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Friday
March 22, 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: March 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

MIAMI, FL

WHEN: April 18:
1st Session 9:00 am to 12 noon.
2nd Session 1:30 pm to 4:30 pm
WHERE: 51 Southwest First Avenue
Room 914
Miami, FL
RESERVATIONS: 1–800–347–1997

CHICAGO, IL

WHEN: April 25, at 9:00 am
WHERE: 219 S. Dearborn Street
Conference Room 1220
Chicago, IL
RESERVATIONS: 1–800–366–2998

WASHINGTON, DC

WHEN: May 23, at 9:00 am
WHERE: Office of the Federal Register
First Floor Conference Room
1100 L Street, NW, Washington, DC
RESERVATIONS: 202–523–5240 (voice); 202–523–5229 (TDD)

NOTE: There will be a sign language interpreter for hearing impaired persons at the May 23, Washington, DC briefing.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 987

[Docket No. FV-91-221FR]

Temporary Relaxation of Size Requirements for California Deglet Noor Dates

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting as a final rule the provisions of an interim final rule which temporarily relaxed the size requirements prescribed for Deglet Noor dates for use domestically and in Canada as whole and pitted dates. The interim final rule increased the tolerance for individual Deglet Noor dates weighing less than 6.5 grams (the prescribed minimum) from 10 percent to 15 percent. The relaxation is necessary because Deglet Noor dates from the 1990 crop are significantly smaller in size and weight than normal. The decrease in size/weight is due to a mite infestation during the spring of 1990 which stressed the date palms, resulting in a substantial quantity of Deglet Noor dates failing to meet size requirements. The relaxation was unanimously recommended by the California Date Administrative Committee (committee) to make a larger quantity of the 1990 crop available for use as whole or pitted dates domestically and in Canada.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456, telephone 202-475-3862.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order No. 987 (7 CFR part 987), as amended, regulating the handling of dates produced or packed in Riverside County, California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

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

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

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

There are approximately 25 handlers of California dates regulated under the date marketing order each season, and approximately 135 date producers in the regulated area. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $3,500,000. The majority of these handlers and producers may be classified as small entities.

The interim final rule was issued January 3, 1991, and was published in the **Federal Register** on January 9, 1991 (56 FR 777). That rule invited interested persons to submit written comments through February 8, 1991. No comments were received.

The interim final rule modified §§ 987.112a (b)(2) and (c)(2) of Subpart—Administrative Rules (7 CFR parts 987.101-987.172) to relax the size requirements for Deglet Noor dates to be used as whole or pitted dates domestically or in Canada. The modification was issued pursuant to § 987.39 of the order.

Section 987.112a prescribes grade, size, and container requirements for each outlet category of dates. More specifically, paragraph (b)(2) of that section prescribes such requirements for "DAC" dates, including an individual size requirement for Deglet Noor dates of 6.5 grams with a tolerance of 10 percent per lot for dates weighing less. DAC dates are marketable whole or pitted dates that are inspected and certified as meeting the grade, size, container, and applicable identification requirements for handling in the United States and Canada. Paragraph (c)(2) of § 987.112a includes the same requirements for "dates for further processing" (FP dates). FP dates are marketable whole dates acquired by one handler from another handler that are certified as meeting the same grade and size requirements for DAC dates, with the exception of moisture requirements, and applicable identification requirements. FP dates are sold to users desiring to utilize their own processing and packaging facilities.

Due to a mite infestation which stressed the date palms, individual fruit from the 1990 crop is significantly smaller in size and weight than normal. A large portion of early deliveries of Deglet Noor dates failed to meet size requirements because more than 10 percent of the individual dates in the lots weighed less than 6.5 grams. Therefore, at its October 24, 1990, meeting, the committee unanimously recommended that the size requirements for DAC and FP dates be relaxed through October 31, 1991, by increasing the tolerance for dates weighing less than 6.5 grams from 10 to 15 percent.

This action is intended to permit a greater quantity of Deglet Noor dates which are of good quality but weigh less than 6.5 grams to meet the requirements for DAC and FP dates. The additional five percent tolerance for undersize dates will allow handlers to use approximately three smaller dates per pound so that more of the crop can be utilized as whole or pitted dates domestically and in Canada. The committee estimates marketable 1990 Deglet Noor production at approximately 34 million pounds. Making more Deglet Noor dates of satisfactory quality available for use as whole and pitted dates domestically and in Canada will provide for maximum utilization of the 1990 crop, thereby

benefiting producers, handlers and consumers.

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

After consideration of all relevant matter presented, the information and unanimous recommendation submitted by the committee, and other available information, it is found that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because:

(1) This action leaves in effect relaxed requirements currently being applied to California dates under an interim final rule;

(2) The interim final rule provided a 30-day comment period and no comments were received; and

(3) No useful purpose would be served by delaying the effective date of this action.

List of Subjects in 7 CFR Part 987

Dates, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 987 is amended as follows:

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

1. The authority citation for 7 CFR part 987 continues to read as follows:

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

2. Accordingly, the interim final rule amending § 987.112a by revising the second sentence of paragraph (b)(2) and revising the second sentence of paragraph (c)(2) which was published in the **Federal Register** on January 9, 1991 (56 FR 778), is adopted without change as a final rule.

Note: This section will appear in the annual Code of Federal Regulations.

Dated: March 18, 1991.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–6858 Filed 3–21–91; 8:45 am]

BILLING CODE 3410–02–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-202-AD; Amendment 39-6947]

Airworthiness Directives; Airbus Industrie Model A300 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction.

SUMMARY: This action corrects Airworthiness Directive (AD) 90–23–11, Amendment 39–6802, applicable to certain Airbus Industrie Model A300 series airplanes, which currently requires repetitive ground tests of the ram air turbine, and overhaul of the ram air turbine. This action clarifies that only the ram air turbine needs to be overhauled, and identifies the correct section of the overhaul manual and the correct Dowty Rotol service bulletin necessary for accomplishment of the AD. This action is necessary to ensure that proper procedures are used to overhaul and modify the ram air turbine.

DATES: This correction is effective March 22, 1991.

The effective date for the requirements of this amendment remains December 17, 1990, as specified in Amendment 39–6802.

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: On October 29, 1990, the FAA issued AD 90–23–11, Amendment 39–6802 (55 FR 46648, November 6, 1990), applicable to certain Airbus Industrie Model A300 series airplanes, which requires repetitive ground tests of the ram air turbine (RAT) and overhaul of the RAT. This condition, if not corrected could result in failure of the RAT to provide hydraulic power in an emergency situation.

As in the existing rule, this action continues to require repetitive ground tests of the RAT and overhaul of the RAT. However, the correction requires that the overhaul be accomplished in accordance with Dowty Rotol Overhaul Manual 29–21–14, rather than 29–21–24 (as was cited in the existing rule); and that the modification be accomplished in accordance with Dowty Rotol Service Bulletin 29–104, rather than 29–101 (as was cited in the existing rule).

Additionally, paragraph D. of the rule has been clarified to specify that the "ram air turbine" must be overhauled, not the "ram air turbine system" (as was specified in the existing rule).

Action is taken herein to make these corrections.

Since this action only corrects errors in the reference to service information cited in a final rule and clarifies a requirement, it has no adverse economic impact and imposes no additional burden on any person. Therefore, notice and public procedures hereon are unnecessary and the amendment may be effective upon publication in the **Federal Register.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Correction

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 correcting paragraphs C., D., and E. of AD 90–23–11, Amendment 39–6802 (55 FR 46648, November 6, 1990), to read as follows:

Airbus Industrie: Applies to Model A300 series airplanes, Serial Numbers 001 through 305, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent failure of the ram air turbine to provide hydraulic power in an emergency situation, accomplish the following:

A. For ram air turbines on which neither modification No. RM 370 (Dowty Rotol Service Bulletin 29–76) nor modification No. RM 401 (Dowty Rotol Service Bulletin 29–104) has been accomplished; or on which one, but not both, of those modifications has been accomplished: Perform a ground test of the ram air turbines, in accordance with Dowty Rotol Service Bulletin 29–124, Revision 3, dated March 29, 1989, as follows:

1. Prior to a. or b., below, whichever occurs later:

a. 4,000 hours time-in-service or 24 months since new or overhaul, whichever occurs first, or

b. 600 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first.

2. Repeat the ground test at intervals not to exceed 600 hours time-in-service or 6 months, whichever occurs first.

B. For ram air turbines on which both modification No. RM 370 (Dowty Rotol Service Bulletin 29-76) and modification No. RM 401 (Dowty Rotol Service Bulletin No. 29-104) have been accomplished: Perform a ground test of the ram air turbines, in accordance with Dowty Rotol Service Bulletin 29-124, Revision 3, dated March 29, 1989, as follows:

1. Prior to a. or b., below, whichever occurs later:

a. 7,500 hours time-in-service or 30 months since new or overhaul, whichever occurs first, or

b. 1,500 hours time-in-service or 6 months after the effective date of this AD, whichever occurs first.

2. Repeat the ground test at intervals not to exceed 3,000 hours time-in-service or 12 months, whichever occurs first.

C. If the ram air turbine fails to function properly during the ground tests required by paragraph A. or B. of this AD, prior to further flight, replace with a serviceable unit, or overhaul the unit, in accordance with Dowty Rotol Overhaul Manual 29-21-14.

D. Prior to 1. or 2., below, whichever occurs later, perform an overhaul of the ram air turbine in accordance with Dowty Rotol overhaul manual 29-21-14:

1. 20,000 hours time-in-service or 10 years since new or overhauled, whichever occurs first, or

2. 12 months or 3,000 hours time-in-service after the effective date of the AD, whichever occurs first.

E. Accomplishment of the modifications described in all three Dowty Rotol Service Bulletins 29-125 R1, 29-76, and 29-104, constitutes terminating action for the requirements of this AD.

F. 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

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

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

This correction is effective March 22, 1991.

The effective date of the requirements of this amendment remains December 17, 1990.

Issued in Renton, Washington, on March 13, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6830 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 90-NM-212-AD; Amendment 39-6951]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 757 series airplanes, which currently requires modification, one-time and periodic inspections, and repair, if necessary, of passenger doors to ensure proper operation of the emergency power assist door opening system. This action requires additional modification, terminating inspections, and repair, if necessary. This amendment is prompted by reports of fractured emergency power assist triggers. This condition, if not corrected, could result in an inoperative emergency power assist door opening system during an emergency evacuation.

EFFECTIVE DATE: April 29, 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 98055-4056.

FOR FURTHER INFORMATION CONTACT: Mr. Pliny Brestel, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2783. 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 by superseding AD 89-25-09, Amendment 39-6407 (54 FR 49964; December 4, 1989), applicable to Boeing Model 757 series airplanes, to require additional modification, terminating inspections, and repair, if necessary, of the passenger door emergency power assist opening system, was published in the **Federal Register** on November 5, 1990 (55 FR 46525).

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

A member of the Air Transport Association (ATA) of America expressed concern that the availability of parts may be a factor in accomplishing the proposed modifications within the compliance period. The FAA does not concur. The manufacturer has advised the FAA that all kits were available as of December 14, 1990.

Another member of the ATA commented that the set screw in the spring cylinder end cap, as noted in the referenced Boeing service bulletin, is non-existent on at least one of its airplanes. The FAA concurs that some end caps do not have set screws. The manufacturer approved the use of Loc-Tite to secure the end cap in lieu of set screws. Boeing has advised the FAA that it plans to release Service Bulletin 757-52-0042, Revision 2, in the near future to correct this discrepancy. The FAA will review this revision and if acceptable, will approve use of the later revision as an alternative method of compliance with this AD.

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 as proposed.

There are approximately 254 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 143 airplanes of U.S. registry will be affected by this AD, that it will take approximately 51 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $291,720.

The regulations adopted 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 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 superseding Amendment 39–6407 (54 FR 49964, December 4, 1989), AD 89–25–09, with the following new airworthiness directive.

Boeing: Applies to Model 757 series airplanes, as listed in Boeing Service Bulletin 757–52–0042, Revision 1, dated April 26, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To ensure passenger door power assist opening when required for emergency opening, accomplish the following:

A. For airplanes identified as Group 1 in Boeing Service Bulletin 757–52–0042, dated March 30, 1989, or Revision 1, dated April 26, 1990: Within the next 350 flight hours after January 6, 1990 (the effective date of Amendment 39–6407, AD 89–25–09), accomplish the following in accordance with Section III, Part II, of the Service Bulletin. Any interference or improper clearance detected as a result of the required inspections must be repaired prior to further flight, in accordance with the Service Bulletin.

1. Modify the forward right-hand passenger door.

2. Inspect all passenger doors for evidence of interference between the trigger support housing and the upper hinge arm.

3. Inspect all passenger doors for proper clearance between the power assist trigger and the door and fuselage skin.

B. For all airplanes identified in Boeing Service Bulletin 757–52–0042, dated March 30, 1989, or Revision 1, dated April 26, 1990: Within the next 350 flight hours after January 6, 1990 (the effective date of Amendment 39–6407, AD 89–25–09), and thereafter at intervals not to exceed 6 months, accomplish the following inspections in accordance with Section III, Part I, of the Service Bulletin. Any damage or improper adjustment or operation detected as a result of the inspections must be repaired prior to further flight, in accordance with the Service Bulletin.

1. Inspect the forward doors for proper adjustment of the lockout mechanism of the door emergency power assist system.

2. Inspect all passenger door emergency power assist triggers for wear marks, damage, or fracture.

3. Inspect trigger spring cylinders for proper operation.

4. Inspect roller arms for damage.

C. For all airplanes identified in Boeing Service Bulletin 757–52–0042, Revision 1, dated April 26, 1990: Within the next 18 months after the effective date of this AD, accomplish the following in accordance with Section III, Part III, of the Service Bulletin. Any damage, defects, improper adjustments, or improper operation detected as a result of the inspections required by this paragraph must be repaired prior to further flight, in accordance with the Service Bulletin. Accomplishment of the actions required by this paragraph constitutes terminating action for the periodic inspections required by paragraph B. of this AD.

1. On forward doors, install the lockout link and inspect the lockout mechanism for proper adjustment.

2. On all passenger doors, install the new trigger guard and inspect the emergency power assist triggers for wear marks, damage, or fracture.

3. On all passenger doors, modify the trigger spring cylinder end cap and inspect the spring cylinder for proper operation.

4. On all passenger doors, inspect roller arms for damage.

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

E. Special flight permits may be issued in accordance with FARs 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 supersedes Amendment 39–6407, AD 89–25–09.

This amendment becomes effective April 29, 1991.

Issued in Renton, Washington, on March 13, 1991.

Darrell M. Pederson,

Acting Manager Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6831 Filed 3–21–91; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 90–NM–223–AD; Amendment 39–6952]

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 certain Boeing Model 737 series airplanes, which requires the installation of a new magnetic standby compass liner to prevent flight deck personnel from coming into contact with exposed wiring. This proposal is prompted by one report of a pilot receiving an electrical shock while attempting to turn on the magnetic standby compass light. This condition, if not corrected, could result in a high voltage electrical shock hazard to flight deck personnel.

EFFECTIVE DATE: April 29, 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 M. Slotte, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM–130S; telephone (206) 227–2797. Mailing address: FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue, Renton, Washington 98055–4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to certain Boeing Model 737 series airplanes, which would require the installation of a new magnetic standby compass liner to prevent flight deck personnel from coming into contact with exposed wiring, was published in the **Federal Register** on November 26, 1990 (55 FR 49062).

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 indicated that the likelihood of the one incident that prompted this proposed rule occurring again is rare. This is based on what the commenter's stated opinion is of the

location of the exposed wiring in relation to the natural downward and aft movement of one's hand and arm after flipping the switch for the magnetic standby compass. This commenter stated that the proposed modification should not be mandated by an AD but accomplished by operators during routine maintenance programming. The FAA does not agree. The fact that there has been only one reported incident does not reduce the possibility of other personnel from obtaining a serious electrical burn or shock. The commenter provided no substantiating data to allow ascertainment that the possibility of this incident occurring again is rare. The FAA has determined that the current design of the magnetic standby compass liner presents a potential shock hazard in that it permits members of the flightcrew to come into contact with exposed wiring. The modification required by this AD action will eliminate the potential for such a hazard.

The manufacturer requested that all references to the words "hazard" be changed. In its view, the words "hazard" and "hazardous" mean that someone is making a judgment call as to what the effects of a particular event might be; it is better to only describe what is wrong, how it can be fixed, and what can happen if it is not fixed. The FAA does not agree that a change of wording is warranted. The FAA considers that contact with high voltage under flight deck conditions could arguably be described as "hazardous."

The manufacturer recommended that the proposed compliance time be extended because of the current parts availability situation. Parts required to perform the required modification will be available 110 days after receipt by Boeing of a Customer's Purchase Order. The FAA agrees with this request and has determined that the compliance time can be extended from the proposed 90 days to 120 days after the effective date of the AD without a detrimental effect on safety.

Paragraph B. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

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 mentioned above. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 74 Boeing Model 737 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 one manhour per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of the necessary parts is estimated to be $74 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,420.

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, as listed in Boeing Service Bulletin 737–25–1266, dated July 26, 1990, certificated in any category. Compliance required within 120 days after the effective date of this AD, unless previously accomplished.

To prevent a high voltage electrical shock hazard to flight deck personnel, accomplish the following:

A. Install a new magnetic standby compass liner in accordance with Boeing Service Bulletin 737–25–1266, dated July 26, 1990.

B. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

C. Special flight permits may be issued in accordance with FARs 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 April 29, 1991.

Issued in Renton, Washington, on March 14, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6833 Filed 3–21–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 39

[Docket No. 90–NM–211–AD; Amendment 39–6946]

Airworthiness Directives; Boeing Model 727 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Boeing Model 727 series airplanes, which requires inspection for cracks of the No. 2 cargo doorway forward and aft frames, and repair, if necessary. This amendment is prompted by reports of cracks in the forward and aft frame webs. This condition, if not corrected, could result in failure of the No. 2 cargo doorway frames and depressurization of the airplane.

EFFECTIVE DATE: April 29, 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: Ms. Kathi N. Ishimaru, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2778. 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 727 series airplanes, which requires inspection for cracks of the No. 2 cargo doorway forward and aft frames, was published in the **Federal Register** on November 6, 1990 (55 FR 46677).

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 inspection threshold be increased from 22,000 flight cycles, as proposed, to 25,000 flight cycles. The FAA does not concur. The FAA finds the proposed 22,000 flight cycle threshold to be appropriate, since a crack was found on an airplane with 22,600 flight cycles.

Five commenters requested an increase in the inspection threshold for airplanes with more than 22,000 flight cycles. Request 1 was to increase the visual and eddy current inspection thresholds from 500 flight cycles, as proposed, to 6 months. Request 2 was to increase the eddy current inspection threshold to 3,000 flight cycles. Request 3 was to increase the visual and eddy current inspection threshold to 180 days. Request 4 was from two commenters, who proposed the following option: Perform a visual inspection within 500 flight cycles, repeat the visual inspection every 500 flight cycles until an eddy current inspection is performed, and conduct the eddy current inspection within 3,000 flight cycles.

Requests 1 and 2 did not provide substantiation for the requested increases; therefore, the FAA cannot concur. Request 3 is based on one particular operator's existing maintenance program. The FAA finds merit in the request; however, to incorporate the variation requested would increase the complexity of the AD beyond a reasonable point. The operator may request an alternate means of compliance in accordance with the provisions of paragraph D. of the final rule. As for Request 4, the FAA finds that the proposed optional inspection provides an acceptable level of safety. This option has been added to paragraph A. of the final rule.

One commenter stated that credit is not given for accomplishing the inspections prior to the AD effective date. The FAA does not concur. Credit is provided by the AD statement, "Compliance required as indicated, *unless previously accomplished.*"

One commenter stated that the proposed repair does not take into account the need to modify the repair by machining the base of the doorstop fitting to prevent interference. The commenter requested that the manufacturer's service bulletin be revised to alleviate the need for an alternate means of compliance. The FAA does not concur. After discussions with the manufacturer, the FAA has determined that the door will have adequate clearance with the doorstop fitting after the repair plate is installed. However, if the operator does find the need to modify the repair, it must request an alternate means of compliance in accordance with paragraph D. of the final rule.

Since issuance of the NPRM, Boeing has revised the referenced service bulletin to clarify instructions and add part numbers. The FAA has reviewed and approved Boeing Alert Service Bulletin 727-53A0199, Revision 1, dated November 29, 1990. The final rule also references the later service bulletin revision as an appropriate service information source.

Paragraph A. of the final rule has been revised to clarify the repetitive inspection requirements.

Paragraph D. of the final rule has been revised to specify the current procedure for submitting requests for approval of alternative methods of compliance.

The economic analysis paragraph, below, has been revised to increase the specified hourly labor rate from $40 per manhour (as was cited in the preamble to the Notice) to $55 per manhour. The FAA has determined that it is necessary to increase this rate used in calculating the cost impact associated with AD activity to account for various inflationary costs in the airline industry.

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 previously described. The FAA has determined that these changes will neither significantly increase the economic burden on any operator nor increase the scope of the rule.

There are approximately 1,202 Model 727 series airplanes of the affected design in the worldwide fleet. It is estimated that 961 airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost will be $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $264,275.

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 727 series airplanes, listed in Boeing Alert Service Bulletin 727-53A0199, dated July 5, 1990, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent failure of the No. 2 cargo doorway frames and depressurization of the airplane, accomplish the following:

A. Prior to accumulating 22,000 total flight cycles or within the next 500 flight cycles

after the effective date of this AD, whichever occurs later, conduct either of the following inspections in accordance with Figure 1 of Boeing Alert Service Bulletin 727-53A0199, dated July 5, 1990, or Revision 1, dated November 29, 1990:

1. Conduct a visual inspection and an eddy current inspection of the No. 2 cargo doorway forward and aft frames for cracks. Repeat the visual inspections and eddy current inspections at intervals not to exceed 3,000 flight cycles. Or

2. Conduct a visual inspection of the No. 2 cargo doorway forward and aft frames for cracks. Repeat the visual inspection at intervals not to exceed 500 flight cycles, until an eddy current inspection for cracks in the affected area is accomplished. Perform the eddy current inspection within the next 3,000 flight cycles after the effective date of this AD. Thereafter, repeat the visual inspections and eddy current inspections at intervals not to exceed 3,000 flight cycles.

B. If cracks are found, prior to further flight, repair in accordance with Boeing Alert Service Bulletin 727-53A0199, dated July 5, 1990, or Revision 1, dated November 29, 1990.

C. Incorporation of repairs in accordance with Figure 2 or modification in accordance with Figure 3 of Boeing Alert Service Bulletin 727-53A0199, dated July 5, 1990, or Revision 1, dated November 29, 1990, constitutes terminating action for the inspection requirements of paragraph A. of this AD.

D. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Seattle ACO.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Boeing 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 April 29, 1991.

Issued in Seattle, Washington, on March 13, 1991.

Darrel M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6834 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-213-AD; Amendment 39-6948]

Airworthiness Directives; Boeing Model 757 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 series airplanes, which requires the installation of a bracket to hold hydraulic tubing associated with the landing gear alternate extension system to prevent the tubing from chafing on a floor beam. This amendment is prompted by a report that omission of this bracket can result in a hole being chafed in the tubing and subsequent loss of hydraulic fluid from the alternate gear extension system. This condition, if not corrected, could result in a latent failure of the alternate gear extension system that would render this system inoperative in the event that it was required upon a failure of the normal landing gear extension system. If this occurred, the airplane could be forced to land with the gear fully or partially retracted.

EFFECTIVE DATE: April 29, 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: Ms. Susan Letcher, Seattle Aircraft Certification Office, Systems and Equipment Branch, ANM-130S; telephone (206) 227-2670. 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 certain Boeing Model 757 series airplanes, which would require installation of a bracket to prevent chafing of hydraulic tubing associated with the alternate gear extension system, was published in the **Federal Register** on November 6, 1990 (55 FR 46678).

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 Air Transport Association (ATA) of America had no objections to the rule as proposed.

The manufacturer suggested that the economic analysis statement be corrected to specify that there are *exactly* 10 airplanes of the affected design in the worldwide fleet; in the preamble to the NPRM, this number was stated as "approximately" 10 airplanes. The effectivity of the related Boeing service bulletin is limited to 10 airplanes. The FAA concurs with this suggestion and has revised the wording accordingly in the economic analysis statement, below.

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 as proposed.

There are 10 Model 757 series airplanes of the affected design in the worldwide fleet. It is estimated that 8 airplanes of U.S. registry will be affected by this AD, that it will take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost will be $40 per manhour. The cost of parts is estimated at $53 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $3,624.

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 757 series airplanes, listed in Boeing Service Bulletin 757-29-0042, dated August 9, 1990, certificated in any category. Compliance required within 3,000 hours time-in-service after the effective date of this AD, unless previously accomplished.

To prevent a latent failure of the alternate landing gear extension system, accomplish the following:

A. Install a bracket and attach the hydraulic tubing in accordance with Boeing Service Bulletin 757-29-0042, dated August 9, 1990.

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 FARs 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 April 29, 1991.

Issued in Renton, Washington, on March 13, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6835 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-273-AD; Amendment 39-6950]

Airworthiness Directives; British Aerospace Model DH/BH/HS 125 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain British Aerospace Model BAe/DH/BH/HS 125 series airplanes, which currently requires replacement of all main landing gear (MLG) door aluminum forward hinge fittings every 6,000 landings. This condition, if not corrected, could result in the MLG door failing to close when retracting the landing gear and subsequently exceeding the landing gear door design loads. This action will eliminate the British Aerospace Model BAe 125-800A series airplanes from the applicability of the AD. This amendment is prompted by reports that Model BAe 125-800A series airplanes are equipped with hinge fittings with a different part number that is not addressed in the British Aerospace Service Bulletin cited in the AD.

EFFECTIVE DATE: April 29, 1991.

ADDRESSES: 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: 1601 Lind Avenue SW., Renton, Washington 98055-4056.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations by superseding AD 90-23-01, Amendment 39-6786 (55 FR 45600, October 30, 1990), applicable to certain British Aerospace Model DH/BH/HS 125 series airplanes, to require replacement of all main landing gear (MLG) door aluminum forward hinge fittings every 6,000 landings was published in the **Federal Register** on January 10, 1991 (56 FR 972).

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 commenters supported the rule.

Paragraph C. of the final rule has been revised to specify the current procedure for submitting requests for approval of an alternative method of compliance.

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 noted above. The FAA has determined this change will neither increase the economic burden on any operator, nor significantly increase the scope of the AD.

It is estimated that 312 airplanes of U.S. registry will be affected by this AD, that it will take approximately 32 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 $7,260 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $2,664,480.

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 superseding Amendment 39-6786 (55 FR 45600, October 30, 1990), AD 90-23-01, with the following new airworthiness directive:

British Aerospace: Applies to all Model DH/BH/HS 125 series airplanes, post-modification 255640, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure proper operation of the main landing gear (MLG) door, accomplish the following:

A. Prior to the accumulation of 6,000 landings on the right and left MLG door aluminum forward hinge fittings, or within the next 400 landings after December 4, 1990 (the effective date of Amendment 39-6786, AD 90-23-01), whichever occurs later, and thereafter at intervals not to exceed 6,000 landings, replace the aluminum forward hinge fittings in accordance with British Aerospace Service Bulletin 32-218, dated July 28, 1988.

B. Replacement of an aluminum hinge fitting with a new stainless steel hinge fitting, in accordance with British Aerospace Service Bulletin 32-220-3176A, B, and C, dated September 2, 1988, terminates the requirements for the replacement of the hinge fittings required by paragraph A. of this AD.

C. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

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

All persons affected by this directive who have not already received the appropriate service information 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.

This amendment supersedes Amendment 39-6786, AD 90-23-01.

This amendment becomes effective April 29, 1991.

Issued in Renton, Washington, on March 13, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6832 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-178-AD; Amendment 39-6949]

Airworthiness Directives; Fokker Model F-28 Mark 0100 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 0100 series airplanes, which requires replacement of main landing gear (MLG) wire harness assembly brackets; and installation of the MLG torque link dampers and subassemblies at the apex of the MLG torque links. This amendment is prompted by a recent report of an incident in which the MLG failed, after airplane touchdown, due to vibration. This condition, if not corrected, could result in failure of the MLG.

EFFECTIVE DATE: April 29, 1991.

ADDRESSES: 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: 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 0100 series airplanes, which requires replacement of the main landing gear (MLG) wire harness assembly brackets; and installation of the MLG torque link dampers and subassemblies at the apex of the MLG torque links, was published in the **Federal Register** on October 2, 1990 (55 FR 40196).

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 questioned the need for the rule since all operators of the affected airplanes have accomplished the proposed actions, and the airplanes in production will be delivered with the MLG shimmy dampers already installed. The FAA does not concur. The FAA has received no documentation that all operators have accomplished the actions required by this rule. Furthermore, an AD is necessary to ensure these modifications are accomplished in the event airplanes, produced prior to the introduction of the MLG shimmy dampers, are added to the U.S. registry.

This same operator requested that the rule be revised to allow the reuse of MLG wire harness brackets, P/N A11508-425/-426, since this operator had been advised by Fokker that the proper harness routing can be retained without replacing the bracket. The FAA concurs. The FAA has confirmed that an acceptable level of safety can be maintained by reinstalling the wire harness brackets, as long as the wire harness is clear of the flange. The final rule has been revised accordingly.

Paragraph C. of the final rule has been revised to specify the current procedure for submitting requests for approval of an alternative method of compliance.

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 significantly increase the scope of the AD.

It is estimated that 15 airplanes of U.S. registry will be affected by this AD, that it will take approximately 35 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 $175 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $23,625.

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 certain Model F–28 Mark 0100 series airplanes; Serial Numbers 11244 through 11266, 11268 through 11283, 11286, 11289, 11291 through 11293, 11295, 11297, 11300, 11303, and 11306; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent main landing gear (MLG) vibration and subsequent failure of the MLG, accomplish the following:

A. For airplanes Serial Numbers 11244 through 11263, 11268 through 11283, 11286, 11289, 11291, 11293, 11295, and 11297: Within 180 days after the effective date of this AD, replace the MLG wire harness assembly brackets in accordance with Fokker Service Bulletin F100–32–034, dated March 9, 1990.

Note: The *Accomplishment Instructions* of SB F100–32–034 specifies that the wire harness brackets, P/N A11508–425/–426, be discarded and new ones, P/N 20645–401/–402, be installed. The wire harness brackets, P/N A11508–425/–426, may be reused provided it is verified the wire harness does not rub any structure (rear spar flange) with the landing gear in any position.

B. For airplanes Serial Numbers 11244 through 11266, 11268 through 11283, 11286, 11289, 11291 through 11293, 11295, 11297, 11300, 11303, and 11306: Within 180 days after the effective date of this AD, install torque link (TL) dampers and TL subassemblies on the MLG in accordance with Dowty Rotol Service Bulletin F100–32–34, dated March 14, 1990.

C. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Standardization Branch, ANM–113.

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

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to 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.

This amendment becomes effective April 29, 1991.

Issued in Renton, Washington, on March 13, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91–6836 Filed 3–21–91; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 89–AWA–9]

Establishment of the Washington Tri-Area Terminal Control Area and Revocation of the Washington, DC, Terminal Control Area and Revocation of the Airport Radar Service Areas at Baltimore-Washington Airport and Dulles International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: This action revokes the Airport Radar Service Areas (ARSA) at the Baltimore-Washington International Airport, MD, and the Dulles International Airport, VA. Both airports were served by an ARSA which was rescinded concurrent with the establishment of the Washington Tri-Area Terminal Control Area (TCA).

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document 91–1723, published on January 29, 1991, established the Washington Tri-Area TCA and should have revoked the ARSAs at Baltimore-Washington International and Dulles International Airports (56 FR 3324). There was an inadvertent oversight and the revocation was not stated in the amendatory portion of the rule. This action is necessary to correct that oversight and to extract obsolete data from regulatory publications.

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, **Federal Register** Document 91–1723 (56 FR 3324) as published in the **Federal Register** on January 29, 1991, is corrected as follows:

§ 71.501 [Amended]

3. Section 71.501 is amended to read as follows:

Baltimore-Washington International Airport, Baltimore, MD [Removed]

Dulles International Airport, VA [Removed]

Issued in Washington, DC, on March 14, 1991.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91–6829 Filed 3–21–91; 8:45 am]

BILLING CODE 4910–13–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229, 240, 249, 270, and 274

[Release Nos. 34–28869A; 35–25254A; IC–17991A; File No. S7–3–91]

Ownership Reports and Trading By Officers, Directors and Principal Security Holders

AGENCY: Securities and Exchange Commission.

ACTION: Final rules and solicitation of comments; correction.

SUMMARY: This document corrects the amendatory language and authority citation in a final rule published in the **Federal Register** on February 21, 1991.

FOR FURTHER INFORMATION CONTACT: Frances R. Sienkiewicz, Office of the Secretary (202) 272–2089.

SUPPLEMENTARY INFORMATION: In FR Document No. 91–3518 appearing in the Thursday, February 21, 1991 (56 FR 7242) issue of the **Federal Register** the amendatory language and authority citation for number 3 on page 7265 should read as follows:

3. The general rulemaking authority for part 240 is revised to read as follows.

Authority: 15 U.S.C. 77c, 77d, 77s, 78c, 78d, 78i, 78j, 78l, 78m, 78n, 78o, 78p, 78s, 78w, 78x,

79q, 79t, 80a-29, 80a-37, unless otherwise noted. * * *

Dated: March 18, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-6797 Filed 3-21-91; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Ceftiofur Sterile Powder

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by The Upjohn Co. The original NADA provides for the intramuscular use of a ceftiofur solution of reconstituted sterile powder at 0.5 to 1.0 milligram per pound body weight to treat bovine respiratory disease in beef and nonlactating dairy animals. The supplemental NADA provides for the same use of a ceftiofur reconstituted sterile powder in lactating dairy cattle.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Larry D. Rollins, Center for Veterinary Medicine (HFV-133), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: The Upjohn Co., Kalamazoo, MI 49001, is the sponsor of NADA 140-338, which currently provides for the intramuscular use of reconstituted ceftiofur sodium sterile powder in an aqueous solution containing the equivalent of 50 milligrams ceftiofur per milliliter for injection. The ceftiofur injection is intended to treat bovine respiratory disease (shipping fever, pneumonia) associated with *Pasterella hemolytica, P. multocida,* and *Haemophilus somnus* in beef and nonlactating dairy cattle. The Upjohn Co. has filed a supplemental NADA which provides for the use of the injection in lactating dairy cattle for the same use.

The supplement was approved by letter dated March 15, 1991, and the regulations are amended in 21 CFR 522.313(d) to reflect the approval. The basis for approval is discussed in the freedom of information summary.

Under section 512(c)(2)(F)(ii) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(c)(2)(F)(ii)), this approval does not qualify for marketing exclusivity because investigations supporting approval do not qualify as new clinical or field investigations required to support exclusivity.

In accordance with the freedom of information provisions of part 20 (21 CFR part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The agency has carefully considered the potential environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 522

Animal drugs.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

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

1. The authority citation for 21 CFR part 522 continues to read as follows:

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

§ 522.313 [Amended]

2. Section 522.313 *Ceftiofur sterile powder for injection* is amended in paragraph (d)(1)(ii) by removing the term "nonlactating" and in paragraph (d)(1)(iii) by removing the sentence "Not for use in lactating dairy animals."

Dated: March 15, 1991.

Robert C. Livingston,

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

[FR Doc. 91-6820 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD1-90-063]

Special Anchorage Area; Burlington Harbor, VT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special anchorage area in Lake Champlain. This anchorage is located in the waters contiguous to Burlington, Vermont. The Harbormaster for the Department of Parks and Recreation, City of Burlington, Vermont requested this area be designated to facilitate the growing number of pleasure craft needing mooring space in the area. This regulation will provide a safe anchorage well away from fairways where vessels less than 65 feet in length can safely remain unlighted at night and during periods of reduced visibility. There are no such anchorages available in the immediate area.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) C.W. Jennings, Waterways Management Officer, Captain of the Port, New York, at (212) 668-7933.

SUPPLEMENTARY INFORMATION: On October 1, 1990 the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (55 FR 39985). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of these regulations are LTJG C.W. Jennings, project officer, Captain of the Port, New York and LT J.B. Gately, project attorney, First Coast Guard District Legal Office.

Discussion of Comments

As previously stated no comments regarding the NPRM were received. This regulation is issued pursuant to 33 U.S.C. 2030, 2035, and 2070 as set out in the authority citation for all of part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full

regulatory evaluation is unnecessary. Establishment of this special anchorage area will not require dredging or result in increased cost to any segment of the public.

Since the impact of these regulations is expected to be minimal the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

In consideration of the foregoing, part 110 of title 33, Code of Federal Regulations, is amended as follows:

PART 110--[AMENDED]

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.8 is amended by adding paragraph (h) to read as follows:

§ 110.8 Lake Champlain, N.Y. and VT.

* * * * *

(h) *Burlington Harbor, VT.* The waters bounded by a line connecting the following points:

Latitude	*Longitude*
44°28'14.4" N	73°13'16.5" W
44°28'14.4" N	73°13'19.5" W
44°28'24.4" N	73°13'18.4" W

and thence along the shoreline to the point of the beginning. These positions have been converted to North American Datum 83.

Dated: March 1, 1991.

P.L. Collom,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 91-6853 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD1-90-064]

Anchorage Ground; Burlington Harbor, VT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing anchorage grounds in Lake Champlain. This anchorage is located in the waters contiguous to Burlington, Vermont. The Harbormaster for the Department of Parks and Recreation, City of Burlington, Vermont requested this area be designated to facilitate the growing number of transient pleasure craft needing mooring space in the area. This regulation will provide a safe anchorage well away from fairways where transient vessels may moor. There are no such anchorages available in the immediate area.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) C.W. Jennings, Waterways Management Officer, Captain of the Port, New York, at (212) 668-7933.

SUPPLEMENTARY INFORMATION: On October 9, 1990, the Coast Guard published a notice of proposed rulemaking in the **Federal Register** for these regulations (55 FR 41109). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of these regulations are LTJG C.W. Jennings, project officer, Captain of the Port, New York and LT J.B. Gately, project attorney, First Coast Guard District Legal Office.

Discussion of Comments

As previously stated no comments regarding the NPRM were received. This regulation is issued pursuant to 33 U.S.C. 471 as set out in the authority citation for all of part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Establishment of this anchorage ground will not require dredging or result in increased cost to any segment of the public.

Since the impact of these regulations is expected to be minimal, the Coast Guard certifies that they will not have a significant economic impact on a substantial number of small entities.

Lists of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

In consideration of the foregoing, part 110 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035, and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Subpart B is amended by adding § 110.133 to read as follows:

§ 110.133 Lake Champlain, NY and VT.

(a) *Burlington Harbor, Vt.* (1) The waters bounded by a line connecting the following points:

Latitude	Longitude
44°28'26.9" N	73°13'31.9" W
44°28'26.4" N	73°13'25.6" W
44°28'22.0" N	73°13'24.6" W
44°28'12.0" N	73°13'32.5" W

and thence along the breakwater to the point of the beginning. These positions have been converted to North American Datum 83.

(2) No vessel greater than 35 feet in length may use this anchorage and no vessel may remain at anchor longer than 7 days in any period unless specifically permitted to do so by the City of Burlington, Harbormaster.

(b) [Reserved]

Dated: March 1, 1991.

P.L. Collom,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District.

[FR Doc. 91-6854 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP San Francisco Bay Reg. SF-91-03]

Safety Zone Regulation: San Francisco Bay, CA

AGENCY: U.S. Coast Guard (DOT).

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a safety zone for waterside approaches to Naval Weapons Station, Concord. Due to the large concentration of vessels handling dangerous and designated dangerous cargo at this waterfront facility, this zone is necessary to ensure safety of the high number of vessels which transit the area as well as all of the personnel involved in the cargo operations. Entry into this safety zone is prohibited without the permission of the Captain of the Port, San Francisco Bay, California.

EFFECTIVE DATE: This regulation becomes effective on 8 March 1991. It terminates on 30 June 1991 unless terminated sooner by the Captain of the Port.

FOR FURTHER INFORMATION CONTACT: Lieutenant Lorne Thomas, Coast Guard Marine Safety Office San Francisco Bay, CA, 415-437-3073.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to safeguard commercial vessels. local boating traffic and boaters.

Drafting Information

The drafters of this regulation are Lieutenant Lorne Thomas, Project Officer for the Captain of the Port, and Captain B.E. Weule, District Legal Officer, Eleventh Coast Guard District.

Discussion of Regulation

The activity requiring this regulation is the transfer of dangerous and designated dangerous cargoes (Class A and other explosives) at this waterfront facility from vessels returning from Operation Desert Storm. Due to the hazardous nature of these operations, all vessels will be required to remain clear of the designated area for their own safety as well as for the safety of the vessels and waterfront personnel involved in the cargo transfer operations. This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of 33 CFR part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

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

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

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

2. A new § 165.T1186 is added to read as follows:

§ 165.T1186 Safety Zone: Naval Weapons Station Concord, CA.

(a) *Location.* A Safety Zone will be established in the waters of Suisun Bay in the vicinity of the Naval Weapons Station, Concord. The Safety Zone will include waters surrounding the dock spaces at the Naval Weapons Station within the boundary starting at the opening to Hastings Slough (38-03.1N, 122-03.4W) and extending 1600 yards on a bearing of 010 T to Buoy R`#14 (Fl R 4s) then extending in an easterly line following the south side of the Preston Pt. Reach Channel, the Roe Island Channel, the Port Chicago Reach Channel and the West Reach Channel to Bouy R #20 (R Fl 4s), then extending to shore at a bearing of 170 T for approximately 100 yards to a point on shore approximately 500 yards east of Middle Point Light, at position (38-03.2N, 121-59.25W).

(b) *Effective Date.* This regulation becomes effective on 8 March 1991. It terminates on 30 June 1991 unless terminated sooner by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port, San Francisco Bay. Section 165.23 also contains other general requirements.

Dated: 8 March 1991.

T.H. Robinson,

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

[FR Doc. 91-6856 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 165

[COTP San Francisco Regulation SF-91-02]

Security Zone Regulation; San Francisco Bay, CA

AGENCY: Coast Guard, DOT.

ACTION: Emergency rule.

SUMMARY: The Coast Guard is establishing a Security Zone on the waters of San Francisco Bay east of Hunters Point completely encompassing Anchorage 14. This anchorage is an area 1,000 yards wide and 2,760 yards long, the end boundaries of which are semicircles, with radii of 500 yards and center respectively at latitude 37-42-52 N., longitude 122-19-32.5 W., and latitude 37-42-14 N., longitude 122-18-47 W.; and the side boundaries of which are parallel tangents joining the semicircles. The M/V SLETTER will use this anchorage for bunkering operations. It will have critical military supplies on board destined for support of Operation Desert Storm. This zone is needed to safeguard the M/V SLETTER and its cargo against destruction, loss, and injury from sabotage or other subversive acts, accidents, or other causes of a similar nature. Entry into this zone is prohibited unless authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation becomes effective on February 24, 1991 at 7 a.m. p.s.t., and terminates on February 25, 1991, at 12:01 a.m. p.s.t.

FOR FURTHER INFORMATION CONTACT: Lieutenant M.F. Thurber, Coast Guard Marine Safety Office San Francisco Bay, CA at 415-437-3073.

SUPPLEMENTARY INFORMATION: In accordance wtih 5 U.S.C. 553, a Notice of Proposed Rulemaking (NPRM) was not published for this regulation, and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publishing an NPRM and delaying its effective date would be contrary to the public interest since immediate action is needed to prevent destruction, loss, or damage to the M/V SLETTER.

Drafting Information

The drafters of this regulation are Lieutenant M.F. Thurber, Project Officer for the Captain of the Port, and, Lieutenant Commander A. Lotz, Project Attorney, Eleventh Coast Guard District Legal Office.

Discussion of Regulation

The event requiring this regulation will begin on 24 February 1991, at 7 a.m. p.s.t. The M/V SLETTER will have critical military supplies on board destined for support of Operation Desert Storm. A Security Zone will provide the Captain of the Port with the authority necessary to help prevent situations where critical defense assets of the United States may come to harm. The security of these assets is in the national interest and a Security Zone is justified to help protect these assets. This regulation is issued pursuant to 50 U.S.C. 191 as set out in the authority citation for all of part 165.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Security measures, Vessels, Waterways.

Regulation

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

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

Authority: 33 U.S.C. 1225 and 1231, 50 U.S.C. 191, 49 CFR 1.46 and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 33 CFR 160.5.

2. A new § 165.T1184 is added to read as follows:

§ 165.T1184 Security Zone: San Francisco Bay, CA.

(a) *Location.* The following area is a Security Zone: In the waters of San Francisco Bay east of Hunters Point the area known as Anchorage 14, inclusive. This anchorage is an area 1,000 yards

wide and 2,760 yards long, the end boundaries of which are semicircles, with radii of 500 yards and center respectively at latitude 37-42-52 N., longitude 122-19-32.5 W., and latitude 37-42-14 N., longitude 122-18-47 W.; and the side boundaries of which are parallel tangents joining the semicircles.

(b) *Effective date.* This regulation becomes effective on February 24, 1991, at 7 a.m. p.s.t. It terminates on February 25, 1991, at 12:01 a.m. p.s.t.

(c) *Regulations.* In accordance with the general regulations in § 165.33 of this part, entry into this zone is prohibited unless authorized by the Captain of the Port. Section 165.33 also contains other general requirements.

Dated: February 22, 1991.

T.H. Robinson,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 91-6855 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-55-M

COPYRIGHT ROYALTY TRIBUNAL

37 CFR Part 308

[CRT Docket No. 89-5-CRA; Requisition No. 1-10046]

Adjustment of the Syndicated Exclusivity Surcharge

AGENCY: Copyright Royalty Tribunal.

ACTION: Final rule.

SUMMARY: The Tribunal is clarifying the wording of the syndicated exclusivity surcharge in response to a motion filed by the Program Suppliers. The new wording will state that the surcharge applies to cable systems located outside the 35-mile specified zone of a commercial VHF station that places a predicted Grade B contour, in whole or in part, over the cable system. This new wording is in accord with the comment filed by the Joint Sports Claimants.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, NW., suite 918, Washington, DC 20009 (202-673-5400).

SUPPLEMENTARY INFORMATION: On August 16, 1990, the Tribunal issued its final rule adjusting the syndicated exclusivity surcharge. 55 FR 33604. On November 21, 1990, the Tribunal revised the wording of the surcharge rule to make it clear that in measuring the 35-mile distance between the cable system and the broadcast station, it would be measured from the broadcast station, not the cable system. 55 FR 48601.

Progam Suppliers, one of the parties to the proceeding in which the surcharge was adjusted, filed a petition for rulemaking with the Tribunal, asking that the rule be revised to clarify further how the 35-mile distance would be measured.

Program Suppliers requested that § 308.2(d) of the Tribunal's Rules be changed to read, "* * * a cable system which is located more than 35 miles from *the specified zone of a* commercial VHF station." (words in italics denotes proposed language to be added). Program Suppliers argued that this change would make the rule compatible with the FCC's rules, which was the intention of § 308.2(d).

The Tribunal proposed Program Suppliers' recommended rule change to the public on January 24, 1991. 56 FR 2733. Three parties filed comments: The Joint Sports Claimants (representing Major League Baseball, the National Hockey League, the National Basketball Association, and the National Collegiate Athletic Association), the Music Claimants (representing ASCAP, BMI and SESAC), and the National Cable Television Association (NCTA).

The Joint Sports Claimants agreed with Program Suppliers that the rule should be changed to make it more compatible with the FCC's method for determining distance, but proposed its own wording. Joint Sports felt that the Program Suppliers' recommended language offered its own ambiguities by suggesting that the cable system could be 35 miles from the 35-mile zone surrounding the commercial station, yielding a total distance of 70 miles. Joint Sports' recommended language would state, "a cable system *located outside the 35-mile "specified zone" of* a commercial VHF station * * *"

NCTA and the Music Claimants supported both the Program Suppliers' original request and Joint Sports' recommended change of language.

There was one reply comment filed by the Program Suppliers. Program Suppliers stated their support of their own recommended language or Joint Sports' recommended language.

The Tribunal agrees with the comments that it was the intention of the Tribunal to have § 308.2(d) operate in conjunction with FCC rules, and that the proposed changes are not substantive changes, but rather improvements in the wording so that no ambiguities remain.

Accordingly, the Tribunal will grant Program Suppliers' request for a rule change, and will use the language recommended by the Joint Sports Claimants.

List of Subjects in 37 CFR Part 308

Cable television, Copyright.

For the reasons set forth in the preamble, the Tribunal amends 37 CFR part 308 as follows:

PART 308—ADJUSTMENT OF ROYALTY FEE FOR COMPULSORY LICENSE FOR SECONDARY TRANSMISSION BY CABLE SYSTEM

1. The authority citation for part 308 continues to read as follows:

Authority: 17 U.S.C. 801(b)(2)(A), (C) and (D).

2. Section 308.2(d) introductory text is revised to read as follows:

§ 308.2 Royalty fee for compulsory license for secondary transmission by cable systems.

* * * * *

(d) Commencing with the first semiannual accounting period of 1990 and for each semiannual accounting period thereafter, in the case of a cable system located outside the 35-mile specified zone of a commercial VHF station that places a predicted Grade B contour, in whole or in part, over the cable system, and that is not significantly viewed or otherwise exempt from the FCC's syndicated exclusivity rules in effect on June 24, 1981, for each distant signal equivalent or fraction thereof represented by the carriage of such commercial VHF station, the royalty rate shall be, in addition to the amount specified in paragraph (a) of this section,

* * * * *

Dated: March 18, 1991.

Mario F. Aguero,

Chairman.

[FR Doc. 91-6817 Filed 3-21-91; 8:45 am]

BILLING CODE 1410-09-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 2

Delegations of Authority

RIN 2900-AF19

AGENCY: Department of Veterans Affairs.

ACTION: Final regulatory amendments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its regulations to delegate to the VA General Counsel and designees the authority to compromise, suspend, or terminate any claim under the Federal Claims Collection Act, 31 U.S.C. 3711(a)(2), as amended by section 8(b) of Public Law

101–552, and to update the citation of the Federal Claims Collection Act. The amendment to raise the authority under the Federal Claims Collection Act will increase the efficiency of the current operations of the General Counsel and District Counsels and shorten the time between settlement and receipt of payment. The other amendments have no impact other than to conform the present regulations to existing law.

EFFECTIVE DATE: April 22, 1991.

FOR FURTHER INFORMATION CONTACT: James P. Kane, Assistant General Counsel (021), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 (202) 233–2252.

SUPPLEMENTARY INFORMATION: Section 8(b) of Public Law 101–552 amends the Federal Claims Collection Act by increasing the $20,000 prior limitation on agency settlement authority to $100,000. This corresponding amendment to VA's delegations of authority will facilitate processing of claims. A conforming amendment is also being made to 38 CFR 2.6(e)(4) which references the Federal Claims Collection Act as 31 U.S.C. 951, whereas it is now codified as 31 U.S.C. 3711.

Under 38 U.S.C. 1.12, prior publication of these delegations of authority for public comment is unnecessary since they concern only internal VA management. Because a prior notice of proposed rulemaking is not required and will not be published, these changes do not come within the term "rule" as defined in and made subject to the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601(2).

In any case, these amendments will not have a significant economic impact on a substantial number of small entities as they are defined in that Act. No regulatory or administrative burdens are imposed upon small entities. Also, since these regulatory amendments are related solely to internal agency management, they do not come within the term "rule" as defined in section 1(a)(3) of Executive Order 12291 entitled Federal Regulation; consequently, they are not subject to requirements of that Order.

There are no Catalog of Federal Domestic Assistance numbers associated with these amendments.

List of Subjects in 38 CFR Part 2

Authority delegations (government agencies).

Approved: March 13, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

38 CFR Part 2, Delegations of Authority, is amended as set forth below:

PART 2—[AMENDED]

1. In section 2.6, paragraphs (e)(4) introductory text, (e)(4)(ii), and (e)(4)(iii) are revised and an authority citation is added to read as follows:

§ 2.6 Secretary's delegations of authority to certain officials (38 U.S.C. 212(a)).

* * * * *

(e) * * *

(4) *General Counsel.* Under the Federal Claims Collection Act of 1966, 31 U.S.C. 3711, et seq., authority is delegated to the General Counsel, Deputy General Counsel, Assistant General Counsel, Deputy Assistant General Counsel and District Counsel, or those authorized to act for them, to:

* * * * *

(ii) Collect in full a claim involving damage to or loss of government property under the jurisdiction of the Department of Veterans Affairs resulting from negligence or other legal wrong of a person (other than an employee of the Government while acting within the scope of his or her employment) and to compromise, suspend, or terminate any such claim not exceeding $100,000.

(iii) Collect a claim in full from a third party or legal entity who is liable for the cost of hospital, medical, surgical, or dental care and treatment of a person, and to compromise, suspend, or terminate any such claim not exceeding $100,000.

(Authority: Public Law 101–552, section 8(b))

* * * * *

[FR Doc. 91–6824 Filed 3–21–91; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket Nos. 81–11; Notice 31 and 85–15; Notice 14]

Federal Motor Vehicle Safety Standards; Lamps, Reflective Devices, and Associated Amendments; Technical Amendments

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Technical amendments; final rule.

SUMMARY: This notice contains technical amendments of the final rules published on May 9, 1989, and June 29, 1989, which established requirements for integral beam headlighting systems, and which responded to petitions for reconsideration of the final rule permitting Type HB2 standardized replaceable light sources. The amendments correct a dimensional error, a tolerance error, and the applicable SAE reference to motorcycle headlamps in Table III.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Taylor Vinson, Office of Chief Counsel, NHTSA (202–366–5263).

SUPPLEMENTARY INFORMATION: On May 9, 1989, NHTSA published amendments to Federal Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment* (54 FR 20066). As part of that final rule, labeling required for the lenses of Types F, G, and H headlighting systems must "be placed no closer to the geometric center of the lens than 2.75 in. (70 mm)". (See S7.3.8(f), S7.3.9(c), and S7.3.7(f) which erroneously uses the words "photometric center".) This is to ensure that there is no interference when a mechanical aimer is applied to the lens. The dimension of 2.75 in. (70 mm.) is the diameter of a mechanical aimer's rubber suction cup. The dimension that should have been specified is the radius of the suction cup, or one half the diameter. Thus, the standard should have specified a dimension allowing closer placement of the labeling to the geometric center, 1.375 in. (35 mm), and this notice corrects the error.

The same final rule amended Table III to remove the previous SAE references to motor vehicle headlamps, and replaced them with a general reference to S7. The SAE references to motorcycle headlamps, SAE J584, April 1964 and J566, January 1960 should not have been removed, and are reinstated.

On June 29, 1989, NHTSA further amended Standard No. 108 (54 FR 27362). This amendment incorporated requirements for Type HB2 standardized replaceable light sources, including an amendment to Figure 8 Bulb Deflection Test, to reflect the addition of Type HB2. An incorrect tolerance for Dimension "A", .012 inch, was provided. The correct tolerance is .016 inch. A corrected Figure 8 is being published to correct the error.

Because the amendments are technical in nature and have no substantive impact, it is hereby found that notice and public comment thereon are unnecessary. Further, because the amendments are technical in nature, it is hereby found for good cause shown that an effective date earlier than 180 days after issuance of the rule is in the public interest, and the amendments are

effective upon publication in the **Federal Register**.

List of Subjects in 49 CFR Part 571

Imports, Motor vehicle safety, Motor vehicles.

In consideration of the foregoing, part 571 of 49 CFR is amended as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 continues to read as follows:

Authority: 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 49 CFR 1.50.

§ 571.108 [Amended]

2. In paragraph S7.3.7(f), the word "photometric" in the third sentence is changed to read "geometric".

3. In paragraphs S7.3.7(f), S7.3.8(f), and S7.3.9(c), the dimension "2.75 in. (70 mm)" is revised to read "1.375 in. (35 mm)".

4. In Table III, under "Headlamps", the last column "Applicable SAE standard or recommended practice * * * " is amended by adding to it "For motorcycles only, J584, April 1964, J566, January 1960."

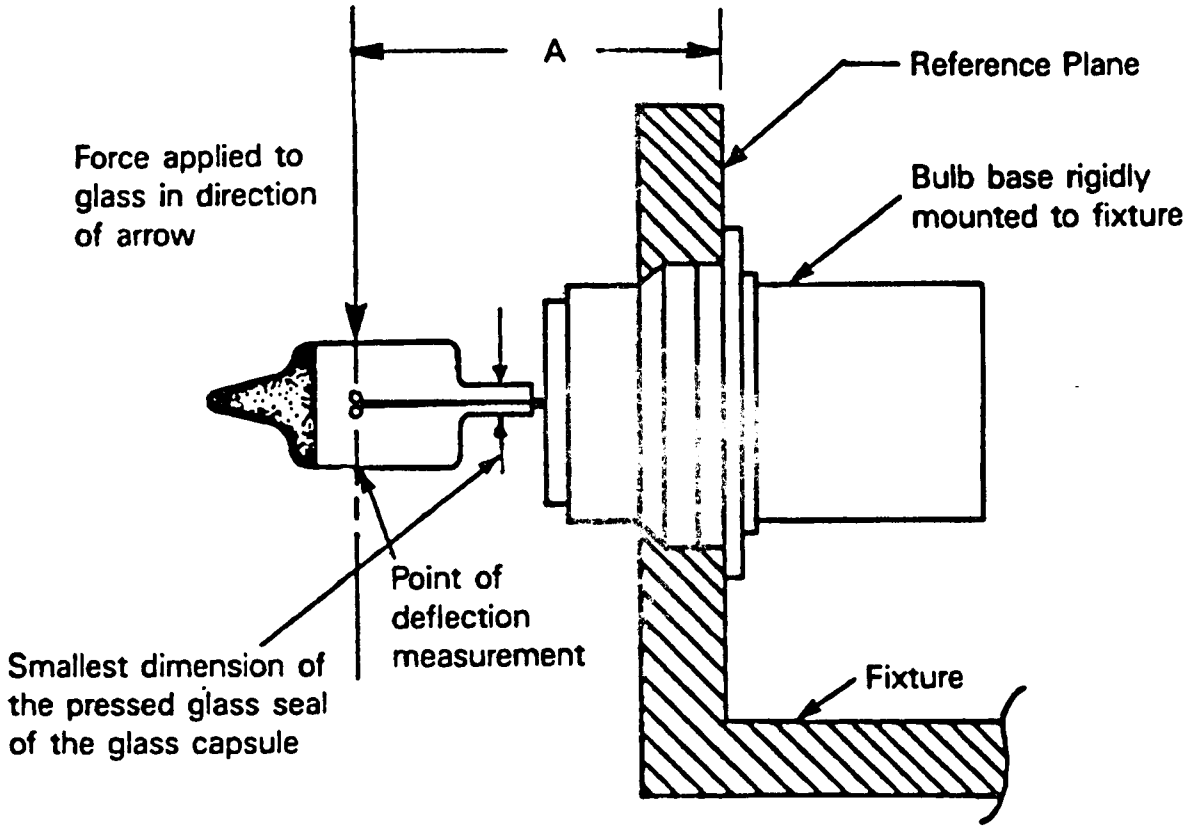
5. Figure 8 is revised as shown below.

Issued on March 18, 1991.

Jerry Ralph Curry,

Administrator.

BILLING CODE 4910-59-M



Standardized Replaceable Light Source Type	Dimension "A"
HB1	44.50 ± 0.38 mm (1.75 ± 0.015 in)
HB2	31.25 ± 0.40 mm (1.23 ± 0.016 in)
HB3	31.50 ± 0.20 mm (1.24 ± 0.008 in)
HB4	31.50 ± 0.20 mm (1.24 ± 0.008 in)
HB5	44.50 ± 0.25 mm (1.75 ± 0.010 in)

Figure 8. Bulb Deflection Test

[FR Doc. 91-6796 Filed 3-21-91; 8:45 am]
BILLING CODE 4910-59-C

Proposed Rules

Federal Register
Vol. 56, No. 56
Friday, March 22, 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 AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 319

[Docket No. 88-019P]

RIN 0583-AA92

Labeling of Frankfurters and Similar Products Containing Binders and Extenders

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to amend the Federal meat inspection regulations by deleting specific labeling requirements for prominent disclosure of the use of certain binders and extenders in frankfurters and similar products. The proposed regulation is in response to a petition submitted by Protein Technologies International.

DATES: Comments must be received on or before April 22, 1991.

ADDRESSES: Written comments to: Policy Office, Attn: Linda Carey, FSIS Hearing Clerk, room 3171, South Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. (See also "Comments" under "Supplementary Information.")

FOR FURTHER INFORMATION CONTACT: Ashland L. Clemons, Director, Standards and Labeling Division, Regulatory Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6042.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this proposed rule is not a major rule under Executive Order 12291. It would not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in export or domestic markets.

This proposed rule would eliminate prominent labeling that discloses the use of certain binders and extenders in frankfurters and similar products. This proposed rule would ease regulatory requirements for certain segments of the industry and, thus, would provide a positive impact on the affected industry. Manufacturers may continue to use such labeling if they so choose. Consumers would not be adversely affected since the presence of any such binders and extenders would still be listed in the ingredients statement on the product's label.

Effects on Small Entities

The Administrator, FSIS, has made an initial determination that this proposed rule would not have a significant economic impact on a substantial number of small entities. The proposal would ease regulatory requirements for manufacturers producing frankfurters and similar products containing binders and extenders derived from food. Any manufacturer may opt to continue the use of such prominent labeling.

Comments

Interested persons are invited to submit written comments concerning this proposed rule. Written comments should be sent to the Policy Office at the address shown above and should refer to Docket Number 88-019P. All comments submitted in response to this proposal will be available for public inspection in the Policy Office between 9 a.m. and 4 p.m., Monday through Friday.

Background

Current Regulations

Part 319 of the Federal meat inspection regulations allows the use of specific binders and extenders in frankfurters and similar products provided (1) their use is limited to the levels prescribed in § 318.7(c)(4) of the Federal meat inspection regulations (9 CFR 318.7(c)(4)), and (2) the presence of such ingredients is declared on the product's label in a prominent manner, contiguous to the name of the product as prescribed in § 317.8(b)(16) and (33) (9 CFR 317.8(b)(16) and (33)).

Such binders and extenders include cereal, vegetable starch, soy flour, soy protein concentrate, isolated soy protein, dried whey, and sodium caseinate, and are allowed in the following meat food products:

1. Sausage (9 CFR 319.140);
2. Breakfast sausage (9 CFR 319.143);
3. Frankfurters and similar products (9 CFR 319.180(e));
4. Cheesefurters and similar products (9 CFR 319.181);
5. Braunschweiger, liver sausage, and liverwurst (9 CFR 319.182); and
6. Bockwurst (9 CFR 319.281).

Section 318.7(c)(4) of the meat inspection regulations identifies those binders and extenders that may be used in frankfurters and similar products. It also limits such use of those specific binders and extenders, singly or collectively, to 3.5 percent of the product formulation, except for isolated soy protein and sodium caseinate, which are limited to 2 percent of the formulation.

The poultry products inspection regulations allow the use of certain binders in poultry rolls (9 CFR 381.159(a)) at levels no more than 2 percent of the formulation for raw poultry rolls and no more than 3 percent of the formulation for cooked poultry rolls. Unlike the requirement for qualifying statements on frankfurters and similar meat food products, additional labeling for such poultry products is required only when the amount of the binder used exceeds these levels. In those cases, the presence of the binder must be declared on the labeling, in a prominent manner, contiguous to the name of the product.

The current labeling requirements placed on meat and poultry products containing binders and extenders are in addition to the requirement that all ingredients be listed in the ingredients statement on labels, in the descending order of predominance by weight (9 CFR 317.2(f)(1) and 381.118(a)).

Rulemaking on Added Water

On November 24, 1986, FSIS published in the **Federal Register** (51 FR 42239) a proposed rule to amend the standards of identity in the Federal meat inspection regulations for frankfurters and similar cooked sausages (9 CFR 319.180) and

cheesefurters and similar meat food products (9 CFR 319.181). The proposal would provide for a maximum combination of 40 percent of fat and added water in such meat food products and restrict the maximum fat content to no more than 30 percent of the finished product.

Among the several issues raised in comments to this proposal was the objection to the current regulatory requirement that the name of any binder or extender used in frankfurters and similar cooked sausages must prominently appear on the label contiguous to the product name. Commenters opposed this requirement primarily because no such requirement exists for nonbinder or nonextender ingredients, such as poultry products, mechanically separated (species), and flavoring materials, when used in cooked sausages. One commenter, Protein Technologies International (PTI), stated further that FSIS should eliminate the current use limitations on vegetable protein products used as binders, and credit the protein from soy products as "meat" protein in the calculation for added water. PTI based this recommendation partly on its belief that soy products are equivalent to meat from a protein quality standpoint.

On March 15, 1988, FSIS published a final rule on the above-mentioned proposal (53 FR 8425). In the preamble to the final rule, FSIS recognized the inconsistency of restrictions imposed on the use of vegetable protein products due to labeling requirements and product standards. However, such changes would have had broad policy implications well beyond the scope of that rulemaking. FSIS stated that it would consider a separate rulemaking regarding the current use limitations on vegetable protein products and the requirements for product name qualifiers when these products are used

PTI Petition

On May 17, 1988, FSIS received a petition from PTI to amend the standards of identity for frankfurters and similar cooked sausage and cheesefurters and similar meat food products to eliminate use limitations and prominent labeling requirements for certain binders as prescribed in part 319 of the Federal meat inspection regulations. The petition also requested deletion of § 317.8(b)(16) of the Federal meat inspection regulations (9 CFR 317.8(b)(16)) which requires prominent labeling of binders used in standardized sausages.

The PTI petition contended that:

1. The use limitation on binders was imposed at a time when the standards were severely restrictive, and removal of the use limitation would allow food processors to produce nutritional products economically;

2. The prominent labeling requirement for binders is in addition to the requirement that the binder be included in the product label's ingredients statement and is, therefore, unnecessary and duplicative;

3. The ingredients statement provides complete information about the contents of all meat and poultry products; and

4. Prominent labeling is not required for products that contain ingredients such as poultry products or mechanically separated (species) product and flavoring materials.

The petitioner further contended that while FSIS has maintained that its policy is to require descriptive labeling to advise consumers of certain "unexpected" ingredients in standardized products, its application of such policy has been inconsistent and often discriminatory. As an example, the petitioner argued that the typical consumer would not expect a standardized sausage to contain up to 15 percent raw or cooked poultry or up to 20 percent mechanically deboned product. Nonetheless, the Federal meat inspection regulations provide for the use of these ingredients in cooked sausages provided their use is disclosed in the ingredients statement. No prominent labeling is required when either of these ingredients is used in standardized sausages.

On July 1, 1988, PTI submitted an amendment to the petition to also eliminate use limitations and prominent labeling for certain binders in sausage, breakfast sausage, bockwurst, and poultry rolls.

Advance Notice of Proposed Rulemaking

In response to the PTI petition, FSIS published an Advance Notice of Proposed Rulemaking in the **Federal Register** on August 24, 1988 (53 FR 32247), which included the text of the original petition and the amendment. The notice requested information and comments concerning the action requested by the petitioner and, in particular, answers to the following questions:

1. Would the labeling of meat and poultry food product's containing any type of binders be false or misleading if the products' name did not include a qualifier disclosing the type of binder or the fact that binders had been added, but shows the presence of any binders in the ingredients statement?

2. Would the elimination of use limitations of certain binders, such as proposed by the petitioner, conflict with §§ 318.7(a)(2)(iii)(B) and 381.147(f)(2)(iii)(B) of the Federal meat and poultry products inspection regulations, respectively, which require that new substances be approved for use only at the lowest level necessary to achieve their intended effects?

3. Would use levels of binders in excess of those currently permitted by the regulations change the function of those ingredients such that they could no longer be considered as binders, but rather as meat or poultry product replacers?

4. Should an evaluation of the nutritional value of an ingredient be based solely on protein content and protein quality, or should FSIS consider a nutritional profile that also includes vitamins and minerals normally found in meat or poultry products in such comparisons?

FSIS received five comments. One comment was from an individual consumer, one comment from a State government, and three from industry representatives, including the petitioner.

The consumer objected to eliminating both the prominent labeling requirements and the use level restrictions because of her severe reactions to hidden additives. The State of Illinois also opposed the petition based on consumers' desire to avoid binders and extenders in their foods. The commenter further contended that as binders are allowed in dry form, they are equivalent to four times meat protein, but are low in nutritional value.

The Soy Protein Council agreed with revoking the labeling requirements for binders but believed that binders used at higher levels could act more as meat replacers and that the use levels should be maintained.

Protein Technologies International (the petitioner) and a law firm representing the International Wheat Gluten Association supported the petition. Generally, they contend that special labeling for binders is unnecessary and unwarranted. The law firm further recommended approved use levels in accordance with good manufacturing practices.

Second Amended Petition

On November 9, 1988, PTI sent another request to amend the original petition. In the second amendment, the petitioner requested that the Agency only initiate rulemaking to remove the requirements for prominent labeling of binders, and to disregard, at this time, the request to remove use limitations on binders.

The petitioner believed that the matter of use limitations may be more complex and involve more policy analysis than consideration of the prominent labeling issue alone. In addition, PTI stated their desire to avoid delays that could be associated with resolution of the issues involved with removing use limitations.

At PTI's request, FSIS is disregarding the portion of PTI's original petition concerning use levels. No change to current use levels for binders or extenders used in frankfurters and similar products and poultry rolls is being proposed at this time.

The Proposal

FSIS is proposing to eliminate the requirement that the use of binders and extenders be prominently displayed on the product label when used in specific meat food products. Over the last several years, FSIS has maintained a policy that, when the use of an ingredient in a product does not change the basic characteristics of the product, prominent disclosure of the ingredient on the product label, in addition to disclosure in the ingredients statement, is not needed.

FSIS has determined that PTI has presented a reasonable case that current labeling policies unfairly discriminate against those using binders, e.g., isolated soy protein, dried whey, and vegetable starch. In addition, FSIS believes that, with respect to frankfurters and similar meat food products, the current labeling policy requiring qualifiers for extenders used in such products is also discriminatory. These policies place those using binders and extenders at a competitive disadvantage compared to those using other similar ingredients and should be removed from the regulations. As required by current regulations, any use of a binder or extender would be listed in its order of predominance in the product's ingredients statement. Because labeling policies regarding product names vary between FSIS and FDA, consumers can rely on the ingredients statement for complete information on ingredients contained in all products and would enable those consumers who wish to avoid certain ingredients to do so.

FSIS is not proposing to eliminate the requirement that the use of binders or extenders be prominently displayed on the product label when used in poultry rolls above stated levels. The poultry regulations clearly provide that binders may be used in poultry rolls without prominent labeling when used at 2 percent in raw poultry rolls or 3 percent in cooked poultry rolls. However, the regulations further provide that if the use exceeds the stated amounts, prominent labeling is required. FSIS believes that the use of binders at levels above 2 percent in raw poultry rolls and 3 percent in cooked poultry rolls should continue to require a label qualifier because the use of such substances above these levels changes the basic characteristics of the poultry rolls.

FSIS has identified prominent labeling and product name qualifiers as issues that will be addressed during future proceedings FSIS plans to undertake on Food Standards and related labeling issues.

In summary, FSIS believes that the use of approved binders and extenders at or below the stated use levels in frankfurters and other similar meat food products does not change the basic characteristics of the products and, thus, requires no additional labeling. Therefore, for the reasons discussed in the preamble, FSIS is proposing to amend 9 CFR parts 317 and 319 of the Federal meat inspection regulations as follows:

List of Subjects

9 CFR Part 317

Meat inspection, Food labeling.

9 CFR Part 319

Meat inspection, Standards of identity.

PART 317—LABELING, MARKING DEVICES AND CONTAINERS

1. The authority citation for part 317 would continue to read as follows:

Authority: 21 U.S.C. 457, 601–695; 9 CFR 2.17, 2.55.

§ 317.8 [Amended]

2. Paragraphs (b)(16) and (33) of § 317.8 would be removed and reserved.

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

3. The authority citation for part 319 would continue to read as follows:

Authority: 34 Stat. 1260, 81 Stat. 584, as amended (21 U.S.C. 601 *et seq.*); 72 Stat. 862, 92 Stat. 1069, as amended (7 U.S.C. 1901, *et seq.*); 76 Stat. 663, as amended (7 U.S.C. 450 *et seq.*).

4. Paragraph (e) of § 319.180 would be revised to read as follows:

§ 319.180 Frankfurter, frank, furter, hotdog, wiener, vienna, bologna, garlic bologna, knockwurst, and similar products.

* * * * *

(e) One or more of the binders and extenders as provided in § 318.7(c)(4) of this subchapter may be used in cooked sausage otherwise complying with paragraph (a) or (b) of this section. When any such substance is added to these products, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance.

* * * * *

5. Section 319.181 would be amended by revising the fourth sentence to read as follows:

§ 319.181 Cheesefurters and similar products.

* * * . When any such substance is added to these products, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance. * * *

6. Paragraph (b)(9) of § 319.281 would be revised to read as follows:

§ 319.281 Bockwurst.

* * * * *

(b) * * *

(9) Binders and extenders may be added as provided in § 318.7(c)(4) of this subchapter. When any such substance is added to bockwurst, the substance shall be designated in the ingredients statement by its common or usual name in order of predominance.

* * * * *

Done at Washington, DC, on: February 5, 1991.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 91–6725 Filed 3–21–91; 8:45 am]

BILLING CODE 3410–DM–M

SMALL BUSINESS ADMINISTRATION

13 CFR Part 107

Small Business Investment Companies; Audit Guide; Government Auditing Standards

AGENCY: Small Business Administration.

ACTION: Notice of extension of comment period.

SUMMARY: On January 11, 1991 (56 FR 1334), the Small Business Administration (SBA) published a notice of intent to adopt an audit guide for use in the performance of independent audits of small business investment companies (SBICs) and specialized small business investment companies (SSBICs) (collectively "Licensees") in accordance with government auditing standards (GAS) issued by the Comptroller General of the United States. Further, that notice reopened the comment period for a proposed rule which, if adopted as final, would require that audits of SBICs by independent public

accountants be conducted pursuant to GAS. This notice extends the period to submit comments on both the audit guide and the proposed rule.

DATES: Written comments on the proposed rule and the audit guide must be received on or before April 12, 1991.

ADDRESSES: Written comments on the audit guide should be submitted to Peter L. McClintock, Assistant Inspector General for Auditng, U.S. Small Business Administration, Office of Inspector General, 409 Third Street, SW., Washington, DC 20416. Written comments on the proposed rule should be submitted to Thomas C. Bresnan, Staff Accountant, U.S. Small Business Administration 409 Third Street, SW., Washington, DC 20416

FOR FURTHER INFORMATION CONTACT: Peter L. McClintock, Assistant Inspector General for Auditing, (202) 205-6590, Thomas C. Bresnan, Staff Accountant, (202) 205-6510.

SUPPLEMENTARY INFORMATION: On January 11, 1991, the SBA published a notice of intent to adopt an audit guide and to reopen the comment period on a proposed rule, published on August 23, 1990, pertaining to government auditing standards. The proposed GAS rule and a discussion of the significance of the adoption of GAS as an auditing standard appear at 55 FR 34650. The purpose of reopening the comment period on the proposed GAS rule was to allow the public an opportunity to comment on the proposed rule in light of the audit guide. Thus, there was a simultaneous comment period on the two documents which was open until February 25, 1991. This notice will reopen the comment period on the two proposals until April 12, 1991.

SBA has found it necessary to reopen the comment period on the two proposals in order to allow the public sufficient time to fully address both documents. Both the audit guide and the proposed GAS rule establish precise standards for the conduct of an audit, by an independent public accountant, of a Licensee. Further, the interaction of the audit guide and the proposed GAS rule presents complex issues of accounting practice and procedure which require extensive consideration in order to present well reasoned and useful comments. Thus, SBA has decided to reopen the comment period on the audit guide and the proposed GAS rule in order to allow interested parties ample opportunity to review the two documents and provide written comments.

As such, the simultaneous comment period on the proposed GAS rule and the audit guide is hereby reopened. The Agency will accept comments on the two documents until April 12, 1991.

Susan Engeleiter,
Administrator.

[FR Doc. 91-6845 Filed 3-21-91; 8:45 am]
BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-15-AD]

Airworthiness Directives; Beech Model 76 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 Model 76 airplanes. The proposed action would require inspections of the main landing gear "A" frames for cracks. There have been reports of fatigue cracks developing on the main landing gear "A" frame assembly of certain Beech Model 76 airplanes. These cracks, if not detected and corrected, would cause the main landing gear to collapse. The actions specified in this proposed AD are intended to detect a crack in the main landing gear "A" frame assembly and prevent collapse and malfunction of the main landing gear.

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

ADDRESSES: Beech Service Bulletin No. 2361, dated January 1991, that is discussed in this AD may be obtained from the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085. 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. 91-CE-15-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. Larry Engler, Aerospace Engineer, FAA, 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. 91-CE-15-AD, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

Fatigue cracking has developed on the main landing gear "A" frame assembly on certain Beech Model 76 airplanes. The areas of concern are the welds between the gussets and tube and around the corrosion treatment hole adjacent to the gussets. Cracks evaluated to date have started at the tip of the gussets. Cracked "A" frame assemblies, if not detected and corrected, could lead to collapse and malfunction of the main landing gear. Beech has issued Service Bulletin (SB) No. 2361, dated January 1991, which specifies procedures for inspecting and repairing these main landing gear "A" frame assemblies. After reviewing the situation described above and examining all available information, the FAA has determined that AD action is necessary to correct this unsafe condition.

Since this unsafe condition is likley to exist or develop in other Beech Model 76 airplanes of the same type design, the proposed AD would require inspections of the main landing gear "A" frame assemblies and, if found cracked, repair in accordance with the instructions in

Beech SB No. 2361, dated January 1991. These actions are intended to prevent collapse and malfunction of the main landing gear.

It is estimated that 437 airplanes in the U.S. registry will be affected by the proposed AD, that is will take approximately 2 hours per airplane to accomplish the proposed inspections, and that the average labor rate is $55 per hour. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $48,070.

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. 91-CE-15-AD.

Applicability: Model 76 airplanes (all serial numbers), certificated in any category.

Compliance: Required within the next 50 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 100 hours TIS.

To prevent collapse and/or malfunction of the main landing gear, accomplish the following:

(a) Conduct both a visual inspection and dye penetrant inspection of the main landing gear "A" frame assembly (part number 105-810023-67 or P/N 105-810023-68) in accordance with the instructions in Beech Service Bulletin (SB) 2361, dated January 1991.

Note: During the inspection required by paragraph (a) of this AD, pay particular attention to the tips of the gussets and the small corrosion treatment hole adjacent to the gusset.

(b) If cracks are found during the inspections specified in paragraph (a) of this AD, prior to further flight, replace the assembly with a serviceable part in accordance with Beech SB 2361, dated January 1991, and continue the 100-hour TIS inspection intervals.

(c) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane 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 100, 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 document referred to herein upon request to the Beech Aircraft Corporation, P.O. Box 85, Wichita, Kansas 67201-0085; or examine this document 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 March 13, 1991.

Gerald W. Pierce,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6837 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-46-AD]

Airworthiness Directives; Boeing Model 767 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to certain Boeing Model 767 series airplanes, which would require modification of the inboard edges of the rub strip on the inboard spoilers. This proposal is prompted by reports of overwing escape slides being damaged by contacting sharp corners on the inboard spoilers. This condition, if not corrected, could render the overwing escape slides unusable in the event of an emergency evacuation.

DATES: Comments must be received no later than May 13, 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-46-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. 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. Jayson B. Claar, Seattle Aircraft Certification Office, Airframe Branch, ANM-120S; telephone (206) 227-2784. 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-46-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

During recent system functional testing of the overwing escape slides on a Boeing Model 767 series airplane, the slides were damaged by sharp corners on the rub strip at the aft edge of the inboard spoilers. The sharp corners caused holes in the slide fabric. This condition, if not corrected, could render the slides unusable in the event of an emergency evacuation.

The FAA has reviewed and approved Boeing Service Bulletin 767-27-0104, dated November 15, 1990, which describes procedures for modifying the inboard edges of the rub strip on the inboard spoilers by eliminating the sharp corners.

Since this condition is likely to exist on other airplanes of this same type design, an AD is proposed which would require modification of the inboard edges of the rub strip on the inboard spoilers in accordance with the service bulletin previously described.

There are approximately 298 Model 767 series airplanes of the affected design in the worldwide fleet. It is estimated that 111 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 $55 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $24,420.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—[AMENDED]

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

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

§ 39.13 [Amended]

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

Boeing: Applies to Model 767 series airplanes; as listed in Boeing Service Bulletin 767-27-0104, dated November 15, 1990; certificated in any category. Compliance required within the next 9 months after the effective date of this AD, unless previously accomplished.

To prevent the overwing escape slides from being damaged by sharp corners on the inboard edges of the rub strip on the inboard spoilers, accomplish the following:

A. Modify the inboard edges of the rub strip on the inboard spoilers in accordance with Boeing Service Bulletin 767-27-0104, dated November 15, 1990.

B. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, 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.

Issued in Renton, Washington, on March 14, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6839 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 91-NM-18-AD]

Airworthiness Directives; McDonnell Douglas Model DC-10-40 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 McDonnell Douglas Model DC-10-40 series airplanes, which would require replacement of one of the existing fuel line protective shields with an enlarged shield. This proposal is prompted by a report of an uncontained failure on a number 2 engine in which fan blade fragments penetrated the engine bellmouth and caused subsequent damage to the fuel line and fuel shutoff cable. This condition, if not corrected, could result in engine fragments puncturing the fuel line and severing the engine fuel shutoff cable; this could result in an engine fire, while the flight crew would not be able to shut down the engine using the engine fuel shutoff lever.

DATES: Comments must be received no later than May 13, 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-18-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: DC-10 Technical Publications, C1-HDR (54-60). This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond Vakili, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90806-2425; telephone (213) 988-5262.

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-NM-18-AD." The postcard will be date/time stamped and returned to the commenter.

Discussion

Recently, an uncontained fan blade failure occurred on a Pratt and Whitney JT9D-20J engine installed in the tail position of a McDonnell Douglas Model DC-10-40 series airplane. This failure caused fan blade fragments to penetrate the engine bellmouth and caused subsequent damage to the fuel line and fuel shutoff cable for the number 2 engine. Investigation has revealed that the currently installed fuel line protective shields do not provide the necessary level of protection. This condition, if not corrected, could result in engine fragments puncturing the fuel line and severing the engine fuel shutoff cable, which could result in a fire while the flight crew would not be able to shutdown the engine using the engine fuel shutoff lever.

The FAA has reviewed and approved McDonnell Douglas DC-10 Service Bulletin 71-154, dated January 18, 1991, which describes procedures for replacement of one of the fuel line protective shields, which is located on the left side of the number 2 engine, with an enlarged shield. The currently installed shields were required by AD 74-18-17 R1, Amendment 39-5780 (52 FR 27823, November 30, 1987).

Since this condition is likely to exist or develop on other airplanes of this same type design, an AD is proposed which would require installation of an enlarged protective shield in accordance with the service bulletin previously described.

There are approximately 41 McDonnell Douglas Model DC-10-40 series airplanes of the affected design in the worldwide fleet. It is estimated that 21 airplanes of U.S. registry would be affected by this AD, that it would take approximately 10 manhours per airplane to accomplish the required actions, and that the average labor cost would be $55 per manhour. The required parts for this shield replacement would be provided by the manufacturer free of charge. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $11,550.

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:

McDonnell Douglas: Applies to Model DC-10-40 series airplanes, as listed in McDonnell Douglas Service Bulletin 71-154, dated January 18, 1991, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent fuel line and engine fuel shutoff cable damage and possible fire caused by an uncontained engine failure, accomplish the following:

A. Within one year after the effective date of this AD, replace the fuel line shield on the left side of the number 2 engine bellmouth panel, and install an additional plate, as applicable, in accordance with the accomplishment instructions of McDonnell Douglas DC-10 Service Bulletin 71-154, dated January 18, 1991.

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

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who may concur or comment and then send it to the Manager, Los Angeles 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 McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: DC-10 Technical Publications, C1-HDR (54-60). These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington, or the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California.

Issued in Renton, Washington, on March 14, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6842 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-35-AD]

Airworthiness Directives; SAAB-Scania Models SF-340A and SAAB 340B 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 SAAB-Scania

Models SF-340A and SAAB 340B series airplanes, which would require replacement of a wire in the autopilot electrical system. This proposal is prompted by reports indicating that a possibility exists for a wire overload occurring in the event of a short circuit in the autopilot system. This condition, if not corrected, could result in an electrical fire and smoke in the cockpit.

DATES: Comments must be received no later than May 13, 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-35-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. 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 recieved.

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.

Comments 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 s'atement is made: "Comments to Docket Number 91-NM-35-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority of Sweden, in accordance with existing provisions of a bilateral airworthiness agreements, has notified the FAA of an unsafe condition which may exist on certain SAAB-Scania Models SF-340A and SAAB 340B series airplanes. Recent reports indicate that a possibility exists for a wire overload in the event of a short circuit in the autopilot electrical system. During a specific period of production of these airplanes, a smaller gauge (24 AWG) wire was installed in the autopilot electrical system, which needs to be replaced with a heavier gauge (20 AWG) wire. This condition, if not corrected, could result in an electrical fire and smoke in the cockpit.

SAAB has issued Service Bulletin 340-34-068, dated November 9, 1990, which describes procedures to replace a wire in the autopilot electrical system between terminal block 301VT BH:C and connector 203VU P33:A1. The LFV has classified this service bulletin as mandatory, and has issued Swedish Airworthiness Directive SAD 1-041 addressing this subject.

This airplane model is manufactured in Sweden 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 replacement of a wire in the autopilot electrical system in accordance with the service bulletin previously described.

It is estimated that 56 airplanes of U.S. registry would be affected by this AD, that it would take approximately 5 manhours per airplane to accomplish the required actions, and that the average labor cost wold 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. operator 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:

SAAB-Scania: Applies to Model SF-340A series airplanes, Serial Numbers 079 through 159; and Model SAAB 340B series airplanes, Serial Numbers 160 through 199; certificated in any category. Compliance is required within 180 days after the effective date of this AD, unless previously accomplished.

To prevent an electrical fire and smoke in the cockpit, accomplish the following:

A. Replace the FD 574-24 wire from terminal block 301VT BH:C to connector 203VU P33:A1 in the autopilot electrical system with a 20 AWG size wire, in accordance with SAAB Service Bulletin 340-34-068, dated November 9, 1990.

B. An alternative method 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 forwarded through an FAA Principal Avionics Inspector, who may concur or comment and then send it 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 SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. 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 May 13, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6841 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 91-NM-48-AD]

Airworthiness Directives; SAAB-Scania Model SAAB 340B 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 ceretain SAAB-Scania Model SAAB 340B series airplanes, which would require a one-time inspection for correct installation of the hinge locking pin, and repair, if necessary; replacement of latches; and reinforcement of the forward toilet service door. This proposal is prompted by a report of a forward service door that was lost during flight due either to a deformation of the door that allowed the latch to release, or to the hinge locking pin coming loose. This condition, if not corrected, could result in loss of the forward service door during flight, and subsequent damage to the propeller, wing, or empennage.

DATES: Comments must be received no later than May 13, 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-48-AD, 1601 Lind Avenue SW., Renton, Washington 98055-4056. The applicable service information may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. 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 91-NM-48-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Luftfartsverket (LFV), which is the airworthiness authority of Sweden, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain SAAB-Scania Model SAAB 340B series airplanes. There has been a recent report of a forward toilet service door that was lost during flight. It has been determined that this was caused by either a deformation in the door which allowed the latch to release, or to the loosening of the hinge locking pin. This condition, if not corrected, could result in loss of the forward toilet service door during flight, and subsequent damage to the propeller, wing, or empennage.

SAAB has issued Service Bulletin 340-52-013, Revision 1, dated December 18, 1990, which describes procedures for a one-time inspection for correct hinge pin installation, and repair, if necessary; and replacement of latches and reinforcement of the forward toilet service door. The LFV has classified this service bulletin as mandatory, and has issued Swedish Airworthiness Directive SAD No. 1-044, Revision A.

This airplane model is manufactured in Sweden 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 inspection for correct hinge pin installation, and repair, if necessary; and replacement of latches and reinforcement of the forward toilet service door in accordance with the service bulletin previously described.

It is estimated that 32 airplanes of U.S. registry would be affected by this AD, that it would take approximately 2 manhours per airplane to accomplish the required actions, and that the average labor cost would be $40 per manhour. The estimated cost for required parts is $427 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $16,224.

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:

Saab-Scania: Applies to certain Model SAAB 340B series airplanes, as listed in SAAB Service Bulletin 340-52-013, Revision 1, dated December 18, 1990, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent loss of the forward toilet service door during flight, and subsequent damage to the propeller, wing, or empennage, accomplish the following:

A. Within 500 hours time-in-service after the effective date of this AD, perform a one-time inspection for correct installation of the hinge pin, in accordance with SAAB Service Bulletin 340-52-013, Revision 1, December 18, 1990, and accomplish the following:

1. If the hinge pin is installed correctly, prior to further flight, replace the latches and reinforce the forward toilet service door in accordance with the service bulletin.

2. If the hinge pin is installed incorrectly, prior to further flight, replace the latches, reinforce the forward toilet service doors, remove the hinge pin, and repair and re-install the hinge pin, in accordance with the service bulletin.

B. An alternative method 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 forwarded through an FAA Principal Maintenance Inspector, who may concur or comment and then send it 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 SAAB-Scania AB, Product Support, S-581.88 Linköping, Sweden. 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 March 14, 1991.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 91-6840 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[CO-90-90]

RIN 1545-AP28

Income From Discharge of Indebtedness—Acquisition of Indebtedness by Person Related to the Debtor

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed income tax regulations under section 108(e)(4) of the Internal Revenue Code of 1986. The purpose of these regulations is to provide rules concerning the acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor. New § 1.108-2 provides that the acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108) measured by reference to the fair market value of the indebtedness on the acquisition date. This rule also applies to transactions in which a holder of outstanding indebtedness becomes related to the debtor, if the holder is treated as having acquired the indebtedness in anticipation of becoming related to the debtor.

DATES: Written comments, requests to appear, and outlines of oral comments to be presented at a public hearing scheduled for June 3, 1991, at 10 a.m. must be received by May 20, 1991. See notice of hearing published elsewhere in this issue of the **Federal Register**.

ADDRESSES: Send comments, requests to appear, and outlines of oral comments to: Internal Revenue Service, Attention CC:CORP:T:R (CO-90-90), room 4429, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Victor L. Penico at (202) 566-3618 or Warren Joseph at (202) 566-4430 (not toll-free numbers).

SUPPLEMENTAL INFORMATION:

Background

Under section 61(a)(12) of the Code, gross income includes income from discharge of indebtedness. Section 108(e)(4)(A) provides that for purposes of determining income from discharge of indebtedness, to the extent provided in regulations prescribed by the Secretary, the acquisition of outstanding indebtedness by a person bearing a relationship to the debtor specified in section 267(b) or 707(b)(1) from a person who does not bear such a relationship to the debtor is treated as the acquisition of such indebtedness by the debtor. Thus, to the extent required by section 61(a)(12) and section 108, the debtor realizes discharge of indebtedness income upon the purchase of its debt at a discount by a related party from an unrelated party.

Section 108(e)(4) was enacted by section 2(a) of the Bankruptcy Tax Act of 1980 (Pub. L. No. 96-589, 94 Stat. 3389, 3392) to prevent taxpayers from avoiding discharge of indebtedness through purchases of outstanding indebtedness by related parties. The legislative history notes that, under prior law, "a related party (such as the parent corporation of a debtor) can acquire the taxpayer's debt at a discount and effectively eliminate it as a real liability to outside interests, but the debtor thereby avoids the tax treatment which would apply if the debtor had directly retired the debt by repurchasing it." H. Rep. No. 96-833, 96th Cong., 2d Sess. 9 (1980); S. Rep. No. 96-1035, 96th Cong., 2d Sess. 10(1980) (the "Senate Report").

Description of Provisions

This document contains a notice of proposed rulemaking that proposes the addition of § 1.108-2 to part 1 of title 26 of the Code of Federal Regulations under section 108. The proposed regulations describe transactions subject to section 108(e)(4), provide exceptions to the application of section 108(e)(4) for indebtedness maturing within one year of its acquisition and certain indebtedness acquired by dealers in securities, and provide "correlative adjustments" governing certain aspects of the tax treatment of the debtor's indebtedness after the acquisition.

General Rule

Section 1.108-2(a) provides that the acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108) measured by reference to the fair market value of the indebtedness. Income realized pursuant to this rule is excludible from gross income to the extent provided in section 108(a), which applies to discharges that occur in a title 11 case or to the extent

the debtor is insolvent or that involve qualified farm indebtedness.

The proposed regulations require any discharge of indebtedness income realized by the debtor to be measured by reference to the fair maket value of the indebtedness, rather than by reference to the issue price of any indebtedness that might be issued by the related party to the unrelated party as part of the acquisition of the debtor's indebtedness. Under section 108(e)(11), a debtor that issues new indebtedness in satisfaction of outstanding indebtedness is treated as having satisfied the outstanding indebtedness with an amount of money equal to the issue price of the new indebtedness, which may not equal its fair market value. Section 108(e)(11) applies only to indebtedness issued by the debtor in satisfaction of its indebtedness, however, and not to indebtedness issued by a related party. Thus, section 108(e)(11) does not control the measurement of the amount of discharge of indebtedness income that is realized in that case.

Direct and Indirect Acquisitions

Under § 1.108–2(a), the rule of section 108(e)(4) applies if indebtedness is acquired in a direct acquisition or if the holder of indebtedness becomes related to the debtor in an indirect acquisition.

Section 1.108–2(b)(1) provides that an acquisition of outstanding indebtedness is a direct acquisition if a person related to the debtor (or a person who becomes related to the debtor on the date the indebtedness is acquired) acquires the indebtedness from a person who is not related to the debtor. Thus, the rule of section 108(e)(4) applies if, for example, an acquirer simultaneously purchases the debtor's indebtedness and an ownership interest in the debtor.

Pursuant to the regulatory authority granted by section 108(e)(4) and section 7805, § 1.108–2(a) also applies the rule of section 108(e)(4) to "indirect acquisitions." In general, an indirect acquisition is a transaction in which a holder of outstanding indebtedness becomes related to the debtor, if the holder is treated as having acquired the indebtedness in anticipation of becoming related to the debtor.

The proposed regulations treat indirect acquisitions as subject to section 108(e)(4) because they are equivalent to a direct acquisition of the debtor's indebtedness by a party related to the debtor. Accordingly, on the date of an indirect acquisition, the debtor realizes discharge of indebtedness income (to the extent required by section 61(a)(12) and section 108) measured by the fair market value of the indebtedness on that date and the holder recognizes gain or loss as if the holder had disposed of the indebtedness to an unrelated party on the day before the creation of the section 108(e)(4) relationship.

The proposed regulations describe three cases in which a holder is treated as having acquired indebtedness in anticipation of becoming related to the debtor. First, § 1.108–2(b)(2)(ii)(A) provides that a holder is treated as having acquired indebtedness in anticipation of becoming related to the debtor if the holder acquired the indebtedness less than 6 months before the date the holder becomes related to the debtor.

Second, § 1.108–2(b)(2)(ii)(B) provides that a holder is treated as having acquired indebtedness in anticipation of becoming related to the debtor if, on the date the holder becomes related to the debtor, indebtedness of the debtor represents more than 25 percent of the fair market value of the total gross assets of the holder or more than 25 percent of the fair market value of the total gross assets of the holder group. Total gross assets do not include any cash, cash item, marketable stock or security, short-term indebtedness, option, futures contract, notional principal contract, or similar item (other than indebtedness of the debtor). In addition, in the case of the holder group, total gross assets do not include any ownership interest in or indebtedness of a member of the holder group. The holder group includes all persons who are both (i) related to the holder before the holder becomes related to the debtor and (ii) related to the debtor after the holder becomes related to the debtor.

Thus, if the debtor's indebtedness represents more than 25 percent of the assets of the holder group, all of the debtor's indebtedness held by the holder group is subject to the rule of § 1.108–2(a). If the debtor's indebtedness does not represent more than 25 percent of the assets of the holder group but does represent more than 25 percent of the assets of one member of the holder group, then only the indebtedness held by that member of the group is subject to the rule of § 1.108–2(a).

Third, under § 1.108–2(b)(2)(ii)(C), a holder is presumed to have acquired indebtedness in anticipation of becoming related to the debtor if the holder acquired the indebtedness 6 months or more before the date the holder becomes related to the debtor but less than 24 months before that date. Unlike the first two rules, this rule creates a presumption that the holder may rebut by establishing to the satisfaction of the Commissioner that the acquisition of the indebtedness was not made in anticipation of becoming related to the debtor. In making this determination, all relevant facts and circumstances will be considered. For example, if a holder acquired the indebtedness in the ordinary course of its portfolio investment activities and the holder's acquisition of the indebtedness preceded by discussions concerning the acquisition of the holder, these facts, taken together, would ordinarily establish that the holder did not acquire the indebtedness in anticipation of becoming related to the debtor. The absence of discussions between the debtor and the holder, however, does not by itself establish that the holder did not acquire the indebtedness in anticipation of becoming related to the debtor. Section 1.108–2(b)(2)(ii)(C) also provides that a holder is not treated as having acquired indebtedness in anticipation of becoming related to the debtor if the holder held the indebtedness for at least 24 months before the date the holder becomes related to the debtor and the 25 percent test of § 1.108–2(b)(2)(ii)(B) is not met.

Section 1.108–2(b)(2)(ii)(D) provides that the 6-month and 24-month holding periods are suspended during any period in which the holder or any person related to the holder is protected (directly or indirectly) against risk of loss by an option, a short sale, or any other device or transaction. The suspension of any holding period is considered evidence that the holder acquired the indebtedness in anticipation of becoming related to the debtor, which is relevant in determining whether a holder has rebutted the presumption created by § 1.108–2(b)(2)(ii)(C).

The definitions of direct and indirect acquisitions in the proposed regulations do not preclude application of the rule of section 108(e)(4) to transactions that do not fall within those definitions but that are subject to section 108(e)(4) under general principles of tax law, such as the substance-over-form and step transaction doctrines.

Treatment of the Holder in an Indirect Acquisition

Because indirect acquisitions are treated as equivalent to direct acquisitions, § 1.108–2(b)(3) provides that the holder of the indebtedness is treated as if it sold the indebtedness to an unrelated party on the day before the acquisition date for an amount of money equal to the fair market value of the indebtedness on the acquisition date. Any loss realized is treated as not

subject to section 1091. Thus, under section 1001 the holder recognizes gain or loss equal to the difference between the fair market value of the indebtedness and the holder's adjusted basis in the indebtedness immediately before the indirect acquisition. Consequently, the holder's basis in the indebtedness is the fair market value of the indebtedness on the acquisition date.

Exceptions

The proposed regulations provide two exceptions to the rule of § 1.108–2(a). The first exception, in § 1.108–2(d)(1), provides that § 1.108–2(a) does not apply to a direct or indirect acquisition of indebtedness with a stated maturity date on or before the date that is one year after the date of the direct or indirect acquisition. Indebtedness qualifies for this exception only if it is, in fact, retired on or before its stated maturity date. While section 108(e)(4) could be applied in such cases, the one-year was adopted so that taxpayers would not be required to report income from discharge of indebtedness and then make correlative adjustments during such a short period.

The second exception generally follows the rules for securities dealers that are set forth in Announcement 82–138, 1982–45 I.R.B. 30, and extends those rules to securities dealers that are not corporations. Thus, Announcement 82–138 is superseded by these proposed regulations. In general, under § 1.108–2(d)(2), a direct or indirect acquisition of indebtedness by a securities dealer related to the debtor is not subject to § 1.108–2(a) if the dealer acquires the indebtedness in the ordinary course of its business and disposes of the indebtedness within a period consistent with the holding of the indebtedness for sale to customers in the ordinary course of business.

Announcement 82–138 provided that, in applying these rules, "a debt obligation generally is considered to include successor debt issued in a transaction such as a tax-free reorganization to take the place of that obligation." Section 1.108–2(d)(2)(ii) clarifies this rule by providing that a securities dealer continues to meet the requirements of the exception if it exchanges outstanding indebtedness for new indebtedness in a transaction in which unrelated holders also exchange indebtedness of the same issue, regardless of whether the transaction is a tax-free reorganization. Thus, although such an exchange may result in income from discharge of indebtedness under section 61(a)(12), the securities dealer's participation in the exchange and its holding of the successor indebtedness will not trigger application of section 108(e)(4), provided that the securities dealer holds and disposes of the successor indebtedness in accordance with the provisions of § 1.108–2(d)(2).

Correlative Adjustments: Background.

Although section 108(e)(4) and § 1.108–2(a) require realization of discharge of indebtedness income, to the extent required by section 61(a)(12) and section 108, upon acquistion of indebtedness by a party related to the debtor as if the indebtedness were cancelled, the indebtedness remains outstanding in the hands of the related party. Accordingly, section 108(e)(4) authorizes regulations providing for certain adjustments to reflect the treatment of the indebtedness after a direct or indirect acquistion.

After considering the approach suggested by the Senate Report in light of subsequent legislation affecting the taxation of indebtedness, the Service and the Treasury decided not to adopt that approach. The Senate Report indicates that if the debtor subsequently repays the indebtedness to the related holder, the "entire transaction is to be treated generally the same as if the debtor had originally acquired the debt." The Senate Report illustrates this point with an example in which a parent corporation purchases its subsidiary's $1,000 bond for $900. In that case, the repayment of $1,000 at maturity gives rise to a $100 dividend from the subsidiary to its parent. S. Rep. No. 96–1035, 96th Cong., 2d Sess. 10, 19–20 n.23 (1980). Floor statements by the Chairman of the Committee on Ways and Means indicate that the House concurred in the Senate Report's approach. Cong. Rec. H12459, H12463 (daily ed. December 13, 1980) (statement of Rep. Ullman).

The Senate Report's characterization of the additional $100 paid at maturity as a dividend (rather than as unstated interest) results in a below-market yield on the indebtedness held by the related party because it fails to recognize that the $900 market price paid by the related party to acquire the indebtedness was based on a principal amount of $1,000 (and not $900). This view of the economics of the debtor's deemed repurchase of its indebtedness is, however, inconsistent with subsequent legislation in which Congress has increasingly recognized the uneconomic nature of indebtedness bearing interest at below-market rates. The Tax Equity and Fiscal Responsibility Act of 1982 (Pub. L. No. 97–248, 96 Stat. 324) extended the original issue discount rules to certain non-corporate obligations (former section 1232A), and the Deficit Reduction Act of 1984 (Pub. L. No. 98–369, 98 Stat. 494) enacted the market discount rules (sections 1276–1278), substantially revised the rules for determining the interest element of deferred-payment sales of property (sections 483 and 1274), and imputed interest on below-market loans (section 7872).

In contrast to the Senate Report, the proposed regulations adopt an approach that recognizes Congress's increasing sensitivity to the economics of lending transactions. The proposed regulations, in general, treat the indebtedness as new indebtedness of the debtor issued on the date of the direct or indirect acquisition. The new indebtedness has a yield to maturity equal to a market rate because it has an issue price equal to the fair market value of the old indebtedness but otherwise retains the terms of the old indebtedness. Thus, assuming the same facts as in the example in the Senate Report, the proposed regulations would treat the new indebtedness as having an issue price of $900, a coupon equal to the coupon on the old indebtedness, and a face amount of $1,000. The $100 excess of face amount over issue price would be characterized as unstated interest, which (to the extent required by sections 1272 and 163) would be includible in the income of the holder and deductible by the debtor as original issue discount over the remaining term of the indebtedness.

Correlative Adjustments: Technical Explanation

Section 1.108–2(e)(1) provides that if a debtor realizes income from discharge of indebtedness under § 1.108–2(a) with respect to any indebtedness (whether or not the income is excludible under section 108(a)), the indebtedness is treated as new indebtedness issued by the debtor to the related holder on the date of the direct or indirect acquistion with an issue price equal to its fair market value (the "deemed issuance"). The deemed issuance rule does not apply if the debtor does not realize income from discharge of indebtedness, because, for example, the direct or indirect acquistion qualifies for one of the exceptions in § 1.108–2(d).

The consequence of the deemed issuance is that the excess of the stated redemption price at maturity (as defined in section 1273(a)(2)) of the indebtedness over its issue price is original issue discount (under section 1273(a)(1)). Thus, to the extent provided in section 163 and section 1272, original issue discount is deductible by the

debtor and includible in the gross income of the related holder. Section 163 and section 1272 apply only if the indebtedness remains true indebtedness under general tax law principles in the hands of the related party. If the indebtedness is not true indebtedness (because, for example, the debtor and the related holder do not intend for the indebtedness to be repaid), no deduction is permitted for stated interest or for original issue discount.

The deemed issuance applies for all purposes of the Code. The Service invites comments from taxpayers on whether the deemed issuance should not apply for purposes of specific provisions of the Code. In general, in exercising its administrative discretion, the Service would consider not applying the deemed issuance rule for purposes of a specific provision only if applying the deemed issuance rule would impose a substantial burden on the parties and not applying the rule would not significantly distort the income of the parties.

The deemed issuance rule continues to apply after the related holder disposes of the indebtedness to an unrelated holder or ceases to be related to the debtor. Thus, to the extent provided in sections 163 and 1272, the debtor continues to deduct and the unrelated holder includes in income the original issue discount attributable to the deemed issuance. However, the Service is concerned about whether unrelated holders will be able to distinguish between indebtedness that had previously been acquired by a person related to the debtor and other indebtedness of the same series that had not been so acquired. The Service invites comments on the implementation of this rule and whether a different rule should be adopted, *e.g.*, a rule that suspends the debtor's deduction of original issue discount attributable to the deemed issuance until maturity instead of requiring current inclusion by the unrelated holder.

Realization of Income From Discharge of Indebtedness in Certain Nonrecognition Transactions and By Members of a Consolidated Group

The Treasury Department intends to issue regulations designed to prevent the elimination of income from discharge of indebtedness in certain nonrecognition transactions. In general, if assets are transferred in a tax-free transaction and the transferee receives the assets with a carryover (or, in certain cases, a substituted) basis, any built-in income or gain is taxed when the transferee disposes of the asset. If, however, the debtor acquires its own indebtedness, the indebtedness is extinguished. In that case, the indebtedness in all cases should be treated as if it is acquired by the transferee and then satisfied. Similar treatment should apply if a creditor assumes a debtor's obligation to the creditor.

In both cases, the debt is effectively extinguished, and current recognition of income from discharge of indebtedness is appropriate. Thus, the regulations to be issued will provide for recognition of income from discharge of indebtedness in these cases. Some of the nonrecognition transactions to which the regulation will apply will include transactions described in sections 332, 351, 368, 721, and 731. Current § 1.332–7 contains a similar rule. It is anticipated that a conforming amendment will be made to § 1.332–7 to characterize the income recognized by a parent corporation that purchased its subsidiary's bonds at a discount as income from discharge of indebtedness recognized by the surviving entity (rather than as gain recognized by the parent). The regulations to be issued will be effective for any transaction on or after March 21, 1991.

In addition, the Treasury Department intends to issue regulations under section 1502 that apply the rule of section 108(e)(4) to any transaction in which a debtor corporation and a corporate holder of the debtor's indebtedness become members of a consolidated group.

Effective Dates

Section 1.108–2 is proposed to apply to any transaction described in § 1.108–2(a) on or after March 21, 1991. Although this regulation is not proposed to apply to transactions before March 21, 1991, section 108(e)(4) is effective for any transaction after December 31, 1980, subject to the rules of section 7 of the Bankruptcy Tax Act of 1980 (Pub. L. No. 96–589, 94 Stat. 3389, 3411).

Special Analyses

These proposed rules are not major rules as defined in Exeuctive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administrative Procedures Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to any part of these regulations other than § 1.108–2(e). Furthermore, the rule of § 1.108–2(e), if issued, will generally apply only to extraordinary transactions, primarily by larger issuers of indebtedness and their affiliates. Thus, they will generally not have a significant impact on a substantial number of small entities nor will they significantly alter the reporting or recordkeeping duties of small entities. Therefore, an initial Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f)(1) of the Internal Revenue Code, these regulations will be submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small businesses.

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably a signed original and eight copies) to the Internal Revenue Service. All comments will be available for public inspection and copying in their entirety. Written comments, requests to appear, and outlines of oral comments to be presented at a public hearing scheduled for June 3, 1991, at 10 a.m. must be received by May 20, 1991. See notice of hearing published elsewhere in this issue of the **Federal Register**. Send comments, requests to appear, and outlines of oral comments to: Internal Revenue Service, Attn: CC:CORP:T:R (CO–90–90), room 4429, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044.

Drafting Information

The principal authors of these proposed regulations are Victor L. Penico of the Office of Assistant Chief Counsel (Corporate), Internal Revenue Service and Mark Schneider of the Office of Assistant Chief Counsel (Income Tax and Accounting), Internal Revenue Service. Other personnel from the Internal Revenue Service and the Treasury Department participated in their development.

List of Subjects in 26 CFR 1.61–1 through 1.281–4

Deductions, Exemptions, Income taxes, Taxable income.

Proposed Amendment to the Regulations

The proposed amendments to part 1 of title 26 of the Code of Federal Regulations are as follows:

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

Paragraph 1. The authority citation for 26 CFR part 1 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 * * * §1.108–2 also issued under 26 U.S.C. 108.

Par. 2. New § 1.108–2 is added to read as follows:

§ 1.108–2 Acquisition of indebtedness by a person related to the debtor.

(a) *General rules.* The acquisition of outstanding indebtedness by a person related to the debtor from a person who is not related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108) measured by reference to the fair market value of the indebtedness on the acquisition date. Income realized pursuant to the preceding sentence is excludible from gross income to the extent provided in section 108(a). The rules of this paragraph apply if indebtedness is acquired in a direct acquisition or if a holder of indebtedness becomes related to the debtor in an indirect acquisition.

(b) *Direct and indirect acquisitions*—(1) *Direct acquisition.* An acquisition of outstanding indebtedness is a direct acquisition if a person related to the debtor (or a person who becomes related to the debtor on the date the indebtedness is acquired) acquires the indebtedness from a person who is not related to the debtor.

(2) *Indirect acquisition*—(i) *In general.* An indirect acquisition is a transaction in which a holder of outstanding indebtedness becomes related to the debtor, if the holder acquired the indebtedness in anticipation of becoming related to the debtor.

(ii) *Indebtedness acquired in anticipation of relationship.* (A) A holder of indebtedness is treated as having acquired the indebtedness in anticipation of becoming related to the debtor if the holder acquired the indebtedness less than 6 months before the date the holder becomes related to the debtor.

(B) A holder of indebtedness is treated as having acquired the indebtedness in anticipation of becoming related to the debtor if, on the date the holder becomes related to the debtor, indebtedness of the debtor represents more than 25 percent of the fair market value of the total gross assets of the holder or more than 25 percent of the fair market value of the total gross assets of the holder group. Total gross assets do not include any cash, cash item, marketable stock or security, short-term indebtedness, option, futures contract, notional principal contract, or similar item (other than indebtedness of the debtor). In addition, in the case of the holder group, total gross assets do not include any ownership interest in or indebtedness of a member of the holder group. The holder group includes all persons who are both:

(*1*) Related to the holder before the holder becomes related to the debtor and

(*2*) Related to the debtor after the holder becomes related to the debtor.

(C) A holder of indebtedness is presumed to have acquired the indebtedness in anticipation of becoming related to the debtor if the holder acquired the indebtedness 6 months or more before the date the holder becomes related to the debtor but less than 24 months before that date. The holder may rebut this presumption by establishing to the satisfaction of the Commissioner that the acquisition of the indebtedness was not made in anticipation of becoming related to the debtor. In making this determination, all relevant facts and circumstances will be considered. For example, if a holder acquired the indebtedness in the ordinary course of its portfolio investment activities and the holder's acquisition of the indebtedness preceded any discussions concerning the acquisition of the holder, these facts, taken together, would ordinarily establish that the holder did not acquire the indebtedness in anticipation of becoming related to the debtor. The absence of discussions between the debtor and the holder, however, does not by itself establish that the holder did not acquire the indebtedness in anticipation of becoming related to the debtor. A holder is not treated as having acquired indebtedness in anticipation of becoming related to the debtor if the holder held the indebtedness for at least 24 months before the date the holder becomes related to the debtor and paragraph (b)(2)(ii)(B) of this section does not apply.

(D) The running of the holding periods set forth in paragraphs (b)(2)(ii) (A) and (C) of this section shall be suspended during any period in which the holder or any person related to the holder is protected (directly or indirectly) against risk of loss by an option, a short sale, or any other device or transaction. The suspension of any holding period shall be evidence (for purposes of paragraph (b)(2)(ii)(C) of this section) that the holder acquired the indebtedness in anticipation of becoming related to the debtor.

(E) For purposes of paragraphs (b)(2)(ii) (A) and (C) of this section, the period for which a holder held the debtor's indebtedness includes the period for which the indebtedness was held by a corporation to whose attributes the holder succeeded pursuant to section 381.

(3) *Treatment of holder in case of an indirect acquisition.* In the case of an indirect acquisition to which paragraph (a) of this section applies, the holder of the indebtedness shall be treated as if it sold the indebtedness to an unrelated party on the day before the acquisition date for an amount of money equal to the fair market value of the indebtedness on the acquisition date. Any loss realized is treated as not subject to section 1091. As a result of the deemed sale described in this paragraph (b)(3), the holder's basis in the indebtedness is the fair market value of the indebtedness on the acquisition date.

(c) *Definitions*—(1) *Acquisition date.* The acquisition date is the date a direct acquisition or an indirect acquisition occurs.

(2) *Relationship.* For purposes of this section, persons are considered related if they are related within the meaning of section 267(b) or 707(b)(1). However—

(i) Sections 267(b) and 707(b)(1) shall be applied as if section 267(c)(4) provided that the family of an individual consists of the individual's spouse, the individual's children, grandchildren, and parents, and any spouse of the individual's children or grandchildren, and

(ii) Two entities that are treated as a single employer under subsection (b) or (c) of section 414 shall be treated as having a relationship to each other that is described in section 267(b).

(d) *Exceptions*—(1) *Indebtedness retired within one year.* Paragraph (a) of this section does not apply to a direct acquisition or an indirect acquisition of indebtedness of the debtor with a stated maturity date on or before the date that is one year after the acquisition date, if the indebtedness is, in fact, retired on or before its stated maturity date.

(2) *Acquisitions by securities dealers.* (i) Paragraph (a) of this section does not apply to a direct acquisition or an indirect acquisition of indebtedness of the debtor acquired by a dealer in the ordinary course of the business of dealing in securities if—

(A) The dealer accounts for the indebtedness as a security held primarily for sale to customers in the ordinary course of business;

(B) The dealer disposes of the indebtedness (or it matures while held by the dealer) within a period consistent with the holding of the indebtedness for sale to customers in the ordinary course of business, taking into account the terms of the indebtedness and the conditions and practices prevailing in the markets for similar indebtedness during the period in which it is held; and

(C) The dealer does not sell or otherwise transfer the indebtedness to a person related to the debtor (other than in a sale to a dealer that in turn meets the requirements of this paragraph (d)(2)(i)).

