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May 31, 1991

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

WHO: The Office of the Federal Register.

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

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

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

WASHINGTON, DC

WHEN: June 25, at 9:00 am
WHERE: Office of the Federal Register, First Floor Conference Room, 1100 L Street NW., Washington, DC
RESERVATIONS: 202-523-5240

NEW ORLEANS, LA

WHEN: July 23, at 9:00 am
WHERE: Federal Building, 501 Magazine St. Conference Room 1120, New Orleans, LA
RESERVATIONS: Federal Information Center 1-800-366-2998

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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 28

[CN-91-006]

Revisions of User Fees for Cotton Classification, Testing and Standards

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service (AMS) is making final without change the increases in user fees charged for cotton classification and testing services proposed in the regulatory revision published in the Federal Register on April 30, 1991. The 1991 user fee charged to producers for classification services under the Cotton Statistics and Estimates Act will be maintained at the 1990 level. The user fee increases in other services are needed to cover the costs of providing these services. The new fees will be effective on July 1, 1991, so that they may cover the beginning of the classing season.

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Ronald H. Read, 202-447-2145.

SUPPLEMENTARY INFORMATION: A proposed rule detailing the user fee charges for cotton classification, testing, and standards was published on April 30, 1991, in the Federal Register (56 FR 19815). A 15-day comment period was provided for interested persons to respond to the proposed rule; no comments were received.

Therefore, AMS is making final these user fees as proposed.

This final rule has been reviewed in accordance with Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be "non-major" since it does not meet the criteria for a major regulatory action as stated in the Order.

The Administrator, Agricultural Marketing Service (AMS), has certified that this action will not have a significant economic impact on a substantial number of small entities as defined in the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because: (1) The fee increases merely reflect a minimal increase in the cost-per-unit currently borne by those entities utilizing the services; (2) the cost increase will not affect competition in the marketplace; and (3) the use of classification and testing services and the purchase of standards is voluntary.

The information collection requirements contained in this final rule have been previously approved by the Office of Management and Budget and assigned OMB control numbers under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

These changes will be effective July 1, 1991.

Fees for Classification Under the Cotton Statistics and Estimates Act of 1927

The user fee charged to cotton producers for manual classification services under the Cotton Statistics and Estimates Act (7 U.S.C. 473a) was $1.23 per bale (sample) during the 1990 harvest season (54 FR 23449) as determined using the formula provided in the Uniform Cotton Classing Fees Act of 1987. The charges cover salaries, cost of equipment and supplies, and other overhead and include administrative and supervisory costs. This final rule maintains the user fee for manual classification charged to producers at $1.23 per bale. This fee was calculated by adjusting the 1990 base fee for the rate of inflation and the projected size of the crop and adding a surcharge necessary to maintain a minimum operating reserve as required by the Act. The 1990 base fee is $1.25 per bale. A 4.3 percent, or five cents per bale, increase due to the Implicit Price Deflator of the Gross National Product is added to the $1.25 resulting in a 1991 base fee of $1.30 per bale. The 1991 crop is currently estimated at 16,490,000 running bales. The base fee is decreased 15 percent based on the estimated size of the crop (one percent for every 100,000 bales or portion thereof above the base of 12,500,000 bales, limited to a maximum adjustment of 15 percent). This percentage factor amounts to a 20 cents per bale reduction and is subtracted from the base fee of $1.30 per bale resulting in a fee of $1.10 per bale.

A five cents surcharge is added to the $1.10 per bale fee since the projected operating reserve is less than 25 percent. The five cents surcharge results in a 1991 season fee of $1.15 per bale. Assuming a fee of $1.15, the projected operating reserve is six percent. An additional 8 cents per bale must be added to provide an ending accumulated operating reserve for the fiscal year of at least 10 percent of the projected cost of operating the program. This establishes the 1991 season fee at $1.23 per bale, the same as for 1990. Accordingly, no change to the language that appears in § 28.909 (b) is necessary.

The additional fee for High Volume Instrument (HVI) classification remains 50 cents per bale. Thus, the fee for HVI classification during the 1991 harvest season remains at $1.73 per bale. As provided for in the Uniform Cotton Classing Fees Act of 1987, a five cent per bale discount continues to be applied to voluntary centralized billing and collecting agents.

