, loans, lump-sum inheritances, one-time insurance payments, or compensation for injury. Also excluded are noncash benefits, such as the employer-paid or union-paid portion of health insurance or other employee fringe benefits, food or housing received in lieu of wages, the value of food and fuel produced and consumed on farms, the imputed value of rent from owner-occupied nonfarm or farm housing, and such Federal noncash benefit programs as Medicare, Medicaid, food stamps, school lunches, and housing assistance.

POVERTY INCOME GUIDELINES FOR ALL STATES (EXCEPT ALASKA AND HAWAII) AND THE DISTRICT OF COLUMBIA

Size of family unit	Poverty guideline
1	$6,620
2	8,880
3	11,140
4	13,400
5	15,660
6	17,920
7	20,180
8	22,440

For family units with more than 8 members, add $2,260 for each additional member.

POVERTY INCOME GUIDELINES FOR ALASKA

Size of family unit	Poverty guideline
1	$8,290
2	11,110
3	13,930
4	16,750
5	19,570
6	22,390
7	25,210
8	28,030

For family units with more than 8 members, add $2,820 for each additional member.

POVERTY INCOME GUIDELINES FOR HAWAII

Size of family unit	Poverty guideline
1	$7,610
2	10,210
3	12,810

POVERTY INCOME GUIDELINES FOR HAWAII—Continued

Size of family unit	Poverty guideline
4	15,410
5	18,010
6	20,610
7	23,210
8	25,810

For family units with more than 8 members, add $2,600 for each additional member.

Dated: February 15, 1991.

Louis W. Sullivan,

Secretary of Health and Human Services.

[FR Doc. 91-4086 Filed 2-15-91; 12:52 pm]

BILLING CODE 4150-04-M

Alcohol, Drug Abuse, and Mental Health Administration

AIDS Advisory Committee Meeting; March

AGENCY: Alcohol, Drug Abuse, and Mental Health Administration, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of an agency advisory committee in the month of March 1991.

The Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) AIDS Advisory Committee will hold its first meeting to orient members to the agency's mission and responsibilities. Presentations on ongoing AIDS Programs within the Agency will be made by Institute Directors and AIDS Coordinators. Ongoing responsibilities of the Committee will be discussed. Attendance by the public will be limited to space available.

Notice of this meeting is required under the Federal Advisory Committee Act, Public Law 92-463.

Committee Name: Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA) AIDS Advisory Committee

Date and Time: March 6-7: 8:15 a.m.

Place: National Institutes of Health Campus, Building 1, Wilson Hall, 9000 Rockville Pike, Bethesda, MD 20892

Status of Meeting: Open—March 6: 8:15 a.m.-5:15 p.m.; March 7: 8:15 a.m.-12:30 p.m.

Contact: Paul Gaist, room 12C-03, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, (301) 443-3598

Purpose: The ADAMHA AIDS Advisory Committee provides advice on all aspects of ADAMHA activities relating to the transmission, prevention, and treatment of AIDS. The Committee recommends how the overall strategy of the agency in combating the disease can be improved, including identifying opportunities for further research and recommending initiatives that should be undertaken to advance knowledge in disgnosing, preventing, and treating the disease.

Substantive information, a summary of the meeting, and a roster of committee members may be obtained from: Ms. Peggy Cockrill, ADAMHA Committee Management Officer, Parklawn Building, room 13-103, 5600 Fishers Lane, Rockville, MD 20857, Telephone: (301) 443-4266.

Dated: February 13, 1991.

Peggy W. Cockrill,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 91-3876 Filed 2-19-91; 8:45 am]

BILLING CODE 4160-20-M

Centers for Disease Control

National Committee on Vital and Health Statistics (NCVHS) Subcommittee on Health Statistics for Minority and Other Special Populations; Meeting

Pursuant to Public Law 92-463, the National Center for Health Statistics (NCHS), Centers for Disease Control (CDC), announces the following committee meeting.

Name: NCVHS Subcommittee on Health Statistics for Minority and Other Special Populations.

Time and date: 9 a.m.-3 p.m., March 8, 1991.

Place: Room 339A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open.

Purpose: The Subcommittee will hold a working meeting to discuss future activities with the Department of Health and Human Services and the office of the Assistant Director for Minority Health, CDC.

Contact person for more information: Substantive program information as well as summaries of the meeting and a roster of committee members may be obtained from Gail F. Fisher, Ph.D., Executive Secretary, NCVHS, NCHS, room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone 301/436-7050 or FTS 436-7050.

Dated: February 12, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91-3976 Filed 2-19-91; 8:45 am]

BILLING CODE 4160-18-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-91-3212]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: Wendy Sherwin, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708-0050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 13, 1991.

John T. Murphy,

Director, Information Policy and Management Division.

Proposal: Preference rule.

Office: Housing.

Description of the Need for Information and Its Proposed Use: The information will be used by owners and PHAs to determine whether prospective tenants are eligible for preference in obtaining housing because they are occupying substandard housing involuntarily displaced or paying more than 50 percent of income for rent; and will be used by HUD to determine if owners and PHAs are properly adminstering the program.

Form Number: None.

Respondents: Individuals or households, State or Local Governments, and businesses or other for-profit.

Frequency of Submission: On occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hours per response	=	Burden hours
Information collection	1,233,948		1		.25		312,798

Total Estimated Burden Hours: 312,798.

Status: Revision.

Contract: James J. Tahash, HUD, (202) 708-3944, Wendy Sherwin, OMB, (202) 395-6880.

Dated: February 13, 1991.

[FR Doc. 91-3969 Filed 2-19-91; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. D-91-944]

Office of the Manager, Houston Office, Region VI (Fort Worth); Designation of Acting Manager

AGENCY: Department of Housing and Urban Development.

ACTION: Designation of order of succession.

SUMMARY: The Manager is designating officials who may serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager.

EFFECTIVE DATE: This designation is effective January 24, 1991.

FOR FURTHER INFORMATION CONTACT: Rita M. Vinson, Director, Management and Budget Division, Office of Administration, Fort Worth Regional Office, Department of Housing and Urban Development, 1600 Throckmorton, P.O. Box 2905, Fort Worth, Texas 76113-2905, Telephone (817) 885-5451 (this is not a toll-free number).

DESIGNATION: Each of the officials appointed to the following positions is designated to serve as Acting Manager during the absence, disability, or vacancy in the position of the Manager, with all the powers, functions, and duties redelegated or assigned to the Manager: Provided that no official is authorized to serve as Acting Manager unless all preceding listed officials in this designation are unavailable to act by reason of absence, disability or vacancy in the position:

1. Deputy Manager
2. Director, Housing Management Division
3. Director, Housing Development Division

This designation supersedes the prior designation.

Authority: Delegation of Authority by the Secretary effective October 1, 1970, in the **Federal Register** issue of February 23, 1971 (36 FR 3389).

William Robertson, Jr.,

Acting Manager, Houston Office.

Dated: February 14, 1991.

James E. Hicks,

Acting Regional Administrator—Regional Housing Commissioner, Region VI (Fort Worth)

[FR Doc. 91-3970 Filed 2-19-91; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO-150-00-4830-11]

National Public Lands Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the National Public Lands Advisory Council.

SUMMARY: Notice is hereby given that the National Public Lands Advisory Council will meet Thursday, March 21, 1991, at the main building of the Department of the Interior, 1849 C Street, NW., Washington, DC 20240. The meeting will be held in room 7000-A and 7000-B (7th Floor). Meeting hours will be 8:30 a.m. to 5 p.m. on Thursday, March 21st. The proposed agenda for the meeting is:

Morning: Opening remarks by National Public Lands Advisory Council Chairman Dave Delcour; Cy Jamison, Director, Bureau of Land Management (BLM); and, Assistant Secretary for Land and Minerals Management, Department of the Interior, Dave O'Neal.

Topics for Council discussion during the meeting will include: Council old and new business including Election of 1991 Council officers; Fiscal Year 1992 Budget Overview presentation given by BLM Director Cy Jamison; Briefing on BLM's scientific and technical exchanges with other countries. The Council presently has five (5) ongoing task force groups working on BLM's Research; Recreation; Management of Hazardous Waste; Mining issues; and, the concept of implementing a "foundation" for the BLM. There will be a final recommendation report given by the Research Task Force. All other task force groups will provide updates.

The Public Statement period will begin at 2 p.m. All meetings of the Council are open to the public. Opportunity will be given for members of the public to make oral statements to the Council beginning at 2 p.m. on Thursday, March 21. Speakers should address specific national public lands issues and are encouraged to submit a copy of their written statements prior to oral delivery. Please send written comments by March 10 to the BLM Washington, DC office at the address listed below. Depending on the number of people who wish to address the Council it may be necessary to limit the length of oral presentations.

DATES: Thursday, March 21, 1991—The National Public Lands Advisory Council Meeting.

ADDRESSES: Copies of Public statements should be mailed by March 10 to: Ms. Nan Morrison, Bureau of Land Management (5558-MIB), The Department of the Interior, 1849 C Street, NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Nan Morrison, Washington, DC Office, BLM, telephone (202) 208-5101.

SUPPLEMENTARY INFORMATION: The Council advises the Secretary of the

Interior through the Director, BLM, regarding policies and programs of a national scope related to public lands and resources under the jurisdiction of BLM.

Dated: February 13, 1991.

Cy Jamison,

Director.

[FR Doc. 91-3887 Filed 2-19-91; 8:45 am]

BILLING CODE 4310-84-M

[CPA-060-01-4212-13; CACA 27887]

California Desert District Realty Actions; Partial Terminations of Small Tract Classification and Public Use Classification, Termination of Recreation and Public Purposes Classification; Exchange of Public and Private Lands in San Bernardino and Inyo Counties, CA

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action CACA 27887, Classification Terminations, and Exchange of Public and Private Lands.

SUMMARY: Bureau of Land Management (BLM) Order of Classification Small Tract 267, dated March 16, 1951, is hereby terminated as to lots 116, 125 and 134, sec. 7, T. 9 N., R. 1 W., SBM, and the land opened to operation under the public land laws and mining laws. BLM Order of Classification Public Use CARI 06309, dated February 5, 1965, which carried no segregative effect, is hereby terminated as to lot 134, sec. 7, T. 9 N., R. 1 W., SBM. BLM Order of Classification Recreation and Public Purposes CARI 800 dated April 15, 1968, affecting lots 118 and 123, sec. 7, T. 9 N., R. 1 W., SBM is hereby terminated in its entirety, and the land opened to operation under the public land laws and mining laws..

The following described public lands in San Bernardino County 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:

San Bernardino Meridian, California

T. 9 N., R. 1 W.

Sec. 7, lots 116, 118, 123, 125, and 134;

Containing 6.25 acres.

In exchange for these lands The Nature Conservancy (TNC), a District of Columbia non-profit corporation, has offered the following non-Federal land in Inyo County:

T. 20 N., R. 7 E.

Sec. 4, SE¼;

Containing 160.00 acres.

The purpose of this exchange is to acquire a non-Federal parcel within the Grimshaw Lake Natural Area and Area of Critical Environmental Concern (ACEC). The proposed acquisition will compliment prior acquisitions and consolidate the public lands in the ACEC, as specified in the approved ACEC management plan and the California Desert Conservation Area (CDCA) Plan, as amended.

Disposal of the isolated and fragmented public land tracts is consistent with the land tenure adjustment objectives of the CDCA Plan. The exchange would benefit the general public and the private sector. The public interest would be well served by completing the exchange.

The public land to be conveyed will be subject to the following terms and conditions.

A. Reservations to the United States

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890 (43 U.S.C. 945).

2. A right-of-way for public highway purposes granted to the State of California, Division of Highways, by right-of-way Serial No. CALA 0158235 pursuant to the Act of November 9, 1921 (23 U.S.C. 18), as to portions of lots 123 and 134, sec. 7, T. 9 N., R. 1 W.

There will be no mineral reservation to the United States. All minerals will be conveyed in the exchange patent. The mineral estate to be conveyed has no known value.

B. Third Party Rights

There are no third party rights of record on the selected public lands.

The land to be conveyed to the United States will be subject to the following:

A. Mineral Reservation

All minerals in the offered land were previously reserved by the State of California.

B. Other Exceptions

1. A right-of-way easement in favor of Pacific Telephone and Telegraph Company for a pole lines, originally authorized by Serial No. CALA 092906 under the Act of February 15, 1901.

2. A right-of-way easement in favor of Pacific Telephone and Telegraph Company for pole line, originally authorized by Serial No. CALA 088542 under the Act of March 4, 1911, as amended.

3. An easement in favor of Southern California Edison company for poles and conduits, as recorded April 28, 1969 in Book 186, Page 555, Official Records.

4. An easement in favor of the County of Inyo for Tecopa Hot Springs Road, as shown in the County Surveyors Office road plat.

As provided in 43 CFR 2201.1(b), the publication of this exchange notice in the **Federal Register** shall segregate all of the public lands described herein from all other forms of appropriation under the public land laws, including the mining laws. The segregative effect will terminate upon issuance of a conveyance document, upon publication in the **Federal Register** of a termination of the segregation, or two years from the date of the publication, whichever occurs first.

This exchange will be completed in accordance with an amendment to the Cooperative Land Exchange Agreement between BLM and TNC for the State of California, dated August 1990. Final appraisals on the selected public lands and offered non-Federal land are pending.

Additional information about this exchange is available at the Barstow Resource Area Office, 150 Coolwater Lane, Barstow, CA 92311 (619-256-3591) and the California Desert District Office, 1695 Spruce Street, Riverside, CA 92507.

For a period of forty-five (45) days from the date of publication of this notice in the **Federal Register** interested parties may submit comments concerning this exchange to the District Manager at the above address. In the absence of any objections, this exchange realty action will become the final determination of the Department of the Interior

Dated: February 13, 1991.

Richard E. Crowe,

Acting District Manager.

[FR Doc. 91-3938 Filed 2-19-91; 8:45 am]

BILLING CODE 4310-40-M

DEPARTMENT OF JUSTICE

Lodging of Consent Decree; Chevron Chemical Co., et al

In accordance with section 122(d)(2)(B) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), and in accordance with the policy of the Department of Justice, 28 CFR 50.7, notice is hereby given that on February 8, 1991, a proposed Second Partial Consent Decree in *United States v. Chevron Chemical Company, et al* was lodged with the United States District Court for the Central District of California. That action was brought pursuant to sections 106 and 107 of CERCLA, 42 U.S.C. 9606 and 9607, fo

performance of certain remedial action at the Operating Industries, Inc. ("OII") landfill in Monterey Park, California, and for reimbursement of response costs incurred by the United States Environmental Protection Agency ("EPA") in responding to releases and threatened releases of hazardous substances at the OII site.

The Consent Decree settles claims against 63 companies and public entities that have entered into the settlement through payment for the performance of certain interim remedial actions required at the OII site, known as "operable units," and regarding payment of the United States' past costs incurred up to June 1, 1988, which total approximately $21.5 million. A previous partial consent decree was entered by the District Court in this action for the OII site on May 11, 1989, under which the settling parties agreed to perform the required remedial actions and to reimburse the United States for its past costs. This Second Partial Consent Decree requires the defendants to make specified cash payments in settlement of their liability for the two operable units and past costs incurred up to June 1, 1988. The value of the settlement is approximately $8.5 million. The parties to this Second Partial Consent Decree are parties that received notice from EPA subsequent to the entry of the first Partial Consent Decree that they may be liable for the OII site, and parties that had the opportunity to join the first settlement but refused to do so at that time. These previously non-settling parties will pay a premium for their original failure to settle.

As provided in section 122(d)(2)(B) of CERCLA and 28 CFR 50.7, the Department of Justice will receive comments from persons who are not named as parties to this action relating to the proposed Partial Consent Decree for a period of thirty days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530. All comments should refer to *United States v. Chevron Chemical Company, et al.*, D.J. Ref. 90-11-2-156.

The proposed Second Partial Consent Decree may be examined at the office of the United States Attorney, 312 N. Spring Street, Los Angeles, California 90012, and at the Region IX office of the U.S. Environmental Protection Agency, 1235 Mission Street, San Francisco, California 94103. A copy of the proposed Second Partial Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 1333 F Street NW., suite 600, Washington, DC 20004, (202) 347-7829. A copy of the proposed Second Partial Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $35.75 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-3940 Filed 2-19-91; 8:45 am]

BILLING CODE 4410-01-M

NATIONAL COMMISSION ON AMERICAN INDIAN, ALASKAN NATIVE AND HAWAIIAN NATIVE HOUSING

Meeting Announcement

AGENCY: The National Commission on American Indian, Alaskan Native and Hawaiian Native Housing.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Commission on American Indian, Alaskan Native and Hawaiian Native Housing announces a forthcoming meeting of the Commission.

DATES: March 1, 1991, 9 a.m. to 5 p.m.

ADDRESSES: Crystal City Hyatt Regency, 2799 Jefferson Davis Highway, Arlington, VA 22202, (703) 418-1234.

FOR FURTHER INFORMATION CONTACT: Dominic Nessi, Director, Office of Indian Housing, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, (202) 708-1015.

TYPE OF MEETING: Open.

AGENDA: Election of Permanent Chairman. Approval of Charter and Memorandum of Understanding. Discussion of Meeting Schedule. Discussion of Budget and Staffing. Discussion of Goals of the Commission. Commission Ethic Requirements.

Dominic Nessi,

Director.

[FR Doc. 91-3905 Filed 2-19-91; 8:45 am]

BILLING CODE 6820-07-M

NATIONAL ARCHIEVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Administration.

ACTION: Notice of availability of proppsed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Records schedules identify records of sufficient value to warrant preservation in the National Archives of the United States. Schedules also authorize agencies after a specified period to dispose of records lacking administrative, legal, research, or other value. Notice is published for records schedules that (1) propose the destruction of records not previously authorized for disposal, or (2) reduce the retention period for records already authorized for disposal. NARA invites public comments on such schedules, as required by 44 U.S.C. 3303a(a).

DATES: Request for copies must be received in writing on or before April 8, 1991. Once the appraisal of the records is completed, NARA will send a copy of the schedule. The requester will be given 30 days to submit comments.

ADDRESSES: Address requests for single copies of schedules identified in this notice to the Records Appraisal and Disposition Division (NIR), National Archives and Records Administration, Washington, DC 20408. Requesters must cite the control number assigned to each schedule when requesting a copy. The control number appears in parentheses immediately after the name of the requesting agency.

SUPPLEMENTARY INFORMATION: Each year U.S. Government agencies create billions of records on paper, film, magnetic tape, and other media. In order to control this accumulation, agency records managers perpare records schedules specifying when the agency no longer needs the records and what happens to the records after this period. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. These comprehensive schedules provide for the eventual transfer to the National Archives of historically valuable records and authorize the disposal of all other records. Most schedules, however, cover records of only one office or program or a few series of records, and many are updates of previously approved schedules. Such schedules also may include records that are designated for permanent retention.

Destruction of records requires the approval of the Archivist of the United States. This approval is granted after a thorough study of the records that takes

into account their administrative use by the agency of origin, the rights and interests of the Government and of private persons directly affected by the Government's activities, and historical or other value.

This public notice identifies the Federal agencies and their subdivisions requesting disposition authority, includes the control nubmer assigned to each schedule, and briefly describes the records proposed for disposal. The records schedule contains additional information about the records and their disposition. Further information about the disposition process will be furnished to each requester.

Schedules Pending

1. Department of Agriculture, Agriculture Stablization and Conservation Service (N1-145-91-1). Routine and facilitative records relating to installation of software.
2. Department of Commerce, International Trade Administration, Office of the Near East (N1-151-90-4). Revisions to comprehensive records schedule.
3. Department of Commerce, International Trade Administration, United States and Foreign Commercial Service (N1-151-90-5). Revisions to comprehensive records schedule for district offices.
4. General Services Administration, Office of Administration, Federal Supply Service (N1-137-91-1). FSS-19, inventory system.
5. National Aeronautics and Space Administration, Langley Research Center (N1-255-91-4). Property Loan Agreement Files.
6. Department of State, Bureau of Educational and Cultural Affairs (N1-59-90-29). Routine, facilitative, and grant files.
7. Department of State, Special Asssitant to the Secetary for Research and Intelligence (N1-59-91-3). Facilitative and duplicative records.
8. Department of State, Office of Authentications (N1-59-91-23). Apostilles and records of fees.
9. Department of State, U.S. High Commissioner for Germany (N1-466-91-2). Routine, facilitative, and duplicative records.
10. Department of Treasury, United States Mint (N1-104-90-1). Administrative or facilitative records from the agency's central files, ca. 1960-88.

Date: February 11, 1991.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 91-3939 Filed 2-19-91; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL SCIENCE FOUNDATION

Committee Management; Renewal of the Industrial Advisory Committee for Computer and Information Science and Engineering

The Industrial Advisory Committee for Computer and Information Science and Engineering is being renewed for an additional two years. Authority for this Committee will expire on February 22, 1993.

The Assistant Director for Computer and Information Science and Engineering has determined that the renewal of this Committee is necessary and in the public interest in connection with the performance of duties imposed upon the Director, National Science Foundation (NSF), by 42 U.S.C. 1861 et *seq.* This determination follows consultation with the Committee Management Secretariat, General Services Administration.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-3904 Filed 2-19-91; 8:45 am]

BILLING CODE 7555-01-M

BBS Task Force Looking to the 21st Century; Meeting

The National Science Foundation announces the following:

Name: Biological, Behavioral and Social Sciences Task Force Looking to the 21st Century.

Date and time: Task Force Meeting/ March 9 and 10, 1991, 8:30 a.m. to 5 p.m.

Place: Chancellor Hotel on Union Square, San Francisco, California.

Type of meeting: Open.

Contact person: Dr. Mary E. Clutter, Assistant Director, Biological, Behavioral and Social Sciences, (202) 357-9854, room 506, National Science Foundation, Washington, DC 20550.

Summary of minutes: May be obtained from the contact person.

Purpose of task force: To examine the organizational structure of BBS and to evaluate the adequacy and effectiveness of that structure to respond to new research opportunities and scientific challenges in the future.

Task force meeting agenda: On Saturday, March 9, the task force working group on the biological sciences, and on Sunday, March 10, the working group on the social sciences, will meet to continue discussions leading to final recommendations.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-3901 Filed 2-19-91; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee on Data and Policy Analysis; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Committee on Data and Policy Analysis.

Date and time: Thursday, March 7, 1991, 8:30 a.m.-4:30 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 540, Washington, DC 20550.

Type of meeting: Open.

Contact person: Donna Fossum, Executive Secretary, A/C on Data and Policy Analysis, National Science Foundation, (202) 634-4027.

Minutes: May be obtained from contact person listed above after approval by the Chairman.

Purpose of meeting: To discuss issues concerning NSF's data collection and policy analysis activities identified at the previous Committee meeting.

Agenda:

- Overview and discussion of the activities of the Division of Science Resources Studies (SRS)
- Discussion with panel of users of NSF data and policy analyses from both the public and private sector
- Review of the report of the Committee on National Statistics (CNSTAT)—"Surveying the Nation's Scientists and Engineers: A Data System for the Nineties"
- Discussion of proposed review procedures for data policy analyses reports prior to release to the public

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-3902 Filed 2-19-91; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Networking and Communications Research and Infrastructure; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendation as part of the selection process for awards. Because the proposals being reviewed include

information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Networking and Communications Research and Infrastructure.

Date: March 7, 1991.

Time: 8:30 a.m. to 5 p.m.

Place: Room 540–B, National Science Foundation, 1800 G Street, NW., Washington, DC.

Type of meeting: Closed.

Agenda: Review and evaluate NSFNET Proposals.

Contact: Daniel Vanbelleghem, Associate Program Director, NSFNET Program, National Science Foundation, room 416, Washington, DC 20550 (202) 357–9717.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–3903 Filed 2–19–91; 8:45 am]

BILLING CODE 7555-01-M

Division of Earth Sciences; Earth Sciences Proposal Review Panel; Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Earth Sciences Proposal Review Panel.

Date: March 8, 1991.

Time: 8:00 a.m. to 6:00 p.m. each day.

Place: Room 536, National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Closed.

Agenda: To review and evaluate research proposals and projects as part of the selection process for awards.

Contact: Dr. John Maccini, Program Director, Division of Earth Sciences, Room 602, National Science Foundation, Washington, DC, (202) 357–7866.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–3898 Filed 2–19–91; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mathematical Sciences; Meetings

SUMMARY: In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting(s) to be held at 1800 G Street, NW., Washington, DC 20550 (except where otherwise indicated).

SUPPLEMENTARY INFORMATION: The purpose of the meetings is to provide advice and recommendations to the National Science Foundation concerning the support of research, engineering, and science education. The agenda is to review and evaluate proposals as part of the selection process for awards. The entire meeting is closed to the public because the panels are reviewing proposals that include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), the Government in the Sunshine Act.

CONTACT PERSON: M. Rebecca Winkler, Committee Management Officer, Room 208, 357–7363.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

NATIONAL SCIENCE FOUNDATION

Committee name and street address	Room	Times	Date(s)
Special emphasis panel in mathematical sciences, Minneapolis, MN.	.....	8:30 a.m. to 5:00 p.m.	03/04/91
Agenda: Site visit the Inst. for Math and its Appl..	.....	8:30 a.m. to 5:00 p.m.	03/05/91
Special emphasis panel in mathematical sciences, Berkeley, CA.	.....	8:30 a.m. to 5:00 p.m.	03/11/91

NATIONAL SCIENCE FOUNDATION—Continued

Committee name and street address	Room	Times	Date(s)
Agenda: Site visit the Math Sciences Res. Institute.	.....	8:30 a.m. to 5:00 p.m.	03/12/91

[FR Doc. 91–3899 Filed 2–19–91; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panel in Mechanical and Structural Systems; Meeting

The National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Mechanical and Structural Systems.

Dates and time: March 6 and 7, 1991, 8:30 a.m.–5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1133, Washington, DC 20550.

Type of meeting: Closed.

Contact person: Dr. Elbert Marsh, Program Director for Dynamic Systems and Control, National Science Foundation, (202) 357–9542.

Purpose of meeting: To provide advice and recommendations concerning support for research in mechanical and structural systems.

Agenda: To review and evaluate research proposals for Dynamic Systems and Control.

Reason for closing: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of U.S.C. 552b(c), Government in the Sunshine Act.

Dated: February 13, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–3900 Filed 2–19–91; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Biweekly Notice Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

I. Background

Pursuant to Public Law (P.L.) 97-415, the Nuclear Regulatory Commission (the Commission) is publishing this regular biweekly notice. P.L. 97-415 revised section 189 of the Atomic Energy Act of 1954, as amended (the Act), to require the Commission to publish notice of any amendments issued, or proposed to be issued, under a new provision of section 189 of the Act. This provision grants the Commission the authority to issue and make immediately effective any amendment to an operating license upon a determination by the Commission that such amendment involves no significant hazards consideration, notwithstanding the pendency before the Commission of a request for a hearing from any person.

This biweekly notice includes all notices of amendments issued, or proposed to be issued from January 29, 1991 through February 6, 1991. The last biweekly notice was published on February 6, 1991 (56 FR 4859).

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The Commission has made a proposed determination that the following amendment requests involve 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 or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. The basis for this proposed determination for each amendment request is shown below.

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, D.C. 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, D.C. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 22, 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 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, N.W., Washington, D.C. 20555 and at the Local Public Document Room for the particular facility involved. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such 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 amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately 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 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 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 amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received before action is taken. 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, D.C. 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., 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 (Project Director): 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, D.C. 20555, and to the attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the petition and/or request should be granted based upon a balancing of 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 which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document room for the particular facility involved.

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of amendment request: January 7, 1991.

Description of amendment request: The proposed amendment would: (1) allow the use of a Core Operating Limits Report (COLR), (2) insert a definition of the COLR into the Technical Specifications (TS), (3) amend the affected TS to reflect the fact that numerical values for the cycle-specific limits and restrictions are being relocated to the COLR, and (4) add reference to the the COLR to the Administrative Control Section to specify COLR contents, approved methodologies to be used for updating the COLR, and reporting requirements for revision of the COLR.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1) Operation of the facility, in accordance with the proposed amendment, would not involve a significant increase in the probability or consequences of an accident previously evaluated because:

a. The removal of specific numerical values for the noted core operating limits/restrictions from the H. B. Robinson Unit 2 Technical Specifications will have no influence on the probability of an accident previously evaluated. No changes will be made to any safety related equipment or its functions, neither will any changes be made to any equipment, systems, or setpoints used in determining the probability of an evaluated accident. The plant design bases will therefore remain the same.

b. The removal of specific numerical values from the H. B. Robinson Unit 2 Technical Specifications will have no influence on the consequences of an accident previously evaluated. Although these numerical values will no longer reside in the Technical Specifications, compliance will still be required during plant operations. The Technical Specification amendments will reference the COLR as the source of these values. Actions to be taken in the event of non-compliance with the COLR specified values will remain the same as those currently specified in the Technical Specifications. Additionally, specific numerical values for these limits/restrictions are appropriately set such that in the event of an evaluated accident, the consequences will remain within the acceptance criteria assumed in Chapter 15 analyses. Accordingly, the Chapter 15 analyses will be evaluated for each reload using the NRC-approved methodologies delineated in Section 6.9 of the Technical Specifications (per this license amendment) to confirm applicable acceptance criteria are met.

Therefore, based on the above arguments, no significant increase in the probability or consequences of an accident previously evaluated will result from this license amendment.

2) Operation of the facility, in accordance with the proposed amendment, would not create the possibility of a new or different kind of accident form any accident previously evaluated because the removal of specific numerical values for the noted core operating limits/restrictions from the Technical Specifications will not result in any changes to any safety related equipment or its functions, nor will any changes be made to equipment, systems or setpoints designed to prevent or mitigate accidents. No changes in the design bases will be made. Therefore, the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3) Operation of the facility, in accordance with the proposed amendment, would not involve a significant reduction in the margin of safety because adequate margin to safety is insured by performing analyses using NRC-approved methodologies specified in Section 6.9 of the Technical Specifications (per this license amendment) to verify compliance with the conditions and acceptance criteria assumed in Chapter 15 of the UFSAR [Updated Final Safety Analysis Report]. As these analyses are performed, specific numerical values for core operating limits/restrictions are appropriately set to insure that adequate margin to safety is maintained should a Chapter 15 event occur. The Technical Specifications will continue to require compliance with and operation within the bounds of these limits/restrictions and no changes will be made to actions required by the Technical Specifications in the event of non-compliance. Development of limits/restrictions for future cycles will conform to the NRC-approved methods specified in Section 6.9 of the Technical Specifications, and in addition, a safety review in accordance with 10 CFR 50.59 will be performed for each reload to insure no unreviewed safety questions exist.

Therefore, no significant reduction in the margin of safety will result from the proposed amendment.

The NRC staff has reviewed the 50.92(c) licensee's analysis and, based on this review, it appears that the three standards are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Attorney for licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Carolina Power & Light Company, et al., Docket No. 50-400, Shearon Harris Nuclear Power Plant, Unit 1, Wake and Chatham Counties, North Carolina

Date of amendment request: December 28, 1990

Description of amendment request: The proposed amendment revises the action requirements associated with Technical Specification 3.1.2.2, Reactivity Control Flow Paths; Technical Specification 3.1.2.4, Charging Pumps; and Technical Specification 3.7.1.1, Safety Valves. Currently, these specifications require the unit to be placed in cold shutdown (Mode 5) if the associated equipment cannot be restored to operable status within the time interval allowed by the Limiting Condition for Operation (LCO). However, the applicability of these Technical Specifications is only Modes 1, 2, and 3. The proposed amendment requires that the unit be placed in Hot Shutdown (Mode 4) if the associated equipment cannot be restored to operable status within the specified allowed outage time. The proposed amendment also establishes the time allowed to reach Mode 4 upon exceeding an allowable outage time of six hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed amendment does not involve a significant increase in the probability or consequences of an accident previously evaluated. The requested change does not physically alter the plant in any manner. The proposed amendment does not introduce any new equipment nor does it require any existing equipment or systems to perform a different type of function than they are currently designed to perform. The intent of the Action Requirements of Technical Specifications 3.1.2.2, 3.1.2.4, and 3.7.1.1 is to place the unit in a mode in which the associated equipment is not required should that equipment be inoperable for a period exceeding the allowed outage time. Since the affected Technical Specifications are applicable in Modes 1, 2, and 3, placing the unit in Mode 4 rather than Mode 5 as currently required, fulfills this intent. In addition, the proposed amendment establishes the time allowed to reach Mode 4 upon exceeding an allowable outage time as six hours. This is consistent with the shutdown requirements in Technical Specifications 3.0.3. The existing Technical Specifications require reaching Cold Shutdown, Mode 5, within 30 hours of exceeding the allowable outage time. They do not specify when Hot Shutdown, Mode 4, must be reached. As such, the proposed shutdown schedule is more conservative than the existing schedule since it requires the unit to be placed in a mode in which the Technical Specification no longer applies sooner than would be necessary under the existing Technical Specifications.

Thus, it is concluded that the proposed amendment does not increase the probability or consequence of an accident previously evaluated.

2. The proposed amendment does not create the possibility of a new or different kind of accident from any accident previously evaluated because the plant is not physically altered in any manner. The proposed amendment does not introduce any new equipment nor does it require any existing equipment or systems to perform a different type of function than they are currently designed to perform.

Therefore, the proposed amendment does not in any way create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed amendment does not involve a significant reduction in the margin of safety. The intent of the Action Requirements of Technical Specifications 3.1.2.2, 3.1.2.4, and 3.7.1.1 is to place the unit is [sic] a mode in which the associated equipment is not required should that equipment be inoperable for a period exceeding the allowed outage time. Since the affected Technical Specifications are applicable in Modes 1, 2, and 3, placing the unit is [sic] Mode 4 rather than Mode 5 as currently required, fulfills this intent.

The proposed amendment establishes the time allowed to reach Mode 4 upon exceeding an allowable outage time as six hours. This is is consistent with the shutdown requirements in Technical Specification 3.0.3. The existing Technical Specifications require reaching Cold Shutdown, Mode 5, within 30 hours of exceeding the allowable outage time. They do not specify when Hot Shutdown, Mode 4, must be reached. As such, the proposed shutdown schedule is more conservative than the existing schedule since it requires the unit to be placed in a mode in which the Technical Specification no longer applies sooner than would be necessary under the existing Technical Specifications.

Therefore, it is concluded that the proposed amendment does not involve a signification reduction in the margin of safety.

The NRC staff has reviewed the 50.92(c) licensee's analysis and, based on this review, it appears that the three standards are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Cameron Village Regional Library, 1930 Clark Avenue, Raleigh, North Carolina 27605.

Attorney for Licensee: R. E. Jones, General Counsel, Carolina Power & Light Company, P. O. Box 1551, Raleigh, North Carolina 27602

NRC Project Director: Elinor G. Adensam

Commonwealth Edison Company, Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: July 31, 1989 and supplemented on August 27, 1990

Description of amendments request: The free field seismic monitor has been relocated due to the construction of a training building. This amendment request changes the Technical Specification 3.3.3 to provide a new location of the free field seismic monitor for the time-history accelerograph.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The relocation of the seismic monitor has no impact on the probability for accidents or seismic events. Equipment and plant features important to safety will respond in the same fashion to a seismic event regardless of pre-monitor location. As a result, the proposed change does not result in a significant increase in the probability or consequences of accidents previously evaluated.

2) The seismic monitors are not active components taken credit for in any accident analysis. The purpose of the monitors is to provide information regarding the magnitude of a seismic event. This information would then be used to assess any impact on continued operation of the facility. The soil and subsurface conditions at Braidwood Station are relatively uniform. Thus, the response of the free field monitor will not be significantly different at the proposed new location as compared to its current location. The proposed location for the free field monitor does not impact the operability of any equipment required for safe operation of the plant during normal or accident conditions. As such, the proposed change does not create the possibility for a new or different kind of accident from those previously evaluated.

3) The operation of the seismic monitoring system is not taken credit for in any accident analysis described in the UFSAR. The relocation of the seismic monitor does not affect any accident analysis. As such, the proposed change does not involve a reduction in the margin to safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Commonwealth Edison Company, Docket Nos. STN 50-454 and STN 50-455, Byron Station, Unit Nos. 1 and 2, Ogle County, Illinois; Docket Nos. STN 50-456 and STN 50-457, Braidwood Station, Unit Nos. 1 and 2, Will County, Illinois

Date of application for amendments: November 28, 1990

Description of amendments request: The amendments would revise Section 6, Administrative Controls, of the Technical Specifications in three areas: 1) deletes all references to interim minimum shift manning requirements, 2) changes the title Assistant Vice President Quality Programs and Assessment to General Manager Quality Programs and Assessment, and 3) updates the analytical methodologies used to determine core operating limits for a reload cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1) The proposed change does not result in a significant increase in the probability or consequences of accidents previously evaluated because they are administrative in nature. The changes do not impact the assumptions or results of the analysis.

2) The proposed change does not create the possibility for a new or different kind of accident from any accident previously evaluated because the changes do not bring in new or different equipment or introduce a new or different manner of operating installed equipment. The change also does not result in any new procedures or process which could create a new or different kind of accident.

3) The proposed change does not involve a significant reduction in margin of safety because the changes are administrative in nature and no margin of safety is affected.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: For Byron, the Byron Public Library, 109 N. Franklin, P. O. Box 434, Byron, Illinois 61010; for Braidwood, the Wilmington Township Public Library, 201 S. Kankakee Street, Wilmington, Illinois 60481.

Attorney to licensee: Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690.

NRC Project Director: Richard J. Barrett

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: October 1, 1990 as revised January 31, 1991.

Description of amendment request: Connecticut Yankee Atomic Power Company (CYAPCO) has proposed a new action statement to the Technical Specifications (TS) to address the situation where there is a failure in the rod control system causing more than one control rod to be inoperable, but all the control rods remain trippable.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the current Technical Specifications, there is no action statement covering a situation when more than one control rod is trippable but inoperable due to causes other than excessive friction or mechanical failure. The proposed change will provide specific directions to the operators if such a situation occurs.

The change requires that within 1 hour, the remainder of the rods in the bank(s) with the inoperable rods are aligned to within 27 24 steps of the inoperable rods while maintaining the rod sequence and insertion limits provided in the Technical Report Supporting Cycle Operation. The thermal power level is restricted pursuant to Specification 3.1.3.6.1 during subsequent 4 loop operation or Specification 3.1.3.6.2 during subsequent 3 loop operation. The proposed change also requires restoration of the inoperable rods to operable status within 72 hours. As such, the new action statements which permit limited variations from the basic requirements will still ensure that the original design criteria are met. The new action statement does allow continued plant operation but only in the case where the cause of control rod failure is specifically identified to not affect the ability of the control rods to fully perform their safety function, i.e., trip when called upon. Therefore, it is concluded that there is no adverse impact on the design basis analysis due to these changes.

No design basis accidents are affected by these changes. Therefore, there is no impact on the consequences of any design basis accidents nor the probability of occurrence of any design basis accidents. The performance of safety systems is not impacted.

The proposed changes do not involve a significant increase in the probability of occurrence or the consequences of an accident previously analyzed since the new action statements continue to ensure that the control rods will perform their safety function.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not created. There is no impact on plant response to the point where it can be considered a new accident, and no new failure modes are introduced. The proposed changes do allow continued plant operation but only in the case in which the control rods will perform their intended safety function. Therefore, these proposed changes do not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety

These changes have no impact on the consequences of any design basis events. Therefore, these changes do not impact the protective boundaries, safety limits, or margins to safety. There are no failure modes associated with these changes. Since the control rods will continue to perform their intended safety function, there is no impact on the consequences of any accident previously analyzed and there is no reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Connecticut Yankee Atomic Power Company, Docket No. 50-213, Haddam Neck Plant, Middlesex County, Connecticut

Date of amendment request: January 24, 1991

Description of amendment request: Connecticut Yankee Atomic Power

Company (CYAPCO) has proposed to correct a typographical error in Technical Specification 6.4.2, located in Section 6.4, "Training."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change is a correction of an error, and therefore the change is purely administrative in nature. In addition, the proposed change has no impact on the probability of occurrence or consequences of any design basis accidents.