(ii) A dealer will continue to satisfy the conditions of this paragraph (d)(2) with respect to indebtedness that is exchanged for successor indebtedness in a transaction in which unrelated holders also exchange indebtedness of the same issue, provided that the conditions of paragraph (d)(2)(i) are met with respect to the successor indebtedness.

(iii) For purposes of this paragraph (d)(2), if the period consistent with the holding of indebtedness for sale to customers in the ordinary course of business is thirty days or less, the dealer is considered to dispose of indebtedness within that period if the aggregate principal amount of indebtedness of that issue sold by the dealer to customers in the ordinary course of business (or that mature and are paid while held by the dealer) in the calendar month following the month in which the indebtedness is acquired equals or exceeds the aggregate principal amount of indebtedness of that issue held in the dealer's inventory at the close of the month in which the indebtedness is acquired. If the period consistent with the holding of indebtedness for sale to customers in the ordinary course of business is greater than thirty days, the dealer is considered to dispose of the indebtedness within that period if the aggregate principal amount of indebtedness of that issue sold by the dealer to customers in the ordinary course of business (or that mature and are paid while held by the dealer) within that period equals or exceeds the aggregate principal amount of indebtedness of that issue held in inventory at the close of the day on which the indebtedness was acquired.

(e) *Correlative adjustments*—(1) *General rule.* If a debtor realizes income from discharge of indebtedness under paragraph (a) of this section with respect to any indebtedness (whether or not the income is excludible under section 108(a)), the indebtedness shall be treated as new indebtedness issued by the debtor to the related holder on the acquisition date with an issue price equal to its fair market value (the "deemed issuance"). Under section 1273(a)(1), the excess of the stated redemption price at maturity (as defined in section 1273(a)(2)) of the indebtedness over its issue price is original issue discount, which, to the extent provided in section 163 and section 1272, is deductible by the debtor and includible in the gross income of the related holder.

(2) *Examples.* The following examples illustrate the application of this paragraph (e). In each example, all taxpayers are calendar-year taxpayers, no taxpayer is insolvent or under the jurisdiction of a court in a title 11 the gross income of the related holder.

Example 1. P, a domestic corporation, owns 70 percent of the single class of stock of S, a domestic corporation. S has outstanding indebtedness that has an issue price of $10,000,000 and provides for interest payments of 10 percent on December 31 of each year and a payment at maturity of $10,000,000. The indebtedness has a stated maturity date of December 31, 1994. On January 1, 1992, P purchases S's indebtedness from I, an individual not related to S within the meaning of paragraph (c)(2) of this section, for $9,000,000. The fair market value of the indebtedness on that date is $9,000,000. S repays the indebtedness in full at maturity.

(i) Under section 61(a)(12, section 108(e)(4), and paragraph (a) of this section, S realizes $1,000,000 of income from discharge of indebtedness on January 1, 1992.

(ii) Under paragraph (e)(1) of this section, the indebtedness is treated as issued to P on January 1, 1992, with an issue price of $9,000,000. Under section 1273(a), the $1,000,000 excess of the stated redemption price at maturity of the indebtedness ($10,000,000) over its issue price ($9,000,000) is original issue discount, which is includible in gross income by P and deductible by S over the remaining term of the indebtedness under sections 163(e) and 1272(a).

(iii) Accordingly, S deducts and P includes in income original issue discount, in addition to stated interest, as follows: In 1992, $321,697.52; in 1993, $333,196.33; and in 1994, $345,106.15.

Example 2. The facts are the same as in *Example 1*, except that on January 1, 1993, P sells S's indebtedness to J, who is not related to S within the meaning of paragraph (c)(2) of this section, for $9,400,000 in cash. J holds S's indebtedness to maturity. On January 1, 1993, P's adjusted basis in S's indebtedness is $9,321,697.52. Accordingly, P realizes gain in the amount of $78,302.48 upon the disposition. S and J continue to deduct and include the original issue discount on the indebtedness in accordance with Example 1. The amount of original issue discount includible by J is reduced as provided in section 1272(a)(7).

Example 3. The facts are the same as in *Example 1*, except that on February 1, 1992, (one month after P purchased S's indebtedness) S retires the indebtedness for an amount of cash equal to the fair value of the indebtedness. Assume that the fair market value is $9,026,808.13, which is the issue price of the indebtedness determined under paragraph (e) of this section ($9,000,000) plus the sum of the daily portions from January 1 through February 1 ($26,808.13). Section 1.61-12(c)(3) provides that if indebtedness is repurchased for a price that is exceeded by the issue price of the indebtedness plus the amount of discount already deducted, the excess is income from discharge of indebtedness. Therefore, S does not realize income from discharge of indebtedness. The result would be the same if P had contributed the indebtedness to the capital of S. Under section 108(e)(6), S would be treated as having satisfied the indebtedness with an amount of money equal to P's adjusted basis, and under section 1272(d)(2), P's adjusted basis is equal to $9,026,808.13.

Example 4. P, a domestic corporation, owns 70 percent of the single class of stock of S, a domestic corporation. On January 1, 1986, P issued indebtedness that has an issue price of $5,000,000 and provides for no stated interest payments and a payment at maturity of $10,000,000. The indebtedness has a stated maturity date of December 31, 1995. On January 1, 1992, S purchases P's indebtedness from K, a partnership not related to P within the meaning of paragraph (c)(2) of this section, for $6,000,000. The fair market value of the indebtedness on that date is $6,000,000, and the sum of its issue price and previously deducted original issue discount is $7,578,582.83. P repays the indebtedness in full at maturity.

(i) Under section 61(a)(12), section 108(e)(4), and paragraph (a) of this section, P realizes $1,578,582.83 in income from discharge of indebtedness ($7,578,582.83 minus $6,000,000) on January 1, 1992.

(ii) Under paragraph (e)(1) of this section, the indebtedness is treated as issued to S on January 1, 1992, with an issue price of $6,000,000. Under section 1273(a), the $4,000,000 excess of the stated redemption price at maturity of the indebtedness ($10,000,000) over its issue price ($6,000,000) is original issue discount, which is includible in gross income by S and deductible by P over the remaining term of the indebtedness under sections 163(e) and 1272(a).

(iii) Accordingly, P deducts and S includes in income original issue discount as follows: in 1992, $817,316.20; in 1993, $928,650.49; in 1994, $1,055,150.67; and in 1995, $1,198,882.64.

(f) *Effective Date.* This regulation applies to any transaction described in paragraph (a) of this section on or after March 21, 1991. Although this regulation is not proposed to apply to transactions before March 21, 1991, section 108(e)(4) is effective for any transaction after December 31, 1980, subject to the rules of section 7 of the Bankruptcy Tax Act of 1980 (Pub. L. 96-589, 94 Stat. 3389, 3411).

Fred T. Goldberg, Jr.,

Commissioner of Internal Revenue.

[FR Doc. 91-6904 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[INTL-116-90]

RIN 1545-AP30

Allocation of Charitable Contributions; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains a correction to the notice of proposed rulemaking (INTL-116-90), which was published in the **Federal Register** for Tuesday, March 12, 1991 (56 FR 10395). The proposed rules relate to the allocation and apportionment of charitable deductions and provide guidance needed to comply with the provisions of subchapter N of the Internal Revenue Code affecting taxpayers with foreign source income.

FOR FURTHER INFORMATION CONTACT: Carl Cooper, (202) 566-6795 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of this correction proposes to amend § 1.861-8(e) by adding new paragraph (e)(12).

Need for Correction

As published, the proposed regulations omitted a sentence in the preamble which is in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (INTL-116-90) which was the subject of FR Doc. 91-5586, is corrected as follows:

Paragraph 1. On page 10395, column 2, line 7 under the caption "Explanation of Provisions" in the preamble, the language "charitable contributions." should read "charitable contributions. These proposed regulations would apply for taxable years beginning after March 12, 1991."

Dale D. Goode,

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

[FR Doc. 91-6906 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[INTL-952-86]

RIN 1545-AM20

Allocation and Apportionment of Interest Expense; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to notice of proposed rulemaking.

SUMMARY: This document contains corrections to the notice of proposed rulemaking (INTL-952-86), which was published in the **Federal Register** for Tuesday, March 12, 1991 (56 FR 10397). The proposed rules relate to the allocation and apportionment of interest expense necessary for purposes of computing taxable income from sources within and without the United States.

FOR FURTHER INFORMATION CONTACT: Judity Cavell, (202) 566-6442 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The notice of proposed rulemaking that is the subject of these corrections contains proposed amendments to the temporary Income Tax Regulations (26 CFR part 1) under section 864(e) of the Internal Revenue Code of 1986.

Need for Correction

As published, the proposed regulations contain errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the proposed regulations (INTL-952-86) which was the subject of FR Doc. 91-5587, is corrected as follows:

Paragraph 1. On page 10398, column 3, line 5 of the preamble under the caption "Proposed Regulations § 1.861-1-10(e)", the language "the actual amount of its lending to" is removed and "the allowable amount of its lending to" added in its place.

§ 1.861-10 [Corrected]

Para. 2. On page 10400, column 2, § 1.861-10(e)(2)(vii)(A) is corrected to read as follows:

(A) Its related group indebtedness for the year does not exceed its allowable related group indebtedness for the immediately preceding year (as determined under paragraph (e)(2)(iii) of this section); or

§ 1.861-10 [Corrected]

Para. 3. On page 10403, column 3, the last paragraph of § 1-861-10(e)(10)(ii), immediately preceding paragraph (e)(10)(iii) of the same section, is corrected to read as follows:

X's related group indebtendness of $50,000 for 1990 is greater than its allowable related group indebtedness of $24,000 for 1989 (assuming a foreign base period ratio in 1989 of .12), and X's related group debt-to-asset ratio for 1990 is .20, which is greater than its foreign base ratio of .12 greater than the ratio of .10 described in paragraph (e)(2)(vi)(B) of this section. Therefore, X's excess related group indebtedness for 1990 remains at $20,000.

Dale D. Goode,

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

[FR Doc. 91-6907 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Part 1

[CO-90-90]

RIN 1545-AP28

Income from Discharge of Indebtedness—Acquisitions of Indebtedness by Persons Related to the Debtor; Hearing

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations under section 108(e)(4) of the Internal Revenue Code of 1986. New § 1.108-2 provides that the acquisition of outstanding indebtedness by a person related to the debtor results in the realization by the debtor of income from discharge of indebtedness (to the extent required by section 61(a)(12) and section 108) measured by reference to the fair market value of the indebtedness on the acquisition date.

DATES: The public hearing will be held on Monday, June 3, 1991, beginning at 10 a.m. Requests to speak and outlines of oral comments must be received by Monday, May 20, 1991.

ADDRESSES: The public hearing will be held in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines of oral comments should be submitted to: Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R, (CO-90-90), room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Bob Boyer of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-566-3935, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations that propose the addition of § 1.108-2 to part 1 of title 26 of the Code of Federal Regulations under section 108. The proposed regulations describe transactions subject to section 108(e)(4), provide exceptions to the application of section 108(e)(4) for debt maturing within one year of its acquisition and certain debt acquired by dealers in

securities, and provide "correlative adjustments" governing certain aspects of the tax treatment of the debtor's indebtedness after the acquisition. These proposed regulations appear in the proposed rules section of this issue of the Federal Register.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notice of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Monday, May 20, 1991, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by the questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be admitted beyond the lobby of the Internal Revenue Building until 9 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are received from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of Internal Revenue:

Dale D. Goode,

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

[FR Doc. 91-6908 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

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26 CFR Parts 1 and 301

[IA-015-90, IA-038-90, and IA-083-90]

RIN 1545-AO58, 1545-AO82, and 1545-AP34

Accuracy-Related Penalty; Penalty on Income Tax Return Preparers Who Understate Taxpayer's Liability on a Federal Income Tax Return or a Claim for Refund; and Disclosure of Tax Return Information for Purposes of Quality or Peer Review; Disclosure of Tax Return Information Due to Incapacity or Death of Tax Return Preparer; Public Hearing on Proposed Regulations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of public hearing on proposed regulations.

SUMMARY: This document provides notice of a public hearing on proposed regulations relating to accuracy-related penalty for negligence or disregard of rules or regulations, substantial understatement of income tax, and substantial (or gross) valuation misstatement under chapter 1 of the Internal Revenue Code; persons who prepare for compensation income tax returns and claims for refund; and rules governing the circumstances under which tax return information may be disclosed for purposes of conducting quality or peer reviews and disclosures necessitated due to a tax return preparer's in capacity or death, respectively.

DATES: The public hearing will be held on Monday, June 3, 1991, and will continue, if necessary, on Tuesday, June 4, 1991, through Friday, June 7, 1991, beginning at 10 a.m. Outlines of oral comments must be received by May 15, 1991.

ADDRESSES: The public hearing will be held in the Internal Revenue Service Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. The requests to speak and outlines or oral comment should be submitted to the Commissioner of Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Attn: CC:CORP:T:R, (IA-015-90); (IA-038-90); and/or (IA-083-90), room 4429, Washington, DC 20044.

FOR FURTHER INFORMATION CONTACT: Felicia A. Daniels of the Regulations Unit, Assistant Chief Counsel (Corporate), 202-566-3935, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under sections 6662, 6664, 6694 and 7216(b)(3) of the Internal Revenue Code. The proposed regulations appeared in the **Federal Register** for Monday, March 4, 1991, (56 FR 8943), (IA-015-90) and Monday, March 4, 1991, (56 FR 8959), (IA-038-90) and Friday, December 28, 1990, (55 FR 53313), (IA-083-90).

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR part 601) shall apply with respect to the public hearing. Persons who have submitted written comments within the time prescribed in the notices of proposed rulemaking and who also desire to present oral comments at the hearing on the proposed regulations should submit not later than Monday, May 15, 1991, an outline of the oral comments/testimony to be presented at the hearing and the time they wish to devote to each subject.

Each speaker (or group of speakers representing a single entity) will be limited to 10 minutes for an oral presentation exclusive of the time consumed by questions from the panel for the government and answers to these questions.

Because of controlled access restrictions, attendees cannot be permitted beyond the lobby of the Internal Revenue Building until 9 a.m.

An agenda showing the scheduling of the speakers will be made after outlines are receved from the persons testifying. Copies of the agenda will be available free of charge at the hearing.

By direction of the Commissioner of the Internal Revenue:

Dale D. Goode,

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

[FR Doc. 91-6906 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CCGD7-91-13]

Permanent Safety Zone; Festival of the Fourth, Ashley River, Charleston, SC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to establish a permanent safety zone around the river frontage of Brittlebank Park along the Ashley River for an annual Fourth of July firewords display.

The proposed regulations are effective on July 4 each year. Annual notice of these regulations will be published in the Seventh Coast Guard District Local Notice to Mariners. The safety zone is necessary to protect vessels in the vicinity from the hazards associated with the storage, preparation, and launching of the fireworks.

DATES: Comments must be received on or before May 6, 1991.

ADDRESSES: Comments should be mailed to Commanding Officer, U.S. Coast Guard Marine Safety Office, 196 Tradd Street, Charleston, SC 29401-1899. The comments and other materials referenced in this notice will be available for inspection and copying at this same address. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand delivered to this address

FOR FURTHER INFORMATION CONTACT: ENS Thomas J. Glynn, Port Operations Officer, U.S. Coast Guard Marine Safety Office, 196 Tradd Street, Charleston, SC 29401-1899 (803) 720-7702.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this rulemaking by submitting written views, data or arguments. Persons submitting comments should include their names and addresses, identify this notice (CGD7-91-13) and the specific section of the proposal to which their comments apply, and give reasons for each comment. The regulations may be changed in light of comments received. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will aid the rulemaking process.

Drafting Information

The drafters of this notice are ENS Thomas J. Glynn, project officer, U.S. Coast Guard Marine Safety Office, Charleston, SC, and, LT Genelle Tanos, project attorney, Seventh Coast Guard District.

Discussion of the Proposed Regulations

The Festival of the Fourth is an annual event celebrating the 4th of July in Charleston, SC. This event is held on July 4th at Brittlebank Park along the Ashley River. It includes a permanent safety zone from approximately 8 p.m. Eastern Daylight Time (EDT) until 10:30 p.m. e.d.t. during the fireworks display to protect vessels in the vicinity from the safety hazards associated with the storage, preparation, and launching of the fireworks.

Over the past several years, the Coast Guard has established a temporary emergency safety zone in order to protect vessels and personnel from the hazards associated with fireworks displays. Due to the size and nature of this event, the Coast Guard now feels that a permanent description of this event and the establishment of a permanent safety zone in the Code of Federal Regulations (CFR) would better serve the boating public by creating a more permanent reference. Notice of the date and time for this event will be published annually in the Seventh Coast Guard District Local Notice to Mariners and in the Federal Register.

This regulation is issued pursuant to 33 U.S.C. 1225 and 1231 as set out in the authority citation for all of part 165.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612 and it has been determined that the proposed rulemaking does not have sufficient Federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

This proposed regulation is considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 CFR 11034; February 26, 1979). The econoic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. This event is not expected to effect commercial activities on the Ashley River. Since the impact of this proposal is expected to be minimal, the Coast Guard certifies that if adopted, it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 165

Harbors, Marine Safety, Navigation (water), Security Measures, Vessels, Waterways.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 165 of Title 33 Code of Federal Regulations as follows:

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

Authority: 33 U.S.C. 1225, and 1231; 50 U.S.C. 191; 49 CFR 1.46; and 33 CFR 1.05-1(g), 6.04-1, 6.04-6, and 160.5.

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS [AMENDED]

2. Section 165.740 is added to read as follows:

§ 165.740 Safety Zone—Festival of the Fourth, Ashley River, Charleston, SC.

(a) The following area is a safety zone: An area in the Ashley River across its entire width along the river frontage of Brittlebank Park from the upper/northern U.S. Highway 17 Bascule Bridge to red nun buoy "6", centering at Latitude 32-47.2'N Longitude 79-57.8W. The fireworks will be launched from a barge moored in the Ashley River.

(b) The general regulations governing safety zones contained in 33 CFR 165.23 apply.

(c) The Captain of the Port Charleston, SC will notify the local maritime community of periods during which this safety zone will be in effect by publishing a notice in the Federal Register and the Seventh Coast Guard District Local Notice to Mariners.

Dated: March 11, 1991.

R.L. Storch, Jr.,

Captain, U.S. Coast Guard, Captain of the Port Charleston, South Carolina.

[FR Doc. 91-6364 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL MARITIME COMMISSION

46 CFR Chapter IV

[Docket No. 91-4]

Inquiry Concerning Use and Effect of Surcharges by Common Carriers and Conferences

AGENCY: Federal Maritime Commission.

ACTION: Notice of Inquiry.

SUMMARY: The Federal Maritime Commission solicits public comment on the use and effect of common carrier and conference surcharges. The information received will be used by the Commission for the purpose of determining whether agency regulatory action to address potential problems regarding surcharges is warranted.

DATES: Comments (original and fifteen copies) on or before May 21, 1991. Replies (original and fifteen copies) on or before June 5, 1991.

ADDRESSES: Send comments to: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523-5725.

FOR FURTHER INFORMATION CONTACT: Robert D. Bourgoin, General Counsel, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573 (202) 523-5740.

SUPPLEMENTARY INFORMATION: By separate order issued this date, the Federal Maritime Commission ("FMC" or "Commission") has denied Petition No. P3-90, the Petition for Rulemaking to Prescribe Standards for Terminal Handling Charge and Other Surcharges ("Petition") which was filed by the Agriculture Ocean Transportation Coalition ("AgOTC"). The Petition had proposed that the Commission amend its tariff and service contract rules at 46 CFR parts 580 and 581 to define surcharges and to prohibit the inclusion of any profit component in a surcharge. For reasons set forth in its Order Denying Petition, the Commission determined that AgOTC had neither presented a sufficient basis for a rulemaking proceeding nor proposed a workable solution to the problem

complained of. The Commission also decided to initiate the instant Notice of Inquiry ("Inquiry") to obtain further information on the subject of surcharges in order to determine whether regulatory action is warranted.

Surcharge Definition

The threshold issue of the Inquiry is the definition of "surcharge" itself, if only for the purposes of this proceeding. The Petition focused on terminal handling charges ("THCs") in its discussion of surcharges which it found troublesome. However, comments in response to the Petition's publication in the **Federal Register**, 55 FR 28,828, indicated that there is some controversy as to whether THCs are appropriately considered surcharges. Several comments had denied that carriers represent THCs as merely "pass-throughs" of charges assessed against carriers by marine terminal operators, and that THCs are actually reflective of a variety of costs.

Thus, the discussion of surcharges and their effects must begin with a clarification of terminology. The targets of the AgOTC Petition were those carrier and conference charges which are listed separately from the line-haul rate, and THCs in particular. AgOTC and supporters of the Petition appeared to consider all such charges to be surcharges. Opponents, however, stated that that term referred only to charges assessed by the carrier to recover expenses incurred by the carrier which were unanticipated or not within the carrier's control. There is also a likely difference of opinion as to whether charges cease to be considered surcharges if, though primarily intended or represented to be pass-throughs, they also include carrier services or are designed to produce carrier profits in addition to recovering carrier expenses.

For the purposes of this Inquiry, references to surcharges are in the broadest possible sense, and incorporate any charges broken out from the line-haul rate. However, to facilitate the Commission's analysis of responses to specific questions on the effect of surcharge-related practices, respondents are requested to specify whether their comments are applicable to the broad or rather a narrower category of surcharges. The Commission is not soliciting suggestions for a definition of the term surcharge in any general or abstract sense. But to the extent the term is employed in comments submitted in this proceeding, it is essential that commenters specify how they are using the term in the context of their comments.

Surcharge Issues

The AgOTC Petition and the comments in response criticized surcharges in a number of respects. Several contended that surcharges are a device by which carriers or conferences can increase total transportation costs without amending the actual freight rates in a tariff's rates and charges section. Those making this claim appeared to have two major objections, which are not necessarily mutually exclusive: That the resulting costs are too high, and that shippers are purposely left unaware what the total transportation charges will be. It was also argued that the surcharges which are assessed do not accurately represent the carrier costs purportedly passed through to the shipper. These parties contended that surcharges are generally understood in the shipping industry to cover carrier expenses which are not within the carrier's control and which cannot be foreseen with precision. Use of surcharges as a source of profit or as a substitute for hiking freight rates was said by some shippers to be a deceitful and unreasonable practice.

While surcharges generally have the effect of increasing transportation costs and complicating somewhat the shipper's determination of what those costs will be, this does not necessarily translate to violations of the shipping statutes administered by the Commission. The Commission is therefore seeking further information on the nature and use of surcharges, an explanation and illustration of any unlawful effects of surcharges, and any resulting injury caused to shippers. To this end, it is essential that respondents indicate whether they are differentiating among the various types of non-line-haul charges—e.g., accessorial or other service charges vis-a-vis cost recovery devices which are more traditionally regarded as surcharges—in their comments and proposals, and how they would define those differences.

Interested parties are requested to address the following questions:

1. Do carriers or conferences actually represent to shippers that surcharges are strictly "pass-throughs" of carrier expenses?
2. Does the breaking out of transportation costs into freight rates and surcharges obscure the ultimate costs? If so, how?
3. Will the Commission's Automated Tariff Filing and Information system alleviate any problems of hidden or difficult-to-compute charges?
4. Does the breaking out of transportation costs into freight rates and surcharges result in higher costs than if all the charges were lumped into the line-haul rate? If so, how?
5. In what way are THCs different from other types of surcharges, and what costs and/or services do THCs represent?
6. Do THCs vary by destination port or other variables which do not affect actual cost to the carrier? What is the explanation for such variances?
7. Is the use of surcharges peculiar to U.S.-foreign oceanborne commerce and tariffs filed with the Commission, or are they prevalent in foreign-to-foreign trades?
8. Does the use of surcharges result in an undue or discriminatory burden on U.S. exporters?
9. Does the use of surcharges undermine the purpose and effectiveness of the tariff system?
10. Are surcharges calculated to include profit margins?
11. Which types of surcharges are based solely on pass throughs and which include other pricing factors? What are those other factors?
12. Which types of surcharges are based on estimates and projections rather than immediately quantifiable expenses?
13. Are surcharges ever the subject of rate and service contract negotiations with shippers?
14. Are surcharges ever the subject of independent actions by conference member carriers?

Commenting parties are asked to accompany their submissions, where appropriate, with documents, factual examples, or descriptions of experience illustrating their remarks. Commenters are also requested to designate, where applicable, the statutory provisions alleged to be violated by any practices relating to surcharges.

Proposals for FMC Action

Should the Commission determine that unreasonable or otherwise unlawful practices exist which warrant FMC rulemaking, a wide range of possible regulatory actions could be considered. AgOTC's proposal to prohibit the inclusion of a profit margin in a carrier or conference surcharge was dismissed as fundamentally flawed in the FMC's Order Denying Petition. The Commission questioned how "profit margins" were to be computed, and whether surcharges based on good faith estimates and projections could reasonably be expected never to exceed actual compensation for carrier expenses.

Other potential proposals addressing specific objectives may be more practical. To the extent an objective

may be to provide a better understanding to shippers of what surcharges represent, one approach might be to require carriers and conferences to explain the methodology used to compute their surcharges. Another approach could be an FMC-imposed time limit on all surcharges, after which point they would expire, or be rolled into the line haul rate. Surcharges could be prohibited altogether so that the line-haul rate would be all-inclusive. Or, the Commission could require all surcharges to be lumped together into one charge, or that surcharges be physically located in one uniform place in a tariff.[1]

To this end, interested parties are requested to comment on the need, feasibility and statutory authority for any possible rulemaking proposals addressing the issue of surcharges, which are by no means limited to those mentioned above.

In anticipation that some such rulemaking proceedings may be urged, the Commission also solicits responses to the following specific questions:

1. Why are the Commission's complaint procedures not an adequate mechanism to address these problems?

2. Would a requirement that carriers explain how surcharges are computed satisfy complaints that shippers are unaware of what the surcharges represent?

3. Is it feasible to require carriers and conferences to explain the methodology employed to establish a surcharge? Would this involve disclosure of any sensitive financial information?

Interested parties are particularly urged to take advantage of the opportunity to reply in the second round of comments. This will provide the Commission some industry input regarding suggestions made in the initial round, particularly on specific proposals for regulatory action. Submissions for the second round shall be limited to replies to initial comments.

To facilitate the filing of reply comments parties filing initial comments will be required to serve a copy of their comments on all other commenters. The Secretary of the Commission will provide a service list for this purpose shortly after completion of the initial round of comments. Reply comments also shall be served on initial round commenters.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-6775 Filed 3-21-91; 8:45 am]

BILLING CODE 6730-01-M

[1] These approaches would appear to be consistent with the Commission's authority in section 8(f) of the Shipping Act of 1984 ("1984 Act") to prescribe by regulation the form and manner in which tariffs are published and filed. 46 U.S.C. app. 1707(f). The Commission has exercised this authority as necessary to further the objectives of the 1984 Act, including to discourage practices which would violate the Prohibited Acts listed in section 10 of the Act, *id.* at 1709. The Commission is mindful, however, that it is generally not empowered to set or approve rates *per se*.

DEPARTMENT OF DEFENSE

Department of the Air Force

48 CFR Chapter 53

Air Force Systems Command Federal Acquisition Regulation; Supplement Clause: Total System Performance Responsibility (TSPR)

AGENCY: Department of the Air Force, DOD.

ACTION: Proposed rule.

SUMMARY: The Air Force Systems Command (AFSC) TSPR clause is used in contracts for large complex development work, which involves the integration of subsystems that are developed under other government contracts. The clause ensures that design requirements are clearly recognized and that the design of subsystems, which are developed under other government contracts, are compatible with the system.

DATES: Comments must be received by April 22, 1991 to be considered in the final rule.

ADDRESSES: AFSC/PKCP, ATTN: Carolyn Carrick, Andrews AFB DC 20334-5000.

FOR FURTHER INFORMATION CONTACT: Carolyn Carrick, telephone 301-981-4022.

SUPPLEMENTARY INFORMATION:

A. Background

During the Defense Management Review (DMR) several industry groups requested that the Air Force reconsider use of the TSPR clause. In response to this request, Air Force Systems Command is reconsidering use of the clause and if the clause should be changed. The clause is being published for public comment to facilitate this review. All comments will be considered in developing a final clause, which will be submitted for approval to the Director, Defense Procurement (OUSD(A) (DP)).

B. Regulatory Flexibility Act

Since the clause is used in large, complex development contracts, it does not have a significant effect on small entities.

C. Paperwork Reduction Act

This clause does not require collection of information as defined in 44 U.S.C. chapter 35.

List of Subjects in 48 CFR Chapter 53

Government procurement.

Therefore, it is proposed to amend title 48 of the Code of Federal Regulations chapter 53 by adding appendix B to include part AFSC 5317 and part AFSC 5352 to read as follows:

APPENDIX B TO CHAPTER 53—AIR FORCE SYSTEMS COMMAND FEDERAL ACQUISITION REGULATION SUPPLEMENT

Subchapter C—Contracting Methods and Contract Types

Part AFSC 5317 Special Contracting Methods.

Subchapter H—Clause and Forms

AFSC 5352 Solicitation Provisions and Contract Clauses.

SUBCHAPTER C—Contracting Methods and Contract Types

PART AFSC 5317 SPECIAL CONTRACTING METHODS

Authority: 5 U.S.C. 301 and FAR 1.301.

Subpart 5317.90—Total System Performance Responsibility AFSC 5317.9001—Total System Performance Responsibility Clause (TSPR)

Contracting officers shall consider use of the TSPR clause in solicitations and contracts for large complex development work, which involves the integration of subsystems that are developed or being developed under other government contracts. The contracting officer may tailor the clause as appropriate.

Subchapter H—Clauses and Forms

PART AFSC 5352 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Authority: 5 U.S.C. 301 and FAR 1.301.

Subpart 5352.2—Texts of Provisions and Clauses

AFSC 5352.217-9001 Total System Performance Responsibility.

As prescribed at AFSC 5317.9001, insert the following clause substantially as written:

Total System Performance Responsibility (Date)

(a) By executing this contract, the contractor agrees to assume Total System Performance Responsibility (TSPR) for *System Name* in accordance with the

requirements of the specifications for CLIN(s) *Numbers* as stated in Attachment _____ to this contract. These specifications set forth the performance requirements of the *System Name* Notwithstanding any conflict or inconsistency which may exist between the performance requirement achievements and adherence to the contractor's proposed design for the *System Name*, the contractor agrees that the system to be delivered in this contract shall, as a minimum, meet the specification performance requirements.

(b) The contractor's responsibilities for TSPP are as follows (list specific responsibilities and relate them directly to specification references):

(1)

(2)

(x)

(c) The contractor agrees that the incorporation into the *System Name* of Government Furnished Property (GFP) and Services as set forth in section _____ does not provide relief to the TSPR requirement and that:

(1) The contractor shall given written concurrence in the design or performance characteristics of the GFP within thirty (30) days after delivery to the contractor or subcontractor;

(2) The contractor shall give written concurrence in each change affecting the design or performance characteristics made by the government to the GFP; or

(3) If the contractor does not concur in the design or performance characteristics, inspection and acceptance procedures, or changes to the design or performance characteristics of the GFP, the contractor agrees to provide the government (within thirty (30) days of GFP delivery to the contractor or subcontractor) a list of the deficiencies in the GFP and the impact on cost, schedule and performance of this contract, in accordance with the Government Property clause in SECTION I, Contract Clauses. The contractor should also provide recommended solutions and courses of actions needed to correct deficiencies. Failure of the contractor to notify the government within the established time, as required by this clause, shall be considered as contractor concurrence and shall relieve the government from any claims, from late or defective GFP, being submitted by the contractor at a later date which would necessitate an equitable adjustment.

(d) The contractor acknowledges that it has no right to any claim or demands against the Government, its officers, agents, or employees, with respect to the specifications in effect on the contract award date (i) based upon impossibility of performance; defective, inaccurate, infeasible, insufficient or invalid specifications; implied warranties of suitability of specifications or (ii) otherwise derived from the specifications, and waives any claims or demands that might otherwise arise.

(e) Regardless of the Changes clause or any other clause of the contract, no specifications changes proposed by the contractor to achieve performance requirements shall entitle the contractor to any increase in the total target cost, total target fee, or total price amounts established in SECTION B, or to any extensions in the delivery schedule established in SECTION F.

(End of Clause)

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91-6718 Filed 3-21-91; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Findings and Commencement of Status Reviews for Seven Petitions To List Five Species as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces 90-day findings on pending petitions to add five species to the Lists of Endangered and Threatened Wildlife and Plants. Seven petitions to list five species have been found to present substantial information indicating that the requested actions may be warranted. Through issuance of this notice, the Service is commencing a formal review of the status of these species

DATES: The findings announced in this notice were made in January and February, 1991. Comments and materials related to these petition findings may be submitted to the Assistant Regional Director at the above address until further notice.

ADDRESSES: Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, Oregon 97232. The petitions, findings,supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Karla Kramer, Listing Coordinator, at the above address (503/231-6131 or FTS 429-6131).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C 1531 et seq.) (Act), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register.** If the Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiates a status review on that species. The Service announces 90-day findings on seven petitions to list five species as endangered or threatened. The Service therefore, initiates or continues status reviews on two birds (coastal population of the cactus wren and California gnatcatcher), one fish (tidewater goby), one damselfly (San Francisco forktail damselfly), and one snake (giant garter snake). Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned actions are warranted, within 1 year of the receipt of a petition that presents substantial information.

On September 21, 1990, the Service received two petitions to list the San Diego cactus wren (*Campylorhynchus brunneicapillus sandiegensis*) as an endangered species. Mr. David Hogan, of the San Diego Biodiversity Project, submitted a petition dated September 18, 1990, and Mr. Kenneth Weaver, President, Palomar Audubon Society, submitted a petition dated September 17, 1990. The petitioners stated that *C. b. sandiegensis* is imperiled because its current population size is very low; essential habitat is greatly diminished, fragmented, and is subject to continued widespread destruction; and existing regulatory mechanisms for protection are inadequate.

The currently accepted taxonomy of the cactus wren, as reflected in the Checklist of North American Birds, recognizes only one subspecies, *Campylorhynchus brunneicapillus couesi*, within the United States (American Ornithologists' Union 1957). This subspecies includes both coastal and interior populations from southern California, southern Nevada, southwestern Utah, south-central Arizona, southern New Mexico, and central and southern Texas south to northern Baja California and central Mexico. Rea (1986) published a description of *C. b. sandiegensis;* however the American Ornithologists' Union Committee on Classification and Nomenclature has not accepted this change (Dr. Burt Monroe, pers. comm.). The range of the coastal population of *C. b. couesi* is inclusive of the range of Rea's *C. b. sandiegensis.* Because the

taxonomy of the San Diego cactus wren has not been accepted by the American Ornithologists' Union, the Service is treating the petitions to list *C. b. sandiegensis* as petitions to list the coastal population of *C. b. couesi.*

The coastal population of *C. b. couesi* occupies a disjunct geographic range extending from southern Ventura County, California south to northwestern Baja California. Mexico. This coastal population of *C. b. couesi* occurs in coastal sage scrub vegetation containing thickets of coastal cholla and/or prickly pear cactus. Although this plant community once covered about 2.5 million acres of California (Barbour and Major 1988), recent estimates indicate that 85 to 90 percent has been destroyed by urban and agricultural development which continues to rapidly expand (Westman 1981a.b) The same factors are influencing the status of coastal sage scrub vegitation in northwestern Baja California, Mexico. The current distribution of this bird is highly fragmented and most populations consist of only a few pairs. As of spring 1990, about 200 pairs were estimated to occur in San Diego County; only 5 of 46 sites were known to support more than 5 pairs. In southern Orange County, most wrens are found along the mid-section of San Juan Creek and its northwestern tributaries. At least 50 pairs are known to occur at this locality. The status of cactus wrens in central and northern Orange County and Ventura County is unknown. In Baja California, fewer than 10 pairs are present near Tecate. This is the only currently known area of occurrence for this wren south of the United States border. The Service finds that the petitions to list *C. b. couesi* present substantial information indicating that the requested action may be warranted because of this species' low population numbers, limited distribution. and threats to its habitat.

On September 21, 1990, the Service received two petitions to list the California gnatcatcher (*Polioptila californica californica*) as an endangered species. Mr. David Hogan, of the San Diego Biodiversity Project, submitted a petition dated September 18, 1990, and Mr. Kenneth Weaver, President, Palomar Audubon Society. submitted a petition dated September 17, 1990. The petitions described the California gnatcatcher as imperiled because its current population size is very low; essential habitat is greatly diminished. fragmented. and subject to continued widespread destruction; and existing regulatory mechanisms for protection are inadequate.

The *californica* subspecies of the California gnatcatcher (formerly the California black-tailed gnatcatcher, *Polioptila melanura californica*) is restricted to the coastal slopes of southern California and northern Baja California, Mexico from Los Angeles County (formerly Ventura and San Bernardino Counties) south to about 30 degrees north latitude. The California gnatcatcher exhibits a strong affinity to coastal sage scrub vegetation dominated by California sagebrush. Although this plant community once covered about 2.5 million acres of California (Barbour and Major 1988), recent estimates indicate that 85 to 90 percent has been destroyed as a result of urban and agricultural development (Westman 1981a.b). Continued expansion of urban populations and agricultural development throughout the range of the California gnatcatcher adversely affects the remaining acres of habitat.

Atwood (1980) estimated that no more than 1,000 to 1,500 pairs of the California gnatcatcher remained in the United States. He also noted that remnant portions of its habitat were highly fragmented with nearly all being bordered on at least one side by rapidly expanding urban centers. Subsequent reviews of California gnatcatcher status by Garrett and Dunn (1981) and Unitt (1984) have paralleled the findings of Atwood (1980). The status of the California gnatcatcher in Mexico is unclear. The continued expansion of urban populations and agricultural development in northern Baja California, coupled with the lack of existing regulatory mechanisms adequate to protect coastal sage scrub habitat, is likely to dramatically influence the status of the California gnatcatcher in Mexico. The Service finds that because of limited distribution, low population numbers, and threats to the California gnatcatcher's habitat, the petition to list this bird presents substantial information indicating that the requested action may be warranted. The California gnatcatcher has been classified by the Service as a category 2 candidate species since the publication of the 1982 Review of Vertebrate Wildlife (47 FR 58454). Category 2 candidates are taxa for which information now in possession by the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support a proposed rule. The Service has been soliciting status information from the public on the California gnatcatcher since 1982 and continues to solicit biological data on this species with the announcement of this finding.

On October 24, 1990 the Service received a petition from Dr. Camm Swift, Associate Curator of Fishes, Natural History Museum of Los Angeles County, to list the tidewater goby (*Eucyclogobius newberryi*), as endangered. The tidewater goby has been classified by the Service as a category 2 candidate species since 1982 (47 FR 58454).

The tidewater goby is discontinuously distributed throughout coastal California and is restricted to the low salinity habitats of upper estuaries and lagoons. Museum records referenced by the petitioner document the tidewater goby as having once occurred from 90 coastal sites in California. Twenty-two of those populations were extirpated by 1984. The petitioner reported that by 1989, local extirpations had occurred at 21 additional sites rangewide. An additional three populations were extirpated during 1990. Based on the most recent data available to the petitioner, only 43 localities remain today, many of which are threatened by a variety of both human and natural factors. The local extirpations reported by the petitioner since 1984 represent a 35 percent decline in populations of tidewater goby.

The petitioner stated that a number of factors continue to threaten the tidewater goby in upper estuaries and lagoons in California. Those include (1) Deterioration of isolated, ephemeral, coastal lagoon habitats due to continued drought conditions; (2) increased water diversions that threaten both the supply and quality of water in coastal lagoons; (3) heightened threats from native predators (i.e. the Sacramento perch) and/or non-native and introduced predators (i.e. the striped bass); (4) the inability of the goby to recolonize once eliminated from a site; (5) proposed coastal development projects; and (6) continued flood control activities in coastal lagoons. All information currently available to the Service confirms the claims presented by the petitioner. As a result. the Service finds that the petition to list the tidewater goby presents substantial information indicating that the action requested may be warranted.

On September 10, 1990, the Service received a petition from Ms. Diana Caughlan to list the San Francisco forktail damselfly (*Ischnura gemina*) as an endangered species. The petition stated that the San Francisco forktail damselfly merits protection under the Act because the animal is in jeopardy

from a proposed development in San Mateo County, California.

The range of this species includes much of the San Francisco Bay area from Point Reyes National Seashore south to San Jose and then north to western Alameda County. The Service contracted with Dr. John Hafernik of San Francisco State University to conduct a status survey for this species in 1988. This study concluded that of the 37 known breeding colonies, 11 have been eliminated, 21 persist in highly altered wetlands that are subject to considerable alteration and pollution, and 5 are reasonably secure (Hafernik 1989). Threats to the San Francisco forktail damselfly include habitat alteration due to cleaning flood control channels, installing underground culverts, and stream channelization. Drought caused by natural or human-related factors may also pose a threat. Dr. Hafernik also speculated that hybridization between the San Francisco forktail damselfly and a more widespread damselfly species may be occurring in locations that have experienced significant human disturbance (Hafernik 1989). The Service finds that, because of limited distribution, low population numbers, and threats to the San Francisco forktail damselfly's habitat, the petition to list this species presents substantial information indicating that the requested action may be warranted. The San Francisco forktail damselfly has been classified by the Service as a category 1 candidate species since 1984 (49 FR 21664). A category 1 candidate is a species for which the Service currently possesses sufficient information on biological vulnerability and threats to support a proposed rule.

On September 21, 1990, the Service received a petition from the President of the California-Nevada Chapter of the American Fisheries Society to list the giant garter snake (*Thamnophis gigas*) as an endangered species. This species has been classified by the Service as a category 2 candidate species since 1985 (50 FR 37958).

The giant garter snake historically occurred from Buena Vista Lake Basin near Bakersfield, California, north to the vicinity of Chico in Butte County. This species has been eliminated from approximately one-fourth of its historic range and presently only occurs in localized patches of suitable habitat. The species occurs in ponds or slow-moving, shallow bodies of water with emergent vegetation such as cattails and bulrush. The petition stated that the giant garter snake merits protection under the Act because the animal has experienced significant losses of habitat and populations, and a reduction in its range. The petition also stated that the species has been virtually eliminated from the San Joaquin Valley by intensive agricultural operations. Cumulatively, over 98 percent of the wetland and riparian habitats existing throughout the former range of the giant garter snake have been eliminated. The petition contended that virtually all currently occupied habitats are imminently threatened by a variety of proposed and ongoing human actions. In addition, the introduction of large game fish, such as striped bass and crappie, throughout the species' historical range may prevent reestablishment of populations in otherwise suitable habitats. These introduced fish prey on small and medium-sized snakes and thus reduce the reproductive potential of the garter snake. The Service finds that because of limited distribution and threats to this species' habitat, the petition to list the giant garter snake presents substantial information indicating that listing may be warranted.

With the publication of these findings, the Service initiates or continues a formal status review for each of the above species. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of these species.

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Author

This notice was prepared by Larry Salata (Laguna Niguel Field Station), Pete Sorenson and Chris Nagano (Sacramento Field Station), Donna Brewer (Ventura Field Station), and Elizabeth Sharpe and Leslie Propp (Portland Regional Office).

List of Subjects in 50 CFR Part 17

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

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

Dated: February 22, 1991.

Richard N. Smith,

Deputy Director, U.S. Fish and Wildlife Service.

[FR Doc. 91–6787 Filed 3–21–91; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672 and 675

[Docket No. 910223–1023]

Groundfish of the Gulf of Alaska; Groundfish of the Bering Sea and Aleutian Islands Area

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

ACTION: Notice of proposed amendment to Observer Plan; proposed rule; request for comments.

SUMMARY: NOAA proposes to amend the domestic fisheries Observer Plan for the groundfish fisheries in the Gulf of Alaska and in the Bering Sea/Aleutian Islands area and the regulations implementing that Plan. The amendments would: (1) Delete the annual criteria but not the monthly criteria for shoreside processing facilities; (2) impose the same observer coverage criteria for mothership processor vessels as is required for shoreside processing facilities; (3) delete the vessel length criteria for observer coverage requirements for mothership processor vessels but not for catcher/processor or catcher vessels; (4) allow NMFS to release to the public observer estimated bycatch rates of prohibited species by target fishery on an individual vessel basis; and (5) extend the duration of NMFS certification of an observer contractor indefinitely unless

revoked by NMFS for reasons specified in the Observer Plan or because of changes made to the Observer Plan that no longer require NMFS certified observer contractors. The intended effect of this action is to promote the fishery management objectives of the Gulf and Bering FMPS.

DATES: Comments are invited until April 3, 1991.

ADDRESSES: Comments may be sent to Steven Pennoyer, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, Alaska 99802, or be delivered to the Federal Building Annex, Suite 6, 9109 Mendenhall Mall Road, Juneau, Alaska 99801. Copies of the environmental assessment/regulatory impact review (EA/RIR) and the Observer Plan may be obtained from either of the aforementioned addresses.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Management Biologist, NMFS), 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The domestic and foreign groundfish fisheries in the Exclusive Economic Zone (EEZ) of the Gulf of Alaska (GOA) and Bering Sea and Aleutian Islands (BSAI) areas are managed by the Secretary of Commerce (Secretary) according to the Fishery Management Plans (FMPs) for Groundfish of the Gulf of Alaska (Gulf FMP) and for Groundfish of the Bering Sea/Aleutian Islands (Bering FMP). These FMPs were prepared by the North Pacific Fishery Management Council (Council) and approved by the Secretary under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act). The FMPs are implemented by regulations for the foreign fisheries at 50 CFR 611.92 and 611.93 and for the U.S. fisheries at 50 CFR parts 672 and 675. General regulations that also pertain to the U.S. fisheries appear at 50 CFR part 620.

The Secretary approved Amendments 13 and 18 under section 304(b) of the Magnuson Act on November 1, 1989. Those amendments include certain management measures that are listed in the final rule published at 54 FR 50386 (Dec. 6, 1989). One of the measures authorizes a comprehensive domestic fishery observer program. An Observer Plan to implement provisions of this program was prepared by the Secretary in consultation with the Council and implemented by NOAA, effective February 7, 1990, (55 FR 4839, Feb. 12, 1990.

The Observer Plan imposes responsibilities on NMFS, vessel operators, managers or shoreside processing facilities, and NMFS-certified contractors who provide observers to groundfish fishing vessels and shoreside processors. The Observer Plan also describes observer qualifications, standards of observer conduct, conflict of interest standards for observers and contractors, and reasons for revoking contractor or observer certification.

At its September 24-29, 1990, meeting, the Council received recommended changes to the Observer Plan from its Scientific and Statistical Committee, its Advisory Panel, and NMFS staff, and asked for public testimony on the recommendations. The council reviewed the recommendations and public testimony and, at its December 3-7, 1990, meeting, recommended several changes to the Observer Plan. These changes and one additional change are presented in this proposed rule.

The intended effect of this action is to promote the fishery management objectives of the Gulf and Bering FMPs. While not all the mandatory provisions of the Observer Plan that are applicable to vessels and shorebased processing plants are included in the existing regulations and the proposed new regulatory text, they will be included in the regulatory text as amended by the final rule.

A description of, and reasons for, the proposed amendments are as follows:

Criteria for Observer Coverage Requirements for Shoreside Processing Facilities

The proposed amendments would make processors determine monthly, rather than yearly, their need for observer coverage for the upcoming month. Currently there are, and will continue to be, three triggering criteria for observer coverage. The criteria for shoreside processors are based on the amount of groundfish in metric tons received and retained, calculated in round weights equivalents. The criteria are 1,000 mt or more of groundfish, 500 mt to 1,000 mt of groundfish, and less than 500 mt of groundfish per month. If a processor will receive and retain 1,000 mt of groundfish or more during the upcoming month, the processor is required to have an observer for each day the processor receives and retains groundfish during that month. If the processor will receive and retain 500 mt to 1,000 mt of groundfish during the upcoming month, the processor is required to have an observer for 30 percent of the days of that month during which the processor receives and retains groundfish. Finally, shoreside processing facilities that will receive and retain less than 500 mt of groundfish during the upcoming month do not have to have an observer unless required by the Regional Director. The changes to monthly forecasting rather than yearly forecasting recognize the impracticality of trying to predict the entire year in advance of a processor's groundfish receipts and facilitates compliance.

Criteria for Observer Coverage for Mothership Processor Vessels

The existing Observer Plan requires all federally permitted mothership processor vessels that are 125 feet in length overall or longer to carry an observer at all times when participating in a fishery. Mothership vessels from 60 through 124 feet in length overall are required to carry an observer during 30 percent of their fishing days expended during fishing trips in each calendar quarter of the year in which they fish more than 10 days. This high level of required observer coverage is not needed because mothership processor vessels are similar to shoreside processing facilities and different from other vessels that are capable of catching groundfish and that have more of an opportunity to sort and discard species. The same monthly requirements for observer coverage are proposed for mothership processor vessels as for shoreside processing facilities and would delete the vessel length requirements for observer coverage for mothership processor vessels. The vessel length requirements for observer coverage would continue to apply to catcher vessels and catcher/processor vessels.

NMFS Release of Observer Estimated Bycatch Rates of Prohibited Species for Public Information

Observer data are administratively confidential under the Gulf and Bering FMPs. Currently, observer data, on an individual vessel basis, may be released to the public only if the vessel owner authorizes the release. Release of observer data on vessel bycatch rates could be an incentive for other vessels to fish with lower bycatch rates by avoiding areas containing large amounts of prohibited species. Therefore, it is proposed to amend the Observer Plan to allow NMFS to release observer estimated bycatch rates of prohibited species by target fishery for individual vessels possessing a Federal groundfish permit. This also would allow NMFS to publish data throughout the fishing year, showing areas of high and low bycatch rates of prohibited species by groundfish target fishery, without regard to the

number of vessels reporting from the area. Currently, a limitation exists when data have to be aggregated if fewer than three vessels report, in order to obscure individual vessel rates. Release of information on bycatch rates of prohibited species would not reveal information on amounts of groundfish catch from targeted fisheries.

Extension of NMFS Certification of Observer Contractors

The Observer Plan needs to be amended to extend the certification time period for observer contractors. Under the Observer Plan, NMFS certification expired at the end of 1990 although certification was extended for a 6-month period until June 30, 1991. Therefore, NMFS proposes to extend the certification period for observer contractors indefinitely, unless revoked by NMFS. In addition to the criteria specified in the Observer Plan for revoking NMFS certification of an observer contractor, another criterion is added that specifies that if changes are made to the Observer Plan that no longer require NMFS certified observer contractors, their certification may be revoked. Major changes to the Observer Plan are expected to take place by the beginning of 1992 to comply with recent amendments to the Magnuson Act.

Classification

The Assistant Administrator for Fisheries, NOAA, (Assistant Administrator) has determined that the proposed amendments to the Observer Plan and implementing regulations are necessary for the conservation and management of the groundfish fishery off Alaska, and are consistent with the Magnuson Act and other applicable law.

The Alaska Region, NMFS, prepared an EA/RIR for this rule. Comments are requested on the environmental effects that would occur as a result of this rule. A copy of the EA/RIR is available from the Regional Director at the above address.

The Assistant Administrator has initially determined that this rule is not a major rule requiring the preparation of a regulatory impact analysis under Executive Order 12291. This rule is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individuals, industries, Federal, state or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities. The modification of requirements for observer coverage by shoreside processing facilities and mothership processing vessels will provide for more uniformity of application of these requirements to the affected processing facilities, but will not reduce significantly the cost of necessary observer coverage. Requiring vessel owners to agree that their observed bycatch rates of prohibited species can be released as public information will not change the costs of record keeping and reporting to those vessel owners. Indefinite extension of the duration of NMFS certification of an observer contractor will have no economic effect on the owners of processing facilities affected by the Observer Plan. Accordingly, preparation of a regulatory flexibility analysis is not required under the Regulatory Flexibility Act.

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

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

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

List of Subjects in 50 CFR Parts 672 and 675

Fisheries, Fishing vessels, Reporting and recordkeeping requirements.

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

Dated: March 18, 1991.

Michael F. Tillman,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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

PART 672—GROUNDFISH OF THE GULF OF ALASKA

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

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

2. Section 672.2 is amended by adding the definitions of *catcher/processor vessel* and *mothership processor vessel* in alphabetical order to read as follows:

§ 672.2 Definitions.

* * * * *

Catcher/processor vessel means a processor vessel which is not used for, or equipped to be used for, catching fish.

* * * * *

3. In § 672.27, paragraph (c)(1) is revised, and new paragraph (f) is added, to read as follows:

§ 672.27 Observers.

* * * * *

(c) * * * (1) *Compliance by operators of vessels.* (i) An operator of a vessel subject to this part must carry a NMFS certified observer on board the vessel whenever fishing or processing operations are conducted, if the operator is required to do so by the Regional Director.

(ii) Notwithstanding paragraph (c)(1)(i) of this section, observer coverage is required as follows:

(A) A mothership processor vessel of any length that receives and retains 1,000 mt or more, calculated in round weight equivalents, or groundfish during a calendar month is required to have a NMFS certified observer on board the vessel each day it receives and retains groundfish during that month.

(B) A mothership processor vessle of any length that receives and retains from 500 mt to 1,000 mt, calculated in round weight equivalents, of groundfish during a calendar month is required to have a NMFS certified observer on board the vessel at least 30 percent of the days it receives and retains groundfish during that month.

(2) *Compliance by managers of shoreside processing facilities.* (i) A manager of a shoreside processing facility that receives and retains groundfish from vessels regulated under this part must have a NMFS certified observer present at the facility whenever groundfish is received and retained, if the manager is required to do so by the Regional Director.

(ii) Not withstanding paragraph (c)(2)(i) of this section, observer coverage is required as follows:

(A) A shoreside processing facility that receives and retains 1,000 mt or more, calculated in round weight equivalents, of groundfish during a calendar month is required to have a NMFS certified observer present at the facility each day it receives and retains groundfish during that month.

(B) A shoreside processing facility that receives and retains 500 mt to 1,000 mt, calculated in round weight equivalents, of groundfish during a

calendar month is required to have a NMFS certified observer present at the facility at least 30 percent of the days it receives and retains groundfish during that month.

* * * * *

(f) *Observer contractor certification.* (1) NMFS certification of an observer contractor is valid indefinitely unless revoked by NMFS.

(2) NMFS certification of an observer contractor can be revoked if changes are made to the Observer Plan that no longer require NMFS certified observer contractors.

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

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

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

5. Section 675.2 is amended by adding the definitions of *catcher/processor vessel* and *mothership processor vessel* in alphabetical order to read as follows:

§ 675.2 Definitions.

* * * * *

Catcher/processor vessel means a processor vessel which is used for, or equipped to be used for, catching fish.

* * * * *

Mothership processor vessel means a processor vessel which is not used for, or equipped to be used for, catching fish.

* * * * *

6. In § 675.25, paragraph (c)(1) is revised, paragraph (c)(2) is revised, and new paragraph paragraph (f) is added, to read as follows:

§ 675.25 Observers.

* * * * *

(c) * * * (1) *Compliance by operators of vessels.* (i) An operator of a vessel subject to this part must carry a NMFS certified observer on board the vessel whenever fishing or processing operations are conducted, if the operator is required to do so by the Regional Director.

(ii) Notwithstanding paragraph (c)(1)(i) of this section, observer coverage is required as follows:

(A) A mothership processor vessel of any length that receives and retains 1,000 mt or more, calculated in round weight equivalents, of groundfish during a calendar month is required to have a NMFS certified observer on board the vessel each day it receives and retains groundfish during that month.

(B) A mothership processor vessel of any length that receives and retains 500 mt to 1,000 mt, calculated in round weight equivalents, of groundfish during a calendar month is required to have a NMFS certified observer on board the vessel at least 30 percent of the days it receives and retains groundfish during that month.

(2) *Compliance by managers of shoreside processing facilities.* (i) A manager of a shoreside processing facility that receives and retains groundfish from vessels regulated under this part must have a NMFS certified observer present at the facility whenever groundfish is received and retained, if the manager is required to do so by the Regional Director.

(ii) Notwithstanding paragraph (c)(2)(i) of this section, observer coverage is required as follows:

(A) A shoreside processing facility that receives and retains 1,000 mt or more, calculated in round weight equivalents, of groundfish during a calendar month is required to have a NMFS certified observer present at the facility each day it receives and retains groundfish during that month.

(B) A shoreside processing facility that receives 500 mt to 1,000 mt of groundfish during a calendar month is required to have a NMFS certified observer present at the facility at least 30 percent of the days it receives groundfish during that month.

* * * * *

(f) *Observer contractor certification.* (1) NMFS certification of an observer contractor is valid indefinitely unless revoked by NMFS.

(2) NMFS certification of an observer contractor can be revoked if changes are made to the Observer Plan, which no longer require NMFS certified observer contractors.

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Notices

Federal Register
Vol. 56, No. 56
Friday, March 22, 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

Agricultural Stabilization and Conservation Service

Request for Comments on Printing Cotton Warehouse Receipts To Be Used by United States Warehouse Act Licensed Cotton Warehousemen

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Stabilization and Conservation Service (ASCS) publishes this notice to solicit public comment and suggestions with respect to the following Agreement to authorize the printing of punched card continuous form warehouse receipts used by cotton warehouses licensed under the U.S. Warehouse Act. Interested parties are asked to study the proposed Agreement and offer us their comments.

COMMENT DUE DATE: Comments must be received on before April 22, 1991.

ADDRESSES: Interested persons are invited to submit written comments to: Director, Licensing Authority Division, U.S. Department of Agriculture, P.O. Box 2415, room 5962–S, South Agriculture Building, USDA, Washington, DC 20013. All submissions will be available for pubiic inspection during regular business hours in room 5962–S, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Lynda Moore, Agricultural Marketing Specialist, ASCS–USDA, telephone (202) 382–8004.

SUPPLEMENTARY INFORMATION: Since 1985, ASCS has directly contracted with a single printer for the printing of punched card continuous form cotton warehouse receipts. ASCS is considering changing this procedure to allow for the authorization of more than one printer to print these receipts. Such a procedure would allow federally licensed cotton warehouses to individually negotiate with and select a printer from a list of ASCS approved printers. The proposed Agreement would not regulate the price or delivery schedule for the printing of the receipts. It is anticipated that the proposed Agreement will allow for competition among the approved printers which should lead to lower prices and better printing services.

Proposed Agreement

Uniform Licensing Agreement to Print Punched Card Continuous Form Cotton Warehouse Receipts

This Uniform Licensing Agreement to print punched card continuous form cotton Warehouse Receipts (hereafter "Agreement") is between _____ (hereafter "Printer") and the Agricultural Stabilization and Conservation Service ("ASCS"). This Agreement authorizes the Printer to use ASCS printing plates and to print and sell punched card continuous form cotton warehouse receipts to cotton warehouses that are licensed pursuant to the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*). ASCS has the authority to grant such licenses pursuant to the provisions of the U.S. Warehouse Act and the regulations promulgated thereunder (7 CFR part 735). The purpose of this Agreement is to ensure that all punched card continuous form cotton warehouse receipts issued by warehouses licensed by ASCS are uniform and meet the requirements of the U.S. Warehouse Act and the applicable regulations. The terms of this Agreement are as follows:

I. Printing Plates

A. ASCS will provide the printing plates for the printing of the receipts. At all times such plates will remain the property of ASCS. These plates may only be used for printing work that is authorized by ASCS under this Agreement. Once these plates are delivered by ASCS to the Printer, they must not leave the control of the Printer for any reason, unless such actions are expressly approved, in writing, by ASCS. Such plates may not be duplicated or altered. It is the Printer's responsibility to provide a proper security system regarding the use and storage of the plates. In the event of loss or misuse, the Printer must immediately notify ASCS on discovery that the plates are not in the control of the Printer or that they have been misused.

B. At any time, ASCS may request that the plates be returned to ASCS. In such case, the Printer must return the plates to ASCS within 48 hours, unless otherwise directed.

C. If the printing plates no longer properly function, the Printer must immediately suspend all printing activities, including the shipment of any receipts and contact ASCS for further instructions. If it is determined that the plates were damaged due to the actions of the Printer's employees or equipment, the Printer shall reimburse ASCS for the costs of obtaining new printing plates.

II. Printing

A. All receipts printed pursuant to this Agreement must meet the specifications provided in Attachment 1 which is hereby incorporated by reference.

B. Unless otherwise authorized by this Agreement, the Printer will not supply, lend or distribute, or assist others in the distribution of the distinctively tinted card stock or distinctive paper described in Attachment 1 to any party without the express written approval of ASCS.

C. All receipts printed by the Printer pursuant to this Agreement shall be numbered consecutively in accordance with orders approved by ASCS.

D. ASCS, at any time, may order the Printer to stop printing or shipping receipts printed pursuant to this Agreement.

E. Before the shipment of each order of receipts, the Printer will furnish ASCS the following:

1. At least three unnumbered voided punched card continuous form cotton warehouse receipt forms.

2. A copy of the invoice which indicates that beginning and ending warehouse receipt numbers of the warehouse receipt order, and the date and method of shipment.

F. ASCS reserves the right to change the specifications contained in Attachment 1. If such change is made, the Printer will be given thirty (30) calendar days in which to accept such changes. If the Printer does not accept such changes, the Agreement will be terminated.

III. Orders

A. The warehouseman licensed under the terms of the U.S. Warehouse Act will be given the list of all parties who

have an Agreement with ASCS authorizing the printing of punched card continuous form cotton warehouse receipts. These warehousmen will be given the opportunity of choosing any of these parties for the printing of their receipts. ASCS will not suggest or direct any warehouse to select any particular printing firm who has an Agreement with ASCS. The Printer and warehouseman will negotiate the terms of printing orders, provided such terms are consistent with the terms of this Agreement or not in violation of the provisions of the U.S. Warehouse Act or the regulations promulgated thereunder.

B. Once the printing order for the receipts is negotiated, the warehouseman must send a copy of the order to ASCS for approval. ASCS reserves the right to cancel or amend any printing order it receives from a warehouse.

C. If ASCS approves an order, it will make on a copy of the order that it has been approved by ASCS. Only after the Printer has received this approved copy of the order, is the Printer authorized to use the printing plates described in section I of the Agreement to print the order. The Printer may only print punched card continuous form cotton warehouse receipts pursuant to the terms and conditions of the order approved by ASCS. Any subsequent amendments to the order must be approved, in writing, by ASCS.

D. The Printer must keep copies of all records regarding the printing of receipts authorized by this Agreement for a period of six (6) years after the shipment of such order or longer if instructed by ASCS.

E. If ASCS has approved an order, but prior to shipment the Agreement is terminated, the order may be shipped to the warehouse unless otherwise specified, by ASCS, in the notice of termination.

F. For any reason, if the Printer is unable to complete an order within the specified time frame agreed upon by the warehouseman and the Printer, the Printer must contact ASCS immediately. The Printer will pay any additional costs incurred by ASCS associated with having another party print the orders affected.

G. Unless ASCS provides expressed, written permission, the Printer may not subcontract any portion of the actual printing work required to print the receipts ordered pursuant to this Agreement.

IV. Bond

The Printer must obtain and deliver to ASCS, a performance bond in the sum of $25,000 which shall be payable to ASCS or a warehouse with whom it has contracted should the Printer fail to perform its obligations under this Agreement or under a printing contract authorized under this Agreement.

V. Termination

A. This Agreement may be terminated by either party as of the renewal date, provided such party provides the other notice of its intention to terminate this Agreement no less than sixty (60) calendar days prior to the renewal date.

B. If ASCS determines that the Printer has failed to meet the terms of this Agreement, it will issue a notice to the Printer giving it at least fifteen (15) days, to cure the discovered deficiency. If the Printer fails to cure the deficiency within the time proscribed, ASCS may terminate this Agreement.

C. Once this Agreement is terminated, the printing plates must be immediately returned to ASCS. No additional orders for punched card continuous form cotton warehouse receipts may be printed by the Printer using the printing plates provided by ASCS pursuant to this Agreement.

VI. Compliance

The Printer is responsible to take all necessary and prudent steps to ensure that it is complying with all of the terms of this Agreement. If the Printer is not able to meet the terms of this Agreement, it is required to immediately notify ASCS. The Printer, however, agrees to allow representatives of ASCS to inspect the Printer's operations and records pertaining to this Agreement at anytime.

VII. Effective Date, Renewal and Correspondence

A. This Agreement shall become effective upon the date the last party signs this Agreement.

B. Unless terminated in accordance with the provisions of Section V, this Agreement shall renew automatically, annually, for the period of one year at the renewal date, which for the purposes of this Agreement, shall be December 31st of the calendar year.

C. The Printer must indicate to ASCS in writing, the individual to whom all correspondence regarding this Agreement should be directed. Unless otherwise notified, the Printer should direct all correspondence to ASCS in connection with this Agreement to the following address: Director, Licensing Authority Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, room 5962-S, Washington, DC 20013.

VIII. Applicability of Agreement

This Agreement applies to Printers capable of printing punched card continuous form cotton warehouse receipts.

Signature _____
Printer
Date _____

Signature _____
ASCS
Date _____

Attachment 1

Specifications

(a) *Form of warehouse receipts*—The wording, format and size of receipts will be specified by ASCS.

(b) *Card stock and printing*—Card stock and printing shall be in compliance with all applicable provisions of Interim Federal Specifications, G-C00116d (GPO) April 5, 1966, and must be guaranteed to function properly in sorting and tabulating equipment that is compliant with Federal Information Processing Standard (FIPS) 13. Card stock must be long grain.

The basic form is to be edge coated top, bottom and left, and printed in black ink. The parts of forms that change with each order must be overprinted in a color designated by the purchasing warehouseman (red to be used unless different color specified by order).

(c) *Tinting*—Card stock will be tinted with distinctive designs face and back with reverse registration required. Tinting will be with fugitive ink matching in composition and fugitive characteristics the fugitive inks manufactured by the Bureau of Engraving and Printing, U.S. Treasury Department.

(d) *Proofs*—Two sets of proofs on new items, basic forms or overprints, or items requiring alteration will be submitted to the designated representative of ASCS for approval prior to printing. One set of proofs will be approved and returned to the Printer.

No proofs will be required on orders for reprints, without change, of a previous order. The Printer, however, guarantees to manufacture and furnish cards for such orders in strict accordance with the copy of these specifications.

Printer agrees to deliver proofs on emergency orders within 5 days and proofs on routine orders within 10 days. Delivery time is to be figured from time of receipt of approved orders and copy at the Printer's plant.

(e) *Numbering*—Receipt forms are to be consecutively numbered in the upper

right-hand corner in accordance with instructions contained in each order. Exception: In specified instances, numbering is required on both ends of receipt forms, upper right and lower left corners. Copies are to be numbered to correspond with original, except where original is numbered on both ends, the copy need only be numbered in the upper right-hand corner. Missing or duplicate numbers will not be allowed.

(f) *Prepunching*—The warehouse code number will be repetitively prepunched in columns 1 through 6 (the last digit of the code number must fall in column 6). Column 7 will not be used. The warehouse receipt number will be consecutively prepunched in columns 8 through 14 (the 1st digit of the receipt number must fall in column 14). Columns 15 through 20 will be reserved for future use of ASCS.

Punching must be of the type and arrangement required for use in tabulating and sorting equipment that is complient with FIPS 13 and must be guaranteed to function properly in such equipment.

(g) *Corner cuts*—All receipt forms are to be corner cut at 60-degree angle in upper right corner.

(h) *Assembly*—Overall size 8½" x 3½" to include ½" marginally punched aligning strips left and right and ¼" medial strip.

(i) *Packaging*—Receipts are to be boxed opr packaged, not more than 2,000 receipts per package arranged consecutively in serial number sequence, in accordance with Printer's schedule attached to these specifications and made a complete part thereof. Each box or package of 2,000 receipts or less will be marked on the outside of the box or wrapper to indicate the serial number of the first and last receipt included therein.

(j) *Sealing*—Each box or package of most more than 2,000 consecutively numbered receipt forms will be sealed with an approved type of paper seal in such manner that receipts cannot be removed from such box or package without first breaking the seal.

(k) *Orders*—The original and one copy of each order from a warehouseman, bearing the approval of ASCS will be furnished the Printer along with a copy showing overprint required. Printer agrees to furnish specimen copies of basic forms to be used in preparing overprint copy. If Printer desires a specification sheet or other form to accompany order, forms are to be furnished by Printer.

(l) *Delivery schedule*—Printer agrees to make deliveries in accordance with the following schedule:

1. Orders for 10,000 receipt forms or less, or a portion of larger order up to 10,000 receipt forms, submitted by warehousemen who indicate an urgent need for forms, will be shipped within 30 days.

2. Routine orders will be shipped in 45 to 60 calendar days unless the order authorizes a delivery time in excess thereof.

Delivery time to be figured from receipt of order or approved proofs, if proofs are required, at Printer's plant. Delivery will be considered made upon delivery of forms to a common carrier as directed by the order.

(m) *Artwork*—All artwork, negatives and/or printing plates produced under the provisions of the Agreement are the property of ASCS and shall be surrendered to ASCS upon demand.

Additional Information

In addition to comments directly related to the text of the proposed Agreement, we solicit general comments regarding the method. We also solicit the names of Printers that are willing and capable to participate in such business. When the Agreement is finalized and lists of qualified Printers are available, USWA licensed warehousemen will be furnished a copy of the lists of Printers. Warehousemen will select the Printer of their choice.

It is not possible to anticipate the number of orders or the volume of receipts to be printed in 1991 or subsequent years. However, the bulk of the orders, perhaps as many as 90%, are received between March 1 and October 1 of each year. For the period January 1 to November 16, 1990 there were 106 orders processed totaling 5,340,000 receipts. While the ratio in 1991 may be about the same, the quantity that will be required is uncertain. ASCS in no way quarantees any specific volume of work. Individual orders range from a very small number of forms (2,000) to a large number (100,000 or more) and range in urgency from those requiring emergency, rush delivery, to those filed considerably in advance of actual need. Prompt service to licensed warehousemen is of major importance.

Signed at Washington, DC on March 18, 1991.

John A. Stevenson,

Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 91-6765 Filed 3-21-91; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

The Computer Systems Technical Advisory Committee; Closed Meeting

A meeting of the Computer Systems Technical Advisory Committee (CSTAC) will be held April 17 & 18, 1991, in the Herbert C. Hoover Building, room 1617F, 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Committee will meet from 9 a.m. to 10 a.m. on April 17 and from 1 p.m. to 5 p.m. on April 18. The CSTAC advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to computer systems, peripherals and technology.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10(a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 19, 1991.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 91-6812 Filed 3-13-91; 8:45 am]

BILLING CODE 3510-DT-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Meeting

A meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held April 17, 1991, 1:30 p.m., in the

Herbert C. Hoover Building, room 1617F, 14th & Pennsylvania Avenue, NW., Washington, DC. The Hardware Subcommittee was formed to study computer hardware with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Tutorial on massively parallel computers.
4. Review of Composite Theoretical Performance (CTP) formula.
5. Preparation of a CTP handbook.
6. Discussion of performance indexing for supercomputers.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters foward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff/ODAS/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 19, 1991.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 91-6813 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DT-M

Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee; Meeting

A meeting of the Licensing Procedures and Regulations Subcommittee of the Computer Systems Technical Advisory Committee will be held April 18, 1991, 9 a.m. in the Herbert C. Hoover Building, room 1617F, 14th & Pennsylvania Avenue, NW., Washington, DC. The Subcommittee was formed to review the procedural aspects of export licensing and recommend areas where improvements can be made.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Communication with industry associations.
4. Update on recently published and pending regulatory changes.
5. Preparation for a new commodity control list.
6. Update on the electronic license procedure.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff/ODAS/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 19, 1991.

Betty A. Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 91-6814 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DT-M

Software Subcommittee of the Computer Systems Technical Advisory Committee; Meeting

A meeting of the Software Subcommittee of the Computer Systems Technical Advisory Committee will be held April 17, 1991, 10 a.m., in the Herbert C. Hoover Building, room 1617F, 14th & Pennsylvania Avenue, NW., Washington, DC. The Software Subcommittee was formed to study computer software with the goal of making recommendations to the Department of Commerce relating to the appropriate parameters for controlling exports for reasons of national security.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Rewrite of part 779, Technical Data Regulations.
4. Discussion of controls on information security.

The meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, TAC Staff/ODAS/BXA, room 1621, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: March 19, 1991.

Betty Anne Ferrell,

Director, Technical Advisory Committee Staff.

[FR Doc. 91-6815 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

[Order No. 513]

Resolution and Order Approving the Application of the Indiana Port Commission for a Foreign-Trade Zone in the Evansville, IN Area

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 Indiana Port Commission, filed with the Foreign-Trade Zones Board on November 8, 1989, and amended on June 18, 1990, requesting a grant of authority for establishing, operating, and maintaining a general-purpose foreign-trade zone in Evansville and Posey County, Indiana, adjacent to the Evansville Customs port of entry, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that the proposal is in the public interest, approves the application.

As the proposal involves open space on which buildings may be constructed by parties other than the grantee, this approval includes authority to the grantee to permit the erection of such buildings, pursuant to Section 400.815 of the Board's regulations, as are necessary to carry out the zone proposal, providing that prior to its granting such permission it shall have the concurrences of

the local District Director of Customs, the U.S. Army District Engineer, when appropriate, and the Board's Executive Secretary. Further, the grantee shall notify the Board for approval prior to the commencement of any manufacturing operation within the zone. 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, Operate, and Maintain a Foreign-Trade Zone in the Evansville, IN Area

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. 81a–81u) (the Act), the Foreign-Trade Zones 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 Indiana Port Commission (the Grantee), has made application (filed November 8, 1989, FTZ Docket 26–89, 54 FR 48008, and amended on June 18, 1990, 55 FR 25856) in due and proper form to the Board, requesting the establishment, operation, and maintenance of a foreign-trade zone at sites in Evansville and Posey County, Indiana, adjacent to the Evansville Customs port of entry;

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 are satisfied;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Foreign-Trade Zone No. 177, at the locations mentioned above and more particularly described on the maps and drawings accompanying the application in Exhibits IX and X, subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also the following express conditions and limitations:

Activation of the foreign-trade zone shall be commenced by the Grantee 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.

The Grantee shall allow officers and employees of the United States free and unrestricted access to and throughout the foreign-trade zone sites in the performance of their official duties.

The grant does not include authority for manufacturing operations, and the Grantee shall notify the Board for approval prior to the commencement of any manufacturing operations within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, 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 its seal to be affixed hereto by its Chairman and Executive Officer at Washington, DC, this 12th day of March, 1991, pursuant to Order of the Board.

Foreign-Trade Zones Board.

Robert A. Mosbacher,

Secretary of Commerce, Chairman and Executive Officer.

Attest:

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 91–6769 Filed 3–21–91; 8:45 am]

BILLING CODE 3510–DS–M

International Trade Administration

[A-588-815]

Final Determination of Sales at Less Than Fair Value; Gray Portland Cement and Clinker From Japan

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce (the Department) has determined that gray portland cement and clinker (cement and clinker) from Japan are being, or are likely to be, sold in the United States at less than fair value. We have also determined that critical circumstances do not exist with respect to imports of cement and clinker from Japan. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the Customs Service to continue to suspend liquidation of all entries of cement and clinker from Japan, as described in the "Continuation of Suspension of Liquidation" section of this notice. The ITC will determine, within 45 days of publication of this notice, whether these imports materially injure, or threaten material injury to, the U.S. industry.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: V. Irene Darzenta, David C. Smith, or Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377–0186, 377–3798, 377–1769, respectively.

SUPPLEMENTARY INFORMATION:

Final Determination

We determine that cement and clinker from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 735 of the Tariff Act of 1930, as amended (19 U.S.C. 1673d(a)) (the Act). The estimated weighted average margins are shown in the "Continuation of Suspension of Liquidation" section of this notice.

Case History

Since publication of the preliminary determination (55 FR 45831, October 31, 1990) the following events have occurred. On October 31 and November 1, 1991, respondents requested that we postpone making our final determination for a period of 60 days pursuant to section 735(a)(2)(A) of the Act. On November 19, 1990, we published a notice postponing the final determination until March 15, 1991 (55 FR 48146).

On October 25, 1990 Onoda Cement Co., Ltd. (Onoda) submitted a request that we exclude oil well cement from the scope of this investigation. On November 9, 1990 petitioners filed a submission disagreeing with Onoda's exclusion request. On December 26, 1990, Onoda revised its exclusion request to include only certain classes o. oil well cement. On November 30, 1990, Mitsui & Co. (U.S.A.), a U.S. importer of the subject merchandise, requested that the Department confirm that microfine cement is outside the scope of this investigation. (See "Scope of the Investigation" section of this notice.)

We verified questionnaire responses in Tokyo, Japan from January 14 through 23, 1991, and in Seattle, Washington from January 24 through 30, 1991. Petitioners and Onoda submitted comments for the record in case briefs on February 25, 1991. All parties submitted rebuttal briefs on February 28, 1991. On March 1, 1991, we held a public hearing in which petitioners and respondents participated.

Scope of the Investigation

The products covered by this investigation are gray portland cement and clinker. Gray portland cement is a hydraulic cement and the primary component of concrete. Clinker, an intermediate material produced when manufacturing cement, has no use other than grinding into finished cement.

The Department determined that microfine cement is outside the scope of this investigation. We based our determination on two factors: (1) Petitioners never intended to include this cement type within the scope of the investigation; and (2) this cement type differs from the subject merchandise in terms of physical characteristics, end-uses, and the distribution channels within which it moves. Microfine cement is a blended hydraulic cement classified by the American Society for Testing Materials (ASTM) as a slag cement. It is classified under the Harmonized Tariff Schedules (HTS) item number 2523.90 as "other hydraulic cement."

With respect to oil well cement, we have insufficient information on the record at this time upon which to base a conclusion that certain classes of oil well cement should be excluded from the scope of the investigation. Therefore, we continue to include oil well cement within the scope of the investigation. (See DOC Position to Comment 22 in the "Interested Party Comments" section of this notice for further explanation.)

Gray portland cement is currently classifiable under HTS item number 2523.29, and clinker is currently classifiable under HTS item number 2523.10. Gray portland cement has also been entered under item number 2523.90 as "other hydraulic cements." The HTS subheadings are provided for convenience and customs purposes. The written description remains dispositive as to the scope of the product coverage.

Period of Investigation

The period of investigation (POI) is December 1, 1989 through May 31, 1990.

Such or Similar Comparisons

Pursuant to section 771(16) of the Act, we established two categories of "such or similar" merchandise: Cement and clinker. Where there were no sales of identical merchandise in the foreign market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the ASTM standards described below. We used home market or third country sales as the basis for foreign market value (FMV), as described in the "Foreign Market Value" section of this notice.

For both respondents, we compared U.S. sales of bulk cement to home market sales of bulk cement. For Onoda, we also compared U.S. sales of cement which was further manufactured into ready-mix to home market sales of bulk cement, and U.S. sales of clinker to a third country sale of clinker. Both Onoda and Nihon Cement Co., Ltd (Nihon) reported that they sold a small quantity of bagged cement to the United States during the POI. Because of the small volumes involved, we did not require respondents to report these sales. (See DOC Position to Comment 15 in the "Interested Party Comments" section of this notice.)

Product comparisons were made on the basis of standards established by the ASTM. All of the cement sold in the United States during the POI fell within two ASTM standards: Type I and Type II. Onoda sold both Type I and Type II cement in the United States; Nihon sold only Type II in the United States. Both respondents sold at least three types of cement in the home market during POI: Ordinary portland cement (NC), moderate heat cement (MC), and high early strength cement (VC).

Both petitioners and respondents agree that NC is most similar to Type I and we have made product comparisons on this basis. Based on our preliminary determination and information submitted on the record, and consistent with the Department's finding in the 1983 investigation (see Final Determination of Sales at Less Than Fair Value; Portland Hydraulic Cement from Japan, 48 FR 41059, September 13, 1983), we have determined that MC is the home market cement type which is most similar to Type II for comparison purposes. (See DOC Position to Comment 1 in the "Interested Party Comments" section of this notice).

Fair Value Comparisons

To determine whether sales of cement and clinker from Japan to the United States were made at less than fair value, we compared the United States prices to the foreign market value, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

For Onoda, we based United States price on purchase price where sales were made directly to unrelated parties prior to importation into the United States, in accordance with section 772(b) of the Act. Where sales to the first unrelated purchaser took place after importation into the United States, we based United States price on exporter's sales price (ESP), in accordance with section 772(c) of the Act. For Nihon, we based United States price on purchase price because all sales were made directly to unrelated parties prior to importation into the United States.

A. Onoda

For Onoda, we calculated purchase price based on f.o.b. Japanese port prices. We made deductions, where appropriate, for discounts and loading charges, in accordance with section 772(d)(2) of the Act. In accordance with section 772(d)(1)(C) of the Act, we added to the net unit price the amount of value added tax (VAT) that would have been collected if the merchandise had not been exported.

For certain sales of bulk cement originally reported by Onoda as ESP sales which we reclassified as purchase price sales, we calculated purchase price based on c.i.f. prices to which we added the additional revenue associated with these sales. (See DOC Positions to Comments 12 and 13 in the "Interested Party Comments" section of this notice for further discussion of this issue.) We made deductions, where appropriate, for loading charges, ocean freight, marine insurance, harbor and Customs user fees. We also added to the net unit price the amount of VAT that is not collected by reason of exportation of the merchandise.

We calculated ESP based on c.i.f. picked up or delivered prices. We made deductions, where appropriate, for discounts, loading charges in Japan, ocean freight, marine insurance, harbor and Customs user fees, U.S. unloading charges, U.S. inland freight and inland insurance. In accordance with section 772(e) (1) and (2) of the Act, we made additional deductions, where appropriate, for credit expenses, trading company commissions, warranty expenses, and indirect selling expenses. Indirect selling expenses consisted of U.S. terminal costs, advertising, technical services, dispatcher costs, product liability expenses, inventory carrying costs, general and administrative (G&A) expenses, other indirect selling expenses incurred in

Japan and the United States, and quality control expenses incurred in Japan and the United States.

We included in our deductions of the trading company commissions referred to above, an amount equivalent to the commission granted by Onoda to the trading company involved in the U.S. sales negotiation process. Because Onoda had not claimed this commission as a selling expense for ESP sales, we used best information available to compute the commission. As best information available, we used the verified f.o.b. price of the subject merchandise to the trading company to which we applied the verified commission percentage reported by Onoda.

Onoda claimed U.S. terminal costs as movement charges. Based on our findings at verification, we determined that these costs are pre-sale warehousing expenses and, therefore, are more appropriately classified as indirect selling expenses. (See DOC Position to Comment 3 in the "Interested Party Comments" section of this notice for further discussion of this issue.)

For ready-mix sales, in addition to the aforementioned deductions associated with the subject merchandise, we deducted all value added resulting from further manufacturing performed on the imported merchandise after its importation into the United States, pursuant to section 772(e)(3) of the Act. This value added comprised two parts: (1) The costs associated with the production and sale of ready-mix, other than the costs associated with the subject merchandise, and (2) a proportional amount of profit or loss related to the value added. Profit or loss was calculated by deducting from the sales price of the ready-mix all production and selling costs incurred by respondent for the ready-mix. The total profit or loss was then allocated proportionately to the components of cost. Only the profit or loss attributable to the value added was deducted.

We have determined that further manufacturing costs included (1) The costs of manufacture (cost of materials and the related labor and overhead costs), (2) movement charges, and (3) general expenses, including selling, general and administrative (SGA) expenses and interest expenses. (See DOC Position to Comment 17 in the "Interested Party Comments" section of this notice.)

In accordance with section 772(d)(1)(C) of the Act, we added to the net unit price the amount of VAT that would have been collected on the export sale had it been subject to the tax. (See DOC Position to Comment 4 in the "Interested Party Comments" section of this notice.)

For both purchase price and ESP sales, Onoda reported quality control expenses as direct selling expenses. Based on our findings at verification, we determined that these expenses are more appropriately classified as indirect selling expenses. (See also DOC Position to Comment 9 in the "Interested Party Comments" section of this notice for further explanation.)

B. Nihon

For Nihon, we calculated purchase price based on the f.o.b. Japanese port price (Kamiiso). We made deductions for loading, ship survey fees, foreign brokerage and demurrage. (See DOC Position to Comment 30 in the "Interested Party Comments" section of this notice.) In accordance with section 772(d)(1)(C) of the Act, we added to the United States price the amount of VAT that would have been collected if the merchandise had not been exported.

Foreign Market Value

In order to determine whether there were sufficient sales of cement and clinker in the home market to serve as a viable basis for calculating FMV, we compared the volume of home market sales of cement and clinker to the volume of third country sales of cement and clinker, in accordance with section 773(a)(1) of the Act. Both respondents had viable home markets with respect to sales of cement made during the POI. For Onoda's sales of clinker, the volume of home market sales was less than five percent of the aggregate volume of third country sales. Therefore, in accordance with § 353.48(a) of the Department's regulations, we determined that home market sales of clinker did not constitute a viable basis for calculating FMV.

In selecting which third country market was the most appropriate for comparison purposes, we selected the third country market with the most similar merchandise and the largest volume of sales, in accordance with § 353.49(b) of the Department's regulations. We then determined whether this third country had an "adequate" volume of sales, within the meaning of § 353.49(b)(1) of the Department's regulations. We determine that the volume of sales to a third country market is adequate if the sales of such or similar merchandise exceed or are equal to five percent of the volume sold to the United States.

In accordance with section 773 of the Act, we calculated FMV for Onoda based on home market sales prices or third country sales prices, as appropriate. For Nihon, we calculated FMV based on home market sales prices.

A. Onoda

For Onoda, we calculated FMV of cement sales based on ex-factory, c.&.f. terminal or delivered prices to unrelated and related customers in the home market. We used the related party sales because the prices to related parties were determined to be at arm's-length, in accordance with § 353.45(a) of the Department's regulations.

For comparisons to purchase price sales, we made deductions, where appropriate, for discounts, rebates, inland freight and tanker freight. We did not make a deduction for claimed service station costs. Based on our findings at verification, we determined that these costs are pre-sale warehousing expenses and, therefore, more appropriately classified as indirect selling expenses. (See also "United States Price" section and DOC Position to Comment 3 in the "Interested Party Comments" section of this notice for further discussion of this issue.)

We also did not make a deduction for claimed collateral rebates because we determined that they did not constitute allowable rebate expenses for purposes of our analysis. (See DOC Position to Comment 7 in the "Interested Party Comments" section of this notice.)

Pursuant to § 353.56 of the Department's regulations, we made circumstances of sale adjustments, where appropriate, for differences in credit expenses and revenue obtained from late-paying customers. We recalculated home market credit expenses to account for discounts. (See DOC Position to Comment 6 in the "Interested Party Comments" section of this notice.)

We made further adjustments, where appropriate, for differences in commissions when incurred in both markets, in accordance with § 353.56(a)(2) of the Department's regulations. Where commissions were paid in one market and not in the other, we allowed an adjustment for indirect selling expenses incurred in the other market to offset commissions, in accordance with § 353.56(b) of the Department's regulations. For comparisons to those sales which we reclassified as purchase price sales, we included in our adjustment for differences in commissions an amount equivalent to the commission granted by Onoda to the trading company involved in the U.S. sales negotiations process. To calculate this commission, we used best information available. (See "United

States Price" section of this notice for explanation.)

We also made a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales. We computed the VAT adjustment based on a U.S. price net of discounts. (See DOC Position to Comment 4 in the "Interested Party Comments" section of this notice.)

For comparisons to ESP sales, we made further deductions for home market indirect selling expenses, comprised of advertising, technical services, general indirect selling expenses, inventory carrying costs, quality control expenses, service station costs and other selling expenses associated with distribution terminal scrap and disposal of obsolete equipment. We capped the amount deducted for home market indirect selling expenses by the amount of indirect selling expenses incurred on sales in the U.S. market, in accordance with § 353.56(b)(2) of our regulations. For ESP sales of ready-mix, we computed the amount of the cap based on the portion of indirect selling expenses attributable to the subject merchandise.

We made a circumstance of sale adjustment for VAT incurred on home market sales and not on export sales. For comparisons to ESP sales of bulk cement, we computed the VAT adjustment based on a United States price net of discounts. For comparisons to ESP sales of ready-mix, we computed the VAT adjustment based on the United States price of the subject merchandise net of discounts. (See DOC Position to Comment 4 in the "Interested Party Comments" section of this notice.)

Where appropriate, we made further adjustments to FMV to account for differences in physical characteristics of the merchandise, in accordance with § 353.57 of the Department's regulations. (See DOC Position to Comment 2 in the "Interested Party Comments" section of this notice.)

We calculated FMV of clinker sales based on f.o.b. Japanese port prices. We made deductions, where appropriate, for discounts and loading charges. Pursuant to § 353.56 of the Department's regulations, we made a circumstance of sale adjustment, where appropriate, for differences in credit expenses. We recalculated third country and U.S. credit expenses based on gross prices net of discounts.

For both home market and third country sales, Onoda reported quality control expenses as direct expenses. Based on our findings at verification, we determined that these expenses are more appropriately classified as indirect selling expenses. (See Comment 9 of the "Interested Party Comments" section of this notice for further explanation.)

B. Nihon

For Nihon, we calculated FMV based on c. & f. terminal or delivered prices to related and unrelated customers in the home market. For sales made by two of Nihon's three related company producers, we based FMV on best information available. (See DOC Position to Comment 23 in the "Interested Party Comments" section of this notice.) For Nihon's related party distributors we used the sales information because the prices to related party distributors were determined to be at arm's-length, in accordance with § 353.45(a) of the Department's regulations. (See DOC Position to Comment 24 in the "Interested Party Comments" section of this notice.) We made deductions, where appropriate, for discounts, inland freight, and loading and unloading costs. (See DOC Position to Comment 27 in the "Interested Party Comments" section of this notice.)

We made circumstance of sale adjustments, where appropriate, for differences in credit expenses pursuant to § 353.56 of the Department's regulations. We recalculated home market and U.S. credit expenses using the average short-term borrowing rate reported for the POI. (See DOC Position to Comment 31 in the "Interested Party Comments" section of this notice.) We recalculated home market inventory carrying costs using the average short-term borrowing rate reported for the POI and recalculated indirect selling expenses using verified total sales data. (See DOC Position to Comment 29 in the "Interested Party Comments" section of this notice.)

Where commissions were paid to unrelated parties in one market and not in the other market, we allowed an adjustment for indirect selling expenses incurred in the other market, in accordance with § 353.56(b) of the Department's regulations. We also made a circumstance of sale adjustment for VAT incurred on home market sales and not one export sales. We computed the VAT adjustment based on United States price.

Critical Circumstances

Petitioners allege that "critical circumstances" exist with respect to imports of cement and clinker from Japan. Section 733(e)(1) of the Act provides that critical circumstances exist when we determine that there is a reasonable basis to believe or suspect the following:

(1) That there is a history of dumping of the same class or kind of merchandise, or that the person by whom, or for whose account, the merchandise was imported knew or should have known that the exporter was selling the merchandise at less than fair market value, and

(2) That there have been massive imports of the subject merchandise over a relatively short period.

To determine whether imports have been massive over a relatively short period, we based our analysis on respondents' shipment data for equal periods immediately preceding and following the filing of the petition.

Pursuant to § 353.16 (f) and (g) of our regulations, we selected the period from May 18, 1990 (the day the "proceeding began") to August 18, 1990, as the base period. We then compared the quantity of imports during the base period for each respondent to the imports during the immediately preceding period of comparable duration. We found that shipments from neither of the respondents had increased by at least 15 percent during the base period. Based on the above finding, we determined that imports of gray portland cement and clinker have not been massive over a relatively short period.

Since we did not find that there have been massive imports, we need not consider whether there is a history of dumping or whether importers of this merchandise knew or should have known that such merchandise was being sold at less than fair value. Therefore, we find that there is no reasonable basis to believe or suspect that critical circumstances exist with respect to imports of cement and clinker from Japan.

Verification

As provided in section 776(b) of the Act, we verified all information used in making our final determination. We used standard verification procedures, including examination of relevant accounting records and original source documents provided by respondents.

Interested Party Comments

Comment 1

All parties agree that the merchandise sold in the United States is both Type I and Type II cement. It is also undisputed that Type I cement is to be compared to home market sales of NC. However, the parties disagree as to the appropriate product match for U.S. sales of Type II merchandise. Petitioners argue that the most similar home market merchandise is VC, not MC as the Department preliminarily determined. Petitioners point out that section 771(16)(B) of the

Act directs the Department to look for a home market cement product that is most similar to Type II cement "in both material or materials and in the purposes for which used." Petitioners maintain that both Type II and VC are general use cements with approximately the same compressive strengths and Blaine fineness levels, and that both cements have tricalcium aluminate levels sufficient "to prevent sulfate attack in concrete."

Respondents assert that the critical comparison specification is the tricalcium aluminate content of cement and that only MC meets the specifications for sale in the United States. Respondents note that MC cement meets the requisite levels of tricalcium aluminate, while VC cement "with its much higher tricalcium aluminate levels, cannot be used for [Southern California construction] purposes." They note that cement which exceeds the maximum eight percent tricalcium aluminate content is not merchantable as Type II. They point out that the Department's 1983 investigation, and the Department's October 11, 1990 memorandum and preliminary decision in this case, all refer to tricalcium aluminate as the critical component for matching purposes. Respondents also note that MC is a general use cement whereas VC is a specialty use cement requested by contractors when rapid hardening time is required. Respondents rebut petitioners' argument that MC is necessarily a specialty cement because of lower sales volumes (as compared to VC) by citing the Department's 1983 decision which disposed of the issue by finding that "it is immaterial that [ordinary portland] cement is sold in a greater volume than was moderate heat."

DOC Position

We agree with respondents and have made product comparisons using MC cement. The statute directs the Department to select the most similar product match in terms of materials and use, among other criteria (section 771(16)(B)(ii) of the Act). It is evident from the record that there are many chemical and physical specifications for the subject merchandise. Further, arguments for matching any two types of cement can be made by selecting one or two particular characteristics or properties to the exclusion of all others. The key to proper analysis under section 771(16)(B)(ii) is identification of the properties a U.S. contractor desires when requesting Type II cement. The ASTM promulgates the definitive industry standards for portland cements. These standards are used by U.S. contractors in determining the appropriate type of concrete for a particular project. Standard C-150 is the "Standard Specification for Portland Cement." The scope of that standard defines Type II as [f]or general use, more especially when moderate sulfate resistance or *moderate heat of hydration* is desired" (emphasis added). Those characteristics are principally determined by the tricalcium aluminate content of cement and the record is clear that tricalcium aluminate levels of MC fall within the maximum allowable range of eight percent and that VC, when calculated pursuant to the ASTM standard, exceeds the maximum allowable limit.

Comment 2

Petitioners contend that the Department should disallow Onoda's claimed difference in merchandise adjustments for comparisons between MC and Type II cements for the following reasons; (1) Onoda's claims for comparisons of these two cement types are largely inconsistent with Nihon's claims; (2) Onoda failed to submit timely factual information justifying its claim for difference in merchandise adjustments; (3) Onoda has failed to establish that any cost differential between Type II and MC is related to differences in the physical characteristics of the merchandise in accordance with the Department's regulations; and (4) the information provided by Onoda establishes that any cost differences between the products result from plant location and production efficiencies, rather than physical characteristics.

With respect to Nihon, petitioners argue that the Department must make a difference in merchandise adjustment based on best information available to account for differences in physical characteristics between MC and Type II cement produced and sold by Nihon during the POI. Petitioners question Nihon's claim that its cost accounting system does not recognize a cost difference betwen MC and Type II and assert that record evidence shows that the two products are not identical with respect to physical and chemical characteristics. As best information available, petitioners suggest that the Department should compare variable costs at only one of Nihon's two facilities which produced MC during the POI, the Kawara plant, which produced a greater quantity of MC than did Nihon's other home market facility at Saitama. Petitioners suggest that variable costs for MC produced at Kawara can be compared to variable costs for Type II produced at Nihon's Kamiiso facility.

Onoda maintains that the Department should grant its claimed difference in merchandise adjustment. Respondent states that the record contains descriptions of the physical and chemical differences of the comparable cements as well as the differences in the variable costs of production. It also asserts that the claimed difference in merchandise adjustment was verified by the Department. Respondent argues that because the comparable merchandise is produced in different plants, differences in variable costs, to be calculated meaningfully, must be based on a weighted-average of total variable costs across all plants. Respondent further asserts that this approach is consistent with the Department's normal practice.

Nihon asserts that it does not recognize a cost difference between Type II and MC cements while acknowledging that the two products are not identical. Nihon maintains that the Department verified that no variable cost differences exist between the two cement types and suggests that using best information available for its inability to provide difference in merchandise cost information that does not exist is inappropriate. Furthermore, Nihon maintains that petitioners' suggested best information available methodology is arbitrary and should be rejected. If petitioners' position is accepted by the Department, Nihon maintains that the appropriate difference in merchandise adjustment, consistent with the Department's practice, would be to compare weighted-average variable costs at both the Saitama and Kawara plants with respect to MC to the variable costs of Type II produced at Kamiiso.

DOC Position

All parties to this proceeding maintain that there are differences in physical characteristics (both chemical and technical) which exist between the types of cement being compared in this investigation. In their respective responses to the Department's questionnaire, respondents explained the nature of these differences and quantified these differences through variable costs of production. However, Nihon did not quantify these differences with respect to Type II separately since it simply assigns MC costs to Type II in its accounting system. Onoda quantified variable costs for comparisons of Type II and MC cement as well as Type I and ordinary portland cements.

We disagree with petitioners with respect to Onoda. As the verification

report indicates, we verified Onoda's claimed difference in merchandise adjustment and found it to be an accurate representation of the relevant variable costs of production as reflected in its actual cost accounting records. We also found the weighted-average calculation methodology used by Onoda to be consistent with Department practice. Given the fact that most physical differences between types of cement arise from differences in the production process (e.g., amount and duration of heat), rather than from differences in component materials, we are satisfied that Onoda has reasonably tied cost differences to physicial differences. Furthermore, there is no evidence on the record to demonstrate that cost differences were attributable to factors other than the physical differences between the products. Therefore, we made an adjustment to FMV to account for differences in physical characteristics of the merchandise in accordance with § 353.57 of the Department's regulations. (See "Foreign Market Value" section of this notice.)

With repect to Nihon, we agree with petitioners that we should make a difference in merchandise adjustment for comparisons between Type II and MC cement based on the physical differences of the products. At verification, we requested that Nihon support its claim that MC cement and Type II cement produced by its facilities during the POI had identical costs of manufacture despite having different physical characteristics. Nihon indicated that it had no way to prove its claim that it treats MC and Type II as identical products for cost purposes. Because Nihon did not claim a difference in merchandise adjustment, we used best imformation available. However, we did not use petitioner's proposed best information available methodology since it is inconsistent with our normal practice of weight averaging variable costs across home market production facilities.

As best information available, we used the relevent cost data submitted in Exhibit 17 of Nihon's October 4, 1990 response to the Department's questionnaire. Consistent with our normal practice, we compared variable costs for Type II cement produced at the Kamiiso plant with the weighted-average variable costs for MC produced at the Kawara and Saitama plants. Based on the results of these calculations, we determined that Nihon, like Onoda, actually had a negative difference in merchandise adjustment since the weighted average variable costs for the home market product exceeded the variable costs for the U.S. product. However, because Nihon has not claimed such as adjustment and in fact has maintained that it does not recognize any cost differential, and because we did not verify the variable cost information, we determined that an adjustment to FMV would be inappropriate in this case.

Comment 3

Petitioners argues that all pre-sale movement charges incurred in the home market (from the plant to the service station) must be treated as indirect rather than direct expanses for calculating FMV. Petitoners maintain that service station costs are general overhead expenses or, alternatively, pre-sale warehousing expenses, and as such should be treated as indirect selling expenses.

Onoda contends that in order to achieve a fair price-to-price comparison, the Department should deduct movement expenses incurred to ship cement from the plants to the service stations in calculating FMV, whether or not the transportation occurred before or after the sale. Onoda also contends that the Department should deduct service station costs as part of these movement expenses. Onoda maintains that Onoda's service stations do not function as warehouses, but rather serve as transfer points between water and land transportation. Onoda also maintains that the cost of operating service stations is an integral part of Onoda's home market distribution network and, therefore, should be deducted as part of the cost of delivering the product from the plant to the customer.

Nihon contends that the vast majority of its sales made during the POI pursuant to long-term contracts which precede shipment dates, and therefore, petitioners' argument is not pertinent to Nihon.

DOC Position

We agree with respondents in part and petitioners in part. Because we deducted all pre- and post-sale movement expenses incurred in transporting the merchandise from the plant to the point of sale in calculating United States price, we determined that a fair price-to-price comparison requires a similar deduction to FMV, consistent with the Department's policy. See Red Raspberries from Canada, 56 FR 677 (January 8, 1991); and Gray Portland Cement and Clinker from Mexico (Cement from Mexico, 55 FR 29244, 29251 (July 18, 1990). Therefore, we have deducted all verified home market movement charges incurred from the plant to the service station in our calculation of FMV for both Onoda and Nihon.

However, based on the nature of service station functions, and costs, we determined that these costs are more appropriately classified as warehousing expenses and, for Onoda, have treated them as indirect selling expenses for purposes of the final determination. See Phosphoric Acid from Israel, 52 FR 25440, 25442 (July 7, 1987). For Onoda, we verified that these charges were largely comprised of overhead costs associated with service station operations in addition to costs associated with contract labor used to load and unload the subject merchandise at the service station. Although we would normally consider costs associated with loading and unloading functions to be movement charges, Onoda did not separately report these cost components in its response and we could not separately verify these cost components at verification. Therefore, based on the insufficiency of the verified information on the record, we are precluded from making a deduction to FMV for the loading and unloading cost portion of the claimed service station costs. (See "Foreign Market Value" section of this notice.) For the reasons explained above, we have treated terminal costs claimed on U.S. sales in the same manner. (See "United States Price" section of this notice.)

Comment 4

Petitioners argue that the full amount of VAT should not be added to United States price because it is unclear as to how much of the tax, if any, was actually passed on to home market customers on home market sales.

Respondents maintain that the Department should make a circumstance of sale adjustment to both FMV and United States price by adding the amount of the VAT that would have been collected upon the product exported to the United States had it been sold in the home market to achieve tax neutrality.

DOC Position

By examining the relevant invoices and payment documentation at verification, we verified that the full amount of the Japanese VAT less discounts was charged to home market customers. Therefore, consistent with our normal practice, we have added VAT to United States price and accordingly made a circumstance of sale adjustment to FMV for the final

determination. (See "Foreign Market Value" section of this notice for calculation of VAT.)

Comment 5

Petitioners argue that Onoda was not charged an arm's-length price for tanker freight by its related shipping company. In calculating FMV, petitioners maintain that the Department should reduce the claimed home market inland freight charges by an amount based on best information available.

Onoda asserts that the tanker freight charges by Onoda's related shipping company are equivalent to arm's-length prices. Respondent maintains that tanker freight charges for vessels of equivalent tonnage capacity do not vary significantly between related and unrelated shipping companies.

DOC Position

We agree with Onoda. Petitioners' argument rests on a statement contained in the verification report which reports a difference between the related and unrelated shipping company with respect to the average per ton vessel charterage costs which constitute a portion of total reported tanker freight charges. However, upon further review of the verification exhibits pertaining to this issue, we found that the verification report incorrectly stated that this result was based on a comparison of charges for vessels of equivalent tonnage capacity. Rather, the result included charges by the related company for vessels of different capacities than those of the unrelated company. Our review of source documentation obtained at verification revealed that tanker freight shipping services provided by Onoda's related shipping company were charged at arm's-length prices. Therefore, we have deducted the verified inland freight charges from FMV for purposes of the final determination.

Comment 6

Petitioners argue that the Department must recalculate home market credit expenses using the Department's normal methodology rather than the methodology provided by Onoda.

DOC Position

We verified that the methodology used by Onoda to report home market credit expenses was an accurate representation of respondent's accounting records. (The verification report incorrectly states that there was an error in respondent's methodology.) However, we have recalculated these expenses to account for discounts. (See "Foreign Market Value" section of this notice for further explanation.)

Comment 7

Petitioners argue that Onoda's claimed "collateral" rebates should not be deducted from FMV because they are not directly related to sales of the subject merchandise made during the POI.

DOC Position

We agree with petitioners. We verified that these rebates were granted to distributors as a gesture of goodwill on a one-time basis in the initial year in which the distributors provided a fund to serve as collateral against any potential bad debt or bankruptcy on their part. We noted that these rebates were not based on any written policy or fixed amount and could not be reasonably tied to sales made during the POI. Based on our findings at verification, we determined that the claimed "rebates" do not constitute allowable rebate expenses and, accordingly, made no adjustment to FMV.

Comment 8

Petitioners contend that Onoda's claimed technical service expenses incurred on home market sales do not qualify as an appropriate circumstance of sale adjustment because these expenses are of a routine nature for the promotion of goodwill and future sales.

Onoda asserts that the Department should make an adjustment to FMV for all technical service expenses, whether fixed or variable, incurred by Creo Co., a wholly-owned subsidiary, with respect to home market sales. They assert that these expenses relate to customer claims regarding specific cement shipments beyond the promotion of goodwill and future sales, but cannot be directly identified with particular sales because of the nature of Creo's accounting system and the way in which these expenses are incurred related to the complexity of the distribution system in Japan.

DOC Position

At verification we found that the technical service expenses incurred during the POI were largely comprised of fixed expenses such as salaries and overhead, which would have been incurred whether or not a particular sale was made. Therefore, based on our verification findings, we have treated these expenses as indirect selling expenses for purposes of the final determination.

Comment 9

Petitioners argue that quality control expenses claimed by Onoda should be treated as indirect rather than direct selling expenses, because they are overhead expenses.

Onoda maintains that contrary to findings at verification, quality control costs were not double-counted in the response as part of cost of manufacturing (COM) as well as selling expenses. Respondent asserts that quality control expenses are separately incurred by Onoda at the plant and head office. Onoda explains that the quality control expenses included in COM were those incurred at the plant, while the quality control expenses reportd as selling expenses were those incurred by the quality control section at the head office. Respondent maintains that the expenses incurred by the head office should be deducted as a selling expense.

DOC Position

Our examination of relevant documentation during verification revealed that the claimed quality control costs for home market and export sales comprised both expenses incurred at Onoda's plants as part of COM and expenses incurred by Onoda's head office. We determined that only the verified portion of the claimed expenses associated with Onoda's head office constitute selling expenses for purposes of our analysis. Because they could not be tied to specific sales made during the POI, we have treated these expenses as indirect selling expenses, and have made the appropriate adjustments to FMV and United States price in the final determination. (See "Foreign Market Value" section of this notice.) To ensure a fair price-to-price comparison, we have treated the claimed quality control expenses incurred on ESP sales in the same manner. (See "United States Price" section of this notice.)

Comment 10

Onoda contends that OBSNUMP 1 reported in the purchase price database should be excluded from margin analysis because the essential terms of sale (price and quantity) were fixed prior to the POI. Onoda maintains that price and quantity were established under a 1987 long-term requirements contract, and that this contract was signed by Onoda with the notion that Onoda had accepted and agreed to the terms of the contract. In particular, respondent asserts that the quantity term was fixed prior to the POI for two reasons: (1) The shipping vessel was nominated prior to the POI and vessel capacity was known to both parties; and (2) the requirements contract effectively fixed the quantity terms for purposes of defining date of sale whether or not a

minimum tonnage had actually been shipped.

Petitioners argue that OBSNUMP 1 must be included in calculating United States price as a purchase price sale made during the POI. Petitioners contend that the contract governing the essential terms of the transaction at issue did not provide sufficient evidence that the trading company involved in the export sales process was contractually obligated to purchase cement from Onoda and that Onoda was contractually obligated to provide the cement sold by the trading company to the U.S. customer. They maintain that only the contract note dated within the POI contractually bound Onoda to provide cement to the trading company for sale to the U.S. customer.

Furthermore, petitioners state that the price actually paid to Onoda by the trading company was not the price stipulated in the contract. They also maintain that the contract was not definite as to the quantity to be purchased by the U.S. customer. They assert that any shipments made pursuant to a requirements contract in excess of the minimum amount are not within the quantity fixed in the contract, and that the date of sale of such excess shipments is the date of shipment. They argue that absent verified data concerning whether or not a minimum quantity had been satisfied, the Department must assume that it was and consider the trransaction to fall within the POI. With respect to nomination of the vessel, petitioners assert that an agreement to nominate a vessel is not definite and binding as to the quantity to be shipped or even as to whether the ship will actually be used for transport. Even if binding, petitioners argue that the agreement does not mention price and there is no proof that the quantity would be the maximum amount the ship would hold.

DOC Position

We agree with petitioners. It is the Department's practice with respect to minimum requirements contracts to consider the date the parties executed the contract as the date of sale for shipments up to the minimum requirement, and to consider the date of purchase order or shipment date as the date of sale for shipments in excess of the minimum quantity. The rationale behind this practice is that neither the buyer nor the seller knows at the time of contract negotiation the actual quantity to be provided above the minimum requirement. See Cement from Mexico, 55 FR 29249; Titanium Sponge from Japan, 54 FR 13,403 (April 3, 1989) and *Toho Titanium Co., Ltd.* v. *United States,* Slip Op. 90–71 (July 30, 1990). In this case, the contract at issue specified a minimum/maximum quantity range, as opposed to a typical requirements contract where a seller agrees to supply all of the purchaser's requirements. Based on the fact that respondent provided no evidence at verification to show that a minimum quantity requirement had been satisfied, we have included this shipment made within the POI in our calculation of Untied States price. We also note that the documentation depicting nomination of a vessel whose capacity was known to the parties does not establish the quantity that would actually be shipped.

Comment 11

Onoda argues that certain reported shipments made to one particular U.S. customer on a purchase price basis (OBSNUMP 2, 4 and 7) should be excluded from margin analysis because the essential terms of sale were established prior to the POI. Respondent argues that while the long-term contract governing these sales was not formally signed among the parties until April 16, 1990, the price and quantity terms stipulated in the contract were established in written correspondence dated prior to the POI. Citing Certain Forged Steel Crank Shafts from the Federal Republic of Germany (Crankshafts from FRG), 52 FR 28170, 28175 (July 28, 1987), respondent states that the date of sale for the shipments at issue was not the date on which the contract was memorialized, but rather was the date that the essential terms were established. Onoda argues further that if the Department determines that the subject sales should be included in margin analysis, the OBSNUMP 2 should be treated as a sale at the original full price established by the relevant contract because the reduced price reflected an offset or compensation for damages incurred by the customer with respect to a shipment arranged prior to the POI.

Petitioners contend that Onoda's claim with respect to the price and quantity terms of the 1990 contract is inconsistent with information contained in the documentation examined at verification by the Department. They maintain that certain documents contained in a verification exhibit relevant to this issue demonstrate that continual negotiation and informal correspondence ensued among the parties over price and quantity up until the formal signing of the agreement during the POI. With respect to OBSNUMP 2, petitioners contend that the price actually charged by Onoda for OBSNUMP 2 is the correct gross price to be used in the calculation of U.S. price. They argue that the fact that Onoda charged and received less revenue for a sale during the POI does not excuse Onoda from accurately reporting the actual price paid. In addition, Onoda's decision on the price of that shipment was made during the POI, regardless of whether or not it may have been influenced by events occurring prior to the POI.

DOC Position

It is the Department's practice to determine the date of sale as that date on which the essential terms of the sale, specifically price and quantity, are finalized to the extent that they are outside the parties' control. See Titanium Sponge from Japan (54 FR 13403, 13404 (April 3, 1989)) (aff'd, Toho Titanium Co. v. United States, 743 F. Supp. 888 (CIT 1990)); Brass Sheet and Strip from France, 52 FR 812, 814 (1987). The Department normally considers the contract date as the date of sale because a written contract best represents the date at which the terms of sale are formalized and the parties are bound. Only where there is written evidence that the parties were bound at an earlier point in time will the Department look to that earlier date. In this case, Onoda reported, and the Department verified that the parties formalized negotiations in a contract for sale which was signed during the POI. Since the essential terms were set during the POI, we have included the transactions at issue in our calculations.

Respondent's reliance on Certain Forged Steel Crankshafts from the Federal Republic of Germany, 52 FR 28170 (July 27, 1987) is misplaced. That case stands for the proposition that the Department need not look only to a formal memorialization to determine the proper date of sale. In Crankshafts reliance on a formal contract as the date of sale was inappropriate where purchase orders were the first written evidence of a binding commitment (52 FR at 28175). The evidence cited by respondent in this case does not establish that the parties were bound prior to signing the contract.

With respect to OBSNUMP 2, our review of pertinent source documentation at verification revealed that the difference between the original contract price and the actual price charged by Onoda for this transaction reflected the method Onoda chose to compensate the customer for damages incurred with respect to a shipment arranged prior to the POI pursuant to a contract unrelated to OBSNUMP 2. Had the damage claim not existed, we have

no reason to believe that Onoda would have charged a price other than that stipulated in the contract. In effect, the full price reported by Onoda was paid, partly by direct payment and partly by satisfaction of an existing claim for damages. Therefore, we have used the contract price as the price Onoda charged the unrelated trading company involved in the transaction for purposes of calculating United States price. We have also included in our calculations the verified data pertaining to three additional shipments made pursuant to the 1990 long-term contract between June and October 1990 which had not occurred at the time respondent was preparing its response to the Department's questionnaire.

Comment 12

Petitioners argue that all U.S. sales of the subject merchandise made by Onoda, including those made to its related subsidiary Lone Star Northwest (LSNW), during the POI are purchase price sales. They contend that because these sales were made prior to the date of importation to an unrelated trading company for exportation to the United States, they constitute purchase price sales. In addition, they argue that Onoda has not established that its sales to LSNW are ESP transactions because it has not proven that LSNW is the importer of record and that LSNW sells cement for the account of Onoda.

With respect to Channel 1 sales (one of four different distribution paths in the United States), petitioners argue that these sales should be treated as purchase price sales for three reasons: (1) The unrelated U.S. customer agrees to purchase Onoda cement prior to importation; (2) LSNW serves only as a processor of sales-related documentation and a communication liaison between Onoda and the U.S. customer; and (3) as a matter of standard practice, the subject merchandise never enters LSNW's inventory, but rather is shipped directly from the manufacturer to the unrelated U.S. customer.

Based on the above-stated arguments, petitioners assert that the Department must use best information available to calculate purchase price for the sales improperly reported as ESP sales. As best information available, they state that, for sales of Type I cement, the Department should base purchase price on the f.o.b. prices reflecting LSNW's accounts which were obtained at verification. For the adjustments to purchase price, they propose that the Department use the weighted-average of all adjustments for cement sales previously reported by Onoda as purchase price sales. For sales of Type II cement, petitioners propose using, as best information available, the average net United States price of Onoda's Type II sales previously reported as purchase price sales.