The fee for a manual review classification in § 28.911 also remains at $1.23 per bale since the fee for review classification is the same as the original classification fee. Likewise, the fee for HVI review classification remains at $1.73 per bale. Accordingly, since the 1991 harvest season fees for manual and HVI classification and review classification is the same as the current fees, no change to the language of §§ 28.909 and 28.911 concerning classification fees is needed.

Printed cards that are both eye readable and machine scannable are added to the current alternative methods of issuing classification data in § 28.910. There is no additional fee if only one method of receiving data is requested. If the issuance of classification data is requested on printed cards as well as by another method, the fee for printed cards is one cent per card issued, with a minimum fee of $10.00 per gin per season. The Cotton Division will provide computer punch cards that are both eye and machine readable for data issuance for cotton classed from the 1991 crop. Computer punch cards will not be provided for the 1992 and subsequent crops, due to the obsolescence of card

punch equipment. Also in § 28.910, the fee for a new memorandum increases from $4.50 per sheet to a minimum of $5.00 per sheet or 15 cents per bale. The fee for returning samples after classification in § 28.911 increases from 30 cents per sample to 35 cents per sample.

Fees for Classification Services Under the United States Cotton Standards Act

Certain cotton classification services are conducted under the United States Cotton Standards Act. Fees for these services have been reviewed. In order to recover increased costs, including supervision and overhead, the fees for classification of cotton or samples in § 28.116 are increased. The current additional fee of 30 cents per sample increases to 35 cents per sample unless the sample becomes Government property immediately after classification.

The fee in § 28.117 for each new memorandum or certificate issued in substitution for a prior one increases from 10 cents per bale to 15 cents per bale. The minimum fee increases from $4.75 per sheet to $5.00 per sheet.

The specific fee prescribed in §§ 28.120 and 28.149 for Form C determinations is removed. Industry requests for this service have been very rare.

The portion of the practical classing examination for staple length will no longer be offered since most all USDA length measurements are not determined by HVI. The fee is § 28.122 for the practical classing examination for grade reduces from $140.00 to $100.00.

Fees for Cotton Standards

Practical forms of the cotton standards are prepared and sold by the Cotton Division offices in Memphis, Tennessee, under the authority of the United States Cotton Standards Act (7 U.S.C. 51 *et seq.*). The Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35) directs that the price for standards will cover, as nearly as practicable, the costs of providing the standards.

This final rule increases the fees listed in §§ 28.123 and 28.151 for practical forms of the cotton standards, including both grade and staple standards for American Upland cotton, American Pima cotton and for cotton linters. The fees need to be adjusted due to increased costs for salaries, preparation and delivery, and postage of the standards.

The fees of American Upland cotton grade standards increases from $110.00 to $120.00 f.o.b. Memphis, Tennessee, or overseas air freight collect. The price increases from $114.00 to $125.00 for domestic surface delivery and from $150.00 to $160.00 for overseas air parcel post delivered. The fee for American Upland staple standards f.o.b. Memphis or overseas air freight collect increases from $16.00 to $18.00. The domestic surface delivered fee increases from $18.00 to $21.00 and the overseas air parcel post delivered fee increases from $30.00 to $32.00. The fees for American Pima grade standards increases from $140.00 to $155.00 f.o.b. Memphis or overseas air freight collect. The price increases from $144.00 to $160.00 for domestic surface delivered and from $180.00 to $195.00 for overseas air parcel post delivered. Fees for American Pima staple standards increase from $17.00 to $19.00 for f.o.b. Memphis and overseas air freight collect. The domestic surface delivered fee increases from $19.00 to $22.00 and the overseas air parcel post delivered fee increases from $31.00 to $33.00. The fees for linters grade standards increase from $110.00 to $120.00 f.o.b. Memphis or overseas air freight collect. The price for domestic surface delivery increases from $114.00 to $125.00 and the price for overseas air parcel post delivery increases from $150.00 to $160.00 The f.o.b. Memphis or overseas air freight collect fees for linters staple standards increases from $18.00 to $20.00. The delivered price increase from $20.00 to $23.00 for domestic and from $32.00 to $34.00 for overseas air parcel post.

Testing Services

Cotton testing services are provided by the USDA Laboratory in Clemson, South Carolina, under the authority of the Cotton Statistics and Estimates Act of 1927 (7 U.S.C 471–478). The tests are available, upon request, to private sources on a fee basis. The Cotton Service Testing Amendment (7 U.S.C. 473d) specifies that the fees for the services by reasonable and cover as nearly as practicable the costs of rendering the services. The cost of providing these services has increased since the last fee increases in 1989 due to higher costs for salaries and miscellaneous overhead costs including supplies and materials. The fees for fiber and processing tests in § 28.956 are increased.