2. Create the possibility of a new or different kind of accident from any previously evaluated.

Since there are no changes in the way the plant is operated, the potential for an unanalyzed accident is not considered. There is no impact on plant response to the point where it can be considered a new accident, and no few failure modes are introduced.

3. Involve a significant reduction in a margin of safety.

The proposed change will not decrease the margin of safety. The proposed change is administrative in nature and only corrects an incorrect reference in the Technical Specifications. There are no adverse impacts on the protective boundaries, safety limits, or margins to safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Russell Library, 123 Broad Street, Middletown, Connecticut 06457.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: March 26, 1990

Description of amendment request: The amendment revises the Technical Specification (TS) by eliminating the requirement in TS 4.0.2 that limits the combined time interval for any three consecutive surveillance interval. The proposed changes are consistent with the guidance provided in the NRC Generic Letter 89-14.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no signficnat hazards consideration which is presented below:

The proposed changes eliminate the 3.25 limit on extending surveillance intervals. These changes do not involve a significant hazards because the operation of Fermi-2 in accordance with these changes would:

(1) Not involve a significant increase in the probability or consequences of an accident previously evaluated because surveillance intervals will still be limited by the 25-percent allowance for each interval. Additionally, the 3.25 surveillance interval extension criteria was not considered in the plant accident analysis.

(2) Not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not add or modify any system design nor does it involve a change in operations of any plant system. The surveillance interval will continue to be constrained by the 25-percent interval extension criteria.

(3) Not involve a significant reduction in a margin of safety because surveillance intervals will continue to be constrained by the 25-percent allowance, which provided allowable tolerances for performing surveillance requirements beyond those specified in the normal surveillance interval.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: August 1, 1990

Description of amendment request: The amendment revises the Technical Specifications (TS) by clarifying the reference points in Section (3/4.9.G) "Refueling Platform" for setting the uptravel and downtravel stops on the refueling platform's hoists.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) The proposed changes do not significantly increase the probability or consequences of an accident previously evaluated because the proposed changes do not change or affect any accident transient analysis and they do not significantly modify the plant or introduce a new manner of plant operation. These changes do not affect the postulated drop height of a fuel assembly; thus, the consequences of the Fuel Handling Accident is unaffected. The proposed changes clarify the reference points for setting the uptravel and downtravel stops on the refueling platform hoists. These changes will preclude inconsistent application and differing interpretations. The proposed changes to the uptravel stop surveillance requirement and Bases do not reduce the amount of shielding currently required by Technical Specification. The proposed change to the downtravel stop surveillance requirement does not change the setting of the downtravel stops. Additionally, the refueling platform's lifting devices are all commonly referred to as "hoists"; thus, the deletion of the word "crane" from the surveillance requirements and Bases clarifies this TS.

(2) The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not significantly modify the plant or introduce a new manner of plant operation. Administrative controls will be established to properly match refueling tools and hoists to ensure that the TS uptravel stop setting is established.

(3) The proposed changes do not involve a significant reduction in a margin of safety because, as mentioned in item 1, the changes does not significantly modify the plant or introduce a new manner of plant operation. The proposed changes do not change any safety limit or limiting safety system setpoint. The proposed change to the uptravel stop surveillance does not reduce the amount of water shielding currently required by the TS. The proposed change to the downtravel stop surveillance requirement does not change the setting of the downtravel stops. Additionally, the refueling platform's lifting devices are all commonly referred to as "hoists"; thus, the deletion of the word "crane" from the surveillance requirements and Bases clarifies this TS.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: August 1, 1990

Description of amendment request: The amendment revised the Technical Specification description of control rod assemblies to address the use of hafnium as a neutron absorber material.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1) The proposed change will not involve a significant increase in the probability or consequences of an accident previously evaluated because the use of hafnium in control rods as a neutron absorber material does not significantly alter the neutronic or mechanical function characteristics of the control rods. Since control rods which utilize hafnium have a longer lifetime the probability of some accidents involving the handling, on-site storage, and shipping of irradiation rods will actually be reduced.

2) The proposed change will not create the possibility of a new or different kind of accident from any accident previously evaluated because the use of hafnium in control rods as a neutron absorber material does not significantly alter the neutronic or mechanical functional characteristics of the control rods.

3) The proposed change will not involve a significant reduction in a margin of safety because the use of hafnium in control rods as a neutron absorber material does not significantly alter the neutronic or mechanical functional characteristics of the control rods.

Control rod designs which use hafnium have been successfully used in other BWRs.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Detroit Edison Company, Docket No. 50-341, Fermi-2, Monroe County, Michigan

Date of amendment request: August 17, 1990

Description of amendment request: The amendment revises the Technical Specification (TS) by removing 3/4.3.8 "Turbine Overspeed Protection System."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1) The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the turbine overspeed protection system is not required to mitigate any design basis accident and the postulated failure of this system and resultant proposed turbine missile will not prevent the reactor from achieving and maintaining a safe shutdown condition. The basis for the subject system to be included in the Standard Technical Specifications is to reduce the hazards of turbine missiles. Turbine missiles from an overspeed condition at Fermi 2 are prevented by the two types of emergency overspeed trip systems (mechanical and electrical) which trip redundant high and low pressure steam valves to prevent an overspeed condition. Analysis has determined that because of the orientation and location of the Fermi 2 turbine and the structural design of the plant, the effects of the worst case turbine missile will not prevent the reactor from achieving and maintaining a safe shutdown condition. Additionally, the proposed change would allow for less frequent power reductions for turbine valve testing. During these power reductions and subsequent power increases operational events are more probable than operation at steady state conditions. Therefore, the proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated because the turbine overspeed protection system is not required to mitigate any design basis accidents and the postulated failure of this system and resultant proposed turbine missile will not prevent the reactor from achieving and maintaining a safe shutdown condition.

2) The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated because the proposed change does not introduce a new mode of plant operation or involve a physical modification to the plant.

3) The proposed change does not involve a significant reduction in a margin of safety because, as outlined in item 1 above, the turbine overspeed protection system is not required to mitigate any design basis accident and the postulated failure of this system and the resultant proposed turbine missile will not prevent the reactor from achieving and maintaining a safe shutdown condition. Additionally, the bases of the subject TS states that the turbine overspeed protection systems are included in the Fermi-2 TS in order to "improve overall plant reliability." Plant and public protection from turbine missiles are ensured by the structural design of the plant and the orientation and location of the turbine and not explicitly by the turbines overspeed protection system.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Attorney for licensee: John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226.

NRC Project Director: L. B. Marsh.

Duquesne Light Company, Dockets Nos. 50-334 and 50-412, Beaver Valley Power Station, Unit No. 1 and Unit No. 2, Shippingport, Pennsylvania

Date of amendment request: October 1, 1990

Description of amendment request: The proposed amendment would modify the Appendix A Technical Specifications for containment structural integrity. Specifically, the amendments would modify Surveillance Requirement (SR) 4.6.1.6.1 which prescribes how containment integrity shall be determined prior to conducting periodic Type A containment leak testing with a non-prescriptive requirement for determination of structural integrity.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration. The Commission has evaluated the proposed changes against the criteria of 10 CFR 50.92(c) and has concluded that:

A. The changes do not involve a significant increase in the probability or consequences of an accident previously evaluated (10 CFR 50.92(c)(1)) because the non-prescriptive surveillance requirement still would provide assurance that containment structural integrity and leaktightness continues to be maintained.

B. The changes do not create the possibility of a new or different kind of accident from any accident previously evaluated (10 CFR 50.92(c)(2)) because neither plant configuration nor the manner by which the facility is operated would be affected.

C. The changes do not involve a significant reduction in a margin of safety (10 CFR 50.92(c)(3)) because the same containment structural integrity and leaktightness assumed for the original design would still be assured.

Based on the above evaluation, it appears that the three criteria of 50.92(c)

are satisfied. Therefore, the NRC staff proposes to determine that the proposed amendment does not involve a significant hazards consideration.

Local Public Document Room location: B. F. Jones Memorial Library, 663 Franklin Avenue, Aliquippa, Pennsylvania 15001.

Attorney for licensee: Gerald Charnoff, Esquire, Jay E. Silberg, Esquire, Shaw, Pittman, Potts & Trowbridge, 2300 N Street, N.W., Washington, D.C. 20037.

NRC Project Director: John F. Stolz

Entergy Operations, Inc., et al., Docket No. 50-416, Grand Gulf Nuclear Station, Unit 1, Claiborne County, Mississippi

Date of amendment request: April 26, 1990 as supplemented November 30, 1990.

Description of amendment request: The amendment would change the Technical Specifications (TS) by revising Figure 3.4.6.1-1 "Minimum Reactor Pressure Vessel Metal Temperature vs. Reactor Vessel Pressure" and associated TS Bases and Surveillance Requirements to reflect the revised methodology of Regulatory Guide 1.99, Revision 2, and revised neutron fluence values for the reactor vessel wall. The revised neutron fluence values were based on an analysis of flux wire dosimeters removed from the reactor during the first refueling outage. The revised pressure vessel operating limits would be applicable for service periods up to 10 effective full power years (EFPY) instead of the presently specified 32 EFPY.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. No significant increase in the probability or consequences of an accident previously evaluated results from this change.
   a. While the revised methodology of Regulatory Guide 1.99, Revision 2 and the higher fluence values from the proposed Bases Figure B 3/4 4.6-1 do result in more restrictive temperature-pressure limitations for a given EFPY exposure level, the proposed TS Figure 3.4.6.1-1 limits are in accordance with the requirements of Appendix G and were determined using NRC approved methodology. Operation of the plant within the limitations of the proposed figure will ensure that the requirements of 10CFR50, Appendix G are met up to 10 EFPY of operation. Except for a reduction in the period of applicability from 32 EFPY to 10 EFPY, the pressure-temperature limit curves are unchanged.
   b. Therefore, there is no significant increase in the probability or consequences of previously analyzed accidents due to the proposed change.
2. This change would not create the possibility of a new or different kind of accident from any previously evaluated.
   a. The proposed curves establish a new period of applicability (10 EFPY) for the current pressure-temperature limitations based on new NRC methodology and actual fluence measurements. These limitations are appropriate for 10 EFPY exposure and operation of the plant within the figure's limitations will ensure that the requirements of 10CFR50, Appendix G are met for that time frame.
   b. Therefore, the possibility of a new or different kind of accident from any previously evaluated is not created.
3. This change would not involve a significant reduction in the margin of safety.
   a. The proposed curves were developed using the methodology of Regulatory Guide 1.99, Revision 2. This methodology includes an allowance for margin that is to be included in the upper-bound values of the adjusted reference temperature (ART). The revised analysis demonstrates that the existing Technical Specifications pressure-temperature limit curves are applicable for a period of 10 EFPY. The revised methodology in Regulatory Guide 1.99, Revision 2 and the use of fluence based on actual exposure provides for an increase in conservatism and therefore, further assures the existence of current margins of Safety.
   b. Therefore, this proposed change will not involve 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 standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room Location: Judge George W. Armstrong Library, Post Office Box 1406, S. Commerce at Washington, Natchez, Mississippi 39120

Attorney for licensee: Nicholas S. Reynolds, Esquire, Winston and Strawn, 1400 L Street, N.W., 12th Floor, Washington, DC 20005-3502

NRC Project Director: Thomas P. Gwynn, Acting Director

Florida Power and Light Company, et al., Docket No. 50-389, St. Lucie Plant, Unit No. 2, St. Lucie County, Florida

Date of amendment request: October 24, 1988, as supplemented on June 1, 1989, October 19, 1989, March 27, 1990 and modified on December 18, 1990.

Description of amendment request: The proposed amendment of October 24, 1988 would have relaxed the maximum allowable primary loop resistance temperature detector (RTD) delay time from 8 seconds to 16 seconds. This delay time is a factor that must be considered in the thermal margin/low pressure reactor trip. According to the licensee, this change would provide increased operational flexibility without decreasing the margin of safety.

The initial application dated October 24, 1988, was noticed in the **Federal Register** on November 16, 1988 (53 FR 46146). As a result of discussions and telephone conversations held between the NRC and the licensee staffs, by letter dated December 18, 1990, Florida Power and Light modified its request. Instead of changing the maximum allowable primary loop RTD delay time from 8 seconds to 16 seconds, the licensee wishes to change it from 8 seconds to 14 seconds. Due to the change described above, the staff has determined that a renotice should be issued.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Criterion 1

Operation of the facility in accordance with the proposed amendment would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The Resistance Temperature Detector (RTD) response time affects only measurement hardware which passively ascertains the coolant temperature condition, not active hardware impacting the plant's physical thermal-hydraulic operations. Therefore, the proposed change does not increase the probability of occurrence of any accident. As described before, the safety analyses demonstrate that the same degree of protection is available at the longer RTD response times since the ex-core power detectors (which do not depend on RTD response time) now provide the required protection when more realistic physics inputs are used. With regard to operations, it should be noted that the plant will be operated in the same manner as before. Therefore, the calculated consequences of the accidents will not increase due to this change.

Criterion 2

Use of the modified specification would not create the possibility of a new or different kind of accident from any accident previously evaluated. The proposed change to the Technical Specifications does not affect any active hardware involving plant operation, nor does it alter the basic methodology of the safety analyses. Therefore, it will not create the possibility of a new or different kind of accident from those accidents previously evaluated.

Criterion 3

Use of the modified specification would not involve significant reduction in a margin of safety. The value of the RTD response time affects the ability of the delta T-power calculator to accurately measure power

during a transient. It has been demonstrated that the ex-core power detectors will provide an adequate power measurement input to the Thermal Margin/Low Pressure (TM/LP) trip for the full spectrum of possible power excursions associated with the CEA withdrawal events with a slight increase in margin to the TM/LP trip setpoint. Thus, the margin of safety is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied.

Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Indian River Junior College Library, 3209 Virginia Avenue, Fort Pierce, Florida 34954-9003

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzinger, 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: November 21, 1990

Description of amendment request: The proposed amendments would revise Section 3/4.5.1 of the Technical Specifications, "Accumulators, Limiting Condition for Operations" by increasing the indicated accumulator volume operating band from "6545 gallons and 6665 gallons" to "6520 gallons and 6820 gallons." This change provides additional margin in the allowable accumulator water volume.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The effect of increasing and decreasing the water volume of the accumulator does not increase the probability or consequence of an accident previously evaluated in the [Final Safety Analysis Report (FSAR)]. No new performance requirements are being imposed on any system or component such that any design criteria will be exceeded. The accumulator volume is not an initiator for any of the postulated FSAR accidents analyzed. As such, increasing the band on the accumulator water volume will have no effect on the probability of occurrence of any accident.

With respect to the LOCA accidents, the mass/energy analyses are unaffected by the change to the band on the accumulator water volume. The evaluations to determine the effects of changing the band on the accumulator water volume have shown that the design basis conclusions are met. The proposed change to the accumulator water volume will not change, degrade or prevent actions described in, or assumed to occur in, the mitigation of any FSAR accident. As such, the conclusion presented in the FSAR remain[s] valid such that no more severe radiological consequences will result.

2. The change to the accumulator water volume does not create the possibility of an accident which is different than any already evaluated in the FSAR. The proposed change does not result in any physical change to the plant or method of operating the plant from that allowed by the Technical Specifications. No new failure modes have been defined for any system or component nor has any new limiting single failure been identified. Therefore, the proposed change to the accumulator water volume does not create the possibility of a new or different kind of accident.
3. The evaluation for changing the accumulator water volume has taken into account the applicable [T]echnical [S]pecifications and has bounded the conditions under which the specifications permit operation. It has been determined that the acceptance criteria are still met for the safety analyses. The results, as presented in the FSAR, remain bounding. Therefore, the margin of safety, as defined in the basis to the Technical Specifications, is not reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: December 19, 1990

Description of amendment request: The proposed amendments would revise the Technical Specifications related to the reactor protection system setpoints as provided in Section 2.2, "Limiting Safety System Settings" and Section 3/4.3.2, "Emergency Safety Features Actuation System Instrumentation." Westinghouse now uses a statistical methodology to calculate a channel statistical allowance for establishing and justifying reactor trip setpoints. Existing setpoints are in compliance with the current licensing and design basis of the plants. Variations in the values obtained from the present and proposed settings are to be expected and arise out of differences in assumptions in the calculations of instrument uncertainties. Using the new methodology, the plants are expected to gain added operational flexibility and yet remain within the allowances accounted for in the various accident analyses.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) Operation of the facility in accordance with the proposed amendment[s] would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The changes proposed as a result of the Setpoint Methodology are consistent with the current plant safety analyses of record. The setpoints assumed in the various safety analyses, the installed protection system hardware, and plant calibration procedures are reflected in these calculations. As such, the changes to the [T]echnical [S]pecifications do not affect assumptions contained in the plant safety analyses, physical design and/or operation of the plant. All conclusions in the safety analysis remain valid. Therefore, the proposed changes do not increase the probability or consequences of accidents previously analyzed.

(2) Operation of the facility in accordance with the proposed amendment[s] would not create the possibility of a new or different kind of accident from any accident previously evaluated.

The Technical Specifications proposed as a result of the Setpoint Methodology calculations do not create any new or different failures modes, for equipment important to safety, than those previously evaluated in the FSAR. Thus, the plant is still within analyzed conditions for design basis events (LOCA and Non-LOCAs), including consideration of the single failure of equipment important to safety. Therefore, the proposed [T]echnical [S]pecifications do not create the possibility of a new or different kind of accident.

(3) Use of the modified specification would not involve a significant reduction in the margin of safety. The change to the five column methodology proposed explicitly defines the safety margins to be maintained by the Technical Specifications. This change quantifies the setpoint margins which were previously undefined. In summary, it is demonstrated that each channel has additional margin after the channel uncertainties are accounted for which will preserve the safety analysis limits. The amount of margin for each channel is defined in Table 3-23, of WCAP-12745.

In the Technical Specification submittal, there are two cases where the total

allowance between the Safety Analysis Limit and the Nominal Trip Setpoint has been reduced from the existing Technical Specifications. These are the Steam Flow/Feed Flow.

Mismatch and the Steam Flow High functions. With respect to both functions the reduction in total allowance still provides more than adequate margin to preserve the Safety Analysis Limits while helping to prevent spurious actuations.

Additionally, with respect to Steam Flow/Feed Flow Mismatch the Safety Analysis Limit is not specifically used in the analysis but is utilized to meet diversity requirements. With respect to Steam Flow High, it should be noted that the previous setpoint resulted in a risk of spurious actuations. The new setpoint is more in conformance with the values traditionally utilized in other Westinghouse plants while maintaining appropriate margins.

The plant design bases will still be maintained and [the changes] will not reduce the ability to perform post-accident safety functions. Therefore, the margin of safety will not be reduced as described in the [T]echnical [S]pecifications.

The staff also notes that the methodology used in WCAP-12745, "Westinghouse Setpoint Methodology For Protection Systems-Turkey Point Units 3 and 4, Florida Power and Light Company" is essentially the same as that used for V. C. Summer in August 1982, WCAP-11814, "Westinghouse Setpoint Methodology for Protection Systems"; approved in NUREG-0717, Supplement No. 4, "Safety Evaluation Report related to the Operation of Virgil C. Summer Nuclear Station, Unit No. 1, Docket No. 50-395," August 1982.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Florida Power and Light Company, Docket Nos. 50-250 and 50-251, Turkey Point Plant Units 3 and 4, Dade County, Florida

Date of amendment request: January 25, 1991

Description of amendment request: The proposed amendments would revise Technical Specification Table 4.4-5, "Reactor Vessel Material Surveillance rogram—Withdrawal Schedule," by moving the surveillance capsule X from the 50° vessel location to the 270° vessel location. This will place the surveillance capsule X in a higher flux position.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

FPL has determined that operation in accordance with the proposed amendment[s] would not:

(1) involve a significant increase in the probability or consequences of an accident previously evaluated.

The movement of surveillance capsule X from its current position to the position formerly occupied by surveillance capsule T would not affect operation of any plant safety equipment or affect the results of previous accident analyses. The current position was established when the reactor vessel surveillance program was developed during the initial licensing of the plant. Title 10 CFR 50, Appendix H now requires that ASTM E 185-82 be met, to the extent practicable, for capsules withdrawn after July 26, 1983.

The revised position of capsule X would conform to the recommendations of ASTM E 185-82 regarding accumulated fluence for an [end-of-life] capsule and would enhance our capabilities to predict the [end-of-life] reactor vessel properties. No changes to the previously approved withdrawal schedules are proposed.

(2) create the possibility of a new or different kind of accident from any accident previously evaluated.

Since plant design allows for the placement of surveillance capsule X in the former surveillance capsule T position, the operability of plant systems, structures, or components is not affected. The proposed change does not result in any physical change to the plant or method of operating the plant from that allowed by the Technical Specifications. No new failure modes have been defined for any system or component nor has any new limiting single failure been identified.

Therefore, the proposed change does not create the possibility of a new or different kind of accident from any accident previously analyzed.

(3) involve a significant reduction in a margin of safety.

By moving surveillance capsule X from its current position to the proposed position the neutron fluence it accumulates would lead the reactor vessel. The capsule in this new location would enhance our capabilities to predict the [end-of-life] reactor vessel material properties. Also, this location change is in accordance with the recommendations provided in ASTM E [185-82], as required by 10 CFR 50, Appendix H. The proposed change has no impact on the safety analyses presented in the Turkey Point [Final Safety Analysis Report,] therefore, it does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199

Attorney for licensee: Harold F. Reis, Esquire, Newman and Holtzer, P.C., 1615 L Street, N.W., Washington, D.C. 20036

NRC Project Director: Herbert N. Berkow

Gulf States Utilities Company, Docket No. 50-458, River Bend Station, Unit 1 West Feliciana Parish, Louisiana

Date of amendment request: January 7, 1991, and supplemented by letter dated January 28, 1991.

Description of amendment request: The proposed amendment would remove the 31-day limit on in-line conductivity measurements from Technical Specification (TS) Surveillance Requirement 4.4.4.C. The TS surveillance requires conductivity measurements of the reactor coolant system either continuously or by obtaining in-line measurements. The January 28, 1991, letter only provided a revised mark-up of the TS page and did not change any other parts of the original submittal.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed change would not increase the probability or consequences of a previously evaluated accident because:

The existing required surveillances, frequencies, and other sampling activities, provide adequate assurance that chlorides and other impurities are not exceeding the limits as analyzed in the USAR [Updated Safety Analysis Report]. The change being proposed is considered administrative in nature and only removes the 31 day limit requirement which will not affect continued, safe operation of the plant during shutdown conditions. Therefore, this proposed change clarifies the intent of the subject Technical Specification while still ensuring the integrity of the reactor coolant system is maintained and does not lower the level of performance.

2. The proposed change would not create the possibility of a new or different kind of accident from any previously evaluated because: The proposed change would not change any operation, action or plant decision needed to maintain the proper conductivity limits for chlorides and other impurities. Existing programs of sampling at the currently specified frequencies will help ensure system reliability within the existing analyzed conditions.

3. The proposal as submitted would not involve a significant reduction in the margin of safety because: The surveillance requirements provide adequate assurance that concentrations in excess of the limits will be detected in sufficient time to take corrective action to maintain the RCS integrity. The proposed change would not decrease the margin of safety as defined in the applicable Technical Specification bases.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Government Documents Department, Louisiana State University, Baton Rouge, Louisiana 70803

Attorney for licensee: Mark Wetterhahn, Esq., Bishop, Cook, Purcell and Reynolds, 1401 L Street, N.W., Washington, D.C. 20005

NRC Project Director: George F. Dick, Acting

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: November 19, 1990 and January 24, 1991

Description of amendment request: The proposed change to the Technical Specifications (TS) would include the following:

- A change to the Minimum Critical Power Ratio (MCPR) Safety Limit from 1.04 to 1.07.
- Addition of a definition for LIMITING CONTROL ROD PATTERN.
- Redefinition of the applicability of Thermal Limits and associated action.
- Revision of Section 3/4.11, "Power Distribution Limits"
- Inclusion of the limiting value of linear heat generation rate (LHCR) in the TS
- Revision to K_f curves in TS Figure 3.11.1

The above changes to the TS are required for Cycle 14 operation of Millstone Unit 1.

Basis for proposed no significant hazards consideration determination: Reload fuel assemblies, to be used during Cycle 14 operation of Millstone Unit 1, are referred to as GE-10 (GE 8x8 NB) fuel assemblies. The GE-10 fuel contains several refinements when compared with fuel previously used at Millstone Unit 1. The major refinements can be summarized as follows:

- Fuel Channel Boxes - The fuel channel boxes utilize variable thickness and "flow trippers" on the inside of the channels to deflect coolant flow into the fuel rods.
- Zone Enrichment - The GE-10 fuel utilizes axially zoned enrichment
- Water Rods - The GE-10 fuel contains a single, central water rod (replacing four fuel rods) compared with two water rods (each replacing one fuel rod) in the current fuel design.
- Fuel Lattice - The GE-10 fuel utilizes a nearly uniform water gap while the existing fuel lattice utilizes a water gap that is asymetrical.

The changes to the fuel channel boxes are intended to increase thermal margins while the zone enrichment, water rod and fuel lattice changes are intended to improve fuel economy.

The licensee has submitted a revised LOCA analysis by letter dated December 20, 1990. The revised analysis utilizes a currently approved methodology with input variables reflecting Cycle 14 operation. The licensee has also reanalyzed accidents and transients, to reflect Cycle 14 operation, using the GEXL - Plus thermal margin correlation. The use of GEXL - Plus with the GE-10 fuel design has been generically approved by the NRC staff.

The proposed changes to the TS resulting from refinements to the reload fuel and analytic methods do not result in significant changes to safety limits or limiting conditions for operation or acceptance criteria for the TS.

On March 6, 1986, the NRC published guidance in the **Federal Register** (51 FR 7751) concerning examples of amendments that are not likely to involve a significant hazards consideration. One example of amendments not likely to involve significant hazards considerations is example (iii) which involves, "For a nuclear power reactor, a change resulting from a nuclear reactor core reloading, if no fuel assemblies significantly different from those found previously acceptable to the NRC for a previous core at the facility in question are involved. This assumes that no significant changes are made to the acceptance criteria for the technical specifications, that the analytical methods used to demonstrate conformance with the technical specifications and regulations are not significantly changed, and that NRC has previously found such methods acceptable." The proposed changes to the TS are within the scope of example (iii).

Accordingly, the staff has made a proposed determination that the proposed changes to the TS appear to involve no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: December 31, 1990

Description of amendment request: The proposed change to the Technical Specifications (TS) would allow the reactor to be in the cold shutdown or refuel condition without having to monitor reactor coolant leakage, and would change the required surveillance interval from once every 24 hours to once every 8 hours.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. Involve a significant increase in the probability or consequences of any accident previously evaluated.

The proposed change requires the reactor to be in Cold Shutdown or Refuel condition within 24 hours if the reactor coolant leakage rate cannot be determined or met, and limits the applicability for monitoring leakage to conditions when primary containment integrity is required. Therefore, the requirement to drain the sumps to calculate leakage would not apply during Cold Shutdown or Refuel conditions. This will allow for the sumps to remain filled during shutdown in order to provide radiation shielding for workers in the drywell.

One of the purposes of the reactor coolant leakage detection system is to detect leaks that could be an indication of imminent pipe crack propagation/failure. During Cold Shutdown or Refueling conditions, this precursor detection system can be made insensitive by flooding the sumps. However, during Cold Shutdown with the reactor coolant temperature less than 212 degrees F, crack initiation and/or propagation is not likely. Thus, a LOCA leading to significant loss-of-coolant due to crack propagation is not a credible scenario during Cold Shutdown or Refueling conditions.

During power operation, drywell and equipment sump leak detection operability and monitoring requirements are not changed except that the RCS leakage into primary containment shall be checked and recorded once every 8 hours instead of once per day, which is more conservative. Thus, plant response during power operation is unaffected.

Hence, there is no impact on the probability or consequences of an accident previously analyzed.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

As stated above, during power operation, drywell and equipment drain sump leakage detection operability and monitoring requirements are not changed except that the RCS leakage into primary containment shall be checked and recorded once every 8 hours instead of once per day, which is more conservative. Thus plant response during power operation is unaffected.

During shutdown, with the sumps flooded, sensitivity to small leaks is not available. In the event that a small leak were to occur, there is no safety concern (and plant response is not modified to the point where it could be considered a new accident) for the following reasons:

- The reactor is shutdown; therefore, initial fuel temperatures (decay heat) are low.
- The reactor is at low pressure (<212 degrees F, vented) and there are many makeup systems available.
- There is ample operator time available and any substantial loss would be indicated in the control room.
- Any crack leaking a small amount of coolant would not be expected to grow.

In addition, relatively large (non-crack) loss-of-coolant events (valve misoperation, operator error, etc.) could be detected while the sumps are flooded via:

- Vessel level indication in the control room.
- Personnel walking in the drywell noticing water/sump overflow.
- Loss of water level in the spent fuel pool (if in the refuel condition).

All of these indications allow the operator approximately the same time to respond as would exist if the sumps were not flooded, given the relatively large flow rates expected. Thus, plant response is not modified to the point where it can be considered a new accident.

3. Involve a significant reduction in a margin of safety.

The current Technical Specification 3.6.D requires that the reactor be placed in the Cold Shutdown condition if reactor coolant leak rate limits are exceeded or cannot be determined. However, Surveillance Requirement 4.6.D states that coolant leakage be checked and recorded daily. Thus, the current Technical Specifications allow for the inability to measure primary coolant leakage as long as the reactor is in a Cold Shutdown condition; even though requiring leakage to be recorded daily. The proposed change alleviates this contradiction by removing the requirement to check and record containment leakage daily when in the Cold Shutdown or Refuel conditions.

The Cold Shutdown and Refueling modes are similar except for refueling provisions such as cavity flooding, head removal, etc. During Cold Shutdown the reactor coolant temperature is less than 212 degrees F with only static head pressure, since the reactor vessel is vented. Accordingly, crack initiation and/or propagation during Cold Shutdown is not likely. Low reactor water level instrumentation remains operable during Cold Shutdown, and is set to trip when reactor water level is 127 inches above the top of the active fuel. For this trip setting, the primary containment isolation valves will close before core uncovery occurs even for the maximum break in the line. In addition, during refueling outages the available low pressure core cooling systems are lined up to the condensate storage tank which supplements the reactor cavity water with an additional 450,000 gallons of water. In conclusion, provisions for precluding core uncovery are in place during Cold Shutdown and Refueling Conditions, and the inability to monitor leakage via the sumps has minimal safety significance.

Thus, the margin of safety is not significantly reduced.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northeast Nuclear Energy Company, Docket No. 50-245, Millstone Nuclear Power Station, Unit No. 1, New London County, Connecticut

Date of amendment request: January 11, 1991

Description of amendment request: The proposed change to the Technical Specifications (TS) Table 4.2.1, "Minimum Test and Calibration Frequency for Core Cooling Instrumentation, Rod Blocks and Isolations" would (1) add several previously omitted instruments to the "Containment Isolations" section and (2) provide the previously omitted "instrument functional test" frequency for the Reactor High Pressure instrumentation.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously analyzed.

These changes involve adding formal instrumentation and control-related surveillance requirements to Table 4.2.1 of the Millstone Unit No. 1 Technical Specifications for certain instruments listed on Tables 3.2.1 and 3.2.2. This instrumentation is currently subject to instrument functional and calibration test requirements consistent with both the proposed frequencies and requirements for other instrumentation performing similar safety functions. In addition, Note 1 is being added on Table 4.2.1 for reactor high pressure. Application of this note to reactor high pressure is consistent with its application to instrumentation performing similar safety functions.

Thus, these changes, which will formally place surveillance requirements that already exist in plant procedures into the Technical Specifications and add a note concerning test frequency based on exposure hours, will not increase the probability or consequences of any transient or accident.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

Modifying Technical Specifications to add formal surveillance requirements already in place with plant procedures and adding a note concerning test frequency based on exposure hours will not modify plant response to any operational or transient event. Neither will they create a new nor cause a different kind of accident from any previously analyzed.

3. Involve a significant reduction in a margin of safety.

Instrumentation and controls required to initiate and control primary containment isolations and core cooling systems are listed on Table 3.2.1 and Table 3.2.2, respectively, in the Millstone Unit No. 1 Technical Specifications. However, some instruments were not included on the calibration frequency Table 4.2.1. The formal surveillance requirements being added in this change are consistent with what is currently performed for similar instrumentation with requirements already in Technical Specifications, and the added requirements are consistent with what is currently done for this instrumentation via plant procedures. Application of the note concerning test frequency based on exposure hours is consistent with its application to instruments performing similar safety functions. Therefore, there is no impact on the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Learning Resources Center, Thames Valley State Technical College, 574 New London Turnpike, Norwich, Connecticut 06360.

Attorney for licensee: Gerald Garfield, Esquire, Day, Berry & Howard, Counselors at Law, City Place, Hartford, Connecticut 06103-3499.

NRC Project Director: John F. Stolz

Northern States Power Company, Docket No. 50-263, Monticello Nuclear Generating Plant, Wright County, Minnesota

Date of amendment request: January 31, 1991

Description of amendment request: The proposed amendment would revise the Technical Specifications to (a) regroup ECCS requirements in a format more consistent with the NUREG-0123 standard format, and (b) revise the minimum ECCS flow requirements to reflect LOCA reanalysis using the approved "SAFER/GESTR-LOCA" methodology described in General Electric Licensing Topical Report NEDE-23785.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

(1) Do the proposed changes involve a significant increase in the probability or consequences of an accident previously evaluated? The proposed changes to the format of the Technical Specifications are editorial in nature and do not involve any changes to the actual safety limits, limiting safety system settings, limiting conditions for operation, surveillance requirements, or design features. The proposed changes to the minimum ECCS flow requirements are consistent with improved analytical methodology which has been approved for generic application by facilities such as Monticello. Since the methodology is applicable to Monticello, the proposed changes would not involve a significant increase in the probability or consequences of an accident previously evaluated.

(2) Does the proposed amendment create the possibility of a new or different kind of accident from any accident previously evaluated? The proposed changes to the format of the Technical Specifications are editorial in nature and do not involve any changes to the actual safety limits, limiting safety system settings, limiting conditions for operation, surveillance requirements, or design features. The proposed changes to the minimum ECCS flow requirements are consistent with improved analytical methodology which has been approved for generic application by facilities such as Monticello. Since the methodology is applicable to Monticello, the proposed changes would not create the possibility of a new or different kind of accident from any accident previously evaluated.

(3) Does the proposed amendment involve a significant reduction in a margin of safety? The proposed changes to the format of the Technical Specifications are editorial in nature and do not involve any changes to the actual safety limits, limiting safety system settings, limiting conditions for operation, surveillance requirements, or design features. The proposed changes to the minimum ECCS flow requirements are consistent with improved analytical methodology which has been approved for generic application by facilities such as Monticello. Since the methodology is applicable to Monticello, the proposed changes would not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the proposed changes do not involve a significant hazards consideration.

Local Public Document Room location: Minneapolis Public Library, Technology and Science Department, 300 Nicollet Mall, Minneapolis, Minnesota 55401.

Attorney for licensee: Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037.

NRC Project Director: L. B. Marsh.

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 31, 1991

Description of amendment request: The amendment would change the Technical Specifications (TSs) to reduce the frequency of performing Source Range Monitor (SRM) channel functional tests during refueling operations. Section 3/4 9.2 of the TSs specifies the instrumentation that must be operable when the reactor mode switch is locked in the refuel or shutdown position. Among other requirements, Section 4.9.2.a requires that the SRM channels shall be demonstrated to the operable by performance of a channel check at least once per 12 hours. In addition, Section 4.9.2.b requires that the SRM channels be demonstrated to be operable by performance of a channel functional test 1) within 24 hours prior to the start of core alterations and 2) at least once per 7 days. The change being proposed by the licensee is to delete surveillance requirement 4.9.2.b.1 which requires performance of a channel functional test within 24 hours prior to the start of core alterations while retaining the existing surveillance requirement to perform the same test at least once per seven days.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed TS change involves reducing the frequency of performing SRM channel functional tests during refueling operations by eliminating TS SR 4.9.2.b.1 (i.e., requiring a channel functional test within 24 hours prior to the start of core alterations) while retaining TS SR 4.9.2.b.2 (i.e., requiring a channel functional test at least once every seven (7) days).

The SRMs provide no safety-related function and are not assumed to operate during any design basis accident or transient. The SRMs were not designed as class 1E and do not provide any automatic plant trips during power operation. The SRMs provide on-scale monitoring of neutron flux levels in the core during start-up and refueling operations, and can initiate control rod withdraw blocks if neutron flux level limits are exceeded. Prevention and mitigation of prompt reactivity excursions during refueling and low power operation is controlled by refueling interlocks, the Intermediate Range Monitor (IRM) neutron flux reactor SCRAM, the Average Power Range Monitor (APRM) neutron flux SCRAM, Control Rod Block instrumentation, and maintenance of the core shutdown margin. However, if shutdown margin has not been demonstrated, the SRMs do provide the compensatory protection of a reactor SCRAM during the time a control rod is being withdrawn since the SRM logic shorting links are required to be removed which would, if necessary, result in a non-coincident reactor SCRAM signal.

Additionally, an historical assessment of SRM channel functional test data concluded that the operability of the SRM system will not be affected by reducing the channel functional test surveillance frequency. Monitoring the count rate of an SRM channel once every twelve (12) hours as required by TS SR 4.9.2.c.2 verifies system operability. Reducing the SRM surveillance frequency during refueling operations will not inhibit the response of any systems described in the UFSAR designed to mitigate the consequences of an accident.

Therefore, based on the evaluation described above, reducing the SRM surveillance frequency during refueling operations does not increase the probability or consequences of an accident previously evaluated.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed TS change involves reducing the frequency of performing SRM channel functional tests during refueling operations. The SRMs provide no safety-related function and are not assumed to operate during any design basis accident or transient analysis. The SRMs provide on-scale monitoring of neutron flux levels in the core during start-up and refueling, and initiate control rod withdraw blocks if neutron flux level limits are exceeded. The SRMs are not designed as class 1E and do not initiate any automatic plant trips during power operation.

Prevention and mitigation of prompt reactivity excursions during refueling and low power operation is controlled by refueling interlocks, the IRM neutron flux reactor SCRAM, the APRM neutron flux reactor SCRAM, control rod block instrumentation, and maintenance of the core shutdown margin. However, if shutdown margin has not been demonstrated, the SRMs do provide compensatory protection of a reactor SCRAM during the time a control rod is being withdrawn since the SRM logic shorting links are required to be removed which would, if necessary, result in a non-coincident reactor SCRAM signal. Reducing the surveillance frequency will not inhibit the response of any system (e.g., IRMs, APRMs) designed to mitigate the consequences of an accident. Furthermore, this proposed TS change does not increase the potential for fuel failures, or release of reactor coolant or other radioactive material.

Therefore, based on the evaluation described above, reducing the SRM channel functional test surveillance frequency during refueling, by eliminating TS SR 4.9.2.b.1, does not involve any potential initiating event that would create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The proposed TS change involves reducing the SRM channel functional test surveillance frequency. The SRMs provide no safety-related function and are not assumed to operate during any design basis accident or transient. Reducing the surveillance frequency will not prevent the SRM subsystem from functioning as designed to provide neutron flux level indication, control rod withdraw blocks, or a reactor SCRAM. A historical assessment of SRM channel functional test data concluded that the operability of the SRM system will not be affected by reducing the surveillance frequency. Monitoring the count rate recorded on an SRM channel once every twelve (12) hours during refueling as required by TS SR 4.9.2.c.2 verifies system operability.

Therefore, based on the evaluation described above, reducing the SRM channel functional test surveillance frequency does not involve a reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania, 19464.

Attorney for licensee: J. W. Durham, Sr., Senior V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania, 19101

NRC Project Director: Walter R. Butler

Philadelphia Electric Company, Docket Nos. 50-352 and 50-353, Limerick Generating Station, Units 1 and 2, Montgomery County, Pennsylvania

Date of amendment request: January 31, 1991

Description of amendment request: The amendment would change the Technical Specifications (TSs) to expand the testing tolerance of the 480 volt molded case circuit breakers. Section 3/4 8.4 of the TSs specifies the operability requirements for the primary containment penetration conductor overcurrent protective devices. Surveillance Requirement (SR) 4.8.4.1 requires that each Primary Containment penetration conductor overcurrent protective device shown in TS Table 3.8.4.1-1, "Primary Containment Penetration Conductor Overcurrent Protective Device," shall be demonstrated operable.