Onoda refutes petitioners' arguments with respect to those sales reported by LSNW, referred to as Channels 2, 3 and 4 (the three remaining distribution paths in the United States). Onoda contends that these sales are made for the account of Onoda, LSNW's related exporter, and are ESP sales. LSNW serves as the importer of record for cement imported from Onoda. Respondent asserts that Onoda is directly involved in sales negotiations between LSNW and the unrelated trading company, while it is not involved in the negotiations between the unrelated trading company and its other U.S. customers. Onoda states that the trading company participates in these negotiations, where its primary role is to arrange and monitor transportation services. Respondent asserts that the trading company's presence in the title transfer chain between Onoda and LSNW facilitates bookkeeping and shipment of the subject merchandise. Respondent maintains that LSNW's cement and ready-mix sales should be considered ESP sales.

With respect to Channel 1 sales, however, Onoda agrees with petitioners as to their characterization as purchase price sales. However, Onoda asserts that the calculation of United States price for these sales should be based on the price paid by the customer to LSNW plus profit net back.

DOC Position

With respect to Channel 1 sales, we agree with petitioners. For the reasons given by petitioners, we have treated these sales as purchase price sales in the final determination. However, we disagree with petitioners' proposed best information available methodology on which to base United States price. Rather, for these sales, we have based United States price on the verified c.i.f. price to the customer and included profit net back as part of the price paid by the customer. (See also DOC Position to Comment 13 below and "United States Price" section of this notice.)

However, with respect to Channels 2, 3 and 4, we agree with Onoda. For purposes of this investigation, we determined that LSNW's sales of bulk cement and ready-mix are ESP sales. The transaction between Onoda and the trading company merely facilitated the sale between Onoda and its related purchaser, LSNW, who we determine is the exporter of the merchandise since it is the person by whom or for whose account the merchandise is imported into the United States. See section 771(13) of the Act. Our determination that these are ESP sales, rather than purchase price sales, is based on five factors which we confirmed at verification: (1) Onoda holds a significant equity position in LSNW and plays a major role in the sales negotiation process with LSNW, which is unlike that with respect to unrelated U.S. customers (see *e.g.*, LSNW financial statements and contract notes between Onoda and the trading company concerning sales to LSNW as opposed to unrelated customers. (2) The trading company plays a substantial role in the transportation flow of the merchandise as facilitator (see, *e.g.*, shipment detail reports and freight bills) and an inconsequential role in the title transfer chain. (3) The office of Onoda Northwest, a wholly-owned subsidiary of Onoda, exists and functions on LSNW's premises as liaison between Onoda and LSNW with respect to cement sales. (4) Substantial correspondence takes place directly between Onoda and LSNW personnel regarding cement sales. (5) There is no evidence on the record that the trading company has any effect upon or the ability to affect the essential terms of sale.

Comment 13

Petitioners argue that the profit net back associated with Channel 1 sales should not be added to United States price. Petitioners argue that this revenue constitutes a rental payment from the customer to LSNW which occurs long after the sale of cement is made and is not part of the actual sales price.

Onoda contends that profit net back is an integral part of the sales price for Channel 1 sales and should be considered as the second of two payments due on Channel 1 sales. Respondent maintains that this additional revenue is a condition of sale agreed to between LSNW and the particular customer. Based on the nature of the sales arrangement between the parties, Onoda argues that it would not be logical for LSNW to be engaged in the sale at all without the expectation of the additional revenue. Onoda asserts that this additional revenue is an economic rent and not a real estate rent as petitioners have characterized it.

DOC Position

We agree with respondent. This case presents a factual situation analogous to installment sales where the selling price was based on total payments received

including both principal and revenue. See Certain Internal Combustion Forklift Trucks from Japan, 53 FR 12552, 12557 (April 15, 1988). See also, Acetylsalicyclic Acid (Aspirin) From Turkey, 52 FR 24492, 24493 (July 1, 1987). Petitioners refer to profit net back as "rent" based on the terminology used in the agreement which exists between LSNW and the particular customer to which Channel 1 sales are made. This is misleading. As specified by the agreement, an essential term of these sales is the receipt of the after-sale revenue referred to as "additional rent." However, "rent" in this case is an economic term suggesting revenue. Although this revenue is not realized by LSNW until after the sale of cement is made to the customer, it is an integral part of the sale price. For these reasons, we have included the verified per metric ton amount of profit net back as part of U.S. price for Channel 1 miles. We have also recalculated credit expenses associated with Channel 1 sales to account for this additional revenue. (See also "United States Price" section of this notice.)

Comment 14

Petitioners argue that the Department should not adjust the underreported prices for ready-mix sales resulting from a computer programming error. Petitioners assert that Onoda never provided a revised computer tape to correct this error which was discovered as early as December 21, 1990 when it was disclosed to the Department. They also state that at that time Onoda was not certain of the extent of the affected transactions. Therefore, they conclude that the Department should not make any adjustment to the sales tape because any such adjustment would be based on substantial new information submitted for the first time at verification.

Onoda contends that the Department should include in the calculation of United States price, the additional revenue which was omitted from the reported gross prices of ready-mix sales but included in value added costs. Onoda maintains that it notified the Department by letter dated December 21, 1990, once the error was discovered, and offered to submit a new tape at a time most convenient for the Department. Respondent also maintains that at verification the Department was able to randomly check data pertaining to certain affected transactions and found no discrepancies. For these reasons, respondent maintains that the additional revenue data was submitted on a timely basis and was verified, and therefore, should be included in United States price.

DOC Position

We agree with petitioners. Although Onoda is correct in maintaining it had notified the Department of the error once it was discovered, Onoda fails to state that at the time LSNW personnel were not certain of the magnitude of the problem. It was not until the end of verification that respondent attempted to provide the Department with information regarding a clerical error made by LSNW which affected numerous ready-mix transactions. This information was not provided in a timely fashion in accordance with § 353.31(a)(1)(i) of the Department's regulations and was therefore rejected at verification. Further, as stated in the verification report, due to time constraints, we could not sufficiently test the data to ensure that respondent had accurately and completely captured all affected transactions, nor were we able to test the affected cost fields. Based on the insufficiency of the verified data on the record, we are precluded from adjusting the prices or costs as requested by Onoda for purposes of the final determination.

Comment 15

Petitioners argue that the unreported sales of bagged cement made by LSNW must be included in margin analysis based on best information available.

Onoda contends that it complied fully with the Department's request for information concerning bagged cement sales, and that the Department should disregard these sales in the final determination based on the insignificant volume they represent relative to Onoda's total U.S. sales made during the POI.

DOC Position

Since Onoda's U.S. sales of bagged cement represent an insignificant portion of total U.S. sales made during the POI, we have excluded them from margin analysis in the final determination. See Sweaters Wholly or In Chief Weight of Man-Made Fiber from the Republic of Korea, 55 FR 32659, 32661 (August 10, 1990).

Comment 16

Petitioners contend that LSNW incorrectly annualized its reported cost data and, therefore, the Department must reject this data in determining U.S. value added and use best information available. They maintain that LSNW was required to report only the costs it actually incurred during the POI for further manufacturing. They further argue that the comparison of actual prices during the POI and annually adjusted costs distorts the calculation of U.S. price and potential dumping margins. Petitioners assert that there appear to be no peculiar aspects to the concrete business which would make it unfair to match actual costs incurred during the POI with actual prices in the same period. They also maintain that Onoda has not provided any specific data demonstrating that LSNW's concrete sales revenue is seasonal, that LSNW is a high fixed cost operation or that high fixed costs unfairly distort actual cost data. Rather, they maintain that LSNW's concrete operations are subject to a higher proportion of variable costs relative to fixed costs.

Onoda maintains that further manufacturing costs should be annualized to account for LSNW's geographic location in the northwestern United States and the extreme seasonality of cement and concrete sales, as well as high fixed costs, and thereby prevent distortion of per unit charges and adjustments. Onoda asserts that ready-mix materials costs, yard costs and delivery costs are largely comprised of high fixed costs relative to total costs. Onoda further claims that the Department frequently measures costs in analogous situations for a period other than the POI or period of review. Respondent cites Certain Fresh Cut Flowers from Colombia (Colombian Flowers), 55 FR 20491, 20496 (May 17, 1990), and Sweaters Wholly or in Chief Weight of Man-Made Fiber from Taiwan, 55 FR 34585, 34598 (August 23, 1990), Offshore Platform Jackets and Piles from Japan (Platform Jackets), 51 FR 11786 (1986) and Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, 54 FR 18992 (May 3, 1989) to support its position.

DOC Position

While the Department does not agree with respondent that the Colombian Flowers and Platform Jackets cases are analogous, because the production process for these products is longer than six months, we agree with Onoda regarding use of annualized fixed costs. The per ton depreciation and other fixed costs may fluctuate significantly because of the seasonality of the production process, the time such costs are incurred, and the method of accounting for these costs. We have examined the record and determined that LSNW's fixed costs are significant enough to affect the per metric ton cost

of ready-mix when cement and concrete sales are seasonal in nature.

Comment 17

Onoda maintains that LSNW's SG&A expenses and movement charges incurred on ready-mix sales made in the United States should be apportioned between the further manufacturing in the United States and the imported cement when calculating the total U.S. value added and the profit associated with this value added.

Petitioners maintain that delivery charges associated with the delivery of ready-mix to the customer must remain as part of U.S. value added. Because mixing of the raw materials occurs on the truck while in motion, petitioners argue these expenses cannot be separated from concrete manufacturing costs.

DOC Position

We agree with Onoda. We have apportioned SG&A and movement charges associated with ready-mix sales between the further manufacturing in the United States and the imported cement based on COM, and have deducted them from United States price on that basis. (See also "United States Price" section of this notice.)

We disagree with petitioners as to treatment of delivery costs. The costs incurred in delivery of the ready-mix to the ultimate customer are in the nature of movement charges. The fact that the cement is mixed in conjunction with delivery does not alter the primary function of the cement truck as a delivery vehicle.

Comment 18

Petitioners claim that goodwill as reported on Onoda's financial statements should be included as part of value added. Citing Color Television Receivers from Korea, 55 FR 26225, 26228 (June 27, 1990), petitioners argue further that the Department included the goodwill as a general and administrative cost in the calculations.

Respondent claims that goodwill amortization should be excluded from cost calculations not only because it cannot be deducted for tax purposes, but also because the amortization expense does not reflect any cash paid out by LSNW.

DOC Position

We agree with petitioners. The goodwill was related to the organization of the joint venture and represented the economic value of the company over the market value of its underlying assets. The excess over value of assets in a reorganization or purchase is capitalized and amortized over future periods for financial statement reporting. The Department considers such goodwill amortization expense as a current cost, part of the cost of manufacturing goods and includes it in calculations of value added costs.

Comment 19

Respondent Onoda claims that its allocation of LSNW interest and G&A costs over sales value is proper, and should be applied to the sales price to determine a per unit interest or G&A factor.

DOC Position

We disagree. If G&A and interest costs are allocated on the basis of sales value, the amount of G&A and interest for exactly the same product, manufactured at exactly the same time, would vary simply because the product was sold at a different price. To avoid this distortion, the Department normally calculates per unit interest and G&A expense on the basis of relationship to cost of sales rather than sales value. The resulting ratio is applied to the COM of the manufactured goods to determine a per unit cost.

Comment 20

Petitioners claim that interest paid on loans should be added to LSNW's reported interest expense because the overall organization of the partnership has a direct bearing on the manufacturing process.

Onoda claims that loans transacted at the time of forming the joint venture should be excluded from consideration in calculating interest expense for the U.S. value added.

DOC Position

We agree with petitioners. Interest paid on all loans has been included in calculation of U.S. value added costs because the Department recognizes the fungible nature of financing. Only amounts paid to Onoda Northwest have been excluded since that debt interest has been included elsewhere as an indirect selling expense.

Comment 21

Onoda argues that the corporate and divisional advertising expenses incurred by LSNW should be included in the ESP CAP because they are indirect selling expenses.

Petitioners contend that LSNW's advertising expenses incurred on U.S. sales are direct expenses, and as such, they should not be included in the ESP CAP.

DOC Position

We agree with Onoda in part. Based on our findings at verification, we determined that the advertising expenses incurred by LSNW are indirect selling expenses, and have included them in the ESP CAP. However, for sales of bulk cement we have excluded divisional advertising expenses from the ESP CAP because they are solely associated with sales of ready-mix.

For ready-mix sales, in order to ensure a fair price-to-price comparison, we have included in the ESP CAP only that portion of U.S. indirect selling expenses attributable to the subject merchandise, *i.e.*, bulk cement sales and the cement portion of ready-mix sales. (See also "Foreign Market Value" section of this notice.)

Comment 22

Onoda requests that the Department exclude classes G and H oil well cement from the scope of the investigation based on the following reasons: (1) The physical and chemical properties of classes G and H are very different from the general purpose cement that is the focus of the petition; (2) they sell for much higher prices than general purpose cement; (3) they are used in highly specialized applications and, therefore, not interchangeable with general purpose cement and; (4) petitioners have failed to indicate whether they manufacture these classes of oil well cement.

Petitioners maintain that oil well cement is included in the scope of the investigation. They maintain that all types of the subject merchandise are within the scope of the investigation, even the particular types which are only appropriate for certain customized uses. They assert that all classes of oil well cement are currently classifiable under the same HTS number as other types of general use cement. Petitioners state that the Department need not consider criteria beyond the description of the subject merchandise at issue in the petition, the ITA and ITC notices of initiation, the ITA and ITC preliminary determinations in this investigation, and past cement cases.

DOC Position

We have insufficient information at this time upon which to base a conclusion that classes G and H oil well cement should be excluded from the scope of the investigation. Should an antidumping duty order be issued in this case respondent will be able to request a scope ruling, as described in section 353.29(b) of the Department's regulations.

Comment 23

Petitioners argue that Nihon's failure to report home market sales information by its related companies warrants use of best information available for determining Nihon's FMV. Petitioners note that the Department requested such information on at least three occasions and that Nihon did not report such sales, other than a quantity sold by one related company reportedly produced by one of Nihon's competitors. Petitioners also note that Nihon has made the unsupported statement that the other two related companies did not produce MC during the POI. Petitioners assert that the Department verified that all three related parties were at least 10 percent owned by Nihon and that the Dainihon sales company representative present at verification could have provided sales information, at least insofar as the related parties made sales through Dainihon. Petitioners point out that Nihon and its related parties are closely intertwined, have interlocking boards of directors and substantially identical production equipment, and that Nihon and its related parties should be collapsed "for purposes of responding to the Department's questionnaire."

Respondent admits that Nihon and its three related parties are related but asserts that the mere existence of relationship does not necessarily mean that Nihon has access to the sale and expense information. Nihon points out that one related party, Ryukyu, which is 10 percent owned by Nihon, is actually controlled by one Nihon's competitors, and that Ryukyu does not belong to the Dainihon sales group but in fact belongs to a different joint sales entity. Nihon also asserts that the Department verified "that neither Myojo nor Daiichi produced moderate heat cement during the POI"; therefore, the use of best information available is unnecessary with respect to related party sales. Nihon argues that if a penalty is to be levied for its "technical noncompliance with the Department's request for related party information" it would be sufficient to impute Nihon's margin to "Myojo and Daiichi."

DOC Position

We agree with petitioners in part and have used best information available for purposes of determining sales quantities and values for Myojo and Daiichi. Contrary to respondent's assertion that the Department verified related party sales, or lack of sales, the Department's verification report states that Nihon was only able to report a single, unverified quantity of subject merchandise as having been sold by Myojo. Since we repeatedly requested such information and Nihon refused to respond, and because it is clear that Nihon controls a substantial interest in Myojo and Daiichi, we determine that there is a reasonable basis to believe collapsing Nihon and its related parties Myojo and Daiichi is warranted. With respect to Ryukyu, "[i]t is the Department's practice *not* to collapse related parties except * * * where the type and degree of relationship is so significant that we find there is a strong possibility of price manipulation." (Emphasis in original.) See Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from the Federal Republic of Germany, 54 FR 18992, 19089 (May 3, 1989). In this case, the evidence does not support such a relationship with Ryukyu. To determine an appropriate home market quantity to assign to Myojo and Daiichi, we used petitioners' calculation of projected home market sales quantities of MC for Myojo and Daiichi based on those companies' financial statements. For FMV we used the highest calculated net price for any sales transaction in Nihon's database and added those sales to Nihon's database, as best information available. In accordance with Department practice, Nihon, Myojo and Daiichi have been assigned the same less than fair value margin.

Comment 24

Petitioners argue that Nihon has not met its burden of proof in documenting that sales to related distributors (to be distinguished from the related party producers discussed in Comment 23, above) in the home market are at arm's length and that the Department wrongly included those sales in the preliminary determination. Petitioners cite as authority Antifriction Bearings (Other Than Tapered Roller Bearings) And Parts Thereof from the Federal Republic of Germany, 54 FR 18992, 19090 (May 3, 1989). That case noted that the "burden of proof is on the respondent" and that "a respondent must provide a detailed analysis of the prices charged to related parties and to unrelated parties." Based on that information, as petitioners note in their brief, "[the Department] will generally compare net prices charged to related and unrelated parties." Petitioners suggest that net prices to related parties are actually much lower than net prices to unrelated distributors.

Nihon charges that petitioners' calculations are in error since petitioners deducted freight expenses for unrelated customers only, in its calculation of net FMVs.

DOC Position

We agree with respondent. Nihon sustained its burden to produce a detailed analysis of prices to related and unrelated parties when it submitted its home market database which clearly indicates gross prices, and adjustments, to related and unrelated parties alike. As petitioner points out, it is then incumbent upon the Department to analyze that data. Both for the preliminary determination and this final determination, the Department calculated net prices to related and unrelated parties, and found that the net prices to related parties were at arm's length. Based on this finding, the Department concluded that sales made to related parties were properly includable in FMV calculations. Nihon's characterization of the error in petitioners' allegation is correct.

Comment 25

Petitioners contend that Nihon is not entitled to a commission offset for indirect selling expenses in the home market against U.S. Commissions since Nihon actually pays commissions in the home market. Petitioners also claim that Nikon is not allowed to claim the home market commission as an offset against U.S. commissions since the home market commission went unreported until verification; therefore Nihon has effectively waived its right to such an offset. Petitioners point out that even if Nihon has not waived its right to claim such an offset, commissions paid to related parties are considered intracorporate transfers and are not properly deductible from FMV as an offset.

Respondent asserts that the commission in the home market is what petitioners have alleged—an intracorporate transfer to a related party. Respondent charges that petitioners elevate form over substance in citing § 353.56(b)(1) language that an offset is triggered only when "no commission is paid in the other market * * *" since the regulation fails to distinguish between commissions paid to related parties and commissions paid to unrelated parties.

DOC Position

We agree with respondent. The purpose of a circumstance of sale adjustment is to make reasonable allowances for bona fide price differences in different markets. Nihon has reported home market prices which include any commission Nihon paid to a related party. These related party commissions are intracompany transfers which cannot be used to offset U.S.

commissions. However, they have reported home market indirect selling expenses and U.S. commissions which the Department verified. Nihon is entitled to a reasonable allowance or offset using home market indirect selling expenses and U.S. commissions in accordance with § 353.56(b)(1) of the Department's regulations.

Comment 26

Petitioners assert that the rebate claimed by Nihon should not be deducted from FMV since that rebate is not paid out periodically. Petitioners argue that the Department does not permit deductions from FMV for anticipated but unpaid post-sale expenses which have not been recorded by respondent as being paid out on a regular basis. Petitioners cite Color Television Receivers from Taiwan, 49 FR 7628, 7632 (1984), for the proposition that rebates booked by a respondent but not yet paid, "which a manufacturer's history demonstrates were given in previous years," may be deducted from FMV and concludes that Nihon has not met that level of proof.

DOC Position

We agree with petitioners and have disallowed the adjustment to FMV. At verification, respondent was unable to document payment of the rebate and reported that, since the inception of the rebate program, "only a handful" of customers had received the rebate.

Comment 27

Petitioners claim that the adjustment for the database field "load one" (loading charges incurred at service stations) should be disallowed as "inconsistent and contradictory" since there is such a wide disparity in loading charges and it is "inconceivable" to petitioners that two different plant locations could incur such inconsistent loading charges.

DOC Position

We disagree with petitioners and have deducted the database field "load one" from FMV. Petitioners have confused a loading charge in the database field "load two," applicable to a production plant with a loading charge in the data base field "load one," which covers the loading of cement at service station. The "load one" charges were verified by the Department as accurate.

Comment 28

Petitioners charge that Nihon inexplicably incurs higher freight charges for moderate heat cement than it does for ordinary portland or high early strength cement. They allege that there is no explanation for such divergent charges and requests that the Department weight-average all home market freight charges.

DOC Position

The Department verified freight charges and found that freight charges are levied, based on a "tariff rate schedule using a zone system." As indicated in the verification report, Nihon documented to the Department's satisfaction that freight rates vary by destination and not by cement type. Therefore we have deducted freight charges as reported by respondent.

Comment 29

Petitioners assert that Nihon incorrectly calculated indirected selling expenses by failing to allocate total expenses and home market sales values between subject merchandise and other products produced by Nihon. Petitioners contend that the indirect selling expense applied to each sale is "inaccurate and must be recalculated."

DOC Position

We disagree with petitioners. Essentially petitioners argue that both the numerator (indirect selling expenses) and the denominator (total sales of all merchandise) in respondent's calculation are overstated by amounts attributable to non-subject merchandise. Since it is impossiible to allocate indirect selling expenses by product, respondent necessarily would reduce indirects by the same amount as total sales.

Comment 30

Petitioners assert that charges for demurrage were included in U.S. price for some sales, contrary to Nihon's claim that all reported U.S. sales prices are net of demurrage charges. As best information available for those sales where demurrage is included in U.S. price, petitioners suggest that the Department assign to those sales that the Department did not verify the highest, verified demurrage expense in the database.

With respect to the allegation, Nihon contends that U.S. price, as reported, does not include charges for demurrage, therefore those charges are not properly deductible from United States price. Nihon has indicated previously that it reported such charges in the interest of full disclosure but requested that the Department not deduct them from United States price since Nihon's sells U.S.-bond merchandise FOB Kamiiso.

DOC Position

We agree with petitioners. For certain transactions, Nihon has reported gross U.S. prices, inclusive of demurrage (and sometimes dead freight and despatch) charges, which must be deducted from U.S. price. We note FOB sale terms do not absolve a seller of its responsibility to load the merchandise aboard the vessel in a manner and period to be set under the vessel charter; indeed Nihon sometimes incurred a demurrage charge to its own account. That fact is reflected in labor overtime charges Nihon claimed for loading. Therefore, for the six verified sales (of 16 total U.S. sales transactions), we used the actual charge for demurrage on those transactions where a demurrage charge was included in United States price. For the remaining 10 U.S. sale transactions, as best information available, we applied the highest verified demurrage rate after excluding one transactional demurrage charge that was extraordinarily high and, therefore, unrepresentative. (See "United States Price" section of this notice.)

Comment 31

Petitioners charge that Nihon should use actual credit days in calculating credit, rather than an average 15 day period.

DOC Position

On its final tape submitted to the Department, Nihon used both the verified credit rate and actual credit days in determining the imputed credit deduction. The Department recalculated credit using actual credit days and the verified short term credit rate. (See also "Foreign Market Value" section of this notice.)

Comment 32

Petitioners argue that United States price of Nihon should be reduced by an amount that accounts for electrical expenses incurred in operating a pipeline used to load ocean-going vessels at the port of Kamiiso. In particular, petitioners note that Nihon has repeatedly refused to provide an expense allocation covering electrical and other costs associated with operating the pipeline used to load vessels. As best information available, petitioners suggest that the Department deduct from United States price "a per ton loading charge at least as large as the weighted average loading charge deducted from FMV * * *."

Nihon argues that the only expense incurred by Nihon that is identifiable with the particular U.S. sales in question are loading expenses, which have been

reported. In response to the Department's deficiency questionnaire and at verification Nihon characterized electrical costs associated with operating the pipeline as negligible. Furthermore, Nihon asserts that it has not claimed as deductions from FMV electrical costs associated with operating the pipeline for home market sales.

DOC Position

We have not made any adjustment to United States price for electrical expenses associated with operating the pipeline since the expense would be the same in both "markets" on a unit basis. Petitioners' suggestion that the Department use as best information available "a per ton loading charge at least as large as the weighted average loading charge deducted from FMV * * *" is not a reasonable estimate of best information available for the electrical expense involved in operating the pipeline.

Continuation of Suspension of Liquidation

In accordance with § 353.15(a)(3)(i) of the Department's regulations, we are directing the United States Customs Service to continue to suspend liquidation of all entries of cement and clinker from Japan, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after October 31, 1990, the date of publication of the preliminary determination in the **Federal Register.** The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amounts by which the FMV of subject merchandise from Japan exceed the U.S. price, as shown below.

Manufacturer/producer/exporter	Margin percentage
Onoda Cement Co., Ltd	47.79
Nihon Cement Co., Ltd	84.70
(Myojo Cement Co., Ltd.)	(84.70)
(Daiichi Cement Co., Ltd.)	(84.70)
All others	65.22

This suspension of liquidation will remain in effect until further notice.

ITC Notification

In accordance with section 735(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations, Import Administration.

The ITC will determine within 45 days from the date of this final determination whether there is material injury, or the threat thereof, to the domestic industry. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled. However, if the ITC determines that material injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on gray portland cement and clinker from Japan entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, equal to the amount by which the FMV exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673d(d)) and § 353.20(a)(4) of the Department's regulations (19 CFR 353.20(a)(4)).

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6897 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-614-502]

Low-Fuming Brazing Copper Rod and Wire From New Zealand; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping duty order on low-fuming brazing copper rod and wire from New Zealand for the period December 1, 1987 through November 30, 1988. The review covers one manufacturer/exporter of this merchandise to the United States, McKechnie Pacific Limited. We preliminarily determine the weighted-average dumping margin to be 0.66 percent *ad valorem* for the review period. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Al Jemmott or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On November 29, 1988, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (53 FR 48004) of the antidumping duty order on low-fuming brazing copper rod and wire from New Zealand (50 FR 49740; December 4, 1985). On December 28, 1988, McKechnie Pacific Limited (McKechnie), a manufacturer/exporter of the subject merchandise, requested a review of the period December 1, 1987 through November 30, 1988. We initiated the review on January 31, 1989 (54 FR 4871). The Department has now conducted that review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The final results of the last administrative review of this order were published in the **Federal Register** on December 26, 1990 (55 FR 53026).

Scope of Review

Imports covered by this review are low-fuming brazing copper rod and wire from New Zealand, principally of copper and zinc alloy ("brass") of varied dimensions in terms of diameter, whether cut-to-length or coiled, whether bare or flux-coated. During the review period, such merchandise was classifiable under item numbers 612.6205, 612.7220 and 653.1500 of the *Tariff Schedules of the United States Annotated* (TSUSA). This merchandise is currently classifiable under item numbers 7407.21.50, 7408.11.60, 7408.19.00, 7408.21.00, 7408.22.50, 7408.29.50, 8311.10.00, 8311.20.00, 8311.30.60 and 8311.90.00 of the *Harmonized Tariff Schedule* (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

The review covers one manufacturer/exporter of this merchandise to the United States, McKechnie, and the period December 1, 1987 through November 30, 1988.

United States Price

In calculating United States price, the Department used purchase price as defined in section 772 of the Tariff Act.

Purchase price was based on the c.i.f. price to unrelated purchasers in the United States. We made adjustments for ocean freight, marine insurance and commissions where applicable. No other adjustments were claimed or allowed. There were no countervailing duties for the review period attributable to export subsidies to be added to the United States price.

Foreign Market Value

In calculating foreign market value, the Department used home market price as defined in section 773 of the Tariff Act. Home market price was based on the priced, free-on-railhead price to unrelated purchasers in the home market. We made further adjustments, where applicable, for differences in: Credit costs, inland freight, commissions, the physical characteristics of the merchandise, and packing between the home market and U.S. merchandise. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our review, we preliminarily determine the weighted-average dumping margin for the period December 1, 1987 through November 30, 1988 to be:

Manufacturer/exporter	Margin (percent)
McKechnie	0.66

Parties to the proceeding may request disclosure and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing case briefs. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 353.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than; 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 353.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal briefs or at a hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United Statesd price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Pursuant to 19 CFR 353.6 the Department will disregard any *de minimis* weighted-average dumping margin (e.g. less than 0.5 percent *ad valorem*) for purposes of cash deposit of estimated antidumping duties. Because the Department has determined in a more recent review period (December 1, 1988 through November 30, 1989) that McKechnie's margin was 0.33 percent *ad valorem*, and therefore *de minimis*, no cash deposit shall be required for McKechnie or for a new exporter whose first shipment occurred after November 30, 1989. These deposit requirements shall be effective for all shipments of low-fuming brazing copper rod and wire from New Zealand entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This administratrive review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6768 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-791-001]

Ferrochrome from South Africa; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on ferrochrome from South Africa for the period January 1, 1989 through December 31, 1989. We preliminary determine the total bounty or grant to be zero for Ferroalloys Limited, and 3.33 percent ad valorem for all other companies. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Dana S. Mermelstein or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 1990, the Department of Commerce (the Department) published a notice of "Opportunity to Request Administrative Review" (55 FR 11417) for the countervailing duty order on ferrochrome from South Africa (46 FR 21155; April 9, 1981). On March 29, 1990, the petitioner, Macalloy Corporation, requested an administrative review of the order. We published a notice of initiation of review, covering the period January 1, 1989 through December 31, 1989, on April 27, 1990 (55 FR 17792). The Department is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The final results of the last completed administrative review of this order were published in the **Federal Register** on May 16, 1983 (48 FR 21983).

Scope of Review

Imported products covered by this review are South African ferrochrome, which is currently classifiable under items 7202.41.00, 7202.49.10 and 7202.49.50 of the Harmonized Tariff Schedule. The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

This review covers the period January 1, 1989 through December 31, 1989, and six programs.

Analysis of Programs

(1) Industrial Development Corporation Loans

The Industrial Development Corporation (IDC) is a South African government corporation which makes financing available in several specific areas: (1) For small and medium-sized firms; (2) for projects aimed at import replacement and increasing export capacity, especially where local raw materials are upgraded and refined to maximize foreign exchange earnings; (3) for projects with a high technology and capital content; and (4) for the development of agro-industries which create large-scale employment in rural areas.

During the review period, one company had an outstanding IDC export capacity loan. Because loans of this type are limited to exporters, we preliminarily determine that they constitute bounties or grants to the extent that their terms are preferential. Because the interest rate was variable, we treated this loan as a series of short-term loans. As our benchmark, we used the monthly Term Lending Base Rate as reported in the Quarterly Bulletin of the South African Reserve Bank.

To calculate the benefit from the IDC loan, we compared the benchmark rate to the interest rate applicable for each loan interest payment made during the review period and divided the benefit by the company's total exports to all markets. We then weight-averaged the results by the company's share of exports of the subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.04 percent ad valorem for all other companies.

(2) Export Incentive Program

In 1980, the South African Department of Industries, Commerce, and Tourism restructured its export incentive program into four categories. Because this program is limited to exporters, we preliminary determine that it constitutes a bounty or grant within the meaning of the Tariff Act.

Category A allows exporters to claim a tax credit of 50 percent of the value of the import duties applicable to inputs used in the production of goods for export. Because importers may receive this tax credit regardless of whether the inputs are actually imported or are of domestic origin, we preliminarily determine that this program is countervailable. Two companies claimed Category A benefits during the review period. To calculate the benefit, we divided the amount of each company's Category A claims by its total exports to all markets. We then weight-averaged the results by each company's share of exports of the subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.26 percent ad valorem for all other companies.

Under Category B, exporters may claim a tax credit equal to 10 percent of the value-added component of merchandise a company exports if there is a South African import duty on competing imported merchandise. No ferrochrome exporters used this program during the review period.

Category C provides a rebate of finance charges for exporters with respect to goods warehoused abroad. None of the companies received benefits under Category C with respect to exports of ferrochrome to the United States during the review period.

Under Category D, an exporter may deduct from taxable income 75 percent of export marketing expenses. An exporter meeting certain additional eligibility criteria may deduct 100 percent of export marketing expenses from taxable income. Three companies received Category D benefits during the review period. To calculate the benefit, we multiplied the Category D claim by the tax rate applicable in the review period. Because two companies tied a portion of their Category D benefits specifically to United States exports, and one company did not, we divided the resulting benefit by each company's exports of subject merchandise to the United States, or by total exports of all merchandise, as appropriate. We then weight-averaged the results by each company's share of exports of subject merchandise to the United States, exlcuding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 2.62 percent ad valorem for all other companies.

(3) Regional Industrial Development Incentives

The Government of South Africa offers several incentives to companies located in geographically remote Industrial Development Points. We preliminarily determine that, as regional subsidies, these incentives constitute bounties or grants within the meaning of the Tariff Act.

(a) Labor Incentive

This incentive is offered as a cash grant annually for seven years to approved regional development industries. The incentive is calculated on the basis of the number of personnel employed at and directly involved in the manufacturing plant at the regional development point, and is granted as a percentage of the average salary/wage per employee.

One ferrochrome exporter received an incentive under this program. Because this incentive is an annually recurring grant, we expense the benefit in the year of receipt. To calculate the benefit, we divided the amount of the grant by the company's total sales. We then weight-averaged the result by the company's share of exports of subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.004 percent ad valorem for all other companies.

(b) Interest Concession

An interest concession is paid quarterly as a cash grant to approved industries at regional development points, for a period of ten years, on 100 percent of the company's investment in land and buildings (excluding residential accommodations), and on 50 percent of their investment in other assets. The value of the grant is based on the interest cost as reflected in the company's financial statements. The grant is calculated on the basis of a predetermined market-related interest rate.

One company received benefits under this program. To calculate the benefit, we divided the amount of the grant by the company's total sales. We then weight-averaged the result by the company's share of exports of subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.005 percent ad valorem for all other companies.

(c) Rail Transport Rebate on Outgoing Goods

All industries at regional development points qualify for a rebate of transport costs incurred on all official means of transport. One company received rebates during the review period. To calculate the benefit, we divided the amount of the company's rebate by the company's total sales. We then weight-averaged the result by the company's share of exports of subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.40 percent ad valorem for all other companies.

(d) Subsidy on Housing for Key Personnel

The Regional Industrial Development Authorities subsidize housing for key personnel at regional development points for a maximum of 20 years on new mortgage loans and up to twenty years on the outstanding loan

repayments for existing loans. The subsidy is based on the interest rate of the largest building society, with the proviso that the interest rate paid by the recipient company after the subsidy should not be lower than six percent.

One company had worker housing loans with the Industrial Development Corporation that were subsidized by the Regional Industrial Development Authorities. The interest differential is paid monthly by the Regional Industrial Development Authorities. To calculate the benefit from this program, we took the amount of these payments toward the housing loans during the review period and divided it by the recipient company's total sales. We then weight-averaged the result by the company's share of exports of subject merchandise to the United States, excluding the company with significantly different aggregate benefits. On this basis, we preliminarily determine the benefit from this program to be zero for Ferroalloys Limited, and 0.002 percent ad valorem for all other companies.

(4) Beneficiation Allowances

The South African Department of Trade and Industry administers the Electrical Power Cost Rebate Scheme which provides a rebate on the cost of electricity used in the production of exports. No South African exporters of ferrochrome received this rebate with respect to exports of ferrochrome to the United States.

(5) Other Programs

We also examined the following two programs and preliminarily determine that exporters of ferrochrome to the United States did not use them during the review period:

A. Preferential Rail Rates.

B. Government Loan Guarantees.

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be zero for Ferroalloys Limited, and 3.33 percent ad valorem for all other companies during the period January 1, 1989 through December 31, 1989.

Upon completion of this review, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Ferroalloys Limited, and to assess countervailing duties of 3.33 percent of the f.o.b. invoice price on shipments of this merchandise from all other companies exported on or after January 1, 1989 and on or before December 31, 1989.

Further, the Department intends to instruct the Customs Service to waive the cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on shipments of this merchandise from Ferroalloys Limited, and to collect a cash deposit of 3.33 percent of the f.o.b. invoice price on shipments of this merchandise from all other companies entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculaton methodology and interested parties may request a hearing not later than ten days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6898 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-05-M

[C-331-601]

Certain Fresh Cut Flowers from Ecuador; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On January 18, 1991, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain fresh cut flowers from Ecuador. We have now completed that review and determine the total bounty or grant to be zero for six companies and 2.62 percent ad valorem for all other companies during the period January 1, 1988 through December 31, 1988.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Elizabeth Levy or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On January 18, 1991, the Department of Commerce (the Department) published in the **Federal Register** (56 FR 1975) the preliminary results of its administrative review of the countervailing duty order on certain fresh cut flowers from Ecuador (52 FR 1361; January 13, 1987). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Ecuadorian fresh cut miniature (spray) carnations, provided for during the review period under item 192.7 of the Tariff Schedules of the United States (TSUS), and standard carnations, standard chrysanthemums and pompon chrysanthemums, provided for during the review period under item 192.21 of the TSUS. This merchandise is currently classifiable under items 0603.10.30, 0603.10.70 and 0603.10.80 of the Harmonized Tarff Schedule (HTS). Daisies are excluded from the scope of the countervailing duty order. The TSUS and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period January 1, 1988 through December 31, 1988 and nine programs: (1) Short-term FOPEX export credit; (2) long-term FOPEX export credit; (3) Fund for the Development of Exportable Production; (4) short-term FDEP loans; (5) tax deductions for new investment; (6) tax

holidays; (7) tax exemptions for transfer of rea_ estate; (8) sales and income tax exemptions; and (9) government refinancing of private debt.

Analysis of Comments Received

We gave interested parties in opportunity to comment on the preliminary results. We received no comments.

Final Results of Review

As a result of our review, we determine the total bounty or grant to be zero for Armizo, S.A.; Flores La Antonia, S.A.; Florestrade, S.A.; Inversiones Floricola, S.A.; Jardines Del Ecuador, S.A.; and Mundiflor, S.A.; and 2.62 percent ad valorem for all other companies during the period January 1, 1988 through December 31, 1988.

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments of this merchandise from Armizo, S.A., Flores La Antonia, S.A., Florestrade, S.A., Inversiones Floricola, S.A., Jardines Del Ecuador, S.A., and Mundiflor, S.A. and to assess countervailing duties of 2.62 percent of the f.o.b. invoice price on shipments of this merchandise from all other firms entered, or withdrawn from warehouse, for consumption on or after January 1, 1988 and exported on or before December 31, 1988.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties on shipments of this merchandise from Armizo, S.A., Flores La Antonia, S.A., Florestrade, S.A., Inversiones Floricola, S.A., Jardines Del Ecuador, S.A., and Mundiflor, S.A., and to collect a cash deposit of 2.62 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 15, 1991.

Erie I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6899 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-001]

Leather Wearing Apparel From Mexico; Preliminary Results of Countervailing Duty Administrative Reviews and Intent To Revoke In Part

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary result of countervailing duty administrative reviews and intent to revoke in part.

SUMMARY: The Department of Commerce has conducted administrative reviews of the countervailing duty order on leather wearing apparel from Mexico. We preliminarily determine the total bounty or grant to be 0.08 percent *ad valorem* during the period January 1, 1988 through December 31, 1988, and 0.07 percent *ad valorem* during the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is a *de minimis*. .

As a result of the reviews, and in accordance with 19 CFR 355.25(b)(3), we intend to revoke the order with regard to one producer/exporter, Manufacturas Industriales de Nogales (MINSA). We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Britt Doughtie, Allan Christian, or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone. (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 31, 1989 and April 10, 1990, the Department of Commerce (the Department) published in the **Federal Register** notices of "opportunity to Request Administrative Review" (54 FR 13211 and 55 FR 13302) of the countervailing duty order on leather wearing apparel from Mexico. On April 10, 1989, Valley Imports and Exports, a U.S. importer of leather wearing apparel, requested that we conduct an administrative review of the order for the period January 1, 1988 through December 31, 1988. Om April 11, 1990, Valley Imports and Exports and a Mexican producer/exporter, Manufacturas Industrials de Nogales (MINSA), requested that we conduct an administrative review of the order for the period January 1, 1989 through December 31, 1989. On April 30, 1990, MINSA submitted a request, in accordance with 19 CFR 355.25(b)(3), that the Department conduct a company-specific review for the January 1, 1989 through December 31, 1989 period in order to revoke the countervailing duty order with regard to MINSA. We initiated the reviews on May 24, 1989 (54 FR 22465) and June 1, 1990 (55 FR 22367), respectively. The Department has now conducted these administrative reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The final results of the last administrative review of this order were published in the **Federal Register** on February 20, 1990 (55 FR 5869).

Scope of Review

Imports covered by these reviews are shipments of Mexicn leather wearing apparel. These products include leather coats and jackets for men, boys, women, girls and infants, and other leather apparel products including leather vests pants and shorts. Also included are other leather shells and parts and pieces of leather wearing apparel. During the 1988 review period, such merchandise was classifiable under item numbers 791.7620, 791.7640 and 791.7660 of the Tariff Schedules of the United States Annotated (TSUSA). During the 1989 review period, this merchandise was classifiable under item numbers 4203.10.4030, 4203.10.4060, and 4203-10-10.409 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The reviews cover the period January 1, 1988 through December 31, 1988, and January 1, 1989 through December 31, 1989, and nine programs.

Analysis of Programs

(1) *FOMEX*

The Fund for the Promotion of Exports of Mexican Manufactured Product (FOMEX) is a trust of the Mexican Treasury Department, with the National Bank of Foreign Trade acting as trustee for the program. The National Bank of Foreign Trade, through financial institutions, makes FOMEX loans available at preferential rates to manufacturers and exporters for two purposes: Pre-export financing and export financing. We consider both pre-export and export FOMEX loans to be export bounties or grants since these loans are given only on merchandise destined for export.

For the 1988 review period, we found that the annual rate charged to the one

company with a peso-denominated FOMEX pre-export loan payable during the period was 37.00 percent; the annual interest rate for dollar-denominated FOMEX export loans payable during the period ranged from 7.20 to 9.50 percent. For the 1989 review period, the annual intereste rate on the one peso-denominated pre-export loan payable was 38.50 percent, whereas the annual interest rate on dolllar-denominated pre-export loans payable ranged from 10.40 to 11.60 percent. The annual interest rate on dollar-denominated export loans payable range from 9.10 to 11.00 percent.

We consider the benefit from loans to occur when the interest is paid. Interest on FOMEX pre-export loans is paid at maturity, and the one loan that matured during the 1988 review period was obtained in October 1988. FOMEX pre-export loans that matured during the 1989 review period were obtained between February 1989 and October 1989. Since interest on FOMEX export loans is pre-paid, we calculated benefits for each review period based on FOMEX export loans received in that review period.

The Banco de Mexico stopped publishing data on nominal and effective commercial lending rates after 1984. Therefore, as the basis for our benchmark, we have relied in part on the rates for the years 1981 through 1984, as published in the Banco de Mexico's Indicadores Economicos & Moneda (I.E.). We calculated the average difference between the Costo Porcentual Promedio (CPP) rates, the average cost of short-term funds to banks, and the I.E. effective rates for the period 1981 through 1984. We added this average difference to the 1988 CPP rates for the 1988 review period. Bacause the CPP rates published monthly in the first quarter of 1988 were substantially higher than those during the remainder of 1988, we determine that a benchmark for peso-denominated loans calculated on a quarterly basis is more appropriate than an annual average. Hence, we calculated a benchmark of 4.18 percent per month for the pre-export peso loan received in the fourth quarter of 1988. For the 1989 review period, we added the average difference between the CPP and the I.E. effective rates for the period 1981 through 1984 to the 1989 CPP rates. In this way, we calculated an annual average benchmark of 4.36 percent per month for pre-export peso loans obtained in 1989.

To determine the effective interest rate benchmark for dollar loans, we used an average of the quarterly weighted-average effective interest rates published in the Federal Reserve Bulletin, which was 10.53 percent in 1988 and 11.99 percent in 1989.

We found that one company used FOMEX pre-export financing and two used export financing during the 1988 review period, and three companies used both FOMEX pre-export and export financing during the 1989 review period. Because we were unable to tie the companies' FOMEX pre-export financing to exports to specific countries, we measured the benefit by dividing each company's FOMEX pre-export loan benefit by the company's total exports during each review period. We found that the exporters were able to tie their FOMEX export loans either to total exports to the United States or exports of the subject merchandise to the United States, and for these loans we measured the benefit by dividing each company's benefit from the FOMEX export loans by the company's total U.S. exports or exports of subject merchandise, as appropriate, during each review period. We then weight-averaged the resulting benefits by each company's proportion of total exports of the subject merchandise to the United States. On this basis, we preliminarily determine the benefit to be 0.01 percent *ad valorem* from FOMEX pre-export loans and 0.07 percent *ad valorem* from FOMEX export loans during the 1988 review period, and 0.04 percent *ad valorem* from FOMEX pre-export loans and 0.03 percent *ad valorem* from FOMEX export loans during the 1989 review period.

(2) *FOGAIN*

The Guarantee and Development Fund for Medium and Small Industries (FOGAIN) is a program that provides long-term loans to all small- and medium-size companies in Mexico. The interest rates available under the program vary depending on whether a small- or medium-size business has been granted priority status, and whether a business is located in a zone targeted for industrial growth. Although FOGAIN loans are available to all small- and medium-size companies in Mexico, regardless of the type of industry or location, some companies get more beneficial rates than others. Therefore, to the extent that this program provides financing at rates below the least beneficial rate available under FOGAIN, we consider it to be countervailable.

During the 1988 review period, one company had a long-term variable-rate FOGAIN loan on which interest payments were due. Because the interest rate was variable, we treated this loan as a series of short-term loans. No company had FOGAIN loans on which interest payments were due during the 1989 review period.

To calculate the benefit, we used as our benchmark the least beneficial interest rate in effect for each FOGAIN loan payment and compared it to the FOGAIN preferential rate for the loan payments made during the 1988 review period. We divided the benefit from the loan by the company's total sales to all markets and then weight-averaged the resulting benefit by the company's proportion of total exports of the subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program during the 1988 review period to be significantly less 0.01 percent *ad valorem*, which is effectively zero.

(3) *PITEX*

The Program for Temporary Importation of Products used in the Production of Exports (PITEX) was established by a decree published in the Diario Oficial on May 9, 1985, and amended in the Diario Oficial on September 19, 1986, and may 3, 1990. The program is jointly administered by the Ministry of Commerce and Industrial Development (SECOFI) and the Customs Administration. Under PITEX, exporters with a proven export record may receive authorization to temporarily import products to be used in the production of exports for up to five years without having to pay the import duties normally imposed on those imports. PITEX allows for the exemption of import duties for the following categories of merchandise used in export production: raw materials, packing materials, fuels and lubricants, machinery used to manufacture products for export, and other machinery. The importer must post a bond or other security to guarantee the reexportation of the imports.

One firm used the PITEX during the 1989 review period, but only to import leather and other items that were physically incorporated in its exports of the subject merchandise. The Department does not consider the nonexcessive exemption, remission, deferral or drawback of import charges levied on goods that are physically incorporated in the exported products (making normal allowances for waste), to confer a countervailable benefit. Duty drawback is a practice acceptable under U.S. countervailing duty law and consistent with item (i) of the Illustrative List of Export Subsidies appended to the Agreement on the Interpretation and Application of Articles VI, XVI and XXIII of the General Agreements on Tariffs and Trade (Subsidies Code). Therefore, we preliminarily determine

the benefit from PITEX during the review periods to be zero.

(4) *Other programs*

We also examined the following programs and preliminarily determined that exporters of leather wearing apparel did not use them during the 1988 and 1989 review periods:

(A) Certificates of Fiscal Promotion (CEPROFI)

(B) Article 15 loans;

(C) State tax incentives;

(D) Bancomext loans;

(E) Import duty reductions and exemptions; and

(F) Fund for Industrial Development (FONEI).

The Department verified, in accordance with 19 CFR 355.36(a)(1)(ii), that MINSA did not apply for or receive any bounty or grant on the subject merchandise during the review periods. The Government of Mexico and MINSA have also provided the Department with certifications that MINSA will not apply for or receive any bounty or grant in the future.

Preliminary Results of Review and Intent to Revoke (in Part)

As a result of our review, we preliminarily determined the total bounty or grant to be 0.08 percent *ad valorem* during the period January 1, 1998 through December 31, 1998, and 0.07 percent *ad valorem* during the period January 1, 1989 through December 31, 1989. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*.

Because MINSA has not applied for or received any bounty or grant on the subject merchandise for five consecutive years, and has provided, together with the Government of Mexico, certification that it will not apply for or receive any bounty or grant in the future, we intend to revoke the countervailing duty order with regard to MINSA effective January 1, 1990.

Upon completion of this review, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of this merchandise exported on or after January 1, 1988 and on or before December 31, 1989.

The Department also intends to instruct the Customs Service to terminate the suspension of liquidation for MINSA and to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on all shipments of this merchandise for all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculations methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results and intent to revoke in part within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355. 38(c), are due.

The Department will publish the final results of this administrative review and revocation in part, including the results of its analysis of issues raised in any case rebuttal brief or at a hearing.

These administrative reviews and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22 and 355.25.

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6900 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DS-M

[C-201-405]

Certain Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On May 17, 1990, the Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico. We have now completed that review and determine the total bounty or grant to be *de minimis* or zero for 22 companies, 13.39 percent *ad valorem* for Remis Craftil, S.A. de C.V., 7.49 percent *ad valorem* for Textiles Tepeji, and 1.76 percent for all other companies for the period January 1, 1987 through December 31, 1987.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Dana S. Mermelstein or Paul McGarr, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On May 17, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 20504) the preliminary results of its administrative review of the countervailing duty order on certain textile mill products from Mexico (50 FR 10824; March 18, 1985). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of certain textile mill products from Mexico. During the review period, such merchandise was classifiable under item numbers of the *Tariff Schedules of the United States Annotated* (TSUSA) listed in appendix A. This merchandise is currently classifiable under item numbers of the *Harmonized Tariff Schedule* (HTS) listed in appendix B. On February 16, 1990, the Department published a notice of partial revocation of this order (55 FR 5641). As a result of this partial revocation, all duty-free merchandise classifiable under the following TSUSA item numbers is no longer within the scope of this order: 319.0300, 319.0700, 339.1000, 355.8100, 356.2510, 358.0690, 358.1400, 360.7900, 360.8400, 364.0500, 364.1800 and 364.2500.

We verified the questionnaire response of the Government of Mexico from June 6, 1989 through June 12, 1989. The review covers the period from January 1, 1987 through December 31, 1987, and the following programs: (1) FOMEX; (2) FOGAIN; (3) FONEI; (4) CEPROFI; (5) Program for Temporary Importation of Products Used in the Production of Exports (PITEX); (6) National Industrial Development Fund (FOMIN); (7) NDP Preferential Discounts; (8) Trust Fund for the Study and Development of Industrial Parks (FIDEIN); (9) BANCOMEXT loans; (10) Delay of payments on loans; (11) Delay of payments to PEMEX of fuel charges; (12) PROFIDE loans; (13) Export credit

insurance; (14) Tax Rebate Certificate (CEDI); (15) Accelerated depreciation; (16) Article 15 loans; (17) Preferential state investment incentives; and (18) Import duty reductions and exemptions.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. On June 15, 1990, we received comments from the Mexican Textile Industry Chamber of Commerce. On June 18, 1990, we received comments from the following respondents: Alfombras Terza, S.A., Derivados Acrilicos, S.A., Maclin, S.A. de C.V., and the Government of Mexico.

Comment 1: As a result of the "Understanding Between the United States and Mexico Regarding Subsidies and Countervailing Duties" (the Understanding), signed on April 23, 1985, Mexico became a "country under the Agreement." Therefore, the Mexican Textile Industry Chamber of Commerce argues that U.S. law (19 U.S.C. 1671(a)) requires an affirmative injury determination as a prerequisite to the imposition of countervailing duties on any Mexican merchandise imported on or after April 23, 1985, whether the countervailing duty order was published before or after that date.

While Article VI of the General Agreement on Tariffs and Trade (GATT) requires an affirmative injury determination before the imposition of countervailing duties, the United States was allowed to "grandfather" provisions in its laws which allowed countervailing duties to be placed on dutiable products without an injury test. Duty-free products were not subject to countervailing duties at the time the United States acceded to the GATT. In 1974, Congress amended section 303 of the Tariff Act of 1930 to authorize the United States to impose countervailing duties on duty-free products. However, the countries toward which the United States has an "international obligation," Congress authorized the imposition of countervailing duties on imports of duty-free goods only after an affirmative injury determination. Thus, the "grandfather clause," which allowed countervailing duties on dutiable products absent an injury test, did not apply to duty-free products from countries toward which the United States has an international obligation.

The Trade Agreements Act of 1979 (TAA) amended the Tariff Act, and the new section 701 of the Tariff Act established an injury test requirement before any countervailing duties could be imposed on products from a "country under the Agreement." The TAA also amended section 303 of the Tariff Act to apply only to countries which were not countries under the Agreement. Under section 701 of the Tariff Act, respondents claim that no countervailing duties can be imposed on Mexican imports after the date Mexico became a "country under the Agreement," absent an affirmative injury determination.

The imposition of duties in this review would occur after Mexico became a "country under the Agreement" whether the controlling date is the time of entry or the time of final assessment and liquidation. Respondents cite three decisions of the Court of International Trade (CIT) to support the conclusion that under any interpretation of what the controlling date is, an injury test is required for entries of Mexican textiles in 1987: *Cementos Anahuac del Golfo, S.A.* v. *United States*, 687 F. Supp. 1558 (CIT 1988) (*Anahuac I*), *Cementos Guadalajara* v. *United States*, 686 F. Supp. 335 (CIT 1988) (*Guadalajara*), and *Cementos Anahuac del Golfo, S.A.* v. *United States*, 689 F. Supp. 1191 (CIT 1988) (*Anahuac II*).

In *Anahuac I*, the CIT found that Mexico was entitled to an injury test for goods entering the United States prior to the time Mexico become a country under the Agreement, as long as the imposition of duties occurred after the date Mexico qualified for an injury test. In *Anahuac II*, the CIT held that since the liability for duties, as well as all legal obligations attached to that liability (including an injury test), occur at the time of entry, no injury test was required for any goods entered prior to the date of the Understanding. Respondents contend that the CIT implied in *Anahuac II* that before countervailing duties could be assessed, an affirmative injury determination would be required on goods entering after April 23, 1985. The *Guadalajara* decision also emphasized that the date on which the goods enter the United States determines whether an injury test is required. *Anahuac I* and *Anahuac II* both held that "country under the Agreement" status means that the TAA applies to Mexican imports made on or after April 23, 1985. Therefore, absent an affirmative injury determination, the countervailing duty order on textile mill products from Mexico should be revoked for all entries after April 23, 1985, the effective date of the Understanding.

Department's Position: We disagree. The injury determination mandated by section 701 of the Tariff Act does not apply to Mexican products imported on or after the effective date of the Understanding if those products were subject to countervailing duty orders prior to that date. Article 5 of the Understanding makes clear that "country under the Agreement" status was not given to Mexico retroactively for the purpose of obtaining injury tests on merchandise subject to countervailing duty orders in effect before April 23, 1985. Before Mexico's accession to the GATT on August 24, 1986, the United States has no international obligation toward Mexico to provide an injury test on any merchandise covered by this order, whether dutiable or duty-free. However, Mexico's accession to the GATT created an obligation for an injury test before countervailing duties could be imposed on entries of duty-free merchandise made on or before August 24, 1986. For that reason, duty-free textile products of Mexican origin entered on or after that date are not subject to countervailing duties. *See Certain Textile Mill Products from Mexico; Final Results of Changed Circumstances Countervailing Duty Administrative Review and Revocation of Countervailing Duty Order (in Part)*, (55 FR 5641; February 16, 1990).

Furthermore, the CIT and the U.S. Court of Appeals for the Federal Circuit (CAFC) have sustained the Department's legal position that dutiable Mexican imports subject to an outstanding countervailing duty order in effect when Mexico entered into the Understanding are not entitled to an injury test pursuant to section 701 of the Tariff Act and Article 5 of the Understanding (*Cementos Anahuac del Golfo, S.A.* v. *U.S.*, 689 F. Supp. 1192, 1210–1211 (CIT 1988), *aff'd Cementos Guadalajara, S.A.* v. *U.S.*, 879 F.2d 847 (Fed Cir. 1989), *cert. denied*, 110 S. Ct. 1318 (1990)). Because the Department published the countervailing duty order on certain textile mill products from Mexico before Mexico entered into the Understanding, imports of the subject merchandise are clearly not entitled to an injury test pursuant to section 701 of the Tariff Act.

Comment 2: The Mexican Textile Industry Chamber and the Government of Mexico argue that the countervailing duty order on certain textile mill products from Mexico should be revoked under the "sunset provision" because the petitioners have not requested an administrative review since the countervailing duty order was published on March 18, 1985. The sunset provision authorizes the Department to publish a notice of "Intent to Revoke" a countervailing duty order if four consecutive anniversary months have passed without a request for administrative review by an interested

party, and to revoke a countervailing duty order if there is no request for administrative review during the fifth consecutive anniversary month (in this case March 1990), and no objection to the intent to revoke. According to the Mexican Textile Industry Chamber and the Government of Mexico, the term "interested parties," in the context of 19 CFR 355.25(d)(4), should be interpreted to include only petitioners.

Department's Position: We disagree. Although the sunset provision authorizes the Department to revoke a countervailing duty order in the absence of requests for administrative reviews by interested parties for five consecutive anniversary months and objections to the Department's intent to revoke, "interested parties" includes all parties involved in the review, both petitioners and respondents. Section 355.2(i)(2) of the Department's regulations clearly defines the government of the country affected by the countervailing duty order as an interested party. Administrative reviews have been requested by the Government of Mexico and conducted by the Department annually since the order was issued, thus eliminating the Department's authority under § 355.25(d)(4) to revoke.

Comment 3: Alfombras Terza, S.A., contends that the Department incorrectly calculated the bounty or grant from each program investigated by excluding companies with zero or *de minimis* aggregate benefits from its calculation of the country-wide rate. In *IPSCO, Inc. and IPSCO Steel* v. *United States*, 899 F. 2nd 1192 (Fed. Cir. 1990) (*IPSCO*), the Court of Appeals for the Federal Circuit (CAFC) rules that the total benefit received by manufacturers must be divided by the total industry's net sales or exports, as appropriate. While it is appropriate for the Department to exclude companies with zero or *de minimis* aggregate benefits from the assessment of countervailing duties, these companies must be included in any calculation of the weighted-average net subsidy.

Department's Position: We disagree. The Department's regulations, at 19 CFR 355.20(d), establish the basis for calculating individual company rates. According to the preamble to 19 CFR 355.20(d) (53 FR 52325), the Department initially must calculate a country-wide rate based on all companies being reviewed. If that country-wide rate is *de minimis*, our determination would be negative in an investigation or *de minimis* in an administrative review. If that rate is above *de minimis*, the Department will apply company-specific rates to all individual companies whose rates are significantly different from the country-wide rate. When that is the case, we no longer use the country-wide rate for duty deposit or assessment purposes. The remaining companies are subject to an "all other" rate, which is different from a country-wide rate because it is not based on *all* companies, but rather those companies being reviewed whose rates are not significantly different from the country-wide rate. Because the country-wide rate in this review was greater than *de minimis*, and there were 23 companies with rates significantly different from the country-wide rate (including companies with zero or *de minimis* rates), the Department proceeded to the next step and calculated an "all other" rate as required by the regulations.

Respondent's reliance upon *IPSCO* is misplaced. The CAFC, in *IPSCO*, only addressed the first step in this process. *IPSCO* differs from the calculation in this review because it refers only to the case in which the country-wide rate, inclusive of zero-rate and *de minimis* companies, is *de minimis*. In such a case, the Department does not proceed further in its calculations and the assessment rate for all companies, regardless of the level of benefits of each company, is zero.

Comment 4: The Mexican Textile Industry Chamber argues that the appropriate benchmark for both determining whether FOMEX financing is a countervailable subsidy and measuring the benefit from such financing is the cost to the Government of Mexico of obtaining similar funds. Item (k) of the Illustrative List of Export Subsidies appended to the Subsidies Code, and incorporated by reference in section 771(5)(i) of the Tariff Act as part of the statutory definition of an export subsidy, provides that the benchmark for considering export credits as subsidies is whether funds have been provided to the borrower at less than the cost of funds to the government. The Department has recognized the Illustrative List as a source of applicable benchmarks for export-related government programs. The Understanding also uses this cost-to-government standard. The Department has erroneously and illegally used a commercial benchmark to measure the benefit from FOMEX loans.

Department's Position: The cost-to-government standard in the Understanding applies only to whether Mexico is in compliance with the Understanding and does not limit the United States in applying its own national countervailing duty law with regard to subsidized imports from Mexico. We addressed this issue and our use of a commercial benchmark for short-term financing at length in the last review of this order. See *Certain Textile Mill Products from Mexico; Final Results of Countervailing Duty Order Administrative Review* (54 FR 36841; September 5, 1989). The use of a commercial benchmark is consistent with our standard of measuring subsidies from countervailing financing in terms of the benefit to the recipient rather than the cost to the government.

Comment 3: Alfombras Terza, S.A., contends that the Department overstated the net benefit attributable to the FOMEX pre-export loan program and should revise its methodology and recalculate the bounty or grant from this program. In calculating the benchmark rate for pre-export loans, the Department used Mexico's annual CPP rate, published monthly, as a base, and then added a constant, so that the CPP rate reflected an effective loan rate. The Department then compounded the monthly annual adjusted CPP rates to derive a compounded annual benchmark rate. The companies, however, are not charged compounded interest for the FOMEX pre-export loans they receive. The Department should recalculate the net benefit from FOMEX pre-export loans by eliminating compounding from the benchmark rate calculation.

Department's Position: We disagree. It is the Department's practice to compare effective rates to effective rates. As discussed in greater detail in *Fabricated Auto Glass from Mexico; Final Results of Administrative Review* (51 FR 44652; December 11, 1986), the nominal rate for FOMEX pre-export loans is the same as the effective rate. Therefore, the Department used the FOMEX rate and compared that to our effective rate benchmark. Contrary to the respondent's claim, we did not compound the annual effective rate benchmark; the benchmark itself reflects the compounding of interest. The fact that the preferential rates are not compounded does not change the propriety of comparing them to the benchmark rate.

Comment 6: The Government of Mexico and the Mexican Textile Industry Chamber contend that for the purpose of calculating the duty deposit rate for both the FOMEX export and pre-export programs, the Department should consider that the FOMEX programs were terminated by decree published in the Diario Official on December 30, 1989. It is the Department's policy to change the cash deposit rate as a result of program-wide changes occurring prior to the

publication of preliminary results of administrative review.

Department's Position: We disagree. According to the December 30, 1989 decree, the FOMEX trust is being transferred to the Banco Nacional de Comercio Exterior (BANCOMEXT), which was "empowered likewise to carry out the operations under the mentioned trust [FOMEX]." Until the Department can verify that benefits under the pre-export and export loan regime under FOMEX and its successor have been terminated, we will continue to require the collection of cash deposits of estimated countervailing duties for this program.

Comment 7: Derivados Acrilicos, S.A. (DASA), contends that the Department erroneously included in its calculations a FOMEX pre-export loan that applied to a shipment to France. This loan was not included in the information DASA submitted to the Government of Mexico but rather was reported by the Government of Mexico in its official questionnaire response. This loan appears to be related to U.S. sales because the shipment to which this loan applied was an "in-bond" shipment of France through the United States. Based on the documentation submitted to demonstrate that the loan in question related to a shipment to France, the Department should recalculate DASA's FOMEX benefit, eliminating this loan from its calculations.

Department's Position: We disagree. The documents submitted by DASA do not demonstrate that the FOMEX pre-export loan in question applied to a shipment to France. The documents, a bill of lading and a DASA invoice, both indicated that the export shipment occurred two months *before* the FOMEX pre-export loan in question was granted, and failed to prove that the loan applied to a shipment to France or to any country other than the United States. Furthermore, there is no apparent correlation between the value of the shipment and the amount of the loan. Therefore, the Department determines that this FOMEX pre-export loan provided a bounty or grant on exports of the subject merchandise to the United States.

Comment 8: The Government of Mexico agrues that the Program for Temporary Importation of Products Used in the Production of Exports (PITEX) is not countervailable because of its similarity of the United States Temporary Importation Under Bond (TIB) program. Under the TIB program, articles temporarily enter the United States free of duty, provided certain conditions are met. Because of this similarity, the Department should reconsider its decision regarding the countervailability of the PITEX program.

Department's Position: We disagree. Although there are similarities between the PITEX program and the United States TIB program, such a comparison is irrelevant in this context. The counteravailability of the PITEX program is based on U.S. countervailing duty law and the GATT Subsidies Code, which only allow import duty exemptions or rebates of import duties on merchandise that is physically incorporated into the exported products, making appropriate allowances for waste; the amount of the import duty drawback cannot exceed the amount of the import duties paid on physically incorporated merchandise. To the extent that PITEX allows for the exemption of duties on non-physically incorporated equipment or machinery, it is countervailable under both U.S. law and the GATT Subsidies Code.

Comment 9: DASA argues that, because the Department has found duty drawback programs acceptable under U.S. law and consistent with Item (i) of the Illustrative List, the distinction between physically incorporated and non-physically incorporated merchandise is invalid for determining the countervailability of the PITEX program. Therefore, PITEX should be treated as a duty drawback program, because all materials imported must be reexported.

Department's Position: We disagree. Item (i) of the Illustrative List provides that the "remission or drawback of import charges in excess of those levied on *imported goods that are physically incorporated* * * * in the exported product * * *" constitutes an export subsidy that is *per se* countervailable (emphasis added). Contrary to DASA's assertion, the essential factor in any analysis of duty drawback or similar programs is whether an imported product is physically incorporated in the exported merchandise. Any remission or drawback of import charges on machinery and other items that are used to produce exported goods and are not physically incorporated provides a countervailable benefit in the full amount of the duties rebated or not paid.

Comment 10: Several respondents contend that the Department's use of best information available in the preliminary results to calculate the *ad valorem* rate of bounty or grant conferred by the PITEX program was inappropriate because the information required to calculate the benefit had not been requested by the Department.

Department's Position: We agree. To rectify this oversight, we requested and received the value of merchandise imported under PITEX and the applicable duty rate or rates. To calculate the PITEX benefit, we totalled the duties not paid by each company on temporarily imported machinery, equipment, and other materials not physically incorporated into the exported products, and divided this amount by the company's total exports. We then weight-averaged the resulting benefit by each company's proportion of exports of subject merchandise of the United States, excluding those companies with significantly different aggregate benefits. On this basis, we determine the benefit from PITEX to be 11.85 percent *ad valorem* for Bemis Craftil and 0.07 percent *ad valorem* for all other companies, except those companies with zero or *de minimis* aggregate benefits.

Comment 11: Maclin, S.A. de C.V., contends that the supplemental questionnaire response submitted by the Government of Mexico clearly demonstrates that Maclin's use of the PITEX program was limited to imports of materials physically incorporated into the finished product. Therefore, Maclin did not receive countervailable PITEX benefits.

Department's Position: We agree and have adjusted our calculations accordingly.

Comment 12: The Mexican government argues that PITEX should be considered a domestic subsidy, not an export subsidy, because the imported machinery is used to produce both for the domestic and export markets. Consequently, alleged PITEX benefits should be distributed over total sales. The Department should also consider import duties as part of the acquisition cost of an asset to be amortized over the useful life of the asset. Thus, PITEX benefits should also be allocated over the ten-year useful life of the asset.

Department's Position: We disagree. The eligibility criteria for the PITEX program require a company to have a proven export record, and to use the imported merchandise (both raw materials and equipment) in the production of goods and export. Thus, PITEX is clearly an export subsidy, and we distribute any benefit from PITEX over total exports, or exports to the United States, as appropriate.

With respect to the timing of the benefit, we followed standard Department practice of expensing the benefit from the value of duty exemptions in full, in the year of receipt; the benefit consists of import duties not paid on imported machinery, which normally would be payable at the time

of import. However, because PITEX provides for the conversion of equipment from temporary to permanent import, with a corresponding payment of duties, any duties paid will be used in future reviews to adjust the benefit from exempted duties in the period of payment.

Comment 13: The Government of Mexico and Alfombras Terza, S.A., contend that the Department should consider the cost of the bond and the associated expenses (customs brokerage fees, document preparation and document filing fees, and administrative expenses related to the guarantee or exportation) paid when temporarily importing equipment under PITEX as an allowable offset to PITEX benefits. In citing both *IPSCO, Inc.* v. *United States,* 687 F. Supp. 614 (1988) and *Fabricas El Carmen, S.A.* v. *United States,* 672 F. Supp 1465 (1987), respondents assert that such deductions from the net subsidy are squarely within the statutory definition of permissible offsets. Payments mandated by the government, which negate the cash flow benefit arising from the program and are both measurable and verifiable, should be deducted from the gross subsidy to calculate the net subsidy. Respondents cite the preliminary results of this review, in which the Department allowed an adjustment to the gross benefits received under the CEPROFI program in the amount of the four percent processing fee required of the recipients of this benefit. Respondents request that the net benefit attributable to the PITEX program be recalculated, deducting the cost of the bond from the gross benefit.

Department's Position: We disagree. Unlike the four percent processing fee which CEPROFI recipients must pay, the payment of a bond by exporters temporarily importing under PITEX is just one of the five methods an exporter can use to provide the fiscal guarantee necessary to cover the liability assumed with temporary importation. Instead of posting a bond, an exporter may offer merchandise as collateral, sign a joint liability agreement, maintain a bank deposit as a security, or submit to an administrative penalty. Although payment of a bond is the most common method for providing the required fiscal guarantee, it is not required. Furthermore, the administrative and customs fees relating to importing merchandise are not an allowable offset to PITEX benefits because an exporter would incur the same fees regardless of whether he participated in the PITEX program.

Firms not Receiving Benefits

We determine that the following firms received zero or *de minimis* benefits during the period January 1, 1987 through December 31, 1987:

(1) Acytex, S. de R.L.
(2) Celanese Mexicana, S.A.
(3) D'Velvet, S.A.
(4) El Pilar, S.A. de C.V.
(5) Encajes Mexicanas, S.A. de C.V.
(6) Extrafil, S.A. de C.V.
(7) Fabrica Hilados y Tejidos, SINDEC
(8) Fieltros Finos, S.A. de C.V.
(9) Fisher Price, S.A.
(10) Hilados y Tejidos Tepeji, S.A. de C.V.
(11) Hilaturas Maya, S.A.
(12) J.B. Martin, S.A. de C.V.
(13) Jeramex, S.A. de C.V.
(14) Maclin, S.A. de C.V.
(15) Milyon, S.A. de C.V.
(16) Noblis Lees, S.A. de C.V.
(17) Ryltex, S.A. de C.V.
(18) Tamacani, S.A.
(19) Tapetes Luxor, S.A. de C.V.
(20) Telares Ajijic, S.A.
(21) Telas Extra, S.A. de C.V.
(22) Terpel, S.A. de C.V.

Final Results of Review

After reviewing all of the comments received, we determine the total bounty or grant to be zero or *de minimis* for 22 companies, 13.39 percent *ad valorem* for Bemis Craftil, 7.49 percent *ad valorem* for Textiles Tepeji, and 1.76 percent for all other companies for the period January 1, 1987 through December 31, 1987.

For all merchandise listed in appendix A, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, shipments from the 22 firms listed above, and to assess countervailing duties of 13.39 percent of the f.o.b. invoice price on shipments from Bemis Craftil, S.A. de C.V., 7.49 percent of the f.o.b. invoice price on shipments from Textiles Tepeji, S.A. de C.V., and 1.76 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1987 and on or before December 31, 1987.

The Department will also instruct the Customs Service to waive cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, on any shipments of merchandise from the 22 firms listed above, and to collect a cash deposit of estimated countervailing duties of 13.39 percent of the f.o.b. invoice price on shipments from Bemis Craftil, S.A. de C.V., 7.49 percent of the f.o.b. invoice price on shipments from Textiles Tepeji, S.A. de C.V., and 1.76 percent of the f.o.b. invoice price on shipments from all other firms entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement and waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1674(a)(1)) and 19 CFR 355.22.

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

Appendix A—Certain Textile Mill Products From Mexico

C-201-405

1987 TSUSA Numbers

300.6005
300.6010
300.6024
300.6028
301.0100 through 301.0900
301.1000 through 301.1900
301.2000 through 301.2900
301.3000 through 301.3900
302.0124 through 302.0924
302.1024 through 302.1924
302.1028 through 302.1928
302.2020 through 302.2920
302.2024 through 302.2924
302.2026 through 302.2926
302.2028 through 302.2928
302.3024 through 302.3924
302.3026 through 302.3926
302.3028 through 302.3928
302.4026 through 302.4926

303.2040	310.0206	310.4047
303.2042	310.0249	310.4050
307.7000	310.0250	310.5046
310.0106	310.0270	310.5047
310.0107	310.0510	310.5049
310.0108	310.1015	310.6034
310.0110	310.1070	310.9000
310.0114	310.1205	310.9310
310.0130	310.1210	310.9320
310.0149	310.1555	310.9500
310.0150	310.1570	316.5500
310.0206	310.2150	316.5800
310.0207	310.4027	316.7000

320.0103 through 320.0903
320.0121 through 320.0921
320.0122 through 320.0922
320.0134 through 320.0934
320.0138 through 320.0938
320.0145 through 320.0945
320.0149 through 320.0949
320.0154 through 320.0954
320.0157 through 320.0957
320.0163 through 320.0963
320.0166 through 320.0966
320.0177 through 320.0977
320.0180 through 320.0980
320.0198 through 320.0998
320.1034 through 320.1934
320.1045 through 320.1945
320.1063 through 320.1963
320.1071 through 320.1971
320.1077 through 320.1977
321.0134 through 321.0934
321.1071 through 321.1971

321.1077 through 321.1977
322.0162 through 322.0962
322.0163 through 322.0963
322.1006 through 322.1906
322.1015 through 322.1915
322.1025 through 322.1925
322.1034 through 322.1934
322.1036 through 322.1936
322.1037 through 322.1937
322.1045 through 322.1945
322.1047 through 322.1947
322.1048 through 322.1948
322.1050 through 322.1950
322.1051 through 322.1951
322.1952 through 322.1952
322.1053 through 322.1953
322.1055 through 322.1955
322.1056 through 322.1956
322.1065 through 322.1965
322.1066 through 322.1966
322.1068 through 322.1968
322.1071 through 322.1971
322.1075 through 322.1975
322.1077 through 322.1977
322.1079 through 322.1979
322.1081 through 322.1981
322.1084 through 322.1984
322.1085 through 322.1985
322.1086 through 322.1986
322.1088 through 322.1988
322.1089 through 322.1989
322.1090 through 322.1990
322.1091 through 322.1991
322.1095 through 322.1995
322.1097 through 322.1997
322.2016 through 322.2916
322.2023 through 322.2923
322.2069 through 322.2969
322.2073 through 322.2973
322.4003 through 322.4903
322.4021 through 322.4921
322.4022 through 322.4922
322.4038 through 322.4938
322.4042 through 322.4942
322.4049 through 322.4949
322.4054 through 322.4954
322.4057 through 322.4957
322.4072 through 322.4972
322.4080 through 322.4980
322.4098 through 322.4998
322.5014 through 322.5914
322.5015 through 322.5915
322.5016 through 322.5916
322.5017 through 322.5917
322.5023 through 322.5923
322.5069 through 322.5969
322.5073 through 322.5973
322.8016 through 322.8916
322.8023 through 322.8923
322.8069 through 322.8969
322.8073 through 322.8973
322.9003 through 322.9903
322.9021 through 322.9921
322.9022 through 322.9922
322.9038 through 322.9938
322.9042 through 322.9942
322.9049 through 322.9949
322.9054 through 322.9954
322.9057 through 322.9957
322.9072 through 322.9972
322.9080 through 322.9980
322.9098 through 322.9998
324.2022 through 324.2922
324.2024 through 324.2924
324.2031 through 324.2931
324.2038 through 324.2938
324.2042 through 324.2942
324.2049 through 324.2949
324.2054 through 324.2954
324.2057 through 324.2957
324.2072 through 324.2972
324.2080 through 324.2980
324.2098 through 324.2998
324.8072 through 324.8972
324.8074 through 324.8974
324.8080 through 324.8980
324.8098 through 324.8998
325.1051 through 325.1951
325.1052 through 325.1952
325.1085 through 325.1985
325.1089 through 325.1989
325.1091 through 325.1991
325.1095 through 325.1995
325.8022 through 325.8922
325.8024 through 325.8924
327.2021 through 327.2921
327.2022 through 327.2922
327.2031 through 327.2931
327.2038 through 327.2938
327.2042 through 327.2942
327.2049 through 327.2949
327.2054 through 327.2954
327.2057 through 327.2957
327.3003 through 327.3903
327.3021 through 327.3921
327.3022 through 327.3922
327.3038 through 327.3938
327.3049 through 327.3949
327.3054 through 327.3954
327.3057 through 327.3957
328.2003 through 328.2903
328.2021 through 328.2921
328.2022 through 328.2922
328.2031 through 328.2931
328.2038 through 328.2938
328.2049 through 328.2949
328.2054 through 328.2954
328.2057 through 328.2957
328.2072 through 328.2972
328.2080 through 328.2980
328.2098 through 328.2998
331.2022 through 331.2922
331.2024 through 331.2924
331.2031 through 331.2931
331.2038 through 331.2938
331.2049 through 331.2949
331.2054 through 331.2954
331.2057 through 331.2957
331.2072 through 331.2972
331.2074 through 331.2974
331.2080 through 331.2980
331.2098 through 331.2998

336.1540	338.5043	338.5087
336.6260	338.5044	338.5088
336.6270	338.5045	338.5092
336.6275	338.5046	338.5095
338.4004	338.5048	338.5098
338.5006	338.5049	345.4000
338.5007	338.5051	345.5553
338.5009	338.5054	345.5555
338.5010	338.5055	345.5557
338.5011	338.5059	345.5575
338.5013	338.5060	345.5585
338.5016	338.5064	346.5850
338.5021	338.5065	346.6265
338.5023	338.5069	346.7000
338.5024	338.5073	347.6040
338.5026	338.5075	347.6800
338.5027	338.5076	348.0065
338.5030	338.5079	351.3000
338.5031	338.5080	351.5010
338.5036	338.5082	351.5060
338.5037	338.5084	351.6010
338.5041	338.5085	351.7060

351.8060	360.7800	363.8550
351.9060	360.8300	363.8555
352.2060	361.0530	364.1300
352.8010	361.0540	364.2000
352.8060	361.2410	364.2300
353.1000	361.4200	364.3000
353.5012	361.4500	365.5060
353.5052	361.4600	365.6615
355.1610	361.4800	365.6625
355.1620	361.5420	365.6665
355.1630	361.5426	365.8400
355.2510	361.6000	365.8700
355.2520	361.7010	365.8910
355.2530	363.0510	365.8920
355.2540	363.0515	365.8940
355.2550	363.1020	365.8970
355.2560	363.1040	365.8980
355.4530	363.2000	366.1720
355.8500	363.2562	366.2460
357.4500	363.2584	366.2480
357.7010	363.2575	366.4200
357.8060	363.2583	366.4600
358.0290	363.2585	366.4700
358.3500	363.2587	366.5100
358.5040	363.2590	366.7700
359.1010	363.4505	366.7925
359.1030	363.4510	366.7930
360.0600	363.6040	366.8400
360.1200	363.6050	367.3200
360.2500	363.6540	367.3300
360.4225	363.8506	367.6325
360.4335	363.8509	367.6340
360.4825	363.8515	367.6380
360.4835	363.8525	
360.7000	363.8545	

Appendix B—Certain Textile Mill Products From Mexico

C-201-405

Harmonized Numbers for Duty Deposit Purposes

3918.10.32 3921.12.19 3921.13.19 3921.90.19
3921.90.21 4008.21.00 4010.10.10 5106.10.00
5106.20.00 5107.10.00 5107.20.00 5108.10.60
5108.20.60 5109.10.60 5109.90.60 5111.11.60
5111.19.20 5111.19.60 5111.20.60 5111.30.60
5112.19.60 5112.20.00 5112.30.00 5204.11.00
5204.19.00 5204.20.00 5205.11.10 5205.12.10
5205.12.20 5205.13.10 5205.13.20 5205.14.10
5205.22.00 5205.23.00 5205.24.00 5205.25.00
5205.31.00 5205.32.00 5205.33.00 5205.34.00
5205.42.00 5205.43.00 5205.44.00 5206.11.00
5206.12.00 5206.13.00 5206.14.00 5206.15.00
5206.31.00 5206.32.00 5206.33.00 5206.34.00
5206.35.00 5206.41.00 5206.42.00 5206.43.00
5206.44.00 5206.45.00 5207.10.00 5207.90.00
5208.11.20 5208.12.40 5208.13.00 5208.19.40
5208.21.20 5208.21.40 5208.22.40 5208.22.60
5208.23.00 5208.29.40 5208.29.60 5208.31.40
5208.31.60 5208.31.80 5208.32.30 5208.32.40
5208.32.50 5208.33.00 5208.39.20 5208.39.60
5208.39.80 5208.41.40 5208.41.60 5208.41.80
5208.42.30 5208.42.40 5208.42.50 5208.43.00
5208.49.40 5208.51.40 5208.51.60 5208.51.80
5208.52.30 5208.52.40 5208.52.50 5208.53.00
5208.59.20 5208.59.60 5208.59.80 5209.11.00
5209.19.00 5209.21.00 5209.29.00 5209.31.60
5209.32.00 5209.39.00 5209.41.60 5209.42.00
5209.43.00 5209.49.00 5209.51.60 5209.52.00
5209.59.00 5210.21.40 5210.21.60 5210.22.00
5210.29.40 5210.29.60 5210.31.40 5210.31.60
5210.32.00 5210.39.40 5210.39.60 5210.51.40
5210.51.60 5210.52.00 5210.59.40 5210.59.60
5211.31.00 5211.39.00 5211.51.00 5211.59.00
5212.21.60 5212.22.60 5212.23.60 5212.24.60
5212.25.60 5401.10.00 5401.20.00 5402.10.30
5402.20.30 5402.20.60 5402.31.30 5402.31.60
5402.32.30 5402.32.60 5402.33.30 5402.33.60

5402.39.30 5402.39.60 5402.41.00 5402.42.00
5402.43.00 5402.49.00 5402.51.00 5402.52.00
5402.59.00 5402.61.00 5402.62.00 5402.69.00
5403.10.30 5403.20.30 5403.20.60 5403.31.00
5403.32.00 5403.33.00 5403.39.00 5406.10.00
5406.20.00 5407.10.00 5407.41.00 5407.42.00
5407.43.20 5407.44.00 5407.52.20 5407.53.10
5407.53.20 5407.54.00 5407.60.05 5407.60.10
5407.60.20 5407.71.00 5407.72.00 5407.73.20
5407.74.00 5407.81.00 5407.82.00 5407.83.00
5407.84.00 5407.91.05 5407.91.20 5407.92.05
5407.92.20 5407.93.05 5407.93.20 5407.94.05
5407.94.20 5408.10.00 5408.21.00 5408.22.00
5408.23.20 5408.24.00 5408.31.05 5408.31.20
5408.32.05 5408.32.90 5408.33.05 5408.33.90
5408.34.05 5408.34.90 5508.10.00 5508.20.00
5509.12.00 5509.21.00 5509.22.00 5509.31.00
5509.32.00 5509.41.00 5509.51.30 5509.51.60
5509.53.00 5509.69.20 5509.69.40 5509.99.20
5509.99.40 5511.10.00 5511.20.00 5511.30.00
5512.11.00 5512.19.00 5512.21.00 5512.29.00
5512.91.00 5512.99.00 5513.11.00 5513.13.00
5513.19.00 5513.21.00 5513.23.00 5513.29.00
5513.33.00 5513.39.00 5513.41.00 5513.43.00
5513.49.00 5514.11.00 5514.19.00 5514.21.00
5514.29.00 5514.41.00 5514.49.00 5515.11.00
5515.12.00 5515.13.05 5515.19.00 5515.21.00
5515.29.00 5515.91.00 5515.99.00 5516.11.00
5516.12.00 5516.13.00 5516.14.00 5516.21.00
5516.22.00 5516.23.00 5516.24.00 5516.41.00
5516.42.00 5516.43.00 5516.44.00 5516.91.00
5516.92.00 5516.93.00 5516.94.00 5601.10.20
5601.22.00 5602.10.10 5602.10.90 5602.21.00
5602.90.30 5602.90.60 5602.90.90 5603.00.90
5604.20.00 5604.90.00 5606.00.00 5607.41.30
5607.49.15 5607.49.25 5607.49.30 5607.50.20
5607.50.40 5607.90.20 5608.11.00 5608.19.10
5701.10.16 5701.10.20 5701.90.20 5702.10.90
5702.31.10 5702.31.20 5702.32.10 5702.32.20
5702.39.20 5702.41.10 5702.41.20 5702.42.10
5702.42.20 5702.49.10 5702.51.20 5702.51.40
5702.52.00 5702.59.10 5702.59.20 5702.91.30
5702.91.40 5702.92.00 5702.99.10 5702.99.20
5703.10.00 5703.20.10 5703.20.20 5703.30.00
5704.10.00 5704.90.00 5705.00.20 5801.31.00
5801.33.00 5801.34.00 5801.35.00 5801.36.00
5802.30.00 5803.10.00 5803.90.30 5804.10.00
5804.21.00 5804.29.00 5804.30.00 5805.00.25
5805.00.30 5805.00.40 5806.31.00 5806.32.10
5806.40.00 5808.90.00 5810.10.00 5810.91.00
5810.92.00 5811.00.20 5901.10.20 5901.90.40
5902.10.00 5902.20.00 5902.90.00 5903.10.30
5903.20.30 5903.90.30 5905.00.90 5906.91.30
5906.99.30 5907.00.90 5911.10.20 5911.20.10
5911.31.00 5911.32.00 5911.90.00 6001.10.20
6001.10.60 6001.22.00 6001.92.00 6002.10.80
6002.20.10 6002.20.30 6002.20.60 6002.30.20
6002.43.00 6002.93.00 6301.10.00 6301.20.00
6301.30.00 6301.40.00 6301.90.00 6302.10.00
6302.21.20 6302.22.10 6302.22.20 6302.29.00
6302.31.20 6302.32.10 6302.32.20 6302.39.00
6302.40.10 6302.40.20 6302.51.10 6302.51.20
6302.51.30 6302.51.40 6302.52.10 6302.52.20
6302.53.00 6302.59.00 6302.60.00 6302.91.00
6302.92.00 6302.93.20 6302.99.20 6303.12.00
6303.19.00 6303.92.00 6303.99.00 6304.11.10
6304.11.20 6304.11.30 6304.19.05 6304.19.15
6304.19.20 6304.19.30 6304.91.00 6304.92.00
6304.93.00 6304.99.15 6304.99.20 6304.99.60
6307.10.20 7019.20.10 9404.90.90

[FR Doc. 91-6767 Filed 3-21-91; 8:45 am]
BILLING CODE 3510-DS-M

[C-357-002]

Wool from Argentina; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce has conducted an administrative review of the countervailing duty order on wool from Argentina for the period January 1, 1989 through December 31, 1989. We preliminarily determine that there were no shipments of the subject merchandise to the United States during the review period. The rate of cash deposit of estimated countervailing duties will remain unchanged at 6.23 percent *ad valorem*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: March 22, 1991.

FOR FURTHER INFORMATION CONTACT: Sylvia Chadwick or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On April 10, 1990, the Department of Commerce (the Department) published in the **Federal Register** a notice of "Opportunity to Request Administrative Review" (55 FR 13302) of the countervailing duty order on wool from Argentina (48 FR 14423; April 4, 1983). On April 25, 1990, Hart, Incorporated, an importer of the subject merchandise, requested an administrative review of the order. We published the initiation on June 1, 1990 (55 FR 22367). The Department has now conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act). The Department published the final results of its last administrative review on November 1, 1988 (53 FR 44060).

Scope of Review

Imports coverd by this review are shipments of wool finer than 44s and not on the skin, from Argentina. During the review period, such merchandise was classifiable under item numbers 5101.11.60, 5101.19.60, 5101.21.40 and 5101.29.40 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers the period from January 1, 1989 through December 31, 1989.

Preliminary Results of Review

As a result of our review, we preliminarily determine that there are no known unliquidated entries of the subject merchandise exported to the United States during the period January 1, 1989 through December 31, 1989. Given that there has been no demonstration of any program-wide change, the rate of cash deposit of estimated countervailing duties will remain unchanged at 6.23 percent *ad valorem*.

The Department intends to instruct the Customs Service to collect cash deposits of estimated countervailing duties, as provided by section 751(a)(1) of the Tariff Act, of 6.23 percent of the f.o.b. invoice price on all shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e). Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: March 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-6901 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DS-M

Export Trade Certificate of Review

ACTION: Notice of application for an amendment to an export trade certificate of review.

SUMMARY: The Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, has received an application for an amendment to an Export Trade Certificate of Review. This notice summarizes the amendment and requests comments relevant to whether the amended Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: George Muller, Director, Office of Export Trading Company Affairs, International Trade Administration, 202/377-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate of Review protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the expert conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether the Certificate should be amended. An original and five (5) copies should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, room 1800H, Washington, DC 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). Comments should refer to this application as "Export Trade Certificate of Review, application number 90-2A007."

OETCA has received the following application for an amendment to Export Trade Certificate of Review No. 90-00007, which was issued on August 22, 1990 (55 FR 35445, August 30, 1990). The applicant has requested expedited review of the application pursuant to 15 CFR 325.8. The United States Surimi Commission ("USSC") previously submitted an application (90-A0007) to amend its Certificate by including "Pollock Roe" to the list of "Products" covered by the Certificate, and revising the provisions in Items 1 and 7 of the "Export Trade Activities and Methods of Operation" to specify that the restrictions imposed by those provisions do not apply to pollock roe. The previous amendment was issued on December 12, 1990 (55 FR 53031, December 26, 1990). A summary of the application follows.

Summary of the Application:

Applicant: United States Surimi Commission ("USSC"), 4200 First Interstate Center, Seattle, Washington 98104-4082, Contact: Mr. Wm. Paul MacGregor, Legal Counsel, Telephone: 206/624-5950.

Application no.: 90-2A007.

Date deemed submitted: March 13, 1990.

Request for amended conduct: USSC seeks to amend its Certificate to:

1. Add the following two companies as "Members" within the meaning of § 325.2(1) of the Regulations (15 CFR 325.2(1)): Pacific Orion Seafoods, Inc., Seattle, WA (controlling entities: Bellingham Trawlers, Inc., Seattle, WA (40%); Westcod, Inc., Seattle, WA (40%); and Pacific Orion Seafoods, Inc., Seattle, WA (20%)) and Golden Alaska Seafoods Inc., Seattle, WA (controlling entities: Nichiro Pacific, Ltd., Seattle, WA (70%) and Union Bay Industries, Inc., Seattle, WA (30%)).

2. Incorporate additional language that would authorize an abbreviated amendment procedure should there be membership additions and/or deletions in the future. The proposed language would be inserted on page 6, just prior to the "Terms and Conditions of Certificate" section of the Certificate, and would read as follows:

Abbreviated Amendment Procedure

New USSC members may be incorporated in the Certificate through an abbreviated amendment procedure. An abbreviated amendment shall consist of a written notification to the Secretary of Commerce and the Attorney General identifying the USSC members that desire to be incorporated under the Certificate pursuant to the abbreviated amendment procedure, and certifying for each such USSC member so identified its sales of individual Products and Services in its prior fiscal year. Notice of the members so identified shall be published in the **Federal Register**. However, USSC may withdraw one or more individual members from the application for the abbreviated amendment. If 30 days or more following publication in the **Federal Register**, the Secretary of Commerce, with the concurrence of the Attorney General, determines that the incorporation in the Certificate of these members through the abbreviated amendment procedure is consistent with the standards of the Act, the Secretary of Commerce shall amend the Certificate of Review to incorporate such members, effective as of the date on which the application for amendment is deemed submitted. If the Secretary of Commerce does not within 60 days of publication in the **Federal Register** so amend the Certificate of Review, such amendment must be sought through the nonabbreviated amendment procedure.

Dated: March 18, 1991.

George Muller,

Director, Office of Export Trading Company Affairs.

[FR Doc. 91-6816 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-DR-M

United States-Canada Free-Trade Agreement, Article 1904, Binational Panel Reviews; Decision of Panel

AGENCY: United States-Canada Free-Trade Agreement, Binational Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of decision of panel in binational panel review of the final affirmative countervailing duty determination made on remand by the U.S. Department of Commerce, International Trade Administration, Import Administration, respecting Fresh, Chilled and Frozen Pork from Canada, Secretariat File No. USA-89-1904-06.

SUMMARY: By a decision dated March 8, 1991, the Binational Panel affirmed in part and remanded in part the Department of Commerce's final affirmative countervailing duty determination on remand respecting Fresh, Chilled and Frozen Pork from Canada. A copy of the complete Panel decision is available from the FTA Binational Secretariat.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, Binational Secretariat, suite 4012, 14th and Constitution Avenue, Washington, DC 20230, (202) 377-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the United States-Canada Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from the other country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1989, the Government of the United States and the Government of Canada established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the **Federal Register** on December 30, 1988 (53 FR 53212). The Rules were amended by Amendments to the Rules of Procedure for Article 1904 Binational Panel Reviews, published in the **Federal Register** on December 27, 1989 (54 FR 53165). The panel review in this matter was conducted in accordance with these Rules.

Background

On July 24, 1989, the Department of Commerce ("Commerce") issued its final affirmative countervailing duty determination respecting Fresh, Chilled and Frozen Pork from Canada, which was published in 54 **Federal Register** 30,774. On August 22, 1989, a Request for Panel Review was filed with the United States Section of the Binational Secretariat pursuant to Article 1904 of the United States-Canada Free-Trade Agreement.

In a decision issued on September 28, 1990, the Binational Panel affirmed Commerce's determinations of countervailing as to two of the Canadian federal and provincial government programs and also affirmed Commerce's interpretation and application of section 771B as supported by substantial evidence on the record. The Panel remanded for reconsideration Commerce's determinations as to five government programs, in some instances based on the failure of Commerce to formulate and apply an adequate test for specificity under 771(5)(B). The Panel also remanded a determination on the use of a benefit conversion factor.

Commerce filed its Determination on Remand on December 7, 1990. On December 24, 1990, the complainants joined in a motion pursuant to Rule 75 requesting the panel to review the Determination on Remand, which motion was granted by the panel on January 4, 1991. Upon review of all the pleadings and briefs filed by the participants and following oral argument on February 11, 1991, the Panel issued its decision regarding the Determination on Remand on March 8, 1991.

Panel Decision

In its March 8 decision, the Panel affirmed Commerce's finding that the Canadian Tripartite Benefit Program is *de facto* limited to a specific industry or group of industries and is thus countervailable under U.S. law. The Panel found that Commerce's finding that hog producers received 12.5% of the payments distributed under the Alberta Crow Benefit Offset Program was not supported by sufficient information or reasoning and must be revised on a second remand. The Panel also found that Commerce's finding that the Quebec Farm Income Stabilization Insurance Program was *de facto* limited to a specific industry or group of industries was not supported by substantial evidence or in accordance with law and must be revised on remand. Finally, the Panel affirmed Commerce's Determination on Remand with respect to the benefit conversion factor, the Western Diversification Program and the Canada/Quebec Subsidiary Agreement on Agri-Food Development. Commerce was instructed to provide the results of the second remand to the Panel by March 28, 1991.

Dated: March 15, 1991.

James R. Holbein,

United States Secretary, FTA Binational Secretariat.

[FR Doc. 91-6766 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-GT-M

National Institute Of Standards and Technology

[Docket No. 910351-1051]

National Voluntary Laboratory Accreditation Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: Under the National Voluntary Laboratory Accreditation Program (NVLAP), the National Institute of Standards and Technical (NIST) announces the establishment of a program to accredit laboratories that provide specified calibration services in the field of ionizing radiation. Application materials will be available to interested parties as of the date of this notice. Laboratories will be evaluated for accreditation on a first serve basis. Accreditation will be issued as individual laboratories demonstrate compliance with the NVLAP criteria.

ADDRESSES: Interested parties are invited to submit their comments and may obtain application materials for the program by writing to Nancy M. Trahey, Chief, Laboratory Accreditation Program, NIST-NVLAP, Bldg. 411/A124, Gaithersburg, MD 20899.

FOR FURTHER INFORMATION CONTACT: Paul R. Martin, Assistant Program Manager, NIST-NVLAP, Bldg. 411/A124, Gaithersburg, MD 20899, (301) 975-4016, or Dr. Bert M. Coursey, NIST, Bldg. 245/C214, Gaithersburg, MD 20899, (301) 975-5584.

SUPPLEMENTARY INFORMATION:

Background

This notice is issued in accordance with the NVLAP procedures (15 CFR part 7). The program was requested by a group representing all federally owned laboratories which provide the types of calibration services included in the program. The program will be available to any laboratory which can demonstrate conformance with the NVLAP criteria.

Criteria and technical Requirements For Accreditation

To be eligible for accreditation a laboratory must meet all of the criteria and technical requirements specified in (1) the NVLAP procedures (15 CFR part 7), (2) the "NVLAP Program Handbook—Secondary Calibration Laboratory for Ionizing Radiation", and (3) the document "Criteria For The Operation Of Federally Owned Calibration Laboratories (Ionizing Radiation)". All are included in the application materials.

The criteria address quality systems, staff, facilities and equipment, calibration, test methods and procedures, documentation, records, and test reports. Laboratory competence will be determined through (1) On site assessment of the laboratory by peer assessors, (2) Demonstration of competence through participation in proficiency testing.

The program criteria was developed by a group of the country's experts in the technical field. Their services are available to assist and perform on-site assessments. Any additional individuals desiring to be considered as Technical Experts can contact NVLAP at the above address.

Laboratories which apply for accreditation must pay all necessary fees and meet all program requirements prior to initial accreditation. The accreditation will be issued for a one year period, renewable annually. The on-site assessment will be performed biennially. Proficiency testing will be conducted annually.

Dated: March 19, 1991.

John W. Lyons,

Director.

[FR Doc. 91-6902 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-13-M

National Institute of Standards and Technology

National Voluntary Laboratory Accreditation Program (NVLAP)

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of public workshop.

SUMMARY: The National Institute of Standards and Technology (NIST) will host a public workshop on April 22, 1991, to provide interested parties with the opportunity to participate in a discussion of test methods and related specifications (consensus standards) to be used in an accreditation program for laboratories engaged in the testing of fasteners covered by the Fastener Quality Act of 1990 (Public Law 101-592).

DATES: The workshop will be held on April 22, 1991 from 9 a.m. to 4 p.m. Those who wish to contribute lists of specific test methods and related technical information for discussion at the meeting are asked to submit their material in writing on or before April 15, 1991 to Nancy M. Trahey, Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, Building 411, room A124, Gaithersburg, MD 20899, (301) 975-4016, FX (301) 975-3839.

PLACE: The workshop will be held at the National Institute of Standards and Technology, Green Auditorium (seating capacity—300 persons), Gaithersburg, Maryland.

SUPPLEMENTARY INFORMATION: The Fastener Quality Act of 1990 (Pub. L. 101-592) requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured, to provide for accreditation of laboratories engaged in fastener testing, to require inspection, testing and certification, in accordance with standardized methods, of fasteners used in critical applications to increase fastener quality and reduce the danger of fastener failure, and other purposes. In the Act, a fasteners is defined in section 3(5) as: (A) A—(i) Screw, nut, bolt or stud having internal or external threads, or (ii) a load indicating washer, with a nominal diameter of 5 millimeters or greater, in the case of such items described in metric terms, or ¼ inch or greater, in the case of such items described in terms of the English system of measurement, which contains any quantity of metal and is held out as meeting a standard or specification which requires through-hardening, (B) a screw, nut, bolt or stud having internal or external threads which bears a grade identification marking required by a standard or specification, (C) a washer to the extent that it is subject to a standard or specification applicable to a screw, nut, bolt, or stud described in subparagraph (B), or (D) any item within a category added by the Secretary (of Commerce) in accordance with section 4(b), except that such item does not include any screw, nut, bolt or stud that is produced and marked as ASTM A 307 Grade A.

Section 6 of the Act requires the Secretary of Commerce acting through the Director of NIST to establish a laboratory accreditation program for fastener testing laboratories under the procedures of the National Voluntary Laboratory Accreditation Program (NVLAP) (15 CFR part 7). To become accredited, a laboratory must submit an application, pay the required fees (to be determined) and demonstrate competence to perform specific tests in accordance with NVLAP criteria. Determination of competence includes review of quality systems, onsite laboratory assessments, and proficiency testing.

Scope of fastener testing—The accreditation program will include test methods which are required by fastener specifications or standards covered by the Act. Since fastener testing involves a wide range of expertise, several subfields of accreditation will be offered. Potential subfields include but are not limited to: chemical, dimensional, mechanical and metallurgical testing.

The following plans for the worship have been established:

1. *Purpose.* The workshop will provide all interested persons with the opportunity to discuss fastener specification and to participate in the development of a test method list for use in establishing some of the technical criteria for evaluation and accreditation of laboratories. Persons wishing to provide lists of test methods and related specifications they currently use, are asked to submit them to NVLAP in writing by the date indicated. All respondents to this notice will be placed on a mailing list.

2. *Procedure.* The workship will be an informal meeting. The presiding NIST chairperson will allocate time for persons wishing to make presentations and for discussion of each issue to be addressed, and exercise such authority as may be necessary to insure the equitable and efficient conduct of the workshop and to proceed in an orderly manner.

3. *Provisions.* This workshp will be open to the public. However, to guarantee space at the workshop and to make arrangements for entrance into the NIST facility, persons making presentations or observing the proceedings, should write to the above address. Please include name, address, telephone and FAX numbers, organizational affiliation(s) and intent to make a presentation. Requests involving a presentation, should be received by NVLAP no later than April 8, 1991; requests to observe should be received no later than April 15.

Documents in the Public Record

A summary record of the meeting will be prepared and made available for inspection and copying in the NVLAP program office, Building 411, room A124, Gaithersburg, Maryland.

Dated: March 18, 1991.

John W. Lyons,

Director.

[FR Doc. 91-6877 Filed 3-21-91; 8:45 am]

BILLING CODE 3516-13-M

National Oceanic and Atmospheric Administration

Proposed Boundary Expansion for the Great Bay (New Hampshire) National Estuarine Research Reserve

AGENCY: Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice with request for comments.

SUMMARY: Notice is hereby given that the Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Admiistration (NOAA), U.S. Department of Commerce is considering the State of New Hampshire's request to expand the

boundary of the Great Bay National Estuarine Reseach Reserve.

FOR FURTHER INFORMATION CONTACT: Patmarie S. Maher or Susan E. Durden at 202-673-5122.

SUPPLEMENTARY INFORMATION: The Great Bay National Estuarine Research Reserve (Reserve) was designated in 1989 pursuant to section 315 of the Coastal Zone Management Act of 1972, as amended, 16 U.S.C. 1461. The Reserve includes 4,471 acres of tidal wetlands and mudflats and approximately 48 miles of shoreline.

The State of New Hampshire recently requested NOAA approval to amend the Reserve's boundary to include 38 acres of land with 2,760 feet of frontage on Great Bay. The property, located in Durham, New Hampshire, offers nesting and foraging habitats for black duck and other waterfowl, shorebirds and wading birds, and most significantly, the primary bald eagle roosting site on Great Bay for the past ten years.

This piece of land has consistently sustained the highest use of any roosting area for the bald eagle on the Bay. Audubon Society observers have found this peninsula to be the only night roost location used on the Bay. The shoreline trees on this parcel also draw frequent use by migrant and resident ospreys. The attractiveness of this property as a perch and roost site can be attributed to its location on the lee shore, a rolling topography which provides shelter, the presence of suitable large, open-branched trees, seclusion from human activity and an undisturbed travel corridor to Great Bay. This winter, 6-7 eagles have been present since early December. The Reserve expansion would enhance the opportunities for research and education as well as enhancing the State's resource protection efforts around Great Bay. The State of New Hampshire's Land Conservation Investment Program and the Audubon Society of New Hampshire have committed $500,000 and $200,000 respectively, towards the acquisition of this property.

Any person wishing to comment on the proposed boundary expansion may forward written comments to Susan E. Durden, Sanctuaries and Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, 1825 Connecticut Avenue, NW., room 714, Washington, DC, 20235. Comments must be submitted no later than thirty (30) calendar days from issuance of this notice.

(Federal Assistance Catalog Number 11.420 Coastal Zone Management—Estuarine Sanctuaries)

Dated: March 18, 1991.

John J. Carey,

Deputy Assistant Administrator for Ocean Service and Coastal Zone Management.

[FR Doc. 91-6921 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management: Federal Consistency Appeal by Mobil Exploration & Producing U.S. Inc. From an Objection by the State of North Carolina

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal and request for comments.

On December 6, 1990, Mobil Exploration & Production U.S. Inc. (Appellant) filed with the Secretary of Commerce (Secretary) a notice of appeal pursuant to section 307(c)(3)(B) of the Coastal Zone Management Act of 1972 (CZMA), as amended, 16 U.S.C. 1415 et seq., and the Department of Commerce's implementing regulations, 15 CFR part 930, subpart H. The appeal is taken from an objection by the State of North Carolina (State) to the Appellant's consistency certification for its proposed Plan of Exploration (POE) for Manteo Area Block 467, off the coast of North Carolina.

The CZMA provides that a timely objection by a state to a consistency certification precludes any Federal agency from issuing licenses or permits for the activity unless the Secretary of Commerce finds that the activity is either "consistent with the objectives" of the CZMA (Ground I) or "necessary in the interest of national security" (Ground II). Section 307(c)(3)(A). To make such a determination, the Secretary must find that the proposed project satisfies the requirements of 15 CFR 930.121 or 930.122.

The Appellant requests that the Secretary override the State's consistency objections based on Ground I and Ground II. To make the determination that the proposed activity is "consistent with the objectives" of the CZMA, the Secretary must find that (1) the proposed activity furthers one or more of the national objectives or purposes contained in 302 or 303 of the CZMA, (2) the adverse effects of the proposed activity do not outweigh its contribution to the national interest, (3) the proposed activity will not violate the Clean Air Act or the Federal Water Pollution Control Act, and (4) no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with the State's coastal management program. 15 CFR 930.121. To make the determination that the proposed activity is "necessary in the interest of national security," the Secretary must find that a national defense or other national security interest would be significantly impaired if the proposed activity is not permitted to go forward as proposed.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121 and 930.122. Comments are due within 30 days of the application of this notice and should be sent to Roger Eckert, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235. Copies of comments should also be sent to Robin W. Smith, Assistant Attorney General, State of North Carolina, P.O. Box 629, Raleigh, North Carolina 27602-0629.

All nonconfidential documents submitted in this appeal are available for public inspection during business hours at the offices of the State and the Office of the Assistant General Counsel for Ocean Services, NOAA.

FOR ADDITIONAL INFORMATION CONTACT: Roger Eckert, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, 1825 Connecticut Avenue, NW., suite 603, Washington, DC 20235, (202) 673-5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: March 19, 1991.

Thomas A. Campbell,

General Counsel.

[FR Doc. 91-6903 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-08-M

Listing of Endangered and Threatened Species and Designating Critical Habitat; Petition for the Designation of Critical Habitat for the Kemp's Ridley Sea Turtle

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

ACTION: Notice of determination.

SUMMARY: On September 18, 1990, NMFS received a petition from Dr. Anne Rudloe of the Gulf Specimen Marine Laboratories, Inc., reequesting that an

area extending from the Channel of the Cross Florida Barge Canal, north of Crystal Bay, Florida, to Cape San Blas and St. Joseph Bay, Florida, and from mean high water out to a depth of 40 meters be designated as critical habitat for the Kemp's ridley sea turtle *(Lepidochelys kempi)*. NMFS has determined that the petition does not contain sufficient information to indicate that the area is essential to the conservation of the Kemp's ridley or that the area requires special protection not already provided. NMFS is, therefore, denying this request for designation of critical habitat.

FOR FURTHER INFORMATION CONTACT: Phil Williams, Office of Protected Resources, NOAA, NMFS, 1335 East-West Highway, Silver Spring, Maryland 20910 (301/427-2322).

Dated: March 18, 1991.

Nancy Foster,

Director, Office of Protected Resources.

[FR Doc. 91-6788 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration (NOAA)

[Docket No. 910236-1036]

Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry

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

ACTION: Notice of availability of financial assistance.

SUMMARY: For FY 91, Saltonstall-Kennedy (S-K) funds are available to assist persons in carrying out research and development projects which address aspects of U.S. fisheries involving the U.S. fishing industry (commercial or recreational) including, but not limited to, harvesting, processing, and associated infrastructures. NMFS issues this notice describing the conditions under which applications will be accepted and how NMFS will determine which applications it will fund.

DATES: Applications must be received by May 21, 1991. No facsimile applications will be accepted.

ADDRESSES: Applications should be sent to any regional or Washington Office of the National Marine Fisheries Service. (For Addresses, See section III. E.2.).

FOR FURTHER INFORMATION CONTACT: Richard H. Wheeler, S-K Program Office, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, Maryland 20910, telephone: (301) 427-2358.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Background

The Saltonstall-Kennedy (S-K) Act (15 U.S.C. 713c-3) makes available to the Secretary of Commerce (Secretary) up to 30 percent of the gross receipts collected under the customs laws from duties on fishery products. The Secretary must use a portion of these funds each year to make available grants to assist persons in carrying out research and development projects which address aspects of U.S. fisheries, including, but not limited to, harvesting, processing, and associated infrastructures. U.S. fisheries [1] include any fishery that is or may be engaged in by U.S. citizens or nationals, or citizens of the Northern Mariana Islands, the Republic of the Marshall Islands, Republic of Palau, and the Federated States of Micronesia. The phrase "fishing industry" includes both the commercial and recreational sectors of U.S. fisheries.

B. Funding

There is no guarantee that sufficient funds will be available to make awards for all approved projects. The S-K grants appropriation for FY 91 was $7.9 million. However, commitments to fund the second and third years of previously approved multi-year projects and the authorization by Congress to use up to $500,000 for S-K program administration have reduced the amount available in FY 91 to about $5.4 million to fund new fisheries research and development projects.

II. FY 91 Funding Priorities

Consistent with authorizing legislation, NOAA will emphasize the use of current and future S-K funds appropriated by Congress for industry grants in the following manner. Priority areas and associated research and development activities that will be designated for funding will be those that are beyond the scope of any single entity within the fishing industry to undertake without Government assistance because of one or more of the following: (1) There is a high degree of risk in achieving positive results; and (2) the potential benefits are too widely dispersed for any single entity to address with its own resources. Fisheries research and development project applications should relate to one or more of the priority areas in this section. Primary consideration for funding will be given to applications addressing the specific priorities. However, NMFS will also consider applications that address other significant industry problems or opportunities (note exceptions which follow).

Funding will not be provided for projects primarily involving the following activities: (1) Infrastructure planning and construction, and (2) port and harbor development.

Rather than the S-K program, programs administered by NMFS authorized by the Fish and Seafood Promotion Act of 1986 (FSPA) support promotional and consumer education activities related to fish and seafood. The National Fish and Seafood Promotional Council, established in December 1987, is authorized to conduct generic seafood marketing, both domestic and export. Species-specific councils are authorized by the FSPA to promote specific species or groups of species. However, for species or products which are not widely available commercially, S-K funds may be used for end-use research, i.e., non-proprietary product concept testing, technical development, and consumer acceptance evaluation where these activities are a logical component of a comprehensive research or development project.

NMFS has identified funding priorities in consultation with a wide cross-section of the U.S. commercial and recreational fishing industry, States, and Fishery Management Councils. Instead of being identified on a regional and national basis, the FY 91 priorities are presented below as a single list.

Applications addressing the priorities must build upon or take into account any past and current work in the area. Lists of ongoing and past studies, and more detail where necessary, are available from NMFS.

New applications must utilize and build upon relevant research in related fields. Applications proposing a continuation of S-K or other NOAA projects should fully describe how the work integrates past work with the proposed new work.

In FY 91, consideration will be given to applications which address the following priorities:

A. Develop methods for evaluating, managing, and assessing the impacts of the inadvertent capture or destruction of

[1] For purposes of this notice, a fishery is defined as one or more stocks of fish, including tuna, and shellfish which are identified as a unit based on geographic, scientific, technical, recreational and economic characteristics, and any and all phases of fishing for such stocks. Examples of a fishery are Alaskan groundfish, Pacific whiting, New England whiting, Gulf of Mexico groundfish, etc.

juvenile fishes, non-targeted species and/or protected species in commercial or recreational fishing operations. Studies may include either the technical development, demonstration, or evaluation of fishing gear or strategies or planning for the acquisition of information for managing by-catch issues or for organizing the various interest groups into a coordinated effort. Examples of important problems are: by-catch of species such as halibut, Sablefish, reef fish, groundfish, finfish, billfish, and striped bass; incidental catch of turtles and sea lions in trawl gear; killer whales, blue marlin and seabirds in longline gear; and porpoise in purse seines in the Eastern Tropical Pacific.

B. Develop innovative approaches to the resolution of user conflicts, including evaluation of fishing alternatives. Considered important are user conflicts in the driftnet, gillnet, hook and line, Pacific Island pelagic, mobile vs. fixed gear, and aquaculture vs. traditional fisheries.

C. Assess biological, economic and other impacts of various fisheries management alternatives, including impact of harvest gear types, area of capture, and season; evaluation of competing gear groups on product type, quality, and market value. Particular emphasis will be given to improving estimates of Klamath River salmon shaker (troll) mortality associated with conventional and modified troll gear; potential implementation of limited entry schemes for the sablefish, salmon, and groundfish fisheries; and estimating the abundance of reef fish, coastal pelagics, and wreckfish.

D. Conduct research for domestication and mass culture of regional living freshwater and marine resources. Particular areas of emphasis include:

1. Developing methods to differentiate unmanaged cultured species from the same species of wild stock to assist fisheries management and enforcement activities.

2. Assessing the genetic impacts resulting from the interaction between cultured salmon which escape from net pens and wild fish.

3. Determining the impacts of net pen operations on the marine environment, including assessment of the impact of antibiotics utilized in fish feeds on native marine fauna and sediments. Of particular interest is the unique nature of Puget Sound net pen operations and the environmental conditions of the area.

4. Improving efficiency and conserving water in closed-cycle systems.

5. Improving water quality in the effluent.

6. Assessing lifecycles, nutritional requirements, growth rates, toxicity levels, and hydrographic processes that lead to blooms for important phytoplankton species such as *Heterosigma akashiwo* which causes mortality in cultured finfish.

7. Developing and implementing a comprehensive, long-range plan for sponge aquaculture operation in the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI) and Republic of Palau (ROP).

8. Aiding the development of a hard clam industry by addressing genetic research needs, spawning, survival and growth parameters, including habitat constraints and food supply for clam larvae.

E. Develop innovative approaches to achieving optimum use by the commercial and recreational fishing industry of underutilized species, including new or improved harvesting/catching, handling, storing, and processing techniques (onboard and shoreside) and new product development. Particular attention should be given to arrowtooth flounder, spiny dogfish, skates, Atlantic mackerel, hagfish, trochus, and artisanal fisheries.