AMS revises the instrument calibration and check materials listed in § 28.956. An instrument check program for High Volume Instrument (HVI) Systems is added as item 1.1. Two samples will be sent to a participant for testing each month. The test results will be returned to the Cotton Division for summarization and report preparation. The summary report will show the averages of all participants for each measured property of each sample tested. An individualized report will show the deviations from the averages for a participant and will be provided to that participant only. The fees for this monthly service are $156.00 for surface delivery within the continental United States and $312.00 for air parcel post delivery outside the continental United States.

Item 3.0 is revised by removing the reference to Nickerson-Hunter Cotton Colormeters and the master diagram. Fees for furnishing the set of standard color tiles are increased to $115.00 f.o.b. Memphis, Tennessee. AMS revises the fee structure to include the costs of delivery for these materials. The fee for a set of standard color tiles surface delivered within the continental United States is $120.00. The fee for air freight collect outside the continental United States is $115.00. The fee for air parcel post delivery of a set of standard color tiles outside the continental United States is $155.00. AMS revises item 3.1 to provide for furnishing a single title for use as a replacement in a set described in item 3.0 or as a calibration device for certain colormeters. The fee for the single tile is increased to $21.00 f.o.b. Memphis, Tennessee. The fee for surface delivery within the continental United States is $24.00. The fee for air freight collect outside the continental United States is $21.00. The fee for air parcel post delivery outside the continental United States is $34.00.

Item 4.0 is revised to make the calibration box applicable to all cotton colormeters. The fee structure is revised to provide for the recovery of transportation charges applicable to the delivery of the box. The fee for a box f.o.b. Memphis, Tennessee, is increased to $40.00 each. The fee for surface delivery of a box in the continental United States is $45.00. The fee for air freight collect outside the continental United States is $40.00. The fee for air parcel post delivery of a box outside of the continental United States is $80.00. The current item 4.1 will no longer be available. Supplying new readings for samples in colormeter calibration boxes is unsatisfactory because the samples are in poor condition by the time new readings are needed. Further, only one client has requested this service in recent years. Elimination of this service will have no appreciable impact on the cotton industry. AMS adds as a revised item 4.1 a calibration sample box for trashmeters containing six cotton samples with trash readings in percent area. The fees for this item are $40.00 f.o.b. Memphis, Tennessee; $45.00 surface delivered in the continental

United States; $40.00 air freight collect outside the continental United States; and $80.00 delivered by air parcel post to destinations outside the continental United States.

AMS adds additional tests in § 28.956. A single strand yarn strength test is added as item 27.1 One hundred single strand strength determinations of a yarn sample will be made on the Statimat Tester and the average strength, elongation and coefficients of variation reported. The Fee for this test is $6.00 per sample. Imperfections in yarn is added as item 28.2. Four tests per sample will be made on the Uster Eveness Tester and the averages of percent coefficients of variation and the thick places, thin places and neps, yarn imperfections, reported. The fee for this test is $6.00 per sample.

AMS will speed the dissemination of reports. Additional copies of a test report routinely furnished with a test item will be sent by facsimile (FAX). The fee for item 33.2, facsimile transmission of reports within the continental United States is $2.00 per page and outside the continental United States is $5.00 per page. AMS requires a minimum fee of $6.00 when furnishing additional copies of test data reports.

Equipment for conducting the open-end spinning test is no longer available. Item 20.1, Cotton Carded yarn spinning test (open-end) for short staple cottons is being removed. Test data are being calculated by computer and individual observations and calculations are no longer available. Item 31.0, Furnishing copies of test data worksheets, is being removed.

The fees for fiber and processing tests in § 28.956, except items. 5.0, 10.0, 10.1, and 18.0 are increased. The fees and new services are as follows:

Item No.	New service	Fee	
		Current	Proposed
1.0a		84.00	90.00
b		88.00	95.00
c		84.00	90.00
d		124.00	130.00
	1.1a		156.00
	b		312.00
2.0a		17.00	19.00
b		18.00	21.00
c		17.00	19.00
d		27.00	29.00
2.1a		25.00	27.00
b		27.00	30.00
c		25.00	27.00
d		39.00	41.00
3.0a		105.00	115.00
	3.0b		120.00
	c		115.00
	d		155.00
3.1a		17.00	21.00
	3.1b		24.00
	c		21.00
	d		34.00
4.0a		30.00	40.00
	4.0b		45.00
	c		40.00
	d		80.00
	4.1a		40.00
	b		45.00
	c		40.00
	d		80.00
5.0		1.65	1.65
6.0		1.10	1.20
7.0		8.50	9.00
7.1		5.50	5.75
8.0		8.75	9.25
8.1		5.50	5.75
9.0a		8.75	9.25
b		6.50	7.00
c		5.50	5.75
10.0		.65	.65
10.1		.35	.35
11.0		12.00	15.00
Minimum		60.00	75.00
12.0		6.50	7.00
13.0a		70.00	74.00
b		106.00	113.00
c		130.00	136.00
13.1a		52.00	54.00
b		74.00	78.00
c		101.00	106.00
13.2		122.00	130.00
14.0a		24.00	25.00
b		29.00	30.00
c		34.00	35.00
15.0a		7.50	8.00
b		13.00	14.00
16.0		15.00	16.00
17.0		5.00	5.25
Minimum		25.00	26.25
18.0		25.00	25.00
19.0		80.00	84.00
20.0		110.00	115.00
21.0		100.00	105.00
22.0		145.00	152.00
23.0		210.00	220.00
24.0		230.00	240.00
25.0		31.00	33.00
25.1		42.00	45.00
26.0a		80.00	84.00
b		23.00	24.00
27.0		12.00	13.00
	27.1		6.00
28.0		5.00	5.50
28.1		7.50	9.00
	28.2		6.00
29.0		18.00	19.00
29.1		31.00	33.00
30.0		14.00	15.00
Minimum		42.00	45.00
31.0 (remove)		3.00	
32.0		3.50	4.00
33.0		1.25	1.50
	Minimum		6.00
33.1		15.00	16.00
	33.2a		2.00
	b		5.00
	Minimum		6.00

List of Subjects in 7 CFR Part 28

Administrative practice and procedures, Cotton, Reporting and recordkeeping requirements, Warehouses, Cotton samples, Standards, Cotton Linters, Grades, Staples, Market news, Testing.

For the reasons set forth in the preamble, 7 CFR part 28 is amended as follows:

PART 28 [AMENDED]

1. The authority citation for subpart A of part 28 continues to read as follows:

Authority: Sec. 5, 50 Stat. 62, as amended (7 U.S.C. 55); Sec. 10, 42 Stat. 1519 (7 U.S.C. 61).

2. Section 28.116 is amended by revising paragraph (c) to read as follows:

§ 28.116 Amounts of fees for classification; exemption.

* * * * *

(c) An additional fee of 35 cents per sample shall be assessed for services described in paragraphs (a)(1), (2), and (3) and (b) of this section unless the request for service is so worded that the samples become Government property immediately after classification.

* * * * *

3. Sections 28.117, 28.120, 28.122, 28.123, 28.149, and 28.151 is revised to read as follows:

§ 28.117 Fee for new memorandum or certificate.

For each new memorandum or certificate issued in substitution for a prior memorandum or certificate at the request of the holder, thereof, on account of the breaking or splitting of the lot of cotton covered thereby or otherwise for his business convenience, the person requesting such substitution shall pay a fee of 15 cents per bale or a minimum fee of $5.00 per sheet. If the memorandum is provided by means of a computer diskette, the fee for each diskette shall be the higher of $10.00 or 10 cents per bale. The cost of any diskette not returned to the Division will be billed to the requestor.

§ 28.120 Expenses to be borne by party requesting classification.

For any samples submitted for Form A, Form C, or Form D determinations, the expenses of inspecting and sampling, or supervising the sampling, and the preparation of the samples and delivery of such samples to the classification room or other place specifically designated for the purpose by the Director shall be borne by the party requesting classification.

§ 28.122 Fee for practical classing examination.

The fee for the practical classing examination for cotton or linters shall be $100.00. Any applicant who passes the examination may be issued a certificate indicating this accomplishment. Any person who fails to pass the examination may be reexamined. The fee for this practical reexamination is $80.00.

§ 28.123 Cost of practical forms of cotton standards.