The 480 volt instantaneous magnetic (IM) molded case circuit breakers function to prevent thermal degradation of Primary Containment electrical penetrations by providing overcurrent protection for Class 1E and Non-Class 1E circuits passing through the Primary Containment barrier. These devices protect electrical penetration assembly conductors and seals from overheating in the event of overcurrent conditions.

The 480 volt IM molded case circuit breakers are the primary devices for protecting electrical penetration assemblies from overcurrent conditions. The IM circuit breaker provides short circuit protection only and is designed to instantaneously open when the current through the circuit is equivalent to or greater than the current limit setpoint of the breaker. A back-up thermal-magnetic breaker provides both thermal and overcurrent protection and is designed to open if current through the penetration conductors is sustained for a sufficient period of time to cause the back-up breaker to trip on thermal overload, or to instantaneously trip on overcurrent if the primary IM breaker fails to function. In addition, a thermal overload heater block is located downstream of the primary and back-up circuit breakers for additional penetration thermal overload protection. These devices contain contacts which open when current passing through the device is sustained for a sufficient period of time to reach the temperature setpoint of the block.

The present TS SR 4.8.4.1a.2 requires that the instantaneous element shall be tested by injecting a current equal to ± 20% of the pickup value of the element and verifying that the circuit breaker trips instantaneously with no intentional time delay. The TS magnetic trip setting tolerance of ± 20% was developed under closely specified and controlled conditions during factor calibration. Using this tolerance, the allowable trip range is too narrow for field verification testing of the breakers because the IM breaker trip characteristics can be greatly influenced by stray magnetic fields induced by steel enclosures, test equipment, or the conductors to the breakers. Since extraneous factors are more prevalent in the field, where test conditions are not easily controlled, a higher than expected number of IM circuit breakers fail to trip within the allowable upper range currently specified in TS (i.e., setpoint plus 20% tolerance).

The National Electrical Manufacturers Association (NEMA) Standard AB 2-1984, "Procedures for Field Inspection and Performance Verification of Molded Case Circuit Breakers Used in Commercial and Industrial Applications," Section 5, "Instantaneous Overcurrent Trip Test," recommends the use of an upper range tolerance of + 40% above the design setpoint to allow for differences between factory and field testing setup and conditions. The proposed change to the TSs would expand the ± 20% testing tolerance for the 480 volt IM molded case circuit breaker currently specified in the TSs to permit the use of a -20%/+40% testing tolerance.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

1. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The current TS testing tolerance of ± 20% is too narrow for field verification testing because these breakers can be greatly influenced by stray magnetic fields induced by surrounding equipment. In order to perform IM molded case circuit breaker field verification tests, NEMA recommends the use of an expanded upper range tolerance of +40% to allow for differences between factory and field testing setups and conditions.

The proposed expanded testing tolerance of -20%/+40% will be used for field verification purposes and will not affect the performance or operation of any safety-related equipment. The proposed tolerance is to be used in the same fashion as the present TS testing tolerance (± 20%) for determining circuit breaker operability. The design trip setpoints for these circuit breakers will not be changed.

The proposed maximum IM trip setting (i.e., the breaker setpoint plus the maximum tolerance allowed by the proposed TS

change, assumed +40%) was plotted on a time-current curve for each Primary Containment electrical penetration conductor to verify protection for each conductor and coordination with all upstream protective devices. In all cases, the circuit breakers were verified to trip before the thermal limit of the associated penetration conductor is reached. Therefore, the safety-related function of the 480 volt IM molded case circuit breakers is not affected by the expanded testing tolerance since these breakers will continue to provide the required overcurrent and thermal protection for penetration conductors and Primary Containment electrical penetration seals. The Limerick Generating Station (LGS) Updated Final Safety Analysis Report (UFSAR), Sections 8.1.6.1.12 and 8.1.6.1.14, were reviewed in making this determination. Therefore, since the circuit breakers will continue to perform as analyzed in the UFSAR, neither the probability nor the consequences of an accident previously evaluated will be increased.

In addition, the protection provided by the IM circuit breakers was not used in evaluating system fire protection standards. Therefore, changing the testing tolerances for the 480 volt IM molded case circuit breakers will not increase the probability or consequences of a fire.

2. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The 480 volt IM molded case circuit breakers will continue to perform their design function of maintaining Primary Containment integrity. The safety-related function of the circuit breakers will not be affected by the proposed expanded testing tolerance of -20%/+40% since the circuit breakers will continue to provide the required penetration protection and coordination with all upstream protective devices and downstream connected motor current inrush.

Since the circuit breakers will continue to function as analyzed in the UFSAR, changing the tolerances for in-plant testing will not create the possibility of a new or different kind of accident previously evaluated.

3. The proposed change does not involve a significant reduction in a margin of safety.

The use of the proposed expanded testing tolerance of -20%/+40% will not affect the safety-related function of the 480 volt IM molded case circuit breakers since they will still perform their design function of protecting penetration conductors from overcurrent conditions and Primary Containment electrical penetration seals from thermal degradation. Penetration conductor protection and coordination with all upstream protective devices and downstream connected motor current inrush were evaluated and found to be acceptable.

Calculations were performed for each penetration conductor and concluded that for overcurrents at the maximum IM trip setting (i.e., the breaker setpoint plus the maximum tolerance allowed by the proposed TS, +40%), the circuit breakers will trip before the thermal limit of the associated penetration conductor is reached; thereby, providing the required thermal protection for the Primary Containment electrical penetration seals. These calculations did reflect a small reduction in the protection afforded by the circuit breakers; however, since the use of the proposed expanded range is used for field verification testing purposes only and does not involve a change to the breaker trip setpoint, the 480 volt IM molded case circuit breakers in conjunction with other protective devices (e.g., back-up thermal-magnetic circuit breaker, thermal overload heater block) will continue to prevent thermal degradation of Primary Containment electrical penetration seals.

Therefore, based on this determination, the proposed change to expand the 480 volt IM molded case circuit breaker testing tolerance from ± 20% to -20%/+40% of the pick up value of the breaker, does not involve a 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 standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Pottstown Public Library, 500 High Street, Pottstown, Pennsylvania 19464.

Attorney for licensee: J. W. Durham, Sr., Senior V.P. and General Counsel, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania, 19101

NRC Project Director: Walter R. Butler

Power Authority of the State of New York, Docket No. 50-333, James A. FitzPatrick Nuclear Power Plant, Oswego, New York

Date of amendment request: January 16, 1991

Description of amendment request: The proposed amendment would remove Table 3.7-1, "Process Pipeline Penetrating Primary Containment" and delete any references to it from the Technical Specifications (TS). The table is a listing of all isolation valves on piping which penetrate the primary containment, corresponding penetration numbers, the isolation signal which will cause the valve to close, the minimum allowable closing time (if any), the normal position of the valve, and amplifying information for a few penetrations. Specifically, the proposed change would: (1) delete the reference to Table 3.7-1 from the List of Tables on page vi; (2) replace the tables and notes on pages 198 through 209 with a note stating that the pages have been deleted; (3) delete references to Tables 3.7-1 from pages 185 and 186; and (4) include appropriate changes to Bases pages 55, 56, 192 and 197.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The licensee has evaluated the proposed amendment against the standards provided above and has made the following determination:

Operation of the FitzPatrick plant in accordance with the proposed amendment does not involve a significant hazards consideration, as defined by 10 CFR 50.92, since it does not:

a. involve a significant increase in the probability or consequences of an accident previously evaluated. The relocation of this information from the Technical Specifications to the FSAR [Final Safety Analysis Report] is purely an administrative change. It will have no effect on how the plant is maintained or operated nor does it alter the plant's design. Federal regulations 10 CFR 50.59 and 10 CFR 50.71 already contain provisions that require the Authority to complete a safety evaluation of any changes to the plant, report these changes annually, and to update the FSAR.

b. create the possibility of a new or different kind of accident from any accident previously evaluated. The relocation of the table of containment isolation valves does not involve either a modification to the plant or a change in the procedures used for plant operation.

c. involve a significant reduction in a margin of safety. A similar table has been provided in the updated FitzPatrick FSAR. The FSAR is revised in accordance with the provisions of 10 CFR 50.71(e). This amendment does not alter any operability or surveillance requirements currently in the FitzPatrick Technical Specifications.

The NRC staff has reviewed and agrees with the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: State University of New York, Penfield Library, Reference and Documents Department, Oswego, New York 13126.

Attorney for licensee: Mr. Charles M. Pratt, 1633 Broadway, New York, New York 10019.

NRC Project Director: Robert A. Capra

Public Service Electric & Gas Company, Docket No. 50-272, Salem Generating Station, Unit No. 1, Salem County, New Jersey

Date of amendment request: February 1, 1991

Description of amendment request: This proposed amendment would revise Salem Unit 1 Technical Specification 4.7.1.5 and Table 3.3-5 to allow continued use of an eight second main steam isolation valve (MSIV) stroke time during the tenth fuel cycle.

Salem Unit 1 License Amendment No. 112, dated July 9, 1990, approved use of an eight second MSIV stroke time for the ninth fuel cycle. Public Service Electric and Gas Company (PSE&G) requested the increase from five to eight seconds in order to allow plant operation with a condensate accumulation condition in the MSIV's. NRC approved the request on an interim basis to allow operation to proceed before implementation of a solution to the condensate problem.

The proposed extension of the increased MSIV closure time will allow PSE&G to establish a higher level of confidence with respect to the actions planned for the Unit 1 ninth refueling outage, while eliminating the potential for MSIV inoperability resulting from premature reinstatement of a five second stroke time requirement.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

This proposed change to the Technical Specifications:

1) Does not involve a significant increase in the probability or consequences of an accident previously evaluated.

Extension of the eight second MSIV closure time has no impact on the initiation of any accident or precursor, and does not affect the probability of any previously evaluated accident.

In support of the present allowable MSIV closure time of eight seconds, PSE&G and Westinghouse evaluated the effects of increased closure time on Salem's licensing basis safety analyses. The evaluation demonstrated that the parameters potentially affected by MSIV closure (core response, containment pressure, environmental qualification, offsite radiological dose) remain within acceptable limits, using an MSIV closure time of 10 seconds. This evaluation supports the present eight second closure time (approved in Salem Unit 1 License Amendment 112, dated July 9, 1990), and remains applicable to the requested extension.

During the Unit 1 ninth refueling outage, PSE&G will implement corrective actions to preclude condensate accumulation in the MSIV's. Increasing the size of the MSIV pressure equalizing orifice and drain tube will increase condensate drainage capability without adversely affecting MSIV closure. Adjustments to vent line piping will correct any negative pipe slope and prevent stagnation of condensate. Insulation will be inspected and repaired/replaced as required, in order to reduce heat losses and consequent condensate formation. Vent valve actuators will be upgraded to increase thrust and improve seating capability to prevent valve leakage, which may inhibit water drainage by causing a differential pressure across the MSIV piston. During plant operation, system engineers will inspect insulation integrity and valve leak tightness as part of their routine (several times per week) system walkdowns. These combined actions are aimed at eliminating condensate accumulation, thereby reducing MSIV closure times.

Therefore, the proposed change will not involve an increase to the consequences of any accident because the licensing basis safety analyses will continue to envelope the Technical Specification allowable MSIV closure time of eight seconds (with a two second margin).

2) Does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not introduce any new operating configurations, or change to MSIV system design in any manner that would create the possibility for a new or different kind of accident.

(3) Does not involve a significant reduction in a margin of safety.

The limits established by the present Salem licensing basis safety analyses assure that an adequate margin of safety exists. These analyses assume a 10 second MSIV closure time (12 second total ESF response time for steam line isolation). Therefore, the proposed change to allow an extension of the eight second MSIV closure time (10 second ESF response) does not involve a reduction in any margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Walter R Butler

Public Service Electric & Gas Company, Docket No. 50-272, Salem Generating Station, Unit Nos. 1 and 2, Salem County, New Jersey

Date of amendment request: January 18, 1991

Description of amendment request: The proposed amendments would resolve ambiguities contained within the existing Technical Specification (TS) surveillance requirements for the containment spray system. Specifically, changes are being proposed to Surveillance Requirements 4.6.2.1.c.2 (Unit 1) and 4.6.2.1.d.2 (Unit 2) as follows:

Verifying that the spray additive tank eductor flow will be 35 + 3.5 gpm to each containment spray system. Testing may be performed by measuring the flow of borated water from the RWST through the installed 2-inch test line and Valve CS31; using this test line up with the spray pump operating in the recirculation mode and the RWST level at 41 feet ± 0.5 feet, the measured flow shall be 57 gpm ± 5.7 gpm.

There are two different testing methods which may be used to verify the specified eductor flow rate. The first method involves measuring the flow rate to the eductor while taking suction from the spray additive tank (SAT). This method provides the most direct means of verifying the flow rate but requires that sodium hydroxide (NaOH) be injected into the system. Injection of NaOH into the system is an extremely undesirable action in that it would foul the system and require extensive clean up following testing. Additionally, injecting NaOH into the system could result in spraying containment with NaOH if an equipment malfunction or operator error were to occur.

The second method uses a test line from the refueling water storage tank (RWST) which ties into the eductor line downstream of the SAT isolation valves. This test line allows the flow test to be performed using RWST water. The SAT remains isolated from the system and NaOH injection is precluded. Since there are elevation differences between the SAT and RWST, the indicated flow rate during testing with the flow from the RWST (RWST at 41 ± 0.5 feet) must be 57 gpm + 10% to ensure that the flow from the SAT would be 35 gpm ± 10% from the SAT. This correlation is based on a Westinghouse analysis. The validity of the correlation was verified during testing in December 1980. All parameters which could affect the results of the correlation are the same for both Units 1 and 2 and the correlation is therefore applicable for both units.

Also the proposed amendments would relocate Surveillance Requirements 4.6.2.1.c.2 (Unit 1) and 4.6.2.1.d.2 (Unit 2) from LCO 3.6.2.1 to LCO 3.6.2.2. These Surveillances specify requirements for flow rate testing of the spray additive system eductors. When the eductor flow testing is conducted using the test line, an additional test is necessary to verify that proper flow exists in the line between the SAT and the point at which the test line ties into the eductor supply line. This second test is included under Surveillance Requirement 4.6.2.2.d. This

proposed change will consolidate the eductor flow rate testing requirements into one LCO for the spray additive system.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed changes to the Salem Generating Station Technical Specifications:

1. Do not involve a significant increase in the probability or consequences of an accident previously evaluated.

A. Clarification for Existing Requirements

[The Salem] analysis of both offsite and control room doses following a LOCA take credit for iodine removal by the containment spray system. The iodine removal capability of the spray system is dependent on maintaining a sufficiently high pH in the containment spray water through the use of NaOH injection. Injection of 35 gpm ± 10% through the eductors from the SAT maintains the post accident injection spray pH within a range which will ensure the capability of the spray to remove iodine from the containment atmosphere and limit offsite and control room doses to within 10 CFR Part 100 limits. Differences in flow characteristics between the test configuration and the actual configuration have been considered, and the test specified in the proposed surveillance requirement will adequately verify that the actual flow rate is within the specified limits. Since the proposed test maintains our ability to verify that the accident analysis assumptions are being met, the proposed change will not increase the probability or consequences of a previously analyzed accident.

B. Relocation of Surveillance Requirements

Moving Surveillance Requirements 4.6.2.1.c.2 (Unit 1) and 4.6.2.1.d.s (Unit 2) from LCO 3.6.2.1 to LCO 3.6.2.2 consolidates the spray additive eductor testing under a single LCO. These surveillance requirements are intended to verify operability of the eductors, and since the eductors are part of the spray additive system, these surveillances should be included as part of the LCO for the spray additive system. The action statements for LCOs 3.6.2.1 and 3.6.2.2 are identical, and as a result, actions required due to failure to meet the flow test requirements remain the same. Based on the above information, the proposed change will not increase the probability or consequences of a previously analyzed accident.

2. Do not create the possibility of a new or different kind of accident from any accident previously evaluated.

A. Clarification for Existing Requirements

The proposed change requires no procedure or plant modifications, does not alter the function of any of the affected systems, and involves no new modes of plant operation. As such, the change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

B. Relocation of Surveillance Requirements

The proposed change requires no procedure or plant modifications, does not alter the function of any of the affected systems, and involves no new modes of plant operation. As such, the change will not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do not involve a significant reduction in a margin of safety.

A. Clarification for Existing Requirements

The existing test method provides an adequate means of verifying specified flow to the eductor as required by the TS Surveillance requirement. The surveillance tests still require that we verify that the limits assumed in the accident analysis are being maintained. No changes to safety limits or margins of safety are created as a result of this change. As such, the proposed change will not reduce a margin of safety.

B. Relocation of Surveillance Requirements

This change moves a surveillance requirement from one LCO to another. This relocation consolidates all spray additive eductor testing under a single LCO and places the subject surveillance requirement with the LCO for the system for which it was intended. This change will not affect actions required as a result of failure to meet the surveillance requirement. No changes to safety limits or margins of safety are created as a result of this change. As such, the proposed change will not reduce a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Salem Free Public library, 112 West Broadway, Salem, New Jersey 08079

Attorney for licensee: Mark J. Wetterhahn, Esquire, Bishop, Cook, Purcell and Reynolds, 1400 L Street, N.W., Washington, D.C., 20005-3502

NRC Project Director: Walter R. Butler

Vermont Yankee Nuclear Power Corporation, Docket No. 50-271 Vermont Yankee Nuclear Power Station, Vernon, Vermont

Date of amendment request: January 15, 1991

Description of amendment request: The proposed amendment would remove the valve position monitor surveillance from the Technical Specifications for valve RHR-20 in the low pressure coolant injection system crosstie line.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

10 CFR 50.92 states that a proposed amendment will not involve a significant hazards consideration if the proposed amendment does not: (i) involve a significant increase in the probability or consequences of an accident previously evaluated; or (ii) create the possibility of a new or different kind of accident from any accident previously evaluated; or (iii) involve a significant reduction in a margin of safety.

The RHR-20 valve is locked shut, the motor leads are disconnected, and the keylock switch has been defeated. The proposed change refers only to the frequency of surveillance of the RHR-20 valve position indication, and therefore, can be considered administrative. As such, it does not increase the probability or consequence of any accident previously evaluated, nor does it create the possibility of a new or different kind of accident, nor does it involve any kind of safety margin. Therefore, the change does not involve a significant hazards consideration as defined in 10 CFR 50.92.

The staff was concerned about the potential for an unreviewed event should the RHR-20 valve be in the open position during the unlikely occurrence of a design basis accident. Our evaluation of this event established that the precautions taken by the licensee to prevent this valve from being opened or being left open during plant operations were sufficient to conclude that a significant safety hazard is not created by the removal of the surveillance of the valve position monitor from the Technical Specifications, as proposed by the licensee.

The NRC staff has reviewed the licensee's analysis, and based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposed to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Brooks Memorial Library, 224 Main Street, Brattleboro, Vermont 05301.

Attorney for licensee: John A. Ritsher, Esquire, Ropes and Gray, One International Place, Boston, Massachusetts 02110.

NRC Project Director: Richard H. Wessman

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: June 29, 1990

Description of amendment request: The proposed change would amend the Technical Specifications (TS) for the Surry Power Station, Units No. 1 and 2. Specifically, the proposed change would relocate the Radiological Effluent TS (RETS) to the Offsite Dose Calculation Manual (ODCM) or the Process Control Program (PCP), as appropriate. The

proposed change is in accordance with the guidance provided in NRC Generic Letter (GL) 89-01, dated January 31, 1989. GL 89-01 stated that the NRC would approve a TS amendment to delete RETS if the requirements would be relocated to the ODCM or PCP.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The proposed change does not involve a significant hazards consideration as defined in 10 CFR 50.92 because operation of Surry Units 1 and 2 in accordance with this change would not:

(1) involve a significant increase in the probability or consequence of an accident previously evaluated. This change does not alter the conditions or assumptions of any accident analysis.

(2) create the possibility of a new or different kind of accident from any accident previously identified. This change does not alter the conditions or assumptions of any accident analysis. This is not an actual hardware change.

(3) involve a significant reduction in a margin of safety. This change does not alter the conditions or assumptions of any accident analysis. This is not an actual hardware change.

Therefore, pursuant to 10 CFR 50.92, based on the above considerations, it has been determined that this change does not involve a significant hazards consideration.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Virginia Electric and Power Company, Docket Nos. 50-280 and 50-281, Surry Power Station, Unit Nos. 1 and 2, Surry County, Virginia

Date of amendment request: January 31, 1991

Description of amendment request: The proposed amendments would revise Sections 4.17.A and 4.17.B of the Surry Power Station (SPS), Units 1 and 2 Technical Specifications (TS) to incorporate the guidance in the NRC Generic Letter 90-09, "Alternate Requirements for Snubber Visual Inspection Intervals and Corrective Actions" dated December 11, 1990. The existing SPS TS require that snubbers with uncovered fluid ports be declared inoperable for the purpose of establishing the next visual inspection interval. Pursuant to the Generic Letter 90-09 guidance, this requirement would be deleted. The proposed revision would permit those snubbers found with uncovered ports to be tested by starting in the "as-found" condition in the fully extended tension mode since the fluid is required to be supplied to the valve block and cylinder to accommodate the snubber piston rod movement in the tension direction. This test will be a complete cycle test. In addition to the above changes, TS Sections 4.17.C through 4.17.F and the Bases would be reformatted to eliminate blank or deleted pages. Finally, the proposed changes would permit the licensee to establish a visual snubber inspection interval at Surry, Unit 1 based on the recent inspection results obtained during the October through December 1990 Surry, Unit 1 refueling outage.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

Virginia Electric and Power Company has reviewed the proposed changes against the criteria of 10 CFR 50.92 and has concluded that the changes as proposed do not pose a significant hazards consideration. Specifically, the proposed Technical Specifications change provides a visual inspection program consistent with the guidance of the NRC's Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions," dated December 11, 1990. Thus, operation of the Surry Power Station in accordance with the proposed changes will not:

1. Involve a significant increase in the probability of occurrence or consequences of any accident or malfunction of equipment which is important to safety and which has been evaluated in the [Updated Final Safety Analysis Report]. The revised visual snubber inspection program in conjunction with the functional testing program will continue to provide a 95% confidence level that 90% of the snubbers will be operable at any time. This confidence level (reliability) is equivalent to that provided by the existing snubber inspection requirements. Plant equipment and system operation are not being modified or changed.
2. Create the possibility of a new or different type of accident from those previously evaluated in the safety analysis report. By maintaining the same level of confidence (reliability) with the proposed snubber inspection program there is no impact on plant design or operation. Therefore, no new accidents could be created from those previously analyzed in the safety analysis report.
3. Involve a significant reduction in the margin of safety. No physical plant modifications, changes in plant operations, or changes in accident analysis assumptions are being made. The proposed visual inspection program provides the same level of reliability as the existing inspection requirements. Therefore, the accident analysis assumptions remain bounding and safety margins remain unchanged.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Attorney for licensee: Michael W. Maupin, Esq., Hunton and Williams, Post Office Box 1535, Richmond, Virginia 23213.

NRC Project Director: Herbert N. Berkow

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: August 2, 1990

Description of amendment request: The proposed amendment removes values for cycle specific parameter limits which change with each core reload from the Technical Specifications as discussed in Generic Letter 88-16, "Removal of Cycle Specific Parameter Limits from Technical Specifications," and transfers the cycle specific parameter limits to the Core Operating Limits Report (COLR). The COLR will be developed for each operating cycle.

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The Supply System has reviewed the proposed Technical Specifications changes and concludes that they do not involve an unreviewed safety question. The Supply System has also evaluated this request in accordance with 10 CFR 50.92 and determined that it does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated. There is no physical change to the plant involved in this activity. The current approved

safety analysis is still applicable. The only changes are to administratively move certain cycle specific thermal limits from the Technical Specifications to the proposed COLR and to add two low flow points (20% and 30% rated core flow) to the reduced flow MCPR curve provided as Figure 9 of the proposed COLR. The data points added exist in the WNP-2 core monitoring system. These data points were developed with the same NRC approved methodology utilized to develop the other points on the reduced flow MCPR curve. By adding the low flow points, the COLR reduced flow MCPR curve is consistent with the data used to monitor plant operation.

The removal of the cycle-specific core operating limits from the WNP-2 Technical Specifications has no impact on the probability of a design basis accident occurrence. The cycle-specific core operating limits will be followed in the operation of WNP-2. The proposed amendment requires the same actions to be taken as would be taken if current Technical Specifications limits are exceeded.

Each accident analysis addressed in the WNP-2 Final Safety Analysis Report (FSAR) will be examined with respect to changes in cycle-dependent parameters, which are obtained from application of the approved reload design methodologies, to ensure that the transient evaluation of new reloads are bounded by previously accepted analyses. This examination, which will be performed per requirements of 10 CFR 50.59, ensures that future reloads will not involve a significant increase in the probability or consequences of an accident of an accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously evaluated. There is no change to the plant or the premises of the approved safety analysis whose conclusions still apply.

The removal of the cycle-specific variables has no influence, nor does it contribute in any way to the creation of a new or different kind of accident. The cycle-specific variables are calculated using NRC approved methods. The Technical Specifications will continue to require operation within the required core operating limits and appropriate actions will be taken when or if limits are exceeded.

3. Create a significant reduction in the margin of safety. The margin of safety previously defined by the approved Cycle 6 safety analysis is still applicable. The margin of safety is not changed because the action here is an administrative move of the cycle-specific core thermal limits from the Technical Specifications to the Core Operating Limits Report.

The margin of safety presently provided by current Technical Specifications remains unchanged. The proposed amendment still requires operation within the core limits as obtained from NRC approved reload design methodologies and appropriate actions to be taken when or if limits are violated remain unchanged.

The development of the limits for future reloads will continue to conform to those methods described in NRC approved documentation. In addition, each future reload will involve completing a safety evaluation in accordance with 10 CFR 50.59 to assure that operation of the unit within the cycle-specific limits will not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Attorney for licensee: Nicholas S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: James E. Dyer

Washington Public Power Supply System, Docket No. 50-397, Nuclear Project No. 2, Benton County, Washington

Date of amendment request: January 18, 1991

Description of amendment request: The proposed amendment revises the technical specifications regarding snubber visual inspection intervals and corrective actions to incorporate the recommendations for snubber inspections delineated in Generic Letter 90-09, "Alternative Requirements for Snubber Visual Inspection Intervals and Corrective Actions."

Basis for proposed no significant hazards consideration determination: As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration which is presented below:

The Supply System has evaluated this change request per 10 CFR 50.92 and determined that it does not represent a significant hazard because it does not:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated since the change preserves the same level of confidence for snubber operability, in a large population, as does the present snubber inspection schedule. With no change in snubber operability confidence level there is no increased possibility for snubber failure and subsequent increase in the probability or consequences of an accident previously evaluated.
2. Create the possibility of a new or different kind of accident from any accident previously evaluated because operation of the plant remains unaffected. This change introduces no new modes of operation of any equipment. Nor does it require physical modification to the plant. Because the required confidence level for snubber operability remains unaffected and no different operation of the plant is imposed this change does not create the possibility of a new or different kind of accident from any accident previously evaluated.
3. Involve a significant reduction in a margin of safety. This change, as recognized by the staff in Generic Letter 90-09 and concurred with by the Supply System does not affect the required confidence level of snubber operability. Therefore, with no reduction in snubber operability no reduction in a margin of safety is credible. Further, implementation of the alternate schedule is significantly beneficial in that it reduces exposure in keeping with ALARA goals and allows resources to be better utilized. With implementation of this change critical manpower that would be otherwise employed in an overly excessive inspection program can be used on other projects having potentially more safety significance to plant operations. From this standpoint implementation of this change represents an enhancement to plant operation.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

Local Public Document Room location: Richland Public Library, 955 Northgate Street, Richland, Washington 99352

Attorney for licensee: Nicholas S. Reynolds, Esq., Winston & Strawn, 1400 L Street, N.W., Washington, D.C. 20005-3502

NRC Project Director: James E. Dyer

Previously Published Notices of Consideration of Issuance of Amendments to Operating Licenses and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The following notices were previously published as separate individual notices. The notice content was the same as above. They were published as individual notices either because time did not allow the Commission to wait for this biweekly notice or because the action involved exigent circumstances. They are repeated here because the biweekly notice lists all amendments issued or proposed to be issued involving no significant hazards consideration.

For details, see the individual notice in the **Federal Register** on the day and page cited. This notice does not extend the notice period of the original notice.

Duke Power Company, et al., Docket Nos. 50-413 and 50-414, Catawba Nuclear Station, Units 1 and 2, York County, South Carolina

Date of amendment request: December 21, 1990

Brief Description of amendment request: The proposed amendments to the Technical Specifications (TSs) would increase the weight of ice required to be maintained in the containment ice condenser baskets to account for an extension of the ice weighing surveillance interval from once each 9 months to once each 18 months. The minimum required weight of ice per basket would be increased from 1218 to 1273 pounds. The increased surveillance interval, which is also included in the proposed amendments, would enable the licensee to perform ice weighing coincident with refueling outages and thus eliminate the present need for on-line ice weighing. The licensee is concerned that on-line ice weighing could result in the failure of the ice basket U-bolts which secure the ice baskets to their mounting bracket assemblies. Associated changes to the Bases are also proposed.

Date of publication of individual notice in **Federal Register:** January 18, 1991 (56 FR 2051)

Expiration date of individual notice: February 19, 1991

Local Public Document Room location: York County Library, 138 East Black Street, Rock Hill, South Carolina 29730

Duke Power Company, Docket Nos. 50-369 and 50-370, McGuire Nuclear Station, Units 1 and 2, Mecklenburg County, North Carolina

Date of amendment request: December 19, 1990

Description of amendment request: 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.

Date of publication of individual notice in **Federal Register:** January 25, 1991 (56 FR 2957)

Expiration date of individual notice: February 25, 1991

Local Public Document Room location: Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: December 17, 1990 as supplemented on January 22, 1991.

Brief description of amendment request: The proposed amendments would revise the Technical Specifications (TS) of Appendix A of the licenses to revise Minimum Critical Power Ratio (MCPR) Safety Limits since the cores will be reloaded with a new fuel type, GE8X8NB, for Cycle 9 operation. The proposed amendments also involve miscellaneous administrative changes.

Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, Docket Nos. 50-277 and 50-278, Peach Bottom Atomic Power Station, Unit Nos. 2 and 3, York County, Pennsylvania

Date of amendment request: December 17, 1990 as supplemented on January 22, 1991.

Brief description of amendment request: The proposed amendments would revise the Technical Specifications (TS) of Appendix A of the licenses to revise Minimum Critical Power Ratio (MCPR) Safety Limits since the cores will be reloaded with a new fuel type, GE8X8NB, for Cycle 9 operation. The proposed amendments also involve miscellaneous administrative changes.

Date of publication of individual notice in **Federal Register:** February 6, 1991 (56 FR 4879)

Expiration date of individual notice: March 8, 1991

Local Public Document Room location: Government Publications Section, State Library of Pennsylvania, (REGIONAL DEPOSITORY) Education Building, Walnut Street and Commonwealth Avenue, Box 1601, Harrisburg, Pennsylvania 17105.

Notice of Issuance of Amendment to Facility Operating License

During the period since publication of the last biweekly notice, the Commission has issued the following amendments. The Commission has determined for each of these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

Notice of Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing in connection with these actions was published in the **Federal Register** as indicated. No request for a hearing or petition for leave to intervene was filed following this notice.

Unless otherwise indicated, the Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments. If the Commission has prepared an environmental assessment under the special circumstances provision in 10 CFR 51.12(b) and has made a determination based on that assessment, it is so indicated.

Boston Edison Company, Docket No. 50-293, Pilgrim Nuclear Power Station, Plymouth County, Massachusetts

Date of application for amendment: February 28, 1986.

Brief description of amendment: The amendment extends the expiration date of the license from August 26, 2008 to June 8, 2012.

Date of issuance: January 29, 1991

Effective date: January 29, 1991

Amendment No.: 134

Facility Operating License No. DPR-35: Amendment revised the License.

Date of initial notice in **Federal Register:** April 23, 1986 (51 FR 15393) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Plymouth Public Library, 11 North Street, Plymouth, Massachusetts 02360.

Carolina Power & Light Company, Docket No. 50-261, H. B. Robinson Steam Electric Plant, Unit No. 2, Darlington County, South Carolina

Date of application for amendment: May 8, 1989, as supplemented September 20, 1989, and September 19, 1990.

Brief description of amendment: The amendment changes the Technical

Specifications to (1) add operability and associated surveillance requirements for battery chargers, (2) add provisions of an action statement and clarify surveillance requirements related to the station batteries, and (3) provide editoral clarifications in Section 3.7 and 4.6.3

Date of issuance: February 7, 1991

Effective date: February 7, 1991

Amendment No. 132

Facility Operating License No. DPR-23. Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** November 1, 1989 (54 FR 46140) and renoticed on November 14, 1990 (55 FR 47568)

The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 7, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29535

Entergy Operations, Inc., Docket No. 50-382, Waterford Steam Electric Station, Unit 3, St. Charles Parish, Louisiana

Date of amendment request: July 25, 1990

Brief description of amendment: The amendment revised the Technical Specifications by removing the surveillance requirement for the automatic closure interlocks and adding surveillance requirements for the open permissive interlocks and isolation valve position alarms on the shutdown cooling system. The November 7, 1990 letter did not change the substance of the proposed amendment and did not affect the staff's prior finding of no significant hazards consideration.

Date of issuance: January 9, 1991

Effective date: January 9, 1991

Amendment No.: 65

Facility Operating License No. NPF-38. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 22, 1990 (55 FR 34369) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 9, 1991

No significant hazards consideration comments received: No.

Local Public Document Room location: University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana 70122.

Entergy Operations, Inc., Docket No. 50-368, Arkansas Nuclear One, Unit No. 2, Pope County, Arkansas

Date of application for amendment: October 17, 1990

Brief description of amendment: The amendment to Arkansas Nuclear One, Unit No. 2 (ANO-2) Technical Specification 3/4.7.8, Hydraulic Shock Suppressors (Snubbers), allows the currently required visual inspection due between August 8, 1990, and February 6, 1991, to be delayed until the end of the 1991 Refueling Outage; in no case later than May 7, 1991.

Date of issuance: January 29, 1991

Effective date: January 29, 1991

Amendment No.: 113

Facility Operating License No. NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 28, 1990 (55 FR 49450) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., Docket No. 50-313, Arkansas Nuclear One, Unit No. 1, Pope County, Arkansas

Date of amendment request: July 10, 1990

Brief description of amendment: The amendment revises Technical Specification 4.7.2 regarding the verification of proper control rod drive patching. The limitation of less than two inches of control rod movement has been revised to ensure sufficient travel is allowed for verification or problem identification. In addition, the amendment more accurately reflects the conditions under which patch verification is required.

Date of issuance: January 24, 1991

Effective date: January 24, 1991

Amendment No.: 142

Facility Operating License No. DPR-51. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** September 5, 1990 (55 FR 36341) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 24, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Entergy Operations, Inc., Docket Nos. 50-313 and 50-368, Arkansas Nuclear One, Unit Nos. 1 and 2, Pope County, Arkansas

Dates of amendment requests: October 9, 1990, as supplemented January 21, 1991

Brief description of amendments: The amendments to Arkansas Nuclear One, Unit Nos. 1 and 2 (ANO-1 and ANO-2) Technical Specifications delete specific references to staff positions and Plant Safety Committee (PSC) compositions in each units' Section 6.0, "Administrative Controls." Additionally, the amendment provide editorial changes and removal of the requirement for the PSC to review minor procedure changes that have no safety impact. The January 21, 1991, submittal contained clarifications only and did not alter the intent of the initial amendment request.

Date of issuance: February 4, 1991

Effective date: 30 days from the date of issuance

Amendment Nos.: 143 and 114

Facility Operating License Nos. DPR-51 and NPF-6. Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** November 28, 1990 (55 FR 48451) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Tomlinson Library, Arkansas Tech University, Russellville, Arkansas 72801

Niagara Mohawk Power Corporation, Docket No. 50-220, Nine Mile Point Nuclear Station, Unit No. 1, Oswego County, New York

Date of application for amendment: June 20, 1988, as supplemented October 19, 1989.

Brief description of amendment: This amendment revises the Technical Specifications to consolidate the requirements for suppression chamber water level instrumentation into one Technical Specification.

Date of issuance: February 1, 1991

Effective date: February 1, 1991

Amendment No.: 122

Facility Operating License No. DPR 63: Amendment revises the Technical Specifications.

Date of initial notice in **Federal Register:** January 10, 1990 (55 FR 935) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 1, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Portland General Electric Company, et al., Docket No. 50-344, Trojan Nuclear Plant, Columbia County, Oregon

Date of application for amendment: June 12, 1989

Brief description of amendment: The amendment corrects Trojan Technical Specification (TTS) Table 4.7-1, lines a and b, by changing the valve orifice size listed from 11.05 square inches to 12.174 square inches.

Date of issuance: February 4, 1991

Effective date: February 4, 1991

Amendment No.: 168

Facility Operating License No. NPF-1: The amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** August 22, 1990 (55 FR 34381) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 4, 1991.

No significant hazards consideration comments received: No.

Local Public Document Room location: Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207

Tennessee Valley Authority, Docket No. 50-260, Browns Ferry Nuclear Plant, Unit 2, Limestone County, Alabama

Date of application for amendment: June 4, 1990 (TS 289)

Brief description of amendment: The amendment revises the Technical Specifications (TS) to replace the current reactor water cleanup (RWCU) system high temperature detection instruments in TS Tables 3.2.A, 4.2.A, and 3.7.A. with new temperature loops. The new temperature loops consist of resistance temperature detectors (RTDs) and analog trip units. In addition, the Bases section 3.2 is modified to describe the locations of the RTDs.

Date of issuance: February 6, 1991

Effective date: February 6, 1991, and shall be implemented within 30 days

Amendment No.: 189

Facility Operating License No. DPR-52: Amendment revised the Technical Specifications.

Date of initial notice in **Federal Register:** July 25, 1990 (55 FR 30312) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated February 6, 1991.

No significant hazards consideration comments received: No

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Tennessee Valley Authority, Docket Nos. 50-259, 50-260 and 50-296, Browns Ferry Nuclear Plant, Units 1, 2 and 3, Limestone County, Alabama

Date of application for amendments: May 18, 1990 as superseded October 30, 1990

Brief description of amendments: These amendments revised: (1) Table 3.2.B, Limiting Conditions for Operation 3.5.B.11, 3.5.E.1, 3.5.F.1, 3.5.G.1, and 3.6.D.1, and the Bases section for 3.6.D/4.6.D to correct the equipment operability requirements for certain systems when the reactor is in the cold shutdown condition, (2) Table 3.2.B to decrease the maximum operating power level allowed with an inoperable RPT system(s) from 85 percent to 30 percent power, and (3) Table 3.2.B to correct two typographical errors.

Date of issuance: February 7, 1991

Effective date: February 7, 1991

Amendment Nos.: Unit 1 180, Unit 2 - 190, and Unit 3 - 152

Facility Operating Licenses Nos. DPR-33, DPR-52 and DPR-68: Amendments revised the Technical Specifications.

Date of initial notice in **Federal Register:** June 27, 1990 (55 FR 26295) and November 28, 1990 (55 FR 49461) The Commission's related evaluation of the amendments is contained in a Safety Evaluation dated February 7, 1991

No significant hazards consideration comments received: No

Local Public Document Room location: Athens Public Library, South Street, Athens, Alabama 35611.