F. Develop new methods for rapid identification and quantification of marine toxins and pathogenic bacteria and viruses in fish and shellfish which are of most significant public health concern, e.g., *Vibrio vulnificus*, Norwalk virus, PSP, ciguatera, and scombrotoxin (histamine).

G. Development better understanding of marine pathogens and toxins occurring in fish and shellfish which are of public health significance. Particular emphasis will be given to the following:

1. Determining the distribution of *V. vulnificus* in tissues of naturally contaminated eastern oysters. Identifying specific retention sites at the cellular and subcellular level and determining if and where the organism colonizes in the oyster.

2. Determining the mechanisms of induction of "non-culturable" from "culturable" *V. vulnificus* and identifying the biochemical differences.

3. Determining the rates and conditions for growth of *V. vulnificus* and *V. parahaemolyticus* in tissues of oysters grown in pond culture with crustaceans.

4. Consolidating and analyzing existing data on occurrence of *V. vulnificus* in shellfish, sediments and water along the Atlantic and Gulf coasts of the United States. Determining correlations between sample type and geographic area. Continuing the development of new data to demonstrate geographic, seasonal and ecosystem distributions of *V. vulnificus*.

5. Developing a collaborative study to evaluate available bioassays of brevetoxin in the tissues of herbivorous fish and molluscan shellfish. Sampling a brevetoxin-endemic area for herbivorous fish and molluscan shellfish before, during, and after a phytoplankton bloom of *Ptychodiscus brevis*. Correlating toxin levels in fish and shellfish tissues to cell concentrations in the water column.

6. Developing a collaborative study with the National Marine Fisheries Service to characterize their semipurified preparations of ciguatoxin and maitotoxin. This should include nuclear magnetic resonance spectra and mass spectrometry of the purification steps. The characterization of these two toxins, produced by the dinoflagellate *Gambierdiscus toxicus* and implicated in ciguatera poisoning, is needed to develop a rapid, quantitative method of detection of the toxins in fish flesh.

H. Review previous efforts to consolidate existing data bases on contaminants occurring in fish and shellfish to include anthropogenic and natural chemicals, biotoxins and microorganisms. Identify the location of all related data bases in foreign, Federal, state and local governments, academia and other private sources. Analyze the compatibility of these data bases and propose necessary means of quality assuring their consolidation including technical review, limitations, etc. Conduct a study of the feasibility of constructing a single data base, made up of existing data, for addressing public health and resource management issues.

I. Conduct studies which address economic fraud or malpractice issues such as species substitution, short weight, over-glazing and short fill. Particular areas of emphasis include:

1. Establishing a national data bank of all major species of raw and cooked fish and shellfish in U.S. commercial channels, utilizing isoelectric focusing techniques for identification purposes.

2. Developing an Association of Official Analytical Chemists (AOAC) approved method(s) to determine the seafood content in breaded products, correlating the industry "on-line" methods with the official method(s).

3. Determining the level of added phosphate(s) in seafood and the relationship between added phosphates and moisture content which is needed to prevent its overuse, causing retention of excess moisture in seafood products.

J. Develop nutritional data for traditional and underutilized species in both the raw and cooked or

preprocessed states to assist the industry in providing nutritional information on all fishery products required by the Nutritional Labeling and Education Act of 1990.

K. Develop a Universal Product Code (UPC) for shellfish and complete the seafood identity manual. Proposals should build upon the completed UPC S–K project for random weight finfish.

L. Conduct a comprehensive review of all current methodologies and applicabilities of human health risk analysis related to the consumption of fishery products being used by Federal and state regulatory agencies, develop a consensus on the best methodology, and prepare a demonstration project.

M. Analyze the impact of EC 92 on U.S. fishing tackle and related equipment sales, including all tariffs, standards, labelling requirements and nontariff barriers, if any.

N. Conduct studies which address increasing the value and diversity of products from shoreside and floating processing plant waste streams.

O. Conduct studies in support of development of a shark management plan, to include:

1. Characterization of the directed commercial, commercial bycatch, bycatch from other fisheries, and recreational fisheries by species and gear type through analysis of new and existing data.

2. Determination of baseline cost and returns for longline fisheries which target or retain sharks, and estimation of demand curves for shark products and recreational shark fisheries.

3. Development of stock assessment and species profiles for target species.

P. Implement a training program designed to control the inter-jurisdictional transfer and introduction of shellfish for protection against pest, parasites or diseases which could damage marine species or habitats.

III. How to Apply

A. Eligible Applicants

Applications for grants or cooperative agreements for fisheries development projects may be made, in accordance with the procedures set forth in this notice, by:

1. Any individual who is a citizen or national of the United States;

2. Any individual who is a citizen of the Northern Mariana Islands (NMI), being an individual who qualifies as such under section 8 of the Schedule on Transitional Matters attached to the constitution of the NMI;

3. Any individual who is a citizen of the Republic of the Marshall Islands, Republic of Palau, or the Federated States of Micronesia.

4. Any corporation, partnership, association, or other entity, non-profit or otherwise, if such entity is a citizen of the United States within the meaning of section 2 of the Shipping Act, 1916 as amendment (46 U.S.C. 802).[2]

NOAA will not approve any project application of an individual or organization that is in arrears on any established debt to the U.S. Government. Successful applicants for S-K funding, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable Office of Management and Budget (OMB) Circulars prior to execution of the award. Any first time applicant for Federal grant funds may be subject to a preaward accounting survey by the Department of Commerce prior to execution of the award. A false statement on the application may be grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001). NMFS encourages women and minority individuals and groups to submit applications. NOAA employees including full, part-time, and intermittent personnel, (or their immediate families and NOAA offices or centers are not eligible to submit an application under this solicitation, or aid in the preparation of an application, except to provide necessary information or guidance about fisheries research and development and the priorities and procedures included in this solicitation.

B. Amount and Duration of Funding

For FY 91, NMFS may have an estimated $5.4 million available to fund new fishery research and development projects. Generally, grants or cooperative agreements will be awarded for a period of one year. In the past, some grants and cooperative agreements were approved for up to three years if certain criteria were met. Once approved as multi-year projects, they did not have to compete for second or third year funding if satisfactory progress was made and funds were available. However, at the present time no projects will be approved on a multi-year basis. NOAA will approve projects for one year at a time, and applications for continuation of multi-year projects will have to compete during subsequent competitive selection cycles.

Publication of this announcement does not obligate NMFS to award any specific grant or to obligate any part or the entire amount of funds available. Funding decisions for successful applications generally will be made by September 30, 1991.

C. Cost-Sharing

The S–K Act, as amended, does not require that applicants share in the total costs of a project. Therefore, although cost sharing is encouraged to enhance the value of a project, it is not required. Although cost sharing will not be a factor in the technical evaluation of an application, whether or not there is cost sharing and the degree of cost sharing may be taken into account in the final selection of projects to be funded. If applicants choose to cost share and if their applications are selected for funding, those applicants will be bound by the percentage of cost share reflected in the grant awards.

If project costs are shared, NMFS must provide at least 50 percent of total project costs, as provided by statute. The non-Federal share may include funds received from private sources or from State or local governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share of matching funds except as provided by Federal statute. In-kind contributions are noncash contributions provided by the applicant or non-Federal third parties. In-kind

[2] To qualify as a citizen of the United States within the meaning of this statute, citizens or nationals of the United States or citizens of the NMI must own not less than 75 percent of the interest in the entity or, in the case of a non-profit entity, exercise control of the entity that is determined by the Secretary to be equivalent to such ownership; and in the case of a corporation, the president or other chief executive officer and the chairman of the board of directors must be citizens of the United States, no more of its board of directors than a minority of the number necessary to constitute a quorum may be non-citizens; and the corporation itself must be organized under the laws of the United States, or of a State, including the District of Columbia, Commonwealth of Puerto Rico, American Samoa, the Virgin Islands of the United States, Guam, the NMI or any other Commonwealth, territory, or possession of the United States Seventy-five percent of the interest in a corporation shall not be deemed to be owned by citizens or nationals of the United States or citizens of the NMI, if: (i) The title of 75 percent of its stock is not vested in such citizens or nationals of the United States or citizens of the NMI free from any trust or fiduciary obligation in favor of any person not a citizen or national of the United States or citizen of the NMI; (ii) 75 percent of the voting power in such corporation is not vested in citizens or nationals of the United States or citizens of the NMI; (iii) through any contract or understanding it is arranged that more than 25 percent of the voting power in such corporation may be exercised, directly or indirectly, in behalf of any person who is not a citizen or national of the United States or a citizen of the NMI; or (iv) by any means whatsoever, control of any interest in the corporation is conferred upon or permitted to be exercised by any person who is not a citizen or national of the United States.

contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project.

The percentage of the total project costs provided from non-Federal sources may be up to 50 percent of the costs of the project. The S-K Act, as amended, requires the Government to provide at least 50 percent of total project costs. The total project costs will be determined as described below.

The total costs of a project consist of all costs incurred in the performance of project tasks, including the value of the in-kind contributions, to accomplish the objectives of the project during the period the project is conducted. A project begins on the effective date of a grant or cooperative agreement between the applicant and an authorized representative of the United States Government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to award, are neither reimbursable nor recognizable as part of the recipient's cost share.

The appropriateness of all cost-sharing proposals, including the valuation of in-kind contributions, will be determined on the basis of guidance provided in OMB Circulars. In general, the value of in-kind services or property used to fulfill the applicant's cost share will be the fair market value of the services or property. Thus, the value is equivalent to the costs of obtaining such services or property if they had not been donated. Appropriate documentation must exist to support in-kind services or property used to fulfill the applicant's cost share.

D. Format

Applications for project funding must be complete. They must identify the principal participants and include copies of any agreements between the participants and the applicant describing the specific tasks to be performed. Project applications must identify the specific priority(ies) to which they are responding. If an application is not in response to a priority, it should be so stated. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application. Project applications must be clearly and completely submitted in the following format:

1. Cover Sheet: An applicant must use OMB Standard Form 424 (REV 4-88) as the cover sheet for each project. (In completing item 22 of Standard Form 424 (REV 4-88), see Section V.A.9. of this notice.)

2. Project Summary: An applicant must complete NOAA Form 88-204 (11-89), Saltonstall-Kennedy Project Summary, for each project. Applicants may obtain copies of these forms from NMFS; addresses are listed under the "Application Submission and Deadline" section which follows.

3. Project Budget: A budget must be submitted for each project, using NOAA Form 88-205 (11-89), which is available from NMFS, along with instructions for completion; addresses are listed under the "Application Submission and Deadline" section which follows. The applicants must submit cost estimates showing total project costs. Cost sharing is discretionary. If applicants choose to cost share, both the Federal and non-Federal shares must be shown. No cost sharing can come from another Federal source except as provided by Federal statute. Applicants matching costs are to be divided into cash and in-kind contributions. To support its budget the applicant must describe briefly the basis for estimating the value of the matching funds derived from in-kind contributions. Estimates of the direct costs must be specified in the categories listed on NOAA Form 88-205. The budget may also include an amount for indirect costs if the applicant has an established indirect cost rate with the Federal Government. Estimated indirect costs may be included pending approval of a negotiated Federal indirect cost rate. The Grants Officer listed in section E of this notice will assist prospective applicants in obtaining a negotiated Federal indirect cost rate, if deemed appropriate. Indirect costs shall not exceed direct costs.

4. Project Narrative Description: The project must be completely and accurately described. As a guideline, the project description may be up to 15 pages in length. NMFS will make all portions of the project description available to the public and members of the fishing industry for review and comment; therefore, NMFS will not guarantee the confidentiality of any information submitted as part of any project, nor will NMFS accept for consideration any project requesting confidentiality of any part of the project. Each project must be described as follows:

a. Identification of Problem(s): For new projects, identify and completely describe the problem(s) the project addresses. As appropriate, in this description include: (1) The fisheries involved, (2) the specific problem(s) that the fishing industry has encountered, (3) the sectors of the fishing industry that are affected, (4) the specific priorities to which the project responds, and, (5) how the problem(s) prevent the fishing industry from developing a fishery or using existing fishery resources. If the application is for the continuation of an existing S-K funded project, describe in detail progress to date and explain why continued funding is necessary.

b. *Project Goals and Objectives:* State what the proposed project will accomplish and describe how this will eliminate or reduce the problem(s) described above.

c. *Need for Government Financial Assistance:* Explain why members of the fishing industry cannot fund all the proposed work. List all other sources of funding which are or have been sought for the project.

d. *Participation by Persons or Groups Other Than the Applicant:* Describe (1) the level of participation by NMFS, Sea Grant, or other Government and non-Government entities, particularly members of the fishing industry, required in the project(s); and (2) the nature of such participation. In addition, list names and addresses of the members of the fishing industry consulted during the participation of the project description.

e. *Federal, State, and Local Government Activities:* List any existing Federal, state, or local Government programs or activities, including State Coastal zone Management Plans, this project would affect and describe the relationship between the project and these plans or activities. List names and addresses of persons providing this information.

f. *Project Statement of Work:* This section requires the applicant to prepare a detailed narrative fully describing the work to be performed which will achieve the previously articulated goals and objectives. A milestone chart which outlines major goals, supporting work activities, timeframe, and individuals responsible for various work activities must be included. The narrative should include information which responds to the following questions:

(1) How will the project be designed?

(2) What major products, (e.g., research, services, or reports) will result and what are their specific nature?

(3) What supporting activities (be as specific as possible) will be undertaken to produce major products?

(4) Who will be responsible for carrying out the various activities? (Highlight work which will be

subcontracted and provisions for competitive subcontracting).

(5) What methodology will be used to evaluate final products or services, and how will it be integrated into the project?

The milestone chart should graphically illustrate:

(1) Steps to accomplish the major products, research, services and/or activities;

(2) Supporting activities and associated timelines; and

(3) The individual(s) responsible for the various activities.

Because this information is critical to understanding and reviewing the application, NMFS encourages applicants to provide sufficient detail. Applications lacking sufficient detail may be eliminated from further consideration.

g. *Project Management:* Describe how the project will be organized and managed. List all persons directly employed by the applicant who will be involved in the project, their qualifications, experience, and level of involvement in the project. If any portion of the project will be conducted through consultants and/or subcontracts, applicants, as appropriate, must follow procurement guidance in 15 CFR part 24, "Grants and Cooperative Agreements to State and Local Governments," and OMB Circular A-110 for Institutions of Higher Education, Hospitals, and other Non-profit Organizations. If a consultant and/or subcontractor is selected prior to application submission, include the name and qualifications of the consultant and/or subcontractor and the process used for selection.

h. *Project Impacts:* Describe the anticipated impacts of the project in terms of landings, production, sales, improvement in product quality or safety, or other measurable factors. Describe how the results of the project will be made available to the fishing industry.

i. *Evaluation of Project Impacts:* The procedures for evaluating the relative success or failure of a project in achieving its goals should be clearly delineated within each application. It is the responsibility of applicants to identify the best methodology for evaluating project effectiveness.

Evaluation procedures in each application should at a minimum contain the following:

(1) Specific methods should be defined to evaluate the accomplishments of the project in terms of its original goals and objectives.

(2) The benefits of the project should be clearly defined. Depending on the nature of the benefits, the evaluation methodology should be able to accurately assess the benefits. For example, if statistical procedures are to be used, their specific application and use in the project evaluation should be described.

(3) Where benefits might be termed "intangible," methods should be defined to measure results. For example, in the case of safety programs, will follow-up surveys be conducted to correlate potential reductions in accident or insurance rates?

5. *Supporting Documentation:* This section should include any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project proposed. The applicant should present any information which would emphasize the value of the project in terms of the significance of the problems addressed. Without such information, the merits of the project may not be fully understood, or the value of the project to fisheries development may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in a lower ranking of the project. Reviewers will not necessarily examine all material provided as supporting documentation except where sufficient detail is lacking in the project description to properly evaluate the project. Therefore, information presented in this section should be clearly referenced in the project description, where appropriate.

E. Application Submission and Deadline

1. *Deadline.* NMFS will accept applications for funding under this program between March 22, 1991 and May 21, 1991. An application will be accepted if the application is received by any of the offices listed below on or before May 21, 1991.

2. *Submission of Applications to NMFS.* Applicants must submit one signed original and two (2) copies of the complete application to any of the following addresses. No facsimile applications will be accepted.

Director, Office of Trade and Industry Services, National Marine Fisheries Service, 1335 East-West Highway, room 6204, Silver Spring, Maryland 20910, Telephone: (301) 427-2358.

Regional Director, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, Telephone: (508) 281-9267

Regional Director, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, FL 33702, Telephone: (813) 893-3142.

Regional Director, National Marine Fisheries Service, 300 South Ferry Street, room 2005, Terminal Island, CA 90731, Telephone: (213) 514-6197.

Regional Director, National Marine Fisheries Service, BIN C15700, 7600 Sand Point Way, NE., Seattle, WA 98115, Telephone: (206) 527-6150.

Regional Director, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Federal Building Annex, 9109 Mendenhall Mall Road, suite 6, Juneau, AK 99801, Telephone: (907) 586-7224.

3. *Administrative Questions.* Questions of an administrative nature should be referred to the NOAA Grants Office listed below. National Capital Administrative Support Center, (OA32), room 5410, 1325 East-West Highway, Silver Spring, MD 20910, Telephone: (301) 427-2922.

IV. Revie Process and Criteria

A. Evaluation and Ranking of Proposed Projects

1. *Consultation with Interested Parties:* NMFS will evaluate the project(s) contained in the application in consultation with representatives from other Federal Government agencies with programs affecting the U.S. fishing industry, members of the fishing industry, and other fisheries interests, as necessary. NMFS will make project descriptions available in the following manner:

a. *Public review and comment.* Applications which are regional in nature may be inspected at the appropriate Regional Office. All applications will be available for inspection at the NMFS Office of Trade and Industry Services, 1335 East-West Highway, room 6204, Silver Spring, Maryland, from May 28, 1991 to June 11, 1991. Written comments will be accepted at a regional or the Silver Spring, Maryland Office until June 11, 1991.

b. *Consultation with members of the fishing industry.* NMFS shall, at its discretion, request comments from members of the fishing industry who have knowledge in the subject matter of a project or who would be affected by a project.

c. *Consultation with Government agencies.* Applications will be reviewed in consultation with NMFS Offices, NOAA Grants/Contracts Offices and, as appropriate, Department of Commerce and other Federal agencies. The Regional Fishery Management Councils will be asked to review applications which could impact a managed fishery, the by-catch of a managed fishery, or a fishery management issue.

2. *Technical Evaluation:* NMFS, in consultation with appropriate private and public sector authorities, will conduct a technical evaluation of each project application. All comments submitted to NMFS will be taken into consideration in the technical evaluation of projects. NMFS will give projects point scores based on the following evaluation criteria:

a. Problem Description and Conceptual Approach for Resolution. Both the applicant's comprehension of the problem(s) and the overall concept proposed to resolve the problem(s) will be evaluated. (20 points).

b. Soundness of Project Design/ Technical Approach. Evaluated will be whether or not the applicant provided sufficient information to technically evaluate the project and, if so, the strengths and/or weaknesses of the technical design proposed for problem resolution. (25 points).

c. Project Management and Experience and Qualifications of personnel. Evaluated will be the organization and management of the project, the project's Principal Investigator and other personnel in terms of related experience, qualifications, and extent of cooperation with the fishing industry and government throughout the various phases of the project. Those projects that do not identify the Principal Investigator with his/her qualifications will receive a lower point score. (15 points).

d. Project Monitoring and Evaluation. Evaluated will be the effectiveness of the applicant's proposed methods to track project progress and evaluate the final accomplishments of the project in terms of its original goals and objectives and contribution to fisheries development. (20 points).

e. *Project costs.* Evaluated will be the justification and allocation of the budget in terms of the work to be performed. Unreasonably high or low project costs will be taken into account. (20 points).

f. In addition to the above criteria, in reviewing applications for grants and cooperative agreements which include consultants and contracts, NOAA will make a determination regarding the following:

(1) Is the involvement of the applicant necessary to the conduct of the project and the accomplishment of its goals and objectives?

(2) Is the proposed allocation of the applicant's time reasonable and commensurate with the applicant's involvement in the project?

(3) Are the proposed costs for the applicant's involvement in the project reasonable and commensurate with the benefits to be derived from applicant's participation?

3. *Formal Industry Review:* After the technical evaluation, comments will be solicited from the fishing industry, consumer representatives, and others, as appropriate, to rank the projects. The rankings may be obtained through independent reviews or involve formal meetings of industry representatives.

Considered in the industry rankings, along with the technical evaluation, will be the significance of the problem addressed in the project. The industry reviewers will rank each project in terms of importance or need for funding and provide recommendations on the level of funding NMFS should award to each project and the merits and benefits of funding each project.

B. Funding Awards

After projects have been evaluated, the reviewing NOAA Fisheries offices will develop recommendations for project funding. They will submit the recommendations to the Assistant Administrator for Fisheries, NMFS, who will determine the number of projects to be funded based on the recommendations provided, consistency of projects with the identified fisheries objectives, and the amount of funds available for the program.

The exact amount of funds awarded to a project will be determined in pre-award negotiations between the applicant and NOAA/NMFS program and grants management representatives. The Department of Commerce (DOC) will review all recommended projects and funding before final authority is given to proceed on the project. The funding instrument will be determined by the NOAA Grants Office. Projects should not be initiated in expectation of Federal funding until a notice of award document is received. Any costs incurred prior to issuance of the award document are at the applicant's own risk.

V. Administrative Requirements

A. Obligation of the Applicant

An Applicant must:

1. Meet all application requirements and provide all information necessary for the evaluation of the project.

2. Be available, upon request, in person or by designated representatives, to respond to questions during the review and evaluation of the project(s).

3. If a project is awarded, manage the day-to-day operations of the project, be responsible for the performance of all activities for which funds are granted, and be responsible for the satisfaction of all administrative and managerial conditions imposed by the award.

If a project is awarded, keep records sufficient to document any costs incurred under the award, and allow access to records for audit and examination by the Secretary, the Comptroller General of the United States, or their authorized representatives.

5. If a project is awarded, submit quarterly project status reports on the use of funds and progress of the project to NMFS within 30 days after the end of each calendar quarter. These reports will be submitted to the individual specified as the NMFS Program Officer in the funding agreement.

6. If a project is awarded, submit an original and two copies of a final report within 90 days after completion of each project to the NMFS Program Officer. The final report must describe the project and include an evaluation of the work performed and the results and benefits in sufficient detail to enable NMFS to assess the success of the completed project. Formats for the quarterly and final reports, which have been approved by OMB, will be provided to the applicant.

7. In order for NMFS to assist the grantee in disseminating information, the grantee is requested to submit three copies of all publications (in addition to the Final Report in 6. above) printed with grant funds to the NMFS Program Officer.

8. Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Groverment in connection with a specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), are required to be submitted with the application. Applicants are subject to Governtwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement. Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

9. This program is covered by Executive Order 12372. Any applicant submitting an application for funding is required to complete item 22 on Standard Form 424 (REV 4-88) regarding

clearance by the State Point of Contact (SPOC) established as a result of Executive Order 12372. A list of State Points of Contact may be obtained from any of the National Marine Fisheries Services Offices listed in this notice.

B. Obligations of the National Marine Fisheries Service

NMFS will:

1. Provide all forms and explanatory information necessary for the proper submission of applications for fisheries development and utilization projects.

2. Provide advice, through the NMFS Office servicing the applicant's area, to inform applicants of NMFS fisheries development policies and goals. Interested applicants are encouraged tc contact the NMFS Silver Spring, Maryland or Regional Offices for clarification or explanation of any information appearing in this notice.

3. Monitor all projects after award to ascertain their effectiveness in achieving their objectives. Actual accomplishments of a project will be compared with stated objectives.

4. Maintain a mailing list for the annual S-K solicitations. Upon request, interested persons will be placed on the mailing list to receive the solicitation at the time it is published in the **Federal Register.**

C. Responsibility of the Grants Officer

The NOAA Grants Officer is the individual designated to serve as the NOAA official responsible for the business management aspects of a particular grant or cooperative agreement. The Grants Officer serves as the counterpart to the business officer of the recipient organization. He/she is responsible for all business management matters associated with the review, negotiation, award, and administration of grants, and interprets grants administration, policies and provisions. Questions from the recipient relating to these aspects will be referred to the Grants Officer. The official grant file will be maintained by the Grants Officer who will ensure that OMB, DOC, and NOAA policies are met.

D. Legal Requirements

The applicant will be required to satisfy the requirements of applicable Federal, State and local laws.

VI. Classification

The Under Secretary for Oceans and Atmosphere, NOAA, determined that this notice is not a major action requiring a regulatory impact analysis under Executive Order 12291 because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Prior notice and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

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

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

This notice contains a collection of information requirement subject to the Paperwork Reduction Act. The collection of this information has been approved by the Office of Management and Budget, OMB Control Number 0648-0135.

This notice of availability of financial assistance for fisheries research and development projects will also appear in the Commerce Business Daily.

(Federal Domestic Assistance Catalogue No. 11.427 Fisheries Development and Utilization Research and Demonstration Grants and Cooperative Agreements)

Dated: March 19, 1991.

Michael F. Tillman,

Deputy Assistant Administrator for Fisheries.

[FR Doc. 91-6879 Filed 3-21-91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List Additions

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

ACTION: Additions to Procurement List.

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

EFFECTIVE DATE: April 22, 1991.

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

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

SUPPLEMENTARY INFORMATION: On January 18, 1991, the committee for Purchase from the Blind and Other Severely Handicapped published notice (56 FR 1987) of proposed additions to the Procurement List.

Comments were received during the development phase of this proposed addition to the Procurement List from the current contractor for this item. The contractor alleged that the addition would cause a severe impact on his firm. He admitted that the impact would be a very small percentage of his projected sales. The Committee has determined that the impact would be even smaller than alleged and does not constitute serious adverse impact.

After consideration of the material presented to it concerning capability of a qualified workshop to produce the commodities at a fair market price and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6. I certaify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

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

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

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

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

Pallet, Wood

3990-00-NSH-0063 40"×48"×50"

3990-00-NSH-0064 48"×48"×50"

(Requirements of the Government Printing Office Washington, DC only)

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

G. John Heyer,

General Counsel.

[FR Doc. 91-6890 Filed 3-21-91; 8:45 am]

BILLING CODE 6820-33-M

Procurement List Proposed Additions

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

ACTION: Proposed additions to Procurement List.

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

COMMENTS MUST BE RECEIVED ON OR BEFORE: April 22, 1991.

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

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

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

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from workshops for the blind or other severely handicapped. It is proposed to add the following commodities and services to the Procurement List:

Commodities

Clamp, Loop
5340-00-103-2976
5340-01-156-3866
5340-01-161-6234
Paper, Tabulating Machine
7530-00-138-9919
Scarf
8440-01-291-5451
Canteen
8465-00-102-6381

Services

Commissary Shelf Stocking and Custodial, Tinker Air Force Base, Oklahoma
Janitorial/Custodial, Umatilla Depot Activity, Hermiston, Oregon
Janitorial/Custodial, Armed Forces Reserve Center, Bellefonte, Pennsylvania
Janitorial/Custodial, U.S. Army Reserve Center, Florence, South Carolina
Janitorial/Custodial, U.S. Army Reserve Center, Rock Hill, South Carolina
Janitorial/Custodial, U.S. Army Reserve Center, York, South Carolina
Janitorial/Custodial, Buildings 108, 120 and 121, Fort Hood, Texas

G. John Heyer,
General Counsel.

[FR Doc. 91-6891 Filed 3-21-91; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 19, 1991.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet on 8 April 1991, from 1 p.m. to 5 p.m., at HQ Strategic Air Command (SAC), Offutt AFB NE.

The purpose of this meeting will be to meet in executive session with CINCSAC and his staff. The meeting at HQ Strategic Air Command (SAC) will involve discussions of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingy 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. 91-6875 Filed 3-21-91; 8:45 am]

BILLING CODE 3910-01-M

Department of the Air Force

USAF Scientific Advisory Board; Meeting

March 19, 1991.

The USAF Scientific Advisory Board Strategic Cross-Matrix Panel will meet on 10 April 1991, from 3 p.m. to 5 p.m. and on 11 April 1991, from 8 a.m. to 4 p.m., at the Strategic Warfare Center, Ellsworth AFB, SD.

The purpose of this meeting is a fact finding visit to observe SAC aircraft, missile and strategic training operations. The meeting will involve discussion of classified defense matters listed in section 552b(c) of title 5, United States Code, specifically subparagraph (1) thereof, and accordingy 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. 91-6876 Filed 3-21-91; 8:45 am]

BILLING CODE 3910-01-M

DEPARTMENT OF ENERGY

Atlanta Support Office; Financial Assistance Award—Grants Special Energy Projects

AGENCY: U.S. Department of Energy.

ACTION: Territorial Assistance Program Grant Award.

SUMMARY: DOE announces that it plans to conduct a competitive solicitation No. PS44-91R410590 among the U.S. Territories (Guam, American Samoa, Mariana Islands, Virgin Islands and Palau) and the Commonwealth of Puerto Rico, inviting them to submit proposals for special energy projects. It is anticipated that the total amount of funding available for this program shall be $250,000. The Statutory Authority for use of a grant award is Public Law 95-92, DOE Organization Act, and Public Law 96-597.

The DOE will issue a competitive solicitation among the U.S. Territories. Applications will be submitted for projects to address priority needs and opportunities as identified in the 1982 Territorial Energy Assessment, prepared by DOE in response to a mandate in the Omnibus Territories Act, Public Law 96-957. The actual work to be accomplished will be determined by the projects to be selected for awards. All projects selected will be in the general categories of promoting the use of proven technologies that employ indigenous renewable resources or serve to reduce the costs and dependencies of the territories on imported fuels.

FOR FURTHER INFORMATION CONTACT: Walter C. Butler, Jr., Atlanta Support Office, U.S. Department of Energy, 730 Peachtree Street, suite 876, Atlanta, Georgia 30308.

Issued in Chicago, Illinois on March 14, 1991.

Timothy S. Crawford,
Assistant Manager for Administration.

[FR Doc. 91-6888 Filed 3-21-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER91-174-000, et al.]

Philadelphia Electric Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Philadelphia Electric Company

[Docket No. ER91-174-000]

March 14, 1991.

Take notice that on February 22, 1991, Philadelphia Electric Company (PECO) tendered for filing an Amendment to its December 24, 1990 filing, in which PECO had submitted as in initial Rate Schedule a Transmission Service and

Interconnection Contract between Delaware Resource Management, Inc. (DRMI) and PECO dated December 26, 1989. The Contract sets forth the terms and conditions under which PECO will transmit electric output from DRMI's generating facility located in the City of Chester, Delaware County, Pennsylvania, to Atlanta City Electric Company (ACE). The Amendment to the Filing provides further explanation of and support for the initial Rate Schedule. PECO requests waiver of the Commission's notice requirements and asks that the Commission allow the initial Rate Schedule to become effective on the earlier of: (1) 60 days after the filing of the Amendment or (2) the commercial operation date of DRMI's facility—which is the date transmission service will commence under the Contract. DRMI currently expects to achieve commercial operation by April 10, 1991, at the earliest.

Comment date: March 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

2. Commonwealth Edison Company

[Docket No. ER91-194-000]

March 14, 1991.

Take notice that on January 31, 1991, Commonwealth Edison Company tendered for filing a letter submitting additional information in this docket.

Comment date: March 25, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Central Maine Power Company

[Docket No. ER91-292-000]

March 14, 1991.

Take notice that on March 4, 1991, Central Maine Power Co. (CMP), tendered for filing the following Transmission Service Agreement:

Transmission Service Agreement between Central Maine Power Company and Boston Edison Company effective November 1, 1990.

CMP requests that the Commission waive its notice and filing requirements to permit this Agreement to become effective in accordance with its terms.

CMP has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. Maine Electric Power Company, Inc.

[Docket No. ER91-294-000]

March 14, 1991.

Take notice that on March 4, 1991, Maine Electric Power Company, Inc. (MEPCO), tendered for filing the following Transmission Contract:

Transmission Contract between Maine Electric Power Company, Inc. and Boston Edison Company effective November 1, 1990.

MEPCO requests that the Commission waive its notice and filing requirements to permit this Agreement to become effective in accordance with its terms.

MEPCO has served a copy of the filing on the affected customer and on the Maine Public Utilities Commission.

Comment date: March 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. George W. Edwards, Jr.

[Docket No. ID-2525-000]

March 14, 1991.

Take notice that on March 6, 1991, George W. Edwards, Jr. (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Chairman of the Board of Directors and Chief Executive Officer—United Illuminating Company.

Director—Hubbell, Inc.

Comment date: March 28, 1991, in accordance with Standard Paragraph E end of this notice.

6. Commonwealth Electric Company

[Docket No. ER91-289-000]

March 14, 1991.

Take notice that on February 28, 1991, Commonwealth Electric Company tendered for filing revised schedules A and B to Rate Schedule FERC No. 6 in the above referenced docket.

Comment date: March 28, 1991, in accordance with Standard Paragraph E end of this notice.

7. Northern States Power Company (Minnesota)

[Docket No. ER91-298-000]

March 14, 1991.

Take notice that Northern States Power Company (Minnesota) on behalf of both Northern States Power Company (Minnesota) and Minnesota Power and Light Company on March 5, 1991, tendered for filing the Interconnection and Interchange Agreement (Agreement) between Northern States Power Company and Minnesota Power.

The Agreement provides for the sharing of existing electric transmission facilities for the purposes of receiving, delivering and exchanging power and energy during routine and emergency operation, and for transmitting power and energy from their generating systems to their respective systems.

The Agreement represents new arrangements to the parties, and therefore replaces all previously existing interconnection and interchange agreements.

Northern States Power Company requests that this Interconnection and Interchange Agreement be accepted for filing effective on November 29, 1989, and requests waiver of Commission's notice requirements in order for the Agreement to be effective on that date.

Comment date: March 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Wisconsin Public Service Corporation

[Docket No. ER91-293-000]

March 14, 1991.

Take notice that on 4, 1991, Wisconsin Public Service Corporation (WPSC) tendered for filing two letter agreements between WPSC and Wisconsin Electric Power Company (WEPCO). WPSC agrees to supply 50 Mw of Limited Term Power to WEPCO for an eleven-month period beginning June 1, 1991 through April 30, 1992. WPSC agrees to reserve the above amount of power for WEPCO for the aforementioned period using only existing interconnections and interconnection capacity between WPSC and WEPCO. Demand charges, energy scheduling and billing will be in accordance with WPSC's FERC Rate Schedule No. 30, Service Schedule A, which is part of the interconnection Agreement between WPSC and WEPCO dated December 23, 1969, with amendments, including an August 10, 1980 amendment.

Comment date: March 28, 1991, in accordance with Standard Paragraph E at the end of this notice.

9. New England Power Company

[Docket No. ER90-284-003]

March 14, 1991.

Take notice that on March 8, 1991 New England Power Company (NEP) filed a Compliance Refund Report and supporting documentation that effectuates the terms of an uncontested settlement agreement in the W-11 Supplement proceeding in the reference dockets.

NEP states that appropriate refunds, including interest, were made on February 22, 1991 for the period June 30, 1990 through December 31, 1990.

Comment date: March 29, 1991, in accordance with Standard Paragraph E at the end of this notice.

10. Montaup Electric Company

[Docket No. ER91-305-000]

March 15, 1991.

Take notice that on March 7, 1991, Montaup Electric Company ("Montaup")

filed an agreement under which Montaup has agreed to sell and Taunton Municipal Lighting Plant ("Taunton") has agreed to purchase 1.7123% of capacity and associated energy from the Canal No. 2 oil-fired steam generating unit, in which Montaup holds a 50% joint ownership interest. The sale is to be made for the life of the Canal No. 2 unit in exchange for a life of unit reciprocal sale by Taunton to Montaup for 13.636% of Taunton's combined-cycle Cleary No. 9 unit under a similar agreement. The exchange is intended to improve the generation mixes of both Montaup and Taunton. Montaup receives five megawatts more from Cleary No. 9 than it provides from Canal No. 2.

The agreements extend earlier contacts with simultaneous expiration dates of October 31, 1988 to Life of Unit Contracts. Those agreements were negotiated as a single package with interrelated terms, rates and conditions and are both dependent upon FERC aceptance of the Canal No. 2 agreement to become finally effective as of November 1, 1988. The parties have agreed that the exchange constitutes equal value and therefore no demand charges will accrue, resulting in zero revenue for Montaup under the contract filed here.

Montaup requests waiver of the 60-day notice requirement in order to permit this filing to become effective November 1, 1988, as the parties have agreed.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

11. Southern Company Services, Inc.

[Docket No. ER91-309-000]

March 15, 1991.

Take notice that on March 8, 1991, Southern Company Services, Inc. ("SCS"), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company ("Southern Companies"), tendered for filing an Amendment dated as of December 31, 1990 to the Amended and Restated Unit Power Sales Agreement among Jacksonville Electric Authority, Southern Companies and SCS dated March 19, 1982. The Amendment revises Exhibit A and replaces certain provisions of the Unit Power Sales Agreement.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

12. Southern Company Services, Inc.

[Docket No. ER91-311-000]

March 15, 1991.

Take notice that on March 8, 1991, Southern Company Services, Inc. ("SCS"), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company, and Savannah Electric and Power Company ("Southern Companies"), tendered for filing an Amendment dated as of December 31, 1990 to the Unit Power Sales Agreement among Florida Power & Light Company, Southern Companies and SCS dated July 20, 1988. The Amendment revises the provisions granting Florida Power & Light Company certain early options to take additional capacity under the Unit Power Sales Agreement.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

13. Southern Company Services, Inc.

[Docket No. ER91-310-000]

March 15, 1991.

Take notice that on March 8, 1991, Southern Company Services, Inc. ("SCS"), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, and Mississippi Power Company ("Southern Companies"), tendered for filing an Amendment dated as of December 31, 1990 to the Amended and Restated Unit Power Sales Agreement among Florida Power & Light company, Southern Companies and SCS dated February 18, 1982. The Amendment revises Exhibit A, adds energy banking provisions and replaces certain provisions of the Unit Power Sales Agreement.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

14. Southern Company Services, Inc.

[Docket No. ER91-312-000]

March 15, 1991.

Take notice that on March 8, 1991, Southern Company Services, Inc. ("SCS"), acting as agent for Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company ("Southern Companies"), tendered for filing an Amendment dated as of December 31, 1990 to the Unit Power Sales Agreement among Jacksonville Electric Authority, Southern Companies and SCS dated August 17, 1988. The Amendment revises the provisions granting Jacksonville Electric Authority certain early options to take additional capacity under the Unit Power Sales Agreement.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

15. Puget Sound Power & Light Company

[Docket No. ER91-316-000]

March 15, 1991.

Take notice that on March 13, 1991, Puget Sound Power & Light Company (Puget) tendered for filing Puget's Average System Cost Rate Filing for the Exchange Period beginning August 1, 1990.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

16. Kansas Gas and Electric Company

[Docket No. ER85-461-012]

March 15, 1991.

Take notice that on March 8, 1991, Kansas Gas and Electric Company submitted for filing revised copies of its Refund Report which was filed on February 15, 1991 in this docket.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

17. Southern Company Services, Inc.

[Docket No. ER91-150-000]

March 15, 1991.

Take notice that on March 7, 1991, Southern Company Services, Inc., acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company, submitted an amended filing, in the above-referenced docket, in response to the Division of Applications' letter dated February 5, 1991 requesting addition information.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

18. Pennsylvania Power & Light Company

[Docket No. ER91-308-000]

March 15, 1991.

Take notice that Pennsylvania Power & Light Company ("PP&L") on March 8, 1991, tendered for filing an executed agreement dated as of March 6, 1991, between PP&L and Atlantic City Electric Company ("ACE"). The proposed rate schedule provides for the short-term sale of electric energy and operating capacity from PP&L's Martins Creek Unit 2 to ACE and the assignment of related energy interchange crediting rights to ACE for use on the

Pennsylvania-New Jersey-Maryland Interconnection.

The rate schedule provides for a maximum reservation charge of $1,405 per megawatt week. The charges during each reservation period is a function of the reservation charge, PP&L's cost to produce the energy and operating capacity purchased by ACE, and PP&L's foregone PJM energy interchange savings.

PP&L requests waiver of the notice requirements of Section 205 of the Federal Power Act and § 35.3 of the Commission's Regulations so that the proposed rate schedule can be made effective as of March 8. Initial service under the Agreement has not been scheduled, but could be scheduled to begin at any time on or after March 8, 1991.

PP&L states that a copy of its filing was served on ACE, the Pennsylvania Public Utility Commission, and the New Jersey Board of Public Utilities.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

19. Gulf States Utilities Company

[Docket No. ER90-583-000]

March 15, 1991.

Take notice that Gulf States Utilities Company on September 12, 1990, as amended on September 25, 1990, and March 12, 1991, tendered for filing (1) an Agreement For Wholesale Electric Service between Gulf States Utilities Company ("Gulf States") and Tex-La Electric Cooperative of Texas, Inc. ("Tex-La") ("Agreement"), (2) Exhibited A to the Agreement, (3) Rate Schedule WPS—Wholesale Power Service, (4) Rider A to the Agreement, and (5) Service Schedule EP Emergency Power.

Gulf States states that Tex-La will become a new wholesale customer of Gulf States. The rates for the wholesale service to be provided to Tex-La as set forth in Rate Schedule WPS are the same as Gulf States' rates for wholesale service to other customers.

On March 12, 1991, Gulf States submitted supplemental information in support of Service Schedule EP and a "Rate for Supplemental Service Under Service Schedule EP."

Gulf States requests an effective date for the Agreement and rate and service schedule that is the first day of the billing cycle that begins on or after the Commission's acceptance for filing of the Agreement.

Copies of the filing were served on Tex-La and each wholesale customer of Gulf States which purchases service under Rate Schedule WPS or a comparable rate schedule. Copies of the supplemental information were served on Tex-La.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

20. Allegheny Power Service Corporation, on behalf of West Penn Power Company and Duquesne Light Company

[Docket No. ER91-315-000]

March 15, 1991.

Take notice that on March 11, 1991, West Penn Power Company (West Penn), and Duquesne Light company (Duquesne), filed Amendment No. 14 to the Interchange Agreement between West Pen and Duquesne, which Amendment revises Schedules A, B, and C and adds new schedules F and G to that Interchange Agreement. The proposed effective date for the Amendment No. 14 is January 1, 1991.

The proposed revised Schedules A, B, and C would change the rates charged by all parties under those Schedules for Emergency Service and Energy, Interchange Power and Energy, and Short Term Power and Energy under the Interchange Agreement between West Penn and Duquesne. The proposed new schedules F and G for Diversity Power and Energy and Limited Term Power and Energy, would be added to the Interconnection Agreement. This amendment would also reorganize, standardize and update the language used in those Schedules.

The proposed Schedules are for the purpose of allowing the parties thereto more flexibility in the rates that they charge so as to remain competitive in the power sales market. The parties request waiver of notice to permit an effective date of January 1991 for Amendment No. 14.

Copies of the filing have been served upon the Pennsylvania Public Utility Commission.

Comment date: April 1, 1991 in accordance with Standard Paragraph E at the end of this notice.

21. Tampa Electric Company

[Docket No. ER91-307-000]

March 15, 1991.

Take notice that on March 8, 1991, Tampa Electric Company (Tampa Electric) tendered for filing a new Service Schedule B (Scheduled/Short-Term Firm Interchange Service) under the existing contract for interchange service between Tampa Electric and the City of Tallahassee, Florida (Tallahassee). Tampa Electric states that the new Service Schedule B supersedes the pre-existing Service Schedule B (Scheduled Interchange Service) under the interchange contract.

Tampa Electric proposes an effective date of September 1, 1990, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing have been served on Tallahassee and the Florida Public Service Commission.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

22. Kanawha Valley Power Company

[Docket No. ER91-306-000]

March 15, 1991.

Take notice that Kanawha Valley Power Company (Kanawha) on March 8, 1991, tendered for filing modifications to its 1935 and 1937 Agreements (Schedule FPC Nos. 1 and 2, respectively) with Appalachian Power Company (Appalachian) providing for the supply of power and energy from Kanawha's Marmet and London (Project No. 1175) and Winfield (Project No. 1290) hydro-electric plants, respectively, to be effective May 8, 1991.

The modifications would increase annual revenues to Kanawha for sales to Appalachian by $273,160 based on the twelve month period ended December 31, 1990.

The proposed changes are required due to increases in the cost of providing service under the 1935 and 1937 Agreements since the last rate modification in September 1989. The rates under the proposed modification are designed to provide Kanawha with the opportunity to earn a 10.289% overall rate of return. Both Kanawha and Appalachian are affiliates of the American Electric Power Company, Inc.

Kanawha states that a copy of the filing has been provided to the Public Service Commission of West Virginia, the Virginia State Corporation Commission and Appalachian Power Company.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

23. Wisconsin Public Service Corporation

[Docket No. ER91-317-000]

March 15, 1991.

Take notice that on March 13, 1991, Wisconsin Public Service Corporation (the "Company") of Green Bay, Wisconsin, filed:

1. A proposed addition to Article B of its FERC Electric Tariff Original Volume No. 2 for all requirements service identified as Section "9B *Peaking*

Shaving By Other Means (Alternate Scheduling and Crediting Procedures)."

2. A proposed Supplement No. 13 to the Company's Service Agreement with Wisconsin Public Power Incorporated SYSTEM ("WPPI") which applies the provisions of new Section 9B to WPPI peak shavings transactions.

3. A proposed Supplement No. 2 to Supplement No. 9 to the Company's Service Agreement with WPPI which relates to WPPI peak shaving for the period January 1, 1992 through December 31, 1993.

The new section 9B provides for an alternate peak shaving scheduling and crediting procedure that is intended to provide benefits to peak shaving customers and to the company. WPPI is the only customer currently peaking shaving under the Company's tariff. WPPI supports the filing and the proposed effective date of June 1, 1991.

The filing does not change the level of the Company's rates or affect terms and conditions other than those related to peak shaving. The Company states that it has furnished copies of the filing to WPPI, its other customers who are served under the all requirements tariff, the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

Comment date: April 1, 1991, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6803 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-110-001]

Great Lakes Gas Transmission Limited Partnership, Proposed Change In FERC Gas Tariff

March 15, 1991.

Take notice that on March 12, 1991, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing Substitute Fourth Revised Sheet No. 295 to its FERC Gas Tariff Original Volume No. 2.

On March 1, 1991, Great Lakes filed tariff sheets to enable a number of its transportation customers to provide the company use gas needed to transport volumes for such customers. Among the tariff sheets filed was Fourth Revised Sheet No. 295 to FERC Gas Tariff Original Volume No., 2 which set forth the Transportation Use Charge provisions for Rate Schedule T-11.

Great Lakes states that its March 12 filing clarifies the Transporter's Use provision on Sheet No. 295 by pointing out that the percentage applicable to Rate Schedule T-11 shall be that contained on Sheet No. 3-A of Great Lakes' FERC Gas Tariff, Original Volume No. 2.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washingtion, DC 20426, in accordance with Rules 214 and 211 of the Commission's Rule of Practice and Procedure 18 CFR 385.214. All such protests should be filed on or before March 22, 1991. Protests will be considered by the Commission in determining the approprate action to be taken, but will not serve to make protestants parties to the proceeding. Persons that are already parties to their 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-6798 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10560-001 Utah]

Metropolitan Water District of Provo City; Surrender of Exemption

March 15, 1991.

Take notice that Metropolitan Water District of Provo City, exemptee for the Upper Falls Power Project No. 10560-000, to be located on a small spring which is a tributary of the Provo River in Utah County, Utah, as requested surrender of its exemption, stating that the project is not economically feasible at this time. The project would have been located on the exemptee's land and would have consisted of an existing 4-foot-high diversion weir at elevation 5,228 feet (msl); a 10-inch-diameter, 1,000-foot-long penstock; a powerhouse containing a generating unit with a rated capacity of 65 kW; and approximately a 2,700-foot-long transmission line. No construction occurred under the exemption.

The exemptee filed the request on January 23, 1991, and the exemption for Project No. 10560-000 shall remain in effect through the thirtieth day after issuance of this notice unless that day is a Saturday, Sunday, or holiday as described in 18 CFR 385.2007, in which case the exemption shall remain in effect through the first business day following that day. New applications involving this project site, to the extent provided for under 18 CFR part 4, may be filed on the next business day.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-6802 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-115-000]

Midwestern Gas Transmission Co.; Tariff Revisions

March 15, 1991.

Take notice that on March 13, 1991, Midwestern Gas Transmission Company (Midwestern) tendered for filing Second Revised Sheet No. 160, Second Revised Sheet Nos. 180 through 189, Second Revised Sheet No. 125 and Second Revised Sheet No. 135 to First Revised Volume No. 1 of its FERC Gas Tariff. Midwestern states that these tariff sheets restate the rate schedules, entitlement, quantity provisions and index of end-use volumes to fully convert Midwestern's tariff to a dekatherm basis, implement certain recent changes concerning service to its customers, and correct certain typographical errors. Midwestern proposes an effective date of April 13, 1991.

Midwestern states that Revised Sheet No. 160 reflects a reduction in NICOR Supply Inc.'s entitlement under Rate Schedule T-1, an unrelated adjustment to reflect an increase in entitlement to the City of Morgantown, Kentucky, under Rate Schedule SR-1 and the abandonment of Rate Schedule T-5.

Midwestern states that Revised Sheet Nos. 180 through 189 denote Midwestern's index of end-use of volumes and reflect the change in

Midwestern's tariff from a mcf basis to a dekatherm basis.

Midwestern further states that Revised Sheet Nos. 125 and 135 reflect the correction of a typographical error in Article XIII—WARRANTIES of Midwestern's FT and IT Form of Service Agreements, respectively, to ensure an appropriate reference to "§ 284.223" for transportation on behalf of shippers other than interstate pipelines.

Midwestern requests any waivers that the Commission deems necessary to permit the tariff sheets to become effective as proposed.

Midwestern states that a copy of this filing has been mailed to all affected customers and state regulatory commissions and is available for inspection during regular business hours in a convenient form and place at Tennessee's offices in the Tenneco Building, Houston, Texas.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 22, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-6799 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

Federal Energy Regulation Commission

[Docket No. RP86-136-016]

National Fuel Gas Supply Corp.; Compliance Filing

March 14, 1991.

Take notice that on February 26, 1991, National Fuel Gas Supply Corporation (National) filed Substitute Original Sheet No. 72, to its FERC Gas Tariff, Second Revised Volume No. 1, with an effective date of December 5, 1990. National states that it inadvertently failed to include this tariff sheet in its compliance filing made on February 22, 1991, in Docket No. RP86-136-015.

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. All such protests should be filed on or before March 21, 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. 91-6801 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-04313T Colorado-41]

State of Colorado Oil and Gas Conservation Commission; Determination Designating Tight Formation

March 18, 1991.

Take notice that on March 8, 1991, the State of Colorado, Oil and Gas Conservation Commission (Colorado) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Codell and Niobrara Formations in portions of Weld County, Colorado, qualify as tight formations under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The geographical area applicable to each formation is identical. The notice of determination covers all of Sections 1-18 in Township 5 North, Range 63 West (6th P.M.), and all of Sections 19-36 in Township 6 North, Range 63 West (6th P.M.), in Weld County. The notice of determination also contains Colorado's findings that the referenced portions of the Codell and Niobrara Formations meet the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6804 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. JD91-04312T Colorado-40 Addition 2]

State of Colorado Oil and Gas Conservation Commission; Determination Designating Tight Formation

March 18, 1991.

Take notice that on March 8, 1991, the State of Colorado, Oil and Gas Conservation Commission (Colorado) submitted the above-referenced notice of determination to the Commission, pursuant to § 271.703(c)(3) of the Commission's regulations, that the Niobrara Formation in portions of Weld County, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The notice of determination covers all of Sections 1-36 in Township 3 North, Range 64-67 West (6th P.M.), Section 1, 11-14, and 19-36 in Township 4 North, Range 66 West (6th P.M.), Sections 1-36, in Township 4 North, Range 67 West (6th P.M.), Sections 1, 12, 13 and 36 in Township 5 North, Range 66 West (6th P.M.), Sections 4-10, 15-22, and 25-36 in Township 5 North, Range 67 West (6th P.M.), Sections 1-6 and 8-12 in Township 6 North, Range 64 West (6th P.M.), Sections 1-6 and 31-33 in Township 6 North, Range 65 West (6th P.M.), and Sections 1-5 in Township 6 North, Range 66 West (6th P.M.), in Weld County. The notice of determination also contains Colorado's findings that the referenced portions of the Niobrara Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 91-6805 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-7-29-000]

Transcontinental Gas Pipe Line Corp., Proposed Changes in FERC Gas Tariff

March 15, 1991.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing March 11, 1991, certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff enumerated in appendix A to the filing. The proposed effective date of the tariff sheets is April 10, 1991.

On October 10, 1989 Transco filed a general rate case in Docket No. RP90-8. Included therein was a new Section 38 of the General Terms and Conditions of Transco's tariff. Section 38 provides for a fuel tracking mechanism based on (1) a prospective restatement of Fuel Retention Percentages (FRPs) reflecting actual Gas Required for Operations (GRO) during the prior period and (2) prospective fuel retention percentage surcharges designed to account forovercollections/undercollections of fuel in the prior period. On November 9, 1989 the Commission issued its suspension Order in Docket No. RP90-8 which, among other things, accepted the fuel tracking mechanism effective April 10, 1990, subject to refund. *Transcontinental Gas Pipe Line Corporation*, 49 FERC § 61,174 (1989).

Transco states that the purpose of the filing is to revise the FRPs applicable to Transco's various services effective April 10, 1991 pursuant to the provisions of section 38. In that regard, attached in appendices B and C to the filing are the workpapers supporting the calculation of the FRPs reflected on the tariff sheets included therein. Transco states that copies are being mailed to its customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 18 CFR 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before March 22, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-6800 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER90-54-001, ER91-221-000, and EL91-20-000]

People's Electric Cooperative; Initiation of Proceeding and Refund Effective Date

March 19, 1991.

Take notice that on March 18, 1991, the Commission issued an order in the above-indicted dockets initiating a proceeding in Docket No. EL91-20-000 under section 206 of the Federal Power Act, as amended by the Regulatory Fairness Act of 1988.

Refund effective date for People's Agreements for service to the Chickasaw Tribal Utility Authority and Byng Public Works Authority: 60 days after publication of this notice in the **Federal Register.**

Lois D. Cashell,

Secretary.

[FR Doc. 91-6873 Filed 3-21-91; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3915-9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared March 4, 1991, through March 8, 1991 pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 382-5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 13, 1990 (55 FR 13969).

Draft EISs

ERP No. D-AFS-J60008-WY Rating L02, Teton Village Federal Tract/ Diamond L Ranch Land Exchange, Special Use Permits, Bridger-Teton National Forest, Teton County, WY.

Summary

EPA does not object to the proposed action. The Final EIS should provide additional information on proposed management of the newly acquired lands and discuss infrastructure demands that may result from the exchange.

ERP No. D-AFS-J65166-UT Rating L0, Tippets Valley Timber Harvest Project. Timber Sale and Road Construction, Implementation, Dixie National Forest, Cedar City Ranger District, Iron County, UT.

Summary

EPA lacks objections to the proposed action.

ERP No. D-AFS-J65167-MT Rating EC2, Lost Silver Timber Harvest Project. Timber Sale and Road Construction, Implementation, Flathead National Forest, Horse Ranger District, Flathead County, MT.

Summary

EPA is concerned about the preferred alternative's potential to impact water quality and fisheries. Additional information on potential project impacts, including sediment yields and cumulative impacts should be provided in the Final EIS along with information on/and a committment to monitoring.

ERP No. D-AFS-J65168-MT Rating EC2, Upper Ruby Cattle and Horse Allotment Management Plan, Centennial Divide Road No. 100 Recontruction and Management Area Designation for portions of the Ruby River, Implementation, Beaverhead National Forest, Sheridan Ranger District, Madison and Beaverhead Counties, MT.

Summary

EPA questions the preferred alternative's ability to repair streams and riparian areas damaged by years of poor grazing practices. EPA believes a monitoring and assessment plan should be fully developed and commited to in the Final EIS/ROD.

ERP No. D-AFS-J65169-MT Rating EC2, Bender-Retie Timber Sale and Road Construction/Reconstruction, Implementation, Beaverhead National Forest, Wisdom Ranger District, Beaverhead County, MT.

Summary

EPA has serious concerns about the potential of the preferred alternative to impact water quality. While EPA commends the monitoring plan in the EIS, and recommends that the alternative ultimately chosen provide additional water quality protection.

ERP No. D-AFS-K61113-CA Rating EC2, Stanislaus National Forest, Land and Resource Management Plan, Implementation, Alpine, Calaveras, Mariposa and Tuolumne Counties, CA.

Summary

EPA expressed environmental concerns due to potential project impacts to water quality, riparian areas, fisheries and air quality from timber management projects, hydropower developments and ski resort developments. EPA asked that the FEIS contain more information on how the Forest Service will ensure that management activities fully comply with applicable environmental standards and regulations. EPA also requested that the Forest Service adopt a monitoring and mitigation program to protect natural resources such as water quality and anadromous fisheries.

ERP No. D-FAA-L51013-WA Rating EC2, Bellingham International Airport Runway Extension, Construction and Operation, Airport Layout Plan, Approval and Funding, Whatcom County, WA.

Summary

EPA expressed environmental concerns due to insufficient information on the effect of the runway extension on 21 acres of wetlands. Additional information is needed on the avoidance and minimization of impacts to wetlands through the alternatives analysis.

ERP No. D-FHW-K40181-CA Rating EC2, I-880 Cypress Replacement, I-980 Interchange to I-80/I-580/I-880 Cypress Structure, Funding and Section 404 Permit, City of Oakland, Alameda County, CA.

Summary

EPA expressed environmental concerns regarding potential impacts to waters of the United States, including wetlands. EPA expressed concerns regarding potential adverse air quality impacts due to a projected increase in vehicle travel and associated air emission and asked that the FEIS contain more information regarding wetlands impacts and mitigation, project consistency with section 404, impacts to endangered species, and air quality conformity and appropriate mitigation.

ERP No. DB-NOA-K90007-00 Rating LO, Pacific Coast Goundfish Fishery Management Plan (FMP), License Limitation Program, Approval and Implementation of Amendment No. 6, OR, WA and CA.

Summary

EPA believes this supplemental EIS supports the conclusion of the earlier FMP and EIS that the proposed action will protect the long term productivity of the groundfish resources and will involve no irreversible or irretrievable commitments of these resources.

Final EISs

ERP No. F-AFS-J65126-MT, South Fork Complex Timber Sales Road Construction and Reconstruction, Implementation, Lewis and Clark National Forest, Judith Ranger District, Judith Basin County, MT.

Summary

EPA remains concerned about the potential for the selected alternative to impact water quality and fisheries and the lack of a specific monitoring plan in the Record of Decision.

ERP No. F-AFS-J65157-UT, Strawberry Ridge Timber Sale and Road Reconstruction, Implementation, Dixie National Forest, Cedar City Range District, Kane County, UT.

Summary

EPA supports the Forest Services selection of alternative E but has concerns regarding the lack of information on the impact prediction methodology and monitoring plan in the Final EIS.

ERP No. F-AFS-L61181-OR, Mount Hood Ski Area Additional Development and Expansion, Master Plan Approval, Special Use Permit, US Department of Commerce Permits and US COE Section 404 Permit, Mount Hood National Forest Hood River County, OR.

Summary

EPA continues to have significant environmental concerns with the project. The air quality analysis needs to be redone to show whether Class I and Class II increments for all pollutants can be attained.

ERP No. F-BLM-J61068-UT, Utah Statewide Wilderness Study Areas, Wilderness Recommendations, Designation or Nondesignation, West Central Region (11 WSA's), South-West Region (30 WSA's), South-Central Region (10 WSA's), South-East Region (16 WSA's) and East-Central Region (16 WSA's) Several Counties, UT.

Summary

EPA believes that BLM inadequately described the environmental aspects of the Colorado River Basin Salinity Control Act, potential tar sand development conflicts with Class I air quality designations in the nearby Glen Canyon National Recreation Area, and updating the BLM Resource Management Planning process prior to completing the proposed Wilderness Study Reports. The BLM should consider the conservation of biological diversity in its upcoming Wilderness Study Reports that is now proposed.

ERP No. F-FWH-E40562-TN, Appalachian Corridor B1 to B3 Improvements, U.S. 23/TN-81 and TN-36, from Sams Gap at the North Carolina-Tennessee State Line to Erwin Bypass, Funding and Section 404 Permit, Unicoi County, TN.

Summary

EPA expressed concern about possible water quality impacts due to siltation and the potential for acid drainage from excavated material and road construction techniques. EPA also has concerns about direct and indirect impacts to mountainous forested habitat in Cherokee National Forest.

ERP No. F-FWH-G40117-TX, US 259/ Kilgore Bypass Construction, US 259 North to US 259 South, Funding and Section 404 Permit, City of Kilgore, Gregg and Rusk Counties, TX.

Summary

EPA has not identified any new issues of concern with regard to the proposed action.

Regulations

ERP No. R-NRC-A00161-00, 10 CFR parts 19, 20, 21, 30, 36, 40, 51, 70, and 170; Licenses and Radiation Safety Requirements for Large Irradiators (55 FR 50008).

Summary

EPA commends the NRC for establishing licensing and safety criteria which consolidate and standardize large irradiator requirements. EPA requested some clarifying language on safety and training issues.

ERP No. R-NRC-A06172-00, 10 CFR parts 2, 40, 70, and 74; Material Control and Accounting Requirements for Uranium Enrichment Facilities Producing Special Nuclear Material of Low Strategic Significance, (55 FR 51726).

Summary

EPA reviewed the proposed rule and had no comments.

Dated: March 19, 1991.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 91-6922 Filed 3-21-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3915-8]

Environmental Impact Statements; Availability

Responsible Agency: Office of Federal Activities, General Information (202) 382-5073 or (202) 382-5075.

Availability of Environmental Impact Statements Filed March 11, 1991

Through March 15, 1991 Pursuant to 40 CFR 1506.9.

EIS No. 910074, DRAFT EIS, HUD, NY, East Falls Street Redevelopment Project, Manufacturers MegaMall Construction, UDAG, Urban Renewal Plan Amendment, Niagara County, NY, Due: May 06, 1991, Contact: David Brooks (716) 286-4466.

EIS No. 910075, DRAFT EIS, NPS, VA, U.S. 340 Improvement, Criser Road to South Corporate Limits, Approval and COE Nationwide Headwaters Permit, Shenandoah National Forest, Warren County, VA, Due: May 06, 1991, Contact: Alexander Rives (703) 999-3300.

EIS No. 910076, DRAFT EIS, AFS, ND, Northern Little MIssouri National Grassland Oil and Gas Leasing, Custer National Forest, Dunn, McKenzie, Golden Valley, and Billings Counties, MT, Due: June 01, 1991, Contact: Carl Fager (406) 657-6361.

The U.S. Department of Agriculture's Forest Service and the U.S. Department of the Interior's Bureau of Land Management are JOINT LEAD AGENCIES for the above project.

EIS No. 910077, FINAL EIS, AFS, MT, Lakalaho Timber Sale and Road Construction, Implementation, Flathead National Forest, Glacier View Ranger District, Flathead County, MT, Due: April 22, 1991, Contact: Ken Meckel (406) 892-4372.

EIS No. 910078, FINAL SUPPLEMENT, COE, CT, NY, Western Long Island Sound (WLIS III) Dredged Material Disposal Site, Designation, Connecticut and New York, Due: April 22, 1991, Contact: Thomas Fredette (617) 647-8563.

EIS No. 910079, DRAFT EIS, FHW, MI, Grand Rapids South Beltline Construction, I-196 in Ottawa County to I-96 in Kent County, Funding, Section 404 Permit, Ottawa and Kent Counties, MI, Due: May 6, 1991, Contact: Norman Stoner (517) 377-1851.

EIS No. 910080, SECOND FINAL EIS, AFS, PA, Allegheny National Forest Understory Vegetation Management Amendment, Implementation, Warren, McKean, Forest, and Elk Counties, PA, Due: April 22, 1991, Contact: Bob White (814) 723-5150.

EIS No. 910081, DRAFT EIS, AFS, MT, Andrus Creek Area Timber Sale and Road Construction/Reconstruction. Implementation, Beaverhead National Forest, Dillon Ranger District, Beaverhead County, MT, Due: May 6, 1991, Contact: Lee Derksen (406) 683-3900.

EIS No. 910082, FINAL EIS, CDB, NY, Marina Redevelopment Project Area, Development and Construction, Urban Development Action Grant (UDAG) and COE Nationwide Permit, Village of Port Chester, Westchester County, NY, Due: April 22, 1991, Contact: Thomas Farrell (914) 937-6452.

Amended Notices

EIS No. 910019, DRAFT EIS, AFS, CA, Duncan/Sunflower Timber Sales, Implementation, Duncan Canyon, Tahoe National Forest, Foresthill Ranger District, Placer County, CA, Due: April 10, 1991, Contact: Phillip G. Tuma (916) 367-2224. Published FR 01-25-91-Review period extended. EIS No. 910034, DRAFT EIS, COE, IN, Tillery Hill State Recreation Area Development, Construction, Operation, and Maintenance of Recreation Facilities, Patoka Lake, Orange County, IN, Due: May 9, 1991, Contact: Keith Hoss (502) 582-6015. Published FR 02-08-91-Review period extended.

Dated: March 19, 1991.

William D. Dickerson,

Deputy Director, Office of Federal Activities.

[FR Doc. 91-6925 Filed 3-21-91; 8:45 am]

BILLING CODE 6560-50-M

[OPP-180844; FRL 3884-1]

Receipt of Application for Emergency Exemption to use Benomyl; Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received a specific exemption request from the California Department of Food and Agriculture (hereafter referred to as the "Applicant" for use of the pesticide benomyl (CAS 17804-35-2) to control Ramularia leaf spot on up to 1,200 acres of artichokes in California. In accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemption.

DATES: Comments must be received on or before April 8, 1991.

ADDRESSES: Three copies of written comments, bearing the identification notation "OPP-180844," should be submitted by mail to: Public Docket and Freedom of Information Section, Field Operations Division (H7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as "Confidential Business Information." Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 236, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Susan Stanton, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 716, Crystal Mall #2, 1921 Jefferson Davis Highway,Arlington, VA (703-557-4360).

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at his discretion, exempt a State agency from any registration provision of FIFRA if he determines that emergency conditions exist which require such exemption.

The Applicant has requested the Administrator to issue a specific exemption for the use of the fungicide, benomyl, available as Benlate DF (EPA Reg. No. 352-447) from E. I. du Pont de Nemours Co., to control Ramularia leaf spot, caused by *Ramularia sp.*, on up to 1,200 acres of artichokes in California. Information in accordance with 40 CFR part 166 was submitted as part of this request.

According to the Applicant, Ramularia first attacks artichoke leaves, causing scattered necrotic spots to appear. As the disease progresses the leaves and even the entire plant may appear to be "burned." The resulting reduction in the plant's photosynthetic ability causes poor plant growth and bud production. In severely affected fields, yields may be reduced by as much as 50 percent. According to the Applicant, there are no pesticides currently registered for the control of Ramularia leaf spot of artichoke that will adequately control the disease. Without an effective control, the Applicant estimates that growers will lose approximately $1,988 per acre or nearly $2.4 million over the entire 1,200 affected acres during the 1991 growing season.

Up to 4 ground or aerial applications of benomyl will be applied at 7 to 14 day intervals at a maximum rate of 0.5

pounds of active ingredient per acre. Ground application will be made in sufficient water to obtain full coverage of foliage. Aerial applications will be made in a minimum of 20 gallons of water per acre. A maximum of 2,400 pounds of active ingredient may be needed to treat a maximum of 1,200 acres. Applications will be completed by December 31, 1991.

Benomyl was referred to Special Review in December of 1977 because of its mutagenic, teratogenic, spermatogenic, and acute aquatic effects. The Special Review process was completed on October 20, 1982, and the decision was made to require use of either cloth or commercially available disposable dust masks by mixer/loaders of benomyl intended for aerial application and to require that registrants of benomyl products conduct field monitoring studies to identify residues that may enter aquatic sites after use on rice.

This notice does not constitute a decision by EPA on the application itself. The regulations governing section 18 require that the Agency publish notice of receipt in the **Federal Register** and solicit public comment on an application for a specific exemption proposing use of a pesticide which contains an active ingredient which has been the subject of a Special Review and is intended for a use that could pose a risk similar to the risk posed by any use of a pesticide which is or has been the subject of a Special Review (40 CFR 166.24 (a)(5)).

Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above. The Agency will review and consider all comments received during the comment period in determining whether to issue the emergency exemption requested by the California Department of Food and Agriculture.

Dated: March 13, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-6849 Filed 3-21-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-44566; FRL 3884-2]

TSCA Chemical Testing; Receipt of Test Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the receipt of test data for isopropanol (CAS No.67-63-0), submitted pursuant to a final test rule; and for 4-nonylphenol (CAS No. 84852-15-3) and C.I. disperse blue 79:1 (CAS No. 3618-72-2) submitted pursuant to a consent order. All test data were submitted under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: Section 4(d) of TSCA requires EPA to publish a notice in the **Federal Register** reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days after it is received. Under 40 CFR 790.60, all TSCA section 4 consent orders must contain a statement that results of testing conducted pursuant to these testing consent orders will be announced to the public in accordance with section 4(d).

I. Test Data Submissions

Test data for isopropanol were submitted by the Chemical Manufacturers Association Isopropanol Panel on behalf of the test sponsors and pursuant to a test rule at 40 CFR 799.2325. They were received by EPA on February 27, 1991. The submissions describe: (1) Subchronic inhalation toxicity testing, (2) mutagenicity *in vivo* cytogenetics testing, (3) *in vivo* micronucleus assay, and (4) pharmacokinetics oral and inhalation testing. These tests are required by this test rule. This chemical is used as a solvent in consumer products and industrial products and procedures.

Test data for 4-nonylphenol were submitted by the Chemical Manufacturers Association pursuant to a consent order at 40 CFR 799.5000. They were submitted to EPA on February 21, 1991. The submissions describe five physical/chemical reports for: (1) Octanol/water partition coefficient, (2) soil/sediment adsorption isotherms, (3) water solubility in seawater, (4) anaerobic biodegradation, (5) aerobic biodegradation. This submission also includes two physical/chemical final report amendments for boiling point and dissociation constant. These tests are required by this consent order. This chemical is used: As an intermediate in the production of nonionic ethoxylated surfactants; as a reactive intermediate in lube additives formaldehyde resins, polymeric stabilizers and epoxy resins; and in the manufacture of phosphate antioxidant, oil additives, synthetic lubricants and corrosion inhibitors.

Test data for C.I. disperse blue were submitted by the U. S. Operating Committee of the Ecological and Toxicological Association on behalf of the test sponsors and pursuant to a consent order at 40 CFR 799.5000. They were received by EPA on February 21, 1991. The submissions describe a 90-day gavage toxicity test in rats. Toxicity testing is required by this consent order. This chemical is used for dyeing or printing polyester fibers.

EPA has initiated its review and evaluation process for these data submissions. At this time, the Agency is unable to provide any determination as to the completeness of the submissions.

II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44566). This record includes copies of all studies reported in this notice. The record is available for inspection from 8 a.m. to 12 noon, and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, Rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Authority: 15 U.S.C. 2603.

Dated: March 8, 1991.

Charles M. Auer,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 91-6852 Filed 3-21-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirement Submitted to Office of Management and Budget for Review

March 15, 1991.

The Federal Communications Commission has submitted the following information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Copies of these submissions may be purchased from the Commission's copy contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036, (202) 452-1422. For further information on these submissions contact Kathy Conley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on

this information collection should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB number: 3060-0240.

Title: Section 74.651, Equipment Changes.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of response: On occasion.

Estimated annual burden: 20 respondents; 1 hour average burden per respondent; 20 hours total annual burden.

Needs and uses: Section 74.651 requires licensees of TV auxiliary broadcast stations to notify the FCC in writing of equipment changes which may be made at licensee's discretion without use of a formal application form. This information is used by FCC staff to maintain complete technical records regarding a licensee's facilities.

OMB number: 3060-0241.

Title: Section 74.633, Temporary Authorizations.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of response: On occasion.

Estimated annual burden: 25 respondents; 2 hours average burden per respondent; 50 hours total annual burden.

Needs and uses: Section 74.633 requires licensees of television auxiliary broadcast stations to submit informal requests for special temporary authority to operate station on temporary basis under certain circumstances. This information is used by FCC staff to assure that interference will not be caused to other established stations.

OMB number: 3060-0242.

Title: Section 74.604, Interference Avoidance.

Action: Extension.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of response: On occasion.

Estimated annual burden: 5 respondents; 1 hour average burden per respondent; 5 hours total annual burden.

Needs and uses: Section 74.604 requires that the Commission be notified if a mutual agreement to avoid interference cannot be reached by licensees assigned a common channel for TV pickup, TV studio transmitter link or TV relay purposes in same area. This information is used by FCC staff to take such action as may be necessary to assure equitable distribution of available frequencies.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-6772 Filed 3-21-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

First Financial Bancorp, et al.; Acquisitions of Companies Engaged in Permissible Nonbanking Activities

The organizations listed in this notice have applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated for the application or the offices of the Board of Governors not later than April 10, 1991.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. First Financial Bancorp, Monroe, Ohio; to acquire Home Federal Bank, F.S.B., Hamilton, Ohio, a federally chartered stock savings bank to be operated as a nonbanking subsidiary of Applicant pursuant to § 225.25(b)(9) of the Board's Regulation Y.

2. Integra Financial Corporation, Pittsburgh, Pennsylvania; to acquire Integra Leasing Company, Pittsburgh, Pennsylvania, and thereby expand its activities to include non-depository lending activities pursuant to § 225.25(b)(1) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 18, 1991.

Jennifer J. Johnson.

Associate Secretary of the Board.

[FR Doc. 91-6893 Filed 3-21-91; 8:45 am]

BILLING CODE 6210-01-F

Manufacturers National Corp.; Acquisition of Company Engaged in Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a) or (f) of the Board's Regulation Y (12 CFR 225.23(a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank

indicated or the offices of the Board of Governors not later than April 10, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Manufacturers National Corporation, Detroit, Michigan; to acquire 20 percent of the voting shares of W.Y. Campbell & Company, Detroit, Michigan, and thereby engage in the placement, as agent for issuers, of all types of securities, and providing financial advisory services. *J.P. Morgan & Company Incorporated*, 76 Federal Reserve Bulletin 26 (1990); *The Fuji Bank, Limited*, 75 Federal Reserve Bulletin 577 (1989).

Board of Governors of the Federal Reserve System, March 18, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6894 Filed 3-21-91; 8:45 am]

BILLING CODE 6210-01-F

Midlothian State Bank Employee Stock Ownership Trust; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 10, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Midlothian State Bank Employee Stock Ownership Trust, Midlothian, Illinois; to acquire 5.37 percent of the voting shares of Midlothian State Bank, Midlothian, Illinois.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Appleton City Bancshares, Inc., Appleton City, Missouri; to acquire 90.4 percent of the voting shares of Deepwater State Bank, Deepwater, Missouri.

2. First National Insurance Agency, Inc., Exeter, Nebraska; to acquire an additional 57.4 percent of the voting shares of First National Bank in Exeter, Exeter, Nebraska. Applicant engages in general insurance in Exeter, Nebraska, a town with a population of less than 5,000.

Board of Governors of the Federal Reserve System, March 18, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6895 Filed 3-21-91; 8:45 am]

BILLING CODE 6210-01-F

Security Richland Bancorporation; Application To Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 10, 1991.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Security Richland Bancorporation, Miles City, Montana; to engage *de novo* in making and servicing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y. These activities will be conducted in Montana, North Dakota, South Dakota and Wyoming.

Board of Governors of the Federal Reserve System, March 18, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6896 Filed 3-21-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

[ATSDR-34]

Quarterly Notice of Health Assessments To Be Conducted in Response to Requests From the Public and All Health Assessments Completed

AGENCY: Agency for Toxic Substances and Disease Registry (ATSDR), Public Health Service (PHS), Department of Health and Human Services (DHHS).

ACTION: Notice.

SUMMARY: This notice contains the following: 1. A list of sites for which ATSDR, during the period October-December 1990, accepted a request from the public to conduct a health assessment (petitioned health assessment). 2. A list of sites for which ATSDR has completed a health assessment, or issued an addendum to a previously completed health assessment, during the same period. This list includes sites that are on, or proposed for inclusion on, the National Priorities List (NPL) and non-NPL sites for which ATSDR has prepared a health assessment in response to a request from the public. Acceptance of a request for the conduct of a health assessment is

based on a determination by the Agency that there is a reasonable basis for conducting a health assessment at the site.

FOR FURTHER INFORMATION CONTACT: Robert C. Williams, P.E., Director, Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, 1600 Clifton Road, Atlanta, Georgia 30333, telephone (404) 639-0610, FTS 236-0610.

SUPPLEMENTARY INFORMATION: A list of completed health assessments, health assessments with addenda, and petitioned health assessments which were accepted by ATSDR during July-September 1990 was published in the **Federal Register** on Friday, January 18, 1991 (56 FR 2023). The quarterly announcement is the responsibility of ATSDR under the regulation, Health Assessments and Health Effects Studies of Hazardous Substances Releases and Facilities (42 CFR part 90). The rule sets forth ATSDR's procedures for the conduct of health assessments under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604(i)) and appeared in the **Federal Register** on Tuesday, February 13, 1990 (55 FR 5136).

1. Petitions for Health Assessments Accepted

Between October 1, 1990, and December 31, 1990, ATSDR determined that there was a reasonable basis to conduct a health assessment for the site or facility listed below in response to requests from the public. As of December 31, 1990, ATSDR initiated a health assessment at this site or facility:

Arkansas

Vertac/Jacksonville Landfill/Rogers Road—Jacksonville/Pulaski.

2. Health Assessments or Addenda Completed or Issued

Between October 1, 1990, and December 31, 1990, health assessments or addenda to a health assessment were issued for the sites listed below:

NPL Sites

Kansas—29th and Mead Croundwater Contamination—Wichita.

Louisiana—Petro-Processors of Louisiana, Inc.—Scotlandville.

Maine—Saco Municipal Landfill—Saco.

New York—Jones Chemical, Inc.—Caledonia.

North Carolina—FCX, Inc. (Statesville Plant)—Statesville.

Wisconsin—Janesville Ash Beds—Janesville; Janesville Old Landfill—Janesville.

Petitioned Site

California—Space Ordnance Systems, Gorman Canyon Plant—Canyon Country.

Availability

The completed health assessments are available for public inspection at the Division of Health Assessment and Consultation, Agency for Toxic Substances and Disease Registry, Building 31, Executive Park Drive, Atlanta, Georgia (not a mailing address), between 8 a.m. and 4:30 p.m., Monday through Friday except legal holidays. On or about March 1, 1991, the completed health assessments will be available by mail through the U.S. Department of Commerce, National Technical Information Service (NTIS), 5285 Port Royal Road, Springfield, Virginia 22161, or by telephone at (703) 487-4650.

Dated: March 15, 1991.

William L. Roper,

Administrator, Agency for Toxic Substances and Disease Registry.

[FR Doc. 91-6822 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-70-M

Centers for Disease Control

Establishment; Advisory Council for the Elimination of Tuberculosis

Pursuant to Federal Advisory Committee Act, 5 U.S.C. appendix 2, the Centers for Disease Control (CDC) announces the establishment by the Secretary of Health and Human Services, on March 15, 1991, of the following Federal advisory committee.

Designation

Advisory Council for the Elimination of Tuberculosis.

Purpose

This council will provide advice and recommendations regarding the elimination of tuberculosis to the Secretary, the Assistant Secretary for Health, and the Director, CDC. The council will make recommendations regarding policies, strategies, objectives, and priorities; address the development and application of new technologies; and review the extent to which progress has been made toward eliminating tuberculosis.

Authority for this council will expire March 15, 1993, unless the Secretary of Health and Human Services, with concurrence of the Committee Management Secretariat, General Services Administration, formally determines that continuance is in the public interest.

Dated: March 19, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91-9656 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-18-M

Advisory Council for the Elimination of Tuberculosis; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control (CDC) announces the following council meeting.

Name: Advisory Council for the Elimination of Tuberculosis (ACET).

Time and date: 8 a.m.-5 p.m., April 8-9, 1991.

Place: Holiday Inn Atlanta-Decatur Conference Plaza, Henry Oliver F Conference Room, 130 Clairemont Avenue, Decatur, Georgia 30030

Status: Open to the public, limited only by the space available.

Purpose: This council will provide advice and recommendations regarding the elimination of tuberculosis to the Secretary, Department of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC. The council will make recommendations regarding policies, strategies, objectives, and priorities; address the development and application of new technologies; and review the extent to which progress has been made toward eliminating tuberculosis.

Matters to be discussed: Modifications to the Strategic Plan for Elimination of Tuberculosis; shortages of antituberculosis drugs; future tuberculosis research and new drug development; prevention and control of tuberculosis in high-incidence areas, especially among minority populations; recommendations for tuberculosis prevention and control in migrant farmworkers; and the need for a national tuberculosis hospital. Agenda items are subject to change as priorities dictate.

Contact person for more information: Dixie E. Snider, Jr., M.D., Director, Division of Tuberculosis Elimination, and Executive Secretary, ACET, Center for Prevention Services, CDC, 1600 Clifton Road, NE., Mailstop E-10, Atlanta, Georgia 30333, telephone 404/639-2501 or FTS 236-2501.

Dated: March 19, 1991.

Elvin Hilyer,

Associate Director for Policy Coordination, Centers for Disease Control.

[FR Doc. 91-6957 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 89P-0222]

Liquid Eggs Deviating From the Standard of Identity; Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit, issued to Crystal Foods, Inc., to market test experimental packs of liquid eggs, designated as "ultrapasteurized liquid whole eggs" and "ultrapasteurized liquid whole eggs with citric acid," (July 21, 1989; 54 FR 30612) has been amended to provide for package sizes ranging from 42.5 grams (g) (1.5 ounces (oz)) to 1 kilogram (kg) (2.2 pounds (lb)) and to change the name of the permit holder to M. G. Waldbaum Co. This amendment will provide the permit holder with a broader base for the collection of data on consumer acceptance of the test product.

FOR FURTHER INFORMATION CONTACT: Arthur R. Johnson, Center for Food Safety and Applied Nutrition (HFF-414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0112.

SUPPLEMENTARY INFORMATION: FDA issued a temporary permit under the provisions of 21 CFR 130.17 to Crystal Foods, Inc., 6465 Wayzata Blvd., Minneapolis, MN 55426, a subsidiary of Michael Foods, Inc., to market test experimental packs of liquid eggs designated as "ultrapasteurized liquid whole eggs" and "ultrapasteurized liquid whole eggs with citric acid." These products are not provided for in the U.S. standard of identity for liquid eggs in 21 CFR 160.115 because they are processed by a special procedure that involves increased heat treatment combined with aseptic processing and packing. The purpose of the special process is to: (1) Render the egg product free of *Salmonella* and *Listeria monocytogenes*, (2) substantially reduce the number of spoilage bacteria in liquid whole eggs and liquid whole eggs with citric acid, (3) prevent postprocess contamination of the products, and (4) obtain a shelf-life greater than 4 weeks under refrigeration. Citric acid is added at a level of 0.15 percent to preserve color. The purpose of the temporary permit is to measure consumer acceptance of this new method of processing liquid eggs.

The agency issued the permit to facilitate market testing of a food that deviates from the requirements of the standard of identity for liquid eggs (21 CFR 160.115) promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit to Crystal Foods, Inc., was published in the **Federal Register** of July 21, 1989 (54 FR 30612) and the notice to extend this temporary permit was published in the **Federal Register** of September 20, 1990 (55 FR 38753).

Michael Foods, Inc., on behalf of Crystal Foods, Inc., has requested that FDA amend its temporary permit to allow the test product to be packaged in aseptic packages ranging in size from 42.5 g (1.5 oz) to 1 kg (2.2 lb). The company states that these changes in package size are necessary, based on preliminary acceptance of the product in its current package size and commercial feasibility, to collect additional data to complete the market test.

Since the permit was issued to Crystal Foods, Inc., the egg pasteurization operations have been transferred to the M. G. Waldbaum Co. plant (formerly Crystal Foods, Inc.) in Gaylord, Minnesota 55334. The M. G. Waldbaum Co., Wakefield, NE 68784, another subsidiary of Michael Foods, Inc., has requested that the temporary permit be amended to reflect this change.

Accordingly, under the provisions of 21 CFR 130.17(f), FDA is amending the permit to provide for marketing of the test product in package sizes ranging from 42.5 g (1.5 oz) to 1 kg (2.2 lb), as well as in those package sizes previously approved. In addition, FDA is changing the name of the permit holder to M. G. Waldbaum Co., Wakefield, NE 68784. All other terms and conditions of this permit remain unchanged.

Dated: March 18, 1991.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-6814 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-01-M

Family Support Administration

Forms submitted to the Office of Management and Budget for Clearance

The Family Support Administration (FSA) will publish on Fridays information collection packages submitted to the Office of Management and Budget (OMB) for clearance, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). Following is the package submitted to OMB since the last publication.

(For a copy of a package, call the FSA, Report Clearance Officer 202-401-5604)

Cooperation Required of AFDC Applicants and Recipients in pursuing third parties who may be liable to pay for title XIX care and services—new—The information collected is used to assist States in pursing any third party who may be liable to pay for medical assistance under title XIX.

Respondents: Individuals or households; Number of Respondents: 3,200.00; *Frequency of Response:* On occasion; *Average Burden per Response:* .16 hours; Estimated Annual *Burden:* 533,000 hours.

OMB Desk Clearance Officer: Laura Oliven.

Written comments and recommendations for the proposed information collections should be sent directly to the appropriate OMB Desk Officers designated above the following address: OMB Reports Management Branch, New Executive Office Building, room 3201, 725 17th Street NW., Washington, DC 20503.

Dated: March 1, 1991.

Naomi B. Marr,

Associate Administrator, Office of Management & Information Systems.

[FR Doc. 91-6586 Filed 3-21-91; 8:45 am]

BILLING CODE 4150-04-M

Health Resources and Services Administration

Advisory Council, Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of May 1991:

Name: Advisory Council on Nurses Education.

Date and time: May 16-17, 1991, 9 a.m.

Place: Conference Room G, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

Open on May 16, 9 a.m.-12 p.m.

Closed for remainder of meeting.

Purpose: The Council advises the Secretary and Administrator, Health Resources and Services Administration, concerning general regulations and policy matters arising in the administration of the Nursing Shortage Reduction and Education Extension Act of 1988 (Pub. L. 100-607). The Council also performs final review of grant applications for Federal Assistance, and makes recommendations to the Administrator, HRSA.

Agenda: The open portion of the meeting will cover announcements; considerations of minutes of previous meeting; report of the Director, Division of Nursing and staff reports. The meeting will be closed to the

public on May 16, at 12 p.m. for the remainder of the meeting for the review of grant applications for Special Project Grants, advanced Nurse Education Grants, Nurse Practitioner and Nurse Midwifery Grants and Nurse Education Opportunties for Individuals from Disadvantaged Backgrounds Grants. The closing is in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C. Code, and the Determination by the Administrator, Health Resources and Services Administration, pursuant to Public Law 92-463.

Anyone requiring information regarding the subject Council should contact Dr. Mary S. Hill, Executive Secretary, Advisory Council on Nurses Education, room 5C-14, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone (301) 443-6193.

Agenda Items are subject to change as priorities dictate.

Date: March 18, 1991.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 91-6773 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-15-M

National Institutes of Health

National Cancer Institute; Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Biomedical Use of Stabilized Nitric Oxide Complexes

AGENCY: National Institutes of Health, PHS, DHHS.

ACTION: Notice.

SUMMARY: The Department of Health and Human Services (DHHS) seeks an agreement with a pharmaceutical company for the joint evaluation and possible commercialization of nucleophile/nitric oxide complexes prepared in DHHS laboratories for a variety of prospective biomedical applications. Any collaborative research and/or development effort in which the controlled biological release of nitric oxide might be viewed as potentially beneficial will be welcome grounds for a CRADA proposal.

ADDRESSES: Questions about this opportunity may be addressed to Dr. Larry Keefer, National Cancer Institute, Frederick Cancer Research and Development Center, Building 538, Frederick, MD 21702 (301-846-1467).

DATES: Inquiries must be received by May 24, 1991.

SUPPLEMENTARY INFORMATION: Nitric oxide (•NO) has recently been implicated in a variety of important bioregulatory processes, including normal physiological control of blood pressure, macrophage-induced cytostasis and cytotoxicity, and neurotransmission. Scientists at the National Cancer Institute have discovered that complexes of nitric oxide with various nucleophiles can be used for the controlled biological release of •NO, and that this spontaneous, nonenzymatic generation of nitric oxide can be harnessed for beneficial purposes. For example, several members of the series have been shown to be more potent relaxants of isolated aortic rings *in vitro* than the important clinical nitrovasodilators, nitroglycerin and sodium nitroprusside.

To speed examination of the full commercial potential of these drugs, the Government is seeking an agreement with a pharmaceutical company which, in accordance with the requirements of regulations governing the transfer of Government-developed agents (37 CFR 404.8), can thoroughly and rapidly evaluate their promise in a variety of medical applications. Proposals relating to any biomedical area will be considered.

The successful CRADA awardee will exhaustively characterize compounds supplied by the Government with respect to the potential biomedical application(s) specified in the Agreement. CRADA aims will include rapid publication of research results as well as full and timely exploitation of any commercial opportunities. The CRADA partner will enjoy rights of first negotiation for licensing Government rights to any inventions arising under its Agreement, and will advance funds payable upon signing the CRADA to help defray Government expenses for patenting such inventions and other CRADA-related costs.

Background information including a manuscript entitled, "Complexes of •NO with Nucleophiles as Agents for the Controlled Biological Release of Nitric Oxide. Vasorelaxant Effects," is available from the above address. Results of additional biological tests with these agents and other pertinent information not yet publicly described can be obtained under terms of an applicable confidentiality agreement.

The role of the Division of Cancer Eitology, NCI, will be as follows:

1. Provide the Collaborator with samples of the subject compounds for pharamacological evaluation.
2. Synthesize structural variants of drugs already in hand as emerging structure-activity correlations may suggest mutually agreeable approaches to optimizing desired effects.
3. Continue the detailed physicochemical characterization of the test agents as well as research on their mechanisms of biological action, publishing the results and providing all data to the Collaborator as soon as they become available.

The role of the Collaborator will be to perform an exhaustive evaluation of nucleophile/NO adducts and derivatives thereof with respect to the biological activities covered in the Collaborator's CRADA.

Selection criteria for choosing the CRADA partner will include, but will not be limited to:

1. Ability to complete the quality pharmacological evaluations required according to an appropriate timetable to be outlined in the Collaborator's proposal. The target commercial application(s) as well as the strategy for evaluating the test agents' potential in that capacity must be clearly delineated therein.
2. The level of financial support the Collaborator will supply for CRADA-related Government activities.
3. A willingness to cooperate with the Public Health Service in the publication of research results.
4. An agreement to be bound by the DHHS rules involving human subjects, patent rights, and ethical treatment of animals.
5. Provisions for equitable distribution of patent rights to any inventions. Generally the rights of ownership are retained by the organization which is the employer of the inventor, with (1) An irrevocable, nonexclusive, royalty-free license to the Government (when a company employee is the sole inventor) or (2) an exclusive or nonexclusive license to the company on terms that are appropriate (when the Government employee is the sole inventor).

Dated: March 16, 1991.

Reid G. Adler,

Director, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 91-6847 Filed 3-21-91; 8:45 am]

BILLING CODE 4140-01-M

Meeting; Task Force on Opportunities For Research on Women's Health

Notice is hereby given that the Co-chairs of the Task Force on Opportunities for Research on Women's Health will convene a meeting on June 12 and 13, 1991. The session on June 12 will take place in Conference Room 10, Building 31, National Institutes of Health, 9000 Rockville Pike, Bethesda, Maryland. On June 13 the Task Force will meet in Conference Room J in Executive Plaza North, 6130 Executive Boulevard, Rockville, Maryland 20892.

The meeting will be conducted from 8:30 a.m. to 5 p.m. on June 12, and from 8:30 a.m. until 12:30 p.m. on June 13. All sessions of the meeting are open to the public. The first day, June 12, will be devoted to public testimony. On June 13, there will be a half-day meeting of the Task Force Co-chairs to discuss organizational issues for its future meeting.

The purpose of this meeting is to accept public testimony from individuals representing organizations interested in the needs and opportunities for biomedical research on women's health issues.

The Task Force on Opportunities for Research on Women's Health is a subcommittee of the Advisory Committee to the Director, NIH. It will convene a conference on Opportunities for Research on Women's Health in September 1991. Experts in fields of basic and clinical sciences, practitioners interested in women's health, as well as representatives of women's organizations, will be asked to propose a comprehensive biomedical research agenda for women's health for the coming decade. The conference will assess the current status of research on women's health, identify scientific research opportunities and gaps in research, and recommend approaches and options to take advantage of the most promising opportunities for research on women's health. The conference will focus on diseases, disorders, and conditions as they affect women in each of the following stages of the life span: Birth to adolescense, active reproductive years, climacteric and later reproductive years, postmenopausal period, and geriatric years.

At the conclusion of their work, the Task Force and conferees will provide a report and a series of recommendations to the Advisory Committee to the Director, HIH.

Preliminary to the September meeting, the Co-chairs of the Task Force and its panels are inviting testimony by individuals representing organizations with an interest in those research issues related to women's health within the mandate of the National Institutes of Health. This testimony will be considered as the Task Force formulates the final agenda for the September meeting and will assist in determining priority areas.

The Task Force will address the issues of research training and career development for women at future hearings and meetings. Therefore, testimony for this meeting should be confined to comments relating to health and research issues.

Due to time constraints, only one representative from each organization may present oral testimony, with presentations limited to ten minutes. A letter of intent to present such testimony should be sent by interested individuals and organizations to the National Institutes of Health, Office of Research on Women's Health, Shannon Building, room 201, 9000 Rockville Pike, Bethesda, Maryland 20892. Date of receipt of the letter will establish the order of presentation at the June meeting.

Presenters should send three (3) written copies of their testimony, including a brief description of their organization, to the above address no later than June 3, 1991.

Individuals and organizations wishing to provide written statements only may send three (3) copies of their statements to the above address by June 3, 1991. All written testimony will be made available to the conferees prior to the meeting in September.

Comments and questions related to the June 12–13 public meeting should be addressed to Ms. Alberta Sandel, National Institutes of Health, Office of Research on Women's Health, Shannon Building, room 201, 9000 Rockville Pike, Bethesda, Maryland 20892, (301) 402–1770.

Dated: March 15, 1991.

William F. Raub,

Acting Director, HIH.

[FR Doc. 91–6763 Filed 3–21–91; 8:45 am]

BILLING CODE 4140–01–M

National Heart, Lung, and Blood Institute; Meeting

Notice is hereby given of the meeting of the National Blood Resources Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Friday, April 19, 1991, from 9 a.m. to 3 p.m., at the Quality Hotel, 8727 Colesville Road, Silver Spring, Maryland, 20901 (301) 589–5200.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Blood Resource Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Ms. Susan D. Rogus, Coordinator, National Blood Resource Education Program, Office of Prevention, Education and Control, National Heart, Lung, and Blood Institute, National Institutes of Health, Building 31, room 4A05, Bethesda, Maryland 20892, (301) 496–0554.

Dated: March 15, 1991.

William F. Raub,

Acting Director, NIH.

[FR Doc. 91–6764 Filed 3–21–91; 8:45 am]

BILLING CODE 4140–01–M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Services, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval an existing information collection for the Program Instruction Implementing the Children's Justice Act.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245–6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street NW., Washington, DC 20503, (202) 395–7316.

Information on Document

Title: Program Instruction Implementing the Children's Justice Act.

OMB No.: 0980–0196.

Description: The Children's Justice Act makes grants available for the purpose of assisting States in developing, establishing, and operating programs designed to improve

- The handling of child abuse cases, particularly cases of child sexual abuse, in a manner which limits additional trauma to the child victim, and
- The investigation and prosecution of cases of child abuse, particularly child sexual abuse.

States are required to submit applications for funds under the Children's Justice Act. The information to be collected under this program consists of applications from States which will be reviewed by federal staff to determine State eligibility for Children's Justice Act grants.

Annual number of respondents: 57.

Annual frequency: 1.

Average burden hours per response: 80.

Total burden hours: 4,560.

Dated: March 14, 1991.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 91-6785 Filed 3-21-91; 8:45 am]

BILLING CODE 4130-01-M

Office of Human Development Services

Agency Information Collection Under OMB Review

AGENCY: Office of Human Development Service, HHS.

ACTION: Notice.

Under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35), the Office of Human Development Services (OHDS) has submitted to the Office of Management and Budget (OMB) for approval an existing information collection for Family Violence Prevention and Services.

ADDRESSES: Copies of the information collection request may be obtained from Larry Guerrero, OHDS Reports Clearance Officer, by calling (202) 245-6275.

Written comments and questions regarding the requested approval for information collection should be sent directly to: Angela Antonelli, OMB Desk Officer for OHDS, OMB Reports Management Branch, New Executive Office Building, room 3002, 725 17th Street, NW., Washington, DC 20503, (202) 395-7316.

Information on Document

Title: Family Violence Prevention and Services.

OMB no.: 0980-0175.

Description: Title III of the Child Abuse Amendments of 1984 (Pub. L. 98-457, 42 U.S.C. 10401 *et seq.*) is entitled the "Family Violence Prevention and Services Act" (the Act). It was first implemented in FY 1986 and was reauthorized by Congress on April 15, 1988 by Public Law 100-294. The purposes of this legislation are to: (1) Assist States in their efforts to prevent family violence and provide immediate shelter and related assistance for victims of family violence and their dependents, and (2) carry out coordination, research, training, technical assistance, and evaluation activities.

This legislation includes information collection requirements that States and Indian Tribes and tribal organizations must meet in order to receive a demonstration grant. Each State must submit an application signed by either the Chief Executive Officer of the State or the Chief Program Official designated as responsible for administering the Act and provide relevant information.

Annual number of respondents: 130.

Annual frequency: 1.

Average burden hours per response: 20.

Total burden hours: 2,600.

Dated: March 14, 1991.

Mary Sheila Gall,

Assistant Secretary for Human Development Services.

[FR Doc. 91-6786 Filed 3-21-91; 8:45 am]

BILLING CODE 4130-01-M

Public Health Service

Agency Forms Submitted to the Office of Management and Budget for Clearance

Each Friday the Public Health Service (PHS) publishes a list of information collection packages it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). The following requests have been submitted to OMB since the list was last published on Friday, March 8, 1991.

(Call PHS Reports Clearance Officer on 202-245-2100 for copies of package.)

1. HRSA Competing Training Grant Application—Supplements and Related Regulations—0915-0060—The Health Resources and Services Administration uses this information to determine the eligibility of applicants for awards, to calculate the amount of each award, and to judge the relative merit of applications. Information requested on the application form and associated supplemental instructions remain essentially unchanged. *Respondents:* Non-profit institutions.

	Number of respondents	Number of hours per response	Number of responses per respondent
Application reporting	3,018	61.25	1.0
Reporting in regulations	28	1.0	1.4
Disclosure in regulations	148	3.3	1.4
Recordkeeping in regulations	17	10.0	1.0

Estimated Annual Burden: 185,731 hours.

2. National Pregnancy and Health Survey (NPHS)—NEW—NPHS will be conducted to determine prevalence and patterns of cigarette, alcohol, and drug use by pregnant women. It will be used to estimate the extent of the problem in the U.S. and to make policy decisions on prevention, intervention, and treatment. *Respondents:* Individuals or households; *Number of Respondents:* 4,299; *Number of Responses per Respondent:* 1; *Average Burden per Response:* 1 hour; *Estimated Annual Burden:* 4,299 hours.

3. Congenital Syphilis Case Investigation and Reporting Form—0920-0128—This data collection provides a surveillance system for Congenital Syphilis (CS). The data will be used to monitor levels of disease, develop intervention strategies and to evaluate ongoing control efforts. This request includes a revision of the case definition which monitors mothers with untreated syphilis rather than infants with clinical signs and symptoms of CS. *Respondents:* State or local governments; *Number of Respondents:* 59; *Number of Responses per Respondent:* 60; *Average Burden per Response:* .25 hours; *Estimated Annual Burden:* 875 hours.

4. Drug Abuse Warning Network (DAWN)—0930-0078—DAWN is an epidemiologic surveillance system designed to identify licit and illicit drugs and substances associated with drug abuse trends and patterns, and to provide drug specific data useful for national and local drug abuse policy planning and for assessment of public health hazards associated with drug abuse. *Respondents:* State or local governments, businesses or other for-profit, non-profit institutions.

	Number of respondents	Number of hours per response	Number of responses per respondent
Hospital emergency dept	513	.13	292
Medical examiners	175	.15	89

Estimated Annual Burden: 21,589

5. Rural Health Medical Education Demonstration Project—Application Guidance—NEW—Teaching hospitals will apply to conduct demonstration projects in collaboration with rural hospitals in which resident physicians will obtain field clinical experience in rural hospitals. The information will be used to determine eligibility for the program. *Respondents*: Businesses or other for-profit, non-profit institutions.

	Number of respondents	Number of hours per response	Number of responses per respondent
Reporting:			
Application	6	55	1
Progress Report	6	2	2

Estimated Annual Burden: 354 hours.

6. Health Education Assistance (HEAL) Program—Request for Collection Assistance—0915-0100—This form provides the Department with data on deliquent borrowers. The Department uses the information to assist the lenders in the collection of overdue accounts, helping to ensure sound management of the HEAL program. *Respondents*: Businesses or other for profit, non-profit institutions; Number of *Respondents*: 72; *Number of Responses per Respondent*: 139; *Average Burden per Response*: .25 hours; *Estimated Annual Burden*: 2,500 hours.

OMB Desk Officer: Shannah Koss-McCallum.

Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated above at the following address:

Human Resources and Housing Branch, New Executive Office Building, room 3002, Washington, DC 20503.

Dated: March 18, 1991.

James M. Friedman,

Director, Office of Health Planning and Evaluation, OASH.

[FR Doc. 91-6368 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-17-M

Office of the Assistant Secretary for Health; Delegation of Authority

Notice is hereby given that in furtherance of the delegation of authority to the Assistant Secretary for Health on September 28, 1979, by the Secretary of Health and Human Services, the Assistant Secretary for Health has delegated to the Deputy Assistant Secretary for Minority Health, all of the authorities under title XVII, section 1707, of the Public Health Service Act, as amended, pertaining to the establishment of the Office of Minority Health. This delegation excludes the authorities to issue regulations, to submit reports to Congress or a congressional committee, to establish advisory committees or councils, or to appoint members to advisory committees or councils.

In addition, I hereby affirm and ratify any action taken by the director or his subordinates which in effect involved the exercise of the authorities delegated herein prior to the effective date of the delegation.

Redelegation

This authority may be redelegated.

Prior Delegations

All previous delegations and redelegations under title XVII of the Public Health Service Act shall continue in effect, provided they are consistent with this delegation.

Effective Date

This delegation became effective on March 7, 1991.

Dated: March 7, 1991.

James O. Mason,

Assistant Secretary for Health.

[FR Doc. 91-6774 Filed 3-21-91; 8:45 am]

BILLING CODE 4160-17-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. 91-3239]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection 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: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: March 14, 1991.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Prepayment of a HUD-Insured Mortgage by an Owner of Low-Income Housing.

Office: Housing.

Description of the need for the information and its proposed use: This rule gives regulatory effect to legislative provisions governing prepayment of HUD-Insured mortgages. These provisions are intended to preserve affordable multifamily housing units for lower-income families while fairly compensating the owners of those units and providing homeownership opportunities for project residents.

Form number: None.

Respondents: Individuals or Households, State or Local Governments, Businesses or Other-For-Profit, Federal Agencies or

Employees, and Non-Profit Institutions.

Frequency of submission: On Occasion.

Reporting burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Information Collection	3,009		1		4.595		13,826

Total estimated burden hours: 13,826.
Status: New.
Contact: Kevin J. East, HUD, (202) 708-2300, Wendy Sherwin, OMB, (202) 395-6880.

Dated: March 14, 1991.

[FR Doc. 91-6793 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N-91-1917; FR-2934-N-18]

Federal Property Suitable as Facilities to Assist the Homeless

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

ACTION: Notice.

SUMMARY: This notice identifies unutilized and underutilized Federal property determined by HUD to be suitable for possible use for facilities to assist the homeless.

EFFECTIVE DATE: March 22, 1991.

ADDRESSES: For further information, contact James Forsberg, Room 7262, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-4300; TDD number for the hearing and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88-2503-OG (D.D.C.), HUD is publishing this notice to identify Federal buildings and real property that HUD has determined are suitable for use for facilities to assist the homeless. The properties were identified from information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property.

The Order requires HUD to take certain steps to implement section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), which sets out a process by which unutilized or underutilized Federal properties may be made available to the homeless. Under section 501(a), HUD is to collect information from Federal landholding agencies about such properties and then to determine, under criteria developed in consultation with the Department of Health and Human Services (HHS) and the Administrator of General Services (GSA), which of those properties are suitable for facilities to assist the homeless. The Order requires HUD to publish, on a weekly basis, a notice in the **Federal Register** identifying the properties determined as suitable.

All properties in today's notice were published during 1990. These properties have been reviewed for suitability for use as facilities to assist the homeless and are being republished as part of HUD's complete resurvey of Federal landholding agencies. The properties identified as suitable in this Notice have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to declare the property excess to the agency's need or to make the property available on an interim basis for use as facilities to assist the homeless; or (2) a statement of the reasons that the property cannot be declared excess or made available on an interim basis for use as facilities to assist the homeless.

First, if the landholding agency decides that the property cannot be declared excess or made available to the homeless for use on an interim basis the property will no longer be available.

Second, if the landholding agency declares the property excess to the agency's need, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law and the December 12, 1988, Order and December 14, 1988, Memorandum, subject to screening for other Federal use.

Homeless assistance providers interested in any property identified as suitable and available in this notice should send a written expression of interest to HHS, addressed to Judy Breitman, Division of Health Facilities Planning, U.S. Public Health Service, HHS, room 17A-10, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit such written expressions of interest within 60 days from the date of this notice. For complete details concerning the processing of applications, the reader is encouraged to refer to HUD's **Federal Register** notice on June 23, 1989 (54 FR 26421), as corrected on July 3, 1989 (54 FR 27975).

This notice also includes a list of properties determined by HUD to be unsuitable for use as facilities to assist the homeless. These properties will not be made available for any other purpose for 20 days from the date of this notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to James N. Forsberg at the address listed at the beginning of this notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: U.S. Army: Robert Conte, Dept. of Army, Military Facilities, DAEN-ZCI-P; room IE671, Pentagon, Washington, DC 20310-2600; (202) 693-4583. (This is not a toll-free number.)

Corrections: The following two properties were included in error in the March 8, 1991 **Federal Register** notice as Suitable/Available: Property No. 279010005, National Weather Service Meteorological Observatory, Salem, IL; and Property No. 579010001, IHS Health Station, Carson City, NV. GSA has completed screening these properties for homeless use in accordance with applicable requirements, and

assignment of the buildings for other public use is now pending. Also in the March 8, 1991 notice, Property No. 979010048, Bldg. 9H, DVA Medical Center, Perry Point, MD was incorrectly listed as being in MA. The property status of Suitable/Unavailable is correct.

Dated: March 15, 1991.

Paul Roitman Bardack,

Deputy Assistant Secretary for Economic Development.

SUITABLE/AVAILABLE PROPERTIES

Alaska

Suitable Land (by Agency)

Army

Eklutna Dispersal Site
Fort Richardson
Anchorage, AK, Co: Anchorage 99505–
Federal Register Notice Date: 03/22/91
Property Number: 219014606
Status: Underutilized
Base Closure: No
Comment: 500 acres; parkland; environmentally protected.

Nome Army Site
Nome, AK, Co: Nome
Location: Located on shoreline of Norton Sound on Bering Sea.
Federal Register Notice Date: 03/22/91
Property Number: 219013779
Status: Underutilized
Base Closure: No
Comment: 2.2 acres; limited utilities.

Arkansas

Suitable Land (by Agency)

Army

Pine Bluff Arsenal
Pine Bluff, AR, Co: Jefferson 71602–9500
Location: 8 miles north of Pine Bluff on Highway 365
Federal Register Notice Date: 03/22/91
Property Number: 219013841
Status: Unutilized
Base Closure: No
Comment: 1 acre and 3 acres; potential utilities; brush terrain; used as safety buffer; subject to easements.

Suitable Buildings (by Agency)

U.S. Army Garrison
Fort Chaffee
3734 1st Hospital Street
Fort Chaffee, AR, Co: Sebastan 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030250
Status: Underutilized
Base Closure: No
Comment: 3386 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital ward.

Fort Chaffee
U.S. Army Garrison
1095 4th Avenue
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012811
Status: Underutilized
Base Closure: No
Comment: 3634 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1094 4th Avenue
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012812
Status: Underutilized
Base Closure: No
Comment: 2181 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1092 4th Avenue
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012813
Status: Underutilized
Base Closure: No
Comment: 3321 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1086 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012814
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1085 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012815
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1084 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012816
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1083 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012817
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1082 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012818
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1081 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012819
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1080 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012820
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1079 3rd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012821
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1073 2nd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012822
Status: Underutilized
Base Closure: No
Comment: 3191 sq. ft.; 2 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1075 2nd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012823
Status: Uhderutilized
Base Closure: No
Comment: 1607 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1077 2nd Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012824
Status: Underutilized
Base Closure: No
Comment: 2290 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1078 3rd Street

Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012825
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

Fort Chaffee
U.S. Army Garrison
1076 2nd Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012826
Status: Underutilized
Base Closure: No
Comment: 2221 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military/training exercises.

U.S. Army Garrison
Fort Chaffee
1051 2nd Avenue
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013235
Status: Underutilized
Base Closure: No
Comment: 3191 sq. ft.; 2 story wood frame, possible asbestos; selected periods used for military/training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1050 2nd Avenue
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013236
Status: Underutilized
Base Closure: No
Comment: 3191 sq. ft.; 2 story wood frame; possible asbestos; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1049 2nd Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013237
Status: Underutilized
Base Closure: No
Comment: 1711 sq. ft.; 2 story wood frame; possible asbestos; selected periods used for military training; most recent use—supply and administration.

U.S. Army Garrison
Fort Chaffee
1047 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013238
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training.

U.S. Army Garrison
Fort Chaffee
1046 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013239
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training.

U.S. Army Garrison
Fort Chaffee
1045 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013240
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft., 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—supply and administration.

U.S. Army Garrison
Fort Chaffee
1044 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013241
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—office.

U.S. Army Garrison
Fort Chaffee
1043 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013242
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—supply and administration.

U.S. Army Garrison
Fort Chaffee
1042 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013243
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training.

U.S. Army Garrison
Fort Chaffee
1041 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013244
Status: Underutilized
Base Closure: No
Comment: 2717 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—laundry.

U.S. Army Garrison
Fort Chaffee
1040 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013245
Status: Underutilized
Base Closure: No
Comment: 1615 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—supply and administration.

U.S. Army Garrison
Fort Chaffee
1038 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013246
Status: Underutilized
Base Closure: No
Comment: 2290 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—supply and administration.

U.S. Army Garrison
Fort Chaffee
1039 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013247
Status: Underutilized
Base Closure: No
Comment: 1159 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—office.

U.S. Army Garrison
Fort Chaffee
1037, 1034, 1031 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013248, 219013249, 219013251
Status: Underutilized
Base Closure: No
Comment: 2221 sq. ft. each; 1 story wood frame; possible asbestos; selected periods used for military training.

U.S. Army Garrison
Fort Chaffee
1032 1st Street
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013250
Status: Underutilized
Base Closure: No
Comment: 2290 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—office.

U.S. Army Garrison
Fort Chaffee
1054-1060 2nd Avenue
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013252-219013258
Status: Underutilized
Base Closure: No
Comment: 3191 sq. ft. each; 2 story wood frame; possible asbestos; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1062 2nd Avenue
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013259
Status: Underutilized
Base Closure: No
Comment: 2290 sq. ft.; 1 story wood frame; possible asbestos; selected periods used for military training; most recent use—office.

U.S. Army Garrison
Fort Chaffee
1063-1072, 1052, 1053 2nd Avenue
1010-1021 Chaffee Blvd.
Barling, AR, Co: Sebastian 72905-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013260-219013283
Status: Underutilized

Base Closure: No
Comment: 3191 sq. ft. each; 2 story wood frame; possible asbestos; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1023 lst Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013284
Status: Underutilized
Base Closure: No
Comment: 1536 sq. ft.; 1 story wood frame; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1025, 1027, 1029, 1030 lst Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013286, 219013288, 219013290, 219013291
Status: Underutilized
Base Closure: No
Comment: 2290 sq. ft. each; 1 story wood frame; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1026 1st Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013287
Status: Underutilized
Base Closure: No
Comment: 2221 sq. ft.; 1 story wood frame; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
1028 1st Street
Barling, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013289
Status: Underutilized
Base Closure: No
Comment: 2221 sq. ft.; 1 story wood frame; selected periods used for military training; most recent use—barracks.

U.S. Army Garrison
Fort Chaffee
3727–3733 1st Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219030243–219030249
Status: Underutilized
Base Closure: No
Comment: 3629 sq. ft. each; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital facilities.

U.S. Army Garrison
Fort Chaffee
3735 1st Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030251
Status: Underutilized
Base Closure: No
Comment: 3386 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital ward.

U.S. Army Garrison
Fort Chaffee
3737–3741 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219030252–219030256
Status: Underutilized
Base Closure: No
Comment: 3629 sq. ft. each; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital facilities.

U.S. Army Garrison
Fort Chaffee
3743 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030258
Status: Underutilized
Base Closure: No
Comment: 1579 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital ward.

U.S. Army Garrison
Fort Chaffee
3744 & 3745 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219030259–219030260
Status: Underutilized
Base Closure: No
Comment: 3629 sq. ft. each; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use hospital wards.

U.S. Army Garrison
Fort Chaffee
3742 1st Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030257
Status: Underutilized
Base Closure: No
Comment: 5722 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital ward.

U.S. Army Garrison
Fort Chaffee
3746 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030261
Status: Underutilized
Base Closure: No
Comment: 3386 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital warehouse.

U.S. Army Garrison
Fort Chaffee
3747 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030262
Status: Underutilized
Base Closure: No
Comment: 3408 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital warehouse.

U.S. Army Garrison
Fort Chaffee
3748 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030263
Status: Underutilized
Base Closure: No
Comment: 3372 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital warehouse.

U.S. Army Garrison
Fort Chaffee
3749 2nd Hospital Street
Fort Chaffee, AR, Co: Sebastian 72905–5000
Federal Register Notice Date: 03/22/91
Property Number: 219030264
Status: Underutilized
Base Closure: No
Comment: 3618 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities; most recent use—hospital warehouse

Arizona

Suitable Buildings (by Agency)

Army

Bldg. S–306
Yuma Proving Ground
Main Admin. Area—near, inter. 1st & D Sts
Yuma, AZ, Co: Yuma & La Paz, 85365–9102
Federal Register Notice Date: 03/22/91
Property Number: 219011725
Status: Underutilized
Base Closure: No
Comment: 2 story wood and stucco frame; needs structural upgrading; portion of 2nd floor vacant.