The costs of practical forms of the cotton standards of the United States shall be as follows:

Effective date July 1, 1991	Dollars each box or roll			
	Domestic shipments		Shipments delivered outside the continental United States	
	f.o.b. Memphis, TN	Surface delivery	Air freight collect	Air parcel post delivered
Grade standards:				
American Upland	$120.00	$125.00	$120.00	$160.00
American Pima	155.00	160.00	155.00	195.00
Standards for length of staple:				
American Upland (prepared in one pound rolls for each length)	18.00	21.00	18.00	32.00
American Pima (prepared in one pound rolls for each length)	19.00	22.00	19.00	33.00

§ 28.149 Fees and costs; Form C determinations.

For samples submitted for Form C determinations, the party requesting the classification shall pay the fees and costs of supervising the sampling incurred on account of each request.

§ 28.151 Cost of practical forms for linters, period effective.

Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.105; *Provided,* That no practical form of any of the official cotton linters standards of the United States for grade shall be considered as representing any such standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The cost of the practical forms of cotton linters standards of the United States shall be as follows:

Effective date July 1, 1991	Dollars each box or roll			
	Domestic shipments		Shipments delivered outside the continental United States	
	f.o.b. Memphis, TN	Surface delivery	Air freight collect	Air parcel post delivered
Linters Grade Standards (6 sample box for each grade)	$120.00	$125.00	$120.00	$160.00
Linters Staple Standards (prepared in one pound rolls for each length)	20.00	23.00	20.00	34.00

4. The authority citation of subpart D of part 28 continues to read as follows:

Authority: Sec. 3a, 50 Stat. 62, as amended (7 U.S.C. 473a); Sec. 3c, 50 Stat. 62 (7 U.S.C. 473c); unless otherwise noted.

5. Sections 28.910 and 28.911 are revised to read as follows:

§ 28.910 Classification of samples and issuance of classification data.

(a) The samples submitted as provided in this subpart shall be classified by employees of the Division and classification memoranda showing the official quality determination of each sample according to the official cotton standards of the United States will be issued as computer punch cards that are both eye and machine readable. These cards will be returned by the Division to the ginner or to the agent designated by the ginner to receive the classification data. In lieu of punch cards, ginners or the ginners' designated agents may select any one of the following alternative methods of receiving data at no additional charge.

(1) Classification data for all bales from a gin may be transferred by electronic telecommunication equipment. If the issuance of classification data is requested by telecommunications transfer as well as by another method, the fee for telecommunication transfer shall be one cent per bale ginned. All long distance telephone line charges will be paid by the receiver of data.

(2) Classification data for all bales from a gin may be issued on a computer tape or diskette. If the issuance of classification data is requested on tape or diskette as well as by another method, the fee for each tape or diskette shall be the higher of $10.00 or one cent per bale. The cost of any tape or diskette not returned to the Division will be billed to the requestor.

(3) Classification data for all bales from a gin may be issued as printed cards that are both eye readable and machine scannable. If the issuance of classification data is requested on printed cards as well as by another method, the fee for printed cards shall be one cent per card issued, with a minimum fee of $10.00 per gin per season.

(b) Upon request of an owner of cotton for which classification memoranda have been issued under this subpart, a new memorandum shall be issued for the business convenience of such owner without the reclassification of the cotton. Such rewritten memorandum shall bear the date of its issuance and the date or inclusive dates of the original classification. The fee for a new memorandum shall be 15 cents per bale or a minimum of $5.00 per sheet.

§ 28.911 Review classification.

A producer may request one manual or one High Volume Instrument (HVI) review classification for each bale of eligible cotton. The fee for manual review classification is $1.23 per sample. The fee for HVI review classification is $1.73 per sample. Samples for review classification must be drawn by gins of warehouses licensed pursuant to §§ 28.20–28.22, or by employees of the United States Department of Agriculture. Each sample for review classification shall be taken, handled, and submitted according to § 28.908 and to supplemental instructions issued by the Director or an authorized representative of the Director. Costs incident to sampling, tagging, identification, containers, and shipment for samples for review classification shall be assumed by the producer. After classification, the samples shall become the property of the Government unless the producer requests the return of the samples. The proceeds from the sale of samples that become Government property shall be used to defray the costs of providing the services under this subpart. Producers who request return of their samples after classing will pay a fee of 35 cents per sample in addition to the fee established above in this section.

6. The authority citation for subpart E of part 28 continues to read as follows:

Authority: Sec. 3c, 50 Stat. 62; 7 U.S.C. 473c; Sec. 3d, 55 Stat. 131 (7 U.S.C. 473d).

7. Section 28.956 is revised to read as follows:

§ 28.956 Prescribed fees.

Fees for fiber and processing tests shall be assessed as listed below:

Item No.	Kind