Tennessee Valley Authority, Docket No. 50-328, Sequoyah Nuclear Plant, Unit 2, Hamilton County, Tennessee

Date of application for amendment: August 31, 1990 (TS 90-11)

Brief description of amendment: This amendment revises the surveillance requirements (SR) on the containment integrated leak rate test (ILRT), or Appendix J Type A test, in Section 3/4.6.1, Primary Containment, of the Sequoyah Nuclear Plant, Unit 2, Technical Specifications (TSs). The revision to SR 4.6.1.2.a deletes the requirement that the third ILRT of each 10-year period must be conducted during the shutdown for the 10-year unit inservice inspection. This will allow the third ILRT at Unit 2 to be conducted in the Unit 2 Cycle 5 refueling outage and the 10-year inservice inspection to be conducted in the Unit 2 Cycle 6 refueling outage. In addition, the TS Bases for this SR were revised.

The previous requirement in the TSs on the third ILRT at Unit 2 also exists in Appendix J of 10 CFR Part 50, and your application dated August 31, 1990 also requested an exemption to Appendix J. The Exemption to Appendix J to allow the above revision to the TSs was granted in the staff's letter dated January 29, 1991.

This revision to the Unit 1 TSs and the exemption for Unit 1 were issued by the staff in two letters dated September 29, 1989.

Date of issuance: January 29, 1991

Effective date: January 29, 1991

Amendment No.: 139

Facility Operating Licenses No. DPR-79. Amendment revised the Unit 2 Technical Specifications.

Date of initial notice in **Federal Register:** October 17, 1990 (55 FR 42101) The Commission's related evaluation of the amendment is contained in a Safety Evaluation dated January 29, 1991

No significant hazards consideration comments received: No

Local Public Document Room location: Chattanooga-Hamilton County Library, 1001 Broad Street, Chattanooga, Tennessee 37402.

For further details with respect to the action see (1) the applications for amendments, (2) the amendments, and (3) the Commission's related letters, Safety Evaluations and/or Environmental Assessments as indicated. All of these items are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, N.W., Washington, D.C., and at the local public document rooms for the particular facilities involved. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Projects.

Dated at Rockville, Maryland, this 12th day of February 1991.

For the Nuclear Regulatory Commission

Steven A. Varga,

Director, Division of Reactor Projects - I/II, Office of Nuclear Reactor Regulation

[Doc. 91-3848 Filed 2-19-91; 8:45 am]

BILLING CODE 7590-01-D

Advisory Committee on Reactor Safeguards, Subcommittee on Planning and Procedures; Meeting

The Subcommittee on Planning and Procedures will hold a closed session during a meeting on March 7, 1991, 5:30 p.m., room P-422, 7920 Norfolk Avenue, Bethesda, MD. The Subcommittee will discuss the qualifications of candidates

nominated for appointment to the Committee and revisions to the Subcommittee assignments.

Portions of the meeting will be closed to public attendance as necessary in order to discuss information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)).

Further information regarding this meeting can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Raymond F. Fraley (telephone 301/492-8049) between 7:30 a.m. and 4:15 p.m.

Dated: February 12, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91-3946 Filed 2-19-91; 8:45 am]

BILLING CODE 7590-01-M

Meeting of the MELCOR Peer Review Committee

February 11, 1991.

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting.

SUMMARY: The MELCOR Peer Review Committee will meet to review the technical adequacy of the MELCOR code.

DATES: March 4-6, 1991.

TIME: 8:30 a.m.

ADDRESSES: Sandia National Laboratory, Building 822, Room A, Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: R.B. Foulds, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

SUPPLEMENTARY INFORMATION: MELCOR is a fully integrated severe accident analysis code that has been developed for the U.S. Nuclear Regulatory Commission by Sandia National Laboratories. Among the targeted applications of the code are its use in probabilistic risk assessment studies to address the perceived risk from a nuclear plant and evaluation of accident management strategies. MELCOR development activities have focused on improving physical models beyond those in precursor codes, flexibility for future modification, and ease of use. MELCOR is capable of treating the complete accident sequence from the initiating event to the fission product release.

The newest version of MELCOR, MELCOR 1.8, was released in March 1989. This version has the capabilities for modeling both boiling and pressurized water reactor plants. The code has now reached sufficient maturity that a number of organizations in the U.S.A. and abroad are planning to use the current version. Although the quality control and validation efforts are seen to be proceeding there is a need to have a broad technical review by recognized experts to determine or confirm the technical adequacy of the code for the serious and complex analyses it is expected to perform.

A peer review committee has been organized using recognized experts from the national laboratories, universities, MELCOR user community, and independent contractors. Meetings are held to discuss and evaluate the applicability and state of validation of the various MELCOR phenomenological models. The meeting scheduled for March 4-6, 1991, is the fourth meeting of the MELCOR Peer Review Committee. During the course of this fourth meeting, the Committee will focus on the review of BWR and PWR integral calculations performed with MELCOR. In addition, the Committee will review MELCOR validation activities using integral test data. Finally, the Committee will review proposed findings of technical adequacy in the context of a proposed set of definitions and standards for technical adequacy.

Dated at Rockville, Maryland, this 11 day of February, 1991.

For the U.S. Nucledar Regulatory Commission.

Farouk Eltawila,

Chief, Accident Evaluation Branch, Division of Systems Research, Office of Nuclear Regulatory Research.

[FR Doc. 91-3948 Filed 2-19-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341]

Detroit Edison Co.: Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-43, issued to the Detroit Edison Company and Wolverine Power Supply Cooperative, Inc., (the licensees), for operation of Fermi-2 located in Monroe County, Michigan.

The amendment would revise the Technical Specifications (TS) for the Emergency Equipment Cooling Water (EECW) system. The action requirements for an inoperable EECW system subsystem have been clarified with regards to the intent to allow continued plant operation under certain specific circumstances. These specific circumstances are also changes to include verification of the status of the non-safety related cooling water system which normally cools the equipment which is cooled by EECW in emergency situations. Further, the provisions for Operational Conditions 4 and 5 are modified. These provisions have been found to be subject to interpretations in an unnecessarily restrictive manner.

Prior to 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.

By March 22, 1991, the licensees 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 Monroe County Library System, 3700 S. Custer Road, Monroe, Michigan 48161. 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 respects 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.

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 10 (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 L.B. Marsh: 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 John Flynn, Esq., Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, attorney for Detroit Edison Company.

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).

If a request for hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated January 3, 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 Monroe County Library System, 3700 South Custer Road, Monroe, Michigan 48161.

Dated at Rockville, Maryland, this 7th day of February 1991.

For the Nuclear Regulatory Commission.

L.B. Marsh,

Director, Project Directorate III-1, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-3947 Filed 2-19-91; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 34-28874; File No. 4-281]

Joint Industry Plan; Immediate Effectiveness of the Ninth Amendment to the Intermarket Trading System

I. Introduction

On January 24, 1991, pursuant to section 11A of the Securities Exchange Act ("Act") and paragraph (c)(3)(ii) of Rule 11Aa3-2 thereunder, the participants in the Intermarket Trading System ("System" or "Plan") submitted an amendment to the Plan to include the Chicago Board Options Exchange ("CBOE") as a participant in the Plan.

II. Description of the Amendments and Plan Participants' Rationale

The purpose of the proposed amendment is to admit the CBOE as a "Participant" in the ITS Plan, as such term is defined in the Plan.

III. Implementation of the Amendment

The amendment was filed pursuant to paragraph (c)(3)(ii) of rule 11Aa3-2. The amendment became effective when CBOE commenced trading through the System in one or more eligible securities, and is to remain in effect so long as CBOE continues to trade one or more Eligible Securities.

IV. Comments

The Commission received one comment letter from the National Association of Securities Dealers, Inc. ("NASD").[1] Although the NASD executed the Plan amendment, it submitted a letter requesting the Commission review the issue of inclusion of non-Rule 19c-3 securities in the ITS System prior to taking final action on the present ITS Plan amendment. The NASD stated that since its inclusion in the System in 1982, market makers have been precluded from trading non-Rule 19c-3 issues through ITS.[2] While the Commission is sensitive to the issue of whether ITS should be expanded to include non-19c-3 securities, off-board restrictions are not at issue in the proposed Plan amendment. The Commission, therefore,

[1] See letter from Joseph R. Hardiman, President, NASD, to Richard C. Breeden, Chairman, SEC, dated January 18, 1991.

[2] The NASD contends that this exclusion of listed securities subject to off-board trading restrictions effectively extends the reach of these restrictions beyond the bounds of an exchange's membership. Thus, NASD market makers seeking equal access to ITS facilities are denied the ability to trade those securities in the only national market system facility available for the trading of listed securities.

will not address the issue in the context of this filing.

V. Discussion

The Commission has determined to approve the ITS Plan amendment because the Commission believes implementation of the amendment is consistent with section 11A [3] of the Act and Rule 11Aa3-2 thereunder. Section 11A(a)(1) states the general principle that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the wide spread availability of trade and quote information to broker-dealers and investors. In addition, Section 11A sets forth the goal of assuring fair competition among exchanges as well as the linking of all markets for qualified securities through data processing and communication facilities. The inclusion of CBOE as a participant in the ITS Plan will not only enhance fair competition among exchange markets but will be in the public interest and the maintenance of fair and orderly markets by assuring the availability to brokers, dealers and investors of quotations for and transactions in securities traded on the CBOE.

VI. Date of Effectiveness of the Proposed Amendment Timing for Commission Action

The present amendment has become effective pursuant to section 11A of the Act and paragraph (c)(3)(ii) of rule 11Aa3-2 thereunder, becuase it is concerned with the administration of the Plan. At any time within 60 days of the filing of such amendment, the Commission may summarily abrogate the amendment 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.

VII. Solicitation of Comment

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office the Participating Exchanges. All submissions should refer to File No. 4-281 and should be submitted by March 13, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(27).

Dated: February 12, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-3953 Filed 2-19-91; 8:45 am]

BILLING Code 8010-01-M

[3] 15 U.S.C. 78k-1 (1982).

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Cincinnati Stock Exchange, Inc.

February 13, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Fabric Centers of America, Inc.
Common Stock, No Par Value (File No. 7-6551)
Laidlaw, Inc.
Class A Common Stock, No Par Value (Voting) (File No. 7-6552)
Laidlaw, Inc.
Class B Common Stock, No Par Value (File No. 7-6553)
Pinelands, Inc.
Common Stock, $0.01 Par Value (File No. 7-6554)
Wheeling-Pittsburgh Corp.
Common Stock, $0.01 Par Value (File No. 7-6555)
Florida Public Utilities Co.
Common Stock, $1.50 Par Value (File No. 7-6556)
OEA, Inc.
Common Stock, $0.10 Par Value (File No. 7-6557)
Templeton Global Utilities, Inc.
Common Stock, $0.01 Par Value (File No. 7-6558)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 7, 1991, written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-3949 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Midwest Stock Exchange, Inc.

February 13, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Alza Corp.
Warrants to Purchase Class A Common Stock at $30, expiring 12/14/93 (File No. 7-6559)
Mallard Coach Company, Inc.
Common Stock, $.01 Par Value (File No. 7-6560)
MBNA Corporation
Common Stock, $.01 Par Value (File No. 7-6561)
Milestone Properties, Inc.
Common Stock, $.01 Par Value (File No. 7-6562)
Page America Group, Inc.
Common Stock, $.10 Par Value (File No. 7-6563)
RJR Nabisco Holdings Corp.
Common Stock, $.01 Par Value (File No. 7-6564)
International Game Technology
Common Stock, $.005 Par Value (File No. 7-6565)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 7, 1991,

written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-3950 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 34-28876; File No. SR-PTC-91-01]

Self-Regulatory Organizations; Participants Trust Company; Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Modification of Processing Deadlines

February 12, 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 February 8, 1991, the Participants Trust Company ("PTC") filed with the Securities and Exchange Commission ("Commission") the proposed rule change described in Items I, II, and III below. 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 text of the proposed rule change, among other things, modifies certain processing deadlines for the February 14, 1991 GNMA "B" settlement date ("February Settlement") and changes the on-line system starting time for 8 a.m.[1] to 7 a.m. and the bulk input deadline from 6 a.m. to 5 a.m. (see Exhibit A). The proposed modification to PTC's February settlement processing deadline was made pursuant to article 6, rule 12 of PTC's Rules. An Important Information Notice, "PTC Interim Program to Facilitate Timely Settlement," was distributed to PTC's members on January 28, 1991.

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 in 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

The purpose of the proposed rule change is to modify certain operational deadlines and other features affecting the capacity of PTC's automated processing system in order to facilitate timely settlement for the February Settlement. PTC proposes to shorten the day preceding the February Settlement to permit an earlier start of processing necessary for the February Settlement, including the earlier input of bulk data and the discretionary refusal to process bulk data received after 7 a.m. PTC proposes likewise to free processing capacity by continuing to use prices loaded the preceding day unless there is a price change in excess of 1%. PTC has determined that the use of day-old prices poses less risk than does the stress on capacity from repricing. To further limit demands on the system by consolidating and minimizing the number of funds transactions, all participants may be required (for the February Settlement) to pay or receive a net debit or credit, as the case may be, of all accounts within a master account. PTC believes its participants and the public interest would be benefitted by these efforts to relieve capacity stress and thus to maximize the likelihood of timely settlement. PTC does not perceive any material adverse impact to its participants from the temporary modifications proposed.

The basis for this proposed rule change under the Act is to promote the prompt and accurate clearance and settlement of securities transactions pursuant to section 17A(b)(3)(F) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

PTC does not perceive that the proposed rule change will have an impact or impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

PTC has not solicited, and does not intend to solicit, comments on this proposed rule change. PTC has not received any unsolicited written comments from participants or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 since the proposed rule change is a change in an existing service that does not adversely affect the safeguarding of securities or funds in PTC's custody or control or for which it is responsible, and the proposed rule change does not significantly affect the respective rights or obligations of PTC or its participants. 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

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[1] All times in this notice are Eastern Time unless otherwise noted.

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 No. SR-PTC-91-01 and should be submitted by March 13, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

EXHIBIT A.—PROCESSING DEADLINES

	Current	(Recommended)		
		"B" Settlement day-1	Settlement day	Non-Settlement day
Bulk Input from Participants	6:00 a.m.	5:00 a.m.	5:00 a.m.	5:00 a.m.
On-Line System Available	8:00 a.m.	7:00 a.m.	7:00 a.m.	7:00 a.m.
Delivery Period Ends	3:00:59	2:00:59 p m.	3:00:59	3:00:59 p.m.
Reversal Period Ends	3:30:59	2:30:59 p.m.	3:30:59 p.m.	3:30:59 p.m.
Incoming Funds	4:15 p.m.	3:15 p.m.	4:15 p.m.	4:15 p.m.
MVC Begins	4:30 p.m.	3:30 p.m.	4:30 p.m.	4:30 p.m.
Outgoing Funds	5:00 p.m.	4:00 p.m.	5:00 p.m.	5:00 p.m.
On-Line System Close	6:00 p.m.	5:00 p.m.	6:00 p.m.	6:00 p.m.

[FR Doc. 91-3952 Filed 2-19-91; 8:45 am]
BILLING CODE 8010-01-M

[Rel. No. 34-28877; File Nos. SR-MCC-90-01, SR-MSTC-90-01]

Self-Regulatory Organizations; Midwest Clearing Corp. and Midwest Securities Trust Co.; Order Approving Proposed Rule Changes Relating to Changes to Their Operating Systems

On January 17, 1990 Midwest Clearing Corporation ("MCC") filed a proposed rule change (SR-MCC-90-01) with the Securities and Exchange Commission ("Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").[1] On January 12, 1990, Midwest Securities Trust Company ("MSTC") filed with the Commission a proposed rule change (SR-MSTC-90-01) pursuant to section 19(b)(1) of the Act. On June 14, 1990, MCC and MSTC amended their proposals to add procedures implementing the proposed rule changes.[2] Notice of the proposals as amended appeared in the **Federal Register** on August 1, 1990.[3]

The MCC and MSTC proposed rule changes reflect enhancements in their operating systems and services available to their participants. Among other things, the proposals will permit MCC and MSTC to offer real time processing of securities transactions, enhanced securities processing functions, increased inquiry and reporting capabilities, and 24-hour processing of securities transactions.[4]

This order approves the MSTC and MCC proposed rule changes as amended.

I. Description of the Proposals

The proposals constitute an effort by MCC and MSTC to implement an enhanced automated system for MCC and MSTC clearing and depository service. MCC and MSTC have upgraded their mainframe computer hardware systems and have written new software programs that will enable MCC and MSTC to operate the various existing and proposed operational systems on an integrated basic and facilitate various proposed processing changes.[5]

A. Real Time Processing of Securities Transactions

The proposals implement real time processing of securities transactions. Currently, MSTC and MCC update various participant account positions 12 times each day. Under real time processing, MSTC will update participants' accounts to reflect book entry movements, deliveries, pledges, cash adjustments, transfers, deposits and withdrawals, as instructions are received. MCC will process on a real time basis transaction data associated with the automated security loan and pledge loan programs and participants' cash adjustments.[6] MCC and MSTC will employ a first-in first-out accounting method to update participants' accounts.[7] Real time processing will allow a participant immediate use of positions credited to the participant's account.

Because the MCC proposal eliminates batch processing and implements real time processing, MCC proposes to amend its rules to eliminate the current priorities for securities deposits and withdrawals.[8] Under the proposal, MCC will process security withdrawals in the order requests are received. Thus, MCC participants will no longer need to submit demand street withdrawal requests in order to receive priority in

[1] 15 U.S.C. 78s(b)(1).

[2] See Amendment 1, to File Nos. SR-MCC-90-01, SR-MSTC-90-01, filed June 14, 1990.

[3] See Securities Exchange Act Release Nos. 28248, 28249 (July 20, 1990), 55 FR 31265, 55 FR 31266.

[4] Initially, MCC's proposal established a "fully paid for" position. As originally filed, a fully paid for position is a fully paid for security which has not been allocated or delivered under CNS. Subsequently, MCC filed an amendment to its proposed rule change that delete any reference to the "fully paid for position." MCC is deleting all the "fully paid for position." MCC is deleting all references to the fully paid for position because MCC does not plan to implement the fully paid for position at this time. See letter from Jeffrey Lewis, Associate Counsel, MCC, MSTC, to Ester Saverson, Branch Chief, Division of Market Regulation, Commission, dated August 17, 1990.

MCC also proposed initially to change the priority allocation for long value securities that are subject to reorganizations so that securities available to MCC as a result of deliveries from members with short value CNS positions would be credited first to members with a long value position in any security undergoing reorganization instead of long value securities not undergoing reorganization. MCC currently allocates securities deliveries to participants' long value positions, then, if excess remains, to participants' loan value positions. However, MCC decided not to change priority treatment for security deliveries. Priority allocation for long value securities undergoing reorganization will be the subject of a future proposed rule change. Therefore, MCC amended the rule change so that priority treatment remains unchanged. See letter from Jeffrey Lewis, Associate Counsel, MCC, MSTC, to Ester Saverson, Branch Chief, Division of Market Regulation, Commission, dated August 17, 1990.

[5] MCC and MSTC believe that the proposals will provide them with sufficient operational capability to implement proposed future processing changes including an integrated system to process both bearer and registered securities, settlement of transaction in same day funds, and 24-hour processing.

[6] Securities movements through MSTC's interfaces will continue to be received or transmitted in twelve batches each day. MSTC will process these movements at the time they are received from those clearing agencies.

[7] MCC, however, will continue to record and compare trades from the floor of the Midwest Stock Exchange a the end of the day.

[8] Currently, securities withdrawal requests are filled in accordance with the following priorities: first, to participants having loan value positions and long value positions, and second, by participants having no position or a short position in the security requested.

the allocation of deliveries in MCC's continuous net settlement ("CNS") system. MCC's proposal also will allow MCC to make CNS deliveries on-line throughout the business day.

B. Enhanced Securities Processing Functions

Under the proposed rule changes, MSTC and MCC will convert the present six alpha character symbol used to identify participants to the Financial Industry Number Standards ("FINS"), a unique five digit number widely used in the financial industry to identify financial institutions.[9] The proposals also will allow MCC and MSTC to identify securities by the International Securities Identification Number ("ISIN").[10] Currently MCC and MSTC only identify security issues using the participant's designated by Committee on Uniform Securities Identification Procedures ("CUSIP") number.[11] The proposal will allow participants to process securities by ISIN in addition to CUSIP number.

MCC proposes to amend its rules to establish a pledge loan program.[12] MCC proposes to establish a pledged position and a pledgee account. The proposal provides that MCC participants may pledge fully paid for securities on the books of MCC directly to a participating bank. Currently, MCC participants must move their MCC clearing positions (now called "general free" position) to a MSTC depository position (now called "segregated" position) to effect a pledge loan. MCC's proposal will enable participants to pledge their general free and available for loan positions into the account of a participating bank.

MCC and MSTC propose to automate the pledge, and release from pledge functions of their pledge loan programs. Under the proposals MCC and MSTC will implement pledge and release functions which will enable a participant (pledgor) to pledge or release from pledge, via terminal, securities held at MCC or MSTC in a pledge account as loan collateral.[13] Currently, participants must submit a form in order to pledge securities to a participating bank or release securities pledged as collateral. The proposals will automate the pledge and release of pledged securities in MSTC's pledge loan program and MCC's proposed pledge loan program.[14]

After making loan arrangements with a pledgee bank, the participant will submit an instruction, via terminal, to move the securities from either a MCC general free or available for loan position or a MSTC segregated position to the participant's MCC or MSTC pledged position. Securities are pledged by book entry movement by reducing the pledgor participant's pledged position and increasing the pledgee (bank) participant's pledgee account. Securities are pledged for the account of the pledgee bank at MCC and MSTC and are subject to the pledgee bank's instructions for the duration of pledge.

The release of the securities is accomplished when the participant submits a release request and the pledgee bank approves the request. The release instruction will move the securities from the participant's pledged position back to the participant's MCC general free or available for loan position, or MSTC segregated position. The pledgee bank may reject the release request and the securities will remain on the books of MCC or MSTC in the pledgee account. The pledgee bank also may issue a demand instruction to take possession of the securities. MCC or MSTC will move, by book entry movement, the securities from the pledgee participant's account into the pledgee (bank) participant's MCC general free or available for loan positions or MSTC segregated position.

MCC and MSTC propose to amend their procedures to implement a member to member securities loan function. Currently, member to member securities loans are processed through book entry instructions at MSTC.[15] The member to member loan function will enable participants to initiate loans between themselves or by MCC on behalf of participants as a separate member to member function. This enables participants to identify a book entry movement as a member to member loan and track that loan until the securities are returned.

MSTC proposes to amend its procedures to expand and add several functions that enhance the processing of book entry movements. The proposal will enable participants to enter multiple Depository Delivery Instructions ("DDI") on one screen.[16] Currently, a participant can only process one DDI per screen. Participants also will be able to "reclaim" or return received book entry movements by initiating a reclaim instruction.[17] Currently, if a participant decides to return a book entry movement, the participant must initiate a separate DDI instruction.

MCC and MSTC also propose to amend their procedures to expand the Pend, Advance Notice Request ("ANR"), and Suspend functions which are used to accept and maintain participants' transactions that have been entered into the MCC and MSTC securities processing system, but are not yet ready or able to be processed.

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[9] FINS is currently used by the Depository Trust Company, National Securities Clearing Corporation, and the Commission's Lost and Stolen Securities Program as a means of identifying financial institutions in automated data processing systems.

[10] The Group of Thirty, an independent, non-partisan, non-profit organization established in 1978 to study international economic and financial issues, recommended that each country adopt an international standard for securities numbering and messages by 1992. The Group of Thirty recommended implementation of the International Securities Identification Number (ISIN) for use in all cross border trades. Group of Thirty, Clearance and Settlement in the World's Securities Markets, (March, 1989).

ISIN consists of three components: a prefix, a basic number, and a check digit. The prefix is a two-letter country code. The basic number which follows the prefix is nine characters (letters and/or digits) in length. Wherever possible, this should be the existing national number for the security.

[11] CUSIP is a uniform securities numbering system developed by the American Bankers Association ("ABA"). Identifying securities issues by CUSIP number is the industry standard in the United States.

Previously, CUSIP consisted of nine characters: a base number of six digits, known as the issuer number, the sixth digit of which may be alpha or numeric and a two suffix (either alpha or numeric or both) known as the issue number. The next character is a check digit. In 1989 the CUSIP agency board expanded CUSIP to identify international securities. The agency board allocated an alpha character in position one of the CUSIP number to identify non-North American or international securities. This is known as a CUSIP International Numbering System or "CINS".

In anticipation of future needs of securities markets worldwide, the CUSIP agency board has further expanded the CUSIP numbering system. Effective January, 1991, CUSIP will only assign a CINS number to international securities rather than issuing domestic CUSIP numbers for non-North American securities. Further, effective January, 1992, CUSIP positions two through five of the CUSIP issuer number will be converted to alpha-numerics.

[12] MCC's proposed pledge loan program is similar to MSTC's existing pledge loan program. MCC will require a loan agreement between the participant and the bank similar to MSTC's existing requirements.

[13] As noted above, MCC proposes to enable participants to pledge their general free and available for loan positions. Under MSTC's existing pledge loan program, MSTC participants are able to pledge their "segregated" positions, (formerly called "depository free" positions).

[14] The proposals will not change any existing pledge loan requirements or obligations, including the loan agreement, between the bank and the participant.

[15] A member to member securities loan is a loan between two participants that is transacted outside MCC's automatic securities loan program, and which is reflected in the trade by trade system of MCC.

[16] See Securities Exchange Act Release No. 28172 (July 3, 1990), 55 FR 28493.

[17] A participant might reclaim a security for various reasons. Two such reasons are that the trade is unknown and that a dividend or interest payment record date has passed and a due bill was not delivered with the securities.

MCC and MSTC will pend (i.e., place in the "Pend File") a participant's transaction if a condition exists that does not allow MCC or MSTC to process the transaction.[18] A participant may enter an ANR for processing on a specified future date. MCC or MSTC will not process such transactions until the given date arrives. The MCC and MSTC proposals will enable participants to drop or delete unprocessed transactions, reprioritize pending transactions, and change the date of ANR transactions.

The suspend function is new. A transaction will become suspended when a delivery is attempted to an inactive account or a security issue involved in the transaction is subject to inactive or frozen status. Inactive status is generally used when an account is being deleted or a security is about to be made ineligible. Frozen security status is generally used while a company is being restructured. If the status of a security or an account is changed to permit transaction processing, a suspended transaction automatically will be released for processing.[19]

C. Inquiry and Reporting Capabilities

MCC and MSTC propose to amend their procedures to expand participants' inquiry and reporting capabilities. The proposals will provide increased inquiry and reporting capability by expanding information available to participants and enabling participants to inquire about specific activity, adjustments, settlements and book entry movements.[20] MCC and MSTC propose to implement the following additional inquiry screens: Net Position and Activity, Pend/ANR/Suspend, Pay/Collect, Trade for Trade, Member to Member Securities Loan, Pledge Release and Activity, and Expanded Book Entry.

MCC and MSTC propose to expand participants' activity inquiry capability by enabling participants to view specific activity information such as pends, ANRs, suspends, pledges, releases, demands and stock splits of pledged securities. MCC and MSTC also propose to allow participants to inquire into net activity summary information. The proposals will enable participants to view net securities positions summary information for MCC value, free, future settling trades, member to member fails, MCC trade-for-trade fails, pledges, transfers, intransit, reorganization, pended, ANR, and suspended positions within a specified account. The proposals will enable participants to view net position information in CUSIP/ISIN number order within an account; transaction activity information; summary information for CNS and automatic security loan activity; the last transaction entered through the terminal on the current business day; summary information for special services and adjustments; and special services and adjustments activity information.

Currently, MCC and MSTC report participants' net clearing, settlement, and depository activity settlement figures by telephone. The proposals will expand a participant's settlement inquiry capability by enabling participants to view their net settlement figures on line. Further, participants will be able to inquire about their accounts for a particular days's settlement figure by account identification, security type, currency code,[21] and settlement date.

Currently, a participant cannot inquire about information for open fail transactions for a specific traded security. The proposals will provide a participant on-line inquiry capability for any of its open fail transactions.

MSTC proposes to amend its procedures to expand participants' book entry inquiry capability to enable a participant to view specific information regarding processed book entry movements and to provide more detailed information regarding a participant's book entry movements. The MSTC proposal also will enable a participant to inquire into specific member to member loan information which is currently combined with their book entry information. In addition, a participant will be able to print out a record of such transactions as well as any report generated by MCC or MSTC at the participant's work station.

D. 24-hour Processing Capability

The proposals will change the hours of MCC's and MSTC's business day.[22] Under the proposals, MCC and MSTC processing on their new business day will begin at 3:01 p.m. and continue through 1:15 the following day.[23] However, processing will not take place between 8 p.m. and 6 a.m.[24]

Under the proposals, MCC and MSTC will process, on a real time basis, participant transactions from 3:01 p.m. to 8 p.m., and then from 6 a.m. to 1:15 p.m. the following day. Current transaction cutoff times will be applied. Transactions entered past their designated cutoff times and prior to 3 p.m. will be held until 3:01 p.m. when they will be processed as part of the new business day.

The proposed rule changes also will expand the time period in which a participant may enter automated transactions and inquiries submitted via terminal input. The proposals will enable MSTC to accept participant instructions concerning book entry movements, deposits, withdrawals, transfers, and inquiries from 6 a.m. through 8 p.m. MCC participants will be able to enter automated transaction data, associated with the pledge and member to member loan processing, and inquiries from 6 a.m. through 8 p.m. However, from 1:15 p.m. to 3 p.m. MCC and MSTC systems will be processing participants' settlement reports and special adjustments including position and money adjustments. Therefore, participants will not be able to enter transactions or inquiries from 1:15 p.m. to 3 p.m., with the exception of pledge and release from pledge transactions. Participants may request, through their participant service representatives, special adjustments between 1:15 p.m. and 2:15 p.m.

E. Other Changes to MCC/MSTC Systems

MCC proposes to amend its rules to establish a "negative balance" position. If a participant delivers a security which is not in good deliverable form or is otherwise invalid, the proposal would clarify that MCC may return the security and debit the participant's account creating a "negative balance." The proposal provides that deliveries or deposits into the account in such securities shall first be used to eliminate the participant's negative balance and thereafter will be credited to the participant's short value position.

The MCC proposal provides that MCC may cause the securities to be bought in or charge the account of the participant

[18] A participant's transaction might pend, for example, if the participant has not been allocated securities from CNS or if the participant does not have other available securities in the same issue. The types of transactions that might pend include withdrawals, deliveries, transfers, or book entry movements.

[19] See Securities Exchange Act Release No. 28050 (May 24, 1990), 55 FR 22130.

[20] Currently, five inquiry screens are available to MCC and MSTC participants. The inquiry screens combine information regarding participants' activity, adjustments, settlements and book entry movements.

[21] The Commission notes that the proposals do not authorize MCC and MSTC to implement multi-currency settlement. Accordingly, MCC and MSTC must file any such program with the Commission pursuant to section 19(b)(1) of the Act.

[22] MCC's and MSTC's current business day hours and from 6 a.m. through 1:15 p.m. (Central Time).

[23] All times referred to in this release are Central Time unless otherwise noted.

[24] Although the system is designed to accommodate 24-hour processing, MCC and MSTC do not plan to offer 24-hour processing at this time. Under the proposed rule change, the system will operate from 6 a.m. to 8 p.m.

with the negative balance.[25] MCC will charge a participant with a negative balance 130% of the market value of the security. MCC's proposal also provides that a participant's available for loan position will be used to eliminate that participant's negative balance and short value positions.

MCC also proposes to amend its rule to provide that a participant's available for loan position automatically will back up the participant's general free position in a securities issue when MCC attempts to process a security withdrawal request from that participant in that issue. A participant's withdrawal request will be filled first by reducing the participant's general free position and then, if necessary, by decreasing the participant's long value and available for loan positions.

MCC and MSTC propose certain definition changes to their rules. Under MCC's rules, the term "clearing free" positions will be redefined as "general free" positions, and "loan free" positions will be defined as "available for loan" positions. A general free position is a fully paid for, or fully charged security which is not available for loan. An available for loan position is a fully paid for security which the participant has determined to make available to MCC for loans to other participants in the CNS system. Under MSTC's rules, the term "depository free position" will be redefined as "segregated position." A segregated position means the position of a participant with respect to securities credited to the depository account of such participant on the books of MSTC, other than securities in transfer positions. Further, MCC and MSTC propose to amend the definition of "eligible securities" to provide that a security may be eligible but subject to restrictions.[26]

MCC and MSTC propose to amend their procedures to automate billing for services. Currently, billing is performed manually. The automated billing function will enable MCC and MSTC to perform this function more efficiently. The proposals will allow MCC and MSTC participants to inquire about their bills and how those bills were calculated. The MCC and MSTC proposals also will automate their inventory control and transfer functions.

MSTC proposes to amend its procedures to automate the underwriting distribution process. Currently, MSTC performs underwriting distribution manually by submitting a ticket to be processed through key punch data processing. The proposal will eliminate MSTC's need to fill out and submit tickets and bring the underwriting process into an automated environment. MSTC's processing of underwritings will be performed on a real time basis.

II. Discussion

Section 17A of the Act directs the Commission to establish a safe and efficient national clearance and settlement system.[27] In enacting section 17A of the Act, Congress found that new data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.[28] Specifically, sections 17A(b)(3) (A) and (F) of the Act require a clearing agency be organized and its rules be designed to promote, among other things, the prompt and accurate clearance and settlement of securities transactions and the safeguarding securities and funds within its custody or control or for which it is responsible.[29] As discussed below, the Commission believes that the proposals furthers these goals.

The proposals will allow MCC and MSTC to process participants' transactions on an on-line, real time basis rather than using the batch method of securities processing. Implementation of real time processing will reduce the time and cost involved in processing participants' transactions and will allow participants immediate use of positions credited to their accounts. Further, by processing transactions on a real time basis, MCC and MSTC will make information more readily available to participants and, therefore, will likely improve participants' ability to monitor their exposure on a daily intra-day basis and consequently ascertain their payment and delivery obligations on a timely basis. Thus real time processing of participant transactions furthers the goals of section 17A by improving efficiency and reducing risks in the clearance and settlement of securities transactions.

Under the MCC and MSTC proposals several participants' transactions will be automated, including pledge and release of pledge securities, member to member securities loan, and pend, ANR, and suspend functions. By improving automation in securities processing, the proposals will improve efficiency and reduce risks to market participants. Thus the proposals further the goal of perfecting the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions ("National System").

The proposals will enable participants to be identified by FINS and will enable securities to be identified by ISIN as well as CUSIP. These identification numbering systems are used widely throughout the financial industry including other registered clearing agencies. This is consistent with the statutory goals of developing uniform standards and procedures for clearance and settlement as set forth in section 17A.

The proposals will improve participants' inquiry and reporting cabilities.As noted above, improved inquiry and reporting capabiities is consistent with section 17A of the Act by improving the safeguarding of securities and funds. Increasing the availability of timely information to participants in the settlement process concerning payment and delivery obligations will facilitate both the timely delivery of securities and the payment for those securities.

MCC and MSTC believe that the proposed rule changes are designed and implemented to comply with their obligations to have the capacity to promote prompt and accurate clearance and settlement of securities transactions. According to MCC and MSTC, the proposals will increase their computer capacity. This increased capacity will allow MCC to process both bearer and registered securities and will allow MSTC to automate the securities transfer process. According to MCC and MSTC, their upgraded mainframe computer hardware system has the capacity to process approximately 18,910 transactions per hour.[30] Since MCC and MSTC estimate that the proposed rule changes will require processing of approximatley 10,000 transactions per hour during peak times, MCC and MSTC expect the new mainframe computer to have almost double the estimated required capacity.

[25] MCC's procedures provide that MCC will notify the participant on the participant's activity report that a negative balance was created and the reason for the position change. MCC will debit the participant's position, 24 hours after the negative balance was created, 130% of the value of the position. MCC will continue to follow-up with the participant until the negative position is resolved. MCC will credit the participant's account the value of the position the same day that the securities are returned in good delivery form. MSTC has adopted similar procedures regarding its existing negative balance position.

[26] For example, MCC and MSTC may restrict a security if the Commission issues a trading halt in that security.

[27] 15 U.S.C. 78q-1(a)(2).

[28] 15 U.S.C. 78s-(a)(1)(C).

[29] 15 U.S.C. 78q-1(b)(3) (A), (F).

[30] See letter from Jeffrey Lewis, Associate Counsel, MCC, MSTC, *supra* note 4.

MCC and MSTC will continue to conduct system capacity analysis, taking into account projected growth, new services, and enhancements, and implement additional system upgrades as they are needed.

III. Conclusion

For the reasons discussed above, the Commission finds that the proposals are consistent with the requirements of the Act, particularly section 17A of the Act and the rules thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule changes (File Nos. SR-MCC-90-01) be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 12, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-3957 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

Self-Regulatory Organizations; Applications for Unlisted Trading Privileges and of Opportunity for Hearing; Pacific Stock Exchange, Incorporated

February 13, 1991.

The above named national securities exchange has filed applications with the Securities and Exchange Commission ("Commission") pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder for unlisted trading privileges in the following securities:

Cabletron Systems, Inc.
  Common Stock, $.01 Par Value (File No. 7-6534)
MBNA Corp.
  Common Stock, $.01 Par Value (File No. 7-6535)
Alza Corp.
  Warrants expiring 12/14/1993 (File No. 7-6536)
AmBase Corporation
  Common Stock, $1.00 Par Value (File No. 7-6537)
American Exploration Co.
  Common Stock, $.05 Par Value (File No. 7-6538)
Bio-Electro Systems, Inc.
  Class A Common Stock, $.01 Par Value (File No. 7-6539)
C&S/Sovran Corp.
  Common Stock, $1.00 Par Value (File No. 7-6540)
EMC Corp.
  Common Stock, $.01 Par Value (File No. 7-6541)
Laidlaw, Inc.
  Class B, Common Stock, No Par Value (File No. 7-6542)
Lomas Mortgage Securities Fund, Inc.
  Common Stock, $.01 Par Value (File No. 7-6543)
Metro Mobile CTS, Inc.
  Class A, Common Stock, $.03⅓ Par Value (File No. 7-6544)
Metro Mobile CTS, Inc.
  Class B, Non-Voting Common Stock, $.03⅓ Par Value (File No. 7-6545)
RJR Nabisco Holdings Corporation
  Common Stock, $.01 Par Value (File No. 7-6546)
Sanifill, Inc.
  Common Stock, $.01 Par Value (File No. 7-6547)
Urcarco, Inc.
  Common Stock, $.01 Par Value (File No. 7-6548)
Venture Stores, Inc.
  Common Stock, $1.00 Par Value (File No. 7-6549)
Wheelabrator Technologies
  New Common Stock, $.01 Par Value (File No. 7-6550)

These securities are listed and registered on one or more other national securities exchange and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before March 7, 1991, written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, 450 5th Street, NW., Washington, DC 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-3951 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17997; 812-7675]

Capitol Street Corp., et al.; Application

February 12, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for exemption under the Investment Company Act of 1940 (the "Act").

APPLICANTS: Capitol Street Corporation ("Capitol") and Galaxie Corporation ("Galaxie").

RELEVANT ACT SECTIONS: Exemption requested under section 6(c) of the Act.

SUMMARY OF APPLICATION: Applicants seek a conditional order to exempt Capitol from all of the provisions of the Act other than sections 9, 17(a), 17(d) (except to the extent necessary to reduce the number of Captiol shareholders who beneficially own its shares to 100 or fewer), 17(e), 36, and 37 and rule 17f-2 thereunder until June 30, 1991. Applicants obtained substantially identical relief as that currently requested in a prior order that expired on December 31, 1990. Investment Company Act Release No. 17790 (Oct. 10, 1990) (the "Prior Order").

FILING DATE: The application was filed on January 24, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 11, 1991, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; Applicants, 711 West Capitol Street, Jackson, Mississippi 39203.

FOR FURTHER INFORMATION CONTACT: Robert B. Carroll, Staff Attorney, at (202) 272-3043, or Jeremy N. Rubenstein, Branch Chief, at (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Capitol, a Mississippi corporation formerly known as Lamar Life Corporation, was organized to serve as a holding company for its principal operating subsidiary, Lamar Life Insurance Company ("Lamar Life"). Galaxie, a Mississippi corporation with 54 shareholders, owns more than 90% of

the outstanding common stock of Capitol.