Bldg. S–1003
Yuma Proving Ground
Main Admin Area—5th & Barranca Road
Yuma, AZ, Co: Yuma & La Paz, 85365–9102
Federal Register Notice Date: 03/22/91
Property Number: 219011727
Status: Underutilized
Base Closure: No
Comment: 2227 sq. ft.; two-story wood and stucco frame; 2 floor wood and frame; possible asbestos; bldg. committed to Congress for disposal.

Bldg. S–503
Yuma Proving Ground
Main Admin. Area—2nd St. bet. D & F Sts.
Yuma, AZ, Co: Yuma & La Paz, 85365–9102
Federal Register Notice Date: 03/22/91
Property Number: 219011746
Status: Underutilized
Base Closure: No
Comment: 2123 sq. ft.; possible asbestos; 2nd floor vacant; structural upgrading needed; bldg. scheduled for renovation and used as community center.

Bldg. S–501
Yuma Proving Ground
Main Admin Area—D & 2nd Sts.
Yuma, AZ, Co: Yuma & La Paz, 85365–9102
Federal Register Notice Date: 03/22/91
Property Number: 219011747
Status: Unutilized
Base Closure: No
Comment: 4000 sq. ft.; possible asbestos; scheduled for renovation; to be used as "Army Continuing Education Facility"; 2 floors.

Bldg. S–309
Yuma Proving Ground

Main Admin. Area—D & 2nd Sts.
Yuma, AZ, Co: Yuma & La Paz, 85365-9102
Federal Register Notice Date: 03/22/91
Property Number: 219011748
Status: Underutilized
Base Closure: No
Comment: 4500 sq. ft.; 2 floors; possible asbestos; scheduled for renovation; Convert from Barracks to Administration Bldg.

Bldg. S-308
Yuma Proving Ground
Main Admin. Area—near, 1st & D Sts.
Yuma, AZ, Co: Yuma & La Paz, 85365-9102
Federal Register Notice Date: 03/22/91
Property Number: 219011749
Status: Underutilized
Base Closure: No
Comment: 2622 sq. ft. on second floor; structural upgrading needed; possible asbestos; scheduled for use by administrative personnel currently housed in trailers.

Bldg. S-611
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, 85365-9102
Location:
Main Administrative Area—Near, intersection of 5th and D Streets.
Federal Register Notice Date: 03/22/91
Property Number: 219013928
Status: Unutilized
Base Closure: No
Comment: 1840 sq. ft.; 1 story wood and stucco frame; most recent use—child care center.

Bldg. S-1005
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz, 85365-9102
Location:
Main Administrative Area—Near, intersection of 7th and F streets.
Federal Register Notice Date: 03/22/91
Property Number: 219013930
Status: Unutilized
Base Closure: No
Comment: 176 sq. ft.; 1 story wood and stucco frame; most recent use—cold storage and refrigeration facility.

California

Suitable Buildings (by Agency)

Army

Bldgs. 608-610, 612-619, 621-629
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012855-219012874
Status: Unutilized
Base Closure: No
Comment: 49500 sq. ft. each; 2 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 856-869, 875, 881-887, 889-890
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012884-219012911
Status: Unutilized
Base Closure: No
Comment: 63290 sq. ft. each; 2 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 988, 906-909, 912-919, 924-938, 942-959, 966-969, 971-972, 976-979, 987
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012918-219012995
Status: Unutilized
Base Closure: No
Comment: 11300 sq. ft. each; 1 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 218, 219, 227-229, 237-249, 252-269, 279, 282-283, 286-289
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Numbers: 219013002-219013071
Status: Unutilized
Base Closure: No
Comment: 11500 sq. ft. each; 3 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldgs. 920-922, 940, 941
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Numbers: 219030289-219030294
Status: Unutilized
Base Closure: No
Comment: 11300 sq. ft. each; 1 story wood frame; needs major rehab; extensive asbestos present.

T-1771—T-1775 Fort Ord
4th St. and 2nd Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010738-219010745
Status: Unutilized
Base Closure: No
Comment: 2 story; possible asbestos, needs extensive repairs.

Georgia

Suitable Buildings (by Agency)

Army

Bldg. 4866
Fort Benning
Fort Benning, GA, Co: Fort Benning 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011485
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft.; 1 floor; most recent use—arms bldg.; major rehab./construction required to be made habitable.

Bldg. 4920
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010002
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 4921
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010003
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 4915
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010004
Status: Unutilized
Base Closure: No
Comment: 1297 sq. ft.; most recent use—headquarters building; needs rehab.

Bldg. 4914
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010005
Status: Unutilized
Base Closure: No
Comment: 810 sq. ft.; most recent use—arms building; needs rehab.

Bldgs. 4910, 4911, 4928
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010105, 219010106, 219010108
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft. each; most recent use—barracks; needs rehab.

Bldg. 4927
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010107
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; most recent use—classrooms; 2-stories; needs rehab.

Bldgs. 5288-5290
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010109-219010111
Status: Unutilized
Base Closure: No
Comment: 1216 sq. ft. each; most recent use—arms building; needs rehab.

Bldgs. 5291, 5293-5295
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010112, 219010114-219010116
Status: Unutilized
Base Closure: No
Comment: 2529 sq. ft. each; most recent use—dining room; needs rehab.

Bldg. 5292
Fort Benning, GA, C: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010113
Status: Unutilized
Base Closure: No
Comment: 2525 sq. ft.; most recent use—snack bar; needs rehab.

Bldg. 5297
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010117
Status: Unutilized
Base Closure: No
Comment: 1080 sq. ft.; most recent use—storehouse; needs rehab.

Bldgs. 5298-5299
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010118-219010119
Status: Unutilized
Base Closure: No
Comment: 3759 sq. ft. each; most recent use—general; needs rehab.

Bldgs. 5300, 5302

Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010120, 219010122
Status: Unutilized
Base Closure: No
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.

Bldgs. 5301, 5303-5305
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010121, 219010123-219010125
Status: Unutilized
Base Closure: No
Comment:. 2124 sq. ft. each; most recent use—barracks; needs rehab.

Bldg. 5306
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010126
Status: Unutilized
Base Closure: No
Comment: 2406 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5307
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010127
Status: Unutilized
Base Closure: No
Comment: 1216 sq. ft.; most recent use—arms building; needs rehab.

Bldg. 5308
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010128
Status: Unutilized
Base Closure: No
Comment: 1680 sq. ft.; most recent use—storehouse; needs rehab.

Bldg. 5309
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010129
Status: Unutilized
Base Closure: No
Comment: 1829 sq. ft.; most recent use—clinic; needs rehab.

Bldg. 5310
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010130
Status: Unutilized
Base Closure: No
Comment: 3484 sq. ft.; most recent use—diagnostic center; needs rehab.

Bldg. 5311
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010131
Status: Unutilized
Base Closure: No
Comment: 5767 sq. ft.; most recent use—post exchange (store); needs rehab.

Bldg. 5315
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010132
Status: Unutilized
Base Closure: No
Comment: 2930 sq. ft.; most recent use—hdqts. bldg.; needs rehab.

Bldg. 5316
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010133
Status: Unutilized
Base Closure: No
Comment: 1400 sq. ft.; most recent use—day room; needs rehab.

Bldg. 5320
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010134
Status: Unutilized
Base Closure: No
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Bldgs. 5366-5367
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010135-219010136
Status: Unutilized
Base Closure: No
Comment: 3759 sq. ft. each; most recent use—recreation bldg.; needs rehab.

Bldg. 5390
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010137
Status: Unutilized
Base Closure: No
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5404
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010138
Status: Unutilized
Base Closure: No
Comment: 2792 sq. ft.; most recent use—recreation bldg; needs rehab.

Bldg. 5328
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010139
Status: Unutilized
Base Closure: No
Comment: 2486 sq. ft.; most recent use—arms bldg.; needs rehab.

Bldg. 5324
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010141
Status: Unutilized
Base Closure: No
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 5323
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010142
Status: Unutilized
Base Closure: No
Comment: 2525 sq. ft.; most recent use—dining room; needs rehab.

Bldgs. 5322, 5321
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010143-219010144
Status: Unutilized
Base Closure: No
Comment: 2124 sq. ft. each; most recent use—barracks; needs rehab.

Bldgs. 5360, 5361, 5363
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010145-219010146, 219010148
Status: Unutilized
Base Closure: No
Comment: 3759 sq. ft. each; most recent use—recreation bldg.; needs rehab.

Bldg. 5362
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010147
Status: Unutilized
Base Closure: No
Comment: 55-59 sq. ft.; most recent use—service club; needs rehab.

Bldg. 5404
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010149
Status: Unutilized
Comment: 2792 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5365
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010150
Base Closure: No
Comment: 3759 sq. ft.; most recent use—recreation bldg.; needs rehab.

Bldg. 5392
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010151
Status: Unutilized
Base Closure: No
Comment: 2432 sq. ft.; most recent use—dining room; needs rehab.

Bldg. 5391
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010152
Base Closure: No
Comment: 2432 sq. ft.; most recent use—dining room needs rehab.

Bldg. 4865
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011447
Status: Unutilized
Base Closure: No
Comment: 1098 sq ft., 1 floor, most recent use—storehouse, needs rehab.

Bldgs. 4867-4870
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219011448, 219011450, 219011451, 219011452
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft. each; 2 story; most recent use—trainee barracks; needs rehab/major construction to be habitable.

Bldg. 4871
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011453
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; needs major rehab/construction to be made habitable.

Bldg. 4875
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-

Federal Register Notice Date: 03/22/91
Property Number: 219011455
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; 2 floors; most recent use—BN classrooms; major rehab/ construction required to be habitable.

Bldg. 4872
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011458
Status: Unutilized
Base Closure: No
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4873
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011465
Status: Unutilized
Base Closure: No
Comment: 2183 sq. ft.; 1 floor; most recent use—dining room; major construction required to be made habitable.

Bldg. 4546
Fort Benning
Fort Benning, GA, Co: Muscogee 31905—
Federal Register Notice Date: 03/22/91
Property Number: 219011466
Status: Unutilized
Base Closure: No
Comment: 2818 sq. ft.; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4874
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011467
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldgs. 4877, 4876, 4878, 4880, 4902–4905
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011468, 219011470, 219011472, 219011474, 219011476–219011479
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft. each; 2 floors; most recent use—trainee barracks; major rehab/ construction required to be habitable.

Bldg. 4544
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011471
Status: Unutilized
Base Closure: No
Comment: 2498 sq. ft.; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4545
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011473
Status: Unutilized
Base Closure: No
Comment: 2818 sq. ft.;; bldgs in poor condition; major construction needed to be made habitable.

Bldg. 4906
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011480
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldgs. 4907, 4908
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011481–219011482
Status: Unutilized
Base Closure: No
Comment: 2183 sq. ft. each; 1 floor; most recent use—dining room facility; major construction required to be made habitable.

Bldg. 4909
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011483
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; 1 floor; most recent use—day room; major construction required to be made habitable.

Bldg. 4901
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011484
Status: Unutilized
Base Closure: No
Comment: 810 sq. ft.; 1 floor; most recent use—other inst st.; major rehab/ construction to be made habitable is required.

Bldg. 4879
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011486
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft.; 1 floor; most recent use—arms building; major rehab/ construction required to be habitable.

Bldg. 4549
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011487
Status: Unutilized
Base Closure: No
Comment: 794 sq ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4550
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011488
Status: Unutilized
Base Closure: No
Comment: 269 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4551
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011489
Status: Unutilized
Base Closure: No
Comment: 4,416 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4552
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011490
Status: Unutilized
Base Closure: No
Comment: 6,624 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4553
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011491
Status: Unutilized
Base Closure: No
Comment: . 1,440 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4564
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011492
Status: Unutilized
Base Closure: No
Comment: 3,149 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4605
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011493
Status: Unutilized
Base Closure: No
Comment: 915 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4615
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011494
Status: Unutilized
Base Closure: No
Comment: 915 sq. ft.; bldgs. in poor condition, major construction needed to be made habitable.

Bldg. 4642
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011495
Status: Unutilized
Base Closure: No
Comment: 3,068 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldg. 4643
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011496

Status: Unutilized
Base Closure: No
Comment: 3,068 sq ft., buildings in poor condition, major construction needed to be made habitable.

Bldgs. 4747, 4834
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219011497-219011498
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft. each; buildings in poor condition, major construction needed to be made habitable.

Bldg. 4835
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011499
Status: Unutilized
Base Closure: No
Comment: 1,501 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4840
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011500
Status: Unutilized
Base Closure: No
Comment: 2,930 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4841
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011501
Status: Unutilized
Base Closure: No
Comment: 2,930 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4843
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011502
Status: Unutilized
Base Closure: No
Comment: 1,776 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4844
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011503
Status: Unutilized
Base Closure: No
Comment: 3,776 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4846
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011504
Status: Unutilized
Base Closure: No
Comment: 1,455 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4847
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011505
Status: Unutilized
Base Closure: No
Comment: 900 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4848
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011506
Status: Unutilized
Base Closure: No
Comment: 804 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldgs. 4851-4854, 4859-4862
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011507-219011510, 219011515-219011518
Status: Unutilized
Base Closure: No
Comment: 1,888 sq. ft., each, buildings in poor condition, major construction needed to be made habitable.

Bldg. 4855
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011511
Status: Unutilized
Base Closure: No
Comment: 1,507 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4856
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011512
Status: Unutilized
Base Closure: No
Comment: 2,183 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4857
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011513
Status: Unutilized
Base Closure: No
Comment: 2,160 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4858
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011514
Status: Unutilized
Base Closure: No
Comment: 1,507 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4863
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011519
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft., building in poor condition, major construction needed to b made habitable.

Bldg. 4864
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011520
Status: Unutilized
Base Closure: No
Comment: 1,292 sq. ft., building in poor condition, major construction needed to be made habitable.

Bldg. 4507
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011673
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; most recent use—barracks, needs substantial rehabilitation, 2 floors.

Bldg. 4506
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011675
Status: Unutilized
Base Closure: No
Comment: 2145 sq. ft.; most recent use—dining facilities, needs substantial rehabilitation, 1 floor.

Bldg. 4505
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011676
Status: Unutilized
Base Closure: No
Comment: 2145 sq. ft.; most recent use—dining facility, needs substantial rehabilitation, 1 floor.

Bldg. 4487
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011681
Status: Unutilized
Base Closure: No
Comment: 1868 sq. ft.; most recent use—telephone exchange bldg.; needs substantial rehabilitation; 1 floor.

Bldg. 4484
Fort Benning
Fort Benning, GA, Co: Muscogee
Federal Register Notice Date: 03/22/91
Property Number: 219011682
Status: Unutilized
Base Closure: No
Comment: 1098 sq. ft.; most recent use—storehouse; needs substantial rehabilitation; 1 floor.

Bldg. 4319
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011683
Status: Unutilized
Base Closure: No

Comment: 2584 sq. ft.; most recent use—vehicle maintenance shop; needs substantial rehabilitation; 1 floor.

Bldgs. 4481, 4479
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011685–219011686
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft. each; most recent use—administrative (day room); needs substantial rehabilitation; 1 floor.

Bldg. 4045
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011688
Status: Unutilized
Base Closure: No
Comment: 2135 sq. ft.; most recent use—administration; needs substantial rehabilitation; 2 floors.

Bldg. 2406
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011690
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; most recent use—recreational building; needs substantial rehabilitation; 2 floors.

Bldg. 2414
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011692
Status: Unutilized
Base Closure: No
Comment: 1472 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 1 floor.

Bldg. 3400
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011694
Status: Unutilized
Base Closure: No
Comment: 2570 sq. ft.; most recent use—fire station; needs substantial rehabilitation; 1 floor.

Bldg. 4042
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011696
Status: Unutilized
Base Closure: No
Comment: 2891 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 1 floor.

Bldg. 2080
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011697
Status: Unutilized
Base Closure: No
Comment: 2414 sq. ft.; most recent use—barracks; needs rehabilitation; 2 floors.

Bldg. 1771
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011698
Status: Unutilized
Base Closure: No
Comment: 2420 sq. ft.; most recent use—general storehouse; need substantial rehabilitation; 1 floor.

Bldg. 2285
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011704
Status: Unutilized
Base Closure: No
Comment: 4574 sq. ft.; most recent use—clinic; needs substantial rehabilitation; 1 floor.

Bldgs. 2088, 2083, 2081
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011705–219011707
Status: Unutilized
Base Closure: No
Comment: 2414 sq. ft. each; most recent use—barracks; needs substantial rehabilitation; 2 floors.

Bldg. 4092
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011709
Status: Unutilized
Base Closure: No
Comment: 336 sq. ft.; most recent use—inflammable materials storage; needs substantial rehabilitation; 1 floor.

Bldg. 4089
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011710
Status: Unutilized
Base Closure: No
Comment: 176 sq. ft.; most recent use—gas station; needs substantial rehabilitation; 1 floor.

Bldg. 4043
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011711
Status: Unutilized
Base Closure: No
Comment: 2135 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 2 floors.

Bldg. 4044
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219011712
Status: Unutilized
Base Closure: No
Comment: 4044 sq. ft.; most recent use—administrative; needs substantial rehabilitation; 2 floors.

Bldg. 5266
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012364
Status: Unutilized
Base Closure: No
Comment: 1400 sq. ft.; one story; most recent use—day room; in poor condition; needs major rehab.

Bldgs. 5267–5276, 5277–5283
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219012365, 219012367–219012376, 219012378, 219012379, 219012381–219012383, 219012385, 219012386
Status: Unutilized
Base Closure: No
Comment: 2124 sq. ft. each; 2 story; most recent use—barracks; poor condition; needs major repair.

Bldg. 4936
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012388
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4937
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012389
Status: Unutilized
Base Closure: No
Comment: 2183 sq. ft.; 1 story; most recent use—dining room; poor condition; needs major rehab.

Bldg. 4938
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012391
Status: Unutilized
Base Closure: No
Comment: 1320 sq. ft.; one story; most recent use—administrative; poor condition; needs major rehab.

Bldg. 4939
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012392
Status: Unutilized
Base Closure: No
Comment: 1800 sq. ft.; one story; most recent use—classrooms; poor.

Bldg. 4951
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012394
Status: Unutilized
Base Closure: No
Comment: 2192 sq. ft.; one story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4953
Fort Benning
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219012395
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; poor condition; needs major rehab.

Bldg. 4954
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012397
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; 2 story; most recent use—custody fac.; poor condition; needs major rehab.

Bldg. 4926
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012398
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft.; 2 story; most recent use—classrooms; poor condition; needs major rehab.

Bldg. 4925
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012400
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; one story; most recent use—classroom; poor condition; needs major rehab.

Bldg. 4924
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012401
Status: Unutilized
Base Closure: No
Comment: 2183 sq. ft.; one story; most recent use—dining room; poor condition; needs major rehab.

Bldgs. 4919, 4918, 4929, 4931, 4912, 4933, 4935
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012403, 219012404, 219012406, 219012410, 219012417, 219012418, 219012422
Status: Unutilized
Base Closure: No
Comment: 1888 sq. ft. each; 2 story; most recent use—barracks; poor condition; needs major rehab.

Bldg. 4917
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012405
Status: Unutilized
Base Closure: No
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4930
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012408
Status: Unutilized
Base Closure: No
Comment: 810 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 5287
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012411
Status: Unutilized
Base Closure: No
Comment: 1216 sq. ft.; 1 story; most recent use—arms building; poor condition; needs major rehab.

Bldg. 4934
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012419
Status: Unutilized
Base Closure: No
Comment: 1507 sq. ft.; one story; most recent use—dayroom; needs major rehab.

Bldg. 4932
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219012421
Status: Unutilized
Base Closure: No
Comment: 794 sq. ft.; 1 story; most recent use—storehouse; needs rehab.

Bldgs. 1235, 1236
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014887-219014888
Status: Unutilized
Base Closure: No
Comment: 9367 sq. ft. each; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 1251
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014889
Status: Unutilized
Base Closure: No
Comment: 18385 sq. ft.; 1 story building; needs rehab; most recent use—Arms Repair Shop.

Bldg. 1759
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014890
Status: Unutilized
Base Closure: No
Comment: 3181 sq. ft.; 1 story building; needs rehab; most recent use—Dining Facility.

Bldg. 2035
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014891
Status: Unutilized
Base Closure: No
Comment: 2796 sq. ft.; 1 story building; needs rehab; most recent use—Administration General Purpose.

Bldg. 2067
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014892
Status: Unutilized
Base Closure: No
Comment: 2588 sq. ft.; 1 story building; needs rehab; most recent use—Dining Facility.

Bldg. 2068
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014893
Status: Unutilized
Base Closure: No
Comment: 3960 sq. ft.; 1 story building; needs rehab; most recent use—Recreation building.

Bldgs. 2084-2087, 2089, 2090
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014894-219014899
Status: Unutilized
Base Closure: No
Comment: 6034 sq. ft. each; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 2092
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014900
Status: Unutilized
Base Closure: No
Comment: 2101 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters building.

Bldg. 2095
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014901
Status: Unutilized
Base Closure: No
Comment: 2101 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters building.

Bldg. 2393
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014902
Status: Unutilized
Base Closure: No
Comment: 820 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle Maintenance; potential use—storage.

Bldg. 2397
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014903
Status: Unutilized
Base Closure: No
Comment: 420 sq. ft.; 1 story building; needs rehab; most recent use—Dispatch Building; potential use—storage.

Bldg. 2416
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014904
Status: Unutilized
Base Closure: No
Comment: 1840 sq. ft.; 1 story building; needs rehab; most recent use—administrative.

Bldg. 2573
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014905
Status: Unutilized
Base Closure: No
Comment: 3132 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle Maintenance Shop; potential use—storage.

Bldg. 2591
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219014906
Status: Unutilized
Base Closure: No
Comment: 1663 sq. ft.; 1 story building; needs rehab; most recent use—General storehouse.

Bldgs. 3005–3010
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014907–219014912
Status: Unutilized
Base Closure: No
Comment: 7688 sq. ft. each; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 3080
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014913
Status: Unutilized
Base Closure: No
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 3081
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014914
Status: Unutilized
Base Closure: No
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4022
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014915
Status: Unutilized
Base Closure: No
Comment: 1712 sq. ft.; 1 story building; needs rehab; most recent use—Clinic.

Bldg. 4491
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014916
Status: Unutilized
Base Closure: No
Comment: 18240 sq. ft.; 1 story building; needs rehab; most recent use—Vehicle maintenance shop.

Bldg. 4500
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014917
Status: Unutilized
Base Closure: No
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—Arms Building.

Bldg. 4511
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014918
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story building; needs rehab; most recent use—Barracks.

Bldg. 4633
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014919
Status: Unutilized
Base Closure: No
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4634
Fort Benning, GA, Co: Muscogee 31905–
Federal Register Notice Date: 03/22/91
Property Number: 219014920
Status: Unutilized
Base Closure: No
Comment: 5069 sq. ft.; 1 story building; needs rehab; most recent use—Training Building.

Bldg. 4646
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014921
Status: Unutilized
Base Closure: No
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4649
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014922
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 4690
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014923
Status: Unutilized
Base Closure: No
Comment: 1372 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 4751
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014924
Status: Unutilized
Base Closure: No
Comment: 3960 sq. ft.; 1 story building; needs rehab; most recent use—Recreation building.

Bldg. 4752
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014925
Status: Unutilized
Base Closure: No
Comment: 2284 sq. ft.; 1 story building; needs rehab; most recent use—Headquarters Building.

Bldg. 5400
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014926
Status: Unutilized
Base Closure: No
Comment: 2750 sq. ft.; 1 story building; needs rehab; most recent use—General Storehouse.

Bldg. 5401
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219014927
Status: Unutilized
Base Closure: No
Comment: 2956 sq. ft.; 1 story building; needs rehab; most recent use—Dental Clinic.

Bldg. 5403
Fort Benning
Fort Benning, GA, Co: Muscogee 31905
Federal Register Notice Date: 03/22/91
Property Number: 219030268
Status: Unutilized
Base Closure: No
Comment: 7850 sq. ft.; 1 story; needs major rehab; most recent use exchange branch.

Bldg. 39722
Fort Gordon
Off 8th street
Fort Gordon, GA, Co: Richmond 30905
Federal Register Notice Date: 03/22/91
Property Number: 219012353
Status: Underutilized
Base Closure: No
Comment: 1197 sq. ft.; 1 story wood; possible asbestos; extensive rot and termite damage; Building for off-site use only.

Bldgs. 20701, 20703, 20709, 34402, 34404, 35401
Fort Gordon
Augusta, GA, Co: Richmond 30905
Location: Located on Barnes Avenue and 20th street.
Federal Register Notice Date: 03/22/91
Property Numbers: 219014281–219014282, 219014284–219014287
Status: Unutilized
Base Closure: No
Comment: 4524 sq. ft. each; 2 story wood structure; needs major rehab; off-site use only.

Bldg. 20705
Fort Gordon
Augusta, GA, Co: Richmond 30905
Location: Located on 20th street.
Federal Register Notice Date: 03/22/91
Property Number: 219014283
Status: Unutilized
Base Closure: No
Comment: 2352 sq. ft.; 1 story wood structure; needs major rehab; off-site use only.

Bldg. 36701
Fort Gordon
Augusta, GA, Co: Richmond 30905
Location: Located on Chamberlain Avenue at Center Golf Course.
Federal Register Notice Date: 03/22/91
Property Number: 219014288
Status: Underutiized
Base Closure: No
Comment: 196 sq. ft.; 1 story brick structure; off-site use only.

Illinois

Suitable Land (by Agency)

Army

Arlington USAR Center
1515 W. Central Road
Arlington Height, IL, Co:, Cook 60005
Federal Register Notice Date: 03/22/91
Property Number: 219013921
Status: Underutilized
Base Closure: No
Comment: 6 acres; access subject to negotiation.

Indiana

Suitable Buildings (by Agency)

Army

Bldg. 719–1
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark
Federal Register Notice Date: 03/22/91
Property Number: 219013578
Status: Underutilized
Base Closure: No
Comment: 5000 sq. ft.; 1 story brick frame; secured area with alternate access; most recent use—administration.

Bldg. 703–1C
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark
Location: Gate 22 off Highway 22
Federal Register Notice Date: 03/22/91

Property Number: 219013761
Status: Underutilized
Base Closure: No
Comment: 4000 sq. ft.; 2 story brick frame; possible asbestos; most recent use—exercise area.

Bldg. 1011 (Portion of)
Indiana Army Ammunition Plant
End of 3rd Street
Charlestown, IN, Co: Clark
Location: East of State Highway 62 at Gate 3
Federal Register Notice Date: 03/22/91
Property Number: 219013762
Status: Underutilized
Base Closure: No
Comment: 4040 sq. ft.; 1 story concrete block frame; possible asbestos; secured area with alternate access; most recent use—office.

Bldg. 1001 (Portion of)
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark
Location: South end of 3rd Street, East of Highway 62 at entrance gate.
Federal Register Notice Date: 03/22/91
Property Number: 219013763
Status: Underutilized
Base Closure: No
Comment: 55630 sq. ft.; 1 story concrete block; possible asbestos; secured area with alternate access; most recent use cloth bag manufacturing.

Bldg. 720
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark
Federal Register Notice Date: 03/22/91.
Property Number: 219013765
Status: Underutilized
Base Closure: No
Comment: 5000 sq. ft.; 2 story brick frame; possible asbestos; secured area with alternate access; most recent use adninistrative.

Kansas

Suitable Buildings (by Agency)

Army

Bldg. T-1383
Fort Riley
Fort Riley, KS, Co: Geary 66442
Federal Register Notice Date: 03/22/91
Property Number: 219013774
Status: Unutilized
Base Closure: No
Comment: 3864 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T-2080
Fort Riley
Fort Riley, KS, Co: Geary 66442
Federal Register Notice Date: 03/22/91
Property Number: 219013775
Status: Unutilized
Base Closure: No
Comment: 3852 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrine.

Bldg. T-2324
Fort Riley
Fort Riley, KS, Co: Geary 66442
Federal Register Notice Date: 03/22/91
Property Number: 219013777
Status: Unutilized
Base Closure: No
Comment: 3422 sq. ft.; 2 story wood frame; possible asbestos; most recent use—open-bay trainee barracks with gang latrines.

Suitable Land (by Agency)

Parcel 1
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth 66027-5020
Federal Register Notice Date: 03/22/91
Property Number: 219012333
Status: Underutilized
Base Closure: No
Comment: 14.4+ acres.

Parcel 3
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth 66027-5020
Federal Register Notice Date: 03/22/91
Property Number: 219012336
Status: Underutilized
Base Closure: No
Comment: 261+ acres; heavily forrested; no access to a public right-of-way; selected periods are reserved for military/training exercises.

Parcel 4
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth 66027-5020
Federal Register Notice Date: 03/22/91
Property Number: 219012339
Status: Underutilized
Base Closure: No
Comment: 24.1+ acres; selected periods are reserved for military/training exercises; steep/wooded area.

Parcel 6
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth 66027-5020
Location: Extreme north east corner of installation in Flood Plain of the Missouri River.
Federal Register Notice Date: 03/22/91
Property Number: 219012340
Status: Underutilized
Base Closure: No
Comment: 1280 acres; selected periods are reserved for military/training exercises.

Parcel F
Fort Leavenworth
Combined Arms Center
Fort Leavenworth, KS, Co: Leavenworth 66027-5020
Federal Register Notice Date: 03/22/91
Property Number: 219012552
Status: Unutilized
Base Closure: No
Comment: 33.4 acres; area is land locked; heavily wooded; periodic flooding.

Kentucky

Suitable Buildings (by Agency)

Army

Bldg. 5956
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010956
Status: Unutilized
Base Closure: No
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop; Organizational.

Bldg. 104
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010937
Status: Underutilized
Base Closure: No
Comment: 15066 sq. ft.; two story; possible asbestos; most recent use—barracks.

Bldg. 126
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010938
Status: Underutilized
Base Closure: No.
Comment: 12576 sq. ft.; two story; possible asbestos; most recent use—storage.

Bldg. 122
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010939
Status: Underutilized
Base Closure: No
Comment: 1488 sq. ft.; two story; possible asbestos; most recent use—storage and administration.

Bldgs. 141, 147, 149, 161, 165, 167, 169, 143
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Numbers: 219010940-219010946, 219013139
Status: Underutilized
Base Closure: No
Comment: 12576 sq. ft. each; two story; possible asbestos; most recent use—administration.

Bldg. 2244
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010948
Status: Underutilized
Base Closure: No
Comment: 4248 sq. ft.; possible asbestos; two story; most recent use—storage

Bldg. 3110
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010950
Status: Unutilized
Base Closure: No
Comment: 1000 sq. ft.; one story; possible asbestos; most recent use—administration

Bldg. 5954
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010953
Status: Unutilized
Base Closure: No
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.

Bldg. 5958
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010958
Status: Unutilized
Base Closure: No

Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Maintenance Shop, Organizational.

Bldg. 5960
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010961
Status: Unutilized
Base Closure: No
Comment: 2179 sq. ft.; one story; possible asbestos; most recent use—Military Vehicle Maintenance Shop, Organizational.

Bldg. 6605
Fort Campbell
Fort Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219010968
Status: Underutilized
Base Closure: No
Comment: 1968 sq. ft.; one story; most recent use—storage

Bldg. 3148
Ft. Campbell
Ft. Campbell, KY, Co: Christian 42223
Federal Register Notice Date: 03/22/91
Property Number: 219013223
Status: Underutilized
Base Closure: No
Comment: 2200 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.

Bldg. 6764
77 Binter Street
Fort Knox, KY, Co: Fort Knox 40121
Federal Register Notice Date: 03/22/91
Property Number: 219013766
Status: Unutilized
Base Closure: No
Comment: 554 sq. ft.; 1 story concrete block; possible asbestos; most recent use—hamburger stand.

Louisiana

Suitable Buildings (by Agency)

Army

Bldg. 417
8th Street
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012682
Status: Unutilized
Base Closure: No
Comment: 7670 sq. ft.; 2 story temporary wood frame; possible asbestos; most recent use—BOQ.

Bldg. 7124
Reserve Road
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Nunber: 219012688
Status: Unutilized
Base Closure: No
Comment: 2500 sq. ft.; 1 story temporary wood frame; most recent use—recreation room.

Bldgs. 7129, 7130-7132, 7134, 7135
Reserve Road
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012689-219012692, 219012694, 219012695
Status: Unutilized
Base Closure: No
Comment: 4957 sq. ft. each; 2 story temporary wood frame; possible asbestos; most recent use—barracks.

Bldg. 7143
"D" Avenue
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012696
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. T-7157
Guard Road
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012698
Status: Unutilized
Base Closure: No
Comment: 4357 sq. ft.; 2 story; possible asbestos; most recent use—barracks.

Bldgs. 7161-7163, 7166-7168
"D" Avenue
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012699-219012704
Status: Unutilized
Base Closure: No
Comment: 4957 sq. ft. each; 2 story temporary wood frame; possible asbestos; most recent use—barracks.

Bldg. 7183
"D" Avenue
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012705
Status: Unutilized
Base Closure: No
Comment: 2630 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7184
"D" Avenue
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012706
Status: Unutilized
Base Closure: No
Comment: 2630 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7187
"D" Avenue
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012707
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7304
Armored Road
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012712
Status: Unutilized
Base Closure: No
Comment: 6103 sq. ft.; 2 story temporary wood frame; most recent use—storage.

Bldg. 7430
1st Street
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012715
Status: Unutilized
Base Closure: No
Comment: 4987 sq. ft.; 2 story temporary frame; most recent use—storage.

Bldg. 8026
10th Street
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012724
Status: Underutilized
Base Closure: No
Comment: 2580 sq. ft.; 1 story temporary wood frame; most recent use—storage.

Bldg. 8226
12th Street
Fort Polk, LA, Co: Vernon 71459-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012729
Status: Unutilized
Base Closure: No
Comment: 2050 sq. ft.; 1 story temporary wood frame; possible asbestos; most recent use—dining facility.

Bldg. 7175
Fort Polk
3rd Street
Fort Polk, LA, Co: Vernon 71459
Federal Register Notice Date: 03/22/91
Property Number: 219013770
Status: Excess
Base Closure: No
Comment: 7527 sq. ft.; temporary wood structure; scheduled for demolition; seriously deteriorated.

Massachusetts

Suitable Buildings (by Agency)

Army

Bldg. T-2732
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester 01433
Federal Register Notice Date: 03/22/91
Property Number: 219012343
Status: Unutilized
Base Closure: No
Comment: 6351 sq ft., wood, two stories, most recent use—housing.

Bldg. T-2281
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester 01433-
Federal Register Notice Date: 03/22/91
Property Number: 219012344
Status: Unutilized
Base Closure: No
Comment: 6351 sq ft., wood structure, 2 floors, most recent use—housing.

Bldg.T-201
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester 01433-
Federal Register Notice Date: 03/22/91
Property Number: 219012363
Status: Unutilized
Base Closure: No
Comment: 1000 sq ft., wood structure—needs rehab, no sanitary facilities, most recent use—company admin/supply.

Maryland

Suitable Buildings (by Agency)

Army

Bldg. 533
Fort George Meade
Fort Meade, MD, Co: Ann Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219040001
Status: Unutilized
Base Closure: No
Comment: 6525 sq. ft.; one story; wood frame; possible asbestos; needs major rehab; secured area w/alternate access.

Bldg. 523
Fort George Meade
Fort Meade, MD, Co: Ann Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219040002
Status: Unutilized
Base Closure: No
Comment: 4307 sq. ft.; one story; wood frame; possible asbestos; needs major rehab; secured area w/alternate access.

Bldg. 6926
Taylor Avenue
Fort Meade, MD, Co: Anne Arundel 21061-
Federal Register Notice Date: 03/22/91
Property Number: 219013605
Status: Unutilized
Base Closure: No
Comment: 1275 sq. ft.; 1 story frame with basement (216 sq. ft.); possible asbestos; termite damage.

Bldg. 157
Fort Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219013606
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story frame bks.; possible asbestos; needs major rehab.

Bldg. 2296
Fort Meade
4th Street
Fort Meade, MD, Co: Anne Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219013607
Status: Unutilized
Base Closure: No
Comment: 2740 sq. ft.; 1 story frame warehouse; possible asbestos; potential use—storage.

Bldg. 832
Fort Meade
15th Street
Fort Meade, MD, Co: Anne Arundel 21061-
Federal Register Notice Date: 03/22/91
Property Number: 219013608
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab.

Bldg. 841
Fort Meade
15th Street
Fort Meade, MD, Co: Anne Arundel 21061-
Federal Register Notice Date: 03/22/91
Property Number: 219013610
Status: Unutilized
Base Closure: No
Comment: 3537 sq. ft.; 1 story with balcony; possible asbestos; no furnace; needs major rehab.

Bldg. 143
Fort Meade
1st and Saxton Streets
Fort Meade, MD, Co: Anne Arundel 21061-
Federal Register Notice Date: 03/22/91
Property Number: 219013611
Status: Unutilized
Base Closure: No
Comment: 7670 sq. ft.; 2 story wood frame; possible asbestos; needs rehab; no furnace.

Bldg. 2250A
Fort Meade
Fort Meade, MD, Co: Anne Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219013612
Status: Unutilized
Base Closure: No
Comment: 240 sq. ft.; 1 story metal/wood shed; structurally unsound; potential use—storage.

Bldg. 157
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-5115
Federal Register Notice Date: 03/22/91
Property Number: 219013842
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wooden frame; needs rehab; possible asbestos; secured area with alternate access; structural deficiencies; most recent use—storage.

Bldg. 193
Fort George G. Meade
1st Street
Fort Meade, MD, Co: Anne Arundel 21061-
Federal Register Notice Date: 03/22/91
Property Number: 219013843
Status: Unutilized
Base Closure: No
Comment: 7670 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. 197
Fort George G. Meade
1st and Chisholm Streets
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014848
Status: Unutilized
Base Closure: No
Comment: 7670 sq. ft.; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 508
Fort George G. Meade
Llewelyn Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014849
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; needs rehab; most recent use—storage; secured area with alternate access; possible asbestos.

Bldg. 4461
Fort George G. Meade
Lewllyn Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014850
Status: Unutilized
Base Closure: No
Comment: 16594 sq. ft.; 2 story concrete block; needs rehab; secured area with alternate access; possible asbestos; mos recent use—branch exchange.

Bldg. 3187
Fort George G. Meade
Mac Arthur Road
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014851
Status: Unutilized
Base Closure: No
Comment: 1914 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 6599
Fort George G. Meade
Zimborski Road
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014852
Status: Unutilized
Base Closure: No
Comment: 4173 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access.

Bldg. 378
Fort George G. Meade
Behind Bldg. 368 on 5 ½ Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014853
Status: Underutilized
Base Closure: No
Comment: 1144 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 373
Fort George G. Meade
Behind Bldg. 372 on Chamberlain Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014854
Status: Underutilized
Base Closure: No
Comment: 1144 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 2815
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014855
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 267
Fort George G. Meade
3rd Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014856

Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. T-6357
Fort George G. Meade
Hodges Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014857
Status: Unutilized
Base Closure: No
Comment: 2360 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 6205
Fort George G. Meade
Rock Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014858
Status: Unutilized
Base Closure: No
Comment: 2441 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 6212
Fort George G. Meade
Rock Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014859
Status: Unutilized
Base Closure: No
Comment: 2220 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; most recent use—storage.

Bldg. 2816
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014860
Status: Unutilized
Base Closure: No
Comment: 1676 sq. ft.; 1 story wood frame; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 2817
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014861
Status: Underutilized
Base Closure: No
Comment: 3663 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. T-356
Fort George G. Meade
5½ Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014862
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos; most recent use—storage.

Bldg. 2229
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014863
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 649
Fort George G. Meade
Chamberlain Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014864
Status: Underutilized
Base Closure: No
Comment: 2594 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; needs rehab; most recent use—storage.

Bldg. 583
Fort George G. Meade
Chamberlain Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014865
Status: Unutilized
Base Closure: No
Comment: 3245 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access.

Bldg. 543
Fort George G. Meade
Chamberlain Avenue
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014866
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; possible asbestos; needs rehab; secured area with alternate access.

Bldg. 509
Fort George G. Meade
Llewellyn Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014867
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. 369
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014868
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldgs. 364, 357, 353, 2408, 2413, 2417, 2418
Fort George G. Meade
5½ Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014869, 2190104871, 2190104872, 2190104874-2190104877
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft. each; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. T-359
Fort George G. Meade
5½ and Chisholm Streets
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014870
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 269
Fort George G. Meade
Chisholm Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014873
Status: Underutilized
Base Closure: No
Comment: 3537 sq. ft.; 1 story wood frame; possible asbestos; needs rehab; secured area with alternate access; most recent use—storage.

Bldg. 2419
Fort George G. Meade
Behind Bldg 2427—Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014878
Status: Underutilized
Base Closure: No
Comment: 2441 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—arms room.

Bldg. 2425
Fort George G. Meade
Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014879
Status: Unutilized
Base Closure: No
Comment: 1843 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 2426
Fort George G. Meade
Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014880
Status: Unutilized
Base Closure: No
Comment: 7670 sq. ft.; 1 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 2427
Fort George G. Meade
Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755-
Federal Register Notice Date: 03/22/91
Property Number: 219014881
Status: Unutilized
Base Closure: No
Comment: 8150 sq. ft.; 2 story wood frame; needs rehab; secured area with alternate access; possible asbestos.

Bldg. 2840
Fort George G. Meade

Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755–
Federal Register Notice Date: 03/22/91
Property Number: 219014882
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access.

Bldg. 2847
Fort George G. Meade
Earnie Pyle Street
Fort Meade, MD, Co: Anne Arundel 20755–
Federal Register Notice Date: 03/22/91
Property Number: 219014883
Status: Unutilized
Base Closure: No
Comment:. 3663 sq. ft.; 1 story wood frame; possible asbestos; secured area with alternate access; most recent use—gym.

Bldg. 6599
Ft. George G. Meade
6599 Zimborski Road
Ft. Meade, MD, Co: Anne Arundel 20755–5115
Federal Register Notice Date: 03/22/91
Property Number: 219030002
Status: Unutilized
Base Closure: No
Comment: 4173 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; most recent use—PX exchange facility.

Bldg. 3187
Ft. George G. Meade
3187 MacArthur Road
Ft. Meade, MD, Co: Anne Arundel 20755–5115
Federal Register Notice Date: 03/22/91
Property Number: 219030003
Status: Unutilized
Base Closure: No
Comment: 1914 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; most recent use—storage.

Bldg. 2815
Ft. George G. Meade
2815 Chish Street
Ft. Meade, MD, Co: Anne Arundel 20755–5115
Federal Register Notice Date: 03/22/91
Property Number: 219030004
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

Bldg. 2426
Ft. George G. Meade
2426 Earnie Pyle Street
Ft. Meade, MD, Co: Anne Arundel 20755–5115
Federal Register Notice Date: 03/22/91
Property Number: 219030005
Status: Unutilized
Base Closure: No
Comment: 1 story wood frame; needs major rehab; possible asbestos; secured area with alternate access; potential utilities; most recent use—storage.

Bldg. 583
Ft. George G. Meade
583 Chamberlain Avenue
Ft. Meade, MD, Co: Anne Arundel 20755–5115
Federal Register Notice Date: 03/22/91
Property Number: 219030006
Status: Unutilized
Base Closure: No
Comment: 3245 sq. ft.; one story wood frame; potential utilities; possible asbestos; needs rehab; secured area with alternate access.

Bldg. 2030
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011418
Status: Unutilized
Base Closure: No
Comment: 3302 sq ft., one story, possible asbestos.

Bldg. 2174
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011419
Status: Unutilized
Base Closure: No
Comment: 3540 sq ft.; poor condition; utilities disconnected; one story; possible asbestos.

Bldg. 3243
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011420
Status: Unutilized
Base Closure: No
Comment: 11800 sq ft., possible asbestos, two story, potential utilities.

Bldg. 3244
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011421
Status: Unutilized
Base Closure: No
Comment: 3302 sq ft., one story, possible asbestos, potential utilities.

Bldgs. 3621–3624, 3626–3629, 3634–3635, 3637, 3639–3642
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Numbers: 219011422–219011425, 219011427–219011430, 219011435–219011437, 219011439–219011442
Status: Unutilized
Base Closure: No
Comment: 4720 sq ft. each, two story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3625
Aberdeen Proving Ground
Aberdeen, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011426
Status: Unutilized
Base Closure: No
Comment: 2031 sq ft., one story, utilities disconnected, poor condition, possible asbestos.

Bldg. 3630
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011431
Status: Unutilized
Base Closure: No
Comment: 1750 sq ft., one story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3631
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011432
Status: Unutilized
Base Closure: No
Comment: 1513 sq ft., one story, possible asbestos, poor condition, utilities disconnected.

Bldg. 3632
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011433
Status: Unutilized
Base Closure: No
Comment: 1513 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3633
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011434
Status: Unutilized
Base Closure: No,
Comment: 1754 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3638
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011438
Status: Unutilized
Base Closure: No
Comment: 18880 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3643
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011443
Status: Unutilized
Base Closure: No
Comment: 1750 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3644
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011444
Status: Unutilized
Base Closure: No
Comment: 1541 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3645
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011445
Status: Unutilized
Base Closure: No
Comment: 1541 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. 3646
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Number: 219011446
Status: Unutilized

Base Closure: No
Comment: 1750 sq ft., one story, utilities disconnected, possible asbestos, poor condition.

Bldg. E4736
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-55425
Federal Register Notice Date: 03/22/91
Property Number: 219012621
Status: Unutilized
Base Closure: No
Comment: possible contamination—under study; potential utilities.

Bldg. 4723
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012643
Status: Unutilized
Base Closure: No
Comment: 3250 sq. ft.; potential utilities; poor condition; possible asbestos.

Bldg. 5104
Aberdeen Proving Ground.
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012644
Status: Unutilized
Base Closure: No
Comment: 624 sq. ft.; trailer; potential utilities; poor condition.

Bldg. E5878
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012652
Status: Unutilized
Base Closure: No
Comment: 213 sq. ft.; structural deficiencies; possible abestos; and contamination.

Bldg. E5879
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-55425
Federal Register Notice Date: 03/22/91
Property Number: 219012653
Status: Unutilized
Base Closure: No
Comment: 213 sq. ft.; possible asbestos and contamination; no utilities; most recent use—igloo storage.

Bldg. E5974
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012654
Status: Unutilized
Base Closure: No
Comment: 272 sq. ft.; possible asbestos and contamination; most recent use—headquarters building.

Bldg. 10302
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012666
Status: Unutilized
Base Closure: No
Comment: 42 sq. ft.; possible asbestos; most recent use—pumping station.

Bldg. E5978
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012667
Status: Unutilized
Base Closure: No
Comment: 256 sq. ft.; 1 story; structural deficiencies; possible asbestos and contamination; most recent use—general storehouse.

Bldg. 2173
Aberdeen Proving Ground
(See, County), MD, Co: Harford 21005-5001
Federal Register Notice Date: 03/22/91
Property Number: 219013772
Status: Unutilized
Base Closure: No
Comment: 3540 sq. ft.; 1 story temporary frame; possible asbestos; most recent use—barracks.

Bldg. E5975
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Hartford 21010-5425
Federal Register Notice Date: 03/22/91
Property Number: 219012677
Status: Unutilized
Base Closure: No
Comment: 650 sq. ft.; possible contamination; structural deficiencies most recent use—training exercises/chemicals and explosives; potential use—storage.

Bldg. 101
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, MD, Co: Montgomery 20910
Federal Register Notice Date: 03/22/91
Property Number: 219012678
Status: Underutilized
Base Closure: No,
Comment: 18438 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 104
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, MD, Co: Montgomery 20910
Federal Register Notice Date: 03/22/91
Property Number: 219012679
Status: Underutilized
Base Closure: No
Comment: 12495 sq. ft.; needs rehab; possible asbestos; building listed on National Historic Register.

Bldg. 107
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, MD, Co: Montgomery 20910
Federal Register Notice Date: 03/22/91
Property Number: 219012680
Status: Unutilized
Base Closure: No
Comment: 4107 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Bldg. 120
Walter Reed Army Medical Center
Forest Glen Section
Silver Spring, MD, Co: Montgomery 20910
Federal Register Notice Date: 03/22/91
Property Number: 219012681
Status: Underutilized
Base Closure: No
Comment: 2442 sq. ft.; possible structural deficiencies; possible asbestos; historic property.

Minnesota

Suitable Buildings (by Agency)

Army

Le Sueur USAR Center
620 Turill Street
Le Sueur, MN, Co: Le Sueur 56058
Federal Register Notice Date: 03/22/91
Property Number: 219013558
Status: Underutilized
Base Closure: No
Comment: 4316/1325 sq. ft.; 1 story; most recent use—storage.

Nevada

Suitable Land (by Agency)

Army

Parcel A
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral 89415
Location: At Foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Federal Register Notice Date: 03/22/91
Property Number: 219012049
Status: Unutilized
Base Closure: No
Comment: 160 acres, road and utility easements, no utility hookup, possible flooding problem.

Parcel B
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral 89415
Location: At foot of Eastern slope of Mount Grant in Wassuk Range & S.W. edge of Walker Lane
Federal Register Notice Date: 03/22/91
Property Number: 219012056
Status: Unutilized
Base Closure: No
Comment: 1920 acres; road and utility easements; no utility hookup; possible flooding problem.

Parcel C
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral 89415
Location: South-southwest of Hawthorne along HWAAP'S South Magazine Area at Western edge of State Route 359
Federal Register Notice Date: 03/22/91
Property Number: 219012057
Status: Unutilized
Base Closure: No
Comment: 85 acres; road & utility easements; no utility hookup.

Parcel D
Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral 89415
Location: South-southwest of Hawthorne along HWAAP'S South Magazine Area at western edge of State Route 359.
Federal Register Notice Date: 03/22/91
Property Number: 219012058
Status: Unutilized
Base Closure: No
Comment: 955 acres; road & utility easements; no utility hookup.

Suitable Buildings (by Agency)
Bldgs. 00425–00431, 00432–00441, 00442–00449
Hawthorne Army Ammunition Plant
Schweer Drive Housing Area
Hawthorne, NV, Co: Mineral 89415
Location: Schweer Drive
Federal Register Notice Date: 03/22/91
Property Numbers: 219011946–219011952, 219011954, 219011956 219011959, 219011961, 219011964, 219011968, 219011970, 219011974, 219011976–219011978, 219011980, 219011982, 219011984, 219011987, 219011990, 219011994, 219011996
Status: Unutilized
Base Closure: No
Comment: 1310–1640 sq ft. each, one floor residential, semi/wood construction, good condition.

New York
Suitable Buildings (by Agency)
Army
Bldg. 627
U.S. Military Academy—West Point
Pitcher Road, North Dock
Highland, NY, Co: Orange 10996–1592
Federal Register: Notice Date: 03/22/91
Property Number: 219030185
Status: Unutilized
Base Closure: No
Comment: 23185 sq. ft.; 1 story wood frame; needs rehab; presence of asbestos; most recent use—storage warehouse; scheduled to be vacant 9/11/90.

Bldg. 503
Fort Totten
Ordnance Road
Bayside, NY Co: Queens 11357–
Federal Register Notice Date: 03/22/91
Property Number: 219012564
Status: Unutilized
Base Closure: No
Comment: 510 sq. ft., 1 floor, most recent use—storage, needs major rehab/no utilities.

Bldg. 323
Fort Totten
Story Avenue
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012567
Status: Unutilized
Base Closure: No
Comment: 30000 sq. ft., 3 floors, most recent use—barracks & mess facility, needs major rehab.

Bldg. 304
Fort Totten
Shore Road
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012570
Status: Unutilized
Base Closure: No
Comment: 9610 sq. ft., 3 floors, most recent use-hospital, needs major rehab/utilities disconnected.

Bldg. 211
Fort Totten
211 Totten Avenue
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012573
Status: Unutilized
Base Closure: No
Comment: 6329 sq. ft., 3 floors, most recent use—family housing, needs major rehab, utilities disconnected.

Bldg. 332
Fort Totten
Theater Road
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012578
Status: Unutilized
Base Closure: No
Comment: 6288 sq. ft., 1 floor, most recent use—theater w/stage, needs major rehab, utilities disconnected.

Bldg. 504
Fort Totten
Ordnance Road
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012580
Status: Unutilized
Base Closure: No
Comment: 490 sq. ft., 1 floor, most recent use—storage, no utilities, needs major rehab.

Bldg. 322
Fort Totten
322 Story Avenue
Bayside, NY, Co:—Queerns 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012583
Status: Unutilized
Base Closure: No
Comment: 30,000 sq. ft., 3 floors, most recent use-barracks, mess & administration, utilities disconnected, needs rehab.

Bldg. 326
Fort Totten
326 Pratt Avenue
Bayside, NY, Co: Queens 11359–
Federal Register Notice Date: 03/22/91
Property Number: 219012586
Status: Unutilized
Base Closure: No
Comment: 6000 sq. ft., 2 floors, most recent use—storage, offices & residential, utilities disconnected/needs rehab.

Oklahoma
Suitable Land (by Agency)
Army
Parcel No. 8
Fort Gibson Lake
Section 22
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013801
Status: Underutilized
Base Closure: No
Comment: 5 acres; bushy and timbered; subject to grazing lease.

Parcel No. 9
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013802
Status: Underutilized
Base Closure: No
Comment: 7.5 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 10
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013803
Status: Underutilized
Base Closure: No
Comment: 36 acres; rolling; relatively open; subject to grazing lease; most recent use—recreation.

Parcel No. 11
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013804
Status: Underutilized
Base Closure: No
Comment: 60.34 acres; semi open with trees; most recent use—recreation.

Parcel No. 12
Fort Gibson Lake
Section 16
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013805
Status: Underutilized
Base Closure: No
Comment: 6 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 13
Fort Gibson Lake
Section 21
(See County), OK, Co: Cherokee
Federal Register Notice Date: 03/22/91
Property Number: 219013806
Status: Underutilized
Base Closure: No
Comment: 7 acres; flat and open; subject to grazing lease; most recent use—recreation.

Suitable Buildings (by Agency)
Bldg. T–826
Fort Sill
826 Macomb Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011237
Status: Underutilized
Base Closure: No
Comment: 2521 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor; WWII Bldg.

Bldg. T–931
Fort Sill
931 Fort Sill Bldg.
Lawton, OK, Co: Comanche 73503–51000
Federal Register Notice Date: 03/22/91
Property Number: 219011239
Status: Underutilized
Base Closure: No
Comment: 5174 sq. ft.; structurally unsound; wood frame; 1 floor asbestos; WWII Bldg.

Bldg. T–1471
Fort Sill
1471 Bateman Road
Lawton, OK, Co: Comanche 73503–51000
Federal Register Notice Date: 03/22/91
Property Number: 219011241
Status: Underutilized
Base Closure: No
Comment: 468 sq. ft.; structurally unsound; wood frame; 1 floor; WWII Bldg.

Bldg. T–2530
Fort Sill
2530 Sheridan Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011246
Status: Underutilized
Base Closure: No
Comment: 3988 sq. ft.; structurally unsound; asbestos; wood frame; 2 floors; WWII Bldg.

Bldg. T–2531, T–2532
Fort Sill

Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Numbers: 219011248, 219011250
Status: Underutilized
Base Closure: No
Comment: 1990 sq. ft. each; structurally unsound; asbestos; wood frame; 2 floor; WWII Bldg.

Bldg. T-2533
Fort Sill
2533 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011252
Status: Underutilized
Base Closure: No
Comment: 1976 sq. ft.; structurally unsound; asbestos; wood frame; 2 floor; WWII Bldg.

Bldgs. T-2544, T-2545, T-2546, T-2547, T-2548
Fort Sill
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Numbers: 219011253, 219011255, 219011257, 219011258, 219011260
Status: Underutilized
Base Closure: No
Comment: 1994 sq. ft. each; asbestos; wood frame; 2 floors, No operating sanitary facilities; most recent use—barracks.

Bldg. T-2549
Fort Sill
2549 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011261
Status: Underutilized
Base Closure: No
Comment: 1110 sq. ft.; asbestos; wood frame; 1 floor; No operating sanitary facilities; most recent use—administrative.

Bldg. T-2551
Fort Sill
2551 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011262
Status: Underutilized
Base Closure: No
Comment: 1116 sq. ft.; asbestos; wood frame; 1 floor; No operating sanitary facilities; most recent use—administrative.

Bldg. T-2564
Fort Sill
2564 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011264
Status: Unutilized
Base Closure: No
Comment: 1165 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T-2565
Fort Sill
2565 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011266
Status: Unutilized
Base Closure: No
Comment: 1196 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T-2566
Fort Sill
2566 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011267
Status: Unutilized
Base Closure: No
Comment: 1179 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T-2567
Fort Sill
2567 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011269
Status: Unutilized
Base Closure: No
Comment: 1186 sq. ft.; structurally unsound but capable of repair; wood frame; 1 floor.

Bldg. T-2601
Fort Sill
2601 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011272
Status: Unutilized
Base Closure: No
Comment: 1600 sq. ft.; 2 story wood frame; possible asbestos; possible structure deficiencies.

Bldg. T-2606
Fort Sill
2606 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011273
Status: Unutilized
Base Closure: No
Comment: 2722 sq. ft.; possible asbestos, one floor wood frame; most recent use—Headquarters Bldg.

Bldg. T-2613
Fort Sill
2613 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011276
Status: Unutilized
Base Closure: No
Comment: 4800 sq. ft.; possible asbestos, wood frame, 2 floors; most recent use—barracks.

Bldg. T-2614
Fort Sill
2614 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011278
Status: Unutilized
Base Closure: No
Comment: 3778 sq. ft.; possible asbestos; wood frame; two floors; most reent use—barracks.

Bldg. T-2615
Fort Sill
2615 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011279
Status: Unutilized
Base Closure: No
Comment: 3778 sq. ft.; possible asbestos; wood frame; 2 floors; most recent use—barracks.

Bldgs. T-2620, T-2621, T-2622, T-2626, T-2627, T-3529, T-3527
Fort Sill
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011281, 219011283, 219011285, 219011291, 219011292, 219011330, 219011328
Status: Unutilized
Base Closure: No
Comment: 2370 sq. ft. each; 2 story wood frame; possible asbestos; possible structure deficiencies.

Bldg. T-2623
Fort Sill
2623 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011287
Status: Unutilized
Base Closure: No
Comment: 2400 sq. ft.; 2 story wood frame; asbestos; possible structure deficiencies.

Bldg. T-2624
Fort Sill
2624 Miner Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011288
Status: Unutilized
Base Closure: No
Comment: 3738 sq. ft.; possible asbestos, wood frame; 2 floors; most recent use—day room.

Bldg. T-2625, T-2628, T-2629, T-2630, T-2631
Fort Sill
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Numbers: 219011289, 219011294, 219011296, 219011298, 219011299
Status: Unutilized
Base Closure: No
Comment: 3664 sq. ft. each; wood frame; 2 floors; possible asbestos; most recent use—barracks.

Bldg. T-2650
Fort Sill
250 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011301
Status: Unutilized
Base Closure: No
Comment: 4021 sq. ft.; 2 story; possible asbestos; possible structure deficiencies.

Bldg. T-2780
Fort Sill
2780 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011303
Status: Unutilized
Base Closure: No
Comment: 6385 sq. ft.; structually unsound; asbestos; wood frame; 2 floors; most recent use—NCO Open Mess.

Bldg. T-2781
Fort Sill
2781 Ringold Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011312
Status: Unutilized
Base Closure: No

Comment: 2229 sq. ft.; structurally unsound; wood frame; 2 floors; asbestos.

Bldg. T-2931
Fort Sill
2931 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011313
Status: Unutilized
Base Closure: No
Comment: 435 sq. ft.; structurally unsound asbestos; wood frame; 1 floor.

Bldg. T-3507
Fort Sill
3507 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011315
Status: Unutilized
Base Closure: No
Comment: 2904 sq. ft.; possible asbestos; potential heavy metal contamination; wood frame; most recent use—chapel.

Bldg. T-3508
Fort Sill
3508 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011316
Status: Unutilized
Base Closure: No
Comment: 1964 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor; WWII Bldg.

Bldg. T-3514
Fort Sill
3514 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011322
Status: Unutilized
Base Closure: No
Comment: 1917 sq. ft.; possible asbestos; wood frame; most recent use—administrative.

Bldg. T-3516
Fort Sill
3516 Packard Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011324
Status: Unutilized
Base Closure: No
Comment: 1495 sq. ft.; possible asbestos; wood frame; most recent use—administrative.

Bldg. T-3518
Fort Sill
3518 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011325
Status: Unutilized
Base Closure: No
Comment: 2345 sq. ft.; possible asbestos; wood frame; most recent use—Headquarters Bldg.

Bldg. T-3519
Fort Sill
3519 Sheridan Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011326
Status: Unutilized
Base Closure: No
Comment: 1711 sq. ft.; one floor; wood frame; most recent use—administrative.

Bldg. T-3524
Fort Sill
3524 Walker St.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011327
Status: Unutilized
Base Closure: No
Comment: 1603 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor; WWII Bldg.

Bldg. T-3769
Fort Sill
3769 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011329
Status: Unutilized
Base Closure: No
Comment: 1,934 sq. ft.; structurally unsound; possible asbestos; two story wood frame.

Bldg. T-3534
Fort Sill
3534 Tacy Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011331
Status: Unutilized
Base Closure: No
Comment: 2467 sq. ft.; structurally unsound; asbestos; wood frame; 1 floor; WWII Bldg.

Bldg. T-3562
Fort Sill
3562 Packard Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011334
Status: Unutilized
Base Closure: No
Comment: 1027 sq. ft.; possible asbestos; wood frame; most recent use—storage.

Bldg. T-3770
Fort Sill
3770 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011335
Status: Unutilized
Base Closure: No
Comment: 1870 sq. ft.; structurally unsound, possible asbestos; two story frame.

Bldg. T-3638
Fort Sill
3638 Scott Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011336
Status: Unutilized
Base Closure: No
Comment: 1618 sq. ft.; 2 story wood frame; possible asbestos; possible structured deficiencies.

Bldg. T-3760
Fort Sill
3760 Tacy Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011337
Status: Unutilized
Base Closure: No
Comment: 2787 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-3767
Fort Sill
3767 Hartell Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011339
Status: Unutilized
Base Closure: No
Comment: 2469 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-3779
Fort Sill
3779 Currie Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011343
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; possible asbestos, wood frame, 2 floors, most recent use—barracks.

Bldg. T-3780
Fort Sill
3780 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011344
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; wood frame, 2 floors, possible asbestos, most recent use-barracks.

Bldg. T-3781
Fort Sill
3781 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011345
Status: Unutilized
Base Closure: No
Comment: 2781 sq. ft.; structurally unsound, possible asbestos; one story wood frame.

Bldg. T-3788
Fort Sill
3788 Tacy Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011346
Status: Unutilized
Base Closure: No
Comment: 2758 sq. ft.; structurally unsound, possible asbestos, one story wood frame.

Bldg. T-4520
Fort Sill
4520 Bragg Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011347
Status: Unutilized
Base Closure: No
Comment: 1249 sq. ft.; 1 story wood frame, possible asbestos, possible structural deficiencies.

Bldgs. T-4363, T-4364, T-4365, T-4383, T-4384, T-4385
Fort Sill
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Numbers: 219011348, 219011349, 219011350, 219011361, 219011362, 219011364
Status: Unutilized
Base Closure: No
Comment: 1947 sq. ft.; each; some utilities; possible structural deficiencies; possible asbestos.

Bldg. T-4366
Fort Sill
4366 McKee Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011351
Status: Unutilized
Base Closure: No
Comment: 1951 sq. ft.; some utilities, possible structural deficiencies; possible asbestos; two story wood frame.

Bldg. T-4521
Fort Sill
4321 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011352
Status: Unutilized
Base Closure: No
Comment: 3833 sq. ft.; 1 floor, wood frame, asbestos, most recent use—classroom.

Bldg. T-4374
Fort Sill
4374 McKee Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011355
Status: Unutilized
Base Closure: No
Comment: 1296 sq. ft.; possible structural deficiencies; possible asbestos; one story wood frame.

Bldg. T-4375
Fort Sill
4375 Bragg Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011356
Status: Unutilized
Base Closure: No
Comment: 1102 sq. ft.; structurally unsound; possible asbestos.

Bldg. T-4522
Fort Sill
4522 Wilson Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011357
Status: Unutilized
Base Closure: No
Coment: 4307 sq. ft., possible asbestos, wood frame, two floors, most recent use—barracks.

Bldg. 4524
Fort Sill
4524 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011360
Status: Unutilized
Base Closure: No
Coment: 2947 sq. ft., possible asbestos, possible structural deficiencies, one story wood frame.

Bldg. T-4525
Fort Sill
4524 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011363
Status: Unutilized
Base Closure: No
Coment: 1636 sq. ft., 1 floor, asbestos, wood frame, most recent use—Exchange Service Outlet.

Bldg. T-4386
Fort Sill
4386 Bragg Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011365
Status: Unutilized
Base Closure: No
Coment: 1447 sq. ft.; no sanitary facilities; structurally unsound; possible asbestos.

Bldg. T-4526
Fort Sill
4526 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011366
Status: Unutilized
Base Closure: No
Coment: 3833 sq. ft., 1 floor, asbestos, wood frame, most recent use—recreation building.

Bldg. T-4387
Fort Sill
4387 Bragg Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011367
Status: Unutilized
Base Closure: No
Coment: 1968 sq. ft.; no sanitary facilities; structurally unsound; possible asbestos; two story wood frame.

Bldg. T-4388
Fort Sill
4388 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011368
Status: Unutilized
Base Closure: No
Coment: 2845 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-4527
Fort Sill
4527 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 3/22/91
Property Number: 219011369
Status: Unutilized
Base Closure: No
Coment: 4196 sq. ft., wood frame, 1 floor, most recent use—exchange branch; possible asbestos.

Bldg. P-4489
Fort Sill
4489 Walker Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011370
Status: Unutilized
Base Closure: No
Coment: 1045 sq. ft.; 1 story; concrete block structure; structurally unsound; possible asbestos.

Bldg. T-4498
Fort Sill
4498 Walker Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011371
Status: Unutilized
Base Closure: No
Coment: 1000 sq. ft.; wood frame; one floor; possible asbestos; most recent use—storage.

Bldg. 4528
Fort Sill
4528 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011372
Status: Unutilized
Base Closure: No
Coment: 2741 sq. ft., possible asbestos, possible structural deficiencies, one story wood frame.

Bldg. T-4500
Fort Sill
4500 Blair Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011373
Status: Unutilized
Base Closure: No
Coment: 1239 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-4530
Fort Sill
4530 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011374
Status: Unutilized
Base Closure: No
Comment: 3833 sq. ft., possible asbestos, possible structural deficiencies, one story wood frame.

Bldg. T-4501
Fort Sill
4501 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011375
Status: Unutilized
Base Closure: No
Comment: 2797 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-4502
Fort Sill
4502 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011376
Status: Unutilized
Base Closure: No
Comment: 2812 sq. ft.; structurally unsound; possible asbestos; one story wood frame.

Bldg. T-4503
Fort Sill
4503 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011378
Status: Unutilized
Base Closure: No
Comment: 2812 sq. ft.; asbestos, wood frame; 1 floor; most recent use—administrative.

Bldg. T-4504
Fort Sill
4504 Wilson Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011379
Status: Unutilized
Base Closure: No
Comment: 2833 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative.

Bldg. T-4506
Fort Sill

4506 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011380
Status: Unutilized
Base Closure: No
Comment: 2266 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative/supply.

Bldg. T–4507
Fort Sill
4507 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011382
Status: Unutilized
Base Closure: No
Comment: 2772 sq. ft.; asbestos; wood frame; 1 floor; most recent use—administrative.

Bldg. T–4508
Fort Sill
4508 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011383
Status: Unutilized
Base Closure: No
Comment: 3833 sq. ft.; asbestos; wood frame; 1 floor; most recent use—classroom.

Bldg. T–4535
Fort Sill
4535 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011384
Status: Unutilized
Base Closure: No
Comment: 2816 sq. ft., 1 story wood frame, possible asbestos, possible structural deficiencies.

Bldg. T–4509
Fort Sill
4509 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011385
Status: Unutilized
Base Closure: No
Comment: 4153 sq. ft.; asbestos; wood frame; 1 floor; most recent use—exchange branch.

Bldg. T–4510
Fort Sill
4510 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011386
Status: Unutilized
Base Closure: No
Comment: 3006 sq. ft.; asbestos; wood frame; 1 floor; most recent use—medical storage.

Bldg. T–4511
Fort Sill
4511 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011388
Status: Unutilized
Base Closure: No
Comment: 2760 sq. ft.; asbestos; wood frame; 2 floor; most recent use—classroom.

Bldg. T–4513
Fort Sill
4513 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011389
Status: Unutilized
Base Closure: No
Comment: 3842 sq. ft.; asbestos; wood frame; 1 floor; most recent use—classroom.

Bldg. T–4542
Fort Sill
4542 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011390
Status: Unutilized
Base Closure: No
Comment: 3893 sq. ft.; possible asbestos, possible structural deficiencies, two story wood frame.

Bldg. T–4514
Fort Sill
4514 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011391
Status: Unutilized
Base Closure: No
Comment: 1639 sq. ft.; asbestos; wood frame; 1 floor; most recent use—medical supply.

Bldg. T–4516
Fort Sill
4516 Lewis Street
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011392
Status: Unutilized
Base Closure: No
Comment: 2262 sq. ft.; 2 story wood frame; possible asbestos; possible structural deficiencies.

Bldg. T–4518
Fort Sill
4518 Wilson Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011393
Status: Unutilized
Base Closure: No
Comment: 1311 sq. ft.; 1 story wood frame; possible asbestos; possible structural deficiencies.

Bldg. T–4543
Fort Sill
4543 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011394
Status: Unutilized
Base Closure: No
Comment: 2236 sq. ft.; possible asbestos; possible structural deficiencies, one story wood frame.

Bldg. T–4519
Fort Sill
4519 Bragg Street
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011395
Status: Unutilized
Base Closure: No
Comment: 2262 sq. ft.; 2 story wood frame; possible asbestos; possible structural deficiencies.

Bldg. T–4546
Fort Sill
4546 Bragg Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011397
Status: Unutilized
Base Closure: No
Comment: 2822 sq. ft.; possible asbestos; possible structural deficiencies; one story wood frame.

Bldg. T–4548
Fort Sill
4548 Lewis Street
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011398
Status: Unutilized
Base Closure: No
Comment: 1976 sq. ft.; 1 story wood frame; possible asbestos; structurally unsound.

Bldg. T–4551
Fort Sill
4551 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011399
Status: Unutilized
Base Closure: No
Comment: 435 sq. ft.; some utilities; possible asbestos; possible structural deficiencies; one story wood frame.

Bldg. T–4553
Fort Sill
4553 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011400
Status: Unutilized
Base Closure: No
Comment: 1905 sq. ft.; some utilities; possible asbestos; possible structural deficiencies; one story wood frame.

Bldg. T–4556
Fort Sill
4556 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011401
Status: Unutilized
Base Closure: No
Comment: 2308 sq. ft.; possible asbestos; possible structural deficiencies; one story wood frame.

Bldg. T–4557
Fort Sill
3447 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011402
Status: Unutilized
Base Closure: No
Comment: 456 sq. ft.; possible asbestos; some utilities; possible structural deficiencies; one story wood frame.

Bldg. T–4558
Fort Sill
4558 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011403
Status: Unutilized
Base Closure: No
Comment: 4021 sq. ft.; 2 story wood frame; possible asbestos; possible structural deficiencies.

Bldg. T–4720
Fort Sill
4720 Hartell Blvd.

Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011405
Status: Unutilized
Base Closure: No
Comment: 13225 sq. ft.; visual asbestos; wood frame; 2 floors; most recent use—recreation bldg.

Bldg. T–3532
Fort Sill
3532 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219013794
Status: Unutilized
Base Closure: No
Comment: 1802 sq. ft.; 1 story wood frame; possible asbestos; most recent use—administrative/supply.

Bldg. T–4550
Fort Sill
4550 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219013795
Status: Unutilized
Base Closure: No
Comment: 2750 sq. ft.; 1 story wood frame; possible asbestos; most recent use—headquarters bldg.

Bldg. T–4378
Fort Sill
4378 Walker Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014323
Status: Unutilized
Base Closure: No
Comment: 1296 sq. ft.; 1 story wood frame; possible asbestos; most recent use—administrative support.

Bldg. T–4381
Fort Sill
4381 Bragg Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014324
Status: Unutilized
Base Closure: No
Comment: 3036 sq. ft.; 1 story wood frame building; most recent use—storage; possible asbestos.

Bldg. T–825
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014325
Status: Unutilized
Base Closure: No
Comment: 1820 sq. ft.; 1 story wood frame building; most recent use—recreation (stables).

Bldg. T–833
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014327
Status: Unutilized
Base Closure: No
Comment: 3976 sq. ft.; 1 story wood frame building; most recent use—stables.

Bldg. T–836
Fort Sill
Corner of Macomb Road and Burrell Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014328
Status: Unutilized
Base Closure: No
Comment: 1341 sq. ft.; 1 story wood frame; most recent use—storage; possible asbestos.

Bldg. T–4367
Fort Sill
4367 McKee Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014329
Status: Unutilized
Base Closure: No
Comment: 3036 sq. ft.; 1 story wood frame; possible asbestos; most recent use—dining facility.

Bldg. T–4370
Fort Sill
4370 Walker Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014330
Status: Unutilized
Base Closure: No
Comment: 1296 sq. ft.; 1 story wood frame; possible asbestos; most recent use—administrative support.

Bldg. T–4379
Fort Sill
4379 Bragg Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014331
Status: Unutilized
Base Closure: No
Comment: 4425 sq. ft.; 2 story wood frame; most recent use—barracks; possible asbestos.

Bldg. P00050
Fort Sill
50 Sheridan Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014332
Status: Unutilized
Base Closure: No
Comment: 1533 sq. ft.; 2 story wood frame; most recent use—bath house.

Bldg. T–4368
Fort Sill
4368 McKee Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014333
Status: Unutilized
Base Closure: No
Comment: 4525 sq. ft.; 2 story wood frame building; possible asbestos; most recent use—barracks.

Bldgs. T–4380, T–4369
Fort Sill
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014334, 219014335
Status: Unutilized
Base Closure: No
Comment: 4425 sq. ft.; 2 story wood frame; most recent use—barracks.

Bldg. T–4919
Fort Sill
4919 Post Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014842
Status: Unutilized
Base Closure: No
Comment: 603 sq. ft.; 1 story mobile home trailer; possible asbestos; needs rehab.

Bldg. T–4914
Fort Sill
4914 Post Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014843
Status: Unutilized
Base Closure: No
Comment: 719 sq. ft.; 1 story mobile home trailer; needs rehab; possible asbestos.

Bldg. T–4555
Fort Sill
4555 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014930
Status: Unutilized
Base Closure: No
Comment: 3893 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; most recent use—barracks.

Bldg. T–4362
Fort Sill
4362 McKee Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014931
Status: Unutilized
Base Closure: No
Comment: 1947 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; limited utilities; most recent use—barracks.

Bldg. T–4361
Fort Sill
4361 McKee Street
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014932
Status: Unutilized
Base Closure: No
Comment: 1513 sq. ft.; 2 story wood frame; needs rehab; limited utilities; possible asbestos; most recent use—barracks.

Bldg. T–4523
Fort Sill
4523 Wilson Road
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014933
Status: Unutilized
Base Closure: No
Comment: 1639 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—storage.

Bldg. 4547
Fort Sill
4547 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014934
Status: Unutilized
Base Closure: No
Comment: 1062 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—administration.

Bldg. T–4541
Fort Sill

451 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014935
Status: Unutilized
Base Closure: No
Comment: 2340 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; most recent use—administration

Bldg. T–4552
Fort Sill
4552 Hartell Blvd.
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014936
Status: Unutilized
Base Closure: No
Comment: 4071 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; most recent use—barracks.

Bldg. T–4360
Fort Sill
4360 Wilson Blvd.
Lawton, OK, Co: Comanche 73503–
Federal Register Notice Date: 03/22/91
Property Number: 219014937
Status: Unutilized
Base Closure: No
Comment: 2841 sq. ft.; 1 story wood frame; needs rehab; limited utilities; possible asbestos; most recent use—mess hall.

Bldg. S–701
Fort Sill
701 Randolph Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219030183
Status: Unutilized
Base Closure: No
Comment: 19903 sq. ft.; steel/wood frame; 1 story; needs rehab; possible asbestos; most recent use—general instruction building.

Bldg. T–3527
Fort Sill
3537 Sheridan Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011328
Status: Unutilized
Base Closure: No
Comment: 2370 sq. ft.; structurally unsound; asbestos; wood frame; 2 floors; WWII Blg.

Suitable Land (by Agency)

Parcel No. 32
Fort Gibson Lake
Section 2
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013810
Status: Underutilized
Base Closure: No
Comment: 22 acres; rolling and open; subject to grazing lease; most recent use—recreation.

Parcel No. 33
Fort Gibson Lake
Section 4
(See County), OK Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013811
Status: Underutilized
Base Closure: No
Comment: 18 acres; flat and open; subject to grazing lease; most recent use—recreation.

Parcel No. 34
Fort Gibson Lake
Section 34
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013812
Status: Underutilized
Base Closure: No
Comment: 18 acres; hilly-timbered; subject to grazing lease; most recent use—recreation.

Parcel No. 36
Fort Gibson Lake
Section 12
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013813
Status: Underutilized
Base Closure: No
Comment: 19 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 38
Fort Gibson Lake
Section 7 and 8
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013814
Status: Underutilized
Base Closure: No
Comment: 97.39 acres; rolling, partially open with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 40
Fort Gibson Lake
Section 5
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013815
Status: Underutilized
Base Closure: No
Comment: 42 acres; timber; subject to grazing lease; most recent use—recreation.

Parcel No. 41
Fort Gibson Lake
Section 5
(See County), OK, Co: Mayes
Federal Register Notice Date: 03/22/91
Property Number: 219013816
Status: Underutilized
Base Closure: No
Comment: 10 acres; some trees; subject to grazing lease; most recent use—recreation.

Parcel No. 17
Fort Gibson Lake
Section 12
Wagoner Co., OK, Co: Wagoner
Federal Register Notice Date: 03/22/91
Property Number: 219013807
Status: Underutilized
Base Closure: No
Comment: 25.09 acres; flat with trees; subject to grazing lease; most recent use—recreation.

Parcel No. 18
Fort Gibson Lake
Section 12
Wagoner Co., OK, Co: Wagoner
Federal Register Notice Date: 03/22/91
Property Number: 219013808
Status: Underutilized
Base Closure: No
Comment: 8.77 acres; subject to grazing lease; most recent use—recreation.

Parcel No. 22
Fort Gibson Lake
Section 16 and 21
Wagoner Co., OK, Co: Wagoner
Federal Register Notice Date: 03/22/91
Property Number: 219013809
Status: Underutilized
Base Closure: No
Comment: 177.84 acres; rolling with timbered and open areas; subject to grazing lease; most recent use—recreation.

South Carolina

Suitable Buildings (by Agency)

Army

Bldg. 5436
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012559
Status: Unutilized
Base Closure: No
Comment: 946 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5438
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012561
Status: Unutilized
Base Closure: No
Comment: 5079 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5405
Fort Jackson
Jackson Blvd.
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012563
Status: Unutilized
Base Closure: No
Comment: 4764 sq. ft.; 1 floor; wood frame; needs rehab; to be vacated mid 1990.

Bldg. 1554
Fort Jackson
Ewell Road
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012565
Status: Unutilized
Base Closure: No
Comment: 53519 sq. ft.; 1 floor; wood frame; open bay; needs rehab; formerly used as post laundry; most recent use—storage.

Bldg. 5429
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012566
Status: Unutilized
Base Closure: No
Comment: 71 sq. ft.; concrete; most recent use—storage; no utilities.

Bldg. 5430
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207–
Federal Register Notice Date: 03/22/91
Property Number: 219012568
Status: Unutilized
Base Closure: No
Comment: 8000 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5409
Fort Jackson
Jackson Blvd.
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012571
Status: Unutilized
Base Closure: No
Comment: 3900 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5428
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012572
Status: Unutilized
Base Closure: No
Comment: 72 sq. ft.; concrete; most recent use—storage; no utilities.

Bldg. 5401
Fort Jackson
Jackson & Hill Streets
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012574
Status: Unutilized
Base Closure: No
Comment: 6641 sq. ft.; wood frame; 1 floor; needs major rehab; to be vacated mid 1990.

Bldg. 5403
Fort Jackson
Hill Street & Jackson Blvd.
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012575
Status: Unutilized
Base Closure: No
Comment: 6821 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5405
Fort Jackson
Jackson Blvd.
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012577
Status: Unutilized
Base Closure: No
Comment: 4764 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 7524
Fort Jackson
Near Pickens & Stuart Streets
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012579
Status: Unutilized
Base Closure: No
Comment: 3623 sq. ft.; wood frame; 1 floor; needs rehab; no utilities.

Bldg. 7523
Fort Jackson
Near Pickens & Stuart Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012581
Status: Unutilized
Base Closure: No
Comment: 3576 sq. ft.; wood frame; 1 floor; no utilities; needs rehab; most recent use—storage.

Bldg. 6590
Fort Jackson
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012582
Status: Unutilized
Base Closure: No
Comment: 4027 sq. ft.; open/wood shed; 1 floor; no utilities; most recent use—storage.

Bldg. 5448
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012584
Status: Unutilized
Base Closure: No
Comment: 8020 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5444
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012585
Status: Unutilized
Base Closure: No
Comment: 4970 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 5446
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012587
Status: Unutilized
Base Closure: No
Comment: 8020 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 9710
Fort Jackson
Hampton Parkway
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012588
Status: Unutilized
Base Closure: No
Comment: 2512 sq. ft.; wood frame; 1 floor; needs rehab.

Bldg. 9705
Fort Jackson
Hampton Parkway
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012590
Status: Unutilized
Base Closure: No
Comment: Wood frame; 1 floor; needs rehab.

Bldg. 9649
Fort Jackson
Marion Avenue
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012591
Status: Unutilized
Base Closure: No
Comment: 2000 sq. ft.; wood frame/dirt floor; needs rehab; no utilities; most recent use—storage.

Bldg. 9616
Fort Jackson
Off Hampton Parkway
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012592
Status: Unutilized
Base Closure: No
Comment: 1144 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldgs. 9615, 9605
Fort Jackson
Off Hampton Parkway
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012593, 219012594
Status: Unutilized
Base Closure: No
Comment: 2208 sq. ft. each; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9563
Fort Jackson
Kemper Street
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012595
Status: Unutilized
Base Closure: No
Comment: 2312 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9561
Fort Jackson
Bet. Kemper and Pender Streets
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012596
Status: Unutilized
Base Closure: No
Comment: 195 sq. ft.; wood frame; 1 floor; most recent use—open sided concession stand; no utilities.

Bldg. 9536
Fort Jackson
Vicinity Hampton Parkway
Fort Jackson, SC, Co: Richland 29207-
Federal Register Notice Date: 03/22/91
Property Number: 219012597
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 9520
Fort Jackson
Corner Marion & Kemper Streets
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012598
Status: Unutilized
Base Closure: No
Comment: 3158 sq. ft.; wood frame; 1 floor; needs rehab; most recent use—storage.

Bldg. 5442
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012599
Status: Unutilized
Base Closure: No
Comment: 4368 sq. ft.; wood frame; 1 floor; needs rehab; to be vacated mid 1990.

Bldg. 1565
Anderson Street
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012668
Status: Unutilized
Base Closure: No
Comment: 1565 sq. ft.; corregated metal building; most recent use fueling point; potential use—storage.

Bldg. 1504
Hall Street and Shop Road

Fort Jackson, SC, Co: Richland 29207
Location: Vicinity of Hall Street and Shop Road.
Federal Register Notice Date: 03/22/91
Propert Number: 219012669
Status: Unutilized
Base Closure: No.
Comment: 334 sq. ft.; 1 floor; wood frame; most recent use—storage; designed as a coal sampling shop.

Bldgs. 9431, 9430, 9432
Hampton Parkway
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Numbers: 219012670, 219012671, 219012676
Status: Unutilized
Base Closure: No
Comment: 149 sq. ft. each; metal frame; 1 floor; no utilities; most recent use—fuel dispensing shack; potential use—storage.

Bldg. 1552
Hall Street
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 19012672
Status: Unutilized
Base Closure: No
Comment: 1397 sq. ft.; wood/brick frame; 2 floors; most recent use incinerator; potential use—storage.

Bldg. 6588
Scales Avenue
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012673
Status: Underutilized
Base Closure: No
Comment: 3108 sq. ft.; open wood frame; 1 floor; no utilities; most recent use—motor repair shop; potential use—storage.

Bldg. 6587
Scales Avenue
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012674
Status: Unutilized
Base Closure: No
Comment: 224 sq. ft.; wood/tin frame; 1 floor; most recent use—fuel dispensing station; potential use—storage.

Bldg. 9437
Hampton Parkway
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012675
Status: Unutilized
Base Closure: No
Comment: 283 sq. ft.; wood frame; 1 floor; no utilities; most recent use—guard shack; potential use—storage.

Bldg. 5407
Jackson Blvd.
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219013768
Status: Unutilized
Base Closure: No
Comment: 5063 sq. ft.; 1 story wood frame; needs rehab; most recent use—storage.

Bldg. 5434
Fort Jackson
Hill Street
Fort Jackson, SC, Co: Richland 29207
Federal Register Notice Date: 03/22/91
Property Number: 219012569
Status: Unutilized
Base Closure: No
Comment: 3600 sq. ft.; wood frame; 1 floor; needs rehab; will be vacated mid 1990.

Tennessee

Suitable Land (by Agency)

Army

Milan Army Ammunition Plant
Milan, TN, Co: Carroll 38358
Location: Plant boundary in the northeast corner of the plant & housing area
Federal Register Notice Date: 03/22/91
Property Number: 219010547
Status: Excess
Base Closure: No
Comment: 17.2 acres; right of entry legal constraint

Suitable Buildings (by Agency)

Milan Army Ammunition Plant
Area Q—Housing Area Q-27, Q-25, Q-3, Q-7
Milan, TN, Co: Carroll 38358
Federal Register Notice Date: 03/22/91
Property Numbers: 219010559, 219010560, 219010603, 219010605
Status: Underutilized
Base Closure: No
Comment: two story; wood frame; temporarily empty due to personnel rotation.

Milan Army Ammunition Plant
Area Q—Housing Area Q-8
Milan, TN, Co: Carroll 38358
Federal Register Notice Date: 03/22/91
Property Number: 219010608
Status: Underutilized
Base Closure: No
Comment: two story; wood frame; temporarily empty due to personnel rotation.

Milan Army Ammunition Plant
Area Q—Housing Area—Q-12
Milan, TN, Co: Carroll 38358-
Federal Register Notice Date: 03/22/91
Property Number: 219010609
Status: Underutilized
Base Closure: No
Comment: two story; wood frame; temporarily empty due to personnel rotation.

Milan Army Ammunition Plant
Area Q—Housing Area—Q-14
Milan, TN, Co: Carroll 38358-
Federal Register Notice Date: 03/22/91
Property Number: 219010612
Status: Underutilized
Base Closure: No
Comment: two story; wood frame; temporarily empty due to personnel rotation.

Area Q—Housing Area—Q20
Milan Army Ammunition Plant
Milan, TN, Co: Carroll 38358-
Federal Register Notice Date: 03/22/91
Property Number: 219014790
Status: Underutilized
Base Closure: No
Comment: 2506 sq. ft.; 2 story wood frame residence.

Robert Joel Ridings
US Army Reserve Center
920 Cherokee Avenue
Nashville, TN, Co: Davidson 37207-
Federal Register Notice Date: 03/22/91
Property Number: 219011667
Status: Excess
Base Closure: No
Comment: 40,000 sq. ft.; 3.67 acres; concrete block; utilities disconnected; site vandalized.

Suitable Land (by Agency)

Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins 61299-6000
Federal Register Notice Date: 03/22/91
Property Number: 219012338
Status: Unutilized
Base Closure: No
Comment: 8 acres; unimproved; could provide access; 2 acres unusable; near explosives.

Texas

Suitable Buildings (by Agency)

Army

Bldg. 1000
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Bell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030172
Status: Unutilized
Base Closure: No
Comment: 126 sq. ft.; 1 story; no utilities; most recent use—disintegrator building.

Bldgs. 104, 103, 102
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Bell 76544-
Federal Register Notice Date: 03/22/91
Property Numbers: 219030173-219030175
Status: Unutilized
Base Closure: No
Comment: 7239 sq. ft. each; 2 story; needs rehab; potential utilities; most recent use—office/administrative.

Bldg. 101
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Bell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030176
Status: Unutilized
Base Closure: No
Comment: 6903 sq. ft.; 2 story; needs rehab; potential utilities; most recent use—office.

Bldg. 7
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Bell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030178
Status: Unutilized
Base Closure: No
Comment: 5214 sq. ft.; 1 story; needs rehab; potential utilities; most recent use—administrative office.

Bldg. T-227
Fort Sam Houston
San Antonio, TX, Co: Bexar 78234-
Federal Register Notice Date: 03/22/91
Property Number: 219014275
Status: Excess
Base Closure: No
Comment: 2987 sq. ft.; 1 story wood structure; major rehab needed.

Bldgs. 1189, 1192, T-1193
Fort Sam Houston
San Antonio, TX, Co: Bexar 78234-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014276-219014277, 219014280
Status: Excess
Base Closure: No
Comment: 9190 sq. ft. each; 1 story wood structure; needs major rehabilitation.

Bldgs. T-4001, T-4004
Fort Sam Houston
San Antonio, TX, Co: Bexar 78234-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014278, 219014279
Status: Underutilized
Base Closure: No
Comment: 48000 sq. ft. each; 2 story wood frame building with metal siding; needs rehab; possible asbestos.

T-4013
Fort Sam Houston
San Antonio, TX, Co: Bexar 78234-
Federal Register Notice Date: 03/22/91
Property Number: 219030001
Status: Underutilized
Base Closure: No
Comment: 64067 sq. ft.; 1 story wood frame; needs rehab; limited utilities.

Bldg. 2228
Battalion Avenue
Ft. Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219014604
Status: Unutilized
Base Closure: No
Comment: 2025 sq. ft.; 1 story; needs rehab; most recent use administrative office.

Bldg. 2302
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030160
Property Status: Unutilized
Base Closure: No
Comment: 7239 sq. ft.; 2 story; needs rehab; potential utilities; presence of asbestos; most recent use—administrative/ storage.

Bldg. 2234
Fort Hood
Battalion Avenue
Fort Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030170
Status: Unutilized
Base Closure: No
Comment: 1523 sq. ft.; 1 story; needs rehab; potential utilities; presence of asbestos; most recent use—battalion storage building.

Bldg. 2230
Fort Hood
Battalion Avenue
Fort Hood, TX, Co:, Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030171
Status: Unutilized
Base Closure: No
Comment: 2025 sq. ft.; 1 story; needs rehab; potential utilities; presence of asbestos; most recent use—office/ administrative.

Bldg. 25
Fort Hood
Battalion Avenue
Fort Hood, TX, Co:, Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030177
Status: Unutilized
Base Closure: No.
Comment: 5346 sq. ft.; 1 story; needs rehab; potential utilities; presence of asbestos; most recent use—administrative office.

Bldg. 34
Fort Hood
Battalion Avenue
Fort Hood, TX, Co:, Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219030179
Status: Unutilized
Base Closure: No
Comment: 3996 sq. ft.; 1 story; needs rehab; potential utilities; presence of asbestos; most recent use—administrative office.

11255 SGT F. Markle St.
Biggs Army Airfield
Fort Bliss
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219014694
Status: Unutilized
Base Closure: No
Comment: 1052 sq. ft.; 1 story cinder block frame; off-site use only; most recent use—storage.

Bldg. 1636
Fort Bliss
1636 Pleasonton Road
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219014943
Status: Unutilized
Base Closure: No,
Comment: 3540 sq. ft.; 2 story wood frame; needs rehab; off-site use only; potential utilities.

Bldgs. 4702, 4703, 4704
Fort Bliss
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014964-219014266
Status: Unutilized
Base Closure: No
Comment: 2,331 sq. ft. each; wood frame; 1 story; off-site use only; need rehab; most recent use—vehicle maintenance shop.

Bldg. 11047, Fort Bliss
11047 Randolph Street
Biggs Army Airfield
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030168
Status: Unutilized
Base Closure: No
Comment: 4755 sq. ft.; 1 story wood frame; needs rehab; contains asbestos in boiler room; off-site use only; most recent use-vehicle maintenance shop; scheduled to be vacated 10/1/90.

Bldg. 856
Fort Bliss
856 Lufberry Road
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030186
Status: Unutilized
Base Closure: No
Comment: 1770 net sq. ft.; l story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 1635
Fort Bliss
1635 Pleasonton Road
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030187
Status: Unutilized
Base Closure: No
Comment: 3540 net sq. ft.; 2 story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 1689
Fort Bliss
1689 Haan Road
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030188
Status: Unutilized
Base Closure: No
Comment: 972 net sq. ft.; 1 story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 11344
Fort Bliss
11344 Chanute Street
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030189
Status: Unutilized
Base Closure: No
Comment: 6033 net sq. ft.; 2 story wood frame; no utilities; nee major rehab; off-site use only.

Bldgs. 11345, 11346
Fort Bliss
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Numbers: 219030190, 219030191
Status: Unutilized
Base Closure: No
Comment: 6033 net sq. ft. each; 2 story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 11160
Fort Bliss
11160 Simms and Randolph Street
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030192
Status: Unutilized
Base Closure: No
Comment: 6756.75 net sq. ft.; one story wood frame; no utilities; needs major rehab; off-site use only.

Bldg. 11253
Fort Bliss
11253 Luke and Markle Street
El Paso, TX, Co: El Paso 79916-
Federal Register Notice Date: 03/22/91
Property Number: 219030193
Status: Unutilized
Base Closure: No
Comment: 14389.5 net sq. ft.; 1 story wood frame; no utilities; needs major rehab; off-site use only.

Suitable Land (by Agency)

Land Saginaw Army Aircraft Plt
Saginaw, TX, Co: Tarrant 76070-
Federal Register Notice Date: 03/22/91
Property Number: 219014814
Status: Unutilized
Base Closure: No

Comment: 154.3 acres; includes buildings/structures/parking and air strip.

Suitable Buildings (by Agency)

Bldg. 2
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014815
Status: Unutilized
Base Closure: No
Comment: 94606 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 4
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014816
Status: Unutilized
Base Closure: No
Comment: 1350 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 17
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014817
Status: Unutilized
Base Closure: No
Comment: 68 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 29
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014818
Status: Unutilized
Base Closure: No
Comment: 5028 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 30
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014819
Status: Unutilized
Base Closure: No
Comment: 5323 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 18
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014820
Status: Unutilized
Base Closure: No
Comment: 9560 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 6
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014821
Status: Unutilized
Base Closure: No
Comment: 1258 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 7
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014822
Status: Unutilized
Base Closure: No
Comment: 508 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 8
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014824
Status: Unutilized
Base Closure: No
Comment: 171 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—watch tower.

Bldg. 16
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014825
Status: Unutilized
Base Closure: No
Comment: 17263 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 19
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014826
Status: Unutilized
Base Closure: No
Comment: 25399 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 31
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014827
Status: Unutilized
Base Closure: No
Comment: 1392 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 9
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070
Federal Register Notice Date: 03/22/91
Property Number: 219014828
Status: Unutilized
Base Closure: No
Comment: 244 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 25
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014829
Status: Unutilized
Base Closure: No
Comment: 1320 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—fire house.

Bldg. 10
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014830
Status: Unutilized
Base Closure: No
Comment: 354 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 26
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014831
Status: Unutilized
Base Closure: No
Comment: 3518 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 21
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014832
Status: Unutilized
Base Closure: No
Comment: 65 sq. ft.; wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—guard house.

Bldg. 22
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014833
Status: Unutilized
Base Closure: No
Comment: 50581 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Bldg. 27
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014834
Status: Unutilized
Base Closure: No
Comment: 228 sq. ft.; 2 story wood and metal frame; subject to sewer pipeline easement; needs rehab; most recent use—control tower.

Bldg. 32
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014835
Status: Unutilized
Base Closure: No
Comment: 19546 sq. ft.; 1 story wood and metal frame; subject to sewer pipeline easement; needs rehab.

Virginia

Suitable Buildings (by Agency)

Army

Bldg. T–12054
U.S. Army Logistics Center and Fort Lee
Logistics Circle
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030328
Status: Unutilized
Base Closure: No
Comment: 4095 sq. ft.; 1 story sheet metal; needs rehab; presence of asbestos; off-site use only.

Bldg. T–8504
U.S. Army Logistics Center and Fort Lee

28th Street
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030329
Status: Unutilized
Base Closure: No
Comment: 2250 sq. ft.; 1 story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T–8132
U.S. Army Logistics Center and Fort Lee
Corps Road
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030330
Status: Unutilized
Base Closure: No
Comment: 1915 sq. ft.; 1 story wood frame; needs rehab; off-site use only.

Bldg. T–6016
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030331
Status: Unutilized
Base Closure: No
Comment: 10520 sq. ft.; 2 story wood frame; needs rehab; off-site use only.

Bldgs. T–2016—T–2020
U.S. Army Logistics Center and Fort Lee
Fort Lee, VA 23801
Federal Register Notice Date: 03/22/91
Property Numbers: 219030332–219030336
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft. each; 2 story vinyl siding/wood; needs rehab; offsite use only.

Bldg. T–1418
U.S. Army Logistics Center and Fort Lee
"A" Avenue
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030367
Status: Unutilized
Base Closure: No
Comment: 3100 sq. ft.; 1 story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T–1515
U.S. Army Logistics Center and Fort Lee
"A" Avenue
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030368
Status: Unutilized
Base Closure: No
Comment: 2850 sq. ft.; 1 story wood frame; needs rehab; presence of asbestos; off-site use only.

Bldg. T–2011
U.S. Army Logistics Center and Fort Lee
"A" Avenue and 6th Street
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030369
Status: Unutilized
Base Closure: No
Comment: 2850 sq. ft.; 1 story wood frame; needs rehab; off-site use only.

Bldg. T–2012
U.S. Army Logistics Center and Fort Lee
"A" Avenue
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030370
Status: Unutilized
Base Closure: No
Comment: 2850 sq. ft.; 1 story wood frame; needs rehab; off-site use only.

Bldg. T–2021
U.S. Army Logistics Center and Fort Lee
"B" Avenue
Fort Lee, VA 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219030371
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame; needs rehab; possible asbestos; off-site use only.

Bldg. 1932
Fort Belvoir
Goethals Road
Fort Belvoir, VA, Co: Fairfax 22060–
Federal Register Notice Date: 03/22/91
Property Number: 219012310
Status: Unutilized
Base Closure: No
Comment: 13780 sq. ft.; 2 floors; most recent use—storage; All utilities have been removed; needs rehab.

Bldg. 227
Fort Belvoir
OPS General Purpose Building
Fort Belvoir, VA, Co: Fairfax 22401–
Location: Off of Middleton Road
Federal Register Notice Date: 03/22/91
Property Number: 219012313
Status: Unutilized
Base Closure: No
Comment: 900 sq. ft.; one floor; concrete foundation with wood walls; utilities disconnected.

Bldg. 2222
Fort Belvoir
Fort Belvoir, VA, Co: Fairfax 22060–
Location: West of Foster Road
Federal Register Notice Date: 03/22/91
Property Number: 219012315
Status: Unutilized
Base Closure: No
Comment: 3800 sq. ft. per floor; 2 floors; concrete foundation/frame building; no utilities.

Bldg. 1932
Fort Belvoir
Goethals Road
Fort Belvoir, VA, Co: Fairfax 22060–
Federal Register Notice Date: 03/22/91
Property Number: 219012318
Status: Unutilized
Base Closure: No
Comment: 6890 sq. ft. per floor; two floors; frame on concrete foundation; possible asbestos; utilities disconnected; quarters.

Bldg. 227
Fort Belvoir
OPS General Purpose
Fort Belvoir, VA, Co: Fairfax 22060–
Location: Off Middleton Road
Federal Register Notice Date: 03/22/91
Property Number: 219012555
Status: Unutilized
Base Closure: No
Comment: 900 sq ft., 1 floor, most recent use-administration, needs major construction/ rehab.

Bldg. 2222
Fort Belvoir Military Reservation
West of Foster Road
Fort Belvoir, VA, Co: Fairfax 22060–
Federal Register Notice Date: 03/22/91
Property Number: 219013767
Status: Unutilized
Base Closure: No
Comment: 3800 sq. ft.; 2 story concrete and wood; possible asbestos; most recent use—storage.

Bldg. T–2015
Fort Lee
7th St. U.S. Army Logistics Center
Fort Lee, VA, Co: Lee 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219014939
Status: Unutilized
Base Closure: No
Comment: 4720 sq. ft.; 2 story wood frame with vinyl siding; needs rehab; off-site use only.

Bldgs. T413–T415, T418, T421–T423, T426–T428, T431–T433, T441–T443, T446–T448, T1724, T1726–T1727, T1876–T1877
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010006–219010029
Status: Unutilized
Base Closure: No
Comment: 4292 sq. ft. each; Selected periods are reserved for military/ training exercises.

Bldgs. T2213, T2413–T2415, T2418–T2424, T2427–T2430, T2437–T2439, T2442–T2448, T2451–T2453, T2615–T2616
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010030–219010059
Status: Unutilized
Base Closure: No
Comment: 4292 sq. ft. each; selected periods are reserved for military/ training exercises.

Bldgs. T1363, T1364, T2208, T2209, T1349–T1351, T1354, T1355, T3042–T3048, T3051–T3054
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010060–219010079
Status: Unutilized
Base Closure: No
Comment: 4292 sq. ft. each; selected periods are reserved for military/ training exercises.

Bldgs. T435–T438, T440, T1718, T2226, T1662, T2411, T2412, T2431. T2433, T2434, T2455–T2457, T2612–T2614, T2633, T2635, T2636, T2638, T2657. T2659
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010080–219010104
Status: Unutilized
Base Closure: No
Comment: 2900 sq. ft. each; selected periods are reserved for military/ training exercises.

Bldgs. 1676, 1677
Fort Pickett
Blackstone, VA, Co: Nottoway 23930–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010971, 219010973

Status: Underutilized
Base Closure: No
Comment: 3300 sq. ft. each; Selected periods reserved for military/ training exercises; most recent use—Hdqts. Bldg.

Bldgs. 1663, 1664, T2617, T2620—T2626, T2629, T2630
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010972, 219010976, 219010979, 219010984, 219010987, 219010990, 219010993, 219010995, 219010998, 21901000, 219011003, 219010982
Status: Underutilized
Base Closure: No
Comment: 4292 sq ft each; selected periods are reserved for military/training exercises, most recent use-barracks.

Bldgs. 1666, 1687, 1696
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010974, 219010975, 219010977
Status: Underutilized
Base Closure: No
Comment: 1300 sq. ft. each; selected periods are reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldg. 1667
Fort Pickett
Blackstone, VA, Co: Nottoway 23930–
Federal Register Notice Date: 03/22/91
Property Number: 219010978
Status: Underutilized
Base Closure: No
Comment: 11000 sq. ft.; most recent use—mess hall; selected periods are reserved for military/training exercises.

Bldg. 1686
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010980
Status: Underutilized
Base Closure: No
Comment: 11000 sq. ft.; most recent use—mess hall; selected periods are reserved for military/training exercises.

Bldg. 1690
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010981
Status: Underutilized
Base Closure: No
Comment: 2300 sq. ft.; selected periods are reserved for military/training exercises; most recent use—storage.

Bldg. 2810
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010983
Status: Underutilized
Base Closure: No
Comment: 3500 sq. ft.; most recent use—recreation; selected periods are reserved for military/training exercises.

Bldg. 2609
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010985
Status: Underutilized
Base Closure: No
Comment: 1200 sq. ft.; most recent use—recreation; selected periods are reserved for military/training exercises.

Bldg. 2601
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010986
Status: Underutilized
Base Closure: No
Comment: 1200 sq. ft.; most recent use—recreation; selected periods are reserved for military/training exercises.

Bldg. 2602
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010988
Status: Underutilized
Base Closure: No
Comment: 2200 sq. ft.; most recent use—Recreation Bldg; selected periods are reserved for military/training exercises.

Bldg. 2808
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010989
Status: Underutilized
Base Closure: No
Comment: 2200 sq. ft.; most recent use—Recreation Bldg.; selected periods are reserved for military/training exercises.

Bldg. 1315
Fort Pickett
Blackstone, VA, Co: Nottoway 23930–
Federal Register Notice Date: 03/22/91
Property Number: 219010991
Status: Underutilized
Base Closure: No
Comment: 4038 sq. ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. 1316
Fort Pickett
Blackstone, VA, Co: Nottoway 23930–
Federal Register Notice Date: 03/22/91
Property Number: 219010992
Status: Underutilized
Base Closure: No
Comment: 4038 sq. ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. T1348
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219010994
Status: Underutilized
Base Closure: No
Comment: 2256 sq.ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. T1365
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219010996
Status: Underutilized
Base Closure: No
Comment: 2256 sq. ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. 1309
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219010997
Status: Underutilized
Base Closure: No
Comment: 2256 sq. ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. 2610
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219010999
Status: Underutilized
Base Closure: No
Comment: 2256 sq. ft.; most recent use—housing; selected periods are reserved for military/training exercises.

Bldg. T3055
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219011001
Status: Underutilized
Base Closure: No
Comment: 2307 sq. ft.; most recent use—recreation facility; selected periods are reserved for military/training exercises.

Bldgs. T1367, T1886–T1887, 2205, 2207, 2227–2228, 2811, 2832, 2834–2835, 2837, 2856, 3016–3017, 3031–3036, 3057
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Numbers: 219011002, 219011004–219011009, 219011011, 219011013, 219011015, 219011016, 219011018, 219011019, 219011021, 219011022, 219011024–219011031
Status: Underutilized
Base Closure: No
Comment: 2900 sq. ft. each; selected periods reserved for military/ training exercises; most recent use—recreation/adm.

Bldgs. T2631, T2632, T2639–T2641, 2644–2648, 2650, 2814, 2815, T2852–T2855
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Numbers: 219011010, 219011012, 219011014, 219011017, 219011020, 219011023, 219011027, 219011032, 219011033–219011036, 219011038, 219011040, 219011043, 219011046, 219011047
Status: Underutilized
Base Closure: No
Comment: 4292 sq ft each; selected periods are reserved for military training exercise; most recent use barracks.

Bldgs. 1662, 1665, 1688, 1689, 1691
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Numbers: 219011037, 219011039, 219011041, 219011042, 219011044
Status: Underutilized
Base Closure: No
Comment: 2500 sq. ft. each; selected periods reserved for military/training exercises; most recent use—Hdqts. Bldg.

Bldgs. 2402, 2869, T2410, 3002, 3005
Fort Pickett
Blackstone, VA, Co: Nottoway 23930

Federal Register Notice Date: 03/22/91
Property Numbers: 219011045, 219011048, 219011049, 219011051, 219011052
Status: Underutilized
Base Closure: No
Comment: 1176 sq. ft. each; selected periods of time reserved for military training exercises; most recent use—Hdqts. Bldgs.

Bldgs. 1897, 2229, 2238, 2239, 2373, 2462, 2463, 2671, 2672, 2673, 2864, 2865, 3061–3063
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Numbers: 219011050, 219011053, 219011054–219011059, 219011061–219011063, 219011066, 219011069, 219011072, 219011075
Status: Underutilized
Base Closure: No
Comment: 2761 sq ft each; most recent use-veh. maint. shop; selected periods are reserved for military/training exercises.

Bldg. T412
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219011060
Status: Underutilized
Base Closure: No
Comment: 2900 sq. ft.; most recent use—dining facility; selected periods are reserved for military/training exercises.

Bldgs. T424, T425, T434, T444–T445, T1880, 2416, T2425, T2426, 2440, 2441, 2449, 2450, 2618, 2619, 2627, 2628, 2642, 2643, 2652
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Numbers: 219011064, 219011065, 219011067, 219011068, 219011070–219011071, 219011073–219011074, 219011076–219011077, 219011079–219011081, 219011083, 219011085, 219011086, 219011088, 219011089, 219011091, 219011093
Status: Underutilized
Base Closure: No
Comment: 2900 sq. ft. each; most recent use—dining facility; selected periods are reserved for military/training exercises.

Bldg. 1725
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219011078
Status: Underutilized
Base Closure: No
Comment: 2300 sq ft; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. 2608
Fort Pickett
Blackstone, VA, Co: Nottoway 23824
Federal Register Notice Date: 03/22/91
Property Number: 219011082
Status: Underutilized
Base Closure: No
Comment: 2300 sq ft; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. 2651
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219011084
Status: Underutilized
Base Closure: No
Comment: 2300 sq. ft; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. 2803
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219011087
Status: Underutilized
Base Closure: No
Comment: 2300 sq. ft; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. 2817
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219011090
Status: Underutilized
Base Closure: No
Comment: 2300 sq. ft; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. 1352
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219011092
Status: Underutilized
Base Closure: No
Comment: 3500 sq. ft; most recent-dining fac; selected periods are reserved for military/training exercises.

Bldg. 3026
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219011095
Status: Underutilized
Base Closure: No
Comment: 3500 sq. ft. most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldgs. 1357, 1358, 2211, 2220, 2221, 2826, 2827, 2841, 2842, 2850, 2851, 3010, 3012, 3025, 3040, 3041, 3049, 3050
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011096–219011103, 219011105, 219011107, 219011114, 219011118, 219011121, 219011140, 219011143, 219011145–219011147
Status: Underutilized
Base Closure: No,
Comment: 2900 sq. ft. each; most recent use-dining fac; selected periods are reserved for military/training exercises.

Bldg. T2850
Fort Pickett
Blackstone, VA, Co: Nottoway 23824–
Federal Register Notice Date: 03/22/91
Property Number: 219012797
Status: Underutilized
Base Closure: No
Comment: 2900 sq. ft.; 1 story; selected periods are reserved for military/training exercises.

Bldg. T-6015
U.S. Army Logistics Center & Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219012371
Status: Unutilized
Base Closure: No
Comment: 5260 sq. ft., 2 floors, no utilities, friable asbestos, confined to mechanical room, needs rehab, off-site use only.

Bldg. T-6018
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George 23801–
Federal Register Notice Date: 03/22/91
Property Number: 219012396
Status: Unutilized
Base Closure: No
Comment: 1575 sq. ft., 1 floor, no utilities, possible asbestos, needs rehab, off site use only.

Bldg. T-8018
U.S. Army Logistics Center and Fort Lee
Lee Avenue
Fort Lee, VA, Co: Prince George 23801
Federal Register Notice Date: 03/22/91
Property Number: 219012399
Status: Unutilized
Base Closure: No
Comment: 15275 sq. ft., 2 floors, no utilities, possible asbestos, needs rehab, off site use only.

Washington

Suitable Buildings (by Agency)

Army

Bldg. 875
East 10th Street & Cabell Road
Vancouver Barracks
Vancouver, WA, Co: Clark 98661–3896
Federal Register Notice Date: 03/22/91
Property Number: 219011616
Status: Excess
Base Closure: No
Comment: 13,695 sq. ft., 2 story wood frame, extensive fire damage,
Historic property.

Bldg. 701
SE, Corner, McClelland & McLoughlin Road
Vancouver Barracks
Vancouver, WA, Co: Clark 98661–3896
Federal Register Notice Date: 03/22/91
Property Number: 219011628
Status: Unutilized
Base Closure: No.
Comment: 1 story wood frame, needs extensive repairs, Historic property.

Wisconsin

Suitable Buildings (by Agency)

Army Bldg. T-1058

Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013435
Status: Unutilized
Base Closure: No
Comment: 4829 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10122
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013436

Status: Unutilized
Base Closure: No
Comment: 1900 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10123
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013437
Status: Unutilized
Base Closure: No
Comment: 2405 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T 10135
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013438
Status: Unutilized
Base Closure: No
Comment: 97 sq. ft.; 1 story wood frame; possible asbestos; hospital/ patient ward buildings; most recent use—power plant.

Bldg. T-10136
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013439
Status: Unutilized
Base Closure: No
Comment: 96 sq. ft.; 1 story wood frame; possible asbestos; hospital/ patient ward buildings; most recent use—power plant.

Bldg. T-10127
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013440
Status: Unutilized
Base Closure: No
Comment: 1148 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P-10119
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013441
Status: Unutilized
Base Closure: No
Comment: 215 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. P-10137
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013442
Status: Unutilized
Base Closure: No
Comment: 192 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—power plant.

Bldgs. T-01088—T01097, T-01014
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013444-219013449, 219013452-219013455, 219013457
Status: Unutilized
Base Closure: No
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10118
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013450
Status: Unutilized
Base Closure: No
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T 10120
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register. Notice Date: 03/22/91
Property Number 219013451
Status: Unutilized
Base Closure: No
Comment: 1250 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10113
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013456
Status: Unutilized
Base Closure: No
Comment: 2393 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10121
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013458
Status: Unutilized
Base Closure: No
Comment: 506 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T-10100—T-10103, T-10105, T-10107, T-10108
Fort McCoy
Army Hospital, Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013459-219013462, 219013463, 219013465, 5219013466
Status: Unutilized
Base Closure: No
Comment: 3944 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10106
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013464
Status: Unutilized
Base Closure: No
Comment: 4105 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10124
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013467
Status: Unutilized
Base Closure: No
Comment: 3115 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T-10125, T-10126
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013468, 219013469
Status: Unutilized
Base Closure: No
Comment: 3590 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-10110
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013470
Status: Unutilized
Base Closure: No
Comment: 2548 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—vehicle storage.

Bldgs. T-01027—T-01030, T-01035—T01040, T-01044, T-01046—T-01053, T-01059, T-01063
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013471-219013480, 219013483, 219013485-219013492, 219013493, 219013497
Status: Unutilized
Base Closure: No
Comment: 4829 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01042
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013481
Status: Unutilized
Base Closure: No
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01043
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013482
Status: Unutilized
Base Closure: No
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01045
Fort McCoy
Army Hospital Complex

Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013484
Status: Unutilized
Base Closure: No
Comment: 4686 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01060—T–01062
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013494–219013496
Status: Unutilized
Base Closure: No
Comment: 4686 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01065—T–01067
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013498–219013500
Status: Unutilized
Base Closure: No
Comment: 4793 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01068
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013501
Status: Unutilized
Base Closure: No
Comment: 4848 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01069, T–01034, T–01041, T–01057, T–01071—T–01080, T–01082—T–01084
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013502, 219013504, 219013505, 219013519, 219013521–219013530, 219013531–219013533
Status: Unutilized
Base Closure: No
Comment: 4829 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01032
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013503
Status: Unutilized
Base Closure: No
Comment: 5588 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01054
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013506
Status: Unutilized
Base Closure: No
Comment: 4184 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01033
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013507
Status: Unutilized
Base Closure: No,
Comment: 5241 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10112
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013508
Status: Unutilized
Base Closure: No
Comment: 1273 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—morgue.