2. Prior to December 15, 1988, Capitol was engaged in the business of managing its subsidiaries, including its principal operating subsidiary, Lamar Life, and other affiliated and unaffiliated entities. On December 15, 1988, Capitol sold all of its outstanding stock of Lamar Life and certain other interests to a wholly owned subsidiary of Whitehall Insurance Holdings, Limited, for approximately $132 million in cash (the "Lamar Life Transaction").

3. The Lamar Life Transaction was approved by the shareholders of Capitol at a meeting on December 14, 1988. Approximately 10% of the shareholders of Capitol exercised their right under Mississippi law to seek an appraisal of, and payment of cash for, their shares rather than remain shareholders of Capitol following the sale of Lamar Life. As a result, Galaxie's percentage ownership of Capitol increased from 82.4% immediately before the Lamar Life Transaction to 92.31% immediately thereafter. Approximately 40 of the shareholders of Capitol disputed the share valuation method adopted by Capitol in connection with the Lamar Life Transaction. On April 11, 1989, Capitol instituted an appraisal proceeding in the Mississippi Chancery Court to resolve the dispute. The Chancery Court rendered an opinion on October 4, 1990, and a clarifying opinion on November 26, 1990. On December 18, 1990, a final order was entered that determined the per share value of Capitol to be $107.465 as of December 15, 1988.

4. As discussed in the notice of the application for the Prior Order, Investment Company Act Release No. 17739 (Sept. 12, 1990), the net proceeds realized from the Lamar Life Transaction were invested primarily in U.S. government securities and highly-rated commercial paper. Also as discussed therein, since December 15, 1988, Capitol has attempted to become engaged primarily in non-investment company businesses and has studied potential acquisitions of non-investment company businesses. In view of the difficulties in locating an appropriate acquisition candidate, Capitol began in 1990 to consider a reverse triangular merger transaction with Galaxie, a reverse stock split, or a self-tender offer to reduce the number of beneficial owners of Capitol's outstanding shares to 100 or fewer, each of which would bring Capitol within the provisions of section 3(c)(1) of the Act.

5. The consummation of a merger, reverse stock split, or self-tender offer to reduce the number of Capitol's shareholders has been delayed by, among other things, the appraisal proceeding. Because the terms of any such transaction would depend on the valuation method used to determine the amount of cash to be received by the shareholders of Capitol, applicants did not wish to finalize arrangements until a decision was rendered by the Chancery Court. In addition, because a vote of the shareholders of Capitol would be required to approve a reverse triangular merger or a reverse stock split, a proxy statement would have to be prepared, filed with the Commission, and distributed to shareholders before a shareholders' meeting could take place. In light of these and other considerations, applicants requested and received the prior order.

6. Because of factors beyond applicants' control, including the lack of a final order in the appraisal proceeding and the death on November 28, 1990, of Robert M. Hearin, the chief executive officer of both Capitol and Galaxie, Capitol was not able to complete a transaction reducing the number of beneficial owners of its shares to 100 or fewer by December 31, 1990. Capitol currently anticipates that it will be able to complete an acquisition of a non-investment company business or to effect a transaction that reduces the number of shareholders who beneficially own its outstanding shares to 100 or fewer by June 30, 1991.[1] Accordingly, applicants seek an additional period of relief until such date.[2]

Applicants' Legal Analysis

1. Section 3(a)(3) of the Act states that an investment company includes any issuer that has more than 40% of its total assets (exclusive of government securities and cash items) in investment securities. As a result of the Lamar Life Transaction, Capitol is no longer engaged in the insurance business formerly conducted by Lamar Life and more than 40% of the value of Capitol's assets consist of securities of companies that are not majority-owned subsidiaries of Capitol. Capitol recognizes that application of section 3(a)(3) may cause it to be an investment company under the Act.

2. Factors outside of Capitol's control have delayed both the acquisition of a non-investment company business or the consummation of a short-form or reverse triangular merger, a reverse stock split, or self-tender offer to reduce the number of Capitol's shareholders to 100 or fewer. Applicants argue that the actions of Capitol's management since the Lamar Life Transaction, both before and after the Order, reflect good faith efforts of Capitol to become primarily engaged in a non-investment company business or to effect a transaction that reduces its beneficial owners to 100 or fewer. Capitol has invested the cash received from the Lamar Life Transaction in securities solely to preserve the value of its assets.

Applicants' Conditions

Applicants will comply with the following conditions if the requested order is granted:

1. Capitol will not engage in the trading of investment securities for short-term or speculative purposes.

2. Capitol will continue to explore the opportunities for an acquisition by which Capitol would become primarily involved in a non-investment company business.

3. Capitol will invest only in U.S. government securities, short-term high quality money market investments, and short-term Euro-time deposits.

4. Capitol will comply with sections 9, 17(a), 17(d) (except to effect any going private transaction described herein), 17(e), 36, and 37 of the Act and rule 17f-2 thereunder as if it were a registered investment company.

5. Upon completion of the exemption period, in the event that Capitol has more than 100 shareholders who beneficially own common stock or Capitol is not engaged primarily in a non-investment company business, Capitol will either apply to the Commission for a temporary or permanent extension of the exemption order or promptly register under the Act and comply with the relevant provisions thereof.

[1] By letter to the staff of the Division of Investment Management dated February 4, 1991, counsel for applicants provided copies of preliminary proxy materials relating to a proposed merger of a newly-formed, wholly-owned subsidiary of Galaxie into Capitol. Counsel stated that if the merger is consummated, Capitol will qualify for the section 3(c)(1) exception under the 1940 Act, and that applicants expect that the shareholders of Capitol will meet on March 26, 1991 to vote on the merger.

[2] The application contains a request for a temporary order of exemption during the period from the expiration of the Prior Order until a final determination on the application and a permanent order extending the relief granted in the prior order. By letter to the staff dated February 12, 1991, counsel for applicants withdrew the request for a temporary order and acknowledged that any relief on the application would run from the date of the order.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-3954 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-19124]

Application and Opportunity for Hearing; Public Service Electric and Gas Co.

February 13, 1991.

Notice is hereby given that Public Service Electric and Gas Company ("Company"), a New Jersey corporation, has filed an application pursuant to section 304(c)(1) of the Trust Indenture Act of 1939 ("Act") for the Securities and Exchange Commission ("Commission") to order an exemption from the provisions of section 316(a)(1) of the Act for certain First and Refunding Mortgage Bonds ("Bonds") under an indenture dated as of August 1, 1924, as amended by the Supplemental Indenture dated as of March 1, 1942, between the Company and Fidelity Union Trust Company (now First Fidelity Bank, National Association, New Jersey) as Trustee ("Indenture") as supplemented by a Supplemental Indenture dated as of July 1, 1989, and Supplemental Indentures Nos. 1 and 2 dated as of July 1, 1990.

Section 304(c)(1) of the Act provides in part that the Commission shall exempt from one or more provisions of the Act any security issued or proposed to be issued under an indenture under which securities (as defined in that section) are outstanding if and to the extent the Commission finds that compliance with such provisions, through the execution of a supplemental indenture or otherwise would require by reason of the provisions of such indenture or of any other indenture or agreement made prior to enactment of the Act, or the provisions of any applicable law, the consent of holders of securities outstanding under such indenture or agreement.

The Company alleges:

(1) One or more series of Bonds are proposed to be issued under the Indenture pursuant to a registration statement under the Securities Act of 1933 ("1933 Act"). The Bonds have been registered under the 1933 Act and the Indenture, as supplemented, was qualified under the Act.

(2) The Indenture provides that upon an Event of Default (as defined therein) holders of 25 percent of the outstanding Bonds may require the Trustee to (a) accelerate the maturity of the Bonds, and (b) take other action for the protection of the holders. The Indenture also permits 10 percent of the holders of the outstanding Bonds to require the Trustee to investigate compliance by the Company with conditions precedent in connection with authentication of Bonds or withdrawal of cash, or in connection with the release of mortgaged property. The holders of Bonds have vested rights in these provisions under the Indenture, and such rights cannot be abrogated or changed without their consent.

(3) Pursuant to rule 4c-4 under the Act, the Company has waived a hearing and requested that the Commission decide this application without a formal hearing on the basis of such application and other information and documents as the Commission shall designate as part of the record.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the Offices of the Commission's Public Reference Section, File Number 22-19124, 450 Fifth Street, NW., Washington, District of Columbia 20549.

Notice is further given that any interested persons may, not later than March 11, 1991, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request and the issues of law or fact raised by such application which he desires to controvert, or he may request a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, District of Columbia 20549. At any time after said date, the Commission may issue an order granting the application, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-3956 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17996; 811-1232]

Unified Mutual Shares, Inc.; Application

February 12, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Unified Mutual Shares, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application on Form N-8F was filed on January 31, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 12, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 429 N. Pennsylvania Street, Indianapolis, IN 46206-6110.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a corporation under the laws of the State of Indiana. On August 22, 1963, applicant filed a registration statement pursuant to section 8(b) of the 1940 Act. On that date, applicant also filed a registration statement pursuant to the Securities Act of 1933, which registered 1,500,000 shares of common stock. The registration statement became effective on October 3, 1963.

2. At a meeting held on July 27, 1990, applicant's board of directors adopted a plan of reorganization. On October 18, 1990, applicant filed proxy materials with the Commission relating to the proposed reorganization. Applicant's shareholders approved the reorganization at a special meeting held on October 31, 1990.

3. The plan of reorganization permitted applicant to merge with Unified Funds, an Indiana business trust (the "Trust"). Other Unified managed investment companies also merged into the Trust. Each such company will operate as a separate series of the Trust.

4. Pursuant to the merger, applicant's shareholders exchanged their shares for an equal number of shares in the Trust's Unified Mutual Shares series. The exchange was based on net asset value.

5. Pursuant to applicant's plan of reorganization, applicant distributed 945,877 shares with a net asset value of $13.61 per share determined on October 31, 1990. Aside from the exchange of shares, there was no disposition of portfolio securities or any other assets of applicant made in connection with the reorganization.

6. The total expenditures incurred in connection with the merger was $28,000. This amount will be paid by applicant under its new existence as the Trust's Unified Mutual Shares series over a period of five years.

7. Applicant filed a certificate of dissolution with the Secretary of State of Indiana on December 26, 1990.

8. As of the date of the application, applicant had no debts, or liabilities, and was not a party to any litigation or administrative proceeding.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-3955 Filed 2-19-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements Filed During the Week Ended February 8, 1991

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 47398.
Date filed: February 5, 1991.
Parties: Members of the International Air Transport Association.
Subject: Reso 024F/033F—Tariffs from Madagascar.
Proposed Effective Date: Upon Necessary Government Approval.

Docket Number: 47399.
Date filed: February 5, 1991.
Parties: Members of the International Air Transport Association.
Subject: TC2 Reso/P 0948 dated December 4, 1990. Within Europe Resos R-1 To R-33.
Proposed Effective Date: April 1, 1991.

Docket Number: 47400.
Date filed: February 7, 1991.
Parties: Members of the International Air Transport Association.
Subject: SNATC Mail Vote #87.
Proposed Effective Date: February 1, 1991.

Docket Number: 47401.
Date filed: February 7, 1991.
Parties: Members of the International Air Transport Association.
Subject: Europe-Southwest Pacific Resos R-1 To R-17.
Proposed Effective Date: April 1, 1991.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-3881 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-62-M

Notice of Applicants for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended February 8, 1991

The following applications for certificates of public convenience and necessity and foreign air carrier permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (see 14 CFR 302.1701 et seq.). The due date for answers, conforming application, or motion to modify scope are set forth below for each application. Following the answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 47402.
Date filed: February 8, 1991.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 8, 1991.
Description: Application of Singapore Airlines Limited, pursuant to section 402 of the Act and subpart Q of the Regulations requests amendment of its foreign air carrier permit, most recently reissued pursuant to Order 86-8-38, to include the United States and foreign route authority made available to Singapore pursuant to the terms of the December 1990 Memorandum of Understanding between the Government of the United States and the Government of the Republic of Singapore.

Docket Number: 40056.
Date filed: September 24, 1981.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 22, 1991.
Description: Application of Continental Airlines, Inc., pursuant to section 401 of the Act for Amendment of its Certificate of Public Convenience and Necessity for Route 171 to authorize Continental Airlines, Inc. to provide schedule combination service between Guam and Tokyo/Osaka, Japan. The services would be conducted by Air Micronesia under the direction, operation and responsibility of Continental. It is unclear whether the application when originally filed was published in the **Federal Register**, therefore, the Department of Transportation has decided to afford interested parties an additional opportunity to respond to the application.

Docket Number: 40057.
Date filed: September 24, 1981.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: February 22, 1991.
Description: Application of Air Mocronesia, Inc., pursuant to section 401 of the Act for Amendment of its Certificate of Public Convenience and Necessity for Route 170 to authorize Air Micronesia to provide scheduled combination service between Guam and Tokyo/Osaka, Japan. The services would be conducted under a joint services arrangement with Continental Airlines, Inc. with all operations conducted under the direction, control and responsibility of Continental. It is unclear whether the application when originally filed was published in the **Federal Register**, therefore, the Department of Transportation has decided to afford interested parties an additional opportunity to respond to the application.

Phyllis T. Kaylor,

Chief, Documentary Services Division.

[FR Doc. 91-3882 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-62-M

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review; Des Moines International Airport, Des Moines, IA

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the noise exposure

maps submitted by the city of Des Moines, IA for the Des Moines International Airport under the provisions of title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96-193) and 14 CFR part 150 are compliance with applicable requirements. The FAA also announces that it is reviewing a proposed noise compatibility program that was submitted for the Des Moines International Airport under part 150 in conjunction with the noise exposure map, and that this program will be approved or disapproved on or before July 31, 1991.

EFFECTIVE DATE: The effective date of the FAA's determination on the noise exposure maps and of the start of its review of the associated noise compatibility program is February 1, 1991. The public comment period ends April 2, 1991.

FOR FURTHER INFORMATION CONTACT: Dr. John Tatschl, Federal Aviation Administration, Airports Division, ACE-615B, 601 E. 12th St., Kansas City, Missouri 64106. Comments on the proposed noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the noise exposure maps submitted for the Des Moines International Airport are in compliance with applicable requirements of part 150, effective February 1, 1991. Further, FAA is reviewing a proposed noise compatibility program for that airport which will be approved or disapproved on or before July 31, 1991. This notice also announces the availability of this program for public review and comment.

Under section 103 of title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as "the Act"), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties in the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) part 150, promulgated pursuant to title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The City of Des Moines submitted to the FAA on September 11, 1989, noise exposure maps, descriptions and other documentation which were produced during the Des Moines International Airport FAR part 150 Noise Compatibility Study which began in September 1988. It was requested that the FAA review this material as the noise exposure maps, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the noise exposure maps and related descriptions submitted by the City of Des Moines, Iowa. The specific maps under consideration are in the submission.

(Noise Exposure Map—1989, and Noise Exposure Map—1994.) The FAA has determined that these maps for the Des Moines International Airport are in compliance with applicable requirements. This determination is effective on February 1, 1991. FAA's determination on an airport operator's noise exposure maps is limited to a finding that the maps were developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicited on a noise exposure map submitted under section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure maps to resolve questions concerning, for example, which properties should be covered by the provisions of section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of noise exposure maps. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those maps, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program for the Des Moines Inernational Airport, also effective on February 1, 1991. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program. The formal review period, limited by law to a maximum of 180 days, will be completed on or before July 31, 1991.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise exposure maps, the FAA's evaluation of the maps, and the proposed noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, APP-600, 800 Independence Avenue SW., Washington, DC 20591

Federal Aviation Administration, Airports Division, Federal Building, 601 E. 12th Street, Kansas City, MO 64106

William F. Flannery, Aviation Directo., Des Moines International Airport, Department of Aviation, room 201, 5800 Fleur Drive, Des Moines, Iowa 50321-2854

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in the Central Region, Kansas City, Missouri February 1, 1991.

George Hendon,

Manager, Airports Division.

[FR Doc. 91-3931 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 147 on Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment; Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for the thirty-fifth meeting of Special Committee 147 on Minimum Operational Performance Standards for Traffic Alert and Collision Avoidance Systems Airborne Equipment to be held March 7-8, 1991, in the RTCA Conference Room, One McPherson Square, 1425 K Street NW., suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Review of meeting agenda; (3) Approval of minutes of the thirty-fourth meeting held on December 11-13, 1990; (4) TCAS Program status reports; (a) Manufacturer's update; (b) FAA TCAS Program; (c) TCAS transition program; (d) TCAS III; (5) Reports of working group activities; (a) Pilot working group; (b) Requirements working group; (6) Review of EUROCAE Working Group 34 activities; (7) Report of RTCA Special Committee 142 (Mode S) Activities; (8) Review of new trouble reports or proposed modifications to TCAS II Logic; (9) Other business; (10) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC on February 11, 1991.

Steven Zaidman,

Designated Officer.

[FR Doc. 91-3932 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

Radio Technical Commission for Aeronautics (RTCA); Special Committee 162 on Aviation Systems Design Guidelines for Open Systems Interconnection (OSI); Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix I), notice is hereby given for the fourteenth meeting of Special Committee 162 on Aviation Systems Design Guidelines for Open Systems Interconnection (OSI) to be held March 13-15, 1991, in the RTCA conference room, One McPherson Square, 1425 K Street NW., suite 500, Washington, DC 20005, commencing at 9:30 a.m.

The agenda for this meeting is as follows: (1) Chairman's introductory remarks; (2) Approval of minutes of the thirteenth meeting held October 29-31, 1990; (3) Reports of working group activities; (4) Reports of related activities being conducted by other organizations; (5) Boeing briefing on a proposed aviation information exchange system (AIES) architectural model; (6) Boeing briefing on a proposed model for handling Huffman Coding (DATA Dictionary) in AIES; (7) Review of draft material for parts of the AIES Document dealing with application (Part 2), upper Layers (Part 3), security and system management; (8) Other Business; (9) Date and place of next meeting.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, One McPherson Square, 1425 K Street NW., suite 500, Washington, DC 20005; (202) 682-0266. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on February 11, 1991.

Steven Zaidman,

Designated Officer.

[FR Doc. 91-3929 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

Federal Aviation Administration

Research, Engineering, and Development Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-362; 5 U.S.C. App. I), notice is hereby given of a meeting of the Federal Aviation Administration (FAA) Research, Engineering, and Development (R,E&D) Advisory Committee to be held Tuesday, March 12, 1991, at 9 a.m. The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC, in the MacCracken Room, on the tenth floor.

The agenda for this meeting will include a report on the status of activities from the various subcommittees—Transport Aircraft Safety with a Report on Fatigue Testing, Noise Abatement Technology, Aviation Medicine and Human Performance, and R&D Technical; an Overview of FAA's National Human Factors Plan; and an update on other R&D program initiatives.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present oral statements or obtain information should contact Ms. Jan Peters, Special Assistant to the Executive Director of the R,E&D Advisory Committee, ASD-6, 800 Independence Avenue, SW., Washington, DC 20591, telephone (202) 267-3096.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, DC, on February 12, 1991.

Martin T. Pozesky,

Executive Director, Research, Engineering, and Development Advisory Committee.

[FR Doc. 91-3930 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of Thrift Supervision

Comfed Savings Bank, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Comfed Savings Bank, F.A., Lowell, Massachusetts, on January 31, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3983 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Family Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Family Savings and Loan Association, F.A., Seattle, Washington, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3994 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings and Loan Association of Toledo; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Federal Savings and Loan Association of Toledo, Ohio, OTS Number 3427, on January 31, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3985 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings Association of Waynesboro; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Federal Savings Association of Waynesboro, Tennessee, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3986 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

First Jersey Savings, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for First Jersey Savings, F.A., Wyckoff, New Jersey, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3987 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Fulton Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Fulton Federal Savings Association, Atlanta, Georgia, on January 31, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3988 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Peoples Federal Savings Association; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Peoples Federal Savings Association, Bay St. Louis, Mississippi, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3989 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Unity Savings and Loan Association, F.A.; Appointment of Conservator

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (B) and (H) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Conservator for Unity Savings and Loan Association, F.A., Beverly Hills, California, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3990 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

American Federal Savings Association of Iowa; Replacement of Conservator With a Receiver

Notice is hereby given that, pursuant to the authority contained in subdivision (F) of section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision duly replaced the Resolution Trust Corporation as Conservator for American Federal Savings Association of Iowa, Des Moines, Iowa with the Resolution Trust Corporation as sole Receiver for the Association on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3991 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Comfed Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Comfed Savings Bank, Lowell, Massachusetts (OTS No. 3483), on January 31, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3992 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Family Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Family Savings and Loan Association, Seattle, Washington, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3993 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

First Federal Savings and Loan Association of Waynesboro; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Federal Savings and Loan Association of Waynesboro, Tennessee, Docket No. 3703, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3994 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

First Jersey Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for First Jersey Savings and Loan Association, Wyckoff, New Jersey (OTS No. 0997), on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3995 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Fulton Federal Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Fulton Federal Savings Bank, Atlanta, Georgia, OTS No. 2322, on January 31, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3996 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

George Washington Savings and Loan Association, Inc.; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5(d)(2) (A) of the Home Owners' Loan Act of 1933, as amended by section 301 of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for George Washington Savings and Loan Association, Inc., Jonesborough, Tennessee, OTS No. 7542, on December 27, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3997 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Peoples Federal Savings Bank; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(A) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Peoples Federal Savings Bank, Bay St. Louis, Mississippi, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3998 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

Unity Savings and Loan Association; Appointment of Receiver

Notice is hereby given that, pursuant to the authority contained in section 5 (d)(2)(C) of the Home Owners' Loan Act, the Office of Thrift Supervision has duly appointed the Resolution Trust Corporation as sole Receiver for Unity Savings and Loan Association, Beverly Hills, California OTS No. 7868, on February 8, 1991.

Dated: February 12, 1991.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 91-3999 Filed 2-19-91; 8:45 am]

BILLING CODE 6720-01-M

UNITED STATES INFORMATION AGENCY

Enrichment Program for Self-Sponsored International Students Who Reside in or Visit the Washington, DC Metropolitan Area

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The Bureau of Educational and Cultural Affairs of the United States Information Agency (USIA) seeks applications from non-profit organizations in the Washington, DC metropolitan area to coordinate and implement programs which enhance the experience of international students attending colleges and universities in the Washington, DC area.

The organization will develop programs which serve to familiarize international students with Washington's complex cultural, political and ethnic structures, and provide a bridge between the campus environment and American communities. It will also provide off-campus services to international students visiting Washington, DC. USIA anticipates awarding up to $50,000 for the implementation and coordination of these programs. This support is not intended to replace private efforts in this field but rather to supplement such efforts with financial assistance.

DATES: Deadline for proposals: Must be received by close of business March 15, 1991; Duration: The duration of the grant should be from July 1, 1991 through June 30, 1992. Programs may begin no earlier than July 1, 1991. No funds may be expended until the grant agreement is signed.

ADDRESSES: Fifteen copies of the completed application, including required forms, should be submitted to the office below. U.S. Information Agency, Office of the Executive Director E/X, 301 4th Street SW. Room 336, Washington, DC 20547, ATTN: Washington Enrichment Programs.

FOR FURTHER INFORMATION CONTACT: Interested U.S. organizations should write to call Mr. Sheldon E. Austin or Ms. Lydia Giles Taylor at: 301 4th Street, Advising and Student Services Branch (E/ASA), Room 349, Washington, DC 20547, 202-619-5434.

SUPPLEMENTARY INFORMATION: Overall authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." Programs and projects must conform with all Agency requirements and guidelines and are subject to final review by the USIA contracting officer.

Guidelines

An ideal program would include a combination of direct services, community outreach programs and workshops that provide international students with an opportunity to experience the United States—its history, culture, values, policies and life-styles.

Direct Services: The provision of off-campus services to international students living in and visiting the Washington, DC metropolitan area is an important goal of this program. Proposals should demonstrate the organization's ability to provide a variety of direct services to international students which may include: The operation and maintenance of a housing referral service; the publication of a newsletter; student orientation and re-entry programs; and the organization of social and cultural events. Participating organizations should also demonstrate a willingness to provide services to traveling foreign students from outside the metropolitan area and show flexibility in accommodating their requests.

Community Outreach: USIA seeks to enhance the experiences of international students through contact with the greater community and to provide the residents of Washington at-large an opportunity to participate in a mutually enriching experience. The Agency encourages the inclusion of home hospitality and community education programs in the proposal.

Workshops: Another goal of this project is the identification of international graduate students who have leadership potential and whose participation in specially tailored programs may make a substantial contribution to mutual understanding and communication between the U.S. and their home country in the future. International leadership workshops are considered integral to the accomplishment of this goal.

Therefore, proposals should include specifics concerning the design and implementation of workshops capable of accommodating at least twenty (20) participants each. Workshops should address such topics as: foreign policy, international trade and business, mass media and other issues relevant to potential international leaders.

An outline of proposed workshop activities should be included in the proposal. The outline should demonstrate the organization's ability to enlist the participation of informed lectures, keynotes speakers, and/or presenters whose credentials and experience are evidence of in-depth knowledge of workshop topics. Invited speakers should provide international students with access to expertise and insights not otherwise available to them.

The selected organization will also be responsible for soliciting nominations of workshop participants from colleges and universities in the Washington, DC metropolitan area.

Activities supported by this grant must maintain a non-political character and shall represent, in a balanced way, the diversity of American political, social and cultural life.

Proposals should include a listing of names titles, addresses, and telephone numbers of the executive officer(s) of the organization and of the person(s) directly responsible for the project. Resumes or vitae of key personnel should be provide whenever possible.

USIA recommends the inclusion of brochures and general information concerning the organization, i.e. the number of employees, the names of board members (or similar group) and evidence of previous experience with international students in the proposal package.

USIA grant assistance, not to exceed $50,000, is expected to constitute only a portion of total project funding. Inasmuch as cost sharing is required, proposals should list other anticipated sources of support. Grant applications should demonstrate financial and in-kind support using a multi-column budget format that clearly identifies the following categories: line item, amount of USIA support, amount of in-kind support, amount provided by other funding sources.

Selection Criteria

1. The variety and breadth of direct services provided to international students by the organization.
2. Ability to recruit and maintain the necessary cadre of volunteers required to successfully accomplish the goals of the program.
3. Ability to recruit recognized experts in the appropriate field to participate as presenters, lecturers, or keynote speakers in programs or workshops.
4. Demonstrated relationships with colleges and universities in the Washington metropolitan area.
5. Cost effectiveness of basic services and workshops, including evidence of cost sharing.

Technical Requirements

Proposals can only be accepted for review when they include the following documentation:

1. Bureau of Educational and Cultural Affairs Grant Application Coversheet (OMB #3116-0173);
2. Assurance of Compliance with U.S. Information Agency Regulations under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and title IX of the Education Amendments of 1972 (OMB #3116-0191);
3. Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals;
4. Certification Regarding Debarment, Suspension and Other Responsibility Matters, Primary Covered and Lower Tier Covered Transactions, Forms IA-1279 and IA-1280;
5. Disclosure of Lobbying Activities;
6. Evidence of your organization's non-profit (tax-exempt) status and/or letters of incorporation.

Notification

All applicants will be notified of the results of the review process on or about May 15, 1991. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: February 7, 1991.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91-3907 Filed 2-19-91; 8:45 am]

BILLING CODE 8230-01-M

Cooperative Agreement for a Non-Profit Organization in Support of Enrichment Programs for International Students Living and Studying in the New York City Metropolitan Area

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The Bureau of Educational and Cultural Affairs of the United States Information Agency seeks applications from non-profit organizations in the New York metropolitan area to coordinate and implement programs which enhance the experience of international students attending colleges and universities in the New York City area. The organization will develop programs which serve to familiarize international students with New York City's complex cultural, political and ethnic structures, and provide a bridge between the campus environment and American communities.

USIA anticipates awarding up to $30,000 for the implementation and coordination of these programs. This amount may augment functions currently provided to international students by educational and other institutions.

DATES: Deadline for proposals: Must be received by COB March 15, 1991. Duration: The duration of the grant will be July 1, 1991 through June 30, 1992. No funds may be expended until the grant agreement is signed.

ADDRESSES: Fifteen copies of the completed application should be submitted to the office below: U.S. Information Agency, Office of the Executive Director—E/X, 301 4th Street SW, Room 336, Washington, DC 20547, ATTN: New York Enrichment Programs.

FOR FURTHER INFORMATION CONTACT: Interested organizations should write or call Mr. Sheldon Austin or Ms. Robin Kline at: USIA, 301 4th Street, Advising and Student Services Branch, E/ASA, Room 349, Washington, DC 20547; Tel. (202) 619-5434.

SUPPLEMENTARY INFORMATION: Overall authority for these programs is contained in the Mutual Educational and Cultural Exchange Act of 1961, as amended, Public Law 87-256 (Fulbright-Hays Act). The purpose of the Act is "to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world." Programs and projects must conform with all Agency requirements and guidelines and are subject to final review by the USIA contracting officer.

Through a grant to a non-profit organization in the New York area, subject to the availability of funds, USIA seeks programs which include activities enabling international students and scholars to experience the United States: its history, culture, values, policies and lifestyles. International students should be provided an opportunity to utilize the city's resources productively; to meet, understand and appreciate a multitude of people; and to take an active role in city life. To more fully understand American life and culture, students must be provided with the opportunity to become personally involved with and understand "typical" American activities such as volunteerism, observance of national and religious holidays, cultural and sports events, apartment hunting, etc. Also important are a working knowledge of the American legal system, including the U.S. income tax structure, and an understanding of the workings of American business. A variety of approaches such as workshops, home-hospitality, and community outreach programs may be utilized. International students should also be exposed to the American education system at the primary and secondary levels, and be encouraged to share their culture and knowledge with American students at all levels.

One possible focus of this program could be to identify international students having leadership potential whose experience in this program could make a substantial contribution to mutual understanding and communication between the U.S. and their home-country in the future. In this regard, workshops for future international leaders could be considered part of this program. If workshops are included as part of the proposal, organizations should provide a program outline which demonstrates the ability to enlist the participation of informed lecturers, keynote speakers, and/or recognized experts whose credentials and experience are evidence of in-depth knowledge of workshop topics.

Organizations should demonstrate an ability to recruit and maintain the necessary cadre of volunteers required to participate in program events.

Activities supported by this grant must maintain a non-political character and shall represent, in a balanced way, the diversity of American political, social and cultural life.

Additionally, proposals should include a listing of names, titles, addresses, and telephone numbers of the executive officer(s) of the organization and of the person(s) directly responsible for the project. Resumes or curriculum vitae of key personnel should be provided whenever possible.

Requirements

Proposals can only be accepted for review when they include the following documentation:

1. Bureau of Educational and Cultural Affairs Grant Application Coversheet (OMB # 3116-0173);
2. Assurance of Compliance with U.S. Information Agency Regulations under title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, and title IX of the Education Amendments of 1972 (OMB # 3116-0191);
3. Certification Regarding Drug-Free Workplace Requirements for Grantees Other Than Individuals;
4. Certification Regarding Debarment, Suspension and Other Responsibility Matters, Primary Covered and Lower Tier Covered Transactions, Forms IA-1279 and IA-1280;
5. Disclosure of Lobbying Activities
6. Evidence of your organization's non-profit (tax-exempt) status and/or letters of incorporation.

Notification

All applicants will be notified of the results of the review process on or about May 15, 1991. Funded proposals will be subject to periodic reporting and evaluation requirements.

Dated: February 7, 1991.

William P. Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91-3908 Filed 2-19-91; 8:45 am]

BILLING CODE 8230-01-M

Private and Non-Profit Organizations in Support of International Educational and Cultural Activities; Request for Proposals

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a request for proposals from private, nonprofit organizations in support of six projects that have been initiated by E/P. Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from February 20, 1991, through March 15,

1991 when complete proposals must be received.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street SW., Washington, DC 20547. To facilitate the processing of your request, please include the name of the appropriate USIA Program Officer, as identified on each announcement, on all inquiries and correspondence.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited grants to nonprofit institutions, increased private sector commitment to and involvement in international exchanges. (All international participants will be nominated by USIS personnel overseas and selected by USIA).

Summary of Initiative Grant Program Iseas

Cultural Patrimony and Heritage

The Office of Citizen Exchanges (E/P) proposes the development of a two-way exchange program which would begin with a three-week U.S. seminar/study tour for up to 10 senior level Ministry of Culture or equivalent officials from countries located in North Africa, the Near East and South Asia (the NEA region). Several months after the completion of the U.S. portion of the program, a delegation of 3 to 4 American cultural experts would travel to the NEA region for follow-up evaluations and discussions with NEA counterparts.

The project will be designed to explore current regional and bilateral issues relating to cultural property, and will attempt to expand and develop regional and international cooperation in this area.

The E/P Program Officer for this project is Michael Weider.

Program to Support and Expand Linkages Between U.S. and NEA Community Colleges and Vocational Institutions

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a two-way exchange program which would begin with a three week U.S. seminar/study tour for up to 10 senior level education officials from countries located in North Africa, the Near East and South Asia (the NEA region). Several months after the completion of the U.S. portion of the program, a delegation of 3 to 4 American education specialists would travel to the NEA region for follow-up evaluations, discussions and seminars specifically designed to promote and expand linkages between U.S. and NEA organizations.

The project should provide substantive exposure to community college and vocational education programs available in the U.S., and cover in detail the various ways institutions are managed, administered and respond to demands placed upon them by government, industry, and the communities they have been chartered to serve. The program should identify and analyze institutions and programs that exist in NEA countries, and, if possible, to develop and/or expand regional cooperation among them. The program must clearly provide for major benefits to the U.S. community college in the form of curriculum and faculty development that internationalize the instructional program.

The E/P Program Officer coordinating this project is Michael Weider.

Environmental Protection in South Asia

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a three week study/observational tour for up to 10 environmental professionals from South Asia; and a two week follow-up exchange to South Asia by a delegation of up to 4 U.S. environmental specialists.

The project will be designed to facilitate dialogue on global environmental concerns, such as the "greenhouse effect," deforestation, etc, and will familiarize participants with regional environmental initiatives taken by the U.S. to deal with issues such as: air and water pollution, environmental planning and toxic waste management; urbanization and its effects on the environment (including waste disposal and control); watershed management and maintenance of wilderness areas.

The E/P Program Officer coordinating this project is Michael Weider.

Employing and Educating Individuals With Disabling Conditions: A Mainstreaming Project for the Soviet Union

The Office of Citizen Exchanges (E/P) will consider applications from nonprofit institutions for a grant to conduct a substantive program for an incoming delegation of up to 10 health care workers, government officials, and educators from the Soviet Union responsible for the education, treatment and employment of individuals with disabling conditions. This two-week, multi-site study tour will focus upon an examination of American practices of mainstream educational and employment opportunities for citizens with disabling conditions and will expose the delegation to the legal framework and human rights guarantees for these individuals.

The program will include a short Washington, DC component as well as lengthier visits to outstanding programs for individuals with disabilities, including a combination of training facilities and at-home educational and employment settings. Institutional linkages will be facilitated by a ten-day follow-up visit of four American specialists to the Soviet Union within six months of the conclusion of the American-based program.

The E/P Program Officer for this project is Katharine Guroff.

Preservation of Indonesia's Cultural Heritage

The Office of Citizen Exchanges (E/P) proposes the development of a program which will bring up to ten Indonesian historic preservation specialists to the U.S. and send up to five American counterparts to Indonesia to assist the Indonesian historic preservation movement, in both the public and private sectors, to develop a productive and enduring relationship between the two sectors; to develop a systematic survey of historic buildings, sites and monuments; and to generate data about the status of cultural properties in Indonesia and what is needed for their preservation.

The E/P Program Officer coordinating this project is Hugh Ivory.

Government Regulation and Deregulation of Private Sector Enterprise

The Office of Citizen Exchanges (E/P) proposes development of a program to bring 12 Mozambican government officials and private business executives to the United States to examine ways private sector business activities interact with government agencies at the national, state and local levels. This three-week program will also consider the ways in which businesses regulate themselves. Participants will also study government initiatives to promote business development and build infrastructure. A U.S. nonprofit institution will design and execute the program and select the American counterparts.

The E/P Program Officer for this project is Stephen Taylor.

Funding and Budget Requirements for all Submissions

Since USIA assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of

support. Applications should demonstrate substantial financial and in-kind support using a three-column format that clearly displays cost-sharing support of proposed projects. Those budgets including funds from other sources should provide firm evidence of the funds. The required format follows:

Line item travel, per diem, etc.	USIA support	Cost sharing	Total
Total	$	$	$

Funding assistance is limited to project costs as defined in the Project Proposal Information Requirements (OMB #3116–0175) with modest contributions to defray total administrative costs (salaries, benefits, other direct and indirect costs). Such administrative costs are limited to 20 (twenty) percent of the total funds requested. The recipient institution may wish to cost-share any of these expenses. Organizations with less than four years' experience in conducting international exchange programs are limited to $60,000 of USIA support.

Application Requirements

Detailed concept papers and application materials may be obtained by writing to: The Office of Citizen Exchanges (E/P), USIA, 301 4th Street SW., Washington, DC 20547.

Attention: (Name of the Appropriate E/P Program Officer)

Inquiries concerning technical requirements are welcome.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement of what the project is designed to accomplish, how it is consistent with the purposes of the USIA award program, and how it relates to USIA's mission.

2. A concise description of the project, spelling out complete program schedules and proposed itineraries.

3. A statement of what follow-up activities are proposed, how the project will be evaluated, what groups, beyond the direct participants, will benefit from the project and how they will benefit.

4. A detailed budget.

5. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Primary Covered and Lower Tier Covered Transactions, Forms IA–1279 and IA–1280.

6. Compliance with Office of Citizen Exchanges Additional Guidelines for Conferences (if applicable).

7. Compliance with Travel Guidelines for Organizations Inside and Outside Washington, DC (if and as applicable).

8. For proposal requesting $100,000 or more, Certification for Contracts, Grants and Cooperative Agreements, Form M/KG–13.

9. For proposals requesting $100,000, Disclosure of Lobbying Activities (OMB #0348–0046).

Note: All required forms will be provided with the application packet.

Review Criteria

USIA will consider proposals based on the following criteria:

1. *Quality of Program Idea:* Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.

2. *Institution Reputation/Ability/Evaluations:* Institutional recipients should demonstrate potential for program excellence and/or track record of successful programs. Relevant evaluation results of previous projects are part of this assessment.

3. *Project Personnel:* Personnel's thematic and logistical expertise should be relevant to the proposed program.

4. *Program Planning:* Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. *Thematic Expertise:* Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.

6. *Cross-Cultural Sensitivity/Area Expertise:* Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.

7. *Ability to Achieve Program Objectives:* Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the institution will meet the program's objectives.

8. *Multiplier Effect:* Proposal programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. *Cost-Effectiveness:* The overhead and administrative components should be kept as low as possible. All other items should be necesary and appropriate to achieve the program's objectives.

10. *Cost-Sharing:* Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Application Deadlines

The Office of Citizen Exchanges will accept proposals from the publication date of this notice through COB April 1, 1991. Institutions must submit 16 copies of the final proposal and attachments. Proposals must fully accord with the terms of this Request for Proposals (RFP) as well as with Project Proposal Information Requirements (OMB #3116–0175—provided in application packet). (See "Technical Requirements.") Proposals should be mailed to: The Office of the Executive Director (E/X), Bureau of Educational and Cultural Affairs, (Attention Citizen Exchanges—Initiatives), United States Information Agency, 301 4th Street SW., Room 336, Washington, DC 20547.

Dated: February 6, 1991.

William Glade,

Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91–3909 Filed 2–19–91; 8:45 am]

BILLING CODE 8230–01–M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 34
Wednesday, February 20, 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).

FEDERAL ENERGY REGULATORY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: February 13, 1991, 55 FR 5452.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: February 13, 1990, 10:00 a.m.

CHANGE IN THE MEETING: The following Docket Numbers have been added to Item CAG-1 on the Agenda scheduled for February 13, 1991:

Item No., Docket No., and Company

CAG-1—RM91-2-000, Mechanisms for Passthrough of Pipeline Take-or-Pay Buyout and Buydown Costs. RP88-80-015, RP89-153-004, RP89-154-003, RP90-96-003, TM89-6-17-000, TM89-10-17-002, TM90-7-17-003, TM90-11-17-000 and TM90-14-17-000, Texas Eastern Transmission Corporation

Lois D. Cashell,

Secretary.