Bldg. T–01031
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013509
Status: Unutilized
Base Closure: No
Comment: 4813 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01002
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013510
Status: Unutilized
Base Closure: No
Comment: 2573 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01010
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013511
Status: Unutilized
Base Closure: No
Comment: 8799 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–10109
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013512
Status: Unutilized
Base Closure: No
Comment: 2000 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01098
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013513
Status: Unutilized
Base Closure: No
Comment: 7133 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01099
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013514
Status: Unutilized
Base Closure: No
Comment: 3294 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01022–T–01025, T–01064, T–01085, T–01086
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013515–219013518, 219013520, 219013534, 219013535
Status: Unutilized
Base Closure: No
Comment: 4686 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01003
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013536
Status: Unutilized
Base Closure: No
Comment: 3366 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01001
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013537
Status: Unutilized
Base Closure: No
Comment: 3350 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01005
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013538
Status: Unutilized
Base Closure: No
Comment: 3253 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T–01020
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656–5000
Federal Register Notice Date: 03/22/91
Property Number: 219013539
Status: Unutilized
Base Closure: No
Comment: 4150 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T–01070, T–01081

Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013540-219013541
Status: Unutilized
Base Closure: No
Comment: 7133 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldgs. T-01006, T-01007, T-01009, T-01012, T-01013, T-01015—T-01018
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013542-219013544, 219013546-219013551
Status: Unutilized
Base Closure: No
Comment: 5295 sq. ft. each; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01011
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013545
Status: Unutilized
Base Closure: No
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01021
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013552
Status: Unutilized
Base Closure: No
Comment: 4236 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01004
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013553
Status: Unutilized
Base Closure: No
Comment: 2815 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01019
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013554
Status: Unutilized
Base Closure: No
Comment: 2815 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01056
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013555
Status: Unutilized
Base Closure: No
Comment: 15657 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Bldg. T-01000
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013556
Status: Unutilized
Base Closure: No
Comment: 3376 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings; most recent use—fire station.

Bldg. T-01055
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54646-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013557
Status: Unutilized
Base Closure: No
Comment: 5471 sq. ft.; 1 story wood frame; possible asbestos; hospital/patient ward buildings.

Suitable/Unavailable

Arkansas

Suitable Buildings (by Agency)

Army

S.W. Terry USAR Center
3600 South Pierce Street
Little Rock, AR, Co: Pulaski 72204
Federal Register Notice Date: 03/22/91
Property Number: 219014785
Status: Unutilized
Base Closure: No
Comment: 22350 sq. ft.; 1 story plus mezzanine; masonry frame; possible asbestos in boiler room.

U.S. Army Garrison
Fort Chaffee
4093 11th Avenue
Ft. Chaffee, AR, Co: Sebastian 72905
Federal Register Notice Date: 03/22/91
Property Number: 219014607
Status: Unutilized
Base Closure: No
Comment: 3045 sq. ft.; 1 story wood frame; possible asbestos; needs major rehab; potential utilities.

Arizona

Suitable Buildings (by Agency)

Army

Bldg. S-105
Yuma Proving Ground
Yuma, AZ, Co: Yuma/La Paz 85365-9102
Location: Main Administrative Area—Between A and C streets, north of 2nd street.
Federal Register Notice Date: 03/22/91
Property Number: 219013959
Status: Underutilized
Base Closure: No
Comment: 8910 sq. ft.; 1 story metal frame; possible asbestos; most recent use—storage.

California

Suitable Buildings (by Agency)

Army

Bldg. 226
Parks Reserve Forces Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Number: 219013010
Status: Unutilized
Base Closure: No
Comment: 11500 sq. ft.; 3 story temporary wood; extensive asbestos present; most recent use—barracks.

Bldg. 939
Parks Reserve Forces
Training Area
Dublin, CA, Co: Alameda 94129-
Federal Register Notice Date: 03/22/91
Property Number: 219030292
Status: Unutilized
Base Closure: No
Comment: 11300 sq. ft.; 1 story wood frame; needs major rehab; extensive asbestos present.

P-33 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010723
Status: Unutilized
Base Closure: No
Comment: 4132 sq. ft.; 1 floor; most recent use—storage.

T-88 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010768
Status: Unutilized
Base Closure: Yes
Comment: 1049 sq. ft.; 1 story; possible asbestos.

Bldg. T-220
Artillery Street
Presidio of Monterey, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219014784
Status: Unutilized
Base Closure: No
Comment: 3343 sq. ft.; 2 story wood frame; most recent use—bowling center.

Georgia

Suitable Buildings (by Agency)

Army

Bldg. 5325
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219010140
Status: Unutilized
Base Closure: No
Comment: 2124 sq. ft.; most recent use—barracks; needs rehab.

Bldg. 386
Fort Benning
Fort Benning, GA, Co: Muscogee 31905-
Federal Register Notice Date: 03/22/91
Property Number: 219011699
Status: Unutilized
Base Closure: No
Comment: 367 sq. ft.; most recent use—gas station; needs rehabilitation; 1 floor.

Kentucky

Suitable Buildings (by Agency)

Army

Bldg. 2945, 3165, 3111, 3113
Fort Campbell
Fort Campbell, KY, Co: Christian 42223–
Federal Register Notice Date: 03/22/91
Property Number: 219012543, 219013221, 219013230, 219013231
Status: Underutilized
Base Closure: No
Comment: 4248 sq. ft.; 2 story; selected periods are reserved for military/training exercises; possible asbestos.

Bldg. 144, 145
Ft. Campbell
Ft. Campbell, KY, Co: Christian 42223–
Federal Register Notice Date: 03/22/91
Property Number: 219013140, 219013141
Status: Underutilized
Base Closure: No
Comment: 12576 sq. ft.; 2 story; possible asbestos; most recent use—basic training central issue facility.

Bldg. 3149, 3143, 3142, 3141
Ft. Campbell
Ft. Campbell, KY, Co: Christian 42223–
Federal Register Notice Date: 03/22/91
Property Number: 219013222, 219013224–219013226
Status: Underutilized
Base Closure: No
Comment: 2200 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.

Bldg. 3135, 2733, 3132, 3133
Ft. Campbell
Ft. Campbell, KY, Co: Christian 42223–
Federal Register Notice Date: 03/22/91
Property Number: 219013227, 219013229, 219013233, 219013234
Status: Underutilized
Base Closure: No
Comment: 1760 sq. ft.; 1 story; possible asbestos; selected periods used for military/training exercises.

Bldg. 3134
Ft. Campbell
Ft. Campbell, KY, Co: Christian 42223–
Federal Register Notice Date: 03/22/91
Property Number: 219013228
Status: Underutilized
Base Closure: No
Comment: 1880 sq. ft.; 1 story; possible asbestos; selected periods used for military/training.

Louisiana

Suitable Buildings (by Agency)

Army

Bldg. 8323
12th Street
Fort Polk, LA, Co: Vernon 71459–5000
Federal Register Notice Date: 03/22/91
Property Number: 219012730
Status: Underutilized
Base Closure: No
Comment: 4015 sq. ft.; temporary wood frame; most recent use—motor pool maintenance shop.

Massachusetts

Suitable Buildings (by Agency)

Army

Bldg. T–209
Fort Devens
Fort Devens, MA 01433–
Federal Register Notice Date: 03/22/91
Property Number: 219030265
Status: Underutilized
Base Closure: No
Comment: 4070 sq. ft.; 2 story wood frame; needs rehab; most recent use—barracks.

Bldg. T–206
Fort Devens
Fort Devens, MA, Co: Middlesex/Worcester 01433–
Federal Register Notice Date: 03/22/91
Property Number: 219012345
Status: Underutilized
Base Closure: No
Comment: 1000 sq. ft., 1 story, wood, most recent use-day room.

Maryland

Suitable Buildings (by Agency)

Army

Bldg. 2296
Fort George G. Meade
4th Street
Fort Meade, MD, Co: Anne Arundel 20755–5115–
Federal Register Notice Date: 03/22/91
Property Number: 219013847
Status: Unutilized
Base Closure: No
Comment: 2740 sq. ft.; 1 story wood frame; needs rehab; possible asbestos; secured area with alternate access; most recent use—storage.

New Jersey

Suitable Buildings (by Agency)

Army

Bldg. 3315–B, 3316–C, 3329–C, 3329–E, 3346–C, 3349–B, 3349–C, 3350–B, 3350–E, 3350–G, 3356–A, 3356–B, 3356–C, 3356–D
Nelson Family Housing
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030194, 219030198, 219030206, 219030207, 219030223, 219030227, 219030228, 219030230, 219030231, 219030232, 219030235–219030238
Status: Unutilized
Base Closure: No
Comment: 879 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3315–C, 3349–E, 3351–C, 3351–D, 3356–E
Nelson Family Housing
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030195, 219030229, 219030233, 219030234 219030239
Status: Unutilized
Base Closure: No
Comment: 595 sq. ft.; 1 story residence; structurally deteriorated; possible asbestos.

Bldg. 3316–A, 3316–B, 3317–A, 3322–C, 3319–C, 3323–A, 3323–B, 3332–A, 3332–B, 3333–E, 3336–F, 3336–E, 3338–B, 3339–A, 3340–A, 3342–A, 3342–B, 3342–C, 3342–D, 3342–E, 3345–A, 3348–A, 3348–C, 3348–B
Nelson Family Housing
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030196, 219030197, 219030199, 219030201, 219030202–219030204, 219030208–219030220, 219030222, 219030224, 219030226, 219030225
Status: Unutilized
Base Closure: No
Comment: 975 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3318–A
Nelson Family Housing
Singer Road
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030200
Status: Unutilized
Base Closure: No
Comment: 1267 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3325–A
Nelson Family Housing
Singer Road
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030205
Status: Unutilized
Base Closure: No
Comment: 1267 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3344–B
Nelson Family Housing
Flint Road
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030221
Status: Unutilized
Base Closure: No
Comment: 1267 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Bldg. 3357–C, 3357–D, 3357–E
Nelson Family Housing
Lexington Avenue
Fort Dix, NJ, Co: Burlington 08640–
Federal Register Notice Date: 03/22/91
Property Number: 219030240–219030242
Status: Unutilized
Base Closure: No
Comment: 875 sq. ft.; 2 story residence; structurally deteriorated; possible asbestos.

Oklahoma

Suitable Buildings (by Agency)

Army

Bldg. T–313
Fort Sill
313 Knox Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011235
Status: Unutilized
Base Closure: No
Comment: 1640 sq. ft.; wood frame; one floor; most recent use—storehouse

Bldg. T–2568
Fort Sill
2568 Currie Road
Lawton, OK, Co: Comanche 73503–5100
Federal Register Notice Date: 03/22/91
Property Number: 219011271
Status: Unutilized
Base Closure: No

Comment: 1205 sq. ft.; structurally unsound but capable of repair; wood frame; 1 floor;
Bldg. T-2611
Fort Sill
2611 Miner Road
Lawton, OK, Co: Comanche 73503-5100
Federal Register- Notice Date: 03/22/91
Property Number: 219011274
Status: Unutilized
Base Closure: No
Comment: 2361 sq. ft.; 2 floors, wood frame; most recent use—administrative.
Bldg. T-3548
Fort Sill
3548 Tacy Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011332
Status: Unutilized
Base Closure: No
Comment: 393 sq. ft.; structurally unsound; possible asbestos; one story wood frame.
Bldg. T-3776
Fort Sill
3776 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011341
Status: Unutilized
Base Closure: No
Comment: 1014 sq. ft.; structurally unsound, possible asbestos; one story wood frame.
Bldg. T-3777
Fort Sill
3777 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011342
Status: Unutilized
Base Closure: No
Comment: 1117 sq. ft.; structurally unsound, possible asbestos; one story wood frame.
Bldg. T-4540
Fort Sill
4540 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011387
Status: Unutilized
Base Closure: No
Comment:. 1905 sq. ft., possible asbestos, possible structural
deficiencies, one story wood frame.
Bldg. T-4544
Fort Sill
4544 Hartell Blvd.
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011396
Status: Unutilized
Base Closure: No
Comment: 782 sq. ft.; some utilities; possible asbestos; possible structural deficiencies; one story wood frame.
Bldg. T-4559
Fort Sill
4559 Blair Street
Lawton, OK, Co: Comanche 73503-5100
Federal Register Notice Date: 03/22/91
Property Number: 219011404
Status: Unutilized
Base Closure: No
Comment: 1557 sq. ft.; 1 story wood frame; no utilities

South Carolina

Suitable Buildings (by Agency)

Army

Bldg 5485
Marion Avenue
Fort Jackson, SC, Co: Richland
Federal Register Notice Date: 03/22/91
Property Number: 219013897
Status: Unutilized
Base Closure: No
Comment: 6303 sq. ft.; 1 story permanent structure; former heating plant; deteriorated condition.

Texas

Suitable Buildings (by Agency)

Army

Bldg. 2211
Fort Hood
Headquarters Avenue
Fort Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219013693
Status: Unutilized
Base Closure: No
Comment: 7239 sq. ft.; 2 story; potential utilities; needs major rehab; most recent use—guest house/storage.
Bldg. 2229
Fort Hood
Battalion Avenue
Fort Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219013698
Status: Unutilized
Base Closure: No
Comment: 3150 sq. ft.; 2 story; potential utilities; most recent use—administrative office.
Bldg. 2231
Fort Hood
Battalion Avenue
Fort Hood, TX, Co: Coryell 76544-
Federal Register Notice Date: 03/22/91
Property Number: 219013699
Status: Unutilized
Base Closure: No
Comment: 1998 sq. ft.; 1 story temporary frame; needs rehab.

Virginia

Suitable Buildings (by Agency)

Army

Bldg. 2809
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030271
Status: Underutilized
Base Closure: No
Comment: 3500 sq. ft.; selected periods are reserved for military/ training exercises; most recent use—recreation building.
Bldg. 2649
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030272
Status: Underutilized
Base Closure: No
Comment: 2900 sq. ft.; selected periods are reserved for military/ training exercises; most recent use—dining facility.
Bldg. 2212, 2417
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030279, 219030280
Status: Underutilized
Base Closure: No
Comment: 2256 sq. ft.; selected periods are reserved for military/ training exercises; most recent use—headquarters building.
Bldg. 1693-1695
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030281-219030283
Status: Underutilized
Base Closure: No
Comment: 6912 sq. ft.; selected periods are reserved for military/ training exercises; most recent use—barracks.
Bldg. T-3029, 3030, T-3037-T-3039
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030284-219030288
Status: Underutilized
Base Closure: No
Comment: 4292 sq. ft.; selected periods are reserved for military/training exercises; most recent use—barracks.
Bldg. 1356, 1360-1362, 1668-1675, 1678-1685
Fort Pickett
Blackstone, VA, Co: Nottoway 23824-
Federal Register Notice Date: 03/22/91
Property Number: 219030295-219030314
Status: Underutilized
Base Closure: No
Comment: 11000 sq. ft.; selected periods are reserved for military/ training exercises; most recent use—mess hall.
Bldg. T-6024-T-6026
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George 23801-
Federal Register Notice Date: 03/22/91
Property Number: 219012377, 219012380, 219012384
Status: Unutilized
Base Closure: No
Comment: 5260 sq ft., no utilities, friable asbestos confined to mechanical room, needs rehab, off site use only.
Bldg. T-6011
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George 23801-
Federal Register Notice Date: 03/22/91
Property Number: 219012387
Status: Unutilized
Base Closure: No.
Comment: 2550 sq ft., 1 floor, no utilities, possible asbestos, needs rehab, off site use only.
Bldg. T-6012
U.S. Army Logistics Center and Fort Lee
Shop Road
Fort Lee, VA, Co: Prince George 23801-
Federal Register Notice Date: 03/22/91
Property Number: 219012390
Status: Unutilized
Base Closure: No
Comment: 1500 sq ft., 1 floor, no utilities, needs rehab, off site use only.

Alaska

UNSUITABLE PROPERTIES

Unsuitable Land (by Agency)

Army

Eklutna Mountain & Glacier
Training Site
Anchorage 99505–
Fort Richardson, AK, Co:
Location: 18 miles from Fort Richardson
Federal Register Notice Date: 03/22/91
Property Number: 219014788
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Unexploded ordnance.

Davis Range
Fort Richardson
Fort Richardson, AK, Co: Anchorage 99505–
Location: SW Portion of Installation
Federal Register Notice Date: 03/22/91
Property Number: 219030267
Status: Underutilized
Base Closure: No
Reason: Secured area.

Unsuitable Buildings (by Agency)

Bldg. 603
Fort Richardson
Fort Richardson, AK, Co: Anchorage 99505–
Federal Register Notice Date: 03/22/91
Property Number: 219014289
Status: Excess
Base Closure: No
Reason: Secured area.

Unsuitable Land (by Agency)

Dike Range
Fort Wainwright
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: 14 miles south of Fairbanks
Federal Register Notice Date: 03/22/91
Property Number: 219014684
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material, Floodway.

Unsuitable Buildings (by Agency)

Bldg. 4006
Fort Wainwright
6th Infantry Division
Fort Wainwright, AK, Co: Fairbanks
Federal Register Notice Date: 03/22/91
Property Number: 219013778
Status: Excess
Base Closure: No
Reason: Secured area.

Bldg. 3705
Fort Wainwright Army Garrison
6th Infantry Division
Fort Wainwright, AK, Co: Fairbanks
Federal Register Notice Date: 03/22/91
Property Number: 219013780
Status: Excess
Base Closure: No
Reason: Secured area.

Bldg. P01024
MARS Station
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: Located on North Post; West of 102nd Street and North of Apple Street.
Federal Register Notice Date: 03/22/91
Property Number: 219014685
Status: Unutilized
Base Closure: No
Reason: Floodway.

Bldg. 1188
Sentry Station
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: Located at Traitor Gate Entrance
Federal Register Notice Date: 03/22/91
Property Number: 219014686
Status: Unutilized
Base Closure: No
Reason: Floodway.

Bldg. 1514
Aircraft Direct Fueling Building
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: North of runway, South of Caffney Road
Federal Register Notice Date: 03/22/91
Property Number: 219014687
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area

Bldg. 1546
Aircraft Direct Fueling Building
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: North of runway, South of Gaffney Road and 102nd Street.
Federal Register Notice Date: 03/22/91
Property Number: 219014688
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material, Floodway.

Bldg. 1568
Water Pumping Station
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: Located on North Post.
Federal Register Notice Date: 03/22/91
Property Number: 219014689
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material, Floodway.

Bldg. 2050
Sentry Station
Fort Wainwright, AK, Co: Fairbanks 99703–
Federal Register Notice Date: 03/22/91
Property Number: 219014690
Status: Unutilized
Base Closure: No
Reason: Floodway.

Bldg. 1066, Housing
Officers Military
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: North of Apple Street and West of 100th Street.
Federal Register Notice Date: 03/22/91
Property Number: 219014691
Status: Underutilized
Base Closure: No
.Reason: Floodway.

Bldg. 1062
Officer's Military Housing
Fort Wainwright, AK, Co: Fairbanks 99703–
Location: North of Apple Street and West of 100th Street.
Federal Register Notice Date: 03/22/91
Property Number: 219014692
Status: Underutilized
Base Closure: No
Reason: Floodway.

Alabama

Unsuitable Buildings (by Agency)

Army

82 Bldgs.
Redstone Arsenal
Redstone Arsenal, AL, Co: Madison 35898–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014000–219014066, 219014068–219014080, 219014291, 219014292
Status: Unutilized
Base Closure: No
Reason: Secured Area.

Arkansas

Unsuitable Buildings (by Agency)

Army

Fort Smith USAR Center
Fort Smith
1218 South A Street
Fort Smith, AR, Co: Sebastian 72901–
Federal Register Notice Date: 03/22/91
Property Number: 219014928
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

Arizona

Unsuitable Buildings (by Agency)

Army

34 Bldgs.
Navajo Depot Activity
Bellemont, AZ, Co: Coconino 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40
Federal Register Notice Date: 03/22/91
Property Numbers: 219014560–219014591, 219030273, 219030274
Status: Underutilized
Base Closure: No
Reason: Secured area.

10 properties: 753 earth covered igloos; above ground standard
magazine
Navajo Depot Activity
Bellemont, AZ, Co: Coconino 86015–
Location: 12 miles west of Flagstaff, Arizona on I–40.
Federal Register Notice Date: 03/22/91
Property Numbers: 219014592–219014601
Status: Underutilized
Base Closure: No
Reason: Secured area.

53 Bldgs.
Yuma Proving Ground
Yuma, AZ, Co: Yuma & La Paz 85365–9102
Federal Register Notice Date: 03/22/91
Property Numbers: 219013968, 219011729, 219011738, 219011741–219011745, 219013931–219013958, 219013962–219013964, 219013966–219013967, 219013969–219013980
Status: Unutilized
Base Closure: No
Reason: Secured area.

California

Unsuitable Buildings (by Agency)

Army

Bldgs. 590, 640 (West End), 640 (North Side), 790, 840
Oakland Army Base

Oakland, CA, Co: Alameda 94626-5000
Federal Register Notice Date: 03/22/91
Property Numbers: 219013902-219013906
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. S-554
Sierra Army Depot
Herlong, CA, Co: Lassen
Federal Register Notice Date: 03/22/91
Property Number: 219013573
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldgs. 587, 564, T480
Sierra Army Depot
Magazine Area
Herlong, CA, Co: Lassen 96113-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014695-219014697
Status: Unutilized
Base Closure: No
Reason: Secured area.

21 Bldgs.
Sierra Army Depot
Herlong, CA, Co: Lassen 96113-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014698—219014710, 219014713-219014717, 219014719-219014721
Status: Unutilized
Base Closure: No
Reason: Secured area.

39 Bldgs., Nos. 3001-3040
Wherry Housing, Title VIII
Sierra Army Depot
Herlong, CA, Co: Lassen 96113-Location: Intersection of Susanville Road and Flagler Blvd.
Federal Register Notice Date: 03/22/91
Property Numbers: 219030128-219030167
Status: Unutilized
Base Closure: No
Reason: Secured area.

P-12 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010722
Status: Unutilized
Base Closure: No
Reason: Within 2 000 ft. of flammable or explosive material.

16 Bldgs.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010724-219010727, 219010729-219010737, 219010739, 219010741, 219010744
Status: Underutilized
Base Closure: No
Reason: Secured area.
Some also within 2,000 ft. of flammable or explosive material.

T-1781 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010746
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Other environmental. Secured area.
Comment: friable asbestos.

T-8 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010747
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

T-1782 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010748
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Other environmental
Comment: Friable asbestos.

T-9 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010749
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

3 Bldgs., Nos. T-1783-T-1785
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010750, 219010752, 219010753
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Other environmental.
Comment: Friable asbestos.

T-10 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010754
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

T-1786 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010755
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Other environmental
Comment: Friable asbestos.

T-22 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010756
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Other environmental
Comment: Friable asbestos.

T-1801 Fort Ord
4th St. and 1st Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010757
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

T-23 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010758
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

T-1806 Fort Ord
4th St. 2nd Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010759
Status: Unutilized
Base Closure: No
Reason: Other environmental. Secured area.
Comment: Contains friable asbestos.

T-1807 Fort Ord
4th St. 2nd Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010760
Status: Unutilized
Base Closure: No
Reason: Other environmental. Secured area.
Comment: Contains friable asbestos.

T-26 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010761
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

3 Bldgs., Nos. T-1963, T-2056, T-2106
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010762-219010764
Status: Unutilized
Base Closure: No
Reason: Secured area.

T-27 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010765
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

7 Bldgs., Nos. T-2107-T-2109, T-2112-T-2115
7th St. between 1st and 2nd Ave.
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010766, 2190100767, 219010769-219010773
Status: Underutilized
Base Closure: No
Reason: Secured area.

T-135 Fort Ord
East Garrison
Fort Ord, CA, Co: Monterey 93940-
Federal Register Notice Date: 03/22/91
Property Number: 219010774
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

48 Bldgs.

Fort Ord, CA, Co: Monterey 93940–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010775–219010790, 219010792–219010806, 219010808–219010816, 219010818, 219010819, 219010821, 219010823, 219010824, 219010826, 219010828, 219010829
Status: Underutilized
Base Closure: No
Reason: Secured area.

4 Bldgs.
Fort Ord, CA, Co: Monterey 93940–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010791, 219010827, 219010830, 219010831
Status: Unutilized
Base Closure: No
Reason: Secured area.

5 Bldgs.
Fort Ord, CA, Co: Monterey 93940–
Federal Register Notice Date: 03/22/91
Property Numbers: 219010807, 219010817, 219010820, 219010822, 219010825
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

T–1787
Fort Ord, CA, Co: Monterey 97411–
Federal Register Notice Date: 03/22/91
Property Number: 219010921
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldgs. P–99, P–324
Fort Hunter Liggett
Jolon, CA, Co: Monterey 93944–
Federal Register Notice Date: 03/22/91
Property Numbers: 219012413, 219012420
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Latrines, detached structures.

Bldgs. P–177, P–178, P–325
Fort Hunter Liggett
Jolon, CA, Co: Monterey 93928–
Federal Register Notice Date: 03/22/91
Property Numbers: 219012414, 219012415, 219012600
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

Bldgs. T–323, T–322
Fort Hunter Liggett
Mission Road
Jolon, CA, Co: Monterey 93928–
Location: East of Airfield
Federal Register Notice Date: 03/22/91
Property Numbers: 219012601, 219012602
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.
Comment: Within 2,000 ft. of sewage facility.

7 Bldgs.
Fort Ord
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Numbers: 219013574–219013577, 219013579–219013581
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. T–2880
Fort Ord
13th Street and Corps Pl.
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013817
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

Bldg. T–2438
Fort Ord
11th Street and First Avenue.
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013818
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldg. T–2106
Fort Ord
Seventh Street between 1st and 2nd Avenue.
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013819
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldg. T–2404
Fort Ord
Tenth Street and First Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013820
Status: Underutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldg. T–2524
Fort Ord
Ninth Street and Second Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013821
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldg. T–1952
Fort Ord
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013822
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. T–2004
Fort Ord
6th Street
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013823
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. T–1705
Fort Ord
Third Street and First Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013824
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldg. T–2409
Fort Ord
Tenth Street and Second Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013825
Status: Underutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldg. T–2550
Fort Ord
Ninth Street and Third Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013826
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldg. T–2527
Fort Ord
Ninth Street and Third Avenue
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Number: 219013827
Status: Underutilized
Base Closure: No
Reason: Secured area.

11 Bldgs.
Fort Ord
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Numbers: 219013828–219013837, 219013840
Status: Unutilized
Base Closure: No
Reason: Secured area.

8 Bldgs.
Fort Ord
Fort Ord, CA, Co: Monterey
Federal Register Notice Date: 03/22/91
Property Numbers: 219013838, 219013839, 219014294–219014299
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

4 Bldgs.
Fort Ord
Fort Ord, CA, Co: Monterey 93941–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014300–219014303
Status: Underutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Bldg. S–184
Fort Hunter
POL Road
Fort Hunter Liggett, CA, Co: Monterey 93928–
Federal Register Notice Date: 03/22/91
Property Number: 219014946
Status: Underutilized
Base Closure: No
Reason: Secured area.

21 Bldgs.
Fort Ord
Fort Ord, CA, Co: Monterey 93941–5777
Federal Register Notice Date: 03/22/91
Property Numbers: 219030180–219030182, 219030346–219030360, 219030379–219030381
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. S-108
Sharpe Army Depot
Lathrop, CA, Co: San Joaquin 95331-
Location: Roth Road
Federal Register Notice Date: 03/22/91
Property Number: 219014290
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldgs. 173, 177, 197
Roth Road—Sharpe Army Depot
Lathrop, CA, Co: San Joaquin
Federal Register Notice Date: 03/22/91
Property Numbers: 219014940-219014942
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. 18
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank, CA, Co: Stanislaus 95367-
Federal Register Notice Date: 03/22/91
Property Number: 219012554
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

9 Bldgs., Nos. 2-8, 18, 156
Riverbank Army Ammunition Plant
5300 Claus Road
Riverbank, CA, Co: Stanislaus 95367-
Federal Register Notice Date: 03/22/91
Property Numbers: 219013582-219013590
Status: Underutilized
Base Closure: No
Reason: Secured area.

Colorado

Unsuitable Buildings (by Agency)

Army

14 Bldgs.
Fort Carson
Colorado Springs, CO, Co: El Paso 80913-5023
Federal Register Notice Date: 03/22/91
Property Numbers: 219013591-219013604
Status: Unutilized
Base Closure: No
Reason: Secured area.

94 Bldgs.
Pueblo Army Depot
Pueblo, CO, Co: Pueblo 81001
Location: 514 miles East of Pueblo City on Highway 50
Federal Register Notice Date: 03/22/91
Property Numbers: 219012206, 219012209, 219012211, 219012212, 219012214, 219012216, 219012218, 219012220, 219012221, 219012223, 219012224, 219012226-219012228, 219012230-219012278, 219012280-219012303, 219012743-219012748, 5219014845
Status: Unutilized
Base Closure: No
Reason: Secured area.

Georgia

Unsuitable Buildings (by Agency)

Army

Railway Spur and Bridge
Fort Gillem
Forest Park, GA, Co: Clayton 30050-
Location: Located on Highway 42, Southeast
Federal Register Notice Date: 03/22/91
Property Number: 219014293
Status: Unutilized
Base Closure: No
Reason: Within airport runway clear zone.

Fort Stewart
Sewage Treatment Plant
Ft. Stewart, GA, Co: Hinesville 31314-
Federal Register Notice Date: 03/22/91
Property Number: 219013922
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Sewage treatment.

Unsuitable Land (by Agency)

Facility EH001
Fort Gordon
Augusta, GA, Co: Richmond 30905-
Location: Located at the Eisenhower Army Medical Center
Federal Register Notice Date: 03/22/91
Property Number: 219014786
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Heliport—concrete pad.

Unsuitable Buildings (by Agency)

Facility 12304
Fort Gordon
Augusta, GA, Co: Richmond 30905-
Location: Located off Lane Avenue
Federal Register Notice Date: 03/22/91
Property Number: 219014787
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Wheeled vehicle grease/inspection rack.

Hawaii

Unsuitable Buildings (by Agency)

Army

Bldgs. P-001, PN-05
Kahuku Training Area
Kahuku Training Area Access Road
Kahuku, HI, 96731-
Federal Register Notice Date: 03/22/91
Property Numbers: 2199030322-219030323
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldgs. T-2, T1A, T1B
Mokuleia Army Beach
End of Farrington Highway
Waialua, HI, 96791-
Federal Register Notice Date: 03/22/91
Property Numbers: 219030325-219030327
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive materials. Within airport runway clear zone.

P-88
Aliamanu Military Reservation
Honolulu, HI, Co: Honolulu 96818-
Location: Approximately 600 feet from Main Gate on Aliamanu Drive.
Federal Register Notice Date: 03/22/91
Property Number: 219030324
Status: Unutilized
Base Closure: No
Reason: Other environmental
Comment: Friable asbestos.

PU-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11
Schofield Barracks
Kolekole Pass Road
Wahiawa, HI, Co: Wahiawa 96786-
Federal Register Notice Date: 03/22/91
Property Numbers: 219014836-219014837
Status: Unutilized
Base Closure: No
Reason: Secured area.

TMK 1-6-8-8-11
Dillingham Military Reservation
Waialua, HI, Co: Wahiawa 96791-
Location: Property adjacent to 68-999 Farrington Highway
Federal Register Notice Date: 03/22/91
Property Number: 219014838
Status: Unutilized
Base Closure: No
Reason: Other environmental
Comment: Civil Defense—Tsunami Inundated area.

TMK 1-6-9-1-29
Dillingham Military Reservation
Wailua, HI, Co: Wahiawa 96791-
Location: In Quarry site.
Federal Register Notice Date: 03/22/91
Property Number: 219014839
Status: Unutilized
Base Closure: No
Reason: Secured area.

P-3384 East Range
Schofield Barracks
East Range Road
Wahiawa, HI, Co: Wahiawa 96786-
Federal Register Notice Date: 03/22/91
Property Number: 219030361
Status: Unutilized
Base Closure: No
Reason: Secured area.

Iowa

Unsuitable Buildings (by Agency)

Army

12 Bldgs.
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines 52638-
Federal Register Notice Date: 03/22/91
Property Numbers: 2199012603, 2919012605-219012607, 219012609, 219012611, 219012613, 219012615, 219012618, 219012620, 219012622, 219012624
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flamable or explosive material. Secured area.

33 Bldgs.
Iowa Army Ammunition Plant
Middletown, IA, Co: Des Moines
Federal Register Notice Date: 03/22/91
Property Numbers: 219013706-219013738
Status: Unutilized
Base Closure: No
Reason: Secured area.

Illinois

Unsuitable Land (by Agency)

Army

Homewood USAR Center
18760 S. Halsted Street
Homewood, IL, Co: Cook 60430-
Property Number: 219014067
Status: Underutilized
Base Closure: No
Reason: Secured area.

Unsuitable Buildings (by Agency)

Bldg. 725
Fort Sheridan
Highwood, IL, Co: Lake 6037-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013769
Status: Underutilized
Base Closure: No
Reason: secured area.

Bldg. 251
Rock Island Arsenal
Rock Island, IL, Co: Rock Isand 61299-5000
Federal Register Notice Date: 03/22/91
Property Number: 219012357
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Bldgs. 64-32
Joliet Army Ammunition Plant
Joliet, IL, Co: Will 60436-
Federal Register Notice Date: 03/22/91
Property Number: 219011774
Status: Unutilized
Base Closure: No
Reason: Secured area.

Unsuitable Land (by Agency)

Group 66A
Joliet, IL, Co: Will 60436-
Federal Register Notice Date: 03/22/91
Property Number: 219010414
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Parcels 1-6
Joliet Army Ammunition Plant
Joliet, IL, Co: Will 60436-
Property Numbers: 219012810, 219013796-219013800
Status: Excess
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Floodway.

Unsuitable Buildings (by Agency)

569 Bldgs.
Joliet Army Ammunition Plant
Joliet, IL, Co: Will 60436-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010153-219010317, 219010319-219010413, 219010415-219010439, 21901011750-219011773, 219011775-219011879, 219011881-219011908, 2190112331, 219013076-219013138, 219014722-219014781, 219030277, 219030278, 219040354
Status: Unutilized
Base Closure: No
Reason: Secured Area; many within 2000 ft. of flammable or explosive materials; some within floodway.

Indiana

Unsuitable Buildings (by Agency)

Army

117 Bldgs.
Indiana Army Ammunition Plant (INAAP)
Charlestown, IN, Co: Clark 47111-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010913-219010919, 219010925-219010926, 219010929-219010936, 219010952, 219010954-219010955, 219010957, 219010959-219010960, 219010962-219010964, 219010966-219010967, 219010969-219010970, 2190111449, 219011456-219010457, 219011459-219011464, 219013764, 219013848, 219014608-219014683, 219030315, 219011454, 219011648
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

6 Bldgs.
Indiana Army Ammunition Plant
Charlestown, IN, Co: Clark 47111-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010920, 219010924, 219010927, 219010928, 219014621, 219014652,
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. T-109
Fort Benjamin Harrison
Beaumont Road
Ft. Benjamin Harrison, IN, Co: Marion 47216-5450
Federal Register Notice Date: 03/22/91
Property Number: 219011648
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material.

Unsuitable Land (by Agency)

Newport Army Ammunition Plant
East of 14th St. & North of S. Blvd.
Newport, IN, Co: Vermillion 47966-
Federal Register Notice Date: 03/22/91
Property Number: 219012360
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Buildings (by Agency)

52 Bldgs.
Newport Army Ammunition Plant
Newport, IN, Co: Vermillion 47966-
Federal Register Notice Date: 03/22/91
Property Numbers: 219011584, 219011586, 219011587, 219011589-219011590, 219011592-219011627, 219011629-219011636, 219011638-219011641
Status: Unutilized
Base Closure: No
Reason: Secured area.

Kansas

Unsuitable Buildings (by Agency)

Army

324 Bldgs.
Sunflower Army Ammunition Plant
DeSoto, KS, Co: Johnson 66018-
Federal Register Notice Date: 03/22/91
Property Numbers: 2190140005, 2190140006, 2190140032-2190140353
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Floodway. Secured area.

25 Bldgs.
Sunflower Army Ammunition Plant
DeSoto, KS, Co: Johnson 66018-
Federal Register Notice Date: 03/22/91
Property Numbers: 2190140007-2190140031
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Floodway.

37 Bldgs.
Kansas Army Ammunition Plant
Parsons, KS, Co: Labette 67357-
Federal Register Notice Date: 03/22/91
Property Number: 219011909-219011945
Status: Unutilized
Base Closure: No
Reason: Secured area (most are within 2000 ft. of flammable or explosive material).

Kentucky

Unsuitable Buildings (by Agency)

Army

Spring House
Kentucky River Lock and Dam No. 1
Highway 320
Carrollton, KY, Co: Carroll 41008-
Federal Register Notice Date: 03/22/91
Property Number: 219040416
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Spring house

Bldg. 126
Lexington—Blue Grass Army Depot
Lexington, KY, Co: Fayette 40511-
Location: 12 miles northeast of Lexington, Kentucky.
Federal Register Notice Date: 03/22/91
Property Number: 219011661
Status: Unutilized
Base Closure: No
Reason: Other. Secured area
Comment: Sewage treatment facility.

Bldg. 12
Lexington—Blue Grass Army Depot
Lexington, KY, Co: Fayette 40511-
Location: 12 miles northeast of Lexington, Kentucky.
Federal Register Notice Date: 03/22/91
Property Number: 219011663
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Industrial waste treatment plant.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort, KY, Co: Franklin 40601-9999
Federal Register Notice Date: 03/22/91
Property Number: 219040417
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Coal storage.

Building
Kentucky River Lock and Dam No. 4
1021 Kentucky Avenue
Frankfort, KY, Co: Franklin 40601-9999
Federal Register Notice Date: 03/22/91
Property Number: 219040418
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Coal storage.

Barn
Kentucky River Lock and Dam No. 3
Highway 561
Pleasureville, KY, Co: Henry 40057-

Federal Register Notice Date: 03/22/91
Property Number: 219040419
Status: Underutilized
Base Closure: No
Reason: Other
Comment: 110 year old barn with crumbled foundation.

Louisiana

Unsuitable Land (by Agency)

Army

Land
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster
Federal Register Notice Date: 03/22/91
Property Number: 219013923
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Barrow pit, predominately under water.

Unsuitable Buildings (by Agency)

38 Bldgs.
Louisiana Army Ammunition Plant
Doyline, LA, Co: Webster 71023–
Federal Register Notice Date: 03/22/91
Property Numbers: 219011668–219011670, 219011691, 219011695, 219011700, 219011713–219011724, 219011726, 219011728, 219011730–219011731, 219011733–219011737, 219012112, 219013571, 219013572, 219013862–219013869
Status: Unutilized
Base Closure: No
Reason: Secured area (most are within 2,000 ft. of flammable or explosive material).

Maryland

Unsuitable Buildings (by Agency)

Army

Bldg. 312
SFC Adams Brandt & Reserve Center
700 Ordance Road B
Baltimore, MD, Co: Anne Arundel 21226–1790
Federal Register Notice Date: 03/22/91
Property Number: 219013881
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Collapsed roof/supporting beams cracked.

8 Bldgs.
Fort George G. Meade
Fort Meade, MD, Co: Anne Arundel 20755–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014789, 219040365, 219040366, 219040368–219040372
Status: Unutilized
Base Closure: No
Reason: Secured area.

Unsuitable Buildings (by Agency)

38 Bldgs.
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21005–5001
Federal Register Notice Date: 03/22/91
Property Numbers: 219011406–219011417, 2190102608, 219012610, 219012612, 219012614, 219012616, 219012619, 219012626, 219012628, 219012631, 219012633–219012635, 219012645–219012650, 219012655, 219012656, 219012658, 219012663, 219012664, 219014711–219014712, 219030316, 219012617
Status: Unutilized
Base Closure: No
Reason: Secured area. (Some are within 2,000 ft. of flammable or explosive material). (Some are in a Floodway).

17 Bldgs.
Aberdeen Proving Ground
Aberdeen City, MD, Co: Harford 21010–5425
Federal Register Notice Date: 03/22/91
Property Numbers: 219012623, 219012625, 219012627, 219012629, 219012637–219012642, 219012651, 219012657, 219012659–219012662, 219013773
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material.

P501
Installation #24235
Ballast House
La Plata, MD, Co: Charles 20646
Location: At the end of the access road
Federal Register Notice Date: 03/22/91
Property Numbers: 219011643
Status: Unutilized
Base Closure: No
Reason: Within 2,000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

Carroll Island
Aberdeen Proving Ground
Edgewood Area
Aberdeen City, MD, Co: Harford 21010–5425
Federal Register Notice Date: 03/22/91
Property Numbers: 219012630
Status: Unutilized
Base Closure: No
Reason: Floodway. Secured area.

Michigan

Unsuitable Buildings (by Agency)

Army

17 Bldgs.
Fort Custer Training Center
2501 26th Street
Augusta, MI, Co.: Kalamazoo 49102–9205
Federal Register Notice Date: 03/22/91
Property Numbers: 219014947–219014963
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. 602
US Army Garrison Selfridge
Mt. Clemens, MI, Co: Macomb 48043–
Federal Register Notice Date: 03/22/91
Property Numbers: 219012355
Status: Unutilized
Base Closure: No
Reason: Within airport runway clear zone. Floodway. Secured area.

Bldg. 604
US Army Garrison Selfridge
Mt. Clemens, MI, Co: Macomb 48043–
Federal Register Notice Date: 03/22/91
Property Numbers: 219012356
Status: Unutilized
Base Closure: No
Reason: Within airport runway clear zone. Floodway. Secured area.

Detroit Arsenal Tank Plant
28251 Van Dyke Avenue
Warren, MI, Co: Macomb 48090–
Federal Register Notice Date: 03/22/91
Property Numbers: 219014605
Status: Unutilized
Base Closure: No
Reason: Secured area.

Missouri

Unsuitable Buildings (by Agency)

Army

Building—Stockton Lake Project
Old Mill Area
(See County), MO, Co: Cedar 65785–
Federal Register Notice Date: 03/22/91
Property Number: 219040414
Status: Unutilized
Base Closure: No
Reason: Floodway.

Lake City Army Ammo. Plant 59
Independence, MO, Co: Independence 64050–
Federal Register Notice Date: 03/22/91
Property Number: 219013666
Status: Unutilized
Base Closure: No
Reason: Secured area.

Lake City Army Ammo. Plant 59A
Independence, MO, Co: Independence 64050–
Federal Register Notice Date: 03/22/91
Property Number: 219013667
Status: Unutilized
Base Closure: No
Reason: Secured area.

Lake City Army Ammo. Plant 59C
Independence, MO, Co: Independence 64050–
Federal Register Notice Date: 03/22/91
Property Number: 219013668
Status: Unutilized
Base Closure: No
Reason: Secured area.

Lake City Army Ammo. Plant 59B
Independence, MO, Co: Independence 64050–
Federal Register Notice Date: 03/22/91
Property Number: 219013669
Status: Unutilized
Base Closure: No
Reason: Secured area.

Mississippi

Unsuitable Buildings (by Agency)

Army

5 Bldgs.
Mississippi Army Ammunition Plant
Stennis Space Center, MS, Co: Hancock 39529–7000
Federal Register Notice Date: 03/22/91
Property Numbers: 219040438–219040442
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

North Carolina

Unsuitable Buildings (by Agency)

Army

Bldg. 12
Sunny Point
Military Ocean Terminal
Southport, NC, Co: Brunswick 28461–
Federal Register Notice Date: 03/22/91
Property Number: 219013889
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Nebraska

Unsuitable Land (by Agency)

Army

Land
Cornhusker Army Ammunition Plant
Potash Road
Grand Island, NE, Co: Hall 68802-
Location: 4 miles west of Grand Island.
Federal Register Notice Date: 03/22/91
Property Number: 219013785
Status: Unutilized
Base Closure: No
Reason: Floodway.

Unsuitable Buildings (by Agency)

13 Bldgs.
Cornhusker Army Ammunition Plant
Grand Island, NE, Co: Hall 68802-
Location: 4 miles west (Potash Road)
Federal Register Notice Date: 03/22/91
Property Numbers: 219013849-219013854, 219013855-219013861
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material.

New Jersey

Unsuitable Buildings (by Agency)

Army

4 Bldgs.
Military Ocean Terminal
Bayonne, NJ, Co: Hudson 07002-
Location: Foot of 32nd Street and Route 169.
Federal Register Notice Date: 03/22/91
Property Number: 219013890, 219013892, 219013894, 219013896
Status: Unutilized
Base Closure: No
Reason: Floodway, Secured area.

3 Bldgs.
Military Ocean Terminal
Bayonne: NJ, Co: Hudson 07002-
Location: Foot of 32nd Street and Route 169
Federal Register Notice Date: 03/22/91
Property Number: 219013891, 219013893, 219013895
Status: Unutilized
Base Closure: No
Reason: (One Within 2000 ft. of flammable or explosive material). Floodway. Secured area.

Bldg. 401 (Main Post)
Fort Manmouth
Wall, NJ, Co: Monmouth 07719-
Federal Register Notice Date: 03/22/91
Property Number: 219012827
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. 2337
Fort Monmouth
Charles Wood Area
Wall, NJ, Co: Monmouth 07719-
Federal Register Notice Date: 03/22/91
Property Number: 219012828
Status: Unutilized
Base Closure: No
Reason: Secured area.

17 Bldgs. (Evans Area)
Fort Monmouth
Wall, NJ, Co: Monmouth 07719-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012829-219012844, 219013786
Status: Unutilized
Base Closure: No
Reason: Secured area.

192 Bldgs.
Armament Research, Dev. & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris 07806-
Federal Register Notice Date: 03/22/91
Property Numbers: 219010663, 219010440-219010474, 219010476, 219010478, 219010639-219010662, 219010664-219010721, 219012423-219012475, 219013787, 219014306-219014321, 219030269, 219030270
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

Land
Armament Research Development & Eng. Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris 07806-
Federal Register Notice Date: 03/22/91
Property Number: 219013788
Status: Unutilized
Base Closure: No
Reason: Secured area.

12 Bldgs. Armament Research Dev. and Engineering Center
Route 15 North
Picatinny Arsenal, NJ, Co: Morris 07806-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012756-219012765, 219012766, 219012767
Status: Excess
Base Closure: No
Reason: Secured area.

Nevada

Unsuitable Buildings (by Agency)

Army

125 Bldgs. Hawthorne Army Ammunition Plant
Hawthorne, NV, Co: Mineral 89415-
Federal Register Notice Date: 03/22/91
Property Numbers: 219011953, 219011955, 219011957-219011960, 219011962-219011963, 219011965-219011967, 219011969, 219011971-219011973, 219011975, 219011979, 219011981, 219011983, 219011985, 219011986, 219011988-219011989, 219011991-219011993, 219011995, 219011998-219012001, 219012003, 219012004, 219012006-219012015, 219012017-219012020, 219012022-219012024, 219012026, 219012027, 219012029, 219012030, 219012032, 219012033, 219012035, 219012036, 219012038-219012040, 219012042, 219012043, 219012045-219012048, 219012050-219012055, 219012059-219012107, 2190130613-219013614
Status: Unutilized
Base Closure: No
Reason: Secured area.

62 Bldgs. Hawthorne Army Ammunition Plant
Hawthorne NV, Co: Mineral 89415-
Federal Register Notice Date: 03/22/91
Property Numbers: 219012002, 219012005, 219012016, 219012021, 219012025, 219012028, 219012031, 219012034, 219012037, 219012041, 219012044, 219013615-219013665
Status: Underutilized
Base Closure: No
Reason: (Some within airport runway clear zone). Secured area.

Bldg. 396
Hawthorne Army Ammunition Plant
Bachelor Enlisted Qtrs w/Dining Facilities
Hawthorne, NV, Co: Mineral 89415-
Location: East side of Decatur Street—North of Maine Avenue
Federal Register Notice Date: 03/22/91
Property Number: 219011997
Status: Unutilized
Base Closure: No
Reason: Secured area. Within airport runway clear zone.

New York

Unsuitable Land (by Agency)

Army

Watervliet Arsenal
Watervliet, NY, Co: Albany 12189-4050
Location: East of Main Arsenal Reservation
Federal Register Notice Date: 03/22/91
Property Number: 219012508
Status: Excess
Base Closure: No
Reason: Other
Comment: Easement to N.Y. State, 6-lane highway construction.

Unsuitable Buildings (by Agency)

Bldg. 10
Watervliet Arsenal
Watervliet, NY, Co: Albany 12189-4050
Federal Register Notice Date: 03/22/91
Property Number: 219012514
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Bldg. 20
Watervliet Arsenal
Watervliet, NY, Co: Albany 12189-4050
Federal Register Notice Date: 03/22/91
Property Number: 219012516
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Bldg. 40
Watervliet Arsenal
Watervliet, NY, Co: Albany 12189-4050
Federal Register Notice Date: 03/22/91
Property Number: 219012516
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Bldg. 25
Watervliet Arsenal
Watervliet, NY, Co: Albany 12189-4050
Federal Register Notice Date: 03/22/91
Property Number: 219012521
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.
Comment: Contamination.

Bldg. 110
Fort Totten
110 Duane Road
Bayside, NY, Co: Queens 11359-
Federal Register Notice Date: 03/22/91

Property Number: 219012589
Status: Underutilized
Base Closure: No
Reason: Other
Comment: Contamination.

Ohio

Unsuitable Buildings (by Agency)

Army

(62 Buildings)
Ravenna Army Ammunition Plant
8451 State Route 5
Ravenna, OH, Co: Portage 44266-9297
Federal Register Notice Date: 03/22/91
Property Number: 219012476-219012507, 219012509-219012513, 219012515, 219012517-219012518, 219012520, 219012522-219012523, 219012525-219012528, 219012530- 219012532, 219012534-219012535, 219012537, 219013670-219013677, 219013781
Status: Underutilized
Base Closure: No
Reason: Secured area.

Oklahoma

Unsuitable Buildings (by Agency)

Army

(7 detached latrines)
Fort Sill
2505 Sheridan Road
Lawton, OK, Co: Comanche 73503-51000
Federal Register Notice Date: 03/22/91
Property Number: 219011243, 219011245, 219011353-219011354, 219011358-219011359, 21914322
Status: Underutilized
Base Closure: No
Reason: Other
Comment: Latrine, detached structure.

(2 buildings—Igloo Storage)
McAlester Army Ammunition Plant
McAlester, OK, Co: Pittburg 74501-
Federal Register Notice Date: 03/22/91
Property Number: 219014154, 219014507
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

McAlester Army Ammo. Plant
McAlester, OK, Co: Pittsburg 74501-5000
Location: 10 miles south of McAlester, OK
Federal Register Notice Date: 03/22/91
Property Number: 219011671
Status: Underutilized
Base Closure: No
Reason: within 2000 ft. of flammable or explosive material.

Unsuitable Buildings (by Agency)

(4 Bomb High Explosive Fill Plants)
McAlester Army Ammunition Plant
Bomb High Explosives Fill Plant
McAlester, OK, Co: Pittsburg 74501-5000
Location: 10 Miles South of McAlester, OK
Federal Register Notice Date: 03/22/91
Property Number: 219011674, 219011684, 219011687, 219012113
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Bldg. 107
McAlester Army Ammunition Plant
Major Caliber Loading Plant
McAlester, OK, Co: Pittsburg 74501-5000
Location: 10 Miles South of McAlester, OK
Federal Register Notice Date: 03/22/91
Property Number: 219011680
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(2 Buildings)
McAlester Army Ammunition Plant
Major Caliber Loading Plant
McAlester, OK, Co: Pittsburg 74501-
Federal Register Notice Date: 03/22/91
Property Number: 219013792-219013793
Status: Underutilized
Base Closure: No
Reason: Secured area.

(542 Buildings—many are igloo storages)
McAlester Army Ammunition Plant
McAlester, OK, Co: Pittsburg 74501-
Location: 10 miles south of McAlester
Federal Register Notice Date: 03/22/91
Property Number: 219014081-219014084, 219014086, 219014088-219014102, 219014104, 21901407-219014137, 219014139, 219014141-219014153, 219014155-219014159, 219014161-219014162, 219014165-219014216, 219014218-219014274, 219014336-219014506, 219014508-219014559, 2190130007-219030127, 219040004, 219013981-219013995
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(2 Buildings)
McAlester Army Ammunition Plant
McAlester, OK, Co: Pittsburg 74501-
Federal Register Notice Date: 03/22/91
Property Number: 219014085, 219014087
Status: Underutilized
Base Closure: No
Reason: Secured area.

Oregon

Unsuitable Buildings (by Agency)

Army

(39 Buildings)
Tooele Army Depot
Umatilla Depot Activity
Hermiston, OR, Co: Morrow 97383-
Location: East of Hermiston, Oregon, on I-84
Federal Register Notice Date: 03/22/91
Property Number: 219012196-219012199, 21901207-219012208, 219012217, 21901225, 219012229, 219012279, 219014782-219014783, 219030362-219030363, 219012174-219012182, 219012185-219012187, 219012189-219012191, 219012195, 219012200-219012205, 219014304-219014305, 219014844
Status: Underutilized
Base Closure: No
Reason: Secured area.

Pennsylvania

Unsuitable Buildings (by Agency)

Army

Hays Army Ammunition Plant
300 Miffin Road
Pittsburgh, PA, Co: Allegheny 15207-
Federal Register Notice Date: 03/22/91
Property Number: 21901666
Status: Excess
Base Closure: No
Reason: Secured area.

Unsuitable Land (by Agency)

Land
Raystown Lake
Huntingdon, PA, Co: Huntingdon
Location: Downstream of Raystown Lake.
Federal Register Notice Date: 03/22/91
Property Number: 219040420
Status: Excess
Base Closure: No
Reason: Other
Comment: Property landlocked.
Lickdale Railhead
Fort Indiantown Gap
Lickdale, PA, Co: Lebanon 17038-
Federal Register Notice Date: 03/22/91
Property Number: 219012359
Status: Excess
Base Closure: No
Reason: Floodway.

Lickdale Railhead
Fort Indiantown Gap
Lickdale, PA, Co: Lebanon 17038-
Location: Adjacent to State Route 72 and 343
Federal Register Notice Date: 03/22/91
Property Number: 219012551
Status: Excess
Base Closure: No
Reason: Floodway.

Unsuitable Buildings (by Agency)

Defense Personnel Support Ctr.
2800 South 20th Street
Philadelphia, PA, Co: Philadelphia 19101-8419
Federal Register Notice Date: 03/22/91
Property Number: 219011664
Status: Underutilized
Base Closure: No
Reason: Other environmental. Secured area.
Comment: Friable asbestos.

Tennessee

Unsuitable Buildings (by Agency)

Army

(72 Buildings—most within 2000 ft. of flammable or explosive material)
Milan, TN, Co: Carroll 38358-
Federal Register Notice Date: 03/22/91
Property Number: 219010634, 219010501-219010533, 219010535, 219010537, 219010540, 219010604, 219010610-219010611, 219010613-219010614, 219010618, 219010620, 219010622-219010623, 219010625, 219010628, 219010631, 219010922, 219014796-219014812, 219030317-219030321
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

Cheatham Lock and Dam
Highway 12
Ashland City, TN, Co: Chatham 37015-
Location: Tracts E-513, E-512-1 and E-512-2
Federal Register Notice Date: 03/22/91
Property Number: 219040415
Status: Underutilized
Base Closure: No
Reason: Floodway.

Unsuitable Buildings (by Agency)

(3 Buildings)
Indiana Army Ammunition Plant (INAAP)
Charlestown, TN, Co: Clark 47111–
Federal Register Notice Date: 03/22/91
Property Number: 219010947, 219010949, 219010951
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(88 Buildings)
Milan Army Ammunition Plant
Milan, TN, Co: Gibson 38358–
Federal Register Notice Date: 03/22/91
Property Number: 219010545, 219010551, 219010554, 219010557, 219010567, 219010569, 219010573, 219010576, 219010596, 219020600–219010602, 219010606–219010607, 219010615–219010617, 219010619, 219010621, 219010624, 219010626–219010627, 219010629–219010630, 219010632–219010633, 219010635–219010638, 219014791–219014795, 219014813, 219010534, 219010536, 219010538–219010539, 219010541–219010544, 219010546, 219010548–219010550, 219010552–219010553, 219010555–219010556, 219010558, 219010561–219010566, 219010568, 219010570–219010572, 219010574–219010575, 219010577–219010595, 219010597–219010599, 219010923
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

Land
Volunteer Army Ammunition Plant
Chattanooga, TN, Co: Hamilton
Federal Register Notice Date: 03/22/91
Property Number: 219013791
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft of flammable or explosive material. Secured area.

Volunteer Army Ammo. Plant
Chattanooga, TN, Co: Hamilton
Location: Area around VAAP—outside fence in buffer zone.
Federal Register Notice Date: 03/22/91
Property Number: 219013880
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Buildings (by Agency)

(24 Buildings—many within 2000 ft. of flammable or explosive material)
Volunteer Army Ammo. Plant
Chattanooga, TN, Co: Hamilton 37422–
Federal Register Notice Date: 03/22/91
Property Number: 219010475, 219010477, 219010479–219010500
Status: Unutilized
Base Closure: No
Reason: Secured area.

(21 Buildings)
Holston Army Ammunition Plant
Kingsport, TN, Co: Hawkins 61299–6000
Federal Register Notice Date: 03/22/91
Property Number: 219012304–219012309, 219012311–219012312, 219012314, 219012316–219012317, 219012319, 219012325, 219012328, 219012330, 219012332, 219012334–219012335, 219012337, 219013790, 219030266
Status: Unutilized
Base Closure: No
Reason: Many within 2000 ft. of flammable or explosive material. Secured area.

Unsuitable Land (by Agency)

Brooks Bend
Cordell Hull Dam and Reservoir
Highway 85 to Brooks Bend Road
Gainesboro, TN, Co: Jackson 38562–
Location: Tracts 800, 802–806, 835–837, 900–902, 1000–1003, 1025
Federal Register Notice Date: 03/22/91
Property Number: 219040413
Status: Underutilized
Base Closure: No
Reason: Floodway.

Unsuitable Buildings (by Agency)

Bldg. No. 1, Area B
Holston Army Ammunition Plant
Kingsport, TN, Co: Kingsport
Federal Register Notice Date: 03/22/91
Property Number: 219013789
Status: Underutilized
Base Closure: No
Reason: Secured area.

Unsuitable Land (by Agency)

McClure Bend
Cordell Hull Dam and Reservoir
Carthage, TN, Co: Smith 37030–
Location: Highway 85 to McClure Bend Road.
Federal Register Notice Date: 03/22/91
Property Number: 219040412
Status: Underutilized
Base Closure: No
Reason: Floodway.

Texas

Unsuitable Buildings (by Agency)

Army

(18 Buildings)
Lone Star Army Ammunition Plant
Highway 82 West
Texarkana, TX, Co: Bowie 75505–9100
Federal Register Notice Date: 03/22/91
Property Number: 219012524, 219012529, 219012533, 219012536, 219012539–219012540, 219012542, 219012544–219012545, 219030337–219030345
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(2 Buildings)
Longhorn Army Ammunition Plan
Karnack, TX, Co: Harrison 75661–
Location: State highway 43 north
Federal Register Notice Date: 03/22/91
Property Number: 219012546, 219012548
Status: Underutilized
Base Closure: No
Reason: Secured area.

Bldg. 9042
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, TX, Co: Palo Pinto 76045–
Federal Register Notice Date: 03/22/91
Property Number: 219040397
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Detached latrine.

Bldg. 9046
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, TX, Co: Palo Pinto 76045–
Federal Register Notice Date: 03/22/91
Property Number: 219040399
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Sewage treatment plant.

Bldg. 9047
Possum Kingdom Rec Area
Star Route, Box 200
Grayford, TX, Co: Palo Pinto 76045–
Federal Register Notice Date: 03/22/91
Property Number: 219040400
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Chlorine building.

Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76079–
Federal Register Notice Date: 03/22/91
Property Number: 219011665
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Easement to city of Saginaw for sewer pipeline ending 5/15/2023.

Bldg. 14
Saginaw Army Aircraft Plant
Saginaw, TX, Co: Tarrant 76070–
Federal Register Notice Date: 03/22/91
Property Number: 219014823
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Pump house.

Utah

Unsuitable Buildings (by Agency)

Army

(41 Buildings)
Tooele Army Depot
North Area
Tooele, UT, Co: Tooele 84074–5008
Location: 4 Miles South of Tooele Army on State Highway 36
Federal Register Notice Date: 03/22/91
Property Number: 219012110–219012111, 219012114–219012134, 219012136, 219012138, 219012140, 219012142, 21901246–21901256, 219012158, 219012160, 219012750
Status: Unutilized
Base Closure: No
Reason: Secured area.

(25 Buildings)
Tooele Army Depot
South Area
Tooele, UT, Co: Tooele 84074–5008
Location: 19 miles south of Tooele Army on State Highway 36 and 73.
Federal Register Notice Date: 03/22/91
Property Number: 219012143, 219012144, 219012159, 219012162–219012167, 219012169–219012172, 219012742, 219012749, 219012751–219012755, 219014846, 219014929, 219014938, 219030366, 219040003
Status: Underutilized
Base Closure: No
Reason: Secured area.

(5 Buildings)
Dugway, UT, Co: Tooele 84022-
Location: ¼ mile north of Rising Sun Grid on Access Road.
Federal Register Notice Date: 03/22/91
Property Number: 219013998-219013999, 219013996-219013997, 219014693
Status: Underutilized
Base Closure: No
Reason: Secured area.

Virginia

Unsuitable Land (by Agency)

Army

Fort Belvoir Military Reservation—5.6 Acres
South Post located West of Pohick Road
Fort Belvoir, VA, Co: Fairfax 22060-
Location: Rightside of King Road
Federal Register Notice Date: 03/22/91
Property Number: 219012550
Status: Unutilized
Base Closure: No
Reason: Within airport runway clear zone. Secured area.
Comment: 5.6 acres.

Unsuitable Buildings (by Agency)

(7 Buildings)
Fort Belvoir, VA, Co: Fairfax 22060-
Federal Register Notice Date: 03/22/91
Property Number: 219012547, 219012553, 219012556-219012558, 219012560, 219012562
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material.

(6 Buildings)
Radford, VA, Co: Montgomery 24141-
Location: State Highway 114
Federal Register Notice Date: 03/22/91
Property Number: 219010833, 219010836, 219010839, 219010842, 219010844, 219010847
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(9 Buildings)
Radford, VA, Co: Montgomery 24141-
Location: State Highway 114
Federal Register Notice Date: 03/22/91
Property Number: 219010834-219010835, 219010837-219010838, 219010840-219010841, 219010843, 219010845-219010846
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Other. Secured area.
Comment: Latrine, detached structure.

(43 Buildings)
Radford, VA, Co: Montgomery 24141-
Location: State Highway 114
Federal Register Notice Date: 03/22/91
Property Number: 219010848-219010890
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(4 Buildings)
Radford, VA, Co: Montgomery 24141-
Location: State Highway 114
Federal Register Notice Date: 03/22/91
Property Number: 219010891, 219011578-219011580
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Other. Secured area.
Comment: Latrine, detached structure.

(93 Buildings)
Radford, VA, Co: Montgomery 24141-
Location: State Highway 114
Federal Register Notice Date: 03/22/91
Property Number: 219010892-219010912, 219011522-219011523, 219011525-219011535, 219011537-219011538, 219011540-219011577, 219011581-219011583, 219011585, 219011588, 219011591, 219013559-219013570, 219011521
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

(3 Buildings)
Dublin, VA, Co: Pulaski 24084-
Federal Register Notice Date: 03/22/91
Property Number: 219011524, 219011536, 219011539
Status: Unutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Washington

Unsuitable Buildings (by Agency)

Army

(32 Buildings)
Fort Lewis, WA, Co: Pierce 98433-5000
Federal Register Notice Date: 03/22/91
Property Number: 219011651-219011652, 219011654-21901660, 219011662, 2190123782, 219013882-219013888, 2190013907-219013920
Status: Unutilized
Base Closure: No
Reason: Secured area.

(6 Buildings)
Federal Regional Center (FEMA)
Bothell, WA, Co: Snohomish 98021-
Federal Register Notice Date: 03/22/91
Property Number: 219011637, 219011642, 219011644, 219011646-219011647, 219011649
Status: Unutilized
Base Closure: No
Reason: Secured area.

Bldg. DOODSA
Fort Lewis
(See County), WA, Co: Thurston
Federal Register Notice Date: 03/22/91
Property Number: 219013900
Status: Excess
Base Closure: No
Reason: Secured area.

Bldg. 209
Yakima Firing Center
Yakima, WA, Co: Yakima 98901-5000
Location: Exit 26 off I-82 on Yakima Firing Center Road
Federal Register Notice Date: 03/22/91
Property Number: 219040363
Status: Excess
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Secured area.

Wisconsin

Unsuitable Buildings (by Agency)

Army

Bldg. P-10111
Fort McCoy
Army Hospital Complex
Sparta, WI, Co: Monroe 54656-5000
Federal Register Notice Date: 03/22/91
Property Number: 219013443
Status: Unutilized
Base Closure: No
Reason: Other
Comment: Structure is boiler plant for hospital.

Unsuitable Land (by Agency)

Land
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk 53913-
Location: Vacant land within plant boundaries.
Federal Register Notice Date: 03/22/91
Property Number: 219013783
Status: Unutilized
Base Closure: No
Reason: Secured area.

Unsuitable Buildings (by Agency)

(174 Buildings)
Badger Army Ammunition Plant
Baraboo, WI, Co: Sauk 53913-
Federal Register Notice Date: 03/22/91
Property Number: 219011094, 219011104, 219011106, 219011108-219011113, 219011115-219011117, 219011119-219011120, 219011122-219011139, 219011141-219011142, 219011144, 219011148-219011234, 219011236, 219011238, 219011240, 219011242, 219011244, 219011247, 219011249, 219011251, 219011254, 219011256, 219011259, 219011263, 219011265 219011268, 219011270, 219011275, 219011277 219011280, 219011282, 219011284, 219011286 219011290, 219011293, 219011295, 219011297, 219011300, 219011302, 219011304-219011311, 219011317, 219011319-219011321, 219011323, 219013784, 219013870, 219013878, 219030275-219030276
Status: Underutilized
Base Closure: No
Reason: Within 2000 ft. of flammable or explosive material. Other environmental. Secured area.
Comment: Friable asbestos.

[FR Doc. 91-6669 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-29-M

Office of the Secretary

[Docket No. N-91-3195; FR-2814-C-02]

Lead-Based Paint Guidelines (Public and Indian Housing); Request for Comments on Content of Lead-Based Paint Guidelines and on General Applicability of Guidelines for HUD and Other Federal Programs

AGENCY: HUD, Office of the Secretary.

ACTION: Correction of previous Notice.

SUMMARY: This notice clarifies a previous notice published on February 28, 1991 requesting public comments regarding HUD's Lead-based paint guidelines.

FOR FURTHER INFORMATION CONTACT: Ronald J. Morony, Director, Division of Innovative Technology, Office of Research, (202) 708-0640, room 8136, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: On February 28, 1991, HUD published in the **Federal Register** at 56 FR 8606, a Notice requesting comments regarding Lead-Based Paint Guidelines previously published in the **Federal Register**. Because of the omission of certain modifying language, the Notice appeared to indicate that HUD was responsible for establishing procedures for the testing and abatement of lead-based paint for all federally-owned or assisted housing. HUD is responsible for establishing lead-based paint testing and abatement procedures for all federally-owned housing *prior to its sale*, if its use is for residential habitation (see Lead-Based Paint Poisoning Prevention Act, LPPPA) (42 U.S.C. 4822), as well as for establishing testing and abatement procedures for HUD-associated housing. However, HUD is not otherwise responsible under LPPPA for setting testing and abatement standards for other federally-owned or assisted housing.

Dated: March 15, 1991.

Grady J. Norris,

Assistant General Council for Regulations.

[FR Doc. 91-6789 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management (BLM)

[AZ 020-01-4212-12; A25142]

Realty Action: Exchange of Public Lands, Gila, Maricopa, Yavapai, and Pinal Counties, Arizona

BLM proposes to exchange public land in order to achieve more efficient management of the public land through consolidation of ownership.

Portions or all of public lands within the following townships, ranges and sections are being considered for disposal by exchange pursuant to section 206 of the Federal Land Policy and Management Act of October 21, 1976, 43 U.S.C. 1716.

Gila and Salt River Meridian, Arizona

T. 1 N., R. 15½ E.,
Sec. 26.
T. 4 N., R. 1 E.,
Secs. 6, 7.
T. 7 N., R. 2 E.,
Secs. 4, 5, 8, 9, 15, 16, 17, 20, 21, 26, 27, 29, 34.
T. 8 N., R. 2 E.,
Secs. 1, 10, 11, 12, 14, 15, 22, 23, 26, 27, 33, 34.
T. 9 N., R. 2 E.,
Sec. 27.
T. 11 N., R. 2 E.,
Secs. 5, 8, 17.
T. 12 N., R. 1 E.,
Secs. 11, 24.
T. 12 N., R. 2 E.,
Secs. 3, 4, 5, 8, 9, 10, 15, 18, 21, 28, 33.
T. 13 N., R. 1 E.,
Secs. 8, 13, 15, 18, 23, 26.
T. 13 N., R. 2 E.,
Secs. 6, 7, 17, 18, 19, 20, 29, 30, 32.
T. 14 N., R. 2 E.,
Sec. 31.
T. 16 N., R. 1 E.,
Secs. 6, 21.
T. 14 N., R. 1 W.,
Secs. 28, 31, 33.
T. 16 N., R. 1 W.,
Sec. 1
T. 4 S., R. 8 E.,
Sec. 12.
T. 4 S., R. 9 E.,
Secs. 7, 18.
T. 7 S., R. 4 E.,
Secs. 27, 28, 34, 35.
T. 10 S., R. 11 E.,
Secs. 6, 19, 26.
T. 10 S., R. 12 E.,
Secs. 19, 21, 22, 27, 30, 34, 35.
Containing 30,672 acres, more or less.

Detailed information concerning this exchange can be obtained from the Phoenix District Office.

Final determination on disposal will await completion of an environmental analysis.

In accordance with the regulations of 43 CFR 2201.1(b), publication of this Notice will segregate the affected public lands from appropriation under the public land laws and the mining laws, but not the mineral leasing laws or Geothermal Steam Act.

The segregation of the above-described lands will terminate upon issuance of a document conveying such lands or upon publication in the **Federal Register** of a notice of termination of the segregation; or the expiration of two years from the date of publication, whichever occurs first.

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 to the District Manager, Phoenix District Office, 2015 West Deer Valley Road, Phoenix, Arizona 85027.

Dated: March 14, 1991.

Charles R. Frost,

Associate District Manager.

[FR Doc. 91-6927 Filed 3-21-91; 8:45 am]

BILLING CODE 4310-32-M

National Park Service

General Management Plan, Environmental Impact Statement, Natural Bridges National Monument, UT

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of intent to prepare an environmental impac statement for the General Management Plan, Natural Bridges National Monument.

SUMMARY: Under the provisions of the National Environmental Policy Act, the National Park Service is preparing an environmental impact statement for the general management plan for Natural Bridges National Monument.

The effort will result in a comprehensive general management plan that encompasses preservation of natural and cultural resources, visitor use and interpretation, roads, and facilities. In cooperation with the Forest Service, Bureau of Land Management, and State of Utah, attention will also be given to resources outside the boundaries that affect the integrity of Natural Bridges National Monument. Alternatives to be considered, will include no action, a proposed action, and other feasible options. Two studies will be prepared with the general management plan. They are:

(1) Evaluation of White Canyon within the national monument, to determine its eligibility and classification potential for wild and scenic river designation. The evaluation will not include wild and scenic river suitability.

(2) A study to determine what lands and resources, if any, within the national monument meet the criteria for wilderness designation.

Major issues include camping, the monument's solar voltaic electrical power system, visitor center, residential and maintenance areas, the monument's road system, including parking areas and overlooks, management of cultural and natural resources, and protection of the monument's environs, including the viewshed.

A scoping brochure has been prepared that details the issues identified to date. Copies of that information can be obtained from and comments should be sent to Superintendent, Natural Bridge National Monument, Box 1, Lake Powell, Utah 84533-0101.

FOR FURTHER INFORMATION CONTACT: Superintendent, Natural Bridges National Monument, (801) 259-5174 or Superintendent, Southeast Utah Group, (801) 259-7164.

Dated: March 12, 1991.

Jack Neckels,

Acting Regional Director, Rocky Mountain Region.

[FR Doc. 91-6863 Filed 3-21-91; 8:45 am]

BILLING CODE 4310-70-M

Shenandoah National Park; Draft Environmental Impact Statement for U.S. Route 340

AGENCY: Shenandoah National Park, National Park Service.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the date of the forthcoming meeting on the Draft Environmental Impact Statement for Route 340.

DATE: March 20, 1991, 4 p.m. to 6 p.m. Review of Document; 7 p.m. to 10 p.m. Public Comment.

ADDRESS: Circuit Court Rm 1, County Court House, So. Royal Avenue & Main St., Front Royal, VA.

FOR FURTHER INFORMATION CONTACT: J.W. Wade, Superintendent, Attn: Sandy Rives, Shenandoah National Park, Route 4, Box 348, Luray, Virginia 22835-9051. (703) 999-3300.

SUPPLEMENTARY INFORMATION: Approximately 1 mile south of Front Royal, the Virginia Department of Transportation is proposing to upgrade a 1.01 mile section of existing Route 340 in Warren County, Virginia into a four-lane divided highway with a grass and/or forested median. Two alternatives were considered; both alternative consist of a four-lane divided highway. Alternative A proposes a 16-foot wide median and Alternative B proposes a 100 foot wide median. Both alternatives propose the relocation of the Skyline Drive entrance; however, only Alternative B is compatible with the development of a grade-separated interchange at the Shenandoah National Park entrance.

James W. Coleman, Jr.,

Regional Director, Mid-Atlantic Region.

[FR Doc. 91-6361 Filed 3-21-91; 8:45 am]

BILLING CODE4310-70-M

Meeting of the National Park System Advisory Board

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice of meeting of National Park System Advisory Board.

Notice is hereby given in accordance with the Federal Advisory Committee Act, 5 U.S.C. Appendix (1988), that a meeting of the National Park System Advisory Board will be held on April 24 and 25, 1991 in Olympic National Park. near Port Angeles, Washington. The meeting will be held in the Rosemary Environmental Center, also known as the Rosemary Inn, the location of the Olympic Park Institute. The Rosemary Inn is located off Highway 101 on the south shore of Lake Crescent just east of the Lake Crescent Inn.

The general business session will start at 8 a.m. on Wednesday, April 24 and is planned to conclude by about noon on Thursday, April 25.

The Board will consider potential National Historic Landmark nominations, plus a variety of matters pertaining to the National Park System and other related areas. Potential National Historic Landmarks will be discussed for approximately two hours beginning about 10 a.m. the first morning. Other topics will include, but not be limited to, urban park issues, education and volunteerism in the National Park System, the Presidio of San Francisco, the upcoming Columbus Quincentennial, tourism matters and an American labor history study. Officials of the Department of the Interior and the National Park Service will also address the Board. The meeting will follow orientation tours and briefings at Mount Rainier and Olympic National Parks.

The business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons will be accommodated on a first-come, first-served basis. Anyone may file with the Board a written statement concerning matters to be discussed. The Chairman may also permit attendees to address the Board, but may restrict the length of presentations as necessary to allow the Board to complete its agenda within the allotted time.

Persons wishing further information concerning the meeting, or who wish to submit written statements, may contact Mr. David L. Jervis, Office of Policy, National Park Service, P.O. Box 37127, Washington, DC 20013-7127 (telephone 202-208-4030). Draft summary minutes of the meeting will be available for public inspection about 8 weeks after the meeting, in room, 1220, Main Interior Building, 18th and C Streets, NW., Washington, DC.

Dated: March 12, 1991.

John M. Morehead,

Deputy Director.

[FR Doc. 91-6862 Filed 3-21-91; 8:45 am]

BILLING CODE 4310-70-M

National Park Service

National Register of Historic Places; Pending Nominations

Nominations for the following properties being considered for listing in the National Register were recieved by the National Park Service before March 9, 1991. Pursuant to § 60.13 of 36 CFR part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, P.O. Box 37127, Washington, DC 20013-7127. Written comments should be submitted by April 8, 1991.

Carol D. Shull,

Cheif of Registration, National Register.

CONNECTICUT

Fairfield County

Merrett Parkway, CT 15 and right-of-way between the NY State line and the Housatonic R. bridge, Greenwich vicinity, 91000410

FLORIDA

Pinellas County

Arfaras, N.G., Sponge Packing House, 26 W. Park St., Tarpon Springs. 91000412

Meres, E.R., Sponge Packing House, 106 Read St., Tarpon Springs, 91000411

IOWA

Des Moines County

West Jefferson Street Historic District, Roughly the 400 to 800 blocks of W. Jefferson St., Burlington, 91000409

LOUISIANA

Pointe Coupee Parish

Austerlitz, (Louisiana's French Creole Architecture MPS), LA 1 SE of jct. with LA 78, Oscar vicinity, 91000416

Major, Albin, House (Louisiana's French Creole Architecture MPS), 1304 False River Rd. (LA 1), New Roads, 91000415

Riche, Fannie, House (Louisiana's French Creole Architecture MPS), LA 420 near jct. with LA 10, New Roads vicinity, 91000413

Saizon House (Louisiana's French Creole Architecture MPS), LA 414 E of jct. with LA 413, Jarreau vicinity, 91000417.

Wickliffe, (Louisiana's French Creole Architecture MPS), LA 415 E of Patin Duke Slough, New Roads vicinity, 91000414

St. Landry Parish

Lewis, John, House (Louisiana's French Creole Architecture MPS), Address Restricited, Opelousas vicinity, 91000418.

Venus Houser, (Louisiana's French Creole Architecture MPS), Jct. of US 190 and Academy St., Opelousas, 91000419

MISSISSIPPI

Copiah County

Ailes House Rhymes Rd. near jct. with MS 27, Crystal Springs vicinity, 91000420

NEW YORK

Essex County

Witherbee Memorial Hall, Broad St. E. of jct. with Office Rd., Mineville, 91000421

[FR Doc. 91-6811 Filed 3-21-91; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 290 (Sub No. 5) (91-2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved the second quarter 1991 rail cost adjustment factor (RCAF) and cost index filed by the Association of American Railroads. The second quarter RCAF (Unadjusted) is 1.143. The second quarter RCAF (Adjusted) is 1.051, a decreased of 1.3 percent from the first quarter 1991 RCAF (Adjusted) of 1.065. Maximum second quarter 1991 RCAF rate levels may not exceed 98.7 percent of maximum first quarter 1991 RCAF rate levels.

EFFECTIVE DATE: April 1, 1991.

FOR FURTHER INFORMATION CONTACT: William T. Bono, (202) 275-7354, Robert C Hasek, (202) 275-0938, (TDD for hearing impaired (202) 275-1721).

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289-4357/4359. (Assistance for the hearing impaired is available through TDD service (202) 275-1721.)

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: March 14, 1991.

By the Commission, Chairman Philbin, Vice Chairman Emmett, Commissioners Simons, Phillips, and McDonald.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-6359 Filed 3-21-91; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 31846]

Mohawk & Adirondack Railroad Co., Inc.—Acquisition and Operation Exemption—Consolidated Rail Corp.; Exemption

Mohawk & Adirondack Railroad Co., Inc. (Mohawk), a noncarrier, has filed a notice of exemption to acquire and operate approximately 107.7 miles of rail line, known as the Carthage/Lyons Falls Cluster, owned by Consolidated Rail Corporation, in Oneida, Lewis, Jefferson, and St. Lawrence Counties, NY. The track consists of three segments: (1) the Lowville Industrial Track, between milepost 57.1, at Lowville, and milepost 74.3, at Carthage; (2) the Newton Falls Secondary Track, between milepost 29.7, at Carthage, and milepost 75.4, at Newton falls; and (3) the Lyons Falls Secondary Track, between milepost 0.2, at Utica, and milepost 45.0, at Lyons falls.[1] Consummation is expected to occur on or before April 1, 1991.

Any comments must be filed with the Commission and served on John D. Heffner, Gerst, Heffner, Carpenter & Podgorsky, suite 1107, 1700 K Street NW., Washington, DC 20006.

Mohawk shall retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 15, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-6771 Filed 3-21-91; 8:45 am]

BILLING CODE 7035-01-M

[1] The Lowville Industrial Track connects with a line of railroad operated by Lowville and Beaver River Railroad Co. (Lowville), a corporate affiliate of Mohawk. A petition for exemption for the continuance in control, through stock ownership, of Mohawk, Lowville, and another rail carrier by Genesee Valley Transportation Company, Inc., directly, and by David Monte Verdi, *et al.*, indirectly, was filed concurrently with this notice, in Finance Docket No. 31843, *David Monte Verdi, Michael Thomas, Charles Riedmiller, Jeffrey Baxter, and John Herbrand and Genesee Valley Transportation Company, Inc.—Continuance In Control Exemption—Mohawk & Adirondack Railroad Co., Inc.*

[Finance Docket No. 31840]

David Monte Verdi, Michael Thomas, Charles Riedmiller, Jeffery Baxter, and John Herbrand—Corporate Family Transaction Exemption—Genesee Valley Transportation Company, Inc., Depew, Lancaster & Western Railroad Co., Inc., and Lowville and Beaver River Railroad Co.; Exemption

David Monte Verdi, Michael Thomas, Charles Riedmiller, Jeffrey Baxter, and John Herbrand (Monte Verdi, *et al.*) and Genesee Valley Transportation Company, Inc. (Genesee), have filed a notice of exemption for a corporate family transaction.

Monte Verdi, *et al.*, non-carrier individuals control through stock ownership: (1) Genesee, a non-carrier holding company that controls Lowville and Beaver River Railroad Co. (Lowville), a class III rail carrier; and (2) Depew, Lancaster & Western Railroad Co., Inc. (Depew), a class III rail carrier.[1]

As a part of corporate restructuring, Monte Verdi, *et al.*, will transfer to Genesee all of their issued and outstanding stock in Depew. Genesee will thereafter control Depew and Lowville. Monte Verdi, *et al.*, will no longer own stock in these rail carriers, but will continue their control indirectly through their stock ownership of Genesee. Consummation was expected to occur on March 1, 1991. Mohawk, Lowville, and Depew will function as separate corporate entities, with separate revenue centers, and each will be managed, administered, directed, and accounted for separately.

This is a transaction within a corporate family of the type specifically exempted from prior approval under 49 CFR 1180.2(d)(3).[2] It will not result in

[1] Monte Verdi, *et al.*, and Genesee have also filed: (1) In Finance Docket No. 31846, *Mohawk & Adirondack Railroad Co., Inc.—Acquisition and Operation Exemption—Consolidated Rail Corporation*, a notice of exemption for Mohawk & Adirondack Railroad Co., inc. (Mohawk), a recently created entity controlled by Genesee, to acquire and operate three line segments of Consolidated Rail Corporation (one of which segments connects with the line operated by Lowville); and (2) in Finance Docket No. 31843, *David Monte Verdi, Michael Thomas, Charles Riedmiller, Jeffrey Baxter, and John Herbrand and Genesee Valley Transportation Company, Inc.—Continuance In Control Exemption—Mohawk & Adirondack Railroad Co., Inc.*, a petition for exemption under 49 U.S.C. 10505 for their continuance in control of Mohawk.

[2] The notice was filed under both 49 CFR 1180.2(d)(2) and 1180.2(d)(3). Since Mohawk is acquiring a line that connects with Lowville's line, this transaction does not fall under section 1180.2(d)(2), which requires that the acquisition or continuance in control not be part of a series of anticipated transactions that would connect the railroads with each other or with any railraod in their corporate family.

adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family. The proposed transaction is intended to simplify ownership structure.

To ensure that all employees who may be affected by the transaction are given the minimum protection afforded under 49 U.S.C. 10505(g)(2) and 11347, the labor conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist., 360 I.C.C. 60 (1979), are imposed.*

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on John D. Heffner, Gerst, Heffner, Carpenter & Podgorsky, suite 1107, 1700 K Street NW., Washington, DC 20006.

Decided: March 15, 1991.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 91-6770 Filed 3-21-91; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Hampton Pharmacy; Revocation of Registration

On October 1, 1990, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Hampton Pharmacy, (Respondent), of 5020 W. Hampton Avenue, Milwaukee, Wisconsin 53211, proposing to revoke the pharmacy's DEA Certificate of Registration, AH2468874, and to deny any pending applications for renewal on the ground that the pharmacy's continued registration would be inconsistent with the public interest, as that term is used in 21 U.S.C. 823(f) and 824(a)(4).

Respondent timely filed a request for hearing on the issues raised in the Order to Show Cause and the matter was placed on the docket of Administrative Law Judge Mary Ellen Bittner. On October 31, 1990, Judge Bittner issued an Order for Prehearing Statements requiring the Government to file its prehearing statement on or before November 21, 1990, and Respondent to file its prehearing statement on or before December 12, 1990. The order also contained the following caveat:

> Respondent is cautioned that failure timely to file a prehearing statement as directed * * * may be considered a waiver of hearing and an implied revocation of a request for hearing.

The Government filed its prehearing statement in a timely manner. Respondent did not file any prehearing statement, nor was a request made for an extension of time for filing Respondent's prehearing statement. Based upon Respondent's failure to file a prehearing statement in accordance with the administrative law judge's earlier order, on January 11, 1991, the Government filed a motion to terminate proceedings before the administrative law judge, so that the matter could be presented to the Administrator for a final determination on the record. That motion was granted and the proceedings were terminated on January 25, 1991. The Administrator concludes that Respondent's failure to file a prehearing statement constitutes an implied revocation of the earlier request for hearing, and enters this final order based upon information contained in the DEA investigative file and the record as it now appears. 21 CFR 1301.54(e).

The Administrator finds that a 1989 Drug Enforcement Administration investigation of Respondent pharmacy revealed violations of Federal regulations, including failure to take a biennial inventory in violation of 21 CFR 1304.13; failure to maintain complete order forms in violation of 21 CFR 1305.09(e); failure to maintain complete and accurate records in violation of 21 CFR 1304.21 and 1304.24; and failure to maintain Schedule II controlled substance prescriptions separate from all other records in violation of 21 CFR 1304.04(h)(1).

The Administrator further finds that for the period between May 1987 and June 1989, Respondent dispensed various Schedule III-V controlled substances pursuant to prescriptions and/or refills which were not authorized by the treating physician. The Administrator finds that a DEA audit of selected Schedule II controlled substances for the period between January 1, 1988 through March 9, 1989, revealed that Respondent was unable to account for approximately 1,200 dosage units of Percocet; 220 dosage units of Ritalin 5 mg.; and 42 dosage units of Dilaudid 2 mg.

In determining whether the pharmacy's continued registration is inconsistent with the public interest, the Administrator considers the following factors:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority;

(2) The applicant's or registrant's experience in dispensing, or conducting research with respect to controlled substances;

(3) The applicant's or registrant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances;

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances; and

(5) Such other conduct which may threaten the public health and safety.

In this case, the second, fourth and fifth factors are relevant. Respondent failed to comply with controlled substance recordkeeping requirements. Respondent could not justify excessive shortages of controlled substances. Respondent dispensed controlled substances without the proper authorization from the treating physician. Respondent's behavior has been not only unethical and irresponsible, but illegal, and its continued registration is clearly inconsistent with the public interest. Thus the Administrator finds that Respondent's registration must be revoked.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), orders that DEA Certificate of Registration, AH2468874, previously issued to Hampton Pharmacy, be, and it hereby is, revoked. The Administrator further orders that any pending application for renewal of the pharmacy's registration be, and it hereby is, denied. This order is effective April 22, 1991.

Dated: March 15, 1991.

Robert C. Bonner,

Administrator.

[FR Doc. 91-6795 Filed 3-21-91; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of the Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: April 10, 1991, 9:30 a.m.-12 noon, rm. S-2217, FPBldg., Department of Labor, 200 Constitution Ave., NW., Washington, DC 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of section 10(d) of the Federal Advisory Committee Act and 5 U.S.C. section 552(c)(1). The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

FOR FURTHER INFORMATION CONTACT: Fernand Lavallee, Director, Trade Advisory Group, Phone: (202) 523-2752.

Signed at Washington, DC this 18th day of March, 1991.

Shellyn G. McCaffrey,

Deputy Under Secretary International Affairs.

[FR Doc. 91-6910 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-28-M

Office of the Secretary

Survey of Emergency Response Training Programs

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of expedited information collection clearance under the Paperwork Reduction Act.

SUMMARY: The Occupational Safety and Health Administration (OSHA), Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35, 5 CFR part 1320 (53 FR 16618, May 10, 1988)), is submitting a request for approval to the Office of Management and Budget for a survey to support an analysis of the adequacy of training programs for emergency response personnel for hazardous materials incidents and for related activities at managed hazardous waste sites as defined and required under OSHA § 1910.120.

DATES: OSHA has requested an expedited review of this submission under the Paperwork Reduction Act; this OMB review has been requested to be completed by May 6, 1991.

FOR FURTHER INFORMATION CONTACT: Comments and questions regarding the survey or reporting burden should be directed to Paul E. Larson, Departmental Clearance Officer, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N-1301, Washington, DC 20210 (202-523-6331). Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, room 3001, Washington, DC 20503 (202-395-6880).

Any member of the public who wants to comment on the information collection clearance package which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Average Burden Hours/Minutes per Response: 35 minutes (for 350 complete responses); 5 minutes (for incomplete or non-applicable responses).

Frequency of Response: 50%.

Number of Respondents: 350.

Annual Burden Hours: 235.

Annual Responses: 235.

Affected Public: Business or other for-profit; Non-profit institutions; Small business or organizations and local or state governments.

Respondents Obligation to Reply: Voluntary.

Signed at Washington, DC this 15th day of March, 1991.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

STATEMENT IN SUPPORT OF SURVEY AND RELATED DATA GATHERING TO SUPPORT OSHA RULEMAKING

A. Justification

The Office of Regulatory Analysis of the Occupational Safety and Health Administration (OSHA) is collecting information to support an analysis of the characteristics of selected training programs for emergency response personnel for hazardous materials incidents, as defined and required under OSHA regulations 1910.120. This data collection was initiated to help OSHA fulfill its part of a 5-Agency Task Force on developing emergency response training programs, which includes DOT, EPA, FEMA, DOL and HHS. Specifically, OSHA will use the information obtained from this study to:

(1) To identify emergency response training courses that can be used by the agency as models of effective programs. OSHA will prepare its own training courses (or adapt existing courses) to fulfill its responsibilities to contribute to the 5-Agency Task Force; and

(2) To analyze the collective effectiveness of emergency response training programs in meeting the requirements of previous OSHA regulations (especially HAZWOPPER, 29 CFR 1910.120).

As part of this analysis, OSHA is also collecting information on a selected number of training programs for workers employed at uncontrolled hazardous waste sites and at hazardous waste management facilities. While the focus of the survey is training for emergency response teams, OSHA will examine hazardous waste worker training programs in order to compare them with emergency response programs.

1. Necessity of Data Collection

The December 22, 1987, Reconciliation Bill amended section 126 of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and created a Congressional mandate to require accredited training for workers in hazardous waste operations. In March 1989, OSHA promulgated standards that define training requirements for personnel engaged in emergency response actions and hazardous waste operations. This survey will generate information primarily about the characteristics and adequacy of training programs for emergency response personnel. Training programs for emergency response personnel are currently being conducted by numerous and diverse organizations throughout the country.

OSHA will also examine a selection of training programs offered to hazardous waste workers. OSHA is interested in obtaining information about how the characteristics of emergency response training may differ from hazardous waste training. Specific points of interest include whether training personnel are more qualified in one area than the other, and whether there is more hands-on training in emergency response programs (presumably due to the greater need for knowledge of equipment capabilities and other technical requirements for workers in this area). OSHA will also examine how the regulatory specifications of the training programs may have influenced the content of the two types of training.

OSHA seeks to assess (for research but not for compliance or investigative purposes) whether selected training programs being offered satisfy the requirements of the regulation. At present OSHA and other Federal Agencies have little information about the status of training programs, the quality of instruction being provided, or the responsiveness of training providers to the needs of emergency response personnel or hazardous waste workers. Also, OSHA is assessing the need for development of an accreditation program for emergency response training programs. This study will provide information for the evaluation of the potential need for governmental reviews of training program credentials.

The diverse levels of specific responsibility among responders makes this data collection necessary. OSHA requires all emergency response personnel to have a level of training (from among the levels defined in the standard) that is commensurate with

their responsibilities during response actions. All personnel whose duties could cause them to witness or discover a hazardous substance release must have at least an awareness of the potential for such incidents, and know how to initiate appropriate response actions. First responders with operational responsibilities must have the knowledge to assess the risks of hazardous materials incidents, select and use personal protective equipment (PPE), and implement basic control and decontamination procedures. At the next higher level of preparedness are the personnel who are designated as hazardous material technicians. These individuals must have more complete knowledge of the hazards posed in order to be able to safely approach the point of release of a hazardous material and plug, patch or otherwise prevent the continued escape of materials. The hazardous materials specialist must be able to work with the technician but must also have a more directed or specific knowledge of substances being controlled. This individual should also be able during the response action to act as a liaison to various governmental agencies that may participate. Finally, the on-scene-coordinator must have training equivalent to that of the first responder operations level but must also be able to implement the incident command system developed by his organization and direct the response actions.

In addition to studying how effectively programs are satisfying the complex emergency response provisions of HAZWOPPER, OSHA needs to study whether the current training programs meet the content and duration training requirements for workers employed at hazardous waste facilities. Some hazardous waste operations training programs may also offer emergency response training. Such workers include those employed at uncontrolled hazardous waste sites (such as Superfund sites or private hazardous waste sites not currently in the Superfund program) and those employed at facilities that treat, store or dispose of hazardous wastes (i.e., those regulated under the Resource Conservation and Recovery Act program). General site workers must receive 40 hours of off-site training. Workers who are on site only occasionally or who work only in areas where hazards have been fully characterized are required to have 24 hours of off-site training.

In addition to assessing the adequacy of training programs, OSHA wishes to identify the best programs and the best elements among the available programs. OSHA can make this information available for adoption by various programs as they may see fit and also incorporate it into training programs to be designed by OSHA for the 5 Agency Task Force.

2. Description and Practical Utility of the Information

2.a Description

OSHA proposes to collect information on the basic characteristics, coverage, and content on approximately 300 training programs for emergency response workers and 50 programs for hazardous waste workers. These 300 emergency response programs and 50 hazardous waste training programs were selected from directories of companies and organizations involved in hazardous waste and emergency response activities and from preliminary research into hazardous waste training organizations. The size of the study was based on OSHA's knowledge of the diversity of programs within and between different categories of providers (which includes federal, state, local, non-profit, educational, unions and other organizations). No complete sampling frame exists for this population and, for this reason, OSHA proposes to use a case study methodology. OSHA will prepare a data base of training programs and their elements in order to define the major characteristics of training providers. This data base will be used by the Agency to analyze the effectiveness of selected training programs, to assess the potential needs for accreditation of program providers, and to identify the best and most effective training methods.

The rationale for the case study approach is based on several factors. First, the universe of emergency response and hazardous waste training programs is unknown, but the categories of providers are known to OSHA. OSHA's preliminary efforts to prepare a statistical survey revealed that extensive data collection (essentially a survey) would be needed in order to define the appropriate sampling frame. Due to time constraints imposed by the Accreditation of Hazardous Waste Operations rulemaking making effort, it is not possible to develop a statistically representative sampling frame for emergency response programs. Therefore, OSHA does not seek representative or quantitative estimates of population variables (e.g., the number of programs meeting OSHA standards) which might be obtained from a complete sampling frame.

In lieu of a comprehensive sampling frame, a statistical survey could be performed only if it was possible to develop a representative frame (in which the distribution of the sample reflects the distribution of the population among various subgroups). A representative frame is needed in order to obtain unbiased estimates of population ratios (e.g., the share of programs with a given characteristic). As noted above, however, training programs are offered by a wide range of organizations. These organizations have different objectives for their training efforts and, therefore, the programs have varied characteristics. Since the distribution of the target population among different types of training providers is unknown, there is not sufficient information to construct a representative sampling frame from which to derive statistical estimates.

Also, the case study approach will be most appropriate for assessment of various non-quantifiable results that are sought by OSHA. It is expected that the major differences in the programs will be reflected in such nonquantifiable factors such as those that define the quality of training programs. The case study approach is better suited for pursuing this information than a statistically designed survey that focuses on a few quantifiable population parameters.

The population of training providers for emergency response workers includes public agencies and organizations at the federal, state, and local levels, and non-profit private organizations such as universities, unions, and training institutes. It also includes private firms such as those that provide training services, those that offer hazardous waste cleanup services, and those that operate industrial facilities where hazardous materials are treated, stored or disposed. OSHA has taken care to delineate all affected groups. Further, OSHA has made preliminary estimates of the number of organizations in each group and the number of programs offered by each group by obtaining directories of trade organizations responsible for overseeing hazardous waste and emergency response training as well as state government and other non-profit organizations. These preliminary estimates for the emergency response training providers are presented in Exhibit 1 together with the target number of programs to be surveyed from each group. OSHA will develop a quota sampling methodology within each identified group which will ensure

variability among cases selected to be interviewed.

OSHA also plans to study 50 training programs for Hazardous Waste workers, selecting primarily from hazardous waste management facilities and Superfund site contractors. The small scale of this study is adequate for the more limited range of investigation (primarily the comparison of training quality with the emergency response training programs) for these programs.

The proposed schedule for this data collection effort is presented in Exhibit 2.

2.b Practical Utility

OSHA will use the information collected in several ways. OSHA will also adapt elements of the best programs for incorporation into the official OSHA training program for emergency responders which will be part of the 5 Agency Task Force on emergency response. OSHA will also consider in its training any apparent gaps or inadequacies in the available training for emergency response workers.

OSHA will also gather information that will be used to assess the range of programs that are being offered and, in particular, the possible need for governmental supervision (i.e., accreditation of programs) of the emergency response training programs. (This information may also be relevant for a regulatory impact analysis, if emergency response is included in the scope of the Proposed Accreditation Regulation.)

OSHA also seeks to develop data on the quality of training programs that are created in the private sector in response to OSHA standards. The training standard for emergency response personnel includes both specification elements (i.e., the number of hours of training required) and performance elements (i.e., personnel providing training must be able to demonstrate a proficiency in the topics covered). This information will provide a useful gauge of the nature of the private sector response to this standard and will be useful in the design of other training requirements for current or future OSHA standards. Also, this data collection will indicate differences in the training provided in response to this OSHA standard. Since the training specifications are different for emergency response and hazardous waste workers, this study will give numerous indications of the nature of the private sector response to these types of training requirements. This issue is significant because most OSHA standards include requirements for some type of training.

3. Use of technology to reduce the burden

Most of the information for this study will be collected by telephone in order to eliminate the number of site visits that would otherwise be necessary to assess program content. Further information on site visits can be submitted voluntarily. There will be no need, therefore, for program providers to host such visits.

Information will be compiled, to the extent possible, from closed-end questions. This will reduce the length and complexity of the responses that will be asked of interview respondents. Other data of interest that cannot be incorporated into closed-end questions will be addressed by other means. OSHA plans to solicit outlines of training program curriculum in order to examine more completely the content of the courses being offered.

Some of the information collected will be entered by case study interviewing personnel into standardized forms on computer screens using a modified version of a Computer-Aided-Telephone-Interviewing method. The contractor plans to adapt Paradox computer software (a data base program) for this purpose. This software permits the preparation of data entry screens that will allow the contractors to enter data rapidly and to scroll automatically through the questionnaire. The computer screens will be designed so that the contractor staff can quickly enter data in the appropriate points in the form, despite the diversity of organizations being contacted. Contractor staff will also have access to hard copy (paper) versions of the questionnaire for entering the longer and free form responses required in the interviews.

4. Identification and Duplication of Information

Significant effort has been expended in collecting and examining existing sources of information relating to training programs in emergency response and hazardous waste work. In addition to checking for possible information duplication, the assembled data has been useful in helping to formulate and refine the listing of potential respondents and the actual case study instrument.

OSHA is currently aware of certain listings of information on training programs in these areas. Available sources include only limited data, however, about each training program. In reaching this determination, OSHA discussed training programs and related materials with representatives from the Environmental Protection Agency, Department of Transportation, Federal Emergency Management Administration, and Department of Energy. OSHA also examined numerous published directories on emergency response services, hazardous materials services, and hazardous waste management services.

Most significantly, OSHA is not aware of any comprehensive review or analysis of the content and quality of training programs offered for emergency response or hazardous waste workers. A previous OSHA Office of Health Standards study (contract No. B9F83334) (which was noted in the January 26, 1990 NPRM) was for regulatory review purposes only; but it is not relevant to the data collection objectives of this case study. This study will make an essential contribution to the Agency's knowledge about those programs.

5. Inadequacy of Existing Data Sources

The agencies and other information sources described in part 4 above do not provide the comprehensive body of information, individually or in combination, required about the training programs offered to emergency response or hazardous waste workers.

6. Minimizing Burden on Small Business

This data collection effort involves the collection of information from large and small firms as well as from public organizations. Every effort has been made to minimize the respondent's burden during the study. The study or data collection instrument has been designed to solicit the most concise possible responses. The questionnaire of this study has already been successfully pretested on 5 separate training programs. Additionally, respondent burden will be minimized by (1) limiting the length of telephone interviews to approximately 30 to 40 minutes, (2) allowing respondents to submit any readily-available descriptive materials about their programs in order for the interviewer to enter much of the respondent information, (3) sending out an advance notification of the purpose of the study and sample questions along with a confidentiality and disclosure statement, and (4) accommodating respondents in arranging the most convenient time to conduct the interview.

Further, a variety of organizations will be covered by the study, and only a relatively small group of these will be small businesses. The study will include screening questions that will determine

whether the organization has developed its own training programs or simply sends employees to outside training programs. Since smaller firms and organizations are most likely to send employees to outside programs, they will generally be eliminated from the study by these screener questions. The only small firms that will be captured are those that specialize in developing and running training programs. (OSHA believes it desirable to recognize the contribution of small firms to the training effort.) In addition to federal and state agencies and non-profit organizations, the study will also cover, therefore, only (1) firms that operate fixed facilities and that are large enough to run their own training programs for their emergency response workers (who may be organized into fire brigades) or hazardous waste workers, (2) municipalities large enough to operate their own training for emergency response personnel, (3) hazardous waste and emergency response contractors that are large enough to offer their own training programs.

7. Recurrent Study Consequences

This effort is a one-time, non-recurring study. The consequences associated with less frequent collection efforts are not applicable.

8. Consistency with 5 CFR 1320.6

There are no special circumstances that require the collection of information in any manner inconsistent with the guidelines in 5 CFR 1320.6.

9. Expert Review of the Data Collection Process

The study design team has had numerous discussions with governmental and industry personnel familiar with emergency response training programs. The clarity of the instructions and other specific study design elements have been reviewed by contractor study experts, OSHA personnel (both in the Office of Regulatory Analysis and in the Office of Safety Standards), and by expert personnel working in the field of emergency response and hazardous waste training. The data collection instrument is shown in Appendix A.

9.a The data collection instrument has been reviewed by:

Dr. Hugh Conway, Office of Regulatory Analysis, OSHA

Mr. Chester Fenton, Eastern Research Group, Inc.

Mr. John Eyraud, Eastern Research Group, Inc.

Dr. Thomas Seymour, Deputy Director, Office of Safety Standards Programs

Dr. Arnold Greenland, Washington Consulting Group, Inc. (Statistician specializing in survey design)

Dr. Alan Borner, President and Founder, Environmental Hazards Management Institute, Durham, New Hampshire. (A specialist in training and preparedness for hazardous waste management and emergency response actions)

Dr. Eryn Kalish, Cunningham and Associates, Boston, Massachusetts. (A specialist in human resources development and training)

9.b The experts reviewing the study provided comments on specific questions and instructions to telephone interviewers. No major problems arose during this review.

9.c Public comment has not been solicited at this stage of the study. Public comments will be considered during the 45 day OMB review process.

10. Confidentiality

None of the questions asked during the study are likely to be considered sensitive information by the respondents. In some cases, the information is likely to be part of the promotional materials for a training program. Nevertheless, in order to ensure that any material is not released inappropriately, OSHA has undertaken the following precautions:

a. All contractor and subcontractor personnel will be given instructions regarding the importance of keeping all information they obtain from respondents confidential.

b. The data collected will be entered into a computer data base. Study responses will be given a code number and the names of respondents will be stored separately from responses.

c. Diskettes containing completed case study data will be stored in a locked file cabinet at the contractor's office.

11. Sensitive Questions

As noted above, none of the questions in the study is expected to be considered sensitive or to cover proprietary information. Efforts have been taken to ensure that any sensitive questions have been removed in order to ensure the best possible response to the study.

12. Costs

The total one-time cost of this proposed data collection effort is $149,963.00. This estimate includes the costs incurred by the government for project management and data collection design, as well as costs incurred by contractors for administration and operation of the data collection effort, tabulation of results, and subsequent analyses. The derivation of the cost estimate is provided below.

OSHA Office of Regulatory Analysis:	
Costs of project management, review of contractor efforts, post survey analysis	$5,963
Study execution costs by OSHA contractors:	
Costs of preparation of study justification planning	18,000
Data collection costs at $188.55 per completed response and data entry, for 350 completes and 350 incompletes	66,000
Costs of data analysis	60,000
Total	$149,963

13. Estimates of Burden

All study instruments have been designed to allow the respondents to provide estimates and approximate description of training program elements, rather than highly specific information. The completion time for each telephone contact (where all information is obtained over the telephone) is estimated at 30–40 minutes. Those declining to participate will be identifiable within approximately 5 minutes. Those that do not operate the appropriate training course will be screened out of the survey also within 5 minutes.

The total respondent burden for the telephone contact will be approximately 235 hours, assuming 350 complete interviews (with all information obtained by telephone) of 35 minutes each and 350 incomplete or partial interviews of 5 minutes each. OSHA expects, however, that as many as a quarter of the respondents may choose to send in descriptive materials about their programs thereby substantially reducing the amount of information that will be gathered by telephone.

If the number of responses is below the 50 percent rate, another list of potential respondents will be completed and the telephone interviews will proceed from that list. In the event that the responses between categories are at unequal rates, the interview schedule may not be altered because each category of respondents has enough programs to adequately cover within category diversity. The decision to alter the interview schedule and number of respondents will be depend on the evaluation of the case study results by the contractor.

14. Reasons for Change in Burden

This is a one-time only data collection and thus a change in burden is not

germane and represents a one-time program increase in burden.

15. Plans for Tabulation of Data

The data collected will be analyzed by OSHA to determine the quality and adequacy of instruction being provided to emergency response and hazardous waste workers. This information will also be used by the OSHA Training Institute (Des Plaines, IL) in its training courses offered to OSHA compliance officers.

OSHA will also utilize the information in order to evaluate whether there is a need for a system of accrediting training providers or certifying training courses for emergency responders. OSHA is currently examining the potential need for accreditation of training programs for hazardous waste workers. This study will be fundamental to establishing the consistency and quality of instruction for emergency response workers and is therefore necessary for the future consideration of accreditation efforts.

Finally, OSHA will utilize the findings from study as part of its effort to develop an official OSHA training program to be offered through the Federal Emergency Management Administration. OSHA will incorporate the study findings in its consideration of the need for the development of original training modules or entire programs to meet any unfulfilled demand for programs or the need to supplement and improve the array of programs that are currently available. In any case, the study results will help to define and reduce the efforts OSHA would otherwise take in satisfying the requirements for a training program to be offered through FEMA.

EXHIBIT 1.—CHARACTERISTICS OF THE SAMPLE FOR EMERGENCY RESPONSE TRAINING PROVIDERS

Provider	Estimated number of programs	Study ratio	Target study size	Comment
				Includes EPA, DOT, FEMA, DHHS, DOL and others.
States, except fire academies	100	0.50	50	OSHA estimates an average of 2 programs per state.
State fire academies	50	0.50	25	OSHA estimates.
Local governments (city & county), except fire departments.	44	0.50	22	Approximately 175 cities have populations exceeding 100,000. An estimated 25% are assumed to provide training programs. Smaller cities are not likely to have their own training programs.
Local fire departments	15	0.50	8	Approximately 60 cities have populations exceeding 250,000. An estimated 25% of the fire departments in these cities are assumed to operate their own training programs. Fire departments in smaller cities are not likely to have their own training programs.
Non-profit organizations (unions, universities, training institutes).	216	0.50	108	OSHA estimate.
Private training concerns	240	0.50	120	OSHA estimate.
Private emergency response establishments	375	0.20	75	OSHA estimate.
Fixed facilities establishments	800	0.24	192	OSHA estimate based on the assumption that 10% of establishments in manufacturing, transportation, public utilities, and trade with more than 500 employees operate their own training programs for their employees.
Totals	1840	0.33	600	

Source: OSHA, Office of Regulatory Analysis

Please note: In addition to the 600 emergency response programs, 100 hazardous waste training programs will be included in this study. The results from the 600 emergency responders will be compared with the results from the 100 hazardous waste operations training programs. The response rate for the 700 interviews is anticipated at 50 percent.

EXHIBIT 2.—PROJECT SCHEDULE

Event	Due date
Develop data collection instrument.	February, 1991.
Develop list of training program providers.	February, 1991.
Submit survey justification to OMB.	March, 1991.
Subject to OMB approval, the following schedule is applicable:	
Data collection begins	Pending OMB approval.
Completion of survey data base.	2 months after OMB approval.
Submission of draft final report	3 months after OMB approval.
Submission of final report	4 months after OMB approval.

Eastern Research Group, Inc.
6 Whittemore Street
Arlington, MA 02174
(617) 648-7300

OMB Approval No. 1218-XXXX
OSHA Contract: Dan Hutch
(202) 523-7283

April 30, 1991

Name
Company or Organization
Address
City, State, Zip Code

Dear _____: On behalf of the Occupational Safety and Health Administration (OSHA), Eastern Research Group, Inc., is conducting a voluntary telephone survey to collect information on the number, type and characteristics of training programs for emergency response workers (i.e., those responding to spills of hazardous materials and hazardous waste workers). Your organization has been selected to participate in this survey. The information and cooperation your organization provides will greatly assist the Agency as it considers whether it should develop its own training programs and/or adapt private sector programs as it meets requirement for federally sponsored training.

OSHA is interested in obtaining this information solely for the purpose of assessing the number, types and characteristics of the training programs now being offered to workers on these subjects. The information will not be used in any fashion for enforcement purposes. To ensure confidentiality, the survey information will be stored in a data base that will not permit individual organizations to be identified.

The questionnaire covers the technical content of your training programs, the use of videos, equipment demonstrations and simulations, the methods used to test students, and the means used to provide feedback to instructors about their training effectiveness. We will be contacting your organization by telephone within the next three weeks.

We are required by the Office of Management and Budget to inform you that the public reporting burden for this collection of information is estimated to average 35 minutes per respondent; however, for organizations that operate several training courses on these subjects the survey could require approximately 1 hour and 15 minutes. This includes time for searching existing data sources, gathering the data needed, and completing the interview. If you have comments regarding this burden estimate or suggestions for reducing this burden, please send them to the Office of Information

Management, Department of Labor, N-1301 (1218-XXXX), 200 Constitution Avenue NW., Washington, DC 20210 and the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

We look forward to your cooperation in this data collection effort and greatly appreciate the time and resource commitment which it represents.

Sincerely,

Gerard F. Scannell,

Assistant Secretary for OSHA.

An Equal Opportunity Employer M/F

Questionnaire for Survey of Emergency Responder Training Programs

Interviewer: Before Initiating Interview:

Enter Interviewer Number _____

Enter Call Record Number _____

Enter Category of Respondent from List Below _____

A. Federal training programs
B. State Fire Academies
C. State programs (exc. fire academies)
D. Fire departments (large cities, >250,000)
E. Fire departments (small cities, <250,000)
F. Universities
G. Other non-profit training providers
H. Commercial training providers
I. Industrial facilities
J. Private emergency response companies
K. Private hazardous waste management companies (operators of treatment, storage, or disposal facilities)
L. Private Superfund site cleanup/environmental engineering contractors

Hello. My name is _____ and I'm calling from Eastern Research Group, Inc. We are conducting a survey on behalf of the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor to collect information on training programs for workers who may participate in emergency response for hazardous materials spills or incidents. We are specifically interested in training programs or courses primarily for emergency responders. This survey is not about workers at hazardous waste sites.

1. Have you developed or do you offer such programs or courses?

Yes _____
No _____ [*Terminated*]
Don't know _____ [*Ask to speak with someone else*]
Refused _____ [*Ask to speak with someone else*]

We are interested in obtaining information about the content and characteristics of programs currently being offered to workers who may participate in emergency response actions. OSHA is developing its own training program and wishes to collect information about existing programs in this area. OSHA is also interested in how training programs meet the requirements of the OSHA standard for emergency workers. This survey is designed to identify the best elements of the available programs and is *not* intended to monitor programs for compliance with OSHA standards.

This questionnaire should take about half an hour to administer. Should I direct my questions to you, or is there someone else in your organization with whom I should speak? [*Continue until you have located the person who can answer questions about training programs*]

1A. Would you provide copies of course descriptions or any available summaries of the curriculum for the courses discussed for our review?

Yes _____
No _____ [*Terminate*]
Don't know _____
Refused _____ [*Terminate*]

1B. Please send the materials to: Eastern Research Group, Inc., 6 Whittemore St., Arlington, MA 02174.

2. Our information indicates that your organization may be described as [*Category of respondent type from above*]. Is this correct?

Yes _____
No _____ [*Enter correct organization descriptor code* _____]
Don't know _____
Refused _____

3. Which of the following best describes your emergency response courses?

A. You developed your own courses (or developed most elements of your program yourself). _____ [*If yes, go to Q6*]

B. You modified or adapted existing courses. _____ [*If yes, go to Q4*]

C. You use existing courses without modification. _____ [*If yes, go to Q4*]

D. None of the above, other _____ [*If other, go to Q6*]

4. What organization first developed your training program.

Organization name _____
Don't know _____
Refused _____

5. Does the program developer offer technical assistance for initiating and operating this program?

Yes ____
No ____
Don't know ____
Refused ____

6. Do you offer emergency response training courses on a regular, ongoing basis?

Yes____
No____[*Go to Q10*]
Don't Know____
Refused____

7. Approximately how many times were emergency response courses taught in the last 12 months?

Number of times taught____
Don't know____
Refused____

8. For how long have you offered emergency response training programs?

Number of months/years____Circle unit: months years
Don't know____
Refused____

9. Approximately how many people enrolled in your emergency response courses in the last 12 months?

Number of persons____
Don't know____
Refused____

10. Has your organization developed emergency response training courses that are run by other organizations?

Yes____[*Continue*]
No____[*Go to Q13 unless answer to Q6 was also no, them terminate*]
Don't know____[*Go to Q13 unless answer to Q6 was no, then terminate*]
Refused____[*Go to Q13 unless answer to Q6 was no, then terminate*]

11. For what types of organizations? [*Circle all choices that apply*]

A. Federal training program
B. State Fire Academy
C. State program (exc. fire academy)
D. Fire departments (large cities)
E. Fire departments (small cities)
F. Universities
G. Other non-profit training providers
H. Commercial training providers
I. Manufacturing/Industrial facilities
J. Private emergency response companies
K. Hazardous waste facility operators
L. Superfund site cleanup/environmental engineering contractors

Don't know____
Refused____

12. What was the title(s) of the hazardous materials emergency response couses(s) you developed?

_____
_____
_____
_____
_____
_____

[*Terminate interview here for organizations that do not run training programs or that only develop but do not deliver training programs, i.e., if answers were no to Q6 and yes to Q10*]

13. Do your emergency response courses have a standard format and content, or are they modidifed depending on the anticipated audience?

Standard format and content____
Modified based on the audience____
Some of both____
Other____ (Describe____)
Don't know____
Refused____

14. Are any of your training courses designed to meet specific regulatory training requirements for emergency responders, and if so, what regulations are they designed to meet?

Yes ____ [*Indicate below which regulations the program is designed to meet*]
OSHA regulations (under Section 1910.120 of OSHA standards) ____
EPA regulations for emergency response workers ____
State regulations for training of emergency response workers ____
Other Federal regulations (specify) ____
No ____
Don't know ____
Refused ____

15. Do you offer other training courses that are commonly attended by emergency responders. [*These are courses that cover some but not all of the topics required by*

OSHA or EPA. Some combination of these courses could satisfy the OSHA or EPA requirements.]

Yes ____
No ____
Don't know ____
Refused ____

[If yes to Q14 and yes to Q15, continue.
If yes to Q14 and no to Q15, continue, but skip Q56–57.
If no to Q14 and yes to Q15, go to Q50.
If no to Q14 and no to Q15, terminte.]

16. *[Interviewer: Please assemble the names of the courses that are designed to meet the regulatory requirements, the primary level of emergency responder for which they are targeted, and the primary audience for each course. We wish to assemble this information for up to but no more than five courses.]*

We would now like to get some information about those courses that are designed to meet the minimum training requirements defined by OSHA and EPA. Could you tell us the name of each such course and the responder level, or levels, that the course serves. The responder levels defined in the OSHA regulations are:

a. Emergency responder—Awareness level
b. Emergency responder—Operations level
c. Hazardous materials technician
d. Hazardous materials specialist
e. On-scene coordinator

Also, we would like you to describe the prinicipal occupation(s) of the audience for the training course, from the following list.

a. Firefighters
b. Police
c. Commercial hazardous materials teams
d. Private industry personnel—fire brigades
e. Private industry personnel—hazardous materials teams
f. Private industry personnel—other
g. Public hazardous materials teams
h. Emergency medical teams
i. Government officials
j. Superfund site worker
k. Site assessment personnel (who may come in contact with hazardous materials)
l. RCRA facility personnel (landfill or other waste disposal site staff)
m. Open to any applicant
n. Don't know
o. Other [*Please ask to describe* ____]

Course	Responder level(s)	Primary audience(s)
1.		
2.		
3.		
4.		
5.		

[Questions 17 through 45 will be asked for each course listed in response to Q16]

17. What is the course length? [*Ask separately for each course identified in Q16*]

Course 1 ____ hours
Course 2 ____ hours
Course 3 ____ hours
Course 4 ____ hours
Course 5 ____ hours
Don't know ____
Refused ____

18. Please describe the topics addressed by these courses: [*List all topics. Ask separately for each course identified in Q16*]

[The interviewer may utilize a listing (to be provided) or prompt the respondent with the listing of topics specific to the each target responder level]

Course 1 _____
Course 2 _____
Course 3 _____
Course 4 _____
Course 5 _____

19. We would like to ask you about the instruction materials used in these courses. Do you use a course workbook/manual? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[If none of the courses use course workbooks/manuals, go to Q22]

20. Did your organization prepare the course workbook/manual? [*Ask separately for each course identified in Q19 as using a workbook/manual*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

21. Did your organization purchase the course workbook/manual? If so, from what organization was it purchased? [*Ask separately for each course identified in Q19 as using a workbook/manual*]

Course 1 _____
Course 2 _____
Course 3 _____
Course 4 _____
Course 5 _____
Don't know ____
Refused ____

22. Do you use a textbook? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[If none of the courses use textbooks, go to Q24]

23. What is the name of the textbook used in the course and who is the author? [*Ask separately for each course identified in Q22 as using a textbook*]

Course 1 _____
Course 2 _____
Course 3 _____
Course 4 _____
Course 5 _____
Don't know ____
Refused ____

24. Do you use any videos? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[if none of the courses use videos, go to Q26]

25. Please provide the following information about the primary videos used in these courses: [*Ask the following about all the courses indicated in Q16*]

Source (producing company) _____
Title _____
Year produced _____
Description _____
Courses that the video is used in _____
Source (producing company) _____
Title _____
Year produced _____
Description _____
Courses that the video is used in _____

26. Do you use problem solving concerning hypothetical emergency response situations? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

27. Do you use hands-on equipment instruction? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[*If no courses use hands-on instruction with air monitoring equipment, go to Q29*]

28. Approximately how many course hours are devoted to hands-on equipment activities for each course? [*Enter number of hours for each course indentified in Q27 as using hands-on equipment instruction*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
Don't know ____
Refused ____

29. Do you use simulated emergency response exercise? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[*If no courses use simulated hazardous waste handling exercises, go to Q31*]

30. Approximately how many course hours are devoted to simulated hazardous waste handling exercises for each course? [*Enter number of hours for each course identified in Q29 as using simulated emergency response exercises*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
Don't know ____
Refused ____

31. Do you use programmed computerized instruction? If so, please describe. [*Ask separately for each course identified in Q16*]

Course 1 _____
Course 2 _____
Course 3 _____
Course 4 _____
Course 5 _____
Don't know ____
Refused ____

32. Do you use other forms of instruction? If so, please describe. [*Ask separately for each course identified in Q16*]

Course 1 _____
Course 2 _____
Course 3 _____
Course 4 _____
Course 5 _____
Don't know ____
Refused ____

33. Is there an instructor's training guide or manual for these courses? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

34. Do these courses cover the use of personal protective equipment (PPE)?

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

[*If none of the courses cover the use of personal protective equipment, go to Q37*]

35. What types of personal protective equipment do you demonstrate? [*Check all those that apply*]

	Course 1	Course 2	Course 3	Course 4	Course 5
SCBA-type respirators					
Supplied-air respirators					
Canister-type full-faced respirators					
Fully encapsulating suits					
Other full body suits (e.g., Tyvek)					
Gloves, boots, and/or aprons					
Other*					
Don't know					
Refused					

*Describe:

36. [For each PPE type that is demonstrated, ask:] Do you have personal protective equipment available for use by students as part of the equipment instruction?

	Course 1	Course 2	Course 3	Course 4	Course 5
SCBA-type respirators					
Supplied-air respirators					
Canister-type full-faced respirators					
Fully encapsulating suits					
Other full body suits (e g., Tyvek)					

	Course 1	Course 2	Course 3	Course 4	Course 5
Gloves, boots, and/or aprons					
Other					
Don't know					
Refused					

37. [*Interviewer: Ask this question only if answer is not evident from topics list above*] Do these courses provide training in confined space entry? [*Ask separately for each course identified in Q16*]

Course 1 ____
Course 2 ____
Course 3 ____
Course 4 ____
Course 5 ____
All courses ____ [*Enter answer here if same response for all courses*]
Don't know ____
Refused ____

38. [*Interviewer: Ask this question only if answer is not evident from topics list above*] Do these courses address problems of physical safety (as opposed to chemical exposure hazards) during response actions? [*Ask separately for each course identified in Q16*]

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
All courses____[*Enter answer here if same response for all courses*]
Don't know____
Refused____

39. Do you test or evaluate students as part of these courses? [*Ask separately for each course identified in Q16*]

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
All courses____[*Enter answer here if same response for all courses*]
Don't know____
Refused____

[*If no courses test or evaluate students, go to Q41*]

40. How are students evaluated? [*Ask separately for each course identified in Q39 as testing or evaluating students, and fill in all of the following that apply:*]

a. Written test
b. Skill demonstration
c. Simulated exercise
d. Self assessments
e. Instructor assessment of class performance
f. Other_____(Describe)

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
Comments_____
Don't know____
Refused____

41. Do you issue either of the following to students at the completion of these courses? [*Ask separately for each course identified in Q16*]

a. Certificate of *completion*
b. Certificate of *competency*

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
All courses____[*Enter answer here if same response for all courses*]
Don't know____
Refused____

42. Do students attend these courses for refresher training? [*Ask separately for each course identified in Q16*]

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
All courses____[*Enter answer here if same response for all courses*]
Don't know____
Refused____

43. Approximately how many different instructors are involved in teaching each course? [*Ask separately for each course identified in Q16*]

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
Don't know____
Refused____

44. Approximately how many students are typically in each of these courses? [*Ask separately for each course identified in Q16*]

Course 1____
Course 2____
Course 3____
Course 4____
Course 5____
Don't know____
Refused____

45. For your ongoing sessions or for the last sessions held, what was the ratio of instructors to students in these courses: [*Ask separately for each course identified in Q16*]

	Course 1	Course 2	Course 3	Course 4	Course 5
In the Classroom					
During hands-on exercises					
Don't know					
Refused					

[*THIS COMPLETES THE COURSE-SPECIFIC LOOP*]

[*THE FOLLOWING QUESTIONS APPLY TO ALL THE PROGRAMS LISTED IN QUESTION 16*]

We would now like to ask you some questions about the instructors for your emergency response training programs.

46. Approximately how many instructors have you employed in the past 12 months for your emergency response courses?

Number employed ____
Don't know ____
Refused ____

47. What percentage of your trainers are certified?

Percentage certified ____
Don't know ____
Refused ____

[*If zero, go to Q49*]

48. By what certifying organization(s)?

[*List*] ____
Don't know ____
Refused ____

49. What percentage of your instructors have completed a training program for instructors, such as a "train-the-trainer" course?

Percentage trained ____
Don't know ____
Refused ____

[*If zero, go to Q52*]

50. Did this training course(s) or program(s) for instructors cover: [*Check those that apply*]

____ General instructional techniques

____ Instruction specific to conducting training for emergency response classes
Describe ____
____ Neither of these
____Don't know
____Refused

51. Who ran the "train-the-trainer" course and where are they located?

Organization _____
Location of organization _____
[*Give headquarters location if provided*]
Don't know ____
Refused _____

52. Other than "train-the-trainer" courses, what percentage of your instructors have completed formal courses in education or training techniques?

Percentage trained _____
Don't know _____
Refused _____

53. What percentage of your instructors have received formal training in toxicology?

Percentage trained _____
Don't know ____
Refused ____

54. What percentage of your instructors have field experience in emergency response actions?

Percentage with experience _____
Don't know _____
Refused _____

55. Do you provide instructors with evaluations of their training courses?

By supervisor _____
By outside observers _____
By students _____
No _____
Don't know _____
Refused _____

[*Skip to Q58 if the answer to Q15 was no*]

[*THE FOLLOWING GROUP OF QUESTIONS CONCERNS TRAINING COURSES THAT DO NOT MEET OSHA OR EPA REQUIREMENTS BUT ARE COMMONLY ATTENDED BY EMERGENCY RESPONDERS*]

Now I would like to ask you about the courses you offer that are commonly attended by emergency responders but do not meet the OSHA and EPA minimum regulatory training requirements. Please provide the name and the primary audience for each course.

56. What is the name(s) of this course: [*Take the name of no more than three such courses*]

Course 1_____
Course 2_____
Course 3_____

57. What is the primary audience for the course(s) [*For each course identified in Q56, list all of the following that apply*]

a. Firefighters
b. Police
c. Commercial hazardous materials teams
d. Private industry personnel—fire brigades
e. Private industry personnel—private hazardous materials teams
f. Private industry personnel—other
g. Public hazardous materials teams
h. Emergency medical teams
i. Government officials
j. Superfund site worker
k. Superfund site assessment personnel (who may come in contact with hazardous materials)
l. RCRA facility personnel (landfill or other waste disposal site staff)
m. Don't know
n. Other—Describe_____

Course 1_____
Course 2_____
Course 3_____

58. Please send the course materials that you agreed to provide OSHA to: Eastern Research Group, Inc., 6 Whittemore St., Arlington, MA 02174.

Ending

Thank you very much for your time and assistance.

[FR Doc. 91-6598 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-26-M

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

Background

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

List of Recordkeeping/Reporting Requirements Under Review: As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries groups grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in.

Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping/reporting requirement.

The OMB and Agency identification numbers, if applicable. How often the recordkeeping/reporting requirement is needed. Who will be required to or asked to report or keep records. Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements and the average hours per respondent.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

Comments and Questions: Copies of the recordkeeping/reporting requirements may be obtained by calling the Department Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW., room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, *Attn:* OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping/reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

Revision

[Bureau of Labor Statistics, Department of Labor, Current Population Survey Questionnaire Redesign, BLS 1220-0129]

Form	Affected public	Respondents	Frequency	Average time/resp.
CPS-260 (part), CPS-1 & Debriefing	Household individuals	1900	4	11 minutes.
CPS-260 (part), Version D & Debriefing	Household individuals	1900	4	11 minutes.
2,786.67 total hours.				

An alternative Current Population Survey labor force questionnaire will be tested in telephone interviews with a randomly selected sample of households. A revised questionnaire is needed to resolve problems with the present instrument and to insure that

the questions are relevant and understandable in the 1990's.

Extension

Mine Safety and Health Administration
Mine Operator Dust Data Card
1219-0011
Bimonthly
Businesses and other for profit; small businesses or organizations
2,549 respondents; 36.0925 responses per respondent; 1.016 hours per response; 93,472 total burden hours
Approximately 50 percent of coal mine operators are required to collect and submit respirable dust samples to MSHA for analysis.

Pertinent information associated with identifying and analyzing these samples is submitted on the dust data card that accompanies the samples.

Signed at Washington, DC this 19th day of March, 1991.

Paul E. Larson,

Departmental Clearance Officer.

[FR Doc. 91-6909 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-24-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study for local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the Federal Register or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the decribed work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., room S-3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The numbers of the decisions listed in the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and Related Acts" being modified are listed by volume, State, and page number(s). Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut, CT91-1 (Feb. 22, 1991).	p. 63, pp. 65-76.

Volume II

Illinois, IL91-19 (Feb. 22, 1991).	p. 241, pp. 241-242.
Indiana, IN91-5 (Feb. 22, 1991).	p. 305, pp. 307, 312.

Volume III

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country. Subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (202) 783-3238.

When ordering subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the three separate volumes, arranged by State. Subscriptions include an annual edition (issued on or about January 1) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC this 15th day of March 1991.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 91-6646 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-27-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this

notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 1, 1991.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 1, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC this 11th day of March 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
ABCO Industries, Inc. (Boilermakers)	Abilene, TX	03/11/91	02/20/91	25,519	Boilers.
Ampex Corp. (Wkrs)	Colorado Springs, CO	03/11/91	02/12/91	25,520	Video Equipment.
Anchor Glass Container Corp. (GMP)	Royersford, PA	03/11/91	02/25/91	25,521	Glass Containers.
Applied Vision Systems, Inc. (Wkrs)	Minneapolis, MN	03/11/91	02/23/91	25,522	Circuit Boards.
ASARCO—Coeur Unit (Wkrs)	Wallace, ID	03/11/91	02/27/91	25,523	Silver.
Aspen Imaging Intl., Inc. (Wkrs)	Lafayette, CO	03/11/91	02/26/91	25,524	Printer Ribbons.
Barnes Pump (IAM)	Mansfield, OH	03/11/91	02/28/91	25,525	Water Pumps.
Blueberry Woolens, Inc. (Wkrs)	Anson, ME	03/11/91	02/20/91	25,526	Sweaters.
Bull HN Info. Systems, Inc. (Wkrs)	Phoenix, AZ	03/11/91	01/16/91	25,527	Computers.
Conquest Exploration Co. (Wkrs)	Houston, TX	03/11/91	02/13/91	25,528	Oil & Gas.
Dallas & Mavis (Wkrs)	Buffalo, NY	03/11/91	02/28/91	25,529	Trucks.
Dexter Shoe Co. (Wkrs)	Dexter, ME	03/11/91	02/14/91	25,530	Hand Sewers.
Durham Knitting Mills	Lafayette, GA	03/11/91	02/28/91	25,531	Shirts.
Edgewater Steel Co. (USWU)	Oakmont, PA	03/11/91	02/27/91	25,532	Wheels & Tires.
Furon Ohio Div. (Wkrs)	Dover, OH	03/11/91	03/01/91	25,533	Plastic Parts.
Graphics Plus, Inc. (Wkrs)	Bridgeport, CT	03/11/91	03/01/91	25,534	Printing.
Harnishchfeger Corp. (Wkrs)	Oakcreek, WI	03/11/91	02/26/91	25,535	Cranes.
L.P. II Inc. (Company)	Forks, WA	03/11/91	02/23/91	25,536	Shakes & Shingles.
Megastar Apparel Group (Wkrs)	Chester, SC	03/11/91	02/26/91	25,537	Sportswear.
North Star Steel Penn. (USMA)	Milton, PA	03/11/91	02/25/91	25,538	Reinforcing Bars.
Sonnenschein Batteries, Inc. (Wkrs)	Meriden, CT	03/11/91	02/14/91	25,539	Leak-Acid.
South Haven Rubber Co. (UAW)	South Haven, MI	03/11/91	03/01/91	25,540	Rubber Parts.
Toro Co., Inc./Home Improve. Div. (Wkrs)	Mound, MN	03/11/91	02/22/91	25,541	Electric Blowers & Vac. Units (Wkrs).

[FR Doc. 91-6911 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-23,938]

Howell Industries, Inc. Masury, OH; Negative Determination on Reconsideration

By order dated October 1, 1990, the United States Court of International Trade (USCIT) in *United Steelworkers of America, Local* #1618 v. *Secretary of Labor* (USCIT 90-07-00328) remanded this case to the Department of Labor to issue a redetermination within 60 days from the date of receipt of plaintiff's response.

A review of the record shows that the company produced metal automotive stampings for a major original equipment manufacturer (OEM). The union claimed that they lost a large metal stamping order for a rear control arm for their major customer to a foreign manufacturer who casted the part. Howell's 1986 bid for a metal stamped rear control arm for the 1989 model was accepted subject to annual extensions for new models. Howell's contract was not extended for the 1990 model because of engineering changes made by Howell's customer to improve the rear control arm's strength and endurance.

The Departments denial was based on the fact that the "contributed importantly" test was not met. This test is generally demonstrated through a survey of the workers' firm's customers. Investigation findings showed that Howell did not produce castings and did not bid on the casting part, AR 48.

The findings also showed that Howell was not in the business of ductile iron castings and could not meet casting specifications, AR 44. Accordingly, there is no basis on which a certification can be issued.

After further review on reconsideration the Department supports its denial not only on the "contributed importantly" test (Howell never did on the casted part) but also on the fact that the design change of the rear control arm was so dominant a cause that the Howell workers would have been laid off regardless because Howell could not meet the new specifications established for the rear control arm.

New findings on remand show that the casted part is an improved and technologically superior part to the metal stamped part and meets the specifications for the 1990 turbo-charged (sport) and standard models. The stamped rear control arm produced by Howell for the 1989 model was not meeting its design intent requirements with a sufficient margin of safety. Howell's customer, in order to preserve suspension integrity, had the part redesigned to increase its strength. In line with this requirement, Howell's customer canvassed several domestic casting sources, but none could meet the higher design strength loads.

Therefore, a search ensued for an engineering-approved foreign casting source. A Japanese firm was identified as the most capable source to meet

hese unique engineering requirements. The Legislative History of the Trade Reform Act (Senate Report No. 93-1298 p. 133) states that the total or partial separations that would have occurred regardless of the level of imports, e.g. those resulting from domestic competition, seasonal, cyclical or technological factors are not intended to be covered by the program.

Conclusion

After reconsideration, I affirm the original notice of negative determination of eligibility to apply for adjustment assistance to workers of Howell Industries, Inc., Masury, Ohio.

Signed at Washington, DC, this 13th day of March 1991.

Stephen A. Wandner,

Deputy Director, Legislation & Actuarial Services, Unemployment Insurance Service.

[FR Doc. 91-6912 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25, 143]

Mutterperl Group Ltd; New York, NY; Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on December 3, 1990 in response to a worker petition which was filed on December 3, 1990 on behalf of workers at Mutterperl Group Ltd., New York, New York.

An active certification covering the petitioning group of workers remains in effect (TA-W-22,566, as amended March 12, 1991). Consequently, further investigation is this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 14th day of March, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-6913 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

Training Partnership Act; Announcement of Proposed Noncompetitive Grant Awards

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of intent to award five (5) noncompetitive grants.

SUMMARY: The Employment and Training Administration (ETA) announces its intent to modify five (5) current grants on a non-competitive basis with the National Association of Counties, National Conference of State Legislature, National Governor's Association, National Conference of Black Mayors and U.S. Conference of Mayors for the provision of specialized services under the authority of the Job Training Partnership Act (JTPA).

DATES: It is anticipated that these grant agreements will be executed by May 1, 1991, and will be funded for one year. Submit comments by 4:45 p.m. (Eastern Time), on April 8, 1991.

ADDRESSES: Submit comments regarding these proposed assistance awards to: U.S. Department of Labor, Employment and Training Administration, room C-4305, 200 Constitution Avenue, NW., Washington, DC 20210, Attention: Charlotte Adams; Reference: FR-DAA-003-91.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) announces its intent to modify the following five (5) current grants and included is a brief summary of each organization.

The National Association of Counties (NACO) is providing technical assistance to county officials to assist them in building and refining their capacity to administer JTPA by developing and disseminating briefing materials/issue papers; plan and participate in conferences and workshops for the purpose of presenting information on JTPA; and collecting information on successful public/private partnerships and disseminating the information to counties.

The National Conference of Black Mayors (NCBM) is researching and providing technical assistance to municipalities representative of NCBM localities and to majority black SDAs. They are assessing NCBM's membership's utilization of JTPA programs, enhancing their understanding of JTPA, and building local capacity relative to establishing and achieving economic development goals through job training; by conducting a feasibility study based on a survey of 225 municipalities; rendering of technical assistance through seminars; and developing and dissemination of case studies on adaptable exemplary JTPA funded programs.

The National Conference of State Legislatures (NCSL) provides technical assistance to State legislatures to aid them in developing and refining their capabilities in operating and administering the requirements of JTPA. NCSL conducts surveys, disseminates background and reference materials, organizes meetings and workshops, and provides in-depth policy assistance regarding JTPA.

The National Governor's Association (NGA) assists the Governors and their States in carrying out the statutory, regulatory, and grant requirements of JTPA programs. NGA staff disseminate background and reference materials, organize meetings and workshops, and provide in-depth policy assistance to states regarding JTPA.

The United States Conference of Mayors (USCM) is providing technical assistance to city officials to assist them in building and refining their capacity to administer JTPA by developing a disseminating briefing materials/issue papers; planning and participating in conferences and workshops for the purpose of presenting information on JTPA; and collecting information on successful public/private partnerships and disseminating the information to cities.

Funds for these activities are authorized by the Job Training Partnership Act (JTPA), as amended, title IV—Federally Administered programs. Listed below are the proposed funding levels for each organization for one year period.

NACO—$360,500.
NSCL—$256,837.
NGA—$321,500.
NCBM—$206,000.
USCM—$257,500.

Signed at Washington, DC, on March 12, 1991.

Robert D. Parker,

ETA Grant Officer.

[FR Doc. 91-6914 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training

Administration, Department of Labor, room N4456, 200 Constitution Avenue NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are found in many local telephone directories, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502 Constitution Avenue NW., Washington, DC. 20210.

FOR FURTHER INFORMATION CONTACT:

Attestation Process. The Employment and Training Administration has established a voice-mail service for the H-1A nurse attestation process. Call telephone number: 202-535-0634 (this is not a toll-free number). At that number, a caller can:

(1) Listen to general information on the attestation process for H-1A nurses;

(2) Request a copy of the Department of Labor's regulations (20 CFR part 655, subparts D and E and 29 CFR part 504, subparts D and E) for the attestation process for H-1A nurses, including a copy of the attestation form (form ETA 9029) and the instructions to the form;

(3) Listen to information on H-1A attestations filed within the preceding 30 days;

(4) Listen to information pertaining to public examination of H-1A attestations filed with the Department of Labor;

(5) Listen to information on filing a complaint with respect to a health care facility's H-1A attestation (however, see the telephone number regarding complaints, set forth below); and

(6) Request to speak to a Department of Labor employee regarding questions not answered by Nos. (1) through (4) above.

Regarding the Complaint Process. Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons wish to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under that attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 15th day of March, 1991.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS

[03/04/91 to 03/08/91]

CEO-name	Phone	Facility name	State	Approval date
Ms. Doris Porth	415-667-4542	Humana, Inc. d/b/a Humana Hos, San Leandro, San Leandro, CA 94478.	CA	03/04/91
Ms. Phyllis Harding	415-821-8626	San Francisco Gen. Hosp. Med. Ctr., San Francisco, CA 94110	CA	03/04/91
Ms. Carolyn Catton	714-288-4560	United Western Medical Ctr./A, 810 West Taft Avenue, Orange, CA 92701.	CA	03/04/91
Mr. Frank Don Alvare	415-929-4134	San Francisco Kaiser Foundation, 2425 Geary Blvd., San Francisco, CA 94115.	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West North Valley, Care Enterprises West, Chico, CA 95926	CA	03/08/91
Mr. Robert M. Jarami	213-653-1958	Jaramillo Cares, Inc. dba Spe, 6404 Wilshire Blvd, Suite 720, Los Angeles, CA 90048.	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Madison, 1391 E. Madison Ave., El Cajon, CA 92021	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Arroyo Vista, Care Enterprises West, San Diego, CA 92105	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Intercommunity, Care Enterprises West, Norwalk, CA 90650.	CA	03/08/91
Irwin Hansen	213-748-2411	California Med. Ctr. Los Angeles, 1401 S. Grand Ave., Los Angeles, CA 90015.	CA	03/08/91
Mr. Kenneth P. Kento	408-236-4266	Kaiser Foundation Hospital, 900 Kiely Blvd., Santa Clara, CA 95051	CA	03/08/91
Mr. Thomas Salerno	213-945-3561	Whittier Hosp. Med. Ctr., 15151 Janine Drive, Whittier, CA 90605	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Bayside, Care Enterprises West, Kentfield, CA 94904	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Tri City, Care Enterprises West, Oceanside, CA 92056	CA	03/08/91
Mr. John D. Rawls	415-780-2000	Kaiser Foundation Hospital, 1150 Veterans Blvd., Redwood City, CA 94063.	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Arizona, Care Enterprises West, Santa Monica, CA 90404	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Manteca, Care Enterprises West, Manteca, CA 95336	CA	03/08/91
Mr. Doug Drumwright	714-544-4443	Care West Gateway, Care Enterprises West, Hayward, CA 94544	CA	03/08/91
Sister Carol Keehan	202-269-7000	Providence Hospital, 1150 Varnum Street, NE., Washington, DC 20017	DC	03/08/91

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[03/04/91 to 03/08/91]

CEO-name	Phone	Facility name	State	Approval date
Mr. E. Drew Gackenhe	407-471-5111	The Joseph L. Morse Geriatric, 4847 Fred Gladstone Drive, West Palm Beach, FL 33417.	FL	03/07/91
Mr. Marcus E. Drewa	904-798-8017	Methodist Medical Center, 580 W. 8th St., Jacksonville, FL 32220	FL	03/08/91
Mr. John Gregg	904-350-6694	University Medical Center, Inc, 655 West 8th Street, Jacksonville, FL 32209.	FL	03/08/91
Mr. Nat West	407-395-7100	Boca Raton Community Hosp. Inc., 800 Meadows Road, Boca Raton, FL 33486.	FL	03/08/91
Mr. Daniel L. Stickl	305-325-5511	Cedars Medical Center, 1400 N.W. 12th Avenue, Miami, FL 33136	FL	03/08/91
Mr. James A. Hotchki	305-891-8850	Villa Maria Nursing & Rehab. Ctr., Inc., North Miami, FL 33161	FL	03/08/91
Sister Stella Louise	312-770-2000	Saint Mary of Nazareth Hosp., 2233 West Division Street, Chicago, IL 60622.	IL	03/08/91
Ms. Nancy Hsu	617-423-0590	South Cove Manor Nursing Home, 120 Shawmut Avenue, Boston, MA 02118.	MA	03/08/91
Sister Catherine Han	617-237-2161	Elizabeth Seton Residence, Inc., 125 Oakland Street, Wellesley, MA 02181.	MA	03/08/91
Mr. Donald Goldberg	617-344-0600	New England Sinai Hosp. & Reh, 150 York Street, Stoughton, MA 02072.	MA	03/08/91
Mr. Stanley Fertel	617-442-8760	Jewish Memorial Hosp., 59 Townsend Street, Boston, MA 02119	MA	03/08/91
Mr. Samuel B. Edelst	617-696-4600	Milton Hospital, 92 Highland Street, Milton, MA 02186	MA	03/08/91
Mr. Ronald Marx	301-891-7600	Washington Adventist Hospital, 7600 Carroll Avenue, Takoma Park, MD 20912.	MD	03/08/91
Mr. Edward C. Andrew	207-872-1273	Mid-Maine Medical Center, 149 North Street, Waterville, ME 04901	ME	03/08/91
Mr. Arthur B. West	313-252-4080	Detroit Osteopathic Hosp., 12523 Third Ave., Highland Park, MI 48203.	MI	03/04/91
Mr. Edward S. Thomas	313-745-3400	Detroit Receiving Hosp. & Uni Health Ctr., Detroit, MI 48201	MI	03/08/91
Ms. Sharon Stiles	704-866-8596	Brian Center Nursing Care/Gas, 969 Cox Road, Gastonia, NC 28054	NC	03/08/91
Ms. Pat Sherrill	704-663-3448	Brian Center Health & Retirement Mooresville, Mooresville, NC 28115.	NC	03/08/91
		Charlotte, Charlotte, NC 28212		
Mr. Steve Messer	704-563-0886	Brian Center Nursing Care Sha, 2727 Shamrock Road, Charlotte, NC 28205.	NC	03/08/91
Mr. Thomas L. Scott	609-463-2000	Burdette Tomlin Memorial Hosp, Stone Harbor Blvd., Cape May Court House, NJ 08210.	NJ	03/04/91
Mr. Richard A. Pitma	609-653-3500	Shore Memorial Hospital, Shore Rd. & New York Ave., Somers Point, NJ 08244.	NJ	03/04/91
Mr. Justin Doheny	201-942-6900	Wayne General Hospital, 224 Hamburg Turnpike, Wayne, NJ 07470	NJ	03/04/91
Mr. James J. Doyle,	201-831-5000	Chilton Memorial Hosp., 97 West Parkway, Pompton Plains, NJ 07444.	NJ	03/04/91
Mr. Harvey Holzberg	908-828-3000	Robert Wood Johnson University, 1 Robert Wood Johnson Place, New Brunswick, NJ 08901.	NJ	03/04/91
Mr. Keith McLaughlin	908-442-3700	Raritan Bay Medical Center, 530 New Brunswick Ave., Perth Amboy, NJ 08861.	NJ	03/08/91
	201-540-5750	Morristown Memorial Hospital, 100 Madison Avenue, Morristown, NJ 07960.	NJ	03/08/91
Mr. Paul Cavalli	201-392-3100	Meadowlands Hosp. Med. Ctr., Meadowlands Parkway, Secaucus, NJ 07096.	NJ	03/08/91
Mr. David Fletcher	201-289-8600	Elizabeth General Medical Cen., 925 East Jersey Street, Elizabeth, NJ 07201.	NJ	03/08/91
Mr. Michael T. Korne	908-321-7170	JFK Health Systems, Inc., 65 James Street, Edison, NJ 08818	NJ	03/08/91
Mr. J. Rock Tonkel	212-790-7987	St. Vincent's Hosp. & Med. Ctr. of New York, New York, NY 10011	NY	03/04/91
Mr. Spencer Foreman	212-920-5555	Montefiore Medical Center, 111 E. 210th St., Bronx, NY 10467	NY	03/08/91
Sister Louise Garley	914-338-2500	Benedictine Hospital, 105 Mary's Avenue, Kingston, NY 12401	NY	03/08/91
Mr. Meyer Greisman	212-549-9400	Hebrew Home for Aged, Fairfield Division, Bronx, NY 10463	NY	03/08/91
Mr. Michael Brucella	212-293-1500	Daughters of Jacob Geriatric, 1160 Teller Avenue, Bronx, NY 10456	NY	03/08/91
Mr. Leon S. Malmud	215-221-2000	Temple University Hospital, 3300 N. Broad Street, Philadelphia, PA 19140.	PA	03/08/91
Mr. William W. Amol	615-340-1496	Centennial Medical Center, 230 25th Avenue North, Nashville, TN 37203.	TN	03/08/91
Ms. JoAnn Castrina-H	409-327-4381	Polk County Memorial Hosp., P.O. Box 1257, Livingston, TX 77351	TX	03/04/91
Mr. William E. Ball	214-840-3400	Outreach Health Services of N, 1919 S. Shiloh, #420, LB46, Garland, TX 75042.	TX	03/08/91
Mr. Harold L. Boenin	512-583-3401	Otto Kaiser Memorial Hospital, Rt. 1, Box 450, Kenedy, Texas 78119	TX	03/08/91
Mr. Robert Gladney	214-358-6000	Dallas Rehabilitation Institu, 9713 Harry Hines Blvd., Dallas, TX 75220.	TX	03/08/91
Mr. Andrew M. Harris	903-657-7541	Henderson Memorial Hospital, 300 Wilson St., Henderson, TX 75652	TX	03/08/91
Mr. Pat L. Horn	903-856-6663	East Texas Med. Ctr.—Pittsburg, 414 Quitman Street, Pittsburg, TX 75686.	TX	03/08/91
Mr. Ben M. McKibbens	512-421-1100	Valley Baptist Medical Center, 2101 Pease St., Harlingen, TX 78550	TX	03/08/91
Mr. William E. Simmo	713-420-8690	San Jacinto Methodist Hospital, 4401 Garth Rd., Baytown, TX 77521	TX	03/08/91
Mr. Larry L. Mathis	713-790-2197	The Methodist Hospital System, 6565 Fannin, Houston, TX 77090	TX	03/08/91
Mr. Jay Irby	206-364-1300	Foss Home, 13023 Greenwood Ave., N., Seattle, WA 98133	WA	03/08/91
Ms. Catherine Hackne	414-273-4890	Marina View Manor (Health Car Retirement), Milwaukee, WI 53202	WI	03/08/91

Number of attestations: 67.

[FR Doc. 91-6915 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

Attestations Filed by Facilities Using Nonimmigrant Aliens As Registered Nurses

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is publishing, for public information, a list of the following health care facilities which plan on employing nonimmigrant alien nurses. These organizations have attestations on file with DOL for that purpose.

ADDRESSES: Anyone interested in inspecting or reviewing the employer's attestation may do so at the employer's place of business.

Attestations and short supporting explanatory statements are also available for inspection in the Immigration Nursing Relief Act Public Disclosure Room, U.S. Employment Service, Employment and Training Administration, Department of Labor, room N4456, 200 Constitution Avenue, NW., Washington, DC 20210.

Any complaints regarding a particular attestation or a facility's activities under that attestation, shall be filed with a local office of the Wage and Hour Division of the Employment Standards Administration, U.S. Department of Labor. The address of such offices are founding many local telephone directors, or may be obtained by writing to the Wage and Hour Division, Employment Standards Administration, Department of Labor, room S3502, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT:

Attestation Process. The Employment and Training Administration has established a voice-mail service for the H-1A nurse attestation process. Call Telephone Number: 202-535-0643 (this is not a toll/free number). At that number, a caller can:

(1) Listen to general information on the attestation process for H-1A nurses;

(2) Request a copy of the Department of Labor's regulations (20 CFR part 655, subparts D and E, and 29 CFR part 504, subparts D and E) for the attestation process for H-1A nurses, including a copy of the attestation form (form ETA 9029) and the instructions to the form;

(3) Listen to information on H-1A attestations filed within the preceding 30 days;

(4) Listen to information pertaining to public examination of H-1A attestations filed with the Department of Labor;

(5) Listen to information on filing a complaint with respect to a health care facility's H-1A attestation (however, see the telephone number regarding complaints, set forth below); and

(6) Request to speak to a Department of Labor employee regarding questions not answered by Nos. (1) through (4) above.

Regarding the Complaint Process. Questions regarding the complaint process for the H-1A nurse attestation program shall be made to the Chief, Farm Labor Program, Wage and Hour Division. Telephone: 202-523-7605 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Immigration and Nationality Act requires that a health care facility seeking to use nonimmigrant aliens as registered nurses first attest to the Department of Labor (DOL) that it is taking significant steps to develop, recruit and retain United States (U.S.) workers in the nursing profession. The law also requires that these foreign nurses will not adversely affect U.S. nurses and that the foreign nurses will be treated fairly. The facility's attestation must be on file with DOL before the Immigration and Naturalization Service will consider the facility's H-1A visa petitions for bringing nonimmigrant registered nurses to the United States. 26 U.S.C. 1101(a)(15)(H)(i)(a) and 1181(m). The regulations implementing the nursing attestation program are at 20 CFR part 655 and 29 CFR part 504, 55 FR 50500 (December 6, 1990). The Employment and Training Administration, pursuant to 20 CFR 655.310(c), is publishing the following list of facilities which have submitted attestations which have been accepted for filing.

The list of facilities is published so that U.S. registered nurses, and other persons and organizations can be aware of health care facilities that have requested foreign nurses for their staffs. If U.S. registered nurses or other persons which to examine the attestation (on Form ETA 9029) and the supporting documentation, the facility is required to make the attestation and documentation available. Telephone numbers of the facilities' chief executive officers also are listed, to aid public inquiries. In addition, attestations and supporting short explanatory statements (but not the full supporting documentation) are available for inspection at the address for the Employment and Training Administration set forth in the **ADDRESSES** section of this notice.

If a person wishes to file a complaint regarding a particular attestation or a facility's activities under attestation, such complaint must be filed at the address for the Wage and Hour Division of the Employment Standards Administration set forth in the **ADDRESSES** section of this notice.

Signed at Washington, DC, this 8th day of March, 1991.

Robert A. Schaerfl,

Director, United States Employment Service.

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS

[2/25/91 to 3/01/91]

CEO-name	Phone	Facility name	State	Approval date
Mr. James D. Helzer	209-221-5600	Sierra Community Hosp., 2025 E. Dakota, Fresno, CA 93726	CA	02/25/91
Mr. James D. Helzer	209-323-4000	Clovis Community Hosp., 2755 Herndon, Clovis, CA 93612	CA	02/25/91
Mr. Anthony J. Gatel	415-742-2313	Kaiser Foundation Hospital, 1200 El Camino Real, South San Francisco, CA 94080.	CA	02/25/91
Mr. Claudia Streaty	714-282-4560	United Western Medical Ctr./B, 810 West Taft Avenue, Orange, CA 92665.	CA	03/01/91
Mr. David Morgan	714-282-4560	United Western Med. Ctr/Sant, 810 West Taft Avenue, Orange, CA 92665.	CA	03/01/91
Mr. John P. Yeros	303-393-1515	International Nursing Service, 101 University Boulevard, Denver, CO 80206.	CO	02/26/91
Mr. Winston Rushing	813-586-1411	HCA Largo Med. Ctr. Hosp., 201 14th Street, S.W., Largo, FL 34649	FL	02/25/91
Mr. Jim Albright	813-893-6014	Bayfront Medical Center, Inc., 701 Sixth Street South, St. Petersburg, FL 33701.	FL	02/27/91
Mr. James Roy Orr	813-639-3131	Medical Center Hospital, 809 E. Marion Avenue, Punta Gorda, FL 33951.	FL	02/27/91
Mr. Philip K. Beauch	831-955-1111	Sarasota Memorial Hosp., 1700 South Tamiami Trail, Sarasota, FL 34239.	FL	02/27/91

DIVISION OF FOREIGN LABOR CERTIFICATIONS APPROVED ATTESTATIONS—Continued

[2/25/91 to 3/01/91]

CEO-name	Phone	Facility name	State	Approval date
Mr. Gary L. Rowe	407-295-5151	AMI Medical Center Orlando, 1800 Mercy Drive, Orlando, FL 32808	FL	03/01/91
Mr. Michael O'Grady	407-567-4311	Indian River Mem. Hosp., 1000 36th St., Vero Beach, FL 32960	FL	03/01/91
Mr. Henry L. Nadler	312-791-3000	Michael Reese Hosp. & Med. Ct., Lake Shore Drive at 31st Street, Chicago, IL 60616.	IL	02/26/91
Ms. Denise R. Willis	312-995-3000	Roseland Community Hosp., 45 West 111th Street, Chicago, IL 60628.	IL	02/27/91
Ms. Ann Storjohann	312-643-9200	Hyde Park Hospital, 5800 S. Stony Island Ave., Chicago, IL 60637	IL	03/01/91
Mr. Everard O. Rutle	301-383-4000	Liberty Medical Center, Inc., 2600 Liberty Heights Avenue, Baltimore, MD 21215.	MD	03/01/91
Mr. Robert Steinberg	313-493-5713	Sinai Hospital of Detroit, 6767 West Outer Drive, Detroit, MI 48235	MI	02/27/91
Mr. Herbert B. Schne	314-577-8580	Saint Louis University Hosp., 3635 Vista, St. Louis, MO 63110	MO	03/01/91
Mr. A. Jason Geising	603-888-1573	First Health Care Corp., d.b.a. Greenbriar Terrace Healthcare, Nashua, NH, 03062.	NH	03/01/91
Mr. Charles E. Baer	609-394-4000	Mercer Medical Center, 446 Bellevue Avenue, Trenton, NJ 08607	NJ	02/27/91
Ms. Geraldine Doll	201-845-0099	Bristol Manor Health Care Ctr., 96 Parkway, Rochelle Park, NJ 07662	NJ	02/27/91
Mr. Bernard Koval	201-429-6000	Mountainside Hospital, Bay and Highland Avenues, Montclair, NJ 07042.	NJ	03/01/91
Mr. Robert W. Taylor	201-881-1777	World Health Resources, Inc., 202 22nd Avenue, Paterson, NJ 07513	NJ	03/01/91
Mr. Robert S. Curtis	201-450-2000	Clara Maass Medical Center, 1 Franklin Avenue, Belleville, NJ 07109	NJ	03/01/91
Mr. Barry Shaxted	212-949-9372	American Recruitment Custom Services, Inc., New York, NY 10017	NY	02/26/91
Mr. John R. Spicer	914-632-5000	New Rochelle Hospital Med. Ct., 16 Guion Place, New Rochelle, NY 10802.	NY	02/27/91
Mr. Havva S. Idriss	914-939-7000	United Hospital Medical Center, 406 Boston Post Road, Port Chester, NY 10573.	NY	02/27/91
Mr. Alvin J. Conway	718-657-6800	The Catholic Med. Ctr. of Bro. and Queens, Inc., Jamaica, NY 11432	NY	02/27/91
Mr. Barry M. Spero	718-283-7270	Maimonides Medical Center, 4802 Tenth Avenue, Brooklyn, NY 11219.	NY	02/27/91
Sister Mary Linehan	914-378-7000	Saint Joseph's Hospital, York, 127 South Broadway, Yonkers, NY 10701.	NY	03/01/91
Mr. Robert G. Newman	212-870-9000	Doctors Hosp., 170 East End Ave., New York, NY 10128	NY	03/01/91
Mr. Michael A. Ciavo	718-851-3700	Metropolitan Jewish Geriatric, 4915 10th Avenue, Brooklyn, NY 11219.	NY	03/01/91
Mr. Lin H. Mo	212-312-5000	New York Infirmary Beekman, Downtown Hospital, New York, NY 10038.	NY	03/01/91
Mr. Paul Svensson	718-990-4100	Parkway Hospital, 70-35 113th Street, Forest Hills, NY 11373	NY	03/01/91
Mr. Bertram Oppenhei	914-964-7300	Yonkers General Hospital, Two Park Avenue, Yonkers, NY 10703	NY	03/01/91
Mr. Ronald B. Milch	718-240-5958	The Brookdale Hosp. Med. Ctr., Linden Blvd. at Brookdale Plaza, Brooklyn, NY 11212.	NY	03/01/91
Mr. John C. Goldthor	918-584-1351	Hillcrest Medical Center, 1120 S. Utica, Tulsa, OK 74104	OK	03/01/91
Sr. Mary Jacob	803-256-5410	Providence Hospital, 2435 Forest Drive, Columbia, South Carolina 29204.	SC	02/26/91
Mr. William E. Ball	512-353-3606	Lifeway Home Health Care, Inc., 1205 Hwy. 123, Suite 101, San Marcos, TX 78666.	TX	03/01/91

Number of attestations: 39.

[FR Doc. 91-6016 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification; Peabody Coal Co., et. al.

The following parties have filed petitions to modify the application of mandatory safety standards under 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Peabody Coal Co.

[Docket No. M-91-20-C]

Peabody Coal Co., P.O. Box 1990, Henderson, Kentucky 42420 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Sinclair Underground Mine (I.D. No. 15-07166) located in Muhlenberg, Kentucky. The petitioner proposes to monitor methane and oxygen content once a week in a crosscut 20 feet from the seal in front of the rock fall.

2. Zeigler Coal Co.

[Docket No. M-91-21-C]

Zeigler Coal Co., Rural Route 2, Coulterville, Illinois 62236 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops and permanent pumps) to its No. 11 Mine (I.D. No. 11-02408) located in Randolph County, Illinois. The petitioner proposes to place electrical equipment in a neutral air course in lieu of ventilating the equipment to the return.

3. White County Coal Corp.

[Docket No. M-91-22-C]

White County Coal Corp., P.O. Box 457, Carmi, Illinois 62821 has filed a petition to modify the application of 30 CFR 75.901(a) (protection of low and medium-voltage three-phase circuits used underground) to its Pattiki Mine (I.D. No. 11-02662) located in White County, Illinois. The petitioner proposes to operate the diesel powered generator without an earth referenced ground.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 1991. Copies of the petitions are available for inspection at that address.

Dated: March 15, 1991.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 91-6917 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Maryland State Standards; Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On July 5, 1973, notice was published in the **Federal Register** (38 FR 17834) of the approval of the Maryland State plan and the adoption of subpart 0 to part 1952 containing the decision.

The Maryland State Plan provides for the adoption of all Federal standards as State standards after comments and public hearing. Section 1952.210 of subpart 0 sets forth the State's schedule for the adoption of Federal standards. By letters dated February 14, 1991, from Commissioner Henry Koellein, Jr., Maryland Division of Labor and Industry, to Linda R. Anku, Regional Administrator, and incorporated as part of the plan, the State submitted State standards identical to: (1) 29 CFR 1910.331 through .335, pertaining to Electrical Safety-Related Work Practices for General Industry as published in the **Federal Register** of August 6, 1990 (55 FR 32014); (2) 29 CFR 1910.147, pertaining to amendments and corrections to the Control of Hazardous Energy (Lockout/Tagout) for General Industry as published in the **Federal Register** of September 20, 1990 (55 FR 38685); and (3) 29 CFR 1926.305, .700, .705, and the appendix to .705, pertaining to amendments and corrections to Concrete and Masonry Construction; Lift Slab Construction Operations as published in the **Federal Register** of October 19, 1990 (55 FR 42327). These standards are contained in COMAR 09.12.31. This Maryland occupational safety and health standard were promulgated after a public hearing on December 14, 1990. These standards became effective on February 18, 1991.

2 Decision

Having reviewed the State submission in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and, accordingly, are approved.

3. Location of the Supplements for Inspection and Copying

A copy of the standard supplement, along with the approved plan, may be inspected at the following locations during normal business hours: Officer of the Regional Administrator, Occupational Safety and Health Administration, 3535 Market Street, suite 2100, Philadelphia, Pennsylvania 19104; Office of the Commissioner of Labor and Industry, 501 St. Paul Place, Baltimore, Maryland 21202-2272; and the Office of State Programs, Occupational Safety and Health Administration, U.S. Department of Labor, room N-3700, Third Street and Constitution Avenue NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Maryland State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

a. The standard is identical to the Federal standard which was promulgated in accordance with Federal law including meeting requirements for public participation.

b. The standard was adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 22, 1991.

Authority: (Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Philadelphia, Pennsylvania, this 5th day of March 1991.

Linda R. Anku,

Regional Administrator.

[FR Doc. 91-6918 Filed 3-21-91; 8:45 am]

BILLING CODE 4510-26-M

South Carolina Standards; Notice of Approval

1. Background

Part 1953 of title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR part 1902. On December 6, 1972, notice was published in the **Federal Register** (37 FR 25932) of the approval of the South Carolina plan and the adoption of subpart C to part 1952 containing the decision.

The South Carolina plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 of 29 CFR provides that "When * * * any alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required."

By letter dated January 14, 1988, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to Karen L. Mann, Acting Regional Administrator, and incorporated as a part of the plan, the State submitted the following amended State standards identical to Federal Standards:

(1) Extension of Partial Stay and Minor Conforming Amendments to notes of 29 CFR 1910.1001, 1910.1101 and 1926.58, Asbestos, Tremolite, Anthophyllite, and Actinolite (52 FR 15722, dated 4/30/87); and Correction and Technical Amendments and Information Collection Requirements Approval (52 FR 17752, dated 5/12/87).

(2) New sections to 29 CFR 1910.1200, 1917.28, and 1926.59, Hazard Communication (52 FR 31857, dated 8/24/87).

(3) New section to 29 CFR 1910.1028, Benzene; Amendments to 29 CFR 1910.19, Special Provisions for Air Contaminants; and Amendments to 1910.1000, Air Contaminants (52 FR 34460, dated 9/11/87).

(4) Reivsions to 29 CFR 1910.177(a)(2), 1917.1, and 1917.44, Servicing of Single Piece and Multi-Piece Rim Wheels at

Marine Terminals (52 FR 36023, dated 9/25/87).

(5) Revision to 29 CFR 1910.268(c), Telecommunications Training Records (52 FR 36384, dated 9/28/87).

(6) Revision and new sections to three construction industry recordkeeping requirements: 29 CFR 1926.550(b)(2), Cranes and Derricks; 1926.552(c)(15), Material Hoist, Personnel Hoist and Elevators; and 1926.903(e), Underground Transportation of Explosives (52 FR 36378, dated 9/28/87).

These standards were promulgated after a public hearing held on November 30, 1987, and filed with the South Carolina Secretary of State on November 30, 1987, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

By letter dated April 21, 1988, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to Karen L. Mann, Acting Regional Administrator, and incorporated as part of the plan, the State submitted the following amended State standards identical to Federal Standards:

(1) New section to 29 CFR 1928.110, Field Sanitation (52 FR 16050, daterd 5/1/87).

(2) New paragraphs and revisions to Occupational Exposure to Formaldehyde in 29 CFR 1910.19(j), Special Provisions for Air Contaminants; § 1926.55(d), Gases, Vapors, Fumes, Dusts, and Mists; § 1910.1000, Table Z–2; § 1910.1048(p)(1)(i) and (ii), Formaldehyde, effective dates; and new § 1910.1048(p)(2)(vi), Formaldehyde, training (52 FR 46168, dated 12/4/87).

(3) New section and revisions to 29 CFR 1910.272, including appendices A, B, and C, Grain Handling Facilities; § 1917.1(a)(2)(x), Grain Handling Facilities; and § 1917.72, Grain Elevator Terminals (52 FR 49592, dated 12/31/87).

These standards were promulgated after a public hearing held on March 28, 1988, and were deemed necessary by the South Carolina Department of Labor to comply with Federal law and therefore, are exempt from legislative review as provided for in section 12 of the Act 176 of 1977.

By letter dated September 9, 1988, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to R. Davis Layne, Regional Administrator, and incorporated as part of the plan, the State submitted the following amended State standards identical to Federal Standards:

(1) Revisions to 29 CFR 1910.28, 1910.35, 1910.103, 1910.106, 1910.107, 1910.108, 1910.109, 1910.110, 1910.111, 1910.155, 1910.178, 1910.180, 1910.181, 1910.251, 1910.265, 1910.266, and 1910.399, Equipment and Materials: Testing or Certification (53 FR 16838, dated 5/11/88).

(2) Revisions to 29 CFR 1910.217, Subpart O, Mechanical Power Presses: Presence Sensing Device Initiation, with new appendices A through D; and § 1910.211, Definitions (53 FR 8322, dated 3/14/88).

(3) Revisions to 29 CFR 1910.272, Grain Handling Facilities and appendices A and C (53 FR 17695, dated 5/18/88).

(4) Revisions to 29 CFR 1910.1047, Ethylene Oxide (53 FR 11414, dated 4/6/88).

These standards were promulgated after a public hearing held on August 3, 1988, and filed with the South Carolina Secretary of State on August 15, 1988, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

By letter dated January 3, 1989, from Edgar L. McGowan, Commissioner, South Carolina Department of Labor, to R. Davis Layne, Regional Administrator, and incorporated as part of the plan, the State submitted the following amended State standards identical to Federal standards:

(1) Correction to 29 CFR 1910.7, Nationally Recognized Testing Laboratories: Correction (53 FR 16838, dated 5/11/88).

(2) Addition to 29 CFR 1926, Concrete and Masonry Construction Safety Standards, subpart Q with appendix A, (53 FR 22612, dated 6/16/88).

(3) Revisions to 29 CFR 1910.1047, Ethylene Oxide: Information Collection Requirements, effective date (53 FR 27959, dated 7/26/88).

(4) Addition of new paragraph (g) to 29 CFR 1926.550, Cranes and Derricks, suspended personnel platforms (53 FR 29116, dated 8/2/88).

(5) Technical Amendment Revisions to 29 CFR 1910.177, Servicing of Multi-Piece and Single Piece Rim Wheel, (53 FR 34736, dated 9/8/88).

(6) Revisions to 29 CFR 1910.1001 and 1926.58, Asbestos, Tremolite, Anthophyllite and Actinolite (53 FR 35610, dated 9/14/88).

(7) Revisions to 29 CFR 1910.20 with appendices A and B, Exposure and Medical Records: Access (53 FR 38140, dated 9/29/88).

These standards were promulgated after a public hearing held on December 2, 1988, and filed with the South Carolina Secretary of State on December 2, 1988, pursuant to Act 379, South Carolina Acts and Joint Resolutions, 1971 (Sections 40–261 through 40–274 South Carolina Code of Laws, 1962).

2. Decision

Having reviewed the State submissions in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards. The State standards are hereby approved.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement along with the approved plan may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, South Carolina Department of Labor, 3600 Forest Drive, Columbia, South Carolina 29211; Office of the Regional Administrator, suite 587, 1375 Peachtree Street, NE., Atlanta, Georgia 30367; and Director of Federal State Operations, room N3700, 200 Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR part 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the South Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are essentially identical to the comparable Federal standards and are deemed to be at least as effective.

2. The standards were adopted in accordance with procedural requirements of State law and further participation would be unnecessary.

This decision is effective March 22, 1991.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat, 1608 (29 U.S.C. 667).

Signed at Atlanta, Georgia, this 24th day of August 1989.

Editorial Note: This document was received at the Office of the Federal Register on March 19, 1991.

R. Davis Layne,

Regional Administrator.

[FR Doc. 91–6919 Filed 3–19–91; 8:45 am]

BILLING CODE 4510–26–M

MERIT SYSTEMS PROTECTION BOARD

Call for Riders for the U.S. Merit Systems Protection Board Publication, "Questions & Answers About Whistleblower Appeals"

AGENCY: U.S. Merit Systems Protection Board.

ACTION: Notice of call for riders for the Board's publications, "Questions & Answers About Whistleblower Appeals."

SUMMARY: The purpose of this notice is to inform Federal departments and agencies that the U.S. Merit Systems Protection Board's information publication, "Questions & Answers About Whistleblower Appeals," will be available on riders to the Government Printing Office. Departments and agencies may order this publication by riding the Board's requisition number 1-00109.

DATES: Agency requisitions must be received by the Government Printing Office on or before May 21, 1991.

ADDRESSES: Interested departments and agencies should send requisitions from their Washington, DC, headquarters office authorized to procure printing to the Government Printing Office, Requisition Section, room C-836, Washington, DC 20401. The estimated cost is approximately 50 cents per copy.

FOR FURTHER INFORMATION CONTACT: Duward Sumner, Office of Management Analysis, U.S. Merit Systems Protection Board, 1120 Vermont Avenue NW., Washington, DC 20419, 202-653-8892.

SUPPLEMENTARY INFORMATION: This publication contains information on the rights of Federal employees to appeal personnel actions allegedly based on whistleblowing to the Board and to request stays of such actions. It includes information on how to file whistleblower appeals and stay requests with the Board and other procedural information regarding the appeals process for whistleblower appeals. The publication is written in a question and answer format to enhance understanding.

In making this publication available, the Board intends to provide general information about whistleblower appeal rights and procedures in a convenient, readable format for Federal employees and others with an interest in the Board's activities. The publication is not all-inclusive, nor is it regulatory in nature. The availability of this publication does not relieve an agency of its obligation, under the Board's regulations at 5 CFR 1201.21, to provide an employee against whom an action appealable to the Board is taken with notice of the employee's appeal rights and the other information specified in the Board's regulations.

This requisition is for a reprint of the latest (October 1990) edition of the publication. The Board is ordering this reprinting because numerous agencies have advised that they were unable to respond to the Board's previous call for agency riders, published in the **Federal Register** on August 22, 1990, before the October 22, 1990, deadline. Because the Board is unable to fill large volume orders for this publication, agencies are urged to take advantage of this additional opportunity to order copies sufficient to meet their needs.

Dated: March 18, 1991.

Robert E. Taylor,

Clerk of the Board.

[FR Doc. 91-6776 Filed 3-21-91; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL ARCHIVES 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 proposed 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 USC 3303a(a).

DATES: Request for copies must be received in writing on or before May 6, 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.

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 prepare 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 number 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 the Air Force (N1-AFU-91-12). Accounts payable systems.

2. Department of the Air Force (N1-AFU-91-13). Billing adjustment records.

3. Department of the Air Force (N1-AFU-91-15). Travel records.

4. Department of the Air Force (N1-AFU-91-16). Routine personnel records.

5. Department of the Army (N1-AU-91-2). Hospital admission records.

6. Department of the Army (N1-AU-91-8). Routine administrative files relating to the evaluation and control of

occupational exposure to hazardous chemicals.

7. Office of the Secretary of Defense, Armed Forces Information Services (N1-330-91-1). Radio and television spots with background materials.

8. General Services Administration (N1-269-90-4). Accounting Program Records.

9. Department of Housing and Urban Development (N1-207-91-2). Action office copies of IG monthly reports.

10. Department of State, Bureau of Intelligence and Research Regional Analysis (N1-59-89-25). Routine, facilitative, and reference material.

11. Department of State, Bureau of Educational and Cultural Affairs (N1-59-91-7). Routine and facilitative records.

12. Tennessee Valley Authority, Human Resources (N1-142-91-13). Electronic records and printouts relating to personnel.

13. Department of the Treasury, Internal Revenue Service (N1-58-90-5). Records relating to tax return processing.

Dated: March 14, 1991.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 91-6823 Filed 3-21-91; 8:45 am]

BILLING CODE 7515-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 91-28]

NASA Advisory Council (NAC), Commercial Programs Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NAC, Commercial Programs Advisory Committee.

DATES: April 17, 1991, 8:30 a.m. to 3 p.m.

ADDRESSES: National Aeronautics and Space Administration, George C. Marshall Space Flight Center, Building 4200, room P-110, Marshall Space Flight Center, AL 35812.

FOR FURTHER INFORMATION CONTACT: Dr. Barbara Stone, Office of Commercial Programs, National Aeronautics and Space Administration, Washington, DC 20546, 703/271-5500.

SUPPLEMENTARY INFORMATION: The Commercial Programs Advisory Committee is concerned with the overall NASA program supporting the commercial development of space, both relevant policies and program scope and content. The Committee is chaired by Mr. James K. Baker and is currently composed of 14 members.

The meeting will be closed to the public from 2:30 p.m. to 3 p.m. for a discussion of the qualifications of additional candidates for membership. Such a discussion would invade the privacy of the candidates and other individuals involved. Since this discussion will be concerned with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the meeting be closed to the public for this period of time. Prior to the closed session, the meeting will be open to the public up to the seating capacity of the room, which is approximately 40 persons including the Committee members and other participants.

TYPE OF MEETING: Open—except for a closed session as noted in the agenda below.

AGENDA

April 17, 1991

8:30 a.m.—Welcome.
8:40 a.m.—Chairman's Opening Remarks/Introduction of Members.
8:55 a.m.—Commercial Programs Update.
10:30 a.m.—Commercial Development Strategies.
1 p.m.—Centers for the Commercial Development of Space.
2:30 p.m.—Closed Session.
3 p.m.—Adjourn.

Dated: March 18, 1991.

John W. Gaff,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 91-6874 Filed 3-21-91; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Astronomical Sciences Subcommittee for Long-Range Planning and Priorities; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, as amended, the National Science Foundation announces the following meetings:

Name: Advisory Committee for Astronomical Sciences Subcommitte for Long-Range Planning and Priorities.

Date & Time: April 8 and 9, 1991, 9: a.m.-5 p.m.

Place: National Science Foundation; room 523.

Type of Meeting: Open

Contact Person: Dr. Julie H. Lutz, Director, Division of Astronomical Sciences, room 615, National Science Foundation, Washington, DC 20550 (202/357-9488).

Summary Minutes: May be obtained from the contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning long-range plans in astronomy, including a recommendation of relative priorities.

Agenda: Monday and Tuesday, April 8 and 9, 1991, Discussions concerning long-range plans and priorities in astronomy.

Dated: March 18, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-6897 Filed 3-21-91; 8:45 am]

BILLING CODE 7555-01-M

Cellular Neuroscience Advisory Panel; Meeting

The National Science Foundation announces the following meeting:

Name: Advisory Panel for Cellular Neuroscience.

Date and Time: April 10-12, 1991, 9 a.m.-5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1243, Washington, DC 20550.

Type of Meeting: Closed April 10, 9 a.m.-5 a.m.; Closed April 11, 9 a.m.-1 p.m; Open April 11, 1 p.m.-3 p.m.; Closed April 11, 3 p.m.-5 p.m.; Closed April 12, 9 a.m.-5 p.m.

Contact Person: Dr. Maurizio Mirolli, Program Director, Cellular Neuroscience, room 320, National Science Foundation, Washington, DC 20550 Telephone (202) 357-7471.

Minutes: May be obtained from contact person listed above.

Purpose of Meeting: To provide advice and recommendations concerning support for research in cellular neuroscience.

Agenda: Open: To discuss trends and opportunities in cellular neuroscience; Closed: To review and evaluate research proposals as part of the selection process for awards.

Reason for Closing: 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 the proposals. These matters are within the proposals. These matters are within exemptions 4 and 6 of the Government in the Sunshine Act.

Dated: March 18, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-6808 Filed 3-21-91; 8:45 am]

BILLING CODE 7555-01-M

Advisory Committee for Industrial Science and Technological Innovation; Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting.

Name: Advisory Committee for Industrial Science and Technological Innovation (ISTI).

Date and Time: April 8, 1991, 8:30 a.m.-5 p.m.

Place: National Science Foundation, 1800 G Street, NW., room 1242, Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Ms. Carolyn J. Smith, Staff Associate, Division of Industrial Science and Technological Innovation, room 1250, National Science Foundation, Washington, DC 20550 (202) 357-9666.

Summary of Minutes: May be obtained from contact person at the above address.

Purpose of Committee: To provide advice and recommendations concerning support of research programs administered in the Division.

Agenda: 8:30 a.m.-12 noon, Review & discussion of current ISTI activities, Outlook for ISTI for 1991, Budget for FY 1992. 12 noon-1:30 p.m. Lunch. 1:30 p.m.-5 p.m. Technology Transfer, Future Directions for ISTI.

Dated: March 18, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91-6809 Filed 3-21-91; 8:45 am]

BILLING CODE 7555-01-M

Special Emphasis Panels; Notice of 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: March 18, 1991.

M. Rebecca Winkler,

Committee Management Officer

NATIONAL SCIENCE FOUNDATION

Committee name	Agenda	Room [1]	Date(s)	Times
Special Emphasis Panel in Design and Manufacturing Systems.	Research Initiation and Equipment Pro. Review.	536	04/09/91	8:30 am-5:00 pm
Special Emphasis Panel in Design and Manufacturing Systems.	Research Initiation and Equipment Pro. Review.	523	04/11/91	8:30 am-5:00 pm.
Special Emphasis Panel in Design and Manufacturing Systems.	Research Initiation and Equipment Pro. Review.	536	04/10/91	8:30 am-5:00 pm
Special Emphasis Panel in Teacher Preparation and Enhancement.	Teacher Enhancement Program	Independence	04/04/91 04/05/91 04/06/91	2:00 pm-7:00 pm 8:00 am-5:00 pm 8:00 am-5:00 pm
Special Emphasis Panel in Cross-Disciplinary Activities	Site Visit		04/08/91 04/09/91	8:30 am-5:00 pm 8:30 am-5:00 pm

[1] At 1800 G Street N.W., Washington, DC.

NATIONAL SCIENCE FOUNDATION

Committee name	St. address	Room	Times	Date(s)
Special Emphasis Panel in Teacher Preparation and Enhancement.	1000 H Street NW., Washington, DC	Independence	2:00 pm-7:00 pm 8:00 am-5:00 pm 8:00 am-5:00 pm	04/04/91 04/05/91 04/06/91
Agenda: Teacher Enhancement Program				
Special Emphasis Panel in Cross-Disciplinary Activities	Atlanta, GA		8:30 am-5:00 pm 8:30 am-5:00 pm	04/08/91 04/09/91
Agenda: Site Visit				

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-528, 50-529, and 50-530]

Arizona Public Service Co., et al; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission, (the Commission) is considering issuance of an exemption from the filing requirements of 10 CFR 55.45(b)(2)(iii) issued to Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, El Paso Electric Company, Southern California Edison Company, Public Service Company of New Mexico, Los Angeles Department of Water and Power and Southern California Public Power Authority (licensees), for the Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3, located in Maricopa County, Arizona.

Environmental Assessment

Identification of Proposed Action

The exemption would grant relief from the filing requirements of 10 CFR 55.45(b)(2)(iii) to allow for an extension for the submittal of Form NRC-474, "Simulation Facility Certification," from March 26, 1991 to May 24, 1991.

The proposed exemption is responsive to the licensee's application for exemption dated January 25, 1991.

The Need for the Proposed Action

On September 28, 1989 APS awarded a contract to upgrade the PVNGS simulator with an original scheduled certification date of March 21, 1991. However, the vendor has experienced unexpected problems such as obtaining experienced staff, resignation of key engineers and computer system problems. APS is concerned that additional problems may arise during the remainder of the acceptance testing of the upgraded PVNGS simulator which may require correction before certification.

The proposed exemption is needed in order to ensure that the required modifications and performance testing are completed in time to support submittal of the certification.

Environmental Impact of the Proposed Action

The proposed exemption will ensure that the required modifications and performance testing are completed in time to support submittal of the certification and will have no incremental enviromental impact relative to current practices. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential nonradiological impacts, the proposed exemption involves the completion of required modifications and performance testing. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed exemption.

Alternatives to the Proposed Action

Since the Commission has concluded that there is no measurable impact associated with the proposed exemption, any alternatives to the exemption will have either no environmental impact or greater environmental impact.

Alternative Use of Resources

This action does not involve the use of resources not previously considered in the Final Environmental Statement related to operation of the Palo Verde Nuclear Generating Station, Unit Nos. 1, 2, and 3 dated February 1982.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the licensee's application dated January 25, 1991, which is available for public inspection at the Commission's Public Document Room, Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the local public document room at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 18 day of March, 1991.

For the Nuclear Regulatory Commssion.

Charles M. Trammell,

Acting Director, Project Directorate V, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-6880 Filed 3-21-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-247]

Consolidated Edison Co. of New York, Inc.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commision (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45(b)(2)(iii) and (iv) to Consolidated Edison Company of New York, Inc. (the licensee), for the Indian Point Nuclear Generating Unit No. 2, located in Westchester County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed exemption would (1) Allow the licensee to defer the submission of NRC Form 474, "Simulation Facility Certification," for the Indian Point 2 (2) simulator from the March 26, 1991 date provided in the rule to March 26, 1992, and (2) allow the licensee to use the existing simulator for training and NRC-administered operating examinations until the new simulator is ready for training and examination by May 26, 1992.

The Need for the Proposed Action

The proposed exemption is needed to: (1) Accommodate the late delivery of the new simulator and (2) permit the continued training and administering of Commission requalification examinations on the existing simulator.

Environmental Impacts of the Proposed Action

The proposed exemptions do not involve any measurable environmental impacts since plant configuration and operation are not changed. Thus, the proposed exemptions will not significantly affect the probability or consequences of potential reactor accidents and would not otherwise affect radiological plant effluents. Consequently, the Commission concludes that there are no significant radiological impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed exemptions do not affect non-radiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant non-radiological environmental impacts associated with the proposed exemptions.

Alternatives to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemptions. This would not reduce environmental impacts nor enhance the protection of the environment.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Indian Point Nuclear Generating Unit No. 2.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult with any other agencies or persons.

Finding on No Significant Impact

Based upon the foregoing environmental assessment, the staff concludes that the proposed action will not have a significant effect on the quality of the human environment. The Commission has, therefore, determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to this action, see the application for exemption dated January 11, 1991, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington DC.,

and at the White Plains Library, 100 Martine Avenue, White Plains, New York 10601.

Dated at Rockville, Maryland, this 15th day of March 1991.

For the Nuclear Regulatory Commission.

Daniel G. McDonald,

Acting Director, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91-6881 Filed 3-21-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-206]

Southern California Edison Co., and San Diego Gas and Electric Co.; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR 55.45(b)(2)(iii) and 10 CFR 55.59(a)(2) to the Southern California Edison Company, (the licensee), for the San Onofre Nuclear Generating Station, Unit No. 1, located in San Diego County, California.

Environmental Assessment

Identification of Proposed Action

Regulations included under 10 CFR 55.45(b)(2)(iii) require the licensee to submit Form NRC-474, "Simulation Facility Certification," by March 26, 1991. Regulations included under 10 CFR 55.59(a)(2) require the licensee to conduct operator requalification examinations annually. By letter dated November 2, 1990, the licensee requested an extension for the submission date of Form NRC-474 from March 26, 1991, to no later than February 5, 1992. In the same letter a request was made to authorize a one-time extension of the operator requalification interval from 1 year to 18 months.

The proposed action is in accordance with 10 CFR 50.12 and 55.11, "Specific Exemptions," and is based on the information provided to the NRC in the licensee's request.

The Need for the Proposed Action

In 1987, 10 CFR 55.45 was revised to require operators to complete practical examinations on a certified plant reference simulator (PRS) or on an NRC-approved simulator. The licensee submitted a proposal in May 1988 to modify an existing simulator to comply with the revised requirements. In 1989 after interface with the NRC, the licensee concluded that it was not practical to modify the existing simulator to meet regulatory requirements and initiated plans to fabricate and install a PRS at the San Onofre site. Due to lead times associated with the development of the PRS, the two extensions identified above were requested.

Environmental Impacts of the Proposed Action

The proposed action will have no incremental environmental impact relative to current practices. The request to delay submission of the simulator certification is primarily a delay in fulfilling an administrative requirement and has no impact on the environment. A one-time extension of the operator requalification interval from 1 year to 18 months is not likely to have any effect on the environment.

Alternative to the Proposed Action

Since the Commission has concluded that the environmental effects of the proposed action are not significant, any alternative with equal or greater environmental impacts need not be evaluated.

The principal alternative would be to deny the requested exemption. This would not reduce the environmental impacts attributed to this facility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the "Final Environmental Statement related to operation of the San Onofre Nuclear Generating Station."

Agencies and Persons Consulted

The Commission's staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption.

Based upon the foregoing environmental assessment, we conclude that the proposed action will not have a significant effect on the quality of the human environment.

For further details with respect to this action, see the request for exemption dated November 2, 1990, which is available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC and at the Main Library, University of California, P.O. Box 19557, Irvine, California 92713.

Dated at Rockville, Maryland, this 15th day of March 1991.

For The Nuclear Regulatory Commission.

James E. Dyer,

Director, Project Directorate V, Division of Reactor Projects III/IV/V. Office of Nuclear Reactor Regulation.

[FR Doc. 91-6882 Filed 3-21-91; 8:45 am]

BILLING CODE 7590-01-M

Application for License to Export a Utilization Facility

Pursuant to 10 CFR 110.70(b) "Public notice of receipt of an application", please take notice that the Nuclear Regulatory Commission has received the following application for an export license. A copy of the application is on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, NW., Washington, DC.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; the Secretary, U.S. Nuclear Regulatory Commission; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

In its review of the application for a license to export a utilization facility as defined in 10 CFR part 110 and noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the material to be exported. The information concerning this application follows.

NRC EXPORT LICENSE APPLICATION

Name of applicant, date of application, date received, application number	Description	Value	End use	Country of destination
General Atomics, 03/01/91, 03/07/91 XR157.	Three (3) complete control rods	$249,741.00	For use in TRIGA research reactor	Japan.

Dated this 15th day of March 1991 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

Assistant Director for Exports, Security, and Safety Cooperation International Programs, Office of Governmental and Public Affairs.

[FR Doc. 91-6883 Filed 3-21-91; 8:45am]

BILLING CODE 7590-01-M

[Docket Nos. 50-528-OLA, 50-529-OLA, 50-530-OLA; ASLBP No. 91-632-04-OLA (Shutdown Cooling Flowrate)]

March 18, 1991.

Arizona Public Service Company, et al. (Palo Verde Nuclear Generating Station, Units 1, 2 and 3); Prehearing Conference and Order Scheduling Filing of Pleadings

Before Administrative Judges: Robert M. Lazo, Chairman, Frnak F. Hooper, Peter A. Morris.

I

Petitioners for Leave to Intervene or their respective counsel; counsel for Licensees, Arizona Public Service Company, et al.; and counsel for the NRC Staff are directed to attend a prehearing conference on May 29, 1991 beginning at 9:30 a.m. at: Courtroom No. 5, Sixth Floor, United States District Courthouse, 230 North First Avenue, Phoenix, Arizona 85025.

The prehearing conference will continue, to the extent necessary, on May 30, 1991.

The purpose of the prehearing conference is to hear oral arguments on amended and supplemented petitions for leave to intervene and answers thereto. Among matters to be considered by the Atomic Safety and Licensing Board at the conference are those necessary to make a determination as to the parties to the proceeding, if any, and to identify key issues in the proceeding, if any.

II

Pleadings shall be filed in accordance with the following schedule:

Pursuant to the provisions of 10 CFR 2.714(b), each petitioner, who has filed a request for a hearing and a request for leave to intervene, shall file no later than April 12, 1991 a Supplemental Petition which must include a list of the contentions which petitioner seeks to have litigated in the hearing, and which satisfy the requirements of paragraph (b)(2) of § 2.714 of the Commission's Rules of Practice.

An answer addressing the admissibility of each contention set forth in a Supplemental Petition shall be filed by Licensees no later than April 29, 1991, and by the NRC Staff no later than May 10, 1991.

The pleadings are to be in the hands of the Licensing Board and other parties on the due date. The Licensing Board anticipates that the participants will use overnight express mail or facsimile service to accomplish timely service.[1]

The prehearing conference is open to the public.

It is so ordered.

Issued at Bethesda, Maryland, this 18th day of March 1991.

For the Atomic Safety and Licensing Board.

Robert M. Lazo,

Chairman, Administrative Judge.

[FR Doc. 91-6884 Filed 3-21-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-388]

Pennsylvania Power & Light Co. and Allegheny Electric Cooperative Inc.; Consideration of Issuance of Amendment to Facility Operating License and Proposed No Significant Hazards Consideration Determination and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-22 issued to Pennsylvania Power and Light Company and Allegheny Electric Cooperative, Inc. (the licensees), for operation of Susquehanna Electric Station, Unit 2, located in Luzerne County, Pennslyvania.

The proposed amendment would change the Technical Specifications (TS) in support of the ensuing Cycle 5 reload. This notice supersedes in its entirety the notice published in the **Federal Register** on December 12, 1990 (56 FR 1183).

Before issuance of the proposed amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

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 following three questions are addressed for each of the proposed Technical Specification changes:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

2. Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

3. Does the proposed change involve a significant reduction in a margin of safety?

Specification 3/4.2.3. Minimum Critical Power Ratio

The changes to this specification provide new operating limit MCPR curves based on cycle-specific transient analyses.

1. No. Limiting core-wide transients were evaluated with ANF's COTRANSA code (see Summary Report Reference 29) [See incoming application for Summary Report] and this output was utilized by the XCOBRA-T methodology (see Summary Report Reference 30) to determine delta CPRs. Both COTRANSA and XCOBRA-T have been approved by the NRC in previous license amendments. All core-wide transients were analyzed deterministically (i.e., using bounding values as input parameters).

Two local events, Rod Withdrawal Error and Fuel Loading Error, were analyzed in accordance with the methods described in XN-NF-80-19 (A) Vol. 1 (see Summary Report Reference 7). This methodology has been approved by the NRC.

Based on the above, the methodology used to develop the new operating limit MCPRs for the Technical Specifications does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. No. the methodology described can only be evaluated for its effect on the consequences of analyzed events; it cannot create new ones. The consequences of analyzed events were evaluated in 1. above.

3. No. As stated in 1. above, and in greater detail in the attached Summary Report, the methodology used to evaluate core-wide and local transients is consistent with previously approved methods and meets all pertinent

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[1] Petitioners and parties should note that Board member Dr. Frank F. Hooper should be served at 26993 McLaughlin Boulevard, Bonita Springs, FL 33923 until April 30, 1991, and thereafter at 4155 Clark Road, Ann Arbor, MI 48104. FAX number for the Licensing Board is (301) 492-7285.

regulatory criteria for use in this application.

Based on the above, the use of the methodology utilized to produce the U2C5 MCPR operating limits will not result in a significant decrease in any margin of safety.

Specification 3/4.4.1.1.1. Recirculation System (Two Loop Operation)

The changes to this specification (i.e., Figure 3.4.1.1.1.1-1) reflect cycle-specific stability analyses.

1. No. COTRAN core stability calculations were performed for Unit 2 Cycle 5 to determine the decay ratios at predetermined power/flow conditions. The resulting decay ratios (See Summary Report, Reference 5) were used to define operating regions which comply with the interim requirements of NRC Bulletin No. 88-07, Supplement 1 "Power Oscillations in Boiling Water Reactors," (See Summary Report, Reference 21). As in the previous cycle, Regions B and C of the NRC Bulletin have been combined into a single region (i.e., Region II), and Region A of the NRC Bulletin corresponds to Region I.

Region I has been defined such that the decay ratio for all allowable power/flow conditions outside of the region is less than 0.90. To mitigate or prevent the consequences of instability, entry into this region requires a manual reactor scram. Region I for Unit 2 Cycle 5 has been calculated to be slightly different than Region I for the previous cycle.

Region II has been defined such that the decay ratio for all allowable power/flow conditions outside of the region (excluding Region I) is less than 0.75. For Unit 2 Cycle 5, Region II must be immediately exited if it is inadvertently entered. Similar to Region I, Region II is slightly different than in the previous cycle.

In addition to the region definitions, PP&L has performed stability tests in SSES Unit 2 during initial startup of Cycles 2, 3, and 4 to demonstrate stable reactor operation with ANF 9X9 fuel. The test results for U2C2 (See Summary Report, Reference 22) show very low decay ratios with a core containing 324 ANF 9X9 fuel assemblies.

Figure 3/4.1.1.1-1 is also referenced by Specification 3/4.4.1.1.2, which governs Single Loop Operation (SLO). The evaluation above applies under SLO conditions as well.

Based on the above, operation within the limits specified by the proposed changes will ensure that the probability and consequences of unstable operation will not significantly increase.

2. No. The methodology described above can only be evaluated for its effect on the consequences of unstable operation; it cannot create new events. The consequences were evaluated in 1. above.

3. No. PP&L believes that the use of Technical Specifications that comply with NRC Bulletin 88-07 Supplement 1, and the tests and analyses described above, will provide assurance that SSES Unit 2 Cycle 5 will comply with General Design Criteria 12, Suppression of Reactor Power Oscillations. This approach is consistent with the SSES Unit 1 Cycle 6 method for addressing core stability (See Summary Report, References 2 and 4).

Specifications 3/4.4.1.1.2. Recirculation System (Single Loop Operation), and 3/4.4.1.2. Jet Pumps

The changes to these specifications are corrections of typographical errors.

1. No. The following typographical errors are proposed to be corrected:

—4.4.1.1.2.5: "stop" should be "stops".
—4.4.1.1.2.6: "operable loop" should be "inoperable loop".
—4.4.1.1.2.6b: This surveillance is being restored after being inadvertently deleted in a previously issued amendment.
—4.4.1.2, footnote "***": The reference to Specification 4.4.1.1.2.9 should be 4.4.1.1.2.6, based on renumbering which occurred in a previously issued amendment.

Due to their editorial nature, these changes are of no safety significance.

2. No. See 1. above.

3. No. See 1. above.

Specification 5.3.1. Fuel Assemblies

This section has been changed to describe the actual core configuration for U2C5, which includes one inert (i.e., solid zircaloy-2) rod.

1. No. The insert Rod was used to repair a fuel assembly that failed during U2C2. This repaired assembly was analyzed and found to be acceptable in support of U2C4 operation, which was approved by the NRC (See Reload Summary Report Reference 3). Based on the above, use of the repaired assembly does not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. No. See 1. above.

3. No. See 1. above.

Specification 5.3.2. Control Rod Assemblies

The changes to this specification are provided in order to recognize the replacement blade design being introduced in U2C5.

1. No. The main differences between the replacement Duralife 160C control blades and the original equipment control blades are:

a. The Duralife 160C control blades utilize three solid hafnium rods at each edge of the cruciform to replace the three B_4C rods that are most susceptible to cracking and to increase control blade life;

b. The Duralife 160C control blades utilize improved B_4C tube material (i.e. high purity stainless steel vs. commercial purity stainless steel) to eliminate cracking in the remaining B_4C rods during the lifetime of the control blade;

c. The Duralife 160C control blades utilize GE's crevice-free structure design, which includes additional B_4C tubes in place of the stiffeners, an increased sheath thickness, a full length weld to attach the handle and velocity limiter, and additional coolant holes at the top and bottom of the sheath;

d. The Duralife 160C control blades utilize low cobalt-bearing pin and roller materials in place of stellite which was previously utilized;

e. The Duralife 160C control blade handles are longer by approximately 3.1 inches in order to facilitate fuel moves within the reactor vessel during refueling outages at Susquehanna SES; and

f. The Duralife 160C control blades are approximately 16 pounds heavier as a result of the design changes described above.

The Duralife 160C control blade has been evaluated to assure it has adequate structural margin under loading due to handling, and normal, emergency, and faulted operating modes. The loads evaluated include those due to normal operating transients (scram and jogging), pressure differentials, thermal gradients, seismic deflection, irradiation growth, and all other lateral and vertical loads expected for each condition. The Duralife 160C control blade stresses, strains, and cumulative fatigue have been evaluated and result in an acceptable margin to safety. The control blade insertion capability has been evaluated and found to be acceptable during all modes of plant operation within the limits of plant analyses. The Duralife 160C control blade coupling mechanism is equivalent to the original equipment coupling mechanism, and is therefore fully compatible with the existing control rod drives in the plant. In addition, the materials used in the Duralife 160C are compatible with the reactor environment. The impact of the increased weight of the control blades on the seismic and hydrodynamic load evaluation of the reactor vessel and internals has been evaluated and found to be negligible.

With the exception of the crevice-free structure and extended handle, the Duralife 160C control blades are equivalent to the NRC approved Hybrid I Control Blade Assembly (See Reload Summary Report Reference 10). The mechanical aspects of the crevice-free structure were approved by the NRC for all control blade designs in Reload Summary Report Reference 11. A neutronics evaluation of the crevice-free structure for the Duralife 160C design was performed by GE using the same methodology as was used for the Hybrid 1 control blades in Reload Summary Report Reference 10. These calculations were performed for the original equipment control blades and the Duralife 160C control blades described above assuming an infinite array of ANF 9X9 fuel. The Duralife 160C control blade has a slightly higher worth than the original equipment design, but the increase in worth is within criterion for nuclear interchangeability. The increase in blade worth has been taken into account in the appropriate U2C5 analyses. However, as stated in Reload Summary Report Reference 10, the current practice in the lattice physics methods is to model the original equipment all B_4C control blade as non-depleted. The effects of control blade depletion on core neutronics during a cycle are small and inherently taken into account by the generation of a target k-effective for each cycle. As discussed above, the neutronics calculations of the crevice-free structure show that the non-depleted Duralife 160C control blade has direct nuclear interchangeability with the non-depleted original equipment all B_4C design. The Duralife 160C also has the same end-of-life reactivity worth reduction limit as the all B_4C design. Therefore, the Duralife 160C can be used without changing the current lattice physics models as previously approved for the Hybrid I control blades (Reload Summary Report Reference 10).

The extended handle and the crevice-free structure features of the Duralife 160C control blades result in a one pound increase in the control blade weight over that of the Hybrid I blades, and a sixteen pound increase over the Susquehanna SES original equipment control blades. In Reload Summary Report Reference 10, the NRC approved the Hybrid I control blade which weighs less (by more than one pound) than the D lattice control blade. The basis of the Control Rod Drop Accident analysis continues to be conservative with respect to control rod drop speed since the Duralife 160C control blade weighs less than the D lattice control blade, and the heavier D lattice control rod drop speed is used in the analysis. In addition, GE performed scram time analyses and determined that the Duralife 160C control blade scram times are not significantly different than the original equipment control blade scram times. The current Susquehanna SES measured scram times also have considerable margin to the Technical Specification limits. Since the increase in weight of the Duralife 160C control blades does not significantly increase the measured scram speeds and the safety analyses which involve reactor scrams utilize the Technical Specification limit scram times, the operating limits are applicable to U2C5 with Duralife 160C control blades.

Since the Duralife 160C control blades contain solid hafnium rods in locations where the B_4C tubes have failed, and the remaining B_4C rods are manufactured with an improved tubing material (high purity stainless steel vs. commercial purity stainless steel), boron loss due to cracking is not expected. Therefore, the requirements of IE Bulletin 79-26, Revision 1 do not apply to the Duralife 160C control blades. However, PP&L plans to continue tracking the depletion of each control blade and discharge any control blade prior to a ten percent loss in reactivity worth.

Based on the discussion above, the new control blades proposed to be utilized in U2C5 do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. No. The replacement blades can only be evaluated for their effectiveness as part of the overall reactivity control system, which is evaluated in terms of analytical consequences in 1. above. Since they do not cause any significant change in system operation or function, no new events are created.

3. No. The analyses described in 1. above indicate that the replacement blades meet all pertinent regulatory criteria for use in this application, and are expected to eliminate the boron loss concerns expressed in IE Bulletin 79-26, Revision 1. Therefore, the proposed change does not result in a significant decrease 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 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Divison of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Docment Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 18, 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. Request for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Osterhout Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701. 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 requests 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 fo the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to maters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If 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 determiation is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If a 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. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 325-6000 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Walter R. Butler, Director, Project Directorate I-2, Division of Reactor Projects I/II: (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 Shaw, Pittman, Potts & Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors secified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 7, 1991, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at Osterhout Free Library, Reference Department, 71 South Franklin Street, Wilkes-Barre, Pennsylvania 18701.

Dated at Rockville, Maryland, this 18th day of March 1991.

For The Nuclear Regulatory Commission.

James J. Raleigh

Acting Project Manager, Project Directorate I-2 Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 91-6885 Filed 3-21-91; 8:45 am]

BILLING CODE 7590-01-M

PENSION BENEFIT GUARANTY CORPORATION

Multiemployer Pension Plans; Withdrawal Liability in Plans Without Unfunded Vested Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Withdrawal of notice of interpretation.

SUMMARY: In Opinion Letter 83-19 (August 11, 1983), the Pension Benefit Guaranty Corporation ("PBGC") stated that an employer withdrawing from a multiemployer defined benefit pension plan can incur withdrawal liability under title IV of the Employee Retirement Income Security Act of 1974 ("ERISA") even though the plan as a whole had no unfunded vested benefits as of the end of the preceding plan year. On December 31, 1986, the PBGC published (at 51 FR 47342) a Notice of Interpretation reversing that position and stating that ERISA does not permit the assessment of withdrawal liability under any statutory allocation method against employers that withdraw from a plan when, as of the end of the preceding plan year, the plan has no

unfunded vested benefits. This notice advises interested persons that upon reconsideration of the 1986 Notice of Interpretation, the PBGC has decided to withdraw it and to reaffirm the position it took in Opinion Letter 83-19.

FOR FURTHER INFORMATION CONTACT: Deborah C. Murphy, Attorney, Office of the General Counsel (22500), Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, DC 20006; 202-778-8820 (202-778-8859 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION:

Background

Under section 4201 of the Employee Retirement Income Security Act of 1974 ("ERISA"), an employer that withdraws from a multiemployer pension plan covered by title IV of ERISA is generally required to pay the plan withdrawal liability, which is the amount determined under section 4211 of ERISA to be the employer's allocable share of the plan's unfunded vested benefits ("UVBs"), adjusted as required under ERISA sections 4206, 4209, 4219(c)(1)(B), and 4225. Section 4211 establishes four methods of computing the amount of UVBs allocable to a withdrawing employer: the presumptive method described in section 4211(b); the modified presumptive method described in section 4211(c)(2); the rolling-5 method described in section 4211(c)(3); and the direct attribution method described in section 4211(c)(4).

Under the rolling-5 method, a withdrawing employer's withdrawal liability is its share of plan UVBs as of the end of the plan year preceding the withdrawal. Under each of the other methods, a withdrawing employer's withdrawal liability is computed by adding up its shares of various charges and credits, the sum of which may be greater than zero even when the plan as a whole has no UVBs as of the end of the plan year preceding the withdrawal.

In Opinion Letter 83-19 (August 11, 1983), the Pension Benefit Guaranty Corporation ("PBGC") stated that, under the presumptive allocation method described in section 4211(b), a withdrawing employer can incur withdrawal liability even though the plan from which it withdrew had no UVBs as of the end of the plan year preceding the withdrawal. Although the letter did not discuss other allocation methods, the same reasoning would apply to the modified presumptive and direct attribution methods.

Subsequently, in February 1986, the U.S. Court of Appeals for the Eighth Circuit, in *Ben Hur Construction Co.* v. *Goodwin* 784 F.2d 876 (8th Cir. 1986), held that "withdrawal liability may be imposed upon an employer withdrawing from a multiemployer plan which has adopted the [direct] attribution method, even if the plan as a whole has no unfunded vested benefits." *Id.* at 879. The court stated that "the statutory language supports the * * * imposition of withdrawal liability" in such cases (*id.*).

Thereafter, on December 31, 1986, the PBGC published in the **Federal Register** (at 51 FR 47342) a Notice of Interpretation in which the agency announced that—

> [a]fter reviewing [public comments on the issue] and re-examining the statute in the light of those comments, the PBGC is now persuaded that it erred in stating in Opinion Letter 83-19 that ERISA requires the assessment of withdrawal liability by a plan that has no unfunded vested benefits at the end of the preceding plan year.

51 FR at 47343. Noting that "[t]he principal basis for [Opinion Letter 83-19] was that the result seemed to be compelled by a literal reading of the statutory language," *id.*, the PBGC went on to conclude that "section 4211 is ambiguous as to whether an employer that withdraws from a plan that has no unfunded vested benefits as of the end of the preceding plan year may incur withdrawal liability." *Id.* at 47344. The PBGC resolved that ambiguity through reference to policy and legislative history and concluded that—

> ERISA does not permit the assessment of withdrawal liability under any statutory allocation method against employers that withdraw from a plan when, as of the end of the preceding plan year, the plan has no unfunded vested benefits.

Id

The court in *Berkshire Hathaway, Inc.* v. *Textile Workers Pension Fund*, 874 F.2d 53 (1st Cir. 1989), a case also involving the direct attribution method, agreed with the PBGC's Notice of Interpretation, concluding that—

> The relevant statutory language supports the position that Congress did not intend to impose withdrawal liability on employers in a fully funded plan.

Id. at 56

Recently, however, in *Wise* v. *Ruffin*, 914 F.2d 570 (4th Cir. 1990), *cert. denied*, 59 U.S.L.W. 3582 (February 25, 1991), a case involving the modified presumptive method, the Fourth Circuit declined to follow the PBGC's 1986 Notice of Interpretation. It concluded that the relevant statutory provisions were "clear" and that they "unambiguously" required assessment of withdrawal liability in accordance with the formulas in section 4211, without regard to whether there were UVBs at the end of the plan year preceding the date of withdrawal. In discussing the 1986 Notice of Interpretation, the court said:

> The cornerstone of the PBGC's position * * * lie[s] in the proposition that the statute is ambiguous * * *. Nothing in the PBGC's notice persuades us that we have overlooked some source of ambiguity * * *. Yet, the notice * * * proceeds to employ various tools of statutory interpretation that are not applicable to unambiguous statutes such as the one it was analyzing.

Id. at 580-581

Discussion

The PBGC has re-examined the statute and reviewed its 1986 Notice of Interpretation in light of the Fourth Circuit's opinion in *Wise* v. *Ruffin*. As a result of the review, the PBGC is persuaded that it erred in finding statutory ambiguity and relying on legislative history to conclude in the 1986 Notice of Interpretation that—

> ERISA does not permit the assessment of withdrawal liability under any statutory allocation method against employers that withdraw from a plan when, as of the end of the preceding plan year, the plan has no unfunded vested benefits.

51 FR at 47344. The legislative history cited in the PBGC's 1986 Notice of Interpretation is insufficient to override the plain language of the statute.

Section 4201 provides:

> (a) If an employer withdraws from a multiemployer plan in a complete withdrawal or a partial withdrawal, then the employer is liable to the plan in the amount determined under this part to be the withdrawal liability.
>
> (b) For purposes of subsection (a)—
>
> (1) *The withdrawal liability of an employer to a plan is the amount determined under section 4211* to be the allocable amount of unfunded vested benefits, adjusted—
>
> (A) First, by any de minimis reduction applicable under section 4209,
>
> (B) Next, in the case of a partial withdrawal, in accordance with section 4206,
>
> (C) Then, to the extent necessary to reflect the limitation on annual payments under section 4219(c)(1)(B), and
>
> (D) Finally, in accordance with section 4225.

(Emphasis supplied.) Section 4211, in turn, requires that (except in the case of the rolling-5 method) "[t]he amount of the [UVBs] allocable to an employer" be calculated based on factors other than the plan's UVBs as of the end of the plan year before withdrawal.

The PBGC agrees with the Fourth Circuit that ERISA unambiguously provides for the determination of withdrawal liability by the methods described in section 4211 without any overriding implied rule that there must be plan-wide UVBs at the end of the

preceding plan year. Indeed, the statute unambiguously provides for the determination of withdrawal liability by formulas that can produce positive amounts even when the plan as a whole has no UVBs at the end of the preceding plan year. Accordingly, there is no statutory ambiguity on this point to be resolved by recourse to legislative history or policy concerns. It is therefore the PBGC's opinion, as previously stated in Opinion Letter 83-19, that "a zero UVB in one year does not necessarily eliminate potential withdrawal liability."

Conclusion

For the foregoing reasons, the PBGC withdraws the Notice of Interpretation that it published in the **Federal Register** on December 31, 1986, and reaffirms the conclusion it reached in Opinion Letter 83-19, dated August 11, 1983.

Issued in Washington, DC, this 14th day of March, 1991.

James B. Lockhart III,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 91-6576 Filed 3-21-91; 8:45 am]

BILLING CODE 7708-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-28977; File No. SR-NYSE-91-7]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Specialists' Liquidating Transactions

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 March 4, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NYSE proposes to amend Exchange rule 104.10(6) to permit a specialist to effect a liquidating transaction on a zero minus tick, in the case of a "long" position, or zero plus tick, when covering a "short" position, without Floor Official approval. The Exchange also proposes to amend rule 104.10(6) to set forth affirmative action that specialists would be required to take subsequent to effecting various types of liquidating transactions.[1] The NYSE proposes to implement the proposed rule change for a one year period.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(1) Purpose

Exchange rule 104.10(6) provides that a specialist may liquidate or decrease his or her position in a speciality stock so long as the transaction is reasonable in relation to general market conditions and the market conditions of the particular security, and is effected in a reasonable and orderly manner. In particular, this Rule provides that a specialist should avoid liquidating all, or substantially all, of a position by selling stock on a direct minus or zero minus tick, or by purchasing stock on a direct plus or zero plus tick, unless he or she first obtains Floor Official[2] approval, and the transaction is reasonably necessary in relation to the specialist's overall position in his or her speciality stocks.

The Exchange proposes to amend rule 104.10(6) to permit specialists to "reliquify" a dealer position[3] by selling "long" inventory stock on a zero minus tick, or by purchasing to "cover" a "short" position on a zero plus tick, without Floor Official approval. The Exchange believes that this proposal will facilitate the specialist's market maintenance capability, particularly during unusual market conditions.

The Exchange proposes to further amend rule 104.10(6) to emphasize the specialist's affirmative role in providing stabilizing dealer participation to the marketplace, especially during periods of volatile or unusual market activity, involving significant price movement in a security, where reliquification may be required to facilitate the maintenance of a fair and orderly market. In this regard, rule 104.10(6) would be amended to provide that:

—Liquidations involving the principal selling of any stock on a direct minus tick, or the purchasing of stock on a direct plus tick will require Floor Official approval, and should be effected only in conjunction with the specialist's re-entering the market on the opposite side of the market from the liquidating transaction where the imbalance indicates that the immediate succeeding transactions would result in a lower (higher) price following the sale (purchase);

—During volatile or unusual market conditions involving significant price movement in a security, the specialist should re-enter the market following a liquidation transaction which was effected by selling stock on a direct minus or zero minus tick, or purchasing stock on a direct plus or zero plus tick and, at a minimum, participate as dealer to the extent of his usual level of dealer participation in the subject security;

—During such periods, a series of such liquidating or purchasing transactions effected within a brief period of time should be accompanied by the specialist's re-entry in the market and effecting transactions which reflect a significant degree of dealer participation.

The Exchange proposes to implement the proposed rule change as a one-year pilot. To monitor compliance with the proposed rule change during the pilot period, the Exchange will utilize existing surveillance techniques, including computer programs, to monitor liquidation transactions effected by specialists on any destabilizing tick. These transactions will first be reviewed to see that required Floor Official approval was obtained where necessary.

Liquidating transactions will also be reviewed in light of dealer participation levels and re-entry into the market in terms of timing and support, *i.e.*,

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[1] The exact text of the Exchange's proposed amendments to rule 104.10(b) was attached to the rule filing as Exhibit A and is available at the NYSE and the Commission at the address noted in Item IV below.

[2] A "Floor Official" is an Exchange member appointed by the Board of Directors and authorized to make rulings on questions that arise with respect to Floor trading situations.

[3] In accordance with section 11(b) of the Act and rule 11b-1 thereunder, and NYSE rule 104.10, specialists perform the dual functions of brokers and dealers with respect to their speciality stocks. As brokers, specialists hold and execute buy and sell orders for others. As dealers, specialists are responsible for purchasing and selling securities in a manner that contributes to the maintenance of a fair and orderly auction market in the particular securiites or group of securities to which they are assigned.

whether the specialist's transactions were counter to the market trend. A report summarizing the results of this surveillance will be supplied to the Commission prior to the conclusion of the pilot.

The Exchange believes that the proposed amendments are consistent with the philosophy underlying the specialist's negative obligation [4] in that rule 104 has always recognized that reliquifying transactions on destabilizing ticks may be appropriate under certain conditions. The Exchange believes the proposed amendments reflect the need to facilitate specialists' ability to maintain fair and orderly markets through reliquification. The proposed amendments to rule 104.10(6) are also consistent with the manner in which the Exchange has interpreted the specialist's responsibility to re-enter the market following reliquifying transactions.

The Exchange believes that the proposed amendments to rule 104.10(6) strike an appropriate balance by ensuring that specialists have flexibility to liquidate or decrease positions, while at the same time emphasizing their responsibility to re-enter the market following reliquifying transactions.

(2) Statutory Basis

The proposed rule change is consistent with section 6(b)(5) of the Act in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and, in general, to protect investors and the public interest. The Exchange believes the proposed rule change is consistent with these objectives because it enhances the specialist's ability to reliquify and re-enter the market and reinforces the specialists' obligation to participate during volatile or unusual market conditions in a manner that is counter to the trend of the market and which cushions price movements in the specialists' stocks.

B. Self-Regulatory Orgainzation's Statement on Burden on Competiton

The Exchange does not believe that the proposed rule change will impose any burden on competiton that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments where neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR-NYSE-91-7 and should be submitted by April 12, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: March 15, 1991.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-6372 Filed 3-21-91; 8:45 am]

BILLING CODE 8010-01-M

[4] A specialist's dealer responsibilities are referred to as "affirmative" and "negative" obligations. In accordance with their affirmative obligations, specialists are obliged to trade for their own accounts to minimize order disparities and contribute to continuity and depth in the market. Conversely, pursuant to their negative obligations, specialists are precluded from trading for their own accounts unless such dealing is necessary for the maintenance of a fair and orderly market. See rule 11b-1 under the Act; NYSE Rule 104.

[Release No. 35-25274]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 15, 1991.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 8, 1991 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identity specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Consolidated Natural Gas Co. (70-7838)

Notice of Proposal to Issue and Acquire Common Stock in Connection With Implementation of Stock Incentive Plan; Order Authorizing Solicitation of Proxies

Consolidated Natural Gas Company ("Consolidated"), CNG Tower, Pittsburgh, Pennsylvania 15222-3199, a registered holding company, has filed an application-declaration pursuant to sections 6(a), 7, 9(a), 10, 12(c), 12(e) and 12(g) of the Act and rules 42, 43, 62, and 65 thereunder.

Consolidated's Board of Directors ("Board") has adopted resolutions approving the Consolidated Natural Gas Company 1991 Stock Incentive Plan ("Plan"), pursuant to which awards based on Consolidated's common stock, $2.75 par value per share ("Common Stock") may be granted to eligible employees of Consolidated and its affiliates. Consolidated states that the purpose of the Plan is to enable

Consolidated and its affiliates to attract and retain key employees and the best available personnel for positions of substantial responsibility, to reward such employees for superior performance and to strengthen the mutuality of interests between such employees and Consolidated's shareholders. Provided Consolidated receives the requisite stockholder approval at the May 21, 1991 annual meeting of stockholders, Consolidated proposes to implement the Plan according to its terms and in the manner described herein.

The Plan authorizes the Compensation and Benefits Committee of the Board ("Committee") to grant to key employees various types of Common Stock based awards. Consolidated proposes that these awards consist of incentive stock options, stock appreciation rights, restricted stock, deferred stock, performance awards, dividend equivalents and other stock-based awards.

The exercise and grant price of incentive stock options and stock appreciation rights will generally be based on the fair market value of a share of Common Stock on the date of the grant. The restricted stock will be subject to restrictions on transferability and other restrictions as the Committee may impose. The deferred stock awards will provide that shares of Common Stock will be delivered to participants upon expiration of a deferral period as specified by the Committee in the award. Performance awards will confer upon a participant rights, valued as determined by the Committee, and payable to, or exercisable by, the participant, in whose or in part, as the Committee will establish. Dividend equivalents will confer upon a participant rights to receive, currently or on a deferred basis, interest or dividends, or interest or dividend equivalents, with respect to a number of shares of Common Stock. Other stock-based awards could include awards based upon the operations of a cash bonus program and supplemental retirement plans of Consolidated and its subsidiaries.

The Committee has broad authority to set other terms and conditions of awards under the Plan. The Plan also provides that the Committee may at any time, offer to exchange or buy out any previously granted award for cash, shares of Common Stock, another award or other property, based on such terms and conditions as the Committee shall determine.

The maximum number of shares of Common Stock with respect to which awards may be granted under the Plan in each calendar year during any part of which the Plan is effective is one percent of the total issued and outstanding shares of Common Stock as of the first day of each such year the Plan is in effect, plus any shares of Common Stock which are reserved but not then subject to grants under the Company's Long-Term Incentive Plan ("LTIP") [1] as of the date the shareholders of Consolidated approve the Plan. However, in no event shall more than three million shares of Common Stock be cumulatively available may be adjusted pursuant to the Plan to prevent dilution or enlargement of rights due to factors such as changes in stock rights or mergers. As of January 1, 1991, Consolidated had 86,325,573 shares of Common Stock outstanding and 1,628,660 shares of Common Stock reserved but not subject to grants under the LTIP.

Therefore, upon receiving shareholder approval of the Plan, Consolidated requests authority to issue up to three million shares of Common Stock (which shares may be authorized but unissued shares, treasury shares, or a combination thereof) as necessary to grant awards under the Plan, up to the maximum number of shares of Common Stock permitted under the Plan. No award may be granted under the Plan after December 31, 2000. The term of each award shall be for such period as the Committee may determine; provided, however, that in no event shall the term of any incentive stock option, or a stock appreciation right granted in tandem therewith, exceed a period of ten years from the date of its grant. No Common Stock will be issued after December 31, 2010 pursuant to an award under the Plan without additional prior authority of the Commission under the Act. Consolidated also requests authority to acquire, through the exchange provisions of the Plan, shares of Common Stock which are the subject of a previously granted award.

The Plan will be submitted for consideration and approval by the holders of Consolidated's Stock at the annual meeting of stockholders to be held on May 21, 1991. Approval of the Plan requires an affirmative vote by the holders of the majority of the outstanding Common Stock.

Consolidated also requests authority to solicit proxies from its stockholders for approval of its 1991 Stock Incentive Plan at the annual meeting to be held on May 21, 1991. Consolidated has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation of proxies for voting by its stockholders to approve the new stock incentive plan be permitted to become effective as provided in rule 62(d).

It appearing to the Commission that Consolidated's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith, pursuant to rule 62:

It is ordered, that the declaration regarding the proposed solicitation of proxies, be, and it hereby is, permitted to become effective forthwith, under rule 62, and subject to the terms and conditions prescribed in rule 24 under the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-6371 Filed 3-21-91; 8:45 am]

BILLING CODE 8010-01-M

[1] The Commission authorized issuance of shares under the LTIP by orders dated March 19, 1982 and June 21, 1985 (HCAR Nos. 22424 and 23738 respectively).

[Release No. 35-25275]

Filings Under the Public Utility Holding Company Act of 1935 ("Act")

March 15, 1991.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 8, 1991 to the Secretary, Securities and Exchange Commission, Washington, DC 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as

amended, may be granted and/or permitted to become effective.

Eastern Utilities Associates, et al. (70-7517)

EUA Ocean State Corporation ("EUA-OS"), Washington Highway, Lincoln, Rhode Island 02865, Narragansett Energy Resources Company ("NERC"), 280 Melrose Street, Providence, Rhode Island 02901, and their subsidiary, Ocean State Power ("OSP"), One Bowdoin Square, Boston, Massachusetts 02114; and their respective direct and indirect parent companies, Eastern Utilities Associates ("EUA"), One Liberty Square, Boston, Massachusetts 02107 and New England Electric System ("NEES"), 25 Research Drive, Westborough, Massachusetts 01582, registered holding companies; and their respective service company subsidiaries, EUA Service Corporation, 750 West Center Street, West Bridgewater, Massachusetts 02379 and New England Power Service Company, 25 Research Drive, Westborough, Massachusetts 01582; and Blackstone Valley Electric Company, Washington Highway, Lincoln, Rhode Island 02865, an operating company subsidiary of EUA, have filed a post-effective amendment under sections 6(a), 7, 9(a), 10, 12(b) and 12(c) and Rules 42, 43, 45 and 46 thereunder to their joint application-declaration filed under sections 6(a), 7, 9(a), 10, 12(b), 12(f) and 13(b) and of the Act and Rules 43, 45, 90 and 91 and thereunder.

By orders dated October 13, 1988 (HCAR No. 24727), December 23, 1988 (HCAR No. 24790), September 28, 1989 (HCAR No. 24960) and December 18, 1990 (HCAR No. 25217), the Commission authorized, among other things, certain transactions with respect to Unit I and Unit II of the Ocean State Power Project ("Project"), a combined cycle electric generating facility located in Rhode Island, which included: (1) The formation by EAU and NEES of new subsidiary companies, EUA-OS and NERC, respectively; (2) the respective acquisition by EUA-OS and NERC of 29.9% and 20% equity interests in each of two partnerships ("OSP I" and "OSP II") formed to own and operate Unit I and Unit II of the Project for aggregate investment amounts of $71.27 million and $50 million; (3) the funding by EUA and NEES of EUA-OS and NERC to enable them to meet their obligations to make capital contributions to OSP I and OSP II in the same aggregate investment amounts; and (4) the financing of 100% of the construction of each of the units through non-recourse loans under separate general construction loan credit facilities ("Unit I and Unit II Credit Facilities") in connection with which: (a) EUA-OS, NERC and the other partners in OSP I and OSP II entered into Equity Contribution Agreements whereby they agreed, upon commercial operation of each of Unit I and Unit II, to make equity contributions aggregating no more than approximately 50% of the total commitments under the respective credit facilities, and (b) EUA, NERC and other parent corporations of partners in OSP I and OSP II agreed to enter into Equity Contribution Support Agreements ("Support Agreements") to provide proportional guarantees of their respective subsidiaries' obligations under the Equity Agreements.

EUA-OS and NERC now propose to make distribution of capital to EUA and NEES, respectively, returned to them by OSP as the Project is depreciated. The capital will be returned through repurchases of common stock or the payment of dividends out of capital.

EUA-OS and NERC further propose to make additional capital contributions to their subsidiary OSP to satisfy rate refund obligations that OSP may incur. The Unit I Credit Facility contained a provision designed to protect the lending banks ("Banks") from regulatory risk in the event any of the purchasers of power from Unit 1 instituted a proceeding at the Federal Energy Regulatory Commission ("FERC") to challenge the rates being charged under power purchase contracts ("Proceeding"). This provision required that partnership distributions, which otherwise could have been made to the OSP partners, would be retained to the extent of the refund amount at issue in a reserve account with the agent for the Unit I Credit Facility, pending resolution of the Proceeding, and then would be used to satisfy any resulting FERC-ordered rate refund obligation incurred by the partnership.

The Banks and the OSP partners amended the Unit I and Unit II Credit Facility to provide for an alternative method for meeting such refund obligations. Partners may now elect to continue to receive available partnership distributions if they agree to repay such distributions to the Banks in the event any such Proceeding results in a refund obligation, which (i) is greater than $45 million and (ii) reduces OSP's Debt Service Coverage Ratio, as defined, for any calendar quarter below 1.4 to 1, and provided that each partner's repayment obligation is guaranteed by the partner's sponsor, EUA and NEES in this case. EUA and NEES have applied for authority to make such guarantees by post-effective amendment to S.E.C. File No. 70-7540, for which a public notice was issued by the Commission on February 1, 1991 (HCAR No. 25250). The amount of the repayment obligation, and, therefore, the amount of any capital contribution would be determined by the amount of the refund obligation, but could never be more than the distributions made to the individual partner from the effective date of any FERC-ordered refund. Payments made by a sponsor under its guaranty would be deemed to be a capital contribution by the partner to the partnership, and would be investments in the partner by the sponsor, in addition to those previously authorized.

New England Hydro-Transmission Corporation, et al. (70-7839)

New England Hydro-Transmission Corporation, 4 Park Street, Concord, New Hampshire 03301, and New England Hydro-Transmission Electric Company, Inc., 25 Research Drive, Westborough, Massachusetts 01582 (collectively, "Declarants"), electric transmission subsidiary companies of New England Electric System and Northeast Utilities, both registered holding companies, have filed a declaration under sections 6(a) and 7 of the Act.

Declarants seek authority through October 31, 1993, to borrow from one or more banks, through the issuance of short-term promissory notes to such banks, up to a combined maximum outstanding amount of $25 million. In order to facilitate such borrowing, Declarants propose to make arrangements with the banks for a line or lines of credit up to a combined maximum amount (not including borrowings to be repaid with new borrowings) of $25 million. Borrowings from banks will be made in any of the following manners: (1) The Declarants may maintain funds in the banks which represent compensating balances or may pay fees to the banks in lieu of such compensating balance requirements. The effective interest cost of such borrowings will not be greater than the effective interest costs of borrowings at the bank's base or prime lending rate with compensating balance requirements of ten percent of the borrowings thereunder; (2) the Declarants may negotiate borrowings without compensating balances or the payment of fees at an effective interest cost of borrowings made under arrangements calling for compensating balances or the payment of fees. The effective interest cost of the Declarants will be no greater than the limit on the effective interest cost in paragraph (1) above; or (3) borrowings may be made

at fixed rates without prepayment privileges, which rates may be greater than the then current base or prime lending rate, but in no event greater than the limit on the effective interest cost under paragraph (1) above.

Based on compensating balance requirements allocated to each bank of approximately 10% to 20% or fees equivalent thereto, the effective interest cost of such borrowing under paragraphs (1) and (2) would be approximately 10% to 11¼% per annum, based on a base lending rate of nine percent.

Declarants propose to use the proceeds of the short-term borrowings: (1) To pay then outstanding short-term or long-term notes; (2) to provide new money for capitalizable expenditures and/or to reimburse Declarants' treasury therefor; and (3) for other corporate purposes, including providing for short-term fluctuations in working capital requirements.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-6870 Filed 3-21-91; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2483]

Washington; Declaration of Disaster Loan Area

Kitsap County and the contiguous counties of Island, Jefferson, King, Mason, Pierce, and Snohomish in the State of Washington, constitute a disaster area as a result of damages caused by severe winter storms which occurred between December 20 and December 31, 1990. Applications for loans for physical damage as a result of this disaster may be filed until the close of business on May 13, 1991 and for economic injury until the close of business on December 16, 1991 at the address listed below: Disaster Area 4 Office, Small Business Administration, P.O. Box 13795, Sacramento, CA 95853-4795, or other locally announced locations.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	9.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 248311 and for economic injury the number is 726600.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: March 14, 1991.

Susan Engeleiter,

Administrator.

[FR Doc. 91-6844 Filed 3-21-91; 8:45 am]

BILLING CODE 8025-01-M

Interest Rates

The interest rate on section 7(a) Small Business Administration direct loans (as amended by Pub. L. 97-35) and the SBA share of immediate participation loans is 8⅞ percent for the fiscal quarter beginning April 1, 1991.

On a quarterly basis, the Small Business Administration also publishes an interest rate called the optional "peg" rate (13 CFR 122.8-1(d)). This rate is a weighted average cost of money to the government for maturities similar to the average SBA loan. This rate may be used as a base rate for guaranteed fluctuating interest rate SBA loans. For the April-June quarter of FY 91, this rate will be 8.

Charles R. Hertzberg,

Assistant Administrator for Financial Assistance.