[FR Doc. 91-4025 Filed 2-14-91; 4:15 pm]

BILLING CODE 6717-02-M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

February 14, 1991.

TIME AND DATE: 10 a.m. (items 1 and 2) and 2 p.m. (items 3 and 4), Thursday, February 21, 1991.

PLACE: Room 600, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will hear oral argument on the following:

1. BethEnergy Mines, Inc., Docket Nos. PENN 89-277-R, etc.
2. Mettiki Coal Corporation, Docket Nos. YORK 89-10-R, etc.
3. Rochester and Pittsburgh Coal Company, Docket Nos. PENN 88-309-R, etc.
4. Southern Ohio Coal Company, Docket Nos. WEVA 88-144-R, etc.

The above four proceedings were set for oral argument in an order dated January 22, 1991, and involve similar issues pertaining to the issuance of safeguards.

Any person intending to attend this hearing who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(e).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen, (202) 653-5629/(202) 708-9300 for TDD Relay 800-877-8339 (Toll Free).

Jean H. Ellen,

Agenda Clerk.

[FR Doc. 91-4053 Filed 2-15-91; 12:55 pm]

BILLING CODE 6735-01-M

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 11:00 a.m., Monday, February 25, 1991.

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. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204. You may call (202) 452-3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: February 15, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-4162 Filed 2-15-91; 3:36 pm]

BILLING CODE 6210-01-M

DEPARTMENT OF JUSTICE

PAROLE COMMISSION

Pursuant to the Government in the Sunshine Act (Public Law 94-409) (5 U.S.C. section 552b).

TIME AND DATE: 9:00 a.m. to 10:30 a.m., Tuesday, February 26, 1991.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED:

1. Appeals to the Commission of approximately 7 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.
2. Approval of Hearing Examiners pursuant tos 18 U.S.C. 4204(a)(2)(A).

CONTACT PERSON FOR MORE INFORMATION: Jeffrey Kostbar, Case Analyst, National Appeals Board, United States Parole Commission, (301) 492-5968.

Dated: February 13, 1991.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 91-4088 Filed 2-15-91; 12:56 pm]

BILLING CODE 4410-01-M

DEPARTMENT OF JUSTICE

PAROLE COMMISSION

Pursuant to the Government in the Sunshine Act (Public Law 94-409) (5 U.S.C. section 552b).

TIME AND DATE: 10:30 a.m., Tuesday, February 26, 1991.

PLACE: 5550 Friendship Boulevard, Chevy Chase, Maryland, 20815.

STATUS: Open.

MATTERS TO BE CONSIDERED: The following matters have been placed on the agenda for the open Parole Commission meeting:

1. Approval of minutes of previous Commission meeting.
2. Reports from the Chairman, Commissioners, Legal, Case Operations, Program Coordinator and Administrative Sections.
3. Proposal to amend 28 CFR 2.19(c) on the issue of the Commission's use of acquittals.
4. Proposal to amend the guidelines to add solicitation offenses.
5. Discussion on establishing short and long-range goals for the Parole Commission.
6. Discussion on including prohibition against alcohol on Drug After-care Conditions.
7. Discussion on the Commission's proposal to change its prohibition on warrantless search.
8. Discussion on decisions outside the guidelines.
9. Discussion on the Enhanced Supervision Monograph.
10. Report and recommendation regarding non-parolable offenders in Federal custody with U.S. Parole Commission detainers and sentences with non-parolable components.
11. Proposal to modify the Definition of "Peripheral Role."
12. Establishment of the Daniel R. Lopez Memorial Award.
13. Discussion regarding Curfew Parole.

14. Proposal to require inmates scheduled for a two-thirds review to complete either a waiver or application for a mandatory parole hearing.
15. Proposal to request that Bureau of Prisons not submit information to the Parole Commission regarding inmates with non-parolable sentences.
16. Discussion regarding the realignment of the Western, North Central and South Central Regional Offices of the Commission.

CONSENT AGENDA: The following matters have been placed on the consent agenda and will be considered at the open meeting open if a Parole Commissioner requests that they be discussed at the meeting:

1. Final Rule on grading bribery offenses.
2. Language to be used to notify the Commission and Bureau of Prisons staff of appropriate candidates for home confinement.
3. Proposal to add two sections to the Transfer Treaty Regulation concerning the statement of jurisdiction and the reopening of Transfer Treaty cases.
4. Modification of Transfer Treaty Procedures at § 2.62-01(a) of the U.S. Parole Commission Rules and Procedures Manual.
5. Revision of 28 CFR 2.64 to account for the recent Sentencing Reform Act amendments which extend the existence of the Parole Commission.

AGENCY CONTACT: Linda Wines Marble, Director, Case Operations and Program Development, United States Parole Commission, (301) 492-5962.

Dated: February 13, 1991.

Michael A. Stover,

General Counsel, U.S. Parole Commission.

[FR Doc. 91-4089 Filed 2-15-91; 12:56 pm]

BILLING CODE 4410-01-M

LEGAL SERVICES CORPORATION

TIME AND DATE: A meeting of the Board of Directors will be held on February 22, 1991. The meeting will commence at 9:00 a.m.

PLACE: The Washington Court Hotel, 525 New Jersey Avenue NW., Ballroom Center, Washington, DC 20001, 202/628-2100.

STATUS OF MEETING: Open (A portion of the meeting may be closed, subject to a vote by a majority of the Board of Directors, to discuss personnel, privileged or confidential, personal, investigatory and litigation matters under the Government in the Sunshine Act 5 U.S.C. 552b (c) (2), (4), (5), (7), and (10) and 45 CFR 1622.5 (a), (c), (d), (e), (f), and (h)).

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of Minutes.
   —January 28, 1991
3. Chairman's Report.
5. President's Report.
6. Legislative Report.
7. Report from the Audit and Appropriations Committee.
   a. Consideration of Fiscal Year 1990 Uncommitted Carryover Funds;
   b. Consideration of FY 1991 Consolidated Operating Budget;
   c. Consideration of FY 1992 Budget Mark Proposals.
8. Resolution Offered by Mr. Dana.
9. Consideration of Competition Study.

CONTACT PERSON FOR MORE INFORMATION: Maureen R. Bozell, Executive Office, (202) 863-1839.

Date Issued: February 15, 1991.

Maureen R. Bozell,

Corporation Secretary.

[FR Doc. 91-4090 Filed 2-15-91; 12:57 pm]

BILLING CODE 7050-01-M

NATIONAL COUNCIL ON DISABILITY

Quarterly Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming meeting of the National Council on Disability. This notice also describes the functions of the National Council. Notice of this meeting is required under section 522(b)(10) of the "Government in Sunshine Act" (Pub. L. 94-409).

DATES:

March 18, 1991, 8:30 a.m. to 5:00 p.m.
March 19, 1991, 8:30 a.m. to 5:00 p.m.
March 20, 1991, 8:30 a.m. to 5:00 p.m.
March 21, 1991, 8:30 a.m. to 5:00 p.m.
March 22, 1991, 8:30 a.m. to 5:00 p.m.

LOCATION: Los Angeles Airport Marriott Hotel.

FOR FURTHER INFORMATION CONTACT: National Council on Disability, 800 Independence Avenue, SW., Suite 814, Washington, DC 20591, (202) 267-3846, TDD: (202) 267-3232.

The National Council on Disability is an independent federal agency comprised of 15 members appointed by the President of the United States and confirmed by the Senate. Established by the 95th Congress in Title IV of the Rehabilitation Act of 1973 (as amended by Public Law No. 95-602 in 1978), the National Council was initially an advisory board within the Department of Education. In 1984, however, the National Council was transformed into an independent agency by the Rehabilitation Act Amendments of 1984 (Public Law 98-221).

The National Council is charged with reviewing all laws, programs, and policies of the Federal Government affecting individuals with disabilities and making such recommendations as it deems necessary to the President, the Congress, the Secretary of the Department of Education, the Commissioner of the Rehabilitation Services Administration, and the Director of the National Institute on Disability and Rehabilitation Research (NIDRR). In addition, the National Council is mandated to provide guidance to the President's Committee on Employment of People With Disabilities.

The meeting of the National Council shall be open to the Public. The proposed agenda includes:

Report from Chairperson and Executive Committee Update on NIDRR
Update on Prevention and the National Conference on the Prevention of Disabilities
Update on the implementation of the Americans with Disabilities Act
Update on research policy studies: education; technology; and, health insurance
Committee Meetings/Committee Reports
Presentation on the media and people with disabilities
Report on the Institute of Medicine report, "Disability in America."
Unfinished Business
New Business
Announcements
Adjournment
Hearings will be held on the financing of assistive technology devices and services
Meeting of the Advisory Committee on the Financing of Assistive Technology

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed at Washington, DC on February 15, 1991.

Ethel D. Briggs,

Executive Director.

[FR Doc. 91-4045 Filed 2-15-91; 12:54 pm]

BILLING CODE 6820-BS-M

federal register

Wednesday
February 20, 1991

Part II

Department of Agriculture

Rural Electrification Administration

7 CFR Part 1710

Borrower Eligibility for Different Types of Loans; Proposed Rule

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1710

RIN 0572-AA43

Borrower Eligibility for Different Types of Loans

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to add a new part 1710, General and Pre-loan Policies and Procedures Common to Insured and Guaranteed Electric Loans. This part implements the provisions and requirements of the Rural Electrification Act (RE Act), as amended, and contains the administrative polices, requirements, and procedures of the REA electric program for applicants seeking financial assistance from REA for facilities to furnish electric service in rural areas. The primary objective of proposed § 1710.102 is to set forth REA policies and procedures for determining borrowers' eligibility for different types of financial assistance and the amount of an insured loan request that will be financed with an insured loan and/or a 90 percent loan guarantee.

DATES: Comments must be received by REA or carry a postmark or equivalent by April 8, 1991.

ADDRESSES: Written comments should be addressed to Bert L. Huntington, Management Analyst, U.S. Department of Agriculture, Rural Electrification Administration, room 0014-S, 14th & Independence Avenue, SW., Washington, DC 20250-1500. REA requests an original and 3 copies of all comments.

FOR FURTHER INFORMATION CONTACT: Frank W. Bennett, Deputy Assistant Administrator-Electric, U.S. Department of Agriculture, Rural Electrification Administration, Room 4048-S, 14th and Independence Avenue, SW., Washington, DC 20250-1500, Telephone: (202) 382-9547.

SUPPLEMENTARY INFORMATION: Pursuant to the RE Act, REA proposes to amend 7 CFR chapter XVII by adding part 1710, General and Pre-loan Policies and Procedures Common to Insured and Guaranteed Electric Loans; Subpart A, General, consisting of § 1710.2, Definitions and Rules of Construction; and Subpart C, Loan Purposes and Basic Policies, consisting of § 1710.102, Borrower Eligibility for Different Types of Loans.

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

Information on the impacts of this action and the alternatives, which provided a basis for the decision to proceed with the rule, is contained in the background section of the rule. This information meets the Department of Agriculture's requirements for regulatory impact analysis.

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

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

The existing reporting requirements approved prior to this proposed rule were approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). (Approved by the Office of Management and Budget under control number 0572-0032.) The public reporting burden is estimated to average 17 hours per response for REA Form 7, including the time for reviewing instructions, searching existing data sources, gathering, completing and reviewing the collection of information and maintaining the data needed.

Additional reporting requirements contained in this proposed rule for REA Form 50 are being submitted for approval to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). They will not be effective until approved by OMB. The public reporting burden for this new collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, completing and reviewing the collection of information and maintaining the data needed.

Send comments regarding these burden estimates or any other aspect of these collections of information, including suggestions for reducing the burden, to Department of Agriculture, Clearance Officer, OIRM, room 404-W, Washington, DC 20250; and to the Office of Management and Budget Paperwork Reduction Project (OMB number 0572-0032), Washington, DC 20503.

Background

REA is in the process of publishing for public comment its policies, procedures and requirements relating to the electric loan program. General policies and preloan policies and procedures common to both guaranteed and insured loans will be published as subparts A through H of 7 CFR part 1710. Section 1710.102 is being published now to set forth policies and procedures, pursuant to the new section 314 of the RE Act, for determining the amount of insured funds and 90 percent guaranteed funds that will offered to applicants for insured loans. Section 1710.2, which defines key terms used in § 1710.102 and the other sections of part 1710, is also being published now. The other sections of part 1710 will be published as soon as possible.

REA also plans to publish in the near future parts 1712 and 1714, which will set forth proposed preloan policies and procedures specific to guaranteed loans and insured loans, respectively. Part 1712 will contain the specific policies, requirements and operating procedures applicable to the new 90 percent guarantee program authorized by section 314 of the RE Act.

Section 314 of the RE Act requires that the amount of insured loan funds made available in fiscal years 1991 through 1995 be reduced by certain amounts and that 90 percent loan guarantees be offered in an amount equal to the reductions. The Administrator is required to administer the reduction in insured loan funds in a manner that will lessen its adverse effect.

Borrowers may accept a 90 percent REA guarantee of private financing or choose to fund the reduction in insured funds by other means. A borrower may elect to use internally generated funds, a lien accommodation from REA for

financing from another lender, or use other non-REA sources of funds.

Insured loans are normally reserved for the financing of distribution and subtransmission facilities of both distribution and power supply borrowers. Approximately 918 borrowers (40 power supply borrowers and 878 distribution borrowers, including 9 recently merged borrowers) own distribution and/or subtransmission facilities. Operating data are available for 912 of these borrowers.

REA proposes to allocate available authority for insured loans and 90 percent guarantees in a manner that will lessen the adverse effect on borrowers and their consumers. The primary effect of providing a combination of an insured loan and 90 percent guarantee is that the blended interest rate will be somewhat higher than with an insured loan alone.

Take for example a borrower that is required under existing REA policy to obtain 30 percent of its financing from a supplemental lender without a guarantee, and who qualifies for an insured loan for 80 percent of the remaining amount and a 90 percent guarantee for 20 percent. If the unguaranteed supplemental financing is available at 10 percent interest and the guaranteed financing at 9.9 percent interest, the blended interest rate would be 7.19 percent, .3(10)+.7[.8(5)+.2(9.9)], whereas the blended rate would have been 6.5 percent, .3(10)+.7(5), if insured funds had been available for the entire amount financed by REA.

To lessen the adverse effect on borrowers and their consumers, it must be recognized that the effect of somewhat higher interest rates on a borrower's ability to provide electric service at affordable rates and on the ability of the borrower's consumers to pay those rates will vary substantially from borrower to borrower. Somewhat higher interest costs will be easier to pass through in rates with less adverse effect in the case of borrowers serving a strong market, with strong kWh sales growth and relatively high incomes and low unemployment. The same is true if the inherent cost of serving the borrower's service territory is relatively low due to low power costs, a relatively dense and compact service territory, relatively low plant construction costs, or other factors.

REA therefore proposes to allocate insured funds and 90 percent guarantees based on the need of individual borrowers for an interest subsidy as reflected by the economic condition of the borrower's service territory and the inherent cost of providing service in that territory. REA believes this approach will reduce, as much as practicable, the overall adverse effect of the reduction in insured loan authority by sharing the effects equitably among borrowers less able and those more able to absorb the somewhat higher interest costs.

In an effort to comply with the mandate to lessen the adverse effect, REA investigated a variety of approaches. REA considered but rejected the alternative of reducing every applicant's request for insured funds by 25 percent, which is the overall reduction in insured funds enacted for FY 1991. Such reduction would apply to the borrower's request for insured funds after determining the amount of unguaranteed supplemental financing required based on the borrower's plant revenue ratio. This alternative approach would not lessen the adverse effect of the reduction in insured funds since some borrowers are substantially better able to absorb somewhat higher interest costs than others. Under the approach adopted, 60 percent of all borrowers, namely those less able to absorb somewhat higher interest costs, are eligible to receive from 80 to 100 percent of insured funds requested (net of required supplemental financing) based on the FY 1991 authorized levels.

The primary effect of the reduction in insured funds is the loss of interest subsidy by borrowers that will have to pay higher interest rates on guaranteed private-sector loans or use other sources of capital at the market rate of interest. The allocation approach proposed by REA will ameliorate that effect by ensuring that those borrowers and communities that are less able to pay higher interest costs will continue to receive the subsidy needed. Other approaches, such as an across-the-board reduction of 25 percent for all insured loans, or funding 100 percent of each request on a first come first served basis, would not have this ameliorating effect. And the latter option has the added disadvantage of making borrowers toward the end of the loan application queue wait even longer for loan funds.

REA proposes to use the following 8 criteria to determine which borrowers are more able or less able to absorb somewhat higher interest costs:

(1) The weighted average per capita personal income in the counties served by the borrower. If reliable data are available at a reasonable cost for smaller goegraphic areas, that data will be used instead of county data.

(2) The weighted average unemployment rate in the counties served by the borrower. The number of consumers served in each county is used as the weight in calculating the weighted average for criteria 1 and 2.

(3) Average annual rate of growth in the borrower's total kWh sales during the past 5 to 10 years.

(4) Rate disparity, measured as the difference between the borrower's residential rate and the average residential rate in the state for all electric utilities, including non-REA financed utilities. If reliable data are available at a reasonable cost for all borrowers, REA will instead compare a borrower's rate against the average residential rate for all utilities with territories contiguous with the borrower's.

(5) Rate level, measured by average revenue per kWh sold by the borrower to residential and farm consumers.

(6) Cost of power per kWh purchased and/or generated by the borrower.

(7) Total kWh sales per mile of distribution and transmission line, excluding large commercial and industrial consumers and sales for resale.

(8) Dollar amount of distribution and transmission plant in service per kWh of electricity sold.

The eight criteria chosen reflect fundamental principles of need. Per capita income, unemployment rate, and growth in kWh sales reflect the economic strength of the borrower's service territory and the ability of its market to absorb higher costs.

Retail rate disparity and retail rate level indicate in relative and absolute terms how high or low rates are presently and, other things being equal, the ability of borrowers and their consumers to absorb additional costs. There should be less adverse effect on borrowers with relatively low rates and/or low rate disparity in terms of losing loads to competitors or creating customer unrest. Also, a borrower with a relatively high rate disparity should face less customer unrest if its rates are relatively low in absolute terms, compared with another borrower with the same rate disparity but a substantially higher rate level. Furthermore, a borrower with relatively low rates, other things being equal, should be in a better position to attract commercial and industrial customers to its service territory and thus realize economies of scale associated with a larger and more compact market.

A borrower's cost of power, kWh sales per mile of distribution and transmission line, and investment in distribution and transmission plant per kWh of electricity sold indicate the inherent cost of providing electric service in the borrower's service

territory. Power costs, which basically are beyond the borrower's control, typically account for 71 percent of a distribution borrower's total costs. KWh sales per mile of line reflect the "density" of a borower's system, while plant investment per kWh sold reflects "density" and differences in the cost of plant construction. These two factors are also largely beyond the borrower's control. Borrowers that have inherently lower-cost service territories, as indicated by these variables, should be better able to absorb higher interest costs.

REA considered but did not include several other criteria. Some of these criteria overlapped one or more of the eight criteria selected and did not add substantially to the overall assessment of need. Others were not as effective in measuring inherent costs of providing service or the economic strength of the borrower's service territory, or they reflected conditions that were within the borrower's control, and if adopted, could have resulted in rewarding poor management or past mistakes.

One of the criteria considered was equity (adjusted for past retirements of capital credits) as a percent of total assets. It was not included because it would have penalized borrowers that have followed a more vigorous equity development policy through achievement of adequate margins and TIER and greater reliance on internally generated funds rather than debt to finance capital investments.

Another example of other criteria considered is the plant expense ratio, which is identical to REA's traditional plant revenue ratio except that operating margins are not included in the denominator. This criterion was rejected because it would have penalized borrowers with inherently high distribution costs and could have inappropriately rewarded borrowers that under-expense depreciation costs or fail to conduct proper maintenance.

Yet another example of other criteria considered is long-term debt expense per kWh of electricity sold. This criterion was rejected because long-term debt expense (principal and interest payments) represents only about 8 percent of the typical distribution borrower's total costs, and more important, borrowers that have relied more heavily on internally generated funds rather than debt to finance capital needs would have been penalized.

While each of the eight criteria selected is not sufficient by itself to measure a borrower's need for an interest subsidy, taken together they present an objective and reasonably comprehensive picture of a borrower's need, wherein no single criterion has undue influence. Also, since several of the criteria overlap in measuring similar factors, such as the two measures of "density", any errors in one criterion in reflecting a borrower's need will likely be offset to some degree by one or more overlapping criteria.

After the data for the need criteria have been gathered and verified, there are four main steps to determine the amount of insured funds and 90 percent guaranteed funds that will be offered for the REA-financed portion of project costs. Independent of this, an applicant for an insured loan must obtain a portion of its debt financing from a supplemental source, without an REA guarantee, based on the applicant's plant revenue ratio.

Step 1. Based on the eight criteria listed above, each borrower is ranked among all other distribution and power supply borrowers that are eligible for an insured loan to finance distribution and subtransmission facilities.

Step 2. The borrowers are grouped into 10 deciles based on the ranking in step 1.

Step 3. Each decile is assigned a proportion of insured funds and 90 percent guaranteed funds, with a higher proportion of insured funds assigned to the deciles containing borrowers having a greater need for assistance.

Step 4. The resulting proportions are applied to the existing loan application inventory until all insured funds have been lent.

Steps 1 and 2

The following steps are used to determine the decile rank of each borower:

a. Each distribution and power supply borrower is ranked, in descending order of need, against all other borrowers for each of the eight criteria.

b. For criteria 2, 4, 5, 6, and 8 cited above, the ranking is from high to low because high values for these criteria indicate relatively greater need and low values indicate relatively less need.

c. For criteria 1, 3, and 7, the ranking is from low to high because high values for these criteria indicate relatively less need and low values indicate relatively greater need.

d. After ranking the borrowers against each criteria, they are then ranked in descending order of need based on the average rank of each borrower for the eight criteria.

e. Then the list of borrowers ranked in descending order of need for assistance is separated into 10 equal deciles consisting of about 91 borrowers each (See Table 2 below).

Step 3

Each decile of borrowers is then assigned the proportion of insured funds and 90 percent guaranteed funds that will be offered for each loan request. These proportions are assigned so that the overall average proportion of insured funds and 90 percent guaranteed funds will approximately equal the proportion of insured funds and 90 percent guaranteed funds available for the fiscal year.

The allocations will be determined early in the fiscal year, soon after electric loan authority is available. A notice will be published in the **Federal Register** to inform the public of the new fiscal year allocations for each decile.

The allocation of insured funds and 90 percent guarantees proposed for each need decile, based on the FY 1991 authorizations, is shown in Table 1 below. In FY 1991, $485,453,000 of insured funds (75 percent of the total from the two sources) and $161,817,000 of 90 percent guarantees (25 percent) have been authorized. Thus the proportions of insured funds and 90 percent guarantees assigned to the need deciles for FY 1991 have been designed to average 75 percent insured and 25 percent guaranteed.

TABLE 1

Decile rank (greatest to least need)	Approximate number of borrowers	Insured funds (percent)	90 percent guarantee (percent)
1	91	100	0
2	91	100	0
3	91	100	0
4	91	90	10
5	91	90	10
6	91	80	20
7	91	70	30
8	91	60	40
9	91	40	60
10	91	20	80

Step 4

After determining the proportion of insured funds and 90 percent guaranteed funds for which each borrower qualifies, these proportions are multiplied times each request for insured funds in the application inventory, such requests being net of the amount of unguaranteed supplemental financing required of each borrower based on the borrower's plant revenue ratio. Each insured loan applicant will be offered an insured loan or an insured loan and 90 percent guarantee until all insured loan funds have been lent.

Following is an example of how the funds would be allocated for a borrower

that must obtain 30 percent of its debt financing from a supplemental source without an REA guarantee. If the borrower is classified in decile 6 and the total need for financing is $3 million, the allocations would be as follows:

Total financing need	$3,000,000
30 percent unguaranteed supplemental financing	900,000
Amount financed with REA assistance	2,100,000
Insured funds (80 percent)	1,680,000
90 percent guaranteed funds (20 percent)	420,000

If there are insufficient applications for insured loans, or if there is insufficient time to process more applications to utilize all fiscal year authority for insured loans, the Administrator will increase the allocation of insured funds in order to make full use of the funds, as required by section 314 of the RE Act. Any such increase will normally be an equal percentage increase for all loans yet to be approved. For example, if the allocation has to be increased 5 percent to ensure that all insured funds are lent, an applicant that would normally receive an 80 percent allocation of insured funds would receive 84 percent (80 times 1.05). Such decision to increase the allocation of insured funds will be made as early in the fiscal year as practicable, so that as many applicants as possible will benefit from the increase.

In working through the application inventory, it is also possible that authority for 90 percent guarantees will be exhausted before all insured have been lent. If possible, the Administrator will make that determination before the 90 percent authority is actually exhausted, based on the loans already approved and those applications remaining in the inventory. REA would then offer 100 percent guarantees under section 306 of the RE Act to certain applicants instead of the 90 percent guarantee. Such 100 percent guarantees will be offered first to applicants with the greatest need for assistance, as determined by the need criteria, and then to applicants with less need.

A borrower may also request a 100 percent guarantee instead of an insured loan to finance all or a portion of distribution and subtransmission facilities. In this case, the borrower is not required to obtain a portion of its credit needs from a supplemental lender without a guarantee for that part of the project to be financed with a 100 percent guarantee.

The data used for the need criteria will be updated each year by no later than August 31. Notice will then be given with respect to borrowers whose decile rank has changed as a result of incorporating the new data. The new decile ranks will apply to applications received after the date of incorporating the new data, and to applications that have been on hand for more than 18 months.

In summary, REA believes the proposed method of allocating insured funds and 90 percent guarantees based on the economic strength of a borrower's service territory and the inherent cost of providing service in that territory will lessen the adverse impact of the reduction in insured loan authority by sharing the reduction equitably among borrowers more able and those less able to absorb the resulting somewhat higher interest costs.

Table 2 below lists each borrower in descending order of need for an interest subsidy, and shows the overall rank of each borrower, the need decile, the percentage allocation of insured funds based on the FY 1991 authorization, and the rank of each borrower for each of the eight criteria. The table reflects mergers and consolidations of borrowers as of January 1, 1991.

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Table 2

Need Decile, FY 91 Funds Allocation and Related Data for All Borrowers

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
NM 15	1	100	1	10	6	395	20	12	45	132	27
MN 94	1	100	2	242	160	107	12	25	208	34	13
TX 144	1	100	3	78	82	44	14	22	536	19	10
NM 14	1	100	4	11	5	636	42	15	33	53	26
IL 39	1	100	5	514	144	23	86	16	14	110	28
LA 20	1	100	6	34	21	105	97	131	126	336	106
TX 91	1	100	7	292	187	10	34	75	121	152	98
NM 11	1	100	8	36	3	13	129	34	25	557	179
NM 19	1	100	9	287	8	33	70	26	9	4	593
NM 21	1	100	10	150	183	400	113	31	30	54	97
IL 18	1	100	11	388	101	92	244	28	23	154	93
LA 7	1	100	12	18	114	167	88	118	87	390	184
MI 29	1	100	13	212	152	347	25	35	337	41	19
IL 33	1	100	14	485	382	48	116	17	18	100	43
NM 12	1	100	15	282	342	304	61	19	35	168	37
MN 89	1	100	16	170	132	456	29	80	117	188	131
SD 38	1	100	17	5	78	99	203	279	624	23	16
KS 38	1	100	18	327	604	6	43	41	230	83	15
IL 48	1	100	19	428	75	63	400	45	44	208	138
MI 42	1	100	20	126	63	542	67	81	194	189	140
LA 11	1	100	21	229	81	40	101	135	88	583	164
KS 8	1	100	22	481	432	68	80	70	202	60	68
TX 88	1	100	23	268	120	531	36	76	141	200	99
MI 20	1	100	24	286	201	468	41	52	243	147	34
PA 13	1	100	25	315	422	369	63	23	40	204	41
MN 81	1	100	26	235	102	470	22	60	135	298	169
LA 15	1	100	27	77	11	125	161	162	84	737	192
IL 27	1	100	28	433	30	113	405	46	27	193	311
AR 15	1	100	29	41	19	150	371	213	317	299	153
KS 50	1	100	30	618	458	146	82	72	97	39	55
PA 28	1	100	31	404	281	366	93	36	51	286	57
TX 95	1	100	32	14	13	384	91	158	710	114	91
LA 12	1	100	33	12	7	170	235	215	74	445	428
NM 28	1	100	34	107	44	291	315	64	38	434	319
MN 92	1	100	35	201	108	486	32	90	103	338	290
IL 12	1	100	36	788	265	233	148	18	32	165	3
WI 63	1	100	37	168	363	316	27	84	592	92	21
NM 20	1	100	38	31	216	371	370	79	39	163	417
OK 6	1	100	39	221	264	21	189	266	225	244	276
NM 17	1	100	40	208	656	613	30	14	29	82	80
KS 39	1	100	41	489	765	130	65	59	91	44	72
AZ 13	1	100	42	8	31	558	100	38	36	625	322
FL 28	1	100	43	89	212	656	79	67	286	287	44
TX 87	1	100	44	141	224	567	108	182	129	180	198
MI 28	1	100	45	204	15	685	114	112	234	209	177
NM 25	1	100	46	98	124	446	68	21	99	47	853
IL 7	1	100	47	696	254	101	259	30	10	280	128
SD 35	1	100	48	2	345	377	107	216	669	31	14
IL 40	1	100	49	543	173	96	364	43	11	309	240
IL 30	1	100	50	699	294	95	309	37	15	191	174
KS 41	1	100	51	450	566	85	178	116	189	117	146
KS 56	1	100	52	604	645	66	110	91	128	81	123
NM 18	1	100	53	40	42	739	168	42	55	235	535
ND 25	1	100	54	70	153	363	136	375	661	55	56
KS 29	1	100	55	666	904	55	62	58	98	12	25
KS 32	1	100	56	733	770	18	39	39	184	66	33
OK 18	1	100	57	336	240	265	152	230	388	119	158
MI 37	1	100	58	595	73	393	167	137	155	300	83
WI 57	1	100	59	187	217	386	54	149	586	226	102
IA 79	1	100	60	411	769	133	102	98	249	94	77
KS 49	1	100	61	807	900	77	28	29	56	16	36
IA 77	1	100	62	265	346	120	260	174	540	93	157
KS 31	1	100	63	530	547	103	207	128	136	75	233
TX 148	1	100	64	479	188	293	119	187	112	306	285
WI 16	1	100	65	414	543	602	17	54	139	137	76
TX 89	1	100	66	393	459	538	37	78	240	202	39

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
IL 46	1	100	67	713	166	140	288	33	21	478	148
KS 14	1	100	68	770	776	4	76	66	138	111	47
IL 53	1	100	69	669	161	137	419	49	26	321	208
KS 27	1	100	70	584	833	45	124	94	131	68	112
AL 22	1	100	71	51	18	564	117	253	521	211	269
ND 8	1	100	72	116	199	292	253	531	384	128	121
ND 37	1	100	73	160	430	172	99	338	603	42	209
ME 12	1	100	74	440	206	533	195	71	157	334	119
IA 80	1	100	75	329	752	136	285	188	268	43	78
TX 55	1	100	76	661	512	29	64	126	343	72	272
LA 17	1	100	77	66	126	278	296	248	90	485	493
OK 23	1	100	78	169	315	152	218	286	398	391	165
IL 54	1	100	79	711	427	153	414	48	46	197	103
MS 20	1	100	80	112	40	618	49	138	512	171	463
OK 21	1	100	81	467	618	60	228	300	253	25	156
AL 9	1	100	82	114	45	661	104	243	411	310	239
IL 23	1	100	83	801	316	121	272	32	13	357	224
CO 35	1	100	84	377	203	361	69	129	644	278	82
CO 14	1	100	85	109	23	237	276	299	670	414	127
IA 19	1	100	86	458	828	93	140	110	303	113	118
KS 28	1	100	87	841	862	117	40	40	123	28	136
AZ 14	1	100	88	147	335	480	181	53	49	747	223
AR 21	1	100	89	55	115	529	438	241	169	339	341
TX 103	1	100	90	205	253	260	138	197	185	723	270
OH 32	1	100	91	304	95	226	121	96	767	378	247
IA 21	1	100	92	716	486	112	202	148	246	167	159
OK 35	2	100	93	26	127	443	216	282	285	394	466
ND 13	2	100	94	356	660	214	111	356	414	71	64
OK 29	2	100	95	178	277	118	302	370	348	399	254
PA 15	2	100	96	442	529	424	173	50	59	421	149
WI 58	2	100	97	375	465	459	56	150	623	97	22
LA 30	2	100	98	133	92	205	325	264	116	726	395
OK 33	2	100	99	37	156	576	277	352	366	238	259
AR 31	2	100	100	127	87	516	543	305	220	144	324
AR 11	2	100	101	149	14	138	525	280	195	494	475
CA 41	2	100	102	863	289	806	11	10	43	247	2
PA 19	2	100	103	640	505	352	214	57	65	311	130
FL 15	2	100	104	85	214	797	230	134	227	405	185
MN 12	2	100	105	531	394	553	33	92	261	242	194
FL 35	2	100	106	294	135	777	159	103	107	586	141
TX 23	2	100	107	676	54	239	326	341	546	13	111
MN 10	2	100	108	302	157	877	59	142	190	220	381
IL 21	2	100	109	758	317	337	204	24	50	253	391
KS 40	2	100	110	444	619	479	155	102	104	239	195
TX 125	2	100	111	216	61	544	177	226	273	566	274
WY 9	2	100	112	408	259	59	122	307	809	262	117
LA 13	2	100	113	261	150	487	169	167	93	771	249
MN 56	2	100	114	280	283	738	77	163	196	392	219
MT 32	2	100	115	283	584	182	44	391	854	10	7
GA 98	2	100	116	87	154	435	476	415	507	88	203
AK 13	2	100	117	582	57	607	5	5	4	910	199
MT 21	2	100	118	143	62	272	142	669	836	198	49
KS 7	2	100	119	712	892	30	320	175	173	8	62
ME 16	2	100	120	855	736	588	7	9	12	164	6
NM 9	2	100	121	196	177	431	574	125	681	131	71
AK 18	2	100	122	911	299	302	9	6	8	827	31
IL 32	2	100	123	346	395	79	665	86	20	195	611
PA 12	2	100	124	509	587	436	273	68	58	305	161
OH 94	2	100	125	17	56	606	335	195	752	232	206
IL 31	2	100	126	856	293	173	409	47	17	436	172
KS 45	2	100	127	714	815	177	196	124	206	67	104
TX 86	2	100	128	397	340	314	282	315	550	84	122
KS 24	2	100	129	547	870	65	337	185	83	30	294
MN 4	2	100	130	137	155	908	50	130	361	292	378
NM 22	2	100	131	7	49	449	624	140	54	361	729
KS 33	2	100	132	889	890	20	234	145	124	33	90
TX 102	2	100	133	791	64	362	141	200	86	403	383
WY 21	2	100	134	556	480	78	78	360	543	203	132
KY 61	2	100	135	20	37	356	98	529	569	427	399
SD 3	2	100	136	431	805	57	60	143	602	234	108
PA 24	2	100	137	209	204	422	492	122	67	553	379

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
OK 26	2	100	138	331	641	301	106	205	659	3	210
KS 46	2	100	139	850	861	175	151	100	199	74	51
AR 22	2	100	140	104	138	397	602	337	280	245	369
PA 21	2	100	141	338	238	74	552	152	70	533	516
KS 47	2	100	142	771	852	16	150	99	42	206	340
AR 33	2	100	143	117	407	598	340	206	377	318	125
PA 17	2	100	144	638	402	311	292	74	71	444	267
AR 28	2	100	145	49	139	551	540	293	390	370	168
AK 28	2	100	146	895	33	748	2	2	2	814	5
LA 19	2	100	147	165	129	327	336	268	179	664	442
IA 75	2	100	148	708	651	71	267	178	245	126	265
FL 23	2	100	149	81	431	846	241	144	143	431	196
ND 26	2	100	150	152	866	139	265	547	330	52	162
PA 20	2	100	151	299	227	563	463	114	62	555	231
ID 15	2	100	152	290	331	151	35	628	893	142	48
MI 46	2	100	153	333	65	682	261	192	232	389	371
WY 22	2	100	154	749	803	3	21	127	700	11	113
ND 34	2	100	155	472	781	88	132	371	640	21	24
TX 93	2	100	156	555	473	415	47	95	750	122	74
TX 119	2	100	157	621	750	221	55	113	762	6	11
MS 31	2	100	158	188	32	825	193	294	158	551	306
IN 47	2	100	159	252	286	473	164	201	180	497	505
OK 24	2	100	160	279	626	254	208	275	372	408	139
MI 33	2	100	161	339	60	695	200	156	247	448	420
MS 34	2	100	162	50	43	788	308	411	177	337	459
MT 5	2	100	163	342	380	24	238	731	449	324	100
ME 19	2	100	164	811	699	638	6	8	79	347	1
IN 18	2	100	165	517	306	277	188	217	237	517	339
OK 27	2	100	166	22	603	581	295	366	312	236	186
MO 55	2	100	167	185	252	509	547	400	272	157	286
AZ 20	2	100	168	729	686	1	278	69	52	577	218
OK 32	2	100	169	309	425	75	351	414	397	293	348
IN 11	2	100	170	529	709	134	137	173	248	430	253
MT 28	2	100	171	427	859	35	38	368	816	9	61
WV 10	2	100	172	186	59	575	84	384	803	352	173
IL 2	2	100	173	527	20	38	860	212	28	420	521
IA 15	2	100	174	394	439	97	501	306	514	218	166
KS 13	2	100	175	493	648	90	312	170	133	115	683
ID 21	2	100	176	678	609	273	8	146	877	50	9
ND 21	2	100	177	497	874	108	92	318	314	51	403
KS 19	2	100	178	825	792	67	190	119	105	319	242
MT 34	2	100	179	631	839	244	15	157	735	2	38
TX 80	2	100	180	812	711	328	23	55	702	5	35
MO 22	2	100	181	405	634	288	256	210	647	125	110
SD 32	2	100	182	154	667	281	232	314	711	73	243
ND 42	2	100	183	310	501	286	199	456	564	150	211
PA 27	2	100	184	616	409	411	341	83	64	510	244
IL 8	3	100	185	491	351	289	563	65	24	416	491
ME 13	3	100	186	829	738	801	83	44	16	124	63
TX 104	3	100	187	544	103	584	174	222	637	90	347
LA 8	3	100	188	139	151	81	561	433	175	884	279
NE 100	3	100	189	845	880	198	31	177	378	166	40
IA 16	3	100	190	600	592	127	460	276	439	98	126
TX 99	3	100	191	751	528	56	176	224	736	80	167
MI 40	3	100	192	234	109	677	506	328	217	316	334
TX 124	3	100	193	452	280	372	270	308	774	76	191
IL 41	3	100	194	653	47	242	643	85	19	539	497
OK 30	3	100	195	13	221	735	220	291	641	275	333
OH 93	3	100	196	332	189	419	353	204	776	224	234
MI 41	3	100	197	351	55	662	348	232	224	423	446
SC 27	3	100	198	15	86	465	392	339	712	439	293
WY 5	3	100	199	291	319	11	185	550	723	182	484
OK 15	3	100	200	538	532	53	406	440	387	107	287
MS 36	3	100	201	24	46	464	306	409	207	601	697
WY 6	3	100	202	438	719	86	226	589	380	129	188
MO 51	3	100	203	314	840	80	396	285	427	69	345
TX 108	3	100	204	872	677	14	257	288	319	179	152
ND 22	3	100	205	210	198	500	375	654	516	169	143
WI 59	3	100	206	763	250	853	10	20	466	384	20
MS 21	3	100	207	100	34	477	483	574	182	401	517
NC 33	3	100	208	163	644	652	184	139	321	454	217

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
OK	37	3	100	209	73	426	502	255	331	226	554	410
PA	4	3	100	210	541	483	268	437	107	78	568	303
SD	29	3	100	211	512	896	116	301	379	522	15	50
AR	29	3	100	212	144	110	225	544	301	539	349	586
IN	15	3	100	213	445	404	466	157	193	197	609	331
MO	56	3	100	214	197	574	263	293	229	704	56	488
IA	59	3	100	215	767	751	122	248	166	406	199	154
SD	25	3	100	216	63	791	245	363	436	622	58	241
KS	44	3	100	217	905	867	485	66	62	41	190	205
AR	9	3	100	218	248	228	318	633	358	205	443	397
KS	18	3	100	219	853	743	32	250	151	94	407	302
TX	72	3	100	220	350	241	670	262	298	474	322	227
TX	135	3	100	221	884	785	54	105	179	744	63	42
KS	42	3	100	222	659	898	193	90	77	34	118	594
GA	95	3	100	223	82	327	391	346	309	490	269	658
TX	70	3	100	224	432	393	633	324	340	460	79	221
CO	25	3	100	225	228	91	844	165	209	708	162	482
GA	73	3	100	226	220	444	580	247	234	405	521	238
MT	15	3	100	227	324	364	149	294	787	851	26	94
MN	104	3	100	228	868	464	811	19	56	274	495	107
SD	42	3	100	229	275	741	200	429	494	607	59	89
IN	26	3	100	230	240	552	515	156	190	216	588	438
MN	53	3	100	231	765	797	330	52	132	147	359	325
GA	88	3	100	232	191	371	616	298	269	511	375	278
SD	36	3	100	233	213	813	179	436	501	533	20	215
ND	35	3	100	234	752	784	269	94	326	356	216	120
PA	6	3	100	235	360	149	370	642	165	57	652	525
OK	1	3	100	236	578	710	51	334	394	304	130	424
VT	8	3	100	237	736	798	490	378	82	114	307	23
AK	27	3	100	238	824	525	796	1	1	1	794	4
SD	13	3	100	239	471	783	601	123	218	675	64	12
SD	23	3	100	240	334	889	230	347	419	513	57	170
GA	17	3	100	241	105	80	396	641	539	423	355	421
CO	26	3	100	242	675	274	236	192	227	618	504	236
SD	41	3	100	243	4	536	526	368	472	696	143	220
MO	23	3	100	244	167	508	143	687	512	561	87	310
FL	26	3	100	245	694	267	829	160	104	80	659	183
MN	9	3	100	246	784	795	178	74	161	69	463	454
WI	35	3	100	247	192	576	243	394	492	503	270	309
AK	30	3	100	248	911	299	757	4	4	3	907	96
AR	26	3	100	249	232	321	499	448	250	376	547	313
MS	23	3	100	250	29	27	718	373	463	223	428	727
TX	62	3	100	251	873	760	39	219	252	500	257	88
FL	17	3	100	252	52	279	620	523	265	277	379	596
SD	31	3	100	253	461	860	248	300	377	654	29	67
GA	8	3	100	254	307	385	455	389	344	481	381	260
IN	41	3	100	255	343	683	378	87	147	137	650	581
KY	56	3	100	256	3	9	334	201	670	571	618	609
AZ	17	3	100	257	21	142	717	605	154	53	474	856
IL	43	3	100	258	130	22	439	880	283	591	432	245
IA	43	3	100	259	753	675	104	399	246	252	297	296
AR	12	3	100	260	259	208	174	647	381	498	463	386
WY	10	3	100	261	241	398	441	126	449	672	48	663
MS	30	3	100	262	121	125	344	439	534	144	694	641
OK	25	3	100	263	786	470	147	252	330	231	535	300
LA	9	3	100	264	171	97	69	611	473	140	839	654
WI	14	3	100	265	253	377	321	263	374	682	419	365
IL	38	3	100	266	840	570	451	518	61	48	433	135
OK	31	3	100	267	689	673	9	342	403	525	95	321
ND	28	3	100	268	457	503	184	286	577	741	176	137
ND	30	3	100	269	348	509	31	435	697	775	96	171
OH	86	3	100	270	352	112	471	464	257	756	395	255
MO	48	3	100	271	175	515	599	470	345	333	406	228
CO	15	3	100	272	480	360	47	493	464	462	417	936
IN	9	3	100	273	660	630	224	71	121	172	534	685
KS	15	3	100	274	742	761	111	451	236	65	138	575
IN	99	3	100	275	399	388	300	366	354	210	487	597
SD	15	4	90	276	297	680	463	310	368	691	246	46
AL	28	4	90	277	199	462	758	210	350	428	367	353
GA	97	4	90	278	277	579	399	512	432	505	279	144
MO	27	4	90	279	434	572	208	333	244	698	116	524

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
MI	26	4	90	280	355	223	590	481	313	222	457	494
ID	4	4	90	281	153	159	297	81	759	894	491	304
WY	12	4	90	282	656	485	232	118	441	432	360	415
CO	20	4	90	283	260	105	235	327	332	634	741	506
SD	6	4	90	284	649	499	504	128	220	726	263	151
OK	19	4	90	285	46	296	329	478	521	731	479	261
WI	54	4	90	286	409	451	505	187	295	651	328	315
ND	32	4	90	287	168	389	341	730	813	148	91	465
VT	7	4	90	288	803	756	496	423	88	7	501	70
GA	99	4	90	289	128	392	881	180	199	313	761	291
AR	32	4	90	290	239	370	416	508	445	335	471	363
ID	10	4	90	291	447	412	204	53	747	845	240	200
MT	40	4	90	292	361	671	76	352	713	642	121	214
AZ	23	4	90	293	184	167	898	509	120	142	231	912
KS	48	4	90	294	867	887	202	316	172	181	70	469
NC	10	4	90	295	478	816	653	112	105	344	543	114
OR	37	4	90	296	778	76	201	281	864	882	35	53
ND	27	4	90	297	136	749	231	462	710	859	18	8
MT	29	4	90	298	641	754	793	45	259	653	14	18
NC	40	4	90	299	86	433	858	268	186	92	797	457
GA	65	4	90	300	151	130	569	660	561	365	371	387
FL	34	4	90	301	227	94	868	496	254	448	576	232
NC	21	4	90	302	124	615	728	398	249	125	511	445
TX	78	4	90	303	589	336	657	162	214	347	526	364
NE	3	4	90	304	673	700	211	227	548	393	252	193
TX	96	4	90	305	642	376	368	344	359	89	574	448
OK	14	4	90	306	200	531	37	559	592	346	404	534
SC	30	4	90	307	60	672	690	258	238	444	529	312
TX	61	4	90	308	698	411	452	385	406	754	27	73
LA	6	4	90	309	120	99	651	321	260	106	855	804
KY	38	4	90	310	460	272	2	163	622	271	610	817
MN	108	4	90	311	686	820	414	172	258	149	363	356
TX	52	4	90	312	636	323	772	283	316	529	172	187
AL	33	4	90	313	266	193	814	191	333	404	500	518
MS	41	4	90	314	23	117	874	358	450	215	415	767
GA	96	4	90	315	700	192	850	145	164	470	522	180
NC	51	4	90	316	65	472	828	249	168	72	755	619
AZ	28	4	90	317	251	423	664	240	63	73	744	773
MT	27	4	90	318	536	657	181	183	728	843	37	69
KY	27	4	90	319	119	147	614	153	612	548	542	504
NM	26	4	90	320	790	440	912	24	13	150	1	909
OK	2	4	90	321	828	691	17	471	519	338	170	212
MO	46	4	90	322	219	164	671	480	353	260	623	477
SD	28	4	90	323	362	836	135	454	515	493	127	329
FL	16	4	90	324	570	359	878	194	117	75	785	275
IL	45	4	90	325	775	278	131	604	73	31	679	682
IN	87	4	90	326	680	624	319	130	171	101	619	612
MO	28	4	90	327	511	688	228	668	490	283	160	230
NC	46	4	90	328	140	825	842	146	123	305	512	368
SD	11	4	90	329	435	742	595	149	233	697	312	115
OR	17	4	90	330	473	174	313	57	745	844	570	109
GA	92	4	90	331	446	356	822	245	202	193	721	301
IA	71	4	90	332	367	585	128	608	376	410	362	456
VA	2	4	90	333	599	471	706	85	191	784	295	163
IN	59	4	90	334	569	232	215	450	420	229	655	528
NE	102	4	90	335	747	908	102	198	505	738	32	75
IA	9	4	90	336	783	617	166	432	263	264	388	393
MT	16	4	90	337	601	379	409	143	683	846	186	59
CO	17	4	90	338	802	428	907	75	133	795	24	147
GA	45	4	90	339	206	239	552	550	458	485	455	366
OK	28	4	90	340	368	347	43	579	600	445	585	346
VA	30	4	90	341	670	190	751	217	292	518	411	268
MS	53	4	90	342	67	69	722	401	498	214	615	733
VA	27	4	90	343	593	478	631	225	303	296	480	314
CO	22	4	90	344	719	442	171	329	334	528	670	133
KS	51	4	90	345	888	864	336	48	51	47	343	749
AL	39	4	90	346	79	48	532	522	635	718	289	514
IA	83	4	90	347	707	707	199	459	274	256	329	411
MT	24	4	90	348	164	303	705	388	822	866	38	65
SC	33	4	90	349	567	620	673	222	211	95	590	377
IA	26	4	90	350	643	679	5	592	357	560	272	248

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
TX 122	4	90	351	316	414	906	206	240	545	151	579
NM 8	4	90	352	131	701	58	888	573	720	161	134
IA 67	4	90	353	816	554	70	606	372	267	207	485
WI 25	4	90	354	384	488	530	223	323	621	376	432
AK 10	4	90	355	912	664	675	3	3	5	694	222
WI 52	4	90	356	108	469	279	461	560	478	325	701
MN 101	4	90	357	61	16	498	708	712	763	194	431
IL 44	4	90	358	691	302	423	822	160	462	345	181
LA 10	4	90	359	373	143	623	520	407	108	709	508
IA 73	4	90	360	546	730	256	304	198	508	123	627
WI 47	4	90	361	308	418	604	221	322	740	348	435
MO 47	4	90	362	326	366	597	500	367	555	424	264
MN 83	4	90	363	142	210	838	418	482	701	260	350
TX 44	4	90	364	901	622	861	46	93	461	302	116
UT 8	4	90	365	129	90	390	542	349	132	875	896
VA 39	4	90	366	468	297	725	171	251	332	647	515
MT 19	5	90	367	502	588	195	323	789	647	85	81
TX 59	5	90	368	754	479	164	407	423	509	210	464
NE 88	5	90	369	693	873	46	374	692	171	304	58
OK 22	5	90	370	298	417	7	499	542	495	466	690
TN 36	5	90	371	16	85	359	266	716	363	806	803
NC 59	5	90	372	274	670	734	231	159	120	738	489
MO 35	5	90	373	263	695	115	474	347	692	177	655
MN 3	5	90	374	561	229	253	487	551	459	460	423
MT 26	5	90	375	376	643	50	529	851	887	77	17
ND 33	5	90	376	281	541	12	867	880	339	259	251
ND 38	5	90	377	420	534	19	692	796	748	46	175
TX 75	5	90	378	671	455	305	299	321	119	468	794
SD 17	5	90	379	135	745	188	571	609	537	153	502
MN 25	5	90	380	776	600	186	307	387	218	369	598
KY 49	5	90	381	59	122	637	197	661	547	654	568
MN 85	5	90	382	84	268	379	497	557	677	368	615
OK 20	5	90	383	347	285	26	566	595	475	549	603
MO 12	5	90	384	44	170	155	779	641	558	332	768
ND 31	5	90	385	459	774	132	430	693	793	45	124
IA 41	5	90	386	650	682	343	546	329	438	174	289
SD 34	5	90	387	765	897	388	205	261	674	49	176
ID 17	5	90	388	183	415	593	26	495	665	636	246
IN 81	5	90	389	504	348	258	404	390	203	685	672
SD 39	5	90	390	76	884	261	587	616	504	139	401
MO 37	5	90	391	652	194	387	673	502	290	251	520
IN 70	5	90	392	602	520	596	211	225	164	449	703
AL 23	5	90	393	194	383	560	377	527	455	446	530
MN 107	5	90	394	630	403	747	127	221	153	581	610
NC 14	5	90	395	159	869	565	215	153	122	692	699
VA 28	5	90	396	862	263	763	133	219	201	669	374
AK 3	5	90	397	870	681	893	16	11	22	909	87
IA 39	5	90	398	637	708	148	558	336	279	400	436
IA 74	5	90	399	311	519	223	715	461	451	327	501
KS 22	5	90	400	161	642	154	754	469	596	112	620
MT 1	5	90	401	118	71	406	475	842	881	514	201
VA 31	5	90	402	451	333	646	280	361	553	544	352
KY 26	5	90	403	190	169	62	395	786	275	784	863
MO 49	5	90	404	27	226	514	820	701	576	288	372
NE 98	5	90	405	748	893	119	291	623	789	36	32
MS 40	5	90	406	62	146	854	383	478	251	527	831
AL 25	5	90	407	289	172	766	275	428	468	528	608
WA 46	5	90	408	72	29	625	135	874	874	450	478
IN 60	5	90	409	463	703	547	229	237	162	736	443
MI 44	5	90	410	746	136	778	236	176	238	662	569
AR 27	5	90	411	83	178	818	477	262	479	594	652
GA 42	5	90	412	202	354	229	442	393	650	453	826
GA 70	5	90	413	249	179	570	609	507	334	464	637
FL 41	5	90	414	430	399	859	349	189	100	788	440
SC 35	5	90	415	214	400	608	581	462	221	525	543
IN 52	5	90	416	402	453	469	402	369	204	660	576
IN 100	5	90	417	591	715	389	319	310	130	303	799
MO 44	5	90	418	224	530	61	688	510	733	120	694
IA 33	5	90	419	764	872	324	469	278	407	78	434
MO 67	5	90	420	28	222	476	797	664	578	354	455
NC 36	5	90	421	715	882	707	125	106	102	642	295

Borrower		Need Decile	FY 91 % Allocation 'ns. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
ND	17	5	90	422	300	447	354	243	513	792	383	547
MN	79	5	90	423	344	669	142	697	705	838	102	85
WY	24	5	90	424	580	457	719	73	351	729	101	573
OH	88	5	90	425	99	245	587	702	422	765	458	307
VA	34	5	90	426	47	312	472	305	642	441	760	617
IN	35	5	90	427	607	625	190	322	311	167	719	656
SD	18	5	90	428	490	490	189	682	696	632	149	271
MS	39	5	90	429	80	36	534	535	605	188	836	789
AK	26	5	90	430	871	640	780	13	7	6	868	422
AL	46	5	90	431	357	41	89	519	633	345	791	837
IA	5	5	90	432	792	653	91	655	416	324	213	470
MO	26	5	90	433	494	449	674	212	183	805	187	613
TX	114	5	90	434	709	614	402	426	435	742	192	101
SD	43	5	90	435	463	755	249	494	556	615	148	343
NC	38	5	90	436	423	764	628	134	109	82	901	583
IA	56	5	90	437	710	823	284	491	296	295	301	430
AR	34	5	90	438	211	235	708	620	362	447	513	536
GA	94	5	90	439	364	573	835	339	304	263	596	367
IA	32	5	90	440	586	655	262	632	392	379	326	412
IA	31	5	90	441	764	834	219	441	267	465	254	414
SD	20	5	90	442	301	597	335	691	699	628	89	320
SC	23	5	90	443	146	355	808	513	424	581	442	394
MT	25	5	90	444	374	762	41	472	836	658	141	380
NC	52	5	90	445	236	746	629	361	223	76	748	649
AL	42	5	90	446	217	197	783	434	467	382	559	632
MO	32	5	90	447	487	704	8	564	386	694	159	669
IA	7	5	90	448	789	879	194	446	270	236	409	451
MN	95	5	90	449	330	635	213	517	568	827	364	225
WY	3	5	90	450	207	118	25	488	768	727	578	775
MN	80	5	90	451	592	616	145	591	620	551	214	362
NM	4	5	90	452	363	244	159	881	471	759	358	462
AK	2	5	90	453	865	66	410	686	97	706	846	29
KS	21	5	90	454	800	716	537	311	169	638	308	229
MO	54	5	90	455	507	196	589	666	485	559	377	330
TX	21	5	90	456	412	334	864	482	474	542	106	507
KY	35	5	90	457	93	182	247	440	801	401	782	779
MD	7	6	80	458	826	555	792	154	231	186	666	316
WA	28	6	80	459	515	98	129	233	888	906	593	370
SD	12	6	80	460	681	724	163	360	434	486	356	533
WI	60	6	80	461	387	510	759	356	454	788	344	142
MN	87	6	80	462	562	84	158	850	825	771	135	360
TX	106	6	80	463	587	329	197	727	684	719	215	288
NC	58	6	80	464	615	824	826	224	155	81	604	419
UT	6	6	80	465	113	233	497	855	687	849	258	257
IN	1	6	80	466	328	487	492	422	399	213	678	744
KY	34	6	80	467	74	215	556	318	752	573	569	706
MN	1	6	80	468	449	326	513	369	444	146	689	830
MS	22	6	80	469	64	141	517	695	719	316	637	684
MT	2	6	80	470	534	689	64	585	858	856	104	84
TX	7	6	80	471	537	270	827	590	563	434	229	326
MN	75	6	80	472	474	70	234	875	853	785	173	317
NJ	6	6	80	473	908	829	649	246	27	60	847	216
GA	74	6	80	474	418	258	790	465	404	219	686	544
MO	42	6	80	475	416	349	475	467	342	799	155	781
WI	19	6	80	476	492	492	320	397	500	584	520	481
AZ	22	6	80	477	195	623	885	359	89	37	893	713
WI	41	6	80	478	312	548	280	528	602	458	476	591
NC	31	6	80	479	174	735	730	379	235	403	506	636
MN	63	6	80	480	854	601	577	144	228	111	661	624
NE	97	6	80	481	683	905	238	425	721	777	22	30
OK	12	6	80	482	877	837	28	728	690	265	156	226
TX	145	6	80	483	903	858	162	382	405	686	140	273
IA	14	6	80	484	728	789	84	734	480	437	223	335
SC	38	6	80	485	594	734	749	182	196	212	710	437
WI	66	6	80	486	526	659	437	355	452	802	333	250
NC	32	6	80	487	738	851	746	186	141	228	690	237
MN	34	6	80	488	379	523	458	521	576	341	589	433
MO	60	6	80	489	68	119	574	802	673	663	461	461
NY	21	6	80	490	520	463	348	899	343	909	283	60
NC	49	6	80	491	579	772	686	313	203	420	498	354
GA	68	6	80	492	223	496	642	662	565	357	459	425

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
GA 87	6	80	493	243	599	669	453	396	310	665	500
MI 5	6	80	494	795	271	433	562	355	646	482	292
MT 17	6	80	495	560	718	98	618	863	852	62	66
IA 82	6	80	496	398	522	902	479	284	690	105	458
TX 97	6	80	497	777	637	720	417	430	668	40	150
IN 106	6	80	498	564	546	457	354	348	209	697	665
IA 3	6	80	499	462	841	141	755	523	446	271	402
AL 29	6	80	500	25	74	764	711	753	779	219	519
KY 3	6	80	501	9	111	672	345	763	600	722	628
IA 40	6	80	502	808	800	212	582	346	239	385	480
OR 29	6	80	503	878	68	412	72	767	895	418	342
SD 27	6	80	504	573	910	429	381	457	580	175	351
FL 14	6	80	505	525	497	832	338	181	109	829	548
FL 29	6	80	506	382	665	681	473	242	166	800	453
MO 72	6	80	507	532	544	290	553	401	693	212	638
MO 70	6	80	508	383	489	454	545	373	728	183	710
MS 29	6	80	509	102	191	160	760	762	327	780	788
AL 26	6	80	510	317	236	684	534	646	325	509	621
IA 23	6	80	511	476	273	250	782	580	657	241	614
MO 31	6	80	512	296	257	445	787	653	589	488	358
IN 14	6	80	513	470	595	360	242	496	160	746	806
IA 34	6	80	514	464	421	270	770	555	192	538	666
KY 46	6	80	515	295	410	803	103	552	660	412	642
MO 33	6	80	516	42	113	727	808	681	627	536	349
KY 54	6	80	517	30	133	648	367	773	535	675	726
MN 72	6	80	518	614	390	83	705	707	699	178	511
MO 38	6	80	519	48	89	592	809	682	722	382	571
GA 58	6	80	520	597	338	860	411	365	300	634	392
NC 43	6	80	521	162	853	770	328	207	66	881	634
KY 18	6	80	522	53	131	525	384	778	582	718	743
AZ 26	6	80	523	372	2	351	900	770	853	579	95
NE 51	6	80	524	417	594	217	679	812	808	134	262
MN 18	6	80	525	358	589	338	565	608	739	290	441
GA 67	6	80	526	189	322	655	661	564	308	591	646
OR 26	6	80	527	843	123	52	391	881	871	265	510
NC 50	6	80	528	269	778	867	289	194	96	742	702
TN 34	6	80	529	71	148	408	504	806	311	830	860
CO 47	6	80	530	794	590	218	416	538	557	374	452
MT 30	6	80	531	250	38	144	758	884	884	582	406
SD 16	6	80	532	90	633	332	811	784	530	196	570
AR 10	6	80	533	366	266	568	589	325	452	643	738
IN 40	6	80	534	624	539	72	557	488	257	612	811
TX 64	6	80	535	156	242	548	699	657	616	492	551
IA 85	6	80	536	663	788	124	738	489	534	256	382
AK 5	6	80	537	846	77	521	704	101	766	801	160
OR 32	6	80	538	730	401	375	58	746	857	621	189
NC 34	6	80	539	230	737	775	515	312	156	587	667
MT 33	6	80	540	392	518	303	833	897	860	103	79
OH 85	6	80	541	389	305	299	722	438	689	503	643
AK 6	6	80	542	849	79	737	638	87	688	873	45
MO 36	6	80	543	510	435	252	751	601	590	261	600
AR 13	6	80	544	157	163	736	756	516	611	519	546
WI 55	6	80	545	247	481	624	554	618	800	426	258
AL 44	6	80	546	285	337	683	350	484	385	725	760
TX 85	6	80	547	340	494	540	617	591	463	435	531
IL 50	6	80	548	244	35	615	893	451	567	606	604
SD 30	7	70	549	608	854	168	657	674	587	61	407
IN 37	7	70	550	403	307	294	630	562	563	558	700
MN 84	7	70	551	341	575	257	714	718	737	108	567
WI 64	7	70	552	523	571	326	526	532	577	413	549
TX 69	7	70	553	635	583	654	516	493	436	243	460
WY 14	7	70	554	798	687	255	387	688	502	317	390
NC 67	7	70	555	381	782	756	380	239	191	739	558
KY 52	7	70	556	39	180	474	458	804	667	565	842
AZ 27	7	70	557	6	25	346	903	823	830	447	651
KY 59	7	70	558	91	207	703	287	742	570	687	747
MS 43	7	70	559	54	1	322	832	817	342	850	827
MO 24	7	70	560	609	605	421	640	460	588	386	338
MO 50	7	70	561	629	562	494	583	421	599	365	398
AL 27	7	70	562	138	67	731	628	704	412	560	813
TN 45	7	70	563	43	83	404	652	845	282	866	887

Borrower	Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
NC 55	7	70	564	421	790	807	264	180	68	876	657
PA 25	7	70	565	861	810	704	447	111	63	713	355
GA 34	7	70	566	528	367	774	365	327	442	667	601
VA 36	7	70	567	466	361	869	314	385	211	724	742
TX 48	7	70	568	1	4	870	698	656	716	773	357
OH 55	7	70	569	410	374	42	847	672	781	429	526
OK 10	7	70	570	518	577	307	502	543	350	758	532
IA 84	7	70	571	741	804	216	693	439	457	230	512
SC 51	7	70	572	610	690	771	317	271	165	715	555
SD 7	7	70	573	577	817	448	443	508	629	346	327
GA 108	7	70	574	115	158	403	812	730	415	848	616
NY 20	7	70	575	359	507	787	897	319	900	274	54
CO 16	7	70	576	892	524	697	274	297	633	695	86
MO 53	7	70	577	222	308	665	839	732	278	477	580
NC 64	7	70	578	658	891	767	179	136	163	879	429
MI 43	7	70	579	365	39	847	783	611	896	296	266
MS 45	7	70	580	158	140	503	775	771	709	562	486
SD 19	7	70	581	549	876	259	594	619	519	201	487
TX 71	7	70	582	684	706	82	680	643	562	276	472
SC 26	7	70	583	97	309	635	489	413	613	696	866
MS 28	7	70	584	125	218	761	573	627	178	844	793
WI 53	7	70	585	628	777	267	431	533	425	595	468
KY 57	7	70	586	19	96	834	332	757	515	757	820
NC 23	7	70	587	215	845	442	421	256	606	688	659
NC 47	7	70	588	745	814	899	147	115	118	700	599
CO 32	7	70	589	505	365	688	433	429	676	769	280
MO 34	7	70	590	386	368	345	726	567	786	146	828
WA 32	7	70	591	568	26	287	139	875	867	603	790
IA 30	7	70	592	724	721	123	736	487	409	248	709
MO 30	7	70	593	495	454	650	740	586	266	472	495
KS 30	7	70	594	679	906	180	773	503	678	65	375
MN 106	7	70	595	806	662	555	376	455	289	489	527
GA 81	7	70	596	92	475	710	794	671	453	552	418
WI 29	7	70	597	322	318	309	696	722	489	530	782
IA 62	7	70	598	768	877	210	757	525	494	233	305
CO 29	7	70	599	797	773	169	675	675	258	373	450
IA 70	7	70	600	633	779	110	778	570	794	225	282
AR 23	7	70	601	145	12	911	511	272	841	573	907
CA 6	7	70	602	620	106	308	909	896	897	331	105
VA 37	7	70	603	697	559	765	343	412	241	677	479
FL 33	7	70	604	415	341	889	578	302	77	874	698
IN 92	7	70	605	369	467	467	595	522	351	698	705
CO 37	7	70	606	838	369	871	357	363	639	456	283
OR 4	7	70	607	655	476	323	109	805	890	656	263
GA 91	7	70	608	288	438	729	455	398	593	516	761
SC 29	7	70	609	96	434	740	644	530	464	681	589
SD 40	7	70	610	354	909	285	858	832	831	17	92
WI 40	7	70	611	353	397	639	412	509	757	387	725
AL 32	7	70	612	486	549	693	408	559	320	410	755
IA 69	7	70	613	645	493	484	669	427	683	398	385
MN 39	7	70	614	482	697	114	801	777	796	136	388
CO 7	7	70	615	522	276	364	623	581	652	633	541
CO 40	7	70	616	657	477	73	729	676	665	184	736
TN 51	7	70	617	56	248	94	829	809	431	871	861
MS 1	7	70	618	179	304	550	764	766	292	763	582
IL 37	7	70	619	225	17	744	892	408	574	651	691
MO 59	7	70	620	180	225	741	817	694	488	508	566
MO 18	7	70	621	148	205	700	840	740	601	451	540
IA 49	7	70	622	773	821	187	700	448	469	277	556
KY 62	7	70	623	429	176	417	331	756	450	766	908
MN 57	7	70	624	349	443	438	707	709	680	282	630
IA 55	7	70	625	761	907	434	600	364	714	314	145
MT 10	7	70	626	406	591	365	663	868	883	285	178
CA 16	7	70	627	557	72	627	886	582	811	550	155
GA 86	7	70	628	182	527	394	739	640	575	493	692
TX 115	7	70	629	320	580	678	601	575	480	473	537
AL 30	7	70	630	258	290	799	625	702	430	523	618
TX 60	7	70	631	626	372	582	636	604	679	342	408
TX 63	7	70	632	465	330	823	607	588	443	313	681
IA 52	7	70	633	498	629	161	831	668	418	340	711
KY 45	7	70	634	566	631	617	170	630	510	580	552

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
KY	55	7	70	635	559	320	520	279	736	294	638	910
IA	53	7	70	636	864	894	380	424	255	198	614	631
WA	48	7	70	637	513	269	349	120	869	864	811	471
GA	31	7	70	638	246	447	622	753	662	386	481	671
TN	35	7	70	639	35	243	460	555	824	435	877	839
MT	12	8	60	640	422	468	495	403	830	879	537	235
AR	18	8	60	641	441	561	821	681	418	281	630	439
TX	123	8	60	642	706	831	611	569	541	617	99	298
IN	38	8	60	643	836	768	510	290	287	152	857	577
MO	40	8	60	644	506	262	501	717	554	703	397	644
ND	29	8	60	645	103	658	274	849	866	664	372	499
WY	25	8	60	646	757	220	222	674	828	233	599	754
WI	21	8	60	647	545	474	392	531	610	583	548	605
NE	85	8	60	648	231	863	342	671	810	768	205	404
IL	34	8	60	649	401	134	374	902	666	524	674	623
WI	38	8	60	650	821	567	283	390	470	764	556	447
CO	38	8	60	651	891	758	426	536	497	391	502	299
MS	57	8	60	652	111	184	383	835	818	364	776	829
TN	32	8	60	653	110	219	507	586	831	331	824	895
SC	28	8	60	654	101	288	591	750	652	477	704	741
SD	33	8	60	655	622	802	432	667	680	656	86	359
CO	39	8	60	656	902	846	450	541	499	541	315	213
KY	23	8	60	657	58	386	523	539	827	554	624	796
SD	37	8	60	658	750	901	527	413	477	783	250	207
WA	39	8	60	659	563	28	206	303	892	872	701	745
IN	53	8	60	660	827	766	711	271	273	161	572	737
TX	83	8	60	661	585	362	430	656	617	725	393	554
NE	84	8	60	662	817	888	546	410	715	298	158	496
TN	31	8	60	663	69	195	493	646	844	355	845	881
MS	50	8	60	664	88	202	427	868	852	318	798	777
MN	55	8	60	665	721	733	22	748	749	824	217	318
MN	60	8	60	666	533	698	183	805	780	819	266	252
IN	29	8	60	667	611	647	298	629	558	307	575	714
TN	26	8	60	668	237	260	630	452	793	309	796	865
KY	58	8	60	669	32	104	754	427	795	565	852	814
IN	42	8	60	670	503	678	325	648	583	454	632	523
GA	69	8	60	671	284	504	689	503	431	715	402	819
OK	34	8	60	672	875	739	241	596	614	769	145	373
WI	43	8	60	673	540	720	192	577	634	426	499	769
MN	61	8	60	674	702	732	106	631	655	595	380	563
NE	66	8	60	675	278	807	275	703	819	828	228	426
TN	25	8	60	676	173	350	519	505	807	328	833	859
WY	16	8	60	677	583	332	36	549	785	751	467	876
SD	26	8	60	678	254	878	227	904	905	899	109	204
IN	89	8	60	679	572	517	663	456	426	187	802	762
MN	82	8	60	680	380	282	358	873	850	798	237	622
TX	40	8	60	681	499	50	508	798	754	787	563	444
OR	25	8	60	682	703	300	694	131	815	835	729	197
KY	20	8	60	683	662	116	605	239	708	497	812	784
IA	92	8	60	684	737	849	165	796	598	491	249	539
GA	39	8	60	685	475	396	723	677	585	356	584	629
TX	149	8	60	686	832	830	696	514	491	713	227	129
MN	62	8	60	687	885	674	781	175	261	127	754	778
WI	49	8	60	688	321	713	355	635	678	467	486	780
FL	22	8	60	689	521	292	578	795	537	422	564	734
KY	33	8	60	690	524	186	310	386	779	544	804	911
IA	57	8	60	691	667	753	100	803	613	620	350	545
TX	58	8	60	692	813	811	586	428	437	770	323	284
CO	33	8	60	693	271	145	904	533	475	655	629	849
GA	22	8	60	694	306	452	645	678	587	392	684	720
NC	16	8	60	695	256	740	709	645	410	291	720	695
IN	24	8	60	696	717	650	207	599	524	329	658	786
GA	78	8	60	697	574	533	841	538	447	476	649	413
NE	62	8	60	698	448	865	482	485	750	772	335	337
TN	1	8	60	699	193	261	647	507	808	389	835	838
TN	38	8	60	700	134	387	440	532	816	402	890	879
NV	19	8	60	701	833	578	760	254	629	823	422	182
SC	31	8	60	702	500	325	855	649	536	270	783	564
SC	32	8	60	703	413	526	782	634	514	527	613	473
TN	17	8	60	704	33	416	428	718	854	326	816	894
SD	21	8	60	705	654	352	350	826	802	730	181	592

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
AL	21	8	60	706	198	165	802	597	686	419	777	844
FL	30	8	60	707	122	313	880	781	506	349	745	798
MO	71	8	60	708	613	553	522	712	540	609	465	483
NC	66	8	60	709	270	850	784	614	382	244	693	662
WA	17	8	60	710	598	10	461	237	889	891	712	704
WI	37	8	60	711	677	638	405	490	584	549	524	639
MS	26	8	60	712	38	51	786	865	849	421	628	873
TX	11	8	60	713	516	358	804	593	566	605	772	297
KY	50	8	60	714	456	314	528	284	741	520	809	867
TN	48	8	60	715	257	419	676	484	803	302	714	864
TX	30	8	60	716	345	171	453	841	790	804	648	467
TX	118	8	60	717	305	181	776	790	748	598	602	522
AR	24	8	60	718	226	702	726	721	518	370	673	588
AL	20	8	60	719	400	284	887	444	594	288	858	771
MN	66	8	60	720	743	705	109	818	792	833	222	308
AL	36	8	60	721	262	121	543	791	800	373	817	824
TX	113	8	60	722	634	692	897	51	108	746	635	774
SC	41	8	60	723	740	676	831	372	324	151	818	626
TX	54	8	60	724	558	301	743	498	481	743	676	542
OH	30	8	60	725	390	275	340	838	651	695	626	732
KY	37	8	60	726	535	632	791	115	569	585	691	633
TX	38	8	60	727	627	344	795	672	637	408	507	562
MN	32	8	60	728	519	725	282	610	638	614	437	728
GA	90	8	60	729	255	717	713	745	650	471	441	572
NC	35	8	60	730	648	843	779	548	335	269	749	400
GA	77	9	40	731	887	550	903	362	320	170	853	538
AZ	30	9	40	732	172	246	549	896	726	732	438	825
MN	73	9	40	733	682	714	157	792	772	801	255	416
IN	46	9	40	734	552	502	296	723	649	487	708	673
IA	36	9	40	735	847	799	753	468	277	612	133	707
IN	27	9	40	736	617	712	712	420	397	323	631	785
WI	27	9	40	737	550	610	295	651	695	566	475	758
MO	20	9	40	738	488	628	557	556	402	745	320	905
KY	30	9	40	739	424	744	851	95	528	625	607	730
TX	65	9	40	740	625	162	742	683	645	761	592	409
ND	20	9	40	741	443	424	339	853	848	820	341	560
IN	21	9	40	742	793	560	447	576	504	159	786	808
TX	53	9	40	743	542	384	866	664	626	424	452	678
MO	45	9	40	744	639	405	666	776	639	671	351	498
WA	8	9	40	745	735	100	203	269	891	886	789	772
IA	86	9	40	746	605	812	185	824	738	797	291	396
TN	9	9	40	747	94	310	812	510	814	429	799	880
AL	37	9	40	748	370	88	634	763	782	297	862	857
MO	68	9	40	749	132	287	600	884	834	610	531	776
SC	19	9	40	750	672	759	809	445	383	168	705	715
TN	46	9	40	751	218	185	541	765	870	400	795	882
AL	18	9	40	752	318	234	621	684	743	369	849	846
MN	48	9	40	753	839	727	849	209	289	110	837	805
MN	65	9	40	754	899	809	882	158	245	115	885	687
NM	23	9	40	755	385	339	331	879	578	707	752	719
GA	75	9	40	756	501	408	752	771	685	322	505	750
SC	14	9	40	757	437	646	845	575	459	523	668	550
SC	25	9	40	758	267	801	805	560	453	254	878	689
NY	19	9	40	759	603	684	609	906	603	905	353	52
MO	58	9	40	760	496	461	699	524	378	597	731	835
MN	58	9	40	761	606	757	413	622	647	643	440	602
SC	21	9	40	762	233	557	820	710	599	631	598	587
GA	109	9	40	763	731	482	840	568	465	259	753	640
MS	24	9	40	764	75	723	353	810	791	396	740	851
NE	78	9	40	765	632	826	209	846	879	755	281	332
IN	80	9	40	766	565	598	626	551	483	473	751	722
GA	103	9	40	767	890	748	895	415	369	174	805	474
NE	59	9	40	768	723	808	407	735	835	717	264	281
IA	51	9	40	769	835	763	176	814	625	532	221	807
AL	48	9	40	770	337	213	483	837	838	299	905	862
TN	20	9	40	771	313	429	382	654	847	399	864	890
TX	56	9	40	772	571	565	512	769	724	666	597	384
NH	4	9	40	773	894	857	875	806	184	134	790	256
SC	50	9	40	774	335	568	785	659	546	440	767	696
CA	44	9	40	775	804	506	679	759	208	61	912	868
TN	21	9	40	776	391	606	554	466	798	262	854	870

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
IA	50	9	40	777	419	903	276	862	729	790	396	427
OR	14	9	40	778	581	52	34	615	894	892	889	848
GA	20	9	40	779	553	537	837	689	596	306	727	574
TN	37	9	40	780	106	514	562	621	840	433	843	900
MN	96	9	40	781	176	353	702	845	820	818	545	565
OR	39	9	40	782	693	231	462	457	886	875	663	559
IA	18	9	40	783	868	832	49	876	760	354	185	906
TN	49	9	40	784	181	324	660	724	856	368	831	891
NV	17	9	40	785	782	582	27	907	908	912	7	716
MT	36	9	40	786	95	58	658	869	902	878	617	764
TX	121	9	40	787	685	513	817	639	607	492	484	607
OH	83	9	40	788	720	209	559	785	544	773	699	557
OH	60	9	40	789	554	175	246	851	679	826	644	872
MT	9	9	40	790	718	558	333	676	872	850	540	323
IN	107	9	40	791	744	666	478	627	526	352	735	748
TN	16	9	40	792	264	495	641	570	829	340	863	875
KY	21	9	40	793	272	378	667	527	821	552	813	869
KS	55	9	40	794	852	856	126	800	553	821	567	328
VA	54	9	40	795	844	806	691	166	247	705	641	809
MS	48	9	40	796	123	200	905	788	776	353	886	885
NE	77	9	40	797	759	899	317	580	774	825	273	490
NY	24	9	40	798	695	521	769	901	443	902	496	190
TX	68	9	40	799	436	436	156	890	867	673	605	858
DE	2	9	40	800	705	780	862	789	380	250	781	389
MO	41	9	40	801	831	535	566	706	535	517	571	677
OH	41	9	40	802	674	343	571	807	590	749	646	561
AZ	29	9	40	803	155	230	789	825	317	842	902	886
MO	66	9	40	804	177	211	884	854	758	635	756	674
AL	47	9	40	805	454	256	619	786	797	287	882	878
AL	35	9	40	806	203	53	886	823	826	501	775	902
VA	55	9	40	807	904	912	896	213	290	200	904	650
IN	55	9	40	808	690	822	357	612	545	417	787	751
CO	36	9	40	809	830	311	191	815	764	636	759	686
MS	49	9	40	810	273	441	583	852	837	293	859	854
TN	24	9	40	811	455	654	376	616	839	336	869	847
MT	13	9	40	812	546	168	545	821	893	880	706	449
OR	41	9	40	813	769	128	856	813	898	901	267	376
NE	63	9	40	814	323	868	816	603	781	780	366	476
MO	43	9	40	815	238	251	865	874	788	645	611	746
GA	84	9	40	816	900	652	901	495	425	113	888	648
WA	9	9	40	817	886	775	732	18	660	863	820	277
OH	84	9	40	818	293	295	745	878	761	791	680	595
OH	75	9	40	819	766	445	872	694	417	806	518	529
MI	45	9	40	820	651	237	573	819	663	572	770	765
KY	51	9	40	821	319	542	843	393	783	531	808	855
CO	18	10	20	822	453	564	819	613	571	630	703	724
NE	65	10	20	823	276	902	401	863	883	810	284	661
MN	74	10	20	824	647	551	220	885	873	813	462	635
TX	67	10	20	825	739	413	798	658	621	594	717	553
IN	83	10	20	826	819	819	659	530	466	235	762	823
GA	51	10	20	827	848	586	876	567	468	183	856	731
MN	35	10	20	828	665	747	266	834	811	687	425	688
OR	21	10	20	829	548	255	585	626	895	888	826	503
WI	32	10	20	830	692	793	511	572	632	662	616	653
ID	16	10	20	831	325	375	680	772	887	862	734	509
TX	41	10	20	832	425	137	640	894	877	782	683	708
TN	60	10	20	833	407	621	535	637	843	371	841	893
MO	69	10	20	834	245	663	594	877	794	416	750	821
OH	56	10	20	835	809	391	644	747	476	778	823	492
OH	74	10	20	836	814	484	15	827	631	734	834	822
VA	11	10	20	837	780	602	800	598	644	538	620	584
WA	37	10	20	838	906	636	481	96	865	907	561	717
SC	22	10	20	839	426	406	888	780	691	556	657	766
OH	65	10	20	840	469	247	643	859	700	753	774	740
OH	59	10	20	841	701	328	539	828	636	747	743	664
ID	11	10	20	842	477	357	701	449	865	873	807	647
MN	37	10	20	843	726	693	264	887	878	815	268	668
GA	35	10	20	844	874	729	879	537	446	145	883	712
IA	2	10	20	845	371	911	312	883	799	648	546	735
IN	8	10	20	846	619	696	444	752	689	496	682	833
SC	34	10	20	847	439	450	572	842	765	684	716	753