[FR Doc. 91-6846 Filed 3-21-91; 8:45 am]

BILLING CODE 8025-01-M

[License No. 05/05-0163]

First Ohio Capital Corp.; License Surrender

Notice is hereby given that First Ohio Capital Corporation, 606 Madison Avenue, Toledo, Ohio 43604, has surrendered its license to operate as a small business investment company under section 301(c) of the Small Business Investment Act of 1958, as amended (the Act). First Ohio Capital Corporation was licensed by the Small Business Administration on April 14, 1982.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on March 1, 1991 and accordingly, all rights, privileges and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: March 14, 1991.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-6843 Filed 3-21-91; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD11-91-01]

Vessel Certificates and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS)

AGENCY: Coast Guard, DOT.

ACTION: Notice of granting of Certificates of Alternative Compliance for vessels.

SUMMARY: This notice provides notification of the granting of a Certificate of Alternative Compliance on February 8, 1991 for two commercial towing vessels. The vessels cannot fully comply with certain provisions of Annex I of the 72 COLREGS without interfering with their special function.

EFFECTIVE DATE: February 8, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Jon Sarubbi, Eleventh Coast Guard District, Marine Safety Division, Union Bank Building, suite 709, 400 Oceangate, Long Beach, CA 90822. Telephone (213) 499-5334.

SUPPLEMENTARY INFORMATION: Under the provisions of subsection 1605(c) of title 33 United States Code, the Coast Guard publishes, in the **Federal Register**, a listing of vessels granted a Certificate of Alternative Compliance. A certificate is issued on a determination that a vessel cannot fully comply with the light, shape, and sound signal provisions of the 72 COLREGS without interfering with the special function of the vessel and, instead, meet alternative requirements.

The vessels listed below do not comply with Annex I 3.(b) of the 72 COLREGS in that their sidelights are forward of their masthead light. Full compliance would require placing the sidelights aft of the masthead light. Complying with this requirement would interfere with the operator's visibility and significantly hinder the vessel's towing operation. Accordingly, the

vessels have been issued a Certificate of Alternative Compliance, pursuant to Rule 1(e) of the 72 COLREGS.

M/V EXXON CALIFORNIA, O.N. 566464.

M/V GOLIAH, O.N. 581880.

Dated: March 8, 1991.

G.A Casimir,

Captain, U.S. Coast Guard, Chief, Marine Safety Division, Eleventh Coast Guard District.

[FR Doc. 91-6367 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

[CGD8 91-03]

Lower Mississippi River Waterway Safety Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-436; 5 U.S.C. App I) notice is hereby given of a meeting of the Lower Mississippi River Waterway Safety Advisory Committee. The meeting will be held on Tuesday, April 23, 1991, in the 29th Floor Boardroom of the World Trade Center, 2 Canal Street, New Orleans, Louisiana at 9 a.m. The agenda for the meeting consists of the following items:

1. Call to Order.
2. Minutes of the January 15, 1991 meeting.
3. Update on past resolutions.
4. Report from the VTS Subcommittee.
5. New Business.

A. Pipeline Burial

1. Presentation from Office of Pipeline Safety.
2. Presentation from U.S. Army Corps of Engineers.

6. Adjournment.

The purpose of this Advisory Committee is to provide consultation and advice to the Commander, Eighth Coast Guard District on all areas of maritime safety affecting this waterway.

The meeting is open to the public. Members of the public may present written or oral statements at the meeting.

Additional information may be obtained from Commander C.T. Bohner, USCG, Executive Secretary, Lower Mississippi River Waterway Safety Advisory Committee, c/o Commander Eighth Coast Guard District (oan), room 1209, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130-3396, telephone number (504) 589-3074.

Dated: March 8, 1991.

J.M. Loy,

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

[FR Doc. 91-6866 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

[CGD1 91-012]

New York Harbor Traffic Management Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Request for applicants.

SUMMARY: The U.S. Coast Guard is seeking applicants for appointment to membership on the New York Harbor Traffic Management Advisory Committee (NYHTMAC). The mission of the committee is to provide consultation and advice on a wide range of issues. It provides local expertise on such matters as vessel traffic in New York Harbor, anchorages, communications, and advise on a wide range of matters regarding all facets of navigation safety and other related topics dealing with waterways traffic management. The New York Harbor Traffic Management Advisory Committee operates in the public interest and addresses those duties imposed on the Coast Guard by law.

The advisory committee shall be composed of no fewer than 12 members from federal, state, and local government, the marine industry, port and harbor authorities, environmental groups, and other interested parties who will be appointed by the Secretary of Transportation upon recommendation by the Commander, First Coast Guard District and the Commandant for terms not to exceed the expiration date of the charter.

The duration of this committee is continuous with a charter renewal required every two (2) years. Appointments to the committee are for the two (2) year life of the charter and candidates for appointment shall apply prior to charter expiration. The present charter expires on September 9, 1991.

To achieve the balance of membership required by the Federal Advisory Committee Act, the Coast Guard is especially interested in receiving applications from minorities and women.

DATES: Requests for applications should be received no later than April 320, 1991.

ADDRESSES: Persons interested in applying or further information should write to: Commanding Officer, Vessel Traffic Service New York, Building 333, Third floor, Governors Island, NY 10004-5070, attn: NYHTMAC Executive Secretary, or contact, Lieutenant Commander James Bussey, USCG, NYHTMAC Executive Secretary at (212) 668-7429.

Dated: March 8, 1991.

R. I. Rybacki

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

[FR Doc. 91-6865 Filed 3-21-91; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

March 18, 1991.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, room 3171 Treasury Annex, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: 9343.

Type of Review: New Collection.

Title: Application for Penalty Abatement.

Description: IRS Research Project. Small Business owners will be offered, on a limited basis, the opportunity to have payroll tax penalties abated upon completion of a payroll tax workshop. The taxpayer's response on this application form will allow the workshop instructor to make a preliminary determination as to the taxpayer's qualification for the program.

Respondents: Small businesses or organizations.

Estimated Number of Respondents: 500.

Estimated Burden Hours Per Response: 15 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 125 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management

and Budget, room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 91-6825 Filed 3-21-91; 8:45 am]

BILLING CODE 4830-01-M

Customs Service

[T.D. 91-23]

Tuna Fish—Tariff-Rate Quota

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Announcement of the quota quantity for tuna for Calendar Year 1991.

In the matter of the tariff-rate quota for the Calendar Year 1991, on tuna classifiable under item 1604.14.20, Harmonized Tariff Schedule of the United States (HTSUS).

SUMMARY: Each year the tariff-rate quota for tuna fish described in item 1604.14.20, HTSUS, is based on the United States canned tuna production for the preceding calendar year.

EFFECTIVE DATES: The 1991 tariff-rate quota is applicable to tuna fish entered, or withdrawn from warehouse, for consumption during the period January 1 through December 31, 1991.

FOR FURTHER INFORMATION CONTACT: Karen L. Cooper, Chief, Quota Branch, Trade Programs Division, Office of Trade Operations, Office of Commercial Operations, U.S. Customs Service, Washington, DC 20229, (202/566-8592).

It has now been determined that 34,061,699 kilograms of tuna may be entered for consumption or withdrawn from warehouse for consumption during the Calendar Year 1991, at the rate of 6 percent ad valorem under item 1604.14.20, HTSUS. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 percent ad valorem under item 1604.14.30 HTSUS.

(QUO-1-CO:T:R:Q)

Dated: March 11, 1991.

Carol Hallett,

Commissioner.

[FR Doc. 91-6887 Filed 3-21-91; 8:45 am]

BILLING CODE 4820-02-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 56
Friday, March 22, 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 DEPOSIT INSURANCE CORPORATION

Notice of Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 2:03 p.m. on Tuesday, March 19, 1991, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider the following:

Matters relating to the probable failure of certain insured banks.

Recommendations concerning administrative enforcement proceedings.

Matters relating to the Corporation's corporate activities.

Personnel Matters.

Matters relating to assistance transactions with certain financial institutions.

In calling the meeting, the Board determined, on motion of Director C. C. Hope, Jr. (Appointive), seconded by Director Robert L. Clarke (Comptroller of the Currency), concurred in by Vice Chairman Andrew C. Hove, Jr., Jonathan M. Fiechter, acting in the place and stead of Director T. Timothy Ryan, Jr. (Office of Thrift Supervision), and Chairman L. William Seidman, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), (c)(9)(B), and (c)(10)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street NW., Washington, DC.

Dated: March 20, 1991.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 91-7009 Filed 3-20-91; 1:37 pm]

BILLING CODE 6714-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: 2:30 p.m., Wednesday, March 27, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets NW., Washington, DC 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Proposed revisions to Regulation K (International Banking Operations). (Proposed earlier for public comment; Docket No. R-0703)

2. Any items carried forward from a previously announced meeting.

Note: This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to:

Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452-3204.

Dated: March 20, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6997 Filed 3-20-91; 1:37 pm]

BILLING CODE 6210-01-M

FEDERAL RESERVE SYSTEM BOARD OF GOVERNORS

TIME AND DATE: Approximately 3:30 p.m., Wednesday, March 27, 1991.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 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: March 20, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-6998 Filed 3-20-91; 1:37 pm]

BILLING CODE 6210-01-M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Audit and Appropriations Committee Meeting Changes

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 56 FR 11587.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: A meeting of the Board of Directors Audit and Appropriations Committee will be held on March 24, 1991. The meeting will commence at 8:00 p.m.

CHANGES IN THE MEETING: The meeting will commence at 4:30 p.m. on March 24, 1991.

PLACE: The Madison Hotel, 15th and "M" Streets NW., Drawing Room 1 & 2, Washington, DC 20005, 202/862-1600.

STATUS OF MEETING: Open.

CONTACT PERSON FOR INFORMATION: Patricia D. Batie, Executive Office, (202) 863-1839.

Date Issued: March 20, 1991.

Patricia D. Batie,

Corporation Secretary.

[FR Doc. 91-7034 Filed 3-20-91; 3:57 pm]

BILLING CODE 7050-01-M

Corrections

Federal Register
Vol. 56, No. 56
Friday, March 22, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF EDUCATION

[CFDA No. 84.215A]

The Fund for Innovation in Education (FIE); Innovation in Education Program

Correction

In notice document 91-6411 beginning on page 11549 in the issue of Tuesday, March 19, 1991, make the following corrections:

On page 11549:

1. In the third column, under *Applicable Regulations*, in the fourth line, "78" should read "79".

2. In the same column, under *Invitational Priorities*, in the second line from the bottom of the paragraph, insert "not" after "are".

BILLING CODE 1505-01-D

FARM CREDIT ADMINISTRATION

12 CFR Parts 612, 614, 615, and 618

RIN 3052-AB17

Miscellaneous Technical Changes

Correction

In rule document 91-1649 beginning on page 2671 in the issue of Thursday, January 24, 1991, make the following corrections:

§ 612.2130 [Corrected]

1. On page 2674, in the first column, in § 612.2130, in fourth line of paragraph (l) and the third line of paragraph (p), "§" should read "section".

2. On the same page, in the second column, in § 612.2130, in paragraph (t), in the fifth line, "Agriculture" should read "Agricultural".

PART 614--[CORRECTED]

3. On the same page, in the third column, in part 614, in the heading for subpart G, "Changes" should read "Charges".

PART 615--[CORRECTED]

4. In the same column, in part 615, in the authority citation, in the fourth line, "3132" should read "2132".

§ 615.5151 [Corrected]

5. On page 2675, in the first column, in § 615.5151, in the third line, "any" should read "and".

§ 615.5180 [Corrected]

6. In the same column, in amendatory instruction 38, in the first line, "Section 615.5189" should read "Section 615.5180".

§ 618.8360 [Corrected]

7. On the same page, in the third column, in § 618.8360(a)(5), in the first line, "seel" should read "see".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[Gen. Docket No. 87-389; FCC 90-404]

Revision of Rules Regarding the Operation of Radio Frequency Devices Without an Individual License; LPB et al., Joint Petition for Partial Reconsideration

Correction

In rule document 91-67 beginning on page 372 in the issue of Friday, January 4, 1991, make the following correction:

§ 15.221 [Corrected]

On page 373, in the second column, in § 15.221(a), in the eighth line, "47,715" should read "47,715/".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-943-01-4214-10; GP1-108; OR-19802(WASH)]

Order Providing for Opening of Lands Subject to Section 24 of the Federal Power Act; Washington

Correction

In notice document 91-3653 appearing on page 6411 in the issue of Friday, February 15, 1991, make the following correction:

In the first column, in the land description, in Sec. 34, in the first line "N½NW¼" should read "N½SW¼".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 1 and 23

[Docket No. 25811; Amdt. Nos. 1-37 and 23-42]

1RIN 2120-AC15

Small Airplane Airworthiness Review Program Amendment No. 2

Correction

In the issue of Monday, February 11, 1991, on page 5455, beginning in the second column, in the correction to rule document 91-23, the docket number was inaccurately printed and should have appeared as shown above.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 90-AGL-18]

Alteration to Transition Area; Staples, MN

Correction

In rule document 91-1032 beginning on page 1571 in the issue of Wednesday, January 16, 1991, in the *EFFECTIVE DATE*, "u.t.m." should read "u.t.c.

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Petition for Rulemaking; Denial

Correction

In notice document 91-2103 beginning on page 3518 in the issue of Wednesday, January 30, 1991, make the following correction:

On page 3519, in the first column, in the third line "$1" should "$2".

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[FRL 3752-2]

RIN 2060-AA37

Standards of Performance for New Stationary Sources; Polypropylene, Polyethylene, Polystyrene, and Poly-(ethylene terephthalate) Manufacturing Industry

Correction

In rule document 90-28755 beginning on page 51010, in the issue of Tuesday, December 11, 1990, make the following corrections:

§ 60.560 [Corrected]

1. On page 51037, in the first column, in § 60.560(d) under **Table 2**, in the third column of the table, in the fourth line "TOC/mg" should read "TOC/Mg".

2. On the same page, in the second column:

a. In the first column of the table, in the third line, "high" should read "low"; and in the third column of the table, in the fourth line, "TOC/mg" should read "TOC/Mg".

b. In the seventh line from the bottom of the page, after "reaction" insert a comma.

c. In the third column, in § 60.560(e)(2), in the eighth line, "§ 60.561" should read "§ 60.562-1".

3. On page 51038, in the first column, in § 60.560(i), in the eighth line, "polymers" should read "copolymers"; and in the **Note:**, in the first line, "emissions" should read "emission".

§ 60.561 [Corrected]

4. On page 51038, in the 2nd column, in § 60.561, under the definition *Emergency vent stream*, in the 13th line, "to" should read "or".

5. On page 51039, in the 2nd column, in § 60.561, in the 22nd line from the top, "nother" should read "another",

6. On the same page, in the same column, in § 60.561, in the third line from the bottom of the page, "*terephthalic*," should read "*terephthalate*".

§ 60.562-1 [Corrected]

7. On page 51041, in § 60.562-1(a)(1)(ii), under **Table 3**, in the fourth column, the fourth line should align with item 2. in the third column.

8. On the same page, under footnote b, in the third column, in the first line, " TOC).[25]' should read "TOC).[2.5]'.

a. On the same page, in the same column, the equation should read as set forth below:

$$b = \frac{\left[\dfrac{0.18}{\text{weight percent TOC}}\right]^{0.5} - 1}{\text{weight percent TOC}}$$

9. On page 51042, in the first column, in the third line, "TOC).[15]' should read "TOC).[1.5]'.

a. On the same page, in the same column, the equation after "where:" should read as set forth below:

where:

$$e = \frac{\left[\dfrac{7.0}{\text{weight percent TOC}}\right]^{0.5} - 1}{\text{weight percent TOC}}$$

$$f = \frac{\left[\dfrac{9.0}{\text{weight percent TOC}}\right]^{0.5} - 1}{\text{weight percent TOC}}$$

$$g = \frac{\left[\dfrac{20.0}{\text{weight percent TOC}}\right]^{0.5} - 1}{\text{weight percent TOC}}$$

10. On page 51044, in the second column, in § 60.562-1(a)(1)(iii), in the second line, "steam" should read "stream".

11. On the same page, in the third column, in § 60.562-1(a)(1)(iii), in the first line, "calculations" should read "calculation"; and in the third line, "steams." should read "streams.".

12. On page 51046, in the first column, "steam" or "steams" should read "stream" or "streams" respectively. This occurs six times.

13. On the same page, in the second column:

a. In § 60.562-1(a)(2), in the ninth line, "defend" should read "defined".

b. In § 60.562-1(b), in the third line, "section" should read "sections".

c. In § 60.562-1(b), in the 12th line, "East" should read "Each".

d. In the third column, in § 60.562-1(c), in the second line, "terphthalate" should read "terephthalate".

e. In § 60.562-1(c), in the ninth line, after "completed" insert a "," (comma).

f. In § 60.562-1(c)(1), in the third line, "terphthalate" should read "terephthalate".

§ 60.562-2 [Corrected]

14. On page 51047, in the second column, in § 60.562-2(a), in the fifth line, "§ 60-482-10" should read "§ 60.482-10".

§ 60.563 [Corrected]

15. On page 51048, in the first column, in § 60.563(b)(5)(i), in the second line, "exist" should read "exit".

§ 60.564 [Corrected]

16. On page 51049, in the second and third columns, in the equations, every time "1b" appears it should read "lb".

a. In the third columm, in § 60.564(d)(1)(i), in the third line, "($C_{j;}$)" should read "(C_j)".

b. In § 60.564(d)(2), in the third line of the equation, move "M_j" to the second line after "C_j".

c. In § 60.564(d)(2)(i), in the third line, "($C_{j;}$)" should read "(C_j)".

17. On page 51050, in the first column, in § 60.564(f), the second equation should read as set forth below:

where:

H_T = Net heating value of the sample based on the net enthalpy per mole of offgas combusted at 25 °C and 760 mmHg, but the standard temperature for determining the volume corresponding to one mole is 20 °C, MJ/scm.

K_2 = Conversion constant,

$$1.740 \times 10^{-7} \frac{(1)}{\text{ppm}} \frac{(\text{g mole})}{\text{scm}} \frac{(\text{MJ})}{\text{kcal}},$$

a. In the second column, in § 60.564(g)(2) and (3), in both equations, move "where:" after the first line of the equations.

b. In the third column, in § 60.564(h), the equation should read as set forth below:

$$ER_{TOC} = \frac{E_{TOC}}{P_p \times \dfrac{1\ \text{Mg}}{1{,}000\ \text{kg}}}$$

18. On page 51051, in the first column, in § 60.564(j)(1)(iii), in the second line, "§ 60.652-1(c)(1)(ii)(C)" should read "§ 60.562-1(c)(1)(ii)(C)".

a. In the second column, in § 60.564(j)(1)(iv), the equation should read as set forth below:

$$CI_{95} = \frac{\sum_{i=1}^{n} x_i}{n} + 2\sqrt{\frac{n\sum x^2 - (\sum x)^2}{n(n-1)}}$$

§ 60.565 [Corrected]

19. On page 51052, in the first column, in § 60.565(a)(5), in the second and third lines "§ 60.564-1(a)(2):" should read "§ 60.562-1(a)(2):".

a. In § 60.565(a)(5)(i), in the second line, "test;" should read "test,".

b. In § 60.565(a)(8), in the fourth line, "vaccum" should read "vacuum".

c. In the second column, in § 60.565(a)(11), in the third line and in (b)(1), in the fourth and fifth lines, "§ 60.564-1(a)(1)(i)(D)" should read "§ 60.562-1(a)(1)(i)(D)".

d. In § 60.565(b)(1), in the last line, "values" should read "valves".

e. In § 60.565(b)(2)(i), in the last line, "§ 69.563(d)(l)." should read "§ 60.563(d)(1).".

f. In § 60.565(c), in the second line, "§ 69.562-1," should read "§ 60.562-1," and in the third line, "§ § 60.562(a)(l)(i)(D)" should read "§ § 60.562(a)(1)(i)(D)".

g. In § 60.565(c)(1), in the second line, "§ 69.563(b)(l)." should read "§ 60.563(b)(1)."

h. In § 60.565(c)(2)(i), in the next to last line, "to" should read "at".

20. On page 51053, in § 60.565(f)(1)(ii), in the first column, in the eighth line, "than" should read "that".

BILLING CODE 1505-01-D

federal register

Friday
March 22, 1991

Part II

Department of Housing and Urban Development

Office of the Secretary

Delegation of Authority; Notices

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-91-948; FR-3016-D-01]

Delegation of Authority Under Section 504 of the Rehabilitation Act of 1973

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation of authority.

SUMMARY: This delegation relates to the enforcement of section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. The Secretary delegates to the Assistant Secretary for Fair Housing and Equal Opportunity, the authority to act as the "responsible civil rights official" under 24 CFR part 8.

(In a notice published June 2, 1988 (Docket No. D-88-876; FR-770, 53 FR 20253), the Secretary delegated authority as "reviewing civil rights official" and as "responsible civil rights official" under 24 CFR part 8. By notice published December 18, 1989 (Docket No. D-89-910, 54 FR 51804), the June 2, 1988 delegation with regard to the "reviewing civil rights official" was revoked, and the authority was delegated to the Assistant Secretary for Fair Housing. Since today's notice revises the delegation of authority with regard to the remainder of the authority covered by the June 2, 1988 notice, that of the "responsible civil rights official", today's notice revokes the June 2, 1988 delegation in its entirety.)

EFFECTIVE DATE: March 11, 1991.

FOR FURTHER INFORMATION CONTACT: Peter Kaplan, Director, Office of Program Compliance, Office of Fair Housing and Equal Opportunity, room 5230, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-2904. A telecommunications device for deaf persons (TDD) is available at (202) 708-0015. (These are not toll-free numbers.)

Accordingly the Secretary delegates the following authority to the Assistant Secretary for Fair Housing and Equal Opportunity:

Section A—Authority Delegated

The Secretary of Housing and Urban Development delegates to the Assistant Secretary for Fair Housing and Equal Opportunity authority to act as the responsible civil rights official as set forth in 24 CFR part 8, "Nondiscrimination Based on Handicap in Federally-Assisted Programs and Activities of the Department of Housing and Urban Development."

Section B—Authority to Redelegate

The Assistant Secretary for Fair Housing and Equal Opportunity may redelegate the authority to act as responsible civil rights official.

Section C—Revocation of Delegation

The Secretary revokes the notice of delegation of authority published June 2, 1988, (Docket No. D-88-876; FR 770, at 53 FR 20253).

Dated: March 11, 1991.

Jack Kemp,

Secretary, Department of Housing and Urban Development.

[FR Doc. 91-6791 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-32-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[Docket No. D-91-949; FR-3017-D-01]

Redelegation of Authority Under Section 504 of the Rehabilitation Act of 1973

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: This redelegation relates to the enforcement of section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. This notice redelegates certain authority of the "responsible civil rights official" to the Deputy Assistant Secretary for Enforcement and Compliance and to the Directors of the Regional Offices of Fair Housing and Equal Opportunity. This notice supersedes and revokes the redelegation by the Assistant Secretary of the authorities and responsibilities of the "responsible civil rights official" contained in the notice published June 2, 1988 (Docket No. N-88-877; FR-770, at 53 FR 20253).

EFFECTIVE DATE: March 11, 1991.

FOR FURTHER INFORMATION CONTACT: Peter Kaplan, Director, Office of Program Compliance, Office of Fair Housing and Equal Opportunity, room 5230, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-2904. A telecommunications device for deaf persons (TDD) is available at (202) 708-0015. (These are not toll-free numbers).

SUPPLEMENTARY INFORMATION: 24 CFR part 8 implements section 504 of the Rehabilitation Act of 1973 which provides that no otherwise qualified person with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development. Any person who believes that he or she has been subject to discrimination prohibited under part 8 may file a complaint with HUD. Additionally, HUD conducts periodic reviews of the practices of recipients to determine whether they are complying with section 504.

In a related notice published concurrently in today's **Federal Register**, the Secretary of Housing and Urban Development has delegated all authority of the "responsible civil rights official" under part 8 to the Assistant Secretary for Fair Housing and Equal Opportunity. The notice also permits the Assistant Secretary to redelegate this authority.

This notice redelegates the authority of the Assistant Secretary of Fair Housing and Equal Opportunity to act as "responsible civil rights official" to the Deputy Assistant Secretary for Enforcement and Compliance and to the Directors of the Regional Offices of Fair Housing and Equal Opportunity. The authority will be held concurrently. The Deputy Assistant Secretary for Enforcement and Compliance is permitted to redelegate this authority. The Regional Directors may not redelegate this authority.

Accordingly, the Assistant Secretary for Fair Housing and Equal Opportunity redelegates the following authority:

Section A—Authority Redelegated

The Assistant Secretary for Fair Housing and Equal Opportunity redelegates the authority to act as the "responsible civil rights official" to the Deputy Assistant Secretary for Enforcement and Compliance, as follows:

1. The authority to request a copy of the documents described in 24 CFR 8.51(b).

2. The authority to receive compliance reports submitted by recipients under 24 CFR 8.55(b).

3. The authority to conduct periodic compliance reviews under 24 CFR 8.56(a) and the authority to conduct an investigation under § 8.56(b).

4. The authority to waive the time limit for filing a complaint in accordance with 24 CFR 8.56(c)(3).

5. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

6. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).

7. The authority to issue a formal written determination of compliance under § 8.56(h)(4).

Section B—Authority Redelegated

The Assistant Secretary for Fair Housing and Equal Opportunity redelegates the authority to act as the "responsible civil rights official" to Directors of the Regional Offices of Fair Housing and Equal Opportunity, as follows:

1. The authority to request a copy of the documents described in 24 CFR 8.51(b).

2. The authority to receive compliance reports submitted by recipients under 24 CFR 8.55(b).

3. The authority to conduct periodic compliance reviews under 24 CFR 8.56(a) and the authority to conduct an investigation under § 8.56(b).

4. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

5. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).

6. The authority to issue a formal written determination of compliance under §8.56(h)(4).

Section C—Authority to Redelegate

The authority granted to the Deputy Assistant Secretary for Enforcement and Compliance under section A of this redelegation may be redelegated. The authority granted to the Regional Directors of Fair Housing and Equal Opportunity under section B of this redelegation may not be redelegated.

Section D—Revocation of Redelegation

The Assistant Secretary for Fair Housing and Equal Opportunity revokes the notice of redelegation published June 6, 1988 (Docket No. D-88-877; FR-770, at 53 FR 20253).

Dated: March 11, 1991.

Gordon H. Mansfield,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 91-6792 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-28-M

Office of the Deputy Assistant Secretary for Enforcement and Compliance

[Docket No. D-91-950 FR-3018-D-01]

Redelegation of Authority Under Section 504 of the Rehabilitation Act of 1973

AGENCY: Office of the Deputy Assistant Secretary for Enforcement and Compliance, HUD.

ACTION: Notice of redelegation of authority.

SUMMARY: This redelegation relates to the enforcement of section 504 of the Rehabilitation Act of 1973 which prohibits discrimination based on handicap in programs and activities receiving Federal financial assistance from the Department. This redelegation of authority redelegates certain authority of the "responsible civil rights official" from the Deputy Assistant Secretary for Enforcement and Compliance to the Director of HUD Program Compliance.

EFFECTIVE DATE: March 11, 1991.

FOR FURTHER INFORMATION CONTACT: Peter Kaplan, Director, Office of Program Compliance, Office of Fair Housing and Equal Opportunity, room 5230, 451 Seventh Street SW., Washington, DC 20410, telephone (202) 708-2904. A telecommunications device for deaf persons (TDD) is available at (202) 708-0015. (These are not toll-free numbers.)

24 CFR part 8 implements section 504 of the Rehabilitation Act of 1973 which provides that no otherwise qualified person with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development. Any person who believes that he or she has been subject to discrimination prohibited under part 8 may file a complaint with HUD. Additionally, HUD conducts periodic reviews of the practices and recipients to determine whether they are complying with section 504.

In related notices published in today's **Federal Register**: (1) The Secretary of Housing and Urban Development has delegated the authority of the "responsible civil rights official" under part 8 to the Assistant Secretary for Fair Housing and Equal Opportunity; and (2) the Assistant Secretary for Fair Housing and Equal Opportunity has redelegated certain of this authority concurrently to the Deputy Assistant Secretary for Enforcement and Compliance and the Regional Directors of Fair Housing and Equal Opportunity. The Deputy Assistant Secretary for Enforcement and Compliance holds authority to redelegate the authority.

This notice redelegates the authority of the responsible civil rights official from the Deputy Assistant Secretary for Enforcement and Compliance to the Director of HUD Program Compliance. This authority may not be redelegated.

The Assistant Secretary for Fair Housing and Equal Opportunity previously delegated some of the involved authority directly to the Director of HUD Program Compliance by notice published June 2, 1988 (53 FR 20253). That redelegation by the Assistant Secretary, however, has been revoked by a notice published concurrently with this notice.

Accordingly, the Deputy Assistant Secretary for Enforcement and Compliance redelegates the following authority:

Section A—Authority Redelegated

The Deputy Assistant Secretary for Enforcement and Compliance redelegates the authority to act as the "responsible civil rights official" to the Director of HUD Program Compliance, as follows:

1. The authority to request a copy of the documents described in 24 CFR 8.51(b).

2. The authority to receive compliance reports submitted by recipients under 24 CFR 8.55(b).

3. The authority to conduct periodic compliance reviews under 24 CFR 8.56(a) and the authority to conduct an investigation under § 8.56(b).

4. The authority to waive the time limit for filing a complaint in accordance with 24 CFR 8.56(c)(3).

5. The authority to notify the complainant and the recipient of HUD's receipt of a complaint under 24 CFR 8.56(d), the authority to process a complaint in accordance with 24 CFR 8.56(e) and the authority to dismiss a complaint under 24 CFR 8.56(f).

6. The authority to issue a preliminary letter of compliance under 24 CFR 8.56(g).

7. The authority to issue a formal written determination of compliance under § 8.56(h)(4).

Section B—Authority to Redelegate

The authority granted to the Director of HUD Program Compliance under this redelegation may not be redelegated.

Dated: March 11, 1991.

Leonora Guarraia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 91-6790 Filed 3-21-91; 8:45 am]

BILLING CODE 4210-28-M

federal register

Friday
March 22, 1991

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 121, 125, and 135
Minimum Equipment List (MEL) Requirements; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 121, 125, and 135

[Docket No. 25780; Amdts. 121-222, 125-15, 135-39]

RIN 2120-AC86

Minimum Equipment List (MEL) Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment provides for the development and use of Minimum Equipment Lists (MEL) for certain single-engine air carrier aircraft. In addition, this amendment revises the requirements for the use of an MEL to make them consistent throughout the regulations. This action is needed to provide for the implementation of MEL authorizations through the issuance of operations specifications. The changes streamline administrative procedures and provide greater consistency in the MEL authorization process.

EFFECTIVE DATE: June 20, 1991.

FOR FURTHER INFORMATION CONTACT: Marlene G. Livack, Technical Standards Branch (AFS-230), Air Transportation Division, Office of Flight Standards, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; Telephone (202) 479-0285.

SUPPLEMENTARY INFORMATION:

Background

Statement of Problem

The airworthiness certification of an aircraft is based upon the requirement that the aircraft conform to its type certificate and be in a condition for safe operation. The concept of the Minimum Equipment List (MEL) was developed when it was recognized that a flight or series of flights might be continued with certain inoperable instruments and equipment under appropriate circumstances. This followed a Federal Aviation Administration (FAA) determination that strict compliance with the Type Certification (TC) equipment requirements was not necessary to maintain the TC level of safety. The MEL is intended to permit operation for a minimum period of time until repairs can be accomplished.

Although the MEL concept was adopted for part 121 operations in 1953 and applied to part 135 multiengine aircraft operations in 1978, it has never been applied to part 135 single-engine aircraft operations. This has been due to the relative lack of single-engine aircraft systems complexity and redundancy, the diversity of the single-engine aircraft population, and the lack of manpower to create single-engine aircraft Master Minimum Equipment Lists (MMEL).

(Note: An MMEL for a particular aircraft type is developed by the FAA in cooperation with holder of the type certificate for that aircraft. The MMEL is the basis for the individual operator's MEL for its particular operation and aircraft.)

In June 1985, the FAA responded to a request from Beech Aircraft Corporation by issuing an interpretation of FAR §§ 23.1301 and 25.1301 which stated, in summary, that all installed instruments and items of equipment in an aircraft must function as designed for all operations unless otherwise provided for in an FAA-approved MEL. Since § 135.179, which authorizes MEL use for multiengine aircraft, precludes single-engine aircraft from using an MEL, the result has been that all installed instruments and items of equipment on such aircraft must be operative. This has required part 135 operators of single-engine aircraft who install optional instruments and equipment to keep them in operating condition when the aircraft is operating. This requirement may have convinced some single-engine operators under part 135 to defer purchase of optional equipment which would have enhanced safety or operational efficiency.

At present, there is a need to standardize the manner in which the MEL requirements are applied to the aviation industry and individual operators. The results of the National Air Transportation Inspection (NATI) study of the MEL program revealed considerable misunderstanding of the MEL concept. In the past, some air carriers have mistakenly developed procedures for operating with an MEL that were not consistent with the operating regulations. Since the rules governing the use of MEL's in part 121 differ from the part 125 and 135 requirements, operational standardization and consistent interpretation of the rules have presented difficulties for operators and the FAA.

On January 23, 1989, the FAA published notice of proposed rulemaking (NPRM) 89-2 (54 FR 3320) that proposed to amend part 121, 125, and 135 requirements for the use of a MEL. (Clarification of the notice and an extension of the comment period was published in the **Federal Register** on March 27, 1989 (54 FR 12553).) The NPRM invited public participation in addressing MEL requirements. The NPRM proposed to standardize and to make consistent parts 121, 125, and 135 requirements for the use of an MEL. Finally, it proposed to authorize the development of MEL's for part 135 operators using single-engine aircraft.

Discussion of Comments

Approximately fourteen comments were received on the NPRM. The comments were submitted by air carriers, airline pilot associations, manufacturers, and individuals. Most comments were in favor of standardizing the regulations, and all comments regarding expansion of the applicability of MELs to include single-engine aircraft were favorable. However, several comments opposed certain proposed requirements. All specific issues and categories of comments are discussed below.

Access to Information Contained in the MEL

New and revised §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) each require that the MEL be aboard the aircraft or that the flightcrew have "direct" access at all times prior to flight to all information contained in the approved MEL. As discussed in the NPRM, it is not the FAA's intention that a physical copy of the MEL be carried aboard the aircraft although this would be an acceptable means of compliance. The FAA will accept any method as long as the information contained therein is "directly" accessible to the flightcrew at all times prior to flight through printed or other means approved by the Administrator. The rule provides that this approval will be contained in the certificate holder's operations specifications. The FAA does not consider "direct" access to include information gained from conversations with maintenance personnel by telephone or over the aircraft radio prior to dispatch.

Specifically, the commenters on this issue reflected their concerns as follows:

The Air Transportation Association (ATA) objects to the requirement that the crew have direct access to the MEL before and during flight. ATA states that there is no need for the MEL, a dispatch document, to be onboard the aircraft. According to ATA, the MEL is designed to be used during the preparation for flight, not the execution of flight. ATA submits that pilots are not trained in the use of MELs and the flightcrew always has access to MEL information through radio contact with dispatch/maintenance.

The Regional Airline Association (RAA) agrees that information

contained in the MEL should be directly accessible to the flight crew prior to flight, but submits that directly accessible during flight is unduly restrictive. RAA submits that the MEL is a dispatch document and that it is not intended to replace abnormal/emergency procedure when an item becomes inoperative during flight. RAA believes that indirect access may, at times, contribute to safety when one pilot in a two pilot crew is not forced to read an MEL during flight.

The Aerospace Industries Association (AIA) states that the FAA has not provided a justification for requiring pilot access to the written MEL at all times, and at the same time denying pilot access to it through the radio. AIA submits that the MEL is a dispatch document not intended for application while enroute and its verbiage is completely unsuitable for inflight application. AIA states that the MEL is not "cockpit friendly" and will substantially increase crew workload. According to AIA, there will be considerable costs because the MEL will have to be rewritten for use in the cockpit and crews will have to be trained in its use.

The International Federation of Airline Dispatchers' Association (IFIDA) comments that dispatchers should be provided with the same information as the flightcrews and should have direct access to the information contained in the MEL or have a copy of the MEL provided to them.

The Air Line Pilots Association (ALPA) supports the requirement that the crew have direct access to the MEL but states that it is not good enough for pilots to get information on MEL items and remarks or exceptions by telephone or radio access. ALPA, therefore, suggests that the word "direct" be inserted before the word "access."

One comment from an airline pilot states that the crews should have access to the printed MEL at all times.

In response to these specific comments, the FAA agrees that the MEL is a dispatch document and, thus, has determined that the proposed requirement that it be available during flight would not be in keeping with the intent of the MEL concept. The FAA, however, does not agree that requiring the flightcrew to have "direct" access to the MEL prior to flight is restrictive. The flightcrew is responsible for the safe operation of the aircraft and, therefore, must have a "direct" means of determining whether or not the aircraft is safe for flight.

Several commenters state that pilots are not trained in the use of MELs. However, § 121.415 requires that pilots and dispatchers be trained in the duties and responsibilities of their respective positions. FAR §§ 121.597 and 121.663 provide that one of the responsibilities of the pilot in command (PIC) is to determine that the flight can be made safely. For a PIC to make this determination, the FAA believes that training in the use of an MEL is necessary.

The FAA agrees with ALPA that, in order to make a dispatch decision, the flightcrew must be able to ensure that they have all available information. The FAA also agrees that calling on the radio or telephone would not necessarily ensure that the pilot has all the essential information. While the FAA agrees with the term "direct" access, this does not mean that the flightcrew must have a printed copy of the MEL and, therefore, the rule as adopted provides that the Administrator may approve other means of direct access. "Direct" access could be through the ARINC Communications Addressing and Reporting System (ACARS) or other electronic means or could be accomplished through an information retrieval system or any other means approved by the Administrator. Therefore, the word "direct" is being inserted before the word "access" in §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) and the proposal that the MEL be available during flight is being deleted.

The FAA agrees that dispatchers should be provided with the same information since they are jointly responsible, with the PIC, for the dispatch of the flight. The FAA has determined that the authority provided in FAR § 121.605 covers this point and does not see a need to further clarify the requirement.

Finally, the MEL will not have to be written for cockpit use because in its present format it is appropriate for a dispatch document. Since training in the use of an MEL is already required no additional training costs will be imposed.

MEL Revision Procedures

The language of FAR part 121 is revised to clarify that an MEL, as authorized by the operations specifications, constitutes an approved change to the type design. This is similar to the concept behind FAR §§ 91.213 (former § 91.30), 125.201, and 135.179. The following commenters specifically address this concept as it relates to the MEL.

ATA comments that the FAA should clarify that MEL revisions do not require recertification. ATA states that FAA should specify in the preamble that an amendment to the MEL will not require recertification of the airplane since the MEL authorization constitutes an approved change in the type design.

AIA believes making a change to an approved and authorized MEL constitutes a change in the type design. AIA contends, however, that this statement will be misconstrued and require full recertification for each MEL entry. AIA states that to do a full type certification for each MEL item would be prohibitively expensive and not improve safety. AIA suggests the following wording: "An approved MEL, as authorized by the operations specs, constitutes an approved deviation to the type design without requiring recertification through the certification branch."

The FAA response to ATA and AIA is that the part 121 MEL provisions are being amended to clarify that an approved MEL will constitute a change to the type design of the aircraft. However, the FAA does not intend this to mean that an amendment to the MEL requires recertification of an aircraft. Because the MEL allows an aircraft to be operated in a temporary condition with inoperative equipment while still maintaining the safety requirements for certification, the aircraft is in a legitimate design configuration and recertification of the type design is not necessary. This temporary condition continues to meet certification safety requirements. The FAA agrees with ATA and AIA that it is necessary to clarify that an amendment to the MEL will not require recertification. However, this should be accomplished in the rule and not in the preamble as suggested by ATA. Therefore, §§ 121.628(a)(2), 125.201(a)(2), and 135.179(a)(2) are amended accordingly.

In addition to ATA and AIA, Conner Air Lines, Inc., states that if the rule is implemented, the FAA would gain authority to amend an approved aircraft type certificate as well as the air carrier operating certificate by amending the operations specifications. Conner Air Lines, Inc., argues that this action would allow the FAA to alter, change, or amend, at its sole discretion, the MEL by changing the operator's specifications.

In response to Conner Air Lines, Inc., the FAA emphasizes that the MEL is a separately approved document and, therefore, will not be affected by any changes in the operations specifications. The operations specifications are the method through which operations with an MEL are authorized. The approval procedure for an operator's MEL has not been changed.

Airworthiness Directives

The NPRM proposed that instruments and equipment required by an airworthiness directive (AD) not be included in the MEL. The following comments were received from AIA and ATA on this issue.

AIA objects to this proposal and states that the prohibition against including instruments and equipment required by an AD is in conflict with the basic principles on which the MEL concept is based. AIA states that the compliance required in an AD is not necessarily the only way of fixing a defect or unsafe condition and that these solutions normally reflect permanent changes to hardware selected in consideration of operating costs and installation expediency, as well as safe operation. AIA comments that the safety requirements of an AD can often be accomplished by other means on the short term basis reflected by MEL relief.

AIA states that AD's normally contain the general statement that alternate means of compliance which provide an acceptable level of safety may be used when approved by the Administrator and the MEL does not deviate from this criterion. Further, many AD's contain specific dispatch relief provisions. AIA concludes that the carrier should be allowed to substitute a temporary solution in the MEL provided it affords an acceptable level of safety.

ATA states that proposed § 121.628(b)(2) should be the same as the existing § 91.30(b)(2), which allows instruments and equipment required by an AD, provided that AD provides for them, to be included in the MEL.

In response, the FAA agrees with ATA that §§ 121.628(b)(2), 125.201(b)(2) and 135.179(b)(2) should be the same as the requirements of § 91.30(b)(2) and has changed these sections accordingly. The FAA also agrees with AIA that AD's normally contain a general statement that alternate means of compliance can be used if approved by the Administrator. This does not necessarily provide relief through the MELs. Relief through an MEL can be granted only if it does not affect the requirements of the AD. Any MEL relief approved by the Flight Operations Evaluations Board and granted by the AD may be included in the MEL; however, due to the requirements of § 39.3 of the FAR, the AD requirements always takes precedence over the MEL provisions.

Inoperable Instruments and Equipment

Section 135.179(b)(3) of the proposed rule states that instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operation under all operating conditions may not be included in the MEL. Two comments were received which specifically addressed this issue. Both Sternair and the RAA suggest deleting the proposed section. RAA states that if this limitation is included, the rule should clarify the intent.

The FAA response to these comments is that in order to maintain the validity of an airworthiness certificate, all installed aircraft instruments and equipment must function as designed. However, an FAA-approved MEL issued to a specific operator by the FAA District Office having Flight Standards certificate responsibility constitutes an approved change to the aircraft type design and, therefore, allows for inoperative equipment. Experience has shown that with the various levels of redundancy designed into aircraft, operation of every system or installed component may not be necessarily since the remaining equipment can provide an acceptable level of safety.

Not all of an aircraft's installed instruments and equipment are necessary for every operation. For example, an operation which is not being conducted in icing conditions would not require airframe deicing or anti-icing equipment if that equipment was not essential for safe operations when icing conditions do not exist. Another example is an aircraft which was not being operated at night would not require a landing light. A specific operating condition, therefore, would be a condition such as extended overwater, high altitude, or night flight.

Certain equipment and instruments, however, must be operating at all times; these include such items as oil pressure and temperature gauges (unless other approved means exist to monitor these parameters) because these gauges provide an indication of the engine's condition.

Additional Comments

Several commenters question the need and reasons for the amendments to the existing FAR requirements.

For example, Ameriflight states that it supports the FAA's attempt to simplify and unify the regulations related to MELs but believes that, at the same time, a major overhaul of the current MEL policy is necessary and asks that the FAA evaluate the current problems associated with the MEL approval process such as standardization and delays. Ameriflight states that approval and development of an MEL can cost thousands and that a revision will cost, at a minimum, $500. Ameriflight suggests that the FAA issue a generic MMEL while leaving the specific operations and maintenance procedures to the users and district offices. These generic MMELs will be ready-to-use documents which would simply be obtained and distributed by the operators.

Conner Air Lines suggests that no changes be made to the current rules.

ATA states that the NPRM does not identify the particular issues to be clarified, but states only that §121.627(c) "has fostered numerous questions within the air carrier industry and, therefore, needs to be clarified." ATA suggests that FAA itemize and develop exact issues or questions which generated the need for clarification. ATA also suggests that the Advisory Circular regarding deferred maintenance items, when issued, may clarify the majority of the problems. ATA states that the industry has been working with the current regulations for over 30 years and is familiar with all aspects and suggests that a change could cause confusion.

The FAA in developing its NPRM did in fact review the specific problems and issues concerning the MEL process. The vagueness of § 121.627 caused the MEL requirements to be applied differently under part 121 than under parts 125 and 135, which contain more specific requirements. For this reason the FAA stated in the NPRM that the proposed amendment was needed to standardize application of the MEL concept by bringing part 121 in line with parts 125 and 135. The FAA believes it is unnecessary to catalogue the numerous requests for interpretation concerning § 121.627. These problems cannot be dealt with in an advisory circular format. The FAA believes that the minor changes involved with this rulemaking, including revisions to air carrier operations specifications, will not be a significant burden to air carriers and the resulting simplification of the process will be beneficial.

AIA comments that parts 125 and 135 should be standardized along the lines of part 121 instead of the other way around as proposed in the NPRM. This would provide a simplified system to 125 and 135 operators and not impose an economic burden on part 121 operators to change and train for a new system. It would also eliminate the need for re-interpretation. AIA states that if the reason for the proposed replacement of § 121.627(c) is to provide a stronger legal basis for enforcement then § 121.627(c) should be expanded to set up specific requirements for an MEL.

The FAA does not agree with AIA that proposed parts 125 and 135 should be standardized along the lines of part 121. Section 121.627(c) has historically caused confusion in the aviation industry and the FAA as well. After a careful review of the MEL requirements specified in current §§ 121.627(c), 125.201, and 135.179, the FAA has determined that proposed §§ 125.201 and 135.179 offer a clearer presentation of MEL requirements and this should be extended to part 121 for standardization throughout the industry. The FAA emphasizes that the MEL in part 121, as well as in parts 125 and 135, constitutes an approved change to the aircraft type design without requiring recertification. This is clearly stated in proposed §§ 121.628, 125.201, and 135.179.

Finally, two commenters state that pilots cannot always comply with the abnormal/emergency checklist procedures because one or more of the aircraft systems or components required to accomplish the emergency procedure is inoperative. These comments suggest the rule be amended so that no system component required to accomplish an emergency or abnormal procedure be included on an MMEL. The FAA believes these commenters are referring to problems with their own MELs, and that these problems should be reviewed and resolved. With respect to comments concerning MMELs, the FAA agrees that systems and components required to accomplish emergency or abnormal procedures are considered when approving an MMEL. Therefore, these items should not appear on an MEL since the MEL cannot be more permissive than the MMEL. If commenters believe this is not the case then it would be appropriate for the specific MEL problem to be reported in detail to the FAA for review and possible revision.

One commenter suggests that advisory circular material be developed to standardize the procedures by which MEL's are prepared by the operator and approved by the FAA. The FAA agrees and has undertaken this project. The FAA anticipates that the advisory circular material will be released concurrently with this rule.

Another commenter states that § 135.179 should be applicable to single-engine turbine airplanes on floats. The FAA's response is that the rule includes all single-engine aircraft operated under part 135.

Beyond the Scope of the NPRM

Several comments submitted are beyond the scope of this proposed rulemaking.

For example, Fairchild Aircraft Corporation refers to a suggested rule change that it requested in 1986, Docket No. 25049, and suggests that those changes be incorporated into the proposed § 135.179. Fairchild petitioned the FAA to amend §§ 91.30 and 135.179 to require the FAA and aircraft manufacturers to establish a list of required instruments and equipment to be included in each airplane and rotorcraft flight manual. The list would be used by a pilot to determine what instruments and equipment are required to begin and/or continue a flight. The FAA will respond to this issue in a separate rulemaking project, when resources permit.

Furthermore, the following comments have been considered as informational, but not having direct impact on this particular rulemaking project.

ALPA, for example, recommends that both the preamble to the MEL and the airworthiness handbook include a reference to the "electronic log book" including guidelines to ensure that the crew is supplied with the current airworthiness status of the aircraft following failure of the MEL items.

Finally, a commenter suggests that operators in Alaska should be able to develop MEL procedures for fuel gauges and other items on single-engine aircraft. Such matters are the proper subject of the MMEL review process.

Regulatory Evaluation Summary

Benefits

The benefits of the revised rules are non-quantifiable because they primarily reorganize and standardize the MEL provisions of various operating rules in order to clarify and explain the intent of existing requirements. Promulgation of these rules will reduce misunderstandings of the requirements governing inoperable instruments and equipment by air carriers.

Further, operators of single-engine aircraft under part 135 will benefit from greater flexibility and efficiency in using aircraft under the revised rules. As a result of these rules, passengers and shippers will avoid unnecessary delays and inconvenience. Moreover, use of operations specifications in lieu of letters of authorization, in the long run, will reduce administrative burdens for both the FAA and the affected certificate holders. The FAA, however, has no precise basis on which to quantify these benefits, since it cannot predict the extent to which part 135 operators of single-engine aircraft will elect to use MELs.

Costs

Certificate holders subject to the revised rules will not incur any additional compliance costs because the rules will change only the format in which MEL authorizations are granted. The substantive provisions of the MEL's for individual certificate holders will continue to be determined by the FAA flight standards field offices having jurisidiction over the particular certificate holders. Guidance for MEL operating privileges and limitations will continue to be disseminated through such means as the advisory circular system. The FAA will incur some minor administrative costs in transferring MEL requirements from letters of authorization to operations specifications, but this will be a one time expense, which is in the nature of an ordinary cost of doing business for a regulatory agency. Moreover, the use of operations specifications, in the long run, will tend to ease administrative burdens and reduce costs for both FAA and the certificate holders.

International Trade Impact Assessment

The revised regulations will clarify and standardize existing MEL requirements for various classes of United States certificate holders, and as such, will have no effect on the sale of foreign aviation products or services in the United States, nor will they affect the sale of United States aviation products or services in foreign countries.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (RFA) was enacted by Congress to ensure that small entities are not unnecessarily and disproportionally burdened by government regulations. Small entities are independently owned and operated small businesses and small not-for-profit organizations. The RFA requires agencies to review rules that may have "a significant economic impact on a substantial number of small entities." FAA Order 2100.14A, Regulatory Flexibility Criteria and Guidance, establishes threshold cost values and small entity size standards for complying with RFA review requirements in FAA rulemaking actions.

The small entities that will be affected by the revised rules are those parts 121, 125, and 135 operators that own nine or fewer aircraft. However, because these rules will not impose any additional compliance costs on affected certificate holders and will provide relief in the case of part 135 operators of single-engine aircraft, none of the threshold cost values stipulated in Order 2100.14A

are expected to be exceeded by any affected certificate holder. Therefore, the FAA has determined that these rules will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required under the terms of the RFA.

Federalism Implications

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 regulation will not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion

For the reasons discussed in the preamble, and based on the findings in the Regulatory Flexibility Determination and the International Trade Impact Analysis, the FAA has determined that this regulation is not major under Executive Order 12291. In addition, the FAA certifies that this regulation 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. This regulation is considered significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A regulatory evaluation of the regulation, including a Regulatory Flexibility Determination and International Trade Impact Analysis, has been placed in the docket. A copy may be obtained by contacting the person identified under "**FOR FURTHER INFORMATION CONTACT.**"

List of Subjects

14 CFR Part 121

Air carriers; Airplanes; Aviation safety; Safety.

14 CFR part 125

Aircraft; Airworthiness.

14 CFR Part 135

Air carriers; Aircraft; Airplanes, Airworthiness; Aviation safety; Safety.

Adoption of the Amendment

Accordingly, parts 121, 125, and 135 of the Federal Aviation Regulations (14 CFR parts 121, 125, and 135) are amended as follows:

PART 121—CERTIFICATION AND OPERATIONS DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS, AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

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

Authority: 49 U.S.C. 1354(a), 1355, 1356, 1357, 1401, 1421, 1430, 1472, 1485, and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

2. By revising the introductory text of § 121.303(d) to read as follows:

§ 121.303 Airplane instruments and equipment.

* * * * *

(d) Except as provided in §§ 121.627(b) and 121.628, no person may take off any airplane unless the following instruments and equipment are in operable condition:

* * * * *

§ 121.627 [Amended]

3. By removing § 121.627(c).

4. By adding a new § 121.628 following § 121.627 to read as follows:

§ 121.628 Inoperable instruments and equipment.

(a) No person may take off an airplane with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that airplane.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the airplane with certain instruments and equipment in an inoperable condition.

(4) Record identifying the inoperable instruments and equipment and the information required by paragraph (a)(3)(ii) of this section must be available to the pilot.

(5) The airplane is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an airplane with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.197 and 21.199 of this chapter.

PART 125—CERTIFICATION AND OPERATIONS: AIRPLANES HAVING A SEATING CAPACITY OF 20 OR MORE PASSENGERS OR A MAXIMUM PAYLOAD CAPACITY OF 6,000 POUNDS OR MORE

5. The authority citation for part 125 continues to read as follows:

Authority: 49 U.S.C. 1354, 1421 through 1430 and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

6. By revising § 125.201 to read as follows:

§ 125.201 Inoperable instruments and equipment.

(a) No person may take off an airplane with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that airplane.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized

by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the airplane with certain instruments and equipment in an inoperable condition.

(4) Records identifying the inoperable instruments and equipment and the information required by paragraph (a)(3)(ii) of this section must be available to the pilot.

(5) The airplane is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an airplane with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.197 and 21.199 of this chapter.

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS

7. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 1354 (a), 1355(a), 1421–1431 and 1502; 49 U.S.C. 106(g) (Revised Pub. L. 97–449, January 12, 1983).

8. By revising § 135.179 to read as follows:

§ 135.179 Inoperable instruments and equipment.

(a) No person may take off an aircraft with inoperable instruments or equipment installed unless the following conditions are met:

(1) An approved Minimum Equipment List exists for that aircraft.

(2) The Flight Standards District Office having certification responsibility has issued the certificate holder operations specifications authorizing operations in accordance with an approved Minimum Equipment List. The flight crew shall have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the Administrator in the certificate holders operations specifications. An approved Minimum Equipment List, as authorized by the operations specifications, constitutes an approved change to the type design without requiring recertification.

(3) The approved Minimum Equipment List must:

(i) Be prepared in accordance with the limitations specified in paragraph (b) of this section.

(ii) Provide for the operation of the aircraft with certain instruments and equipment in an inoperable condition.

(4) Records identifying the inoperable instruments and equipment and the information required by (a)(3)(ii) of this section must be available to the pilot.

(5) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the operations specifications authorizing use of the Minimum Equipment List.

(b) The following instruments and equipment may not be included in the Minimum Equipment List:

(1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the airplane is type certificated and which are essential for safe operations under all operating conditions.

(2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.

(3) Instruments and equipment required for specific operations by this part.

(c) Notwithstanding paragraphs (b)(1) and (b)(3) of this section, an aircraft with inoperable instruments or equipment may be operated under a special flight permit under §§ 21.297 and 21.199 of this chapter.

* * * * *

Issued in Washington, DC, on March 18, 1991.

James B. Busey,

Administrator.

[FR Doc. 91–6828 Filed 3–21–91; 8:45 am]

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federal register

Friday
March 22, 1991

Part IV

Department of Agriculture

Cooperative State Research Service

Competitive Research Grants Program for Fiscal Year 1991; Amendment to the Solicitation of Applications; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research Service

Competitive Research Grants Program (National Research Initiative Competitive Grant Program) for Fiscal Year 1991; Amendment to the Solicitation of Applications

Notice is hereby given that the Notice of the Competitive Research Grants Program (National Research Initiative Competitive Grant Program (NRICGP)) for Fiscal Year 1991; Solicitation of Applications found at 55 FR 49380–49388 (November 27, 1990) is amended by adding the following information for the research area 22.2 Solar Ultraviolet Radiation Monitoring Network for the Biosphere (formerly called Monitoring Systems for Ultraviolet). The Solicitation found at 55 FR 49380–49388, under the heading "Natural Resources and the Environment", provided that research will be supported in the following program area: 22.2 Monitoring Systems for Ultraviolet. Further, the solicitation provided that a description of the research to be supported and the receipt date for proposals would be published at a later date. The purpose of this notice is to provide such information. The original solicitation remains unchanged with regard to the other program areas described therein.

The authority for this program is contained in section 2(b) of the Act of August 4, 1965, as amended (7 U.S.C. 450i(b)). Under this program, subject to the availability of funds, the Secretary may award competitive research grants, for periods not to exceed five years, for the support of research projects to further the programs of the Department of Agriculture. Proposals may be submitted by any State agricultural experiment station, college, university, other research institution or organization, Federal agency, private organization, corporation, or individual. Proposals from scientists at non-United States organizations will not be considered for support.

Section 639 of Public Law No. 101–506, an Act Making Appropriations for Rural Development, Agriculture and Related Agencies programs for the fiscal year ending September 30, 1991, and for other purposes, prohibits Cooperative State Research Service (CSRS) from using the funds available for the NRICGP for fiscal year 1991 to pay indirect costs on research grants awarded competitively that exceed 14 per centum of the total direct costs under each award.

Of the total amount available in fiscal year 1991 for grant awards in "Natural Resources and the Environment", the amount available in the program area of Solar Ultraviolet Radiation Monitoring Network for the Biosphere is approximately $500,000.

Applicable Regulations

Regulations applicable to this program include the following: (a) The regulations governing the Competitive Research Grants Program, 7 CFR part 3200 which set forth procedures to be followed when submitting grant proposals, rules governing the evaluation of proposals and the awarding of grants, and regulations relating to the post-award administration of grant projects; and (b) the USDA Uniform Federal Assistance Regulations, 7 CFR part 3015.

Specific Program Area under Natural Resources and the Environment to be Supported in Fiscal Year 1991

Research on basic fundamental processes involved in biological responses to predicted effects of stratospheric ozone depletion is described in the original solicitation. In addition, there is need for the establishment of a program in the United States the goal of which is to obtain information for the scientific community on the geographical distribution and temporal trends in UV irradiance flux. Such information is needed in order to develop an understanding of the response of living systems to current conditions and to forecast future effects and develop response strategies for mitigating effects resulting from any future increases in UV radiation. The research necessary to attain this goal will require development of reliable and accurate measurement of UV-B radiation and the establishment of intensive study sites. These intensive monitoring sites will serve as a model for a regional monitoring network to be developed in future years. The following specific program area and guidelines are provided as a base from which proposals may be developed:

22.2 Solar Ultraviolet Radiation Monitoring Network for the Biosphere

Proposals developed in this program area should include the following elements:

(1) High-Quality Spectral Irradiance Measurements

Emphasis should be placed on the development of instrument characterization and calibration protocols of existing or newly developed instruments. In order to meet the objectives envisioned for a network of spectroradiometers, the following instrumentation specifications and operating protocols should be met:

General: The instrument should measure the global horizontal terrestrial solar UV-B spectral irradiance over the spectral wavelength region from 290–340 nm. Overall network radiometric uncertainty should be no more than 10% (3 sigma) at 295 nm decreasing to less than 5% (3 sigma) at 340 nm. These and following specifications are applicable over the ambient range of temperature, humidity and pressure found in northern temperate latitudes.

Wavelength Range: 280–400 nm.

Dynamic Range: Spectral irradiance measurements are to be made over a maximum solar signal of 1.0 W/m^2 nm at 400 nm decreasing to less than $10/^{-6}$ W/m^2 nm at 290 nm.

Accuracy and Precision: Instruments must maintain their calibrations over a 30 degree Celsius range for a month time period.

Wavelength:

a. Resolution of wavelength setting (smallest setable difference): ±0.02 nm.

b. Repeatability: ±0.02 nm.

c. Accuracy: ±0.02 nm.

d. Bandpass: <=1.00 nm.

e. Straylight: $<10/^{-8}$ at greater than +5 bandwidths from center wavelength.

Intensity:

a. Resolution: is to be 0.001 of full scale from all decade ranges from 1 to $1x10/^{-5}$ W/m^2 nm and $2x10/^{-8}$ W/m^2 nm for ranges less than or equal to $1x10^{-6}$.

b. Repeatability: must be within 0.2% of the decade range value.

c. Accuracy: instrument shall hold a calibration to an accuracy of ±1% of signal level between 1.0 W/m^2 nm and $10/^{-6}$ W/m^2 nm.

It is recognized that all of these specifications may not be achievable in a single instrument. For any instrument selected, however, a careful evaluation will be required to characterize the instrument in terms of the criteria specified here, particularly in terms of radiometric uncertainty, bandwidth, dynamic range, wavelength range, and wavelength repeatability.

(2) Monitoring Sites

Site locations should be stratified to provide measurements at different latitudes, altitudes, in different climate regimes and under different conditions of tropospheric pollution. Where feasible, sites should be co-located where other radiation and atmospheric measurements are being made. Photosynthetically active radiation, UV–A, cloud cover, turbidity, and total ozone are important ancillary measurements which should be

available at each site. In addition, atmospheric profiles of aerosols, trace gases, and temperatures are of great use in radiative transfer modeling but are unlikely to be initially available at all sites. Complete instrument characterization, calibration, and standardization between sites is considered critical.

(3) Administration and coordination of the network.

While individual site operators will be responsible for quality control and routine calibration (both intensity and wavelength on at least a daily basis), priority will be given to proposals that give consideration to centralized administration, coordination and standardization between sites. In this respect, attention should be given to those components such as inter-instrument characterization and calibration, uniform operational protocols, quality control, and standardized operator training which will become increasingly important as additional sites are added to the network. Included in the instrument standardization repertoire should be such techniques as characterization of the instrument's cosine response, stray light, nonlinearity in electronics and detector response, and radiometric accuracy determination with a secondary standard, etc.

It is anticipated that development of two intensive sites will be supported in fiscal year 1991. In accordance with the provisions of section 2(b)(7) of the Act of August 4, 1965, as amended, grant funds may not be used for renovation of space or the purchase or installation of fixed equipment in such space or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility. The use of grant funds for mobile or portable units or shelters, not affixed to land, is not prohibited, and such units or shelters may be used to provide a controlled environment for the radiometer and associated data acquisition equipment.

This program area can be addressed by an investigator or investigator(s) at a single institution or at multiple institutions with the proper competence and facilities to accomplish the objectives.

A report, "Justification and Criteria for the Monitoring of Ultraviolet (UV) Radiation as Identified by the Scientific Community", summarizes discussions at a UV-B Measurement Workshop held in Denver, Colorado, from January 23-25, 1991. Copies of the report are available from: Solar Ultraviolet Radiation Monitoring, National Research Initiative Competitive Grants Program, Cooperative State Research Service, U.S. Department of Agriculture, room 323, The Aerospace Center, Washington, DC 20250-2200; telephone (202) 401-5022.

How to Obtain Application Materials

Copies of this solicitation and the Grant Application Kit may be requested from: Proposal Services Branch, Cooperative State Research Service, U.S. Department of Agriculture, room 303, The Aerospace Center, Washington, DC 20250-2200; telephone (202) 401-5049.

How to Prepare a Proposal and What to Submit

Contained in the Grant Application Kit are the instructions for proposal preparation.

An original and 14 copies of each proposal submitted are requested. This number of copies is necessary to permit thorough, objective peer evaluation of all proposals received before funding decisions are made.

Resubmissions of unsuccessful proposals should clearly indicate what changes have been made in the proposal.

Each copy of each proposal must include a form CSRS-661, "Grant Application," which is included in the Grant Application Kit. Proposers should note that one copy of this form, preferably the original, must contain pen-and-ink signatures of the principal investigator(s) and the authorized organizational representative. Each project description is expected to be complete in itself. It should be noted that reviewers are not required to read beyond 15 pages of the project description to evaluate the proposals. Proposals beyond this limit may not be reviewed or may be returned. Appendices should be limited to materials that are pertinent to the proposal and should not be used as a way to circumvent the page limit. The *vitae* of key project personnel should be limited to three (3) pages, including a list of publications for the last five (5) years.

All copies of a proposal must be mailed in one package. Also, please see that each copy of each proposal is stapled securely in the upper lefthand corner, do not bind. Information should be typed on one side of the page only. Every effort should be made to ensure that the proposal contains all pertinent information when initially submitted. Prior to mailing, compare your proposal with the "Application Requirements" checklist contained in the Grant Application Kit.

Where and When to Submit Grant Applications

Each research grant application must be submitted to: National Research Initiative Competitive Grants Program, c/o Proposal Services Branch, Cooperative State Research Service, U.S. Department of Agriculture, room 303, The Aerospace Center, Washington, DC 20250-2200. Proposals which will be hand-carried or delivered by overnight express service should be addressed to: National Research Initiative Competitive Grants Program, c/o Proposal Service Branch, Cooperative State Research Service, room 303, The Aerospace Center, 901 D Street SW., Washington, DC 20024. To be considered for funding during fiscal year 1991, proposals submitted in response to this announcement must be postmarked by May 13, 1991. Additional information on this program area may be obtained by calling (202) 401-4871.

Special Instructions

The NRICGP should be indicated in Block 7 and the applicable program area (Solar Ultraviolet Radiation Monitoring) and program code (22.2) should be indicated in block 8 of form CSRS-661 provided in the Grant Application Kit.

Supplementary Information

The Competitive Research Grants Program is listed in the Catalog of Federal Domestic Assistance under No. 10.206. For reasons set forth in the Final rule-related notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials. In accordance with the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)), the collection of information requirements contained in this notice have been approved under OMB Document Nos. 0524-0022.

The award of any grant under the NRICGP during FY 1991 is subject to the availability of funds. One copy of each proposal that is not selected for funding will be retained for a period of one year. The remaining copies will be destroyed.

Done at Washington, DC, this 18th day of March, 1991.

John Patrick Jordan,

Administrator, Cooperative State Research Service.

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federal register

Friday
March 22, 1991

Part V

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Six Plants and Myrtle's Silverspot Butterfly From Coastal Dunes in Northern and Central California; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB56

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for Six Plants and Myrtle's Silverspot Butterfly From Coastal Dunes in Northern and Central California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes endangered status pursuant to the Endangered Species Act of 1973 (Act), as amended, for six plants and one butterfly: *Chorizanthe howellii* (Howell's spineflower), *Chorizanthe valida* (Sonoma spineflower), *Erysimum menziesii* (Menzies' wallflower), *Gilia tenuiflora* ssp. *arenaria* (Monterey gilia), *Layia carnosa* (beach layia), *Lupinus tidestromii* (clover lupine), and Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*). These species are restricted to northern and central California within the foredunes and dune scrub communities and adjacent sandy habitats occupied by coastal scrub or coastal prairie. The six plant taxa, the butterfly and its larval food plant are threatened by one or more of the following: commercial and residential development, competition from alien plants, off-road vehicle use, equestrian use, trampling by hikers, livestock, and sand mining, disposal of dredged material, and perhaps stochastic (i.e., random) extinction by virture of the small isolated nature of the remaining populations. This proposal, if made final, would implement the Federal protection and recovery provisions afforded by the Act for the plants and butterfly. The Service seeks data and comments from the public on this proposal.

DATES: Comments from all interested parties must be received by May 21, 1991. Public hearing requests must be received by May 6, 1991.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Field Office, 2800 Cottage Way, Room E-1823, Sacramento, California 95825. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Jim A. Bartel (plants) or Mr. Christopher D. Nagano (butterfly), at the above address (916/978-4866 or FTS 460-4866).

SUPPLEMENTARY INFORMATION:

Background

Chorizanthe howellii, Chorizanthe valida, Erysimum menziesii, Gilia tenuiflora ssp. *arenaria, Layia carnosa, Lupinus tidestromii,* and Myrtle's silversport butterfly (*Speyeria zerene myrtleae*) are endemic to the coastal dunes of northern and central California. Within these dune systems, the six plants and butterfly are restricted to the coastal foredunes and coastal dune scrub communities and adjacent sandy habitats occupied by coastal scrub or coastal prairie. The foredunes (also referred to as littoral dunes (Barbour and Johnson 1997) or coastal strand (Cooper 1919, Munz and Keck 1950)) are situated immediately above the lower, non-vegetated portion of the beach or littoral strip. In the dune systems north of Monterey Bay, sand-stabilizing rhizomatous grasses, *Ammophila arenaria* and *Elymus mollis*, generally dominate the vegetation of the foredunes (Barbour and Johnson 1977). *Ammophila arenaria*, European beach-grass or marram grass, is an alien species that has largely replaced the native *Elymus*-dominated foredune community. According to Sauer (1988), European beachgrass "has become a powerful geomorphic agent [along the California coast] by building fairly continuous wall-like foredunes, which were not previously characteristic of this region." Although the *Elymus*-dominated foredune community exists about Monterey Bay, these foredunes typically consist of low hillocks and mounds that are sparsely populated with generally succulent, tap-rooted, perennial herbs (e.g., *Abronia latifolia, Ambrosia chamissonis, Calystegia solandella, Camissonia* ssp., *Carpobrotus aequilaterus, C. edulis, Fragaria chiloensis*) (Barbour and Johnson 1977). The wind, water table and vegetation have created the plant associations and topographic features that are found behind the foredunes and its associated plant community. The numerous names (e.g., deflation area, stabilized ridge, vernal pool hollow, open dune pioneer community, dune-mat community, *Poa-Lathyrus* phase, scrub zone, dune chaparral, climax dune forest) used by plant ecologists (Cooper 1919, Johnson 1963, Parker 1974, McBride and Stone 1976, Barbour and Johnson 1977, Woodhouse 1982, Renner *et al.* 1986, Pickart 1987) to describe these "backdune" habitats have complicated the literature. Aside from supplanting the native *Elymus*-dominated community in the foredunes, the stabilization of the dunes by *A. arenaria* has permitted the colonization of formerly active backdune areas with a mixture of native and alien plants (Sauer 1988). The generally stabilized backdune areas occupied by the species proposed herein can be characterized as a soft, woody, dense plant community of short shrubs and subshrubs (<2 m tall), and herbaceous plants. Often referred to as coastal dune scrub (cf. Holland 1986), several plants (e.g., *Artemisia pycnocephala, Baccharis piluaris, Ericameria ericoides, Lupinus arboreus, L. chamissonis, Scrophularia californica*) are commonly associated with this community.

Aside from the beachgrass, many other alien plants have invaded these dune plant communities. Introduced taxa that are now established include sea-rocket (*Cakile* spp.), ice plant or sea-fig (*Carpobrotus* spp.), and several annual grasses and forbs generally restricted to wetland habitats within the dunes (Barbour and Johnson 1977, Sauer 1988). In addition to the beachgrass, which has been used in dune stabilization projects along the Pacific Coast since 1869 (Cooper 1967), bush lupine (*Lupinus arboreus*), a shrub native to the dunes of central and southern California, has been sown into the dune systems north of San Francisco Bay since 1900 (Miller 1987). In some cases, these aliens have outcompeted and largely supplanted the native dune vegetation, including the six plants proposed herein and the foodplants of Myrtle's silverspot butterfly.

In addition to the impact of exotic vegetation, many of the dune systems harboring populations of the six plants and butterfly are threatened by proposed commercial and residential development. The historical use of some dune systems by the military has resulted in "heavy damage" (Cooper 1967). Off-road vehicle use has damaged the fragile plant communities in these dune systems and remains a significant threat to the six plants and butterfly on both public and private lands. The use of off-road vehicles damages these dune habitats by destabilizing soils, potentially facilitating the invasion of alien plants. Native species including the taxa proposed herein are crushed and killed. The use of off-road vehicles has denuded many dune areas of vegetation. Trampling of the dune flora by equestrians, hikers (Brown 1987), and livestock (Clark and Fellers 1986) threatens the plants. Other factors

adversely affecting coastal dunes and the seven species proposed herein include sand mining, disposal of dredged material from adjacent bays and waterways, and perhaps stochastic extinction by virtue of the small isolated nature of the remaining populations.

A Discussion of the Seven Species Proposed Herein for Listing Follows

Chorizanthe howellii (Howell's spineflower) was first collected by Mathews in 1914 from the sand dunes north of Fort Bragg in Mendocino County. Based on a collection made by John Thomas Howell in 1929, Goodman described and named the species in Howell's honor in 1934. *Chorizanthe howellii*, a member of the buckwheat family (Polygonaceae), is a shaggy-haired, short (3–10 cm), annual herb with spatula-shaped, 1–3 centimeters long, basal leaves, and spreading to decumbent stems that branch from the base. Flowers, which appear May through July and are white to rose in color, generally range from 3.5–4.5 millimeters in length (Reveal and Hardham 1989). Characteristics of the species' flowers, habit, tepals (petal-like sepals), involucres (whorl of bracts subtending the flowers), and involucral teeth and awns separate *C. howellii* from other annual species in the genus. Restricted to coastal foredunes and adjacent sandy habitats occupied by coastal prairie, the species is discontinuously distributed within the southern portion of the dunes south of Tenmile River. This dune system, referred to as the "Tenmile River" dunes by Cooper (1967), stretches continuously for about 5 miles from the mouth of Tenmile River to Laguna Point, with isolated dunes occurring as far south as Pudding Creek on the north edge of the community of Fort Bragg.

Chorizanthe valida (Sonoma spineflower) was originally collected by Ilya Vosnesensky in 1841 (Raveal and Hardham 1989). Given the ambiguity of his collection label, the locality is not clear. Watson, who described the species from Vosnesensky's material in 1877, referred to "Russian Colony" as the type locality. Though Reveal and Hardham (1989) listed the type locality as "near Fort Ross" in Sonoma County, Davis and Sherman (1990) speculated that Vosnesensky may have collected the type specimen from the Point Reyes Peninsula in Marin County. *Chorizanthe valida*, a member of the buckwheat family (Polygonaceae), is an erect to spreading, 1–3 decimeters tall, shaggy-haired, annual herb with 1–5 centimeters long, basal leaves that are typically wider near the tip. Flowers, which appear June through August and are white to lavender to rose in color, are 5–6 millimeters long (Reveal and Hardham 1989) and occur in dense, ball-shaped, pinkish clusters with green bracts below. As with *C. howellii*, characteristics of the species' flowers, habit, tepals, involucres, and involucral teeth and awns separate *C. valida* from other taxa. Today the species is restricted to sandy places within coastal prairie near the south end of Abbotts Lagoon, which is immediately adjacent to the "Point Reyes" dune system. According to Cooper (1967), this dune system ranges for about 12 miles from south of Tomales Point to Point Reyes within Point Reyes National Seashore in Marin County. Thought to be extinct, the plant was rediscovered by a group of amateur botanists in 1980 at Abbotts Lagoon (Davis and Sherman 1990). Although the Park Service has enclosed this population within a 360-acre pasture to protect the plants from grazing cattle, only about 2,500 plants grew in the enclosure in 1988. The species was more widespread and historically grew south of the Abbotts Lagoon population near the old Point Reyes post office (Reveal and Hardham 1989). According to the California Natural Diversity Data Base (CNDDB), however, a putative collection of *C. valida* from Rodeo Lagoon in Marin County actually came from Abbotts Lagoon. Additional historical collections of this spineflower were made near Petaluma and Sebastopol in the interior portion of Sonoma County (Reveal and Hardham 1989). Given the extensive urbanization in this area, these localities are considered extinct (Reveal and Hardham 1989).

Erysimum menziesii (Menzies' wallflower) was first collected from the Monterey area by Archibald Menzies during the Vancouver expedition in 1792–94. Hooker, citing Menzies' collection as the type, described the plant as **Hesperis menziesii** in 1830. Though Bentham and Hooker (1862) subsequently placed the species within the genus *Chieranthus*, von Wettstein (1889) appropriately transfered the plant to the genus *Erysimum*. Subsequent taxonomic treatments of North American wallflowers by Rossbach (1940, 1958) and Price (1987) have maintained *E. menziesii* as a distinct species. Although Price recognizes three subspecies of the plant, he has yet to formally describe these new subspecies. *Erysimum menziesii*, a member of the mustard family (Brassicaceae), is a low (<3 dm tall), succulent, rosette-forming, biennial to short-lived perennial herb. Throughout most of its range, the species produces dense clusters of bright yellow flowers in the winter and early spring (i.e., January to April). However, the populations near Marina in Monterey County flower in early summer (i.e., May-June). The characteristic fleshy, spoon-shaped, rosette leaves of *E. menziesii* and *E. concinnum* are used to distinguish these coastal species from other native wallflowers. The divergent fruits or siliques, and smaller (<10 mm), consistently yellow petals of *E. menziesii* separate the species from *E. concinnum*. *Erysimum menziesii* is discontinuously distributed within the coastal foredune community of four dune systems. The northernmost dune system, referred to as "Humboldt Bay" by Cooper (1967), stretches from the mouth of the Little River to Centerville Beach south of the Eel River in Humboldt County. Within these dunes, the species is restricted to a 12-mile stretch between the mouths of the Mad River and Humboldt Bay (i.e., Samoa Peninsula). *Erysimum menziesii* also occurs within the Tenmile River dune system in Mendocino County and the "Monterey Bay" dune system, which according to Cooper (1967), ranges from La Selva (north of the mouth of the Pajaro River) to the City of Monterey in Monterey County. Within the Monterey Bay dune system, the species does not occur north of the mouth of the Salinas River. Several small discontinuous populations occur within this 13-mile reach. The southernmost populations of *E. menziesii* exist in the "Monterey Peninsula" dune system, as defined by Cooper (1967). The Monterey Peninsula dunes, which are localized and limited in size, occur in two general areas: Point Pinos to Point Joe and north of Point Cypress. The species occurs in both areas. Putative collections of *E. menziesii* from north of Mendocino in Mendocino County and from north of Lake Talawa in Del Norte County are *E. concinnum* (Price 1987).

Gilia tenuiflora ssp. *arenaria* (Monterey gilia) was first collected by David Douglas in the early 1800's. Bentham described the plant as a species in 1833, based on Douglas' collection. In 1943, Jepson reduced the gilia to a variety of *G. tenuiflora*, a widespread species restricted to sandy habitats on Santa Rosa Island and within the central coastal portion of California. Subsequently, Grant and Grant (1956) elevated the plant to subspecific rank. *Gilia tenuiflora* ssp. *arenaria*, a member of the phlox family (Polemoniaceae), is an erect, short (<1.7 dm tall), rosette-forming, annual herb. The narrow (2–4 mm) petals and narrow purple throat of the funnel-shaped flower, open inflorescence, short fruits

or capsules (3.5–5 mm), and slightly exserted stamens separate ssp. *arenaria* from the other three subspecies of *G. tenuiflora*. The plant is restricted to isolated occurrences within wind-sheltered, sparsely vegetated portions of the Monterey Bay and Monterey Peninsula dune systems in Monterey County. The subspecies typically grows within coastal dune scrub or Flandrian dune habitat (Pavlik *et al.* 1987). The Monterey Peninsula populations range from Point Pinos to Point Joe.

Layai carnosa (beach layia) was originally collected by Thomas Nuttall reportedly from "St. Diego, Upper California" in 1835. Citing his collection as the type, Nuttall described the species as *Madaroglossa carnosa* in 1841. Two years later, Torrey and Gray (1843) transferred the plant and the other species of *Madaroglossa* into the genus *Layia*. Although Greene (1892) placed *L. carnosa* into the monotypic genus *Blepharipappus*, authors of subsequent floras (Munz 1959, Ferris 1960) concurred with Torrey and Gray. *Layia carnosa*, a member of the sunflower family (Asteraceae), is a low (<15 cm), glandular, succulent, winter annual. Highly branched individuals often spread more than 4 decimeters in diameter. The sticky fleshy leaves, short (2–4 mm) white-colored ray flowers, and bristles about the summit of the achene (one-seeded fruit) differentiate *L. carnosa* from other species in California. Historically, *L. carnosa* was restricted to widely scattered, isolated occurrences within the coastal foredunes of seven dune systems. The northernmost occurrences of *L. carnosa* are from the Humboldt Bay dune system in Humboldt County. These populations ranged from near the mouth of the Little River and along the Samoa Peninsula. Exotic vegetation and highway construction reportedly eliminated *L. carnosa* and the rest of the native plant community from the Little River area. *Layia carnosa* occurs in two isolated dune systems not discussed by Cooper (1967), near the mouth of McNutt Gulch and south of the mouth of the Mattole River in Humboldt County. The species has been collected from near Kehoe Beach and Abbotts Lagoon in the Point Reyes dune system. Though collected from the San Francisco Peninsula in San Francisco County in 1904, the development of Golden Gate Park and growth of San Francisco eliminated this population and dune system (Cooper 1967). Within the Monterey Peninsula dune system, two of the four known occurrences, have been eliminated. Although suitable habitat remains, the southermost location of *L. carnosa* from near Surf in Santa Barbara County has not been seen since 1929. This site occurs within the "Santa Ynez River" dune system, as defined by Cooper (1967).

Lupinus tidestromii (clover lupine) was first collected from Pacific Grove on the Monterey Peninsula by Ivar Tidestrom in 1893. Greene described the species based on the Tidestrom collection in 1895. After Eastwood (1938) described a similar lupine (*L. layneae*) from Point Reyes, Munz (1958) recognized these northern California plants as a variety of *L. tidestromii*. The presence of blackish spots on the seeds, longer inflorescence stems (4–8 cm), and shorter hairs on the leaves and stems separate *L. tidestromii* var. *tidestromii* (Monterey Peninsula) from *L. tidestromii* var. *layneae* (Point Reyes Peninsula). *Lupinus tidestromii*, a member of the pea family (Fabaceae), is a low (1–3 dm), silky, creeping, sand-binding perennial herb. The species produces whorls of blue to lavender-colored flowers from May to June. The generally prostrate habit, bright yellow roots, small leaflets (1.3–2 cm long), and densely pubescent foliage distinguish *L. tidestromii* from other lupines. Restricted to coastal foredunes, the species is discontinuously distributed in three dune systems. The northern most locality is an isolated population along the south bank of the Russian River near its mouth in Sonoma County. Further south within the Point Reyes dune system, Clark and Fellers (1986) noted the occurrence of three isolated stands of *L. tidestromii* from Abbotts Lagoon to Point Reyes Test Station. However, based on field work in 1988 (Viginia Norris, local amateur botanist, *in litt.*, May and June 1988), the species likely is more abundant within the Point Reyes dune system. The Monterey Peninsula populations range from Point Pinos to Pebble Beach. A putative collection of *L. tidestromii* from Bodega Head in Sonoma County in 1925 may be misidentified because of the limited dune habitat from this general area and the vegetative condition of the specimen.

Myrtle's silverspot butterfly (*Speyeria zerene myrtleae*) is a member of the brush-foots family (Nymphalidae). Using specimens collected by W.F. Breeze from San Mateo, San Mateo County, California, in July and August of 1919, dos Passos and Grey described the butterfly in 1945. This subspecies is a medium sized butterfly with a wingspan of approximately 55 millimeters. The upper surfaces of the wings are golden brown with numerous black spots and lines. The undersides are brown, orange-brown, and tan with black lines and distinctive silver and black spots. The basal areas of the wings and body are densely pubescent (hairy). The females lay their eggs in the debris and dried stems of the larval foodplant, *Viola* sp. (McCorkle and Hammond 1988). Upon hatching, the caterpillars wander a short distance and spin a silk pad upon which they pass the winter. The larvae are dark-colored with many sharp branching spines on their backs. The caterpillars immediately seek out the foodplant upon termination of their diapause in the spring. This portion of the life history of the butterfly may last about 7–10 weeks. The larvae then form their pupa within a chamber of leaves that they have drawn together with silk. Based on studies of a related subspecies, the adults may emerge in about 2 weeks and could live for approximately 3 weeks (McCorkle 1980). Depending upon environmental conditions, the flight period of this single brooded butterfly ranges from late June to early September (Sterling Mattoon, entomologist from Chico, California, *in litt.*, August 4, 1989).

The historical range of Myrtle's silverspot butterfly extends from San Mateo County north to the mouth of the Russian River in Sonoma County (Mattoon, *in litt.*, August 4, 1989). No butterflies have been observed recently at the known population sites near Pacifica and San Mateo in San Mateo County. Three populations are known to inhabit coastal prairie and associated habitats in western Marin and southwestern Sonoma Counties. Two populations are located within the Sonoma State Beaches in Sonoma County; near Portuguese Beach and on the peninsula west of Bodega Harbor. A third population occurs in Point Reyes National Seashore in Marin County (Mattoon, *in litt.*, August 4, 1989). A single female specimen was recorded from Valley Ford in Sonoma County, which is approximately 8 miles inland from the community of Bodega Bay. This lone butterfly may have been from a local colony or a dispersing individual.

Federal government actions on the six plants began as a result of section 12 of the Endangered Species Act of 1973, which directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94–51, was presented to Congress on January 9, 1975. In the report, *Chorizanthe valida* was thought to be possibly extinct, both varieties of *Lupinus tidestromii* (vars. *tidestromii* and *layneae*) were listed as endangered species, and *Chorizanthe howellii* and *Erysimum menziesii* were listed as

threatened species. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) of its acceptance of the report as a petition within the context of section 4(c)(2) (now section 4(b)(3)(A)) of the Act, and of the Service's intention thereby to review the status of the plant taxa named within. On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to determine approximately 1,700 vascular plant species to be endangered species pursuant to section 4 of the Act. The list of 1,700 plant taxa was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94–51 and the July 1, 1975, **Federal Register** Publication. *Chorizanthe valida*, and both varieties of *Lupinus tidestromii* were included in the proposed rule, though the Service requested additional information on *C. valida*. General comments received in relation to the 1976 proposal were summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909), which also determined 13 plant species to be endangered or threatened.

The Endangered Species Act Amendments of 1978 required that all proposals over 2 years old be withdrawn. A 1-year grace period was given to proposals over 2 years old. In the December 10, 1979, **Federal Register** (44 FR 70796), the Service published a notice of withdrawal of that portion of the June 16, 1976, proposal, along with four other proposals that had expired. On December 15, 1980, the Service published a revised notice of review of native plants in the **Federal Register** (45 FR 82480); *Chorizanthe valida*, *Erysimum menziesii*, *Gilia tenuiflora* ssp. *arenaria*, *Lupinus tidestromii* var. *layneae*, and *L. tidestromii* var. *tidestromii* were included as category-1 species (species for which the Service has sufficient data in its possession to support a listing proposal as endangered or threatened), while *Chorizanthe howellii* was included as a category-2 species (species for which data in the Service's possession indicated listing is possibly appropriate, but for which additional biological information is needed to support a proposed rule). On November 28, 1983, the Service published in the **Federal Register** (48 FR 53640) a supplement to the 1980 notice of review. This supplement treated *Chorizanthe valida* and *Lupinus tidestromii* var. *layneae* as category-2 species. *Erysimum menziesii*, *Gilia tenuiflora* ssp. *arenaria*, and *Lupinus tidestromii* var. *tidestromii* were included in category 1, and *Chorizanthe howellii*, *C. valida*, and *Lupinus tidestromii* var. *layneae* were included in category 2 in the September 27, 1985, revised notice of review for plants (50 FR 39526). Subsequently, precise survey information by Teresa Sholars (Department of Botany, University of California, Berkeley) delineated the threats facing *Chorizanthe howellii* and field work by Clark and Fellers (1986) and other National Park Service researchers provided the necessary information regarding the status of *Chorizanthe valida* and the Point Reyes populations of *L. tidestromii* (i.e., *L. tidestromii* var. *layneae*). In addition, the California Native Plant Society and The Nature Conservancy recently compiled distribution and threat data delineating the Status of *Layia carnosa*, a species never considered before for candidate status. The portion of this proposal to list *Chorizanthe howellii*, *C. valida*, *Erysimum menziesii*, *Gilia tenuiflora* ssp. *arenaria*, *Layia carnosa*, and *Lupinus tidestromii* as endangered is largely based on population data from numerous botanists that have been collated by the CNDDB, and various reports and studies discussed in this rule (see "References Cited" below).

Section 4(b)(3)(B) of the Endangered Species Act, as amended, requires the Secretary to make findings on certain pending petitions within 12 months of their receipt. Section 2(b)(1) of the 1982 amendments further requires that all petitions pending on October 13, 1982, be treated as having been newly submitted on that date. This was the case for *Chorizanthe howellii*, *C. valida*, *Erysimum menziesii*, and the two varieties of *Lupinus tidestromii because the 1975 Smithsonian report was accepted as a petition. In October 1983, 1984, 1985, 1986, 1987, 1988, and 1989, the Service found that the petitioned listing of Chorizanthe howellii, C. valida, Erysimum menziesii, Lupinus tidestromii* var. *layneae*, and L. *tidestromii* var. *tidestromii* was warranted, but that the listing of these species was precluded due to other higher priority listing actions. Publication of the present proposal constitutes the final finding for the petitioned action.

On March 20, 1975, Myrtle's silverspot butterfly was listed as one of 42 insects whose status was being reviewed for listing as either endangered or threatened by the Service in the **Federal Register** (40 FR 12691). This insect was listed as a category-2 species in the January 6, 1989, **Federal Register** Animal Notice of Review (54 FR 573). Dr. Dennis Murphy of the Center for Conservation Biology, Stanford University, Stanford, California, petitioned the Service to list Myrtle's silverspot butterfly as an endangered species in a letter dated June 28, 1989, that was received on June 29, 1989. The Service made a 90-day finding on October 2, 1990 that the petition contained substantial information indicating that the action requested may be warranted, and published the finding in the **Federal Register** on November 1, 1990 (55 FR 46080). This proposal constitutes the final finding for the petitioned action. The Service did not receive any new information in response to the November 1, 1990 notice. The portion of this proposal to list Myrtle's silverspot butterfly is largely based on scientific and commercial information on the species, various scientific papers and unpublished reports available to the Service (Hammond 1980, McCorkle 1980, McCorkle and Hammond 1988), and information gathered from several entomologists, including Mr. Sterling Mattoon and Mr. John Steiner.

Summary of Factors Affecting the Species

Section 4 of the Endangered Species Act (16 U.S.C. 1533) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be determined to be an endangered or threatened species due to one or more of the factors described in section 4(a)(1). These factors and their application to *Chorizanthe howellii* Goodman (Howell's spineflower); *Chorizanthe valida* Watson (Sonoma spineflower); *Erysimum menziesii* (Hooker) Wettstein Menzies' wallflower); *Gilia tenuiflora* Bentham ssp. *arenaria* (Bentham) A. & V. Grant (Monterey gilia); *Layia carnosa* (Nuttall) torrey & A. Gray (beach layia); *Lupinus tidestromii* Greene (clover lupine); and Myrtle's silverspot butterfly (*Speyeria zerene myrtleae* dos Passos & Grey) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* All seven species proposed herein (*Chorizanthe howellii*, *Chorizanthe valida*, *Erysimum menziesii*, *Gilia tenuiflora* ssp. *arenaria*, *Layia carnosa*, *Lupinus tidestromii* and Myrtle's silverspot butterfly) are restricted to the coastal foredunes, coastal dune scrub communities, and/or adjacent sandy habitats occupied by coastal scrub or coastal prairie of the coastal dunes of northern and central California. The imminent threat facing these species and their associated habitats is the ongoing and threatened destruction and adverse modification of

these dune systems by commercial and residential development, off-road vehicle use, trampling by hikers and equestrians, sand mining, and disposal of dredged material from adjacent bays and waterways.

Chorizanthe howellii is endemic to the Tenmile River dune system, which is immediately north of the community of Fort Bragg. All known sites for this species occur within MacKerricher State Park. Because of a lack of any preservation or management stategy for *C. howellii* on park land, the species is threatened by off-road vehicle use and trampling by hikers and equestrians (CNDDB, *in litt.*, November 25, 1985).

Chorizanthe valida is restricted to one population within the Point Reyes National Seashore, in Marin County. The species occurs in sandy places within coastal prairie near the south end of Abbotts Lagoon, which is immediately adjacent to the "Point Reyes" dune system. Other historical populations within the national seashore have been lost, and development probably eliminated *C. valida* from the Sebastopol/Petaluma area in Sonoma County. Because cattle ranching at Point Reyes is considered part of the cultural heritage of western Marin County, the lone population still occurs within an active cattle ranch (Davis and Sherman (1990). The National Park Service has fenced most of the remaining population. Although the preliminary results of a National Park Service monitoring study suggest that the species is not sought after by cattle for forage, the plants within the exclosure did grow taller than their counterparts outside the exclosure. The overall effect of grazing is not well understood and needs further study (Davis and Sherman 1990).

Erysimum menziesii is discontinuously distributed in the coastal foredune community of four dune systems: Humboldt Bay, in Humboldt County; Tenmile River, in Mendocino County; and Monterey Bay and Monterey Peninsula in Monterey County. All known populations have been threatened by commercial and residential development, off-road vehicle use, trampling by hikers and equestrians, sand mining, and/or disposal of dredged material from adjacent bays and waterways. Although three of the four dune systems harboring *E. menziesii* are owned, in part, by the State of California or the Federal government, this public ownership amounts to less than 10 percent of the species' habitat. Moreover, State and Federal lands remain subject to heavy recreational use by off-road vehicle and hang-glider enthusiasts, hikers, and/or equestrians. With the exception of the Lanphere-Christensen Dunes Preserve owned by The Nature Conservancy, the privately owned stands of *E. menziesii*, including the approximately 642 acres of dunes and former dunes on the Samoa Peninsula owned by the City of Eureka, are adjacent to expanding urban centers (e.g., Eureka, Monterey Peninsula) and would be adversely affected by the on-going urban expansion of coastal communities (e.g., $25 million port expansion on the Samoa Peninsula, residential and commercial development within the Marina Dunes in Monterey County).

Gilia tenuiflora ssp. *arenaria* is restricted to isolated sites within coastal dune scrub in the Monterey Bay and Monterey Peninsula dune systems in Monterey County. The construction of a golf course in 1987 near Spanish Bay on the Monterey Peninsula eliminated a portion of a population of *G. tenuiflora* ssp. *arenaria*. The developer attempted to mitigate for the project via the transplantation of this subspecies, *Erysimum menziesii*, and *Lupinus tidestromii* on an artificial dune. However, the effort "has not been successful" (Vernal Yadon, Pacific Grove Natural History Museum, pers. comm., April 14, 1989). Though a portion of perhaps the largest population of *G. tenuiflora* ssp. *arenaria* occurs on State land (i.e., Salinas River State Beach), the area continues to be adversely affected by off-road vehicle use, and trampling by hikers and equestrians. Commercial and residential development near Marina, Seaside, Sand City, and on the Monterey Peninsula threatens the remaining populations.

Layia carnosa was discontinuously distributed within the coastal foredunes of seven dune systems: the Humboldt Bay dune system in Humboldt County; two isolated dune systems near the mouth of McNutt Gulch and south of the mouth of the Mattole River in Humboldt County; the Point Reyes dune system in Marin County; the San Francisco Peninsula in San Francisco County; the Monterey Peninsula dune system in Monterey County; and the Santa Ynez River dune system in Santa Barbara County. According to the CNDDB, the Little River migrated north and eroded away the dune habitat near the river mouth. As a result, the northernmost occurrence of *L. carnosa*, which is part of the Humboldt Bay dune system, is extinct. Urbanization destroyed the dunes in San Francisco while the southernmost locality of the species, which is on Vandenberg Air Force Base, has not been seen since 1929. Recreational, commercial, and residential development probably caused the extinction of the northernmost sites of *L. carnosa* on the Monterey Peninsula. Although portions of the six dune systems harboring the species occur on Federal land (i.e., Bureau of Land Management, Point Reyes National Seashore), these populations, which are often associated with *Erysimum menziesii* (see discussion above), are threatened by off-road vehicle use, trampling by hikers and equestrians, sand mining, disposal of dredged material from adjacent bays and waterways, and/or trampling by livestock. Except for the population on the Lanphere-Christensen Dunes Preserve, the privately owned sites and the lands owned by the City of Eureka are vulnerable to expected future commercial and residential development as well as other activities damaging publicly owned dunes.

Lupinus tidestromii, a coastal foredunes species occasionally associated with *Erysimum menziesii* and *Layia carnosa*, occurs near the mouth of the Russian River and is discontinuously distributed on the Point Reyes and Monterey Peninsulas. Golf course construction eliminated two known sites from the Monterey Peninsula. Though *L. tidestromii* occurs in part on State (i.e., Asilomar State Beach) and Federal land (i.e., U.S. Coast Guard, Point Reyes National Seashore), trampling by hikers and livestock threatens these publicly owned populations. The privately owned sites, which are all from the Monterey Peninsula, are subject to future residential and recreational development.

Myrtle's silverspot butterfly has been extirpated from a significant portion of its former range, which extended from San Mateo County north to the mouth of the Russian River in Sonoma County. The last known collections of the butterfly from the San Francisco Peninsula were made in 1919. Reportedly the Pacifica colony was extirpated in the 1950's. Urban development probably eliminated both populations. The species is now known from only western Marin and Sonoma Counties. The size of the population at Point Reyes National Seashore has been reduced in comparison to previous years, although the cause is unknown (Mattoon, pers. comm, August 4, 1989). In the Sonoma County colonies, uncontrolled human foot traffic harasses, injures, or kills individuals of Myrtle's silverspot butterfly by trampling the early life stages, larval foodplants, or adult nectar sources.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Although butterflies are a popular group with insect collectors, capture and permanent removal of individuals generally does not threaten most widespread, numerous species (Pyle *et al.* 1981). However, as studies of another nymphalid butterfly have shown (Gall 1984), the threat of overcollection places the small isolated populations of the Myrtle's silverspot butterfly at risk. Overutilization is not applicable to the six plants; however some plant species have become vulnerable to curiosity seekers following listing.

C. *Disease or predation.* Not known to be applicable for any of the species except perhaps *Chorizanthe valida,* where predation by grazing livestock may threaten the plant.

D. *The inadequacy of existing regulatory mechanisms.* Under the Native Plant Protection Act (Chapter 1.5, section 1900 *et seq.* of the Fish and Game Code) and California Endangered Species Act (Chapter 1.5, section 2050 *et seq.*, Fish and Game Code), the California Fish and Game Commission has listed *Chorizanthe valida, Erysimum menziesii, Layia carnosa,* and a variety of *Lupinus tidestromii* (var. *tidestromii*) as endangered; and *Chorizanthe howellii* and *Gilia tenuiflora* ssp. *arenaria* as threatened (14 California Code of Regulations section 670.2). Though both statutes prohibit the "take" of State-listed plants (Chapter 1.5 section 1908 and section 2080), State law appears to exempt the taking of such plants via habitat modification or land use change by the landowner. After the California Department of Fish and Game notifies a landowner that a State-listed plant grows on his or her property, State law evidently requires only that the landowner notify the agency "at least 10 days in advance of changing the land use to allow salvage of such plant." (Chapter 1.5 section 1913).

Myrtle's silverspot butterfly is not specifically protected under state or local law, and is thus not specifically included in State Park or National Park management plans. Collection of this species is prohibited, however, on State Park and National Park land, except by permit. This protection applies to individuals only, and does not prevent the effects of indirect human disturbance such as recreational activities from harming this species and its habitat.

E. *Other natural or manmade factors affecting their continued existence.* The introduction and invasion of California's dune systems by alien plants has adversely affected native dune flora, including the six species proposed herein. Numerous aliens or exotics (e.g., *Ammophila arenaria, Cakile* spp., *Carpobrotus* spp.) have invaded these dune plant communities (Barbour and Johnson 1977, Sauer 1988). Moreover, a California native plant, bush lupine (*Lupinus arboreus*) was introduced into the dune systems north of San Francisco Bay (Miller 1987). Often these introduced and alien plants outcompete and largely supplant the native dune vegetation. For example, European beachgrass and bush lupine dominate much of the dune habitat near Humboldt Bay, while sea-fig carpets extensive portions of the dune habitat north of Fort Bragg and from Marina to Monterey. Absent control and eradication programs, the introduced and alien taxa will continue to invade and eliminate the remaining native plant communities, including the six plants proposed herein and the host plants of Myrtle's silverspot butterfly.

Typically, annuals and other monocarpic plants (individuals that die after flowering and fruiting), like five of the six plants proposed herein, are vulnerable to random fluctuations or variation (stochasticity) in annual weather patterns and other environmental factors (Huenneke *et al.* 1986). Most of the populations of the six plants are isolated from other conspecific populations and consist of a few thousand plants distributed in patches of one acre to a hundred acres or more. Such populations, including the entire species in the case of *Chorizanthe valida,* are vulnerable to stochastic extinction.

As briefly mentioned above under Factor "A", trampling by livestock harms *Layia carnosa* and *Lupinus tidestromii.* In addition, *Chorizanthe valida* and *Erysimum menziesii* grown in areas grazed by livestock. The effect of trampling needs further study. Myrtle's silverspot butterfly occurs in disjunct populations whose long-term persistence may depend upon intercolony movement. The loss of suitable habitat containing larval foodplants and adult nectar sources would make such movement more difficult by increasing the distance the insects must travel to successfully reach other colonies. The effects of grazing on Myrtle's silverspot butterfly and its host plant requires further study. Intensive grazing could cause the loss of larval foodplants and adult nectar sources. However, the elimination of grazing and the complete supression of fires could allow alien plants, such as iceplant and European beach grass, to eliminate colonies of the animal by outcompeting the larval foodplant and the adult nectar resources. Sufficient densities of *Viola,* an important larval foodplant, are especially critical for the long term survival of populations of Myrtle's silverspot butterfly (Mattoon, *in litt.,* August 4, 1989).

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Chorizanthe howellii, Chorizanthe valida, Erysimum menziesii, Gilia tenuiflora* ssp. *arenaria, Layia carnosa, Lupinus tidestromii,* and Myrtle's silverspot butterfly as endangered. Today these species generally persist as small, isolated populations or "islands" surrounded by urban areas, roads, trails, agricultural lands, competing alien plants, and other lands made unsuitable for these seven taxa by sand mining, the placement of dredged spoils, or foot traffic. Although many of the remaining populations are owned and managed, at least in part, by local, State, or Federal government agencies, the areas owned by local governments remain subject to development, while the other publicly owned areas are adversely affected by trampling, off-road vehicles, hikers, equestrians, other forms of recreation, and occasionally livestock. Such areas also contain alien plants that have out-competed and supplanted the native vegetation. In addition, stochastic events, which commonly affect small isolated populations, may result in the extirpation of some populations of these species. Because these six plants and butterfly are in danger of extinction throughout all or a signficant portion of their ranges, they fit the definition of endangered as defined in the Act.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is listed as endangered ro threatened. The Service finds that designation of critical habitat is not prudent for these species at this time. Because the six plants face numerous anthropogenic threats (see Fact A in "Summary of Factors Affecting the Species"), the publication of precise maps and descriptions of critical habitat in the **Federal Register** would make these plants more vulnerable to incidents of vandalism and, therefore, could contribute to the decline of these species. The listing of these species as either endangered or threatened would publicize the rarity of these plants and,

thus, could make these plants attractive to researchers or collectors of rare plants. The proper agencies have been notified of the general locations and management needs of these plants. As discussed under "Summary of Factors Affecting the Species," Myrtle's silverspot butterfly and its habitat are vulnerable to several activities, some of which, such as the removal of specimens for scientific or personal collections, could be carried out surreptitiously. The precise pinpointing of localities that would result from publication of critical habitat descriptions and maps in the **Federal Register** would increase enforcement problems because this species would be more vulnerable to collecting as well as vandalism to its habitat. The National Park Service, which manages the largest known population of the butterfly, is aware of the insect's presence. Landowners will be notified of the general location and importance of protecting habitat of these species. Protection of these species' habitats will be addressed through the recovery process and through the section 7 consultation process. The Service believes that Federal involvement in the areas where these species occur can be identified without the designation of critical habitat. Therefore, the Service finds that designation of critical habitat for the six plants and butterfly is not prudent at this time. Such designation likely would increase the degree of threat from vandalism, collecting, or other human activities.

Available Conservation Measures

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

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

Federal activities potentially impacting one or more of the six plants and Myrtle's silverspot butterfly likely will involve recreation-related projects (e.g., off-road vehicle parks) and perhaps grazing practices on Federal land. Populations of four of the six plant species and the butterfly occur, at least in part, on Federal land. A 130-acre portion of the dunes on the Samoa Peninsula, which harbors *Erysimum menziesii* and *Layia carnosa*, is managed by the Bureau of Land Management (BLM). The latter species also occurs within the dunes near the mouth of Mattole River on land managed by BLM. *Chorizanthe valida*, *Layia carnosa*, *Lupinus tidestromii*, and Myrtle's silverspot butterfly are discontinuously distributed within the dunes or in adjacent sandy habitats along the western shore of Point Reyes National Seashore. *Erysimum menziesii* occurs within the dunes near the Point Pinos lighthouse on the Monterey Peninsula on land controlled by the U.S. Coast Guard. A historical site of *Layia carnosa* is administered by the Department of Defense at Vandenberg Air Force Base. Activities relating to the maintenance of harbors and waterways, and other actions regulated by the U.S. Army Corps of Engineers (Corps) under the River and Harbor Act of 1899 and section 404 of the Clean Water Act may affect the six plants and butterfly. Such Federal activities, including recreation-related projects and perhaps grazing practices on Federal land, may be subject to section 7 review.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general prohibitions and exceptions that apply to all endangered plants. With respect to the six plants proposed herein, all trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, would apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export; transport in interstate or foreign commerce in the course of a commercial activity; sell or offer for sale these species in interstate or foreign commerce; or to remove and reduce to possession these species from areas under Federal jurisdiction; or to maliciously damage or destroy any such plants on any area under Federal jurisdiction; or remove, cut, dig up, damage or destroy any such species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law. Certain exceptions apply to agents of the Service and State conservation agencies.

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

The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered plants under certain circumstances. Permits also may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits for endangered wildlife are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, for incidental take in connection with otherwise lawful activities, and economic hardship under certain circumstances. The Service anticipates few trade permits would ever be sought or issued for any of the six plants or the butterfly.

Requests for copies of the regulations on listed plants and wildlife and inquiries regarding them may be addressed to the Office of Management

Authority, U.S. Fish and Wildlife Service, room 432, 4401 North Fairfax Drive, Arlington, VA 22203-3507 (703/358-2104).

Public Comments Solicited

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

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to *Chorizanthe howellii, Chorizanthe valida, Erysimum menziesii, Gilia tenuiflora* ssp. *arenaria, Layia carnosa, Lupinus tidestromii,* or Myrtle's silverspot butterfly;

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

(3) Additional information concerning the range and distribution of these species; and

(4) Current or planned activities in the ranges and habitats of these species and their possible impacts on these species.

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

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

National Environmental Policy Act

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

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Authors

The primary authors of this proposed rule are Jim A. Bartel and Christopher D. Nagano, Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, room E–1823, Sacramento, California 95825 (916/978–4866, FTS 460–4866).

List of Subjects in 50 CFR Part 17

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

Proposed Regulation Promulgation

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

PART 17—[AMENDED]

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

Authority: 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Public Law 99–625, 100 Stat. 3500; unless otherwise noted.

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

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
INSECT							
*	*	*	*	*	*	*	
Butterfly, Myrtle's silverspot.	*Speyeria zerene myrtleae*	U.S.A. (CA)	NA	E		NA	NA
*	*	*	*	*	*	*	

3. It is proposed to amend § 17.12(h) by adding the following, in alphabetical order under the families indicated, to the List of Endangered and Threatened Plants.

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific Name	Common name					
Asteraceae—Aster family:						
*	*	*	*	*	*	
Layia carnosa	beach layia	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	
Brassicaceae—Mustard family:						
*	*	*	*	*	*	
Erysimum menziesii	Menzies' wallflower	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	
Fabaceae—Pea family:						
*	*	*	*	*	*	
Lupinus Tidestromii	clover lupine	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	
Polemoniaceae—Phlox family:						
*	*	*	*	*	*	
Gilia tenuiflora ssp. *arenaria*	Monterey gilia	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	
Polygonaceae—Buckwheat family:						
*	*	*	*	*	*	
Chorizanthe howellii	Howell's spineflower	U.S.A. (CA)	E		NA	NA
Chorizanthe valida	Sonoma spineflower	U.S.A. (CA)	E		NA	NA
*	*	*	*	*	*	

Dated: March 6, 1991.

Richard N. Smith,

Acting Director, U.S Fish and Wildlife Service.

[FR Doc. 91–6889 Filed 3–21–91; 8:45 am]

BILLING CODE 4310–55–M

federal register

Friday
March 22, 1991

Part VI

The President

Proclamation 6262—Education Day, U.S.A., 1991

Presidential Determination No. 91-23—Provision of Assistance Under Section 614 of the Foreign Assistance Act of 1961, as Amended, for Niger and Senegal

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Presidential Documents

Title 3—

The President

Proclamation 6262 of March 20, 1991

Education Day, U.S.A., 1991

By the President of the United States of America

A Proclamation

Today our Nation is engaged in a campaign that must not and, I believe, will not fail—a concerted, State-by-State effort to revitalize our schools and to reach our six National Education Goals by the year 2000. These goals include: ensuring that every child starts school ready to learn; raising the graduation rate to at least 90 percent; ensuring that American students are competent in five critical subjects with their progress assessed in grades 4, 8, and 12; ranking first in the world in science and mathematics achievement; ensuring that every American adult is literate and possesses the knowledge and skills—including the technical skills—necessary to compete in the global economy; and making all our schools safe, disciplined, and drug free.

Achieving these goals is essential if our children are to acquire the knowledge and skills needed to enjoy rich, full lives and to become productive, successful participants in our society. However, if the application of one's knowledge and skills is to be truly fruitful and rewarding, it cannot be divorced from high moral purpose. In the hands of those who lack fundamental moral direction, these powerful tools can readily become useless—or even destructive. Therefore, we must continue to recognize the importance of moral instruction as we seek excellence in American education.

Public as well as private institutions of learning have both an obligation and a proper interest in advancing principles of ethical conduct and moral virtue. Teachers who demonstrate, by word and example, the importance of such qualities as truthfulness, fair play, tolerance, and respect for human life are among the best role models a child can have.

However, moral education begins at home, in the guidance parents provide for their children, and in religious institutions, where we learn of God's law and God's love. The worldwide Lubavitch movement, under the leadership of Rabbi Menachem Schneerson, has underscored the importance of moral education, as well as the primary role of parents and religious institutions in promoting high standards of personal character and conduct in our society.

By equipping our children with the light of moral instruction and the strong staff of traditional family values, we help to guarantee them safe passage on their life's journey. As Scripture says, "Train up a child in the way he should go, and, when he is old, he will not depart from it."

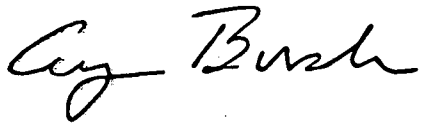
Moral education is vital, not only to the personal well-being of our children, but also to the preservation of civil order and justice. Our Nation's Judeo-Christian heritage, affirmed in its founding documents and in the traditional values that remain the heart of America, goes hand in hand with the success of this great yet precious experiment in self-government. Thus, moral education in keeping with that heritage is one of the most important and enduring investments we can make in the future of our children and the Nation. As Daniel Webster once noted:

> If we work upon marble, it will perish; if on brass, time will efface it; if we rear temples, they will crumble into dust; but if we work upon immortal minds, and imbue them with principles, with the just fear of God and love of our fellow men, we engrave on those tablets something that will brighten to all eternity.

The Congress, by House Joint Resolution 104, has designated March 26, 1991, as "Education Day, U.S.A." and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim March 26, 1991, as Education Day, U.S.A. I call upon all Americans to observe this day with appropriate ceremonies and activities.

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



[FR Doc. 91-7081
Filed 3-21-91; 11:34 am]
Billing code 3195-01-M

Presidential Documents

Presidential Determination No. 91-23 of March 6, 1991

Provision of Assistance Under Section 614 of the Foreign Assistance Act of 1961, as Amended, for Niger and Senegal

Memorandum for the Secretary of State

Based on your advice, pursuant to the authority vested in me by section 614(a)(2) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2364(a)(2)), I hereby determine that it is vital to the national security interests of the United States to finance the sale of up to an aggregate of $3.023 million of defense articles and defense services for Niger and Senegal, notwithstanding any provision of law that earmarked funds appropriated for fiscal year 1982 for the Sudan, and notwithstanding section 515(b) of Public Law 101-513 insofar as that provision would require deobligation to occur in accordance with amendments of applicable grant or loan agreements. Accordingly, I hereby authorize the extension of such financing.

You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the **Federal Register**.

George Bush

THE WHITE HOUSE,
Washington, March 6, 1991.

[FR Doc 91-7051
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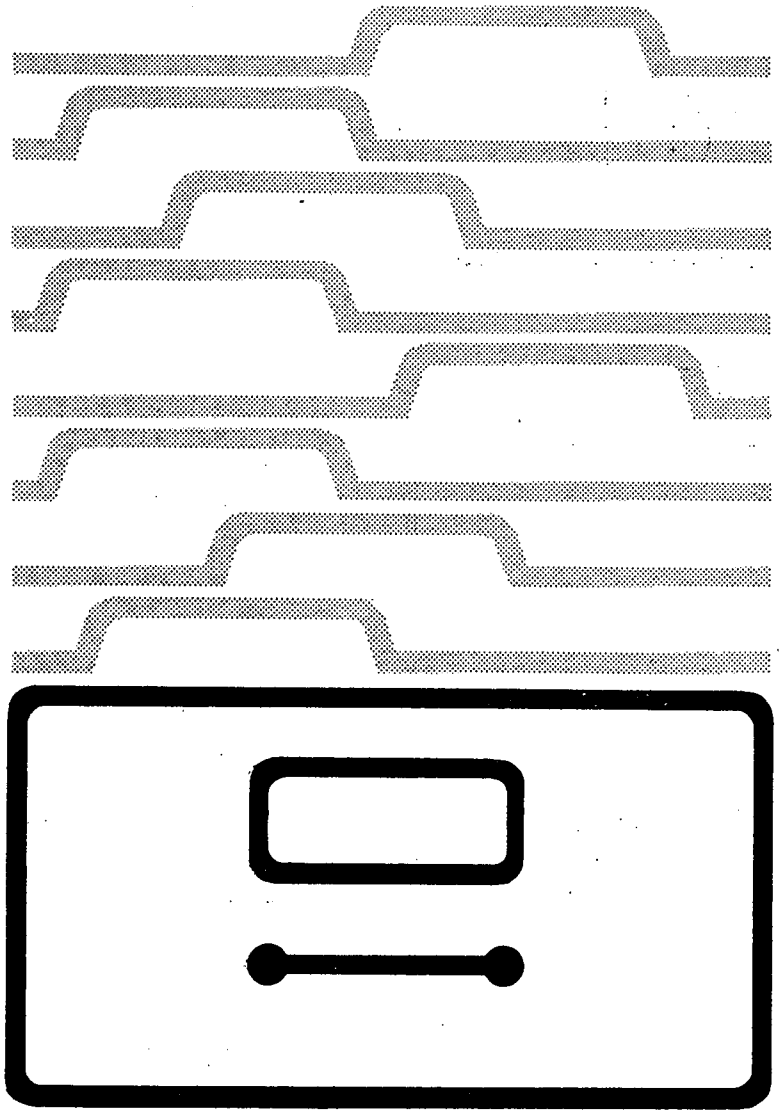

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in the Code of Federal Regulations (CFR)

GUIDE: Revised January 1, 1989
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