Borrower		Need Decile	FY 91 % Allocation Ins. Funds	Overall Rank	Per Capita Income	Unemployment Rate	kWh Sales Growth	Rate Disparity	Rate Level	Cost of Power	kWh Sales per Mile of Line	Distrib. & Trans. Plant per kWh Sold
ID	23	10	20	848	378	818	603	251	857	885	541	898
IN	32	10	20	849	857	842	385	588	517	381	861	801
OR	24	10	20	850	395	291	398	732	900	870	900	759
MN	59	10	20	851	879	835	367	720	720	626	515	585
ND	19	10	20	852	575	649	240	836	862	807	532	756
WA	36	10	20	853	762	24	315	685	906	904	821	840
TN	23	10	20	854	484	511	692	653	846	315	880	889
WA	14	10	20	855	897	593	794	89	861	858	819	361
VA	29	10	20	856	596	685	815	744	735	383	645	675
OK	40	10	20	857	396	250	750	742	727	608	911	904
UT	20	10	20	858	45	722	196	910	904	839	870	834
ID	19	10	20	859	303	726	518	737	901	868	672	606
AK	8	10	20	860	907	545	373	889	395	910	908	405
TX	49	10	20	861	898	627	894	619	593	374	825	513
NV	15	10	20	862	760	569	910	297	579	898	490	843
MT	31	10	20	863	576	787	87	905	910	861	470	752
IN	33	10	20	864	860	883	425	690	615	301	851	739
NC	25	10	20	865	612	844	724	749	520	499	778	645
NC	39	10	20	866	810	881	773	725	479	276	764	680
WI	51	10	20	867	880	847	420	719	737	472	627	693
OH	39	10	20	868	734	437	506	848	703	649	732	787
KY	40	10	20	869	508	786	873	330	755	506	822	818
GA	83	10	20	870	834	639	892	650	549	242	872	723
UT	11	10	20	871	57	563	848	864	733	840	707	792
IN	108	10	20	872	779	767	489	746	677	484	779	718
GA	66	10	20	873	590	538	668	843	769	359	860	816
AL	19	10	20	874	539	381	714	870	860	284	899	897
CO	31	10	20	875	799	556	418	766	717	685	702	812
TX	77	10	20	876	732	596	857	709	659	413	810	679
NC	68	10	20	877	796	848	810	731	486	360	768	660
NV	18	10	20	878	772	668	833	670	833	876	622	202
TX	50	10	20	879	881	491	762	774	734	579	640	625
WA	20	10	20	880	818	93	612	486	903	903	832	845
MN	97	10	20	881	664	613	733	898	890	834	294	590
FL	24	10	20	882	869	871	813	743	442	154	906	721
IN	88	10	20	883	822	796	687	741	667	176	803	832
OH	42	10	20	884	659	420	524	882	775	721	711	850
CO	42	10	20	885	820	771	610	716	658	483	728	757
NE	4	10	20	886	774	875	381	844	876	817	330	676
GA	7	10	20	887	551	448	698	891	859	362	892	899
ND	11	10	20	888	644	895	491	856	871	837	469	578
OH	33	10	20	889	755	456	561	866	725	724	730	836
OH	71	10	20	890	588	466	721	871	739	758	653	871
GA	37	10	20	891	842	540	836	793	711	255	887	815
OH	1	10	20	892	722	516	890	768	511	814	671	802
MO	19	10	20	893	823	886	536	784	648	568	792	670
SC	37	10	20	894	756	838	768	733	624	367	867	763
IN	6	10	20	895	896	885	271	777	714	526	793	874
OH	31	10	20	896	623	460	579	895	841	812	765	810
OR	18	10	20	897	688	499	251	857	907	869	842	877
OH	68	10	20	898	787	373	900	816	597	829	600	888
WA	47	10	20	899	727	107	488	912	912	911	897	852
TX	101	10	20	900	805	607	883	767	723	456	815	770
MD	4	10	20	901	876	855	863	584	606	395	891	791
SC	40	10	20	902	725	827	852	762	665	375	896	797
WY	11	10	20	903	883	694	632	830	882	855	865	344
OH	24	10	20	904	851	661	755	861	706	760	608	795
NV	3	10	20	905	782	582	306	908	909	889	840	841
OR	2	10	20	906	688	499	716	701	899	848	838	883
IN	7	10	20	907	837	728	830	761	698	604	828	800
TN	19	10	20	908	866	794	715	713	855	394	898	901
CO	34	10	20	909	909	611	824	804	751	619	903	783
OH	50	10	20	910	815	731	909	799	572	822	733	903
OH	87	10	20	911	858	612	839	872	744	832	639	892
NV	4	10	20	912	882	609	891	911	911	908	895	884

BILLING CODE 3410-15-C

List of Subjects in 7 CFR Part 1710

Administrative practices and procedures, Electric utilities, Guaranteed loan program, Insured loan program, Loan programs.

In view of the above, REA proposes to amend 7 CFR chapter XVII by adding a new part 1710 to read as follows:

PART 1710—GENERAL AND PRE-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

Supart A—General

Sec.
1710.1 [Reserved]
1710.2 Definitions and rules of construction.
1710.3–1710.49 [Reserved]

Subpart B—Types of Loans and Loan Guarantees

1710.50–1710.99 [Reserved]

Subpart C—Loan Purposes and Basic Policies

1710.100–1710.101 [Reserved]
1710.102 Borrower eligibility for different types of loans.
1710.103–1710.149 [Reserved]

Authority: 7 U.S.C. 901–950(b); Public Law 99–591; Delegation of Authority by the Secretary of Agriculture, 7 CFR 2.23; Delegation of Authority by the Under Secretary for Small Community and Rural Development, 7 CFR 2.72.

Subpart A—General

§ 1710.1 [Reserved]

§ 1710.2 Definitions and rules of construction.

(a) *Definitions.* For the purpose of this part, the following terms shall have the following meanings:

"Administrator" means the Administrator of REA.

APRR means Average Adjusted Plant Revenue Ratio calculated as a simple average of the adjusted plant revenue ratios for 1978, 1979 and 1980 as follows:

$$APRR = \frac{A + B}{C - D}$$

where:

A = Distribution (plant), which equals part E, line 14(e) of REA form 7;

B = General Plant, which equals part E, line 24(e) of REA form 7;

C = Operating Revenue and Patronage Capital, which equals part A, line 1 of REA form 7; and

D = Cost of Power, which equals the sum of part A, lines 2, 3, and 4 of REA form 7.

Area Coverage means the provision of adequate electric service to the widest practical number of rural users in the borrower's service area during the life of the loan.

Borrower means any organization that has an outstanding loan made or guaranteed by REA for rural electrification, or that is seeking such financing.

Bulk Transmission Facilities means the transmission facilities connecting power supply facilities to the subtransmission facilities, including both the high and low voltage sides of the transformer used to connect to the subtransmission facilities, as well as related supervisory control and data acquisition systems.

Consolidation means the combination of 2 or more borrower or nonborrower organizations, pursuant to state law, into a new successor organization that takes over the assets and assumes the liabilities of those organizations.

Distribution Borrower means a borrower that sells or intends to sell electric power and energy at retail in rural areas.

Distribution Facilities means all electrical lines and related facilities beginning at the consumer's meter base, and continuing back to and including the distribution substation.

DSC means Debt Service Coverage calculated as:

$$DSC = \frac{A + B + C}{D}$$

where:

A = Depreciation and Amortization Expense, which equals part A, line 12 of REA form 7 (distribution borrowers) or section A, line 20 of REA form 12a (power supply borrowers);

B = Interest on Long-term Debt, which equals part A, line 15 of REA Form 7 or section A line 22 of REA form 12a, except that Interest on Long-term debt shall be increased by ⅓ of the amount, if any, by which the rentals of Restricted Property (part M, Line 3 of REA Form 7 or section K, line 4 of REA Form 12h) exceeds 2 percent of Total Margins and Equities (part C, line 32 of REA Form 7 or section B, Line 33 of REA Form 12a;

C = Patronage Capitol or Margins, which equals part A, line 27 of REA form 7 or section A, line 34 of REA form 12a; and

D = Debt Service Billed (REA + other) which equals all interest and principal billed during the calendar year plus ⅓ of the amount, if any, by which the rentals of Restricted Property (part M, line 3 of REA form 7 or section K, line 4 of REA form 12h) exceeds 2 percent of Total Margins and Equities (part C, line 32 of REA form 7 or section B, line 33 of REA form 12a).

Generation Facilities means the generating plant and related facilities, including the building containing the plant, all fuel handling facilities, and the stepup substation used to convert the generator voltage to transmission voltage, as well as related energy management (dispatching) systems.

Insured Loan means a loan made pursuant to section 305 of the RE Act, and may include a direct loan made under section 4 of the RE Act.

Loan means any loan made or guaranteed by REA.

Loan Contract means the agreement, as amended, supplemented, or restated from time to time, between a borrower and REA providing for loans made or guaranteed pursuant to the RE Act.

Loan Feasibility means that the borrower has the capability of repaying the loan in full as scheduled, in accordance with the terms of the mortgage, note, and loan contract.

Loan Guarantee means a loan guaranteed by REA under section 306 or section 314 of the RE Act.

Loan Period means the period of time during which the facilities included in a loan application will be constructed. It commences with the date shown on page 1 of REA form 740c, Cost Estimates and Loan Budget for Electric Borrowers. The loan period is generally 2 years for distribution borrowers and, except in the case of a loan for new generating and associated transmission facilities, 3 years for the transmission facilities and improvements or replacements of generation facilities of power supply borrowers. The loan period for new generating facilities is determined on a case by case basis.

Merger means the combining, pursuant to state law, of borrower or nonborrower organizations into an existing survivor organization that takes over the assets and assumes the liabilities of the merged organizations.

Mortgage means any and all instruments creating a lien on or security interest in the borrower's assets in connection with loans or guarantees under the RE Act.

Ordinary replacement means replacing one or more units of plant, called "retirement units", with similar units when made necessary by normal wear and tear, damage beyond repair, or obsolescence of the facilities.

Power Requirements Study (PRS) means the thorough study of a borrower's electric loads and the factors that affect those loads in order to determine, as accurately as practicable, the borrower's future requirements for energy and capacity.

Power Supply Borrower means a borrower that sells or intends to sell electric power at wholesale to distribution or power supply borrowers pursuant to REA wholesale power contracts.

PRR means Plant Revenue Ratio calculated as:

$$PRR = \frac{A}{B-C}$$

where:

A = Total Utility Plant, which equals part C, line 3 of REA form 7;

B = Operating Revenue and Patronage Capital, which equals part A, line 1 of REA form 7; and

C = Cost of Power, which equals the sum of part A, lines 2, 3, and 4 of REA form 7.

PRS Work Plan means the plan that sets forth the resources, methods, schedules, and milestones to be used in the preparation and maintenance of a power requirements study.

RE Act means the Rural Electrification Act of 1936, as amended (7 U.S.C. 901 *et seq.*).

RE Act Beneficiary means a person, business, or other entity that is located in a rural area and is not receiving adequate central-station electric service, or that initially received central-station service through facilities financed by REA, or successors to such entities.

REA means the Rural Electrification Administration, an agency of the United States Department of Agriculture.

Retirement Unit means a substantial unit of property, which when retired, with or without being replaced, is accounted for by removing its book cost from the plant account.

Rural Area means any area of the United States, its territories and possessions (including any area within the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau) not included within the boundaries of any incorporated or unincorporated city, village or borough having a population exceeding 1,500. The population figure is obtained from the most recent data available, such as from the Bureau of the Census and Rand McNally and Company. For purposes of the "rural area" definition, the character of an area is determined as of the time the initial loan for the system is made.

Subtransmission Facilities means the transmission facilities that connect the high voltage side of the distribution substation to the low voltage side of the bulk transmission or generating facilities, as well as related supervisory control and data acquisition facilities.

System Improvement means the change or addition to electric plant facilities to improve the quality of electric service or to increase the quantity of electric power available to RE Act beneficiaries.

TIER means Times Interest Earned Ratio calculated as:

$$TIER = \frac{A+B}{A}$$

where:

A = Interest on Long-term Debt, which equals part A, line 15 of REA form 7 (distribution borrowers) or section A, line 22 of REA form 12a (power supply borrowers), except that Interest on Long-term debt shall be increased by ⅓ of the amount, if any, by which the rentals of Restricted Property (part M, line 3 of REA form 7 or section K, line 4 of REA form 12h) exceeds 2 percent of Total Margins and Equities (part C, line 32 of REA form 7 or section B, line 33 of REA form 12a; and

B = Patronage Capital or Margins, which equals part A, line 27 of REA form 7 or section A, line 34 of REA form 12a.

Transmission Facilities means all electrical lines and related facilities, including certain substations, used to connect the distribution facilities to generation facilities. They include bulk transmission and subtransmission facilities.

(b) *Rules of Construction.* Unless the context otherwise indicates, "includes" and "including" are not limiting, and "or" is not exclusive. The terms defined in paragraph (a) of this section include the plural as well as the singular, and the singular as well the plural.

§§ 1710.3–1710.49 [Reserved]

Subpart B—Types of Loans and Loan Guarantees

§§ 1710.50–1710.99 [Reserved]

Subpart C—Loan Purposes and Basic Policies

§§ 1710.100–1710.101 [Reserved]

§ 1710.102 Borrower eligibility for different types of loans.

(a) *General.* (1) REA makes three types of loans or loan guarantees: insured loans under section 305 of the RE Act, 100 percent loan guarantees under section 306 of the RE Act, and 90 percent guarantees of private-sector loans pursuant to section 314 of the RE Act.

(2) This section sets forth the policies and procedures for determining which borrowers are eligible for these three types of financial assistance, and the amount of an insured loan request that is eligible for an insured loan or a 90 percent guarantee. Under section 314 of the RE Act, instead of accepting a 90 percent guarantee of a private loan, a borrower may use internally generated funds, request a lien accommodation from REA for a loan from another source, or obtain funds from other non-REA sources.

(b) *Supplemental financing.* Except in cases of financial hardship, as determined by the Administrator, an applicant for an insured loan must obtain a portion of the total debt financing required for a proposed project by means of a supplemental loan from another lender without an REA guarantee. REA will offer an insured loan or an insured loan and a 90 percent guarantee, pursuant to this section, for the remainder of the loan requirement.

(c) *One hundred percent guarantees.* (1) Both distribution and power supply borrowers may apply for a 100 percent loan guarantee under section 306 of the RE Act to finance generation and bulk transmission facilities.

(2) Borrowers may also apply for a 100 percent REA loan guarantee instead of an insured loan to finance all or a portion of distribution and subtransmission facilities. Such request for a 100 percent guarantee will not affect a borrower's eligibility for an insured loan to finance a portion of said facilities or any future insured loan for other distribution or subtransmission facilities.

(3) A borrower may not, however, receive a 100 percent loan guarantee as a substitute for a 90 percent loan guarantee to finance that portion of an insured loan request for which insured funds are unavailable due to the reduction in funds under section 314 of the RE Act, unless the fiscal year authority for 90 percent guarantees has been fully utilized or, in the judgment of the Administrator, will be fully utilized before all insured loan funds have been lent (See paragraph (h)(4) of this section).

(d) *Insured loans and 90 percent guarantees.* Section 314 of the RE Act requires that the amount of insured loan funds made available in fiscal years 1991 through 1995 be reduced by certain amounts and that 90 percent loan guarantees be offered in an amount equal to the reductions. The Administrator is required to administer the reduction in insured loan funds in a manner that will lessen its adverse effect. Borrowers may accept a 90 percent guarantee or choose to fund the reduction in insured funds by other means as set forth in paragraph (a) of

this section. Insured loans are normally reserved for the financing of distribution and subtransmission facilities of both distribution and power supply borrowers.

(e) *Need criteria.*—(1) *General.* To lessen the adverse effects on borrowers and their consumers of the reduction in insured funds provided under section 314 of the RE Act, the allocation of insured funds for each applicant is based on the borrower's need for the insured loan interest subsidy, as reflected by the economic health of the borrower's service territory and the inherent costs of providing service in that territory.

(2) *Criteria.* The following criteria are used in determining the allocation of insured funds for each borrower:

(i) The weighted average per capita personal income in the counties served by the borrower. If reliable data are available at a reasonable cost for smaller geographic areas, that data will be used instead of county data.

(ii) The weighted average unemployment rate in the counties served by the borrower. The number of consumers served in each county is used as the weight in calculating the weighted average for criteria in paragraphs (e)(2)(i) and (ii) of this section.

(iii) Average annual rate of growth in the borrower's total kWh sales during the past 5 to 10 years.

(iv) Rate disparity, measures as the percentage difference between the borrower's residential rate and the average residential rate in the state for all electric utilities, including non-REA financed utilities. If reliable data are available at a reasonable cost, REA will instead compare a borrower's rate against the average residential rate for all utilities with territories contiguous with the borrower's.

(v) Rate level, measured by average revenue per kWh sold by the borrower to residential and farm consumers.

(vi) Cost of power per kWh purchased and/or generated by the borrower.

(vii) Total kWh sales per mile of distribution and transmission line, excluding large commercial and industrial consumers and sales for resale.

(viii) Dollar amount of distribution and transmission plant in service per kWh of electricity sold.

(3) *Power supply borrowers.* The same criteria are used to evaluate both distribution and power supply borrowers that request insured loans for distribution and subtransmission facilities. In the case of a power supply borrower, the values for its criteria are based on the average values for its member distribution systems.

(4) *Data sources.* Following are the sources of data used for the criteria:

(i) Per capita personal income—Bureau of Economic Analysis, Department of Commerce.

(ii) Unemployment rate—Bureau of Labor Statistics, Department of Labor. Consumers served per county—REA Form 50.

(iii) Total kWh sales—REA Bul. 1-1, line 67.

(iv) Borrower's residential rate—REA Bul. 1-1, line 69 divided by line 61. Average residential rate in the state for all electric utilities—Energy Information Administration, Department of Energy.

(v) Average revenue per kWh sold to residential and farm consumers—REA Bul. 1-1, line 69 divided by line 61.

(vi) Cost of power per KWh—REA Bul. 1-1, line 35 divided by (line 85 + 86).

(vii) Total kWh sales per mile of distribution and transmission line, excluding large commercial and industrial consumers and sales for resale—REA Bul. 1-1, (line 67 −63 −66) divided by (line 80 +81 +82).

(viii) Distribution and transmission plant in service per kWh of electricity sold—REA Form 7, (line E14(e) + E33(e)) divided by line R11(Total)).

(ix) Data for criteria in paragraphs (e)(4)(i) and (ii) of this section, are based on the most recent year available. Data for criteria in paragraphs (e)(4)(iv) through (viii) of this section are based on the average for the two most recent years available. For criterion in paragraph (e)(4)(iii) of this section, growth in sales is based on a 5 to 10 year period ending with the most recent year for which data are available. Average total kWh sales for the first two years of the period and for the last two years of the period are used in calculating the average annual rate of growth in sales over the period.

(5) *Use of estimates.* If data for the need criteria are not available or are not accurate, as determined by REA, REA may use best available estimates for a borrower's criteria values.

(f) *Ranking of borrowers.* The following method is used to rank borrowers based on need:

(1) Each distribution and power supply borrower eligible for REA financing of distribution or subtransmission facilities is ranked, in descending order of need, against all other such borrowers for each of the eight criteria.

(i) For criteria in paragraphs (e)(2)(ii), (iv), (v), and (viii) of this section, the ranking is from high to low because high values for these criteria indicate relatively greater need and low values indicate relatively less need.

(ii) For criteria in paragraphs (e)(2)(i), (iii) and (vii) of this section, the ranking is from low to high because high values for these criteria indicate relatively less need and low values indicate relatively greater need.

(2) Each borrower is then ranked in descending order of need based on the average rank of the borrower for the eight criteria.

(g) *Determination of insured loan proportion.* (1) After borrowers are ranked in descending order of need for an interest subsidy, the ranked list is separated into 10 equal deciles consisting of about 91 borrowers each.

(2) Then each decile is assigned the proportion of insured funds and 90 percent guaranteed funds that will be provided for each loan request. Deciles reflecting a greater need for assistance are allocated a higher proportion of insured funds. The allocation is designed so that the overall average proportion of insured funds and 90 percent guaranteed funds will approximately equal the proportion of insured funds and 90 percent guaranteed funds appropriated for the fiscal year.

(3) The Administrator will revise the allocation of insured funds and 90 percent guaranteed funds assigned to each decile when:

(i) New authorizations of insured funds and 90 percent guarantee authority are enacted for the fiscal year, or

(ii) It is necessary to increase the allocation of insured funds during the fiscal year in order to lend all insured loan funds authorized for the year (See paragraph (h)(2) of this section).

(4) A notice will be published in the **Federal Register** of any changes in allocations per paragraph (g)(3)(i) of this section. REA will notify all affected borrowers with loan applications pending at REA of any increase in the allocation of insured funds pursuant to paragraph (g)(3)(ii) of this section.

(5) If the criteria set forth in paragraph (e) of this section do not fully reflect a borrower's need for assistance due to circumstances beyond the borrower's control, such as in the case of recent severe storm damage or an impending major decline in load, the Administrator may increase borrower's allocation of insured funds.

(h) *Funds allocation applied to loan application inventory.* (1) Loans are considered for approval in chronological order, based on the dates the applications were accepted by REA as being substantially complete with respect to all material elements of the application. Each loan application in the inventory is allocated an insured loan or

an insured loan and a 90 percent guarantee based on the proportions determined in paragraph (g) of this section.

(2) If the fiscal year authorization of insured funds would not be fully utilized based on the allocation determined in paragraph (g) of this section, the Administrator may increase a borrower's allocation of insured funds. This could arise if there are insufficient applications in the inventory or anticipated to come into the inventory, or if there is insufficient time to process more applications to use up all of the authorization.

(3) Such increase in allocation will be an equal percentage increase for all loans in the inventory yet to be approved. The determination that an increase in the allocation is needed will be made as early in the year as practicable so that the increase will be shared by as many borrowers as possible.

(4) If in working through the inventory of loan applications, commitments of 90 percent guarantees reach the fiscal year authorization level before all authorized insured funds have been committed, the Administrator may offer some borrowers a 100 percent guarantee under section 306 of the RE Act as a substitute for a 90 percent guarantee. Any such 100 percent guarantees will be offered to borrowers based on financial need as determined in paragraph (f) of this section.

(5) If a borrower is offered an insured loan and the offer is refused, the loan application will be rescinded. A new application may be submitted at a later date for the same loan purposes, provided justification acceptable to REA is furnished.

(i) *Updating data.* By no later than August 31 of each year, REA will incorporate the latest available data for the criteria used in ranking borrowers per paragraph (f) of this section. Notice will be given with respect to those borrowers whose decile rank has changed as a result of incorporating the new data. Any such changes in decile ranks will be applied to all loan applications received by REA after the date of incorporating the new data, as well as to any pending loan applications that were received by REA more than 18 months prior to said date.

§§ 1710.103–1710.149 [Reserved]

Dated: February 11, 1991.

R. R. Vautour,

Under Secretary for Small Community and Rural Development.

Appendix A—Fiscal Year 1991 Allocation of Insured Funds and 90 Percent Guarantees for Each Decile

Note: This appendix is published for information only and will not be codified in the Code of Federal Regulations.

Need decile	REA-financed portion of credit need	
	Insured funds (percent)	90 percent guarantee (percent)
1	100	0
2	100	0
3	100	0
4	90	10
5	90	10
6	80	20
7	70	30
8	60	40
9	40	60
10	20	80

[FR Doc. 91–3833 Filed 2–19–91; 8:45 am]

BILLING CODE 3410–15–M

federal register

Wednesday
February 20, 1991

Part III

Department of Transportation

Research and Special Programs Administration

49 CFR Ch. I

Safeguarding Food From Contamination During Transportation; Advanced Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Ch. I

[Docket No. FS-1; Notice No. 91-I]

RIN 2137-AC00

Safeguarding Food From Contamination During Transportation

AGENCY: Research and Special Programs Administration (RSPA), U.S. Department of Transportation (DOT).

ACTION: Advance notice of proposed rulemaking (ANPRM).

SUMMARY: Public Law 101-500, "Sanitary Food Transportation Act of 1990" (SFTA), requires the Secretary of Transportation (the Secretary) to issue regulations to ensure that food and other consumer products are not made unsafe as a result of certain transportation practices. The purpose of this notice is to request public comment.

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

ADDRESSES: Copies of SFTA may be obtained from the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9371 (202) 275-2091. Comments to this ANPRM should be addressed to the Dockets Unit, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590. Comments should identify the docket and be submitted, if possible, in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped postcard showing the docket number (i.e., Docket FS-1). The Dockets Unit is located in Room 8419 of the Nassif Building, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366-5046. Public dockets may be reviewed between the hours of 8:30 a.m. to 5 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: John A. Gale, (202) 366-4488, Office of Hazardous Materials Standards or Edmund J. Richards, (202) 366-0656, Interagency Coordinator for Hazardous Materials Safety, RSPA, U.S. Department of Transportation, 400 Seventh Street SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: On November 3, 1990, the President signed the "Sanitary Food Transportation Act of 1990" (SFTA; Pub. L. 101-500), which requires the Secretary to promulgate regulations to promote the safe transportation of food products. SFTA was enacted in response to Congressional findings that: (1) Americans are entitled to receive food and other consumer products that are not made unsafe as a result of transportation practices; (2) the American public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles which are used to transport food and other consumer products; and (3) the risks posed by such transportation practices are unnecessary, and such practices must be terminated. Congress expressed concern relative to practices including the transportation of wastes or potentially harmful nonfood products in the same motor vehicles that carry food products and the backhauling of chemicals or other potentially harmful nonfood products in cargo tanks, rail tank cars and tank trucks that also haul food products.

Summary

The following is a summary of several sections of SFTA:

1. Section 4 of SFTA requires the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, to issue regulations with respect to the transportation of food, food additives, drugs, devices, and cosmetics, as defined in the Federal Food, Drug, and Cosmetic Act (hereinafter referred to collectively as "food products"), in motor vehicles or rail vehicles which are used to transport either refuse or nonfood products that could make food unsafe to the health of humans or animals as a result of such transportation.

2. Section 4 of SFTA requires, for motor and rail vehicles, cargo tanks, rail tank cars, and tank trucks, the issuance of regulations for: (a) Appropriate recordkeeping, identification, marking, certification (i.e., communication standards) or other means of verifying compliance; (b) appropriate decontamination, removal, disposal, and isolation procedures; and (c) appropriate materials of construction for cargo tanks, rail tank cars and tank trucks, and their ancillary equipment, that haul food products.

3. In issuing regulations under SFTA, the Secretary is to consider the extent to which packaging or similar means of protecting and isolating commodities are adequate to minimize or eliminate the potential risks of transporting food products in vehicles used for nonfood products. If the packagings are found to be adequate, the regulations issued shall not apply to the transportation of such packaged products.

4. Section 5 of SFTA prohibits the transportation of food products in cargo tanks, rail tank cars and tank trucks that are used to transport nonfood products that would make food unsafe to the health of humans or animals. The Secretary is required to publish a list of acceptable nonfood products that may be transported in such vehicles. The regulations also must provide permanent marking of food grade cargo tanks, rail tank cars and tank trucks; restrict the use of such vehicles to food products and listed acceptable nonfood products; and prohibit any person from receiving, except for lawful disposal purposes, any food product or listed acceptable nonfood product that has been transported in violation of these provisions.

5. Section 6 of SFTA prohibits the transportation of food products in motor vehicles and rail vehicles that are used to transport unacceptable nonfood products. The Secretary is required to designate and publish a list of unacceptable nonfood products that may not be transported in these vehicles.

6. Section 7 of SFTA requires that, despite any decontamination, removal, disposal, or other isolation procedures, dedicated motor vehicles and rail vehicles be used for the transportation of asbestos, in forms and quantities determined by the Secretary to be necessary, and other products that present an extreme danger to the health of humans or animals.

Request for Comments

Comments are requested concerning possible regulatory options, particularly with regard to the following questions. To the maximum extent practicable, commenters are requested to quantify potential benefits and costs of regulatory alternatives.

I. Communication Standards

Section 4(b)(1) of SFTA specifies that the Secretary shall develop appropriate standards, such as recordkeeping, identification, marking, or certification, in order to promote, verify and communicate compliance with the regulations issued under SFTA. In addition, section 5(c)(1) of SFTA specifies that the Secretary shall require the identification, by a permanent marking, of cargo tanks, rail tank cars and tank trucks that are authorized to carry food products.

A. What types of recordkeeping, identification, marking, certification or other means of verification are currently

in place that could be used to promote compliance with the regulations issued under SFTA?

B. In the absence of any current recordkeeping requirements, what types of recordkeeping, identification, marking, certification, or other means of verification could be used to promote compliance with the regulations issued under SFTA? Should a "cradle to grave" (grower to retailer) system be developed to track the transportation of food products similar to the hazardous waste manifest tracking system used by EPA and DOT? Should there be some certification requirements when used vehicles are sold?

C. Should different types of communication standards apply to offerors, carriers, consignees, users and owners of vehicles subject to SFTA?

D. What, if any, markings or identification systems are currently used to identify vehicles transporting unacceptable nonfood products? In the absence of any current markings or identification systems, in what manner, should vehicles be marked to identify their acceptability or unacceptability for food products? What would the markings costs? How many vehicles would be affected?

E. Should an incident reporting system be developed, possibly similar to RSPA's hazardous materials indent reporting system, to evaluate the extent of the perceived problem, the effectiveness of the regulatory program, and the need for any legislative or regulatory changes?

F. Should a reporting system be developed that would assure that contaminated vehicles are not used for food products; and food products contaminated from incidents do not become consumer products?

G. For carrier-owned vehicles, how should a carrier notify an offeror of food products the acceptability of a vehicle for food products or, conversely, how should an offeror assure the acceptability of the vehicle for the carriage of food products?

H. What form of notification should an offeror give to a carrier regarding whether a product is a food product, an acceptable nonfood product, an unacceptable nonfood product, or a product requiring the use of a "dedicated vehicle"?

I. Should the carrier or the offeror, or both, certify to the consignee that the food product received has been transported in accordance with the regulations issued under SFTA?

II. Materials of Construction

Section 4(b)(3) of SFTA specifies that the Secretary shall establish standards related to the materials of construction of cargo tanks, rail tank cars and tank trucks (and their ancillary equipment) that are used in the carriage of food products.

A. How many cargo tanks, rail tank cars, or tank trucks are currently used for food products, nonfood products, or for both? How many such tanks are currently in dedicated food product service?

B. What types of industry standards are currently in place for the construction of cargo tanks, rail tank cars and tank trucks that transport food products?

C. Is there a need for additional construction standards? If so, should they be more detailed, similar to those for DOT specification cargo tanks, rail tank cars and tank trucks used for hazardous materials (See 49 CFR parts 178 and 179)? Should these requirements address areas such as materials of construction, surface finishes, welds, hoses, internal valves, pumps, and baffles?

D. What, if any, materials of construction or surface finishes are not acceptable for the transportation of food products?

E. What would be the costs and benefits associated with requiring specifications for tanks for food products? How many tanks would have to be modified or taken from food product service if such specifications were adopted?

F. How should cargo tank, rail tank car and tank truck be defined? Should the definitions of cargo tank motor vehicle, tank car and portable tank in 49 CFR 171.8 be used?

III. Minimum insurance or liability requirements

Section 4(c)(3) of SFTA requires that the Secretary consider the need for appropriate minimum insurance or other liability requirements for any person covered by SFTA. SFTA applies to persons that use, offer for use, or arrange for the use of transport vehicles (i.e., motor vehicles and rail cars) for food products and nonfood products and includes offerors, carriers, brokers, and freight forwarders, both for international and domestic transportation. Many motor carriers are currently subject to requirements for financial responsibility under the provisions of 49 CFR part 387. However, rail carriers are not currently subject to any minimum financial responsibility requirements.

A. Are the financial responsibility requirements currently in effect for motor carriers adequate for the risks addressed by SFTA?

B. Are there categories of persons, such as rail carriers, not subject to minimum financial responsibility requirements or inadequate requirements?

C. What minimum levels of financial responsibility are adequate for the risks under consideration? What are the estimated costs to individuals to obtain these minimum levels? Should self-insurance be permitted?

D. For other than motor carriers and rail carriers, what kind and levels of minimum financial responsibility should apply to persons, such as offerors of food products and freight forwarders, that are subject to SFTA? Should self-insurance be permitted? How many entities are involved? Can we assume that virtually all carriers have some form of public liability insurance that would meet the requirements of section 4(c)(3)?

IV. List of Acceptable Nonfood Products

Section 5(b) of SFTA specifies that the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, publish in the **Federal Register** a list of "acceptable nonfood products". This list would include nonfood products which the Secretary has determined do not make food products unsafe to the health of humans or animals as a result of transportation in cargo tanks, rail tank cars, or tank trucks which are also used to transport food products.

A. What products or categories of products should be included on this list?

B. What reference documents or guidelines are currently available that would aid in the development of this list?

C. Are there any drugs, devices, or cosmetics that would make the transport of food or food additives unsafe?

D. Many products are used as both food products and nonfood products. These products may vary in grade or just in their end use (e.g., phosphoric acid). Should a distinction be made between such products, and if so, how?

E. What, if any, cleaning and decontamination and testing procedures should be required prior to reuse of a tank truck, cargo tank or rail tank car for transporting a food product? Estimates are requested as to the cost of each procedure and the number of cleanings or decontaminations that would be necessary on a yearly basis.

F. Should surface or product contamination limits be developed?

V. List of Unacceptable Nonfood Products

Section 6(b) of SFTA requires that the Secretary publish a list of "unacceptable nonfood products". This list would include products that would make food products unsafe if transported on the same transport vehicle (other than cargo tanks, rail tank cars or tank trucks) either on the same trip or on subsequent trips.

The Secretary may consider the extent to which packaging or other means of protecting and isolating products may be used to lessen or eliminate the potential risks of transporting food products with unacceptable nonfood products with regard to this listing.

A. What products or categories of products should be included on this list?

B. What reference documents or guidelines are currently available that would aid in the development of this list?

C. What types of packaging or other means of protecting and isolating products would eliminate the risks of transporting an unacceptable nonfood product with a food product on a transport vehicle on the same trip or subsequent trips? To the extent that such packagings or other means of protection represent a departure from current industry practices, comments are requested as to the potential costs and benefits attributable to regulations requiring their use.

D. In the event of an incident where a motor vehicle or rail vehicle is contaminated, what cleaning or decontamination procedures should be required prior to the vehicle being allowed to be used to transport food products?

E. Are there any drugs, devices, or cosmetics that would make the transport of food or food additives unsafe?

VI. Dedicated vehicles

Section 7 of SFTA requires the Secretary to publish a list of products that require the use of "dedicated vehicles". This list is to include asbestos, in forms and quantities determined by the Secretary to be necessary, and products that present an extreme danger to human or animal health despite any decontamination, removal, disposal, packaging or isolation procedures. The vehicles that carry such products may carry only asbestos, refuse or other extremely dangerous products for the life of the vehicle.

A. What products or categories of products should be included on this list?

B. What reference documents or guidelines are currently available that would aid in the development of this list?

C. Should the regulations address the "forms and quantities" of products, other than asbestos, which present an extreme danger to human or animal health?

D. Should dedicated vehicles be allowed to carry nonfood products other than refuse, asbestos, and extremely hazardous products?

E. What are the estimated costs and benefits of "dedicating" a vehicle to this type of service? How many vehicles might be affected?

VII. Waivers

Section 8 of SFTA allows the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency to waive, in whole or in part, the requirements of SFTA or the regulations issued under the SFTA. The Secretary is allowed to grant a waiver if it is determined that the waiver would not result in the transportation of food products that would be unsafe to human or animal health and is not otherwise contrary to the public interest or SFTA. As noted before, SFTA applies to persons that use, offer for use, or arrange for the use of transport vehicles (i.e., motor vehicles and rail cars) for food products and nonfood products and would include offerors, carriers, brokers, and freight forwarders, both for international and domestic transportation. In addition, SFTA applies to intrastate and interstate transportation.

A. What, if any, types of products, practices or industries should be granted a waiver, in whole or in part, from the regulations that will be issued under the SFTA? Examples of such practices or industries that might be granted a waiver are:

—The use of pesticides and fumigants in accordance with applicable federal standards.

—The transportation of those products that are packaged and intended for consumer use.

—The transportation of outdated food products and the packaging used for the transportation of food products.

—Farmers, light weight vehicles or movements from a field to a warehouse or to a storage area.

B. What are the potential benefits associated with granting waivers? What are the potential costs if waivers are not granted?

VIII. Other Related Issues

A. Should DOT consider requiring a dedicated fleet of vehicles to transport food products? If so, what size of fleet would be necessary and what would be the cost associated with such a requirement?

B. Although SFTA applies only to the transportation of food products by motor or rail vehicles, food products that are transported by aircraft or vessels that interline with motor carriers or rail carriers may be affected by the regulations issued under the SFTA. Therefore, comments are requested on what would be an effective way of assuring that such shipments comply with the regulations issued under SFTA?

C. Comments are requested from persons who have personal knowledge of an incident of food product contamination in transportation. Such commenters should submit information on the incident (e.g., products involved, how the contamination occurred) with any estimates as to the costs associated with the incident.

D. SFTA anticipates vigorous enforcement of the Act and compatible State laws and regulations. Comments are requested on enforcement activities related to compliance.

Administrative Notices

A. Executive Order 12291

The effect of this advance notice of proposed rulemaking does not meet the criteria specified in section 1(b) of Executive Order 12291 and is, therefore, not a major rule, but is a significant rule under the regulatory procedures of the Department of Transportation (44 FR 11034). This advance notice of proposed rulemaking does not require a Regulatory Impact Analysis, or an environmental assessment or impact statement under the National Environmental Policy Act (42 FR 4321 et seq.). A preliminary regulatory evaluation will be prepared based on comments to this advance notice of rulemaking.

B. Executive Order 12612

This advance notice of proposed rulemaking has been analyzed in accordance with the principles and criteria in Executive Order 12612 and, based on the information available at this time, RSPA does not believe that this advance notice of proposed rulemaking would have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

C. Impact on Small Entities

Based on limited information concerning size and nature of entities likely affected, this advance notice of proposed rulemaking will not, if promulgated, have a significant impact on a substantial number of small entities under criteria of the Regulatory Flexibility Act. This is subject to modification as a result of a review of comments received in response to this advance notice of proposed rulemaking.

Issued in Washington, DC on February 14, 1991, under authority delegated in 49 CFR 1.53(i).

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 91-4031 Filed 2-19-91; 8:45 am]

BILLING CODE 4910-60-M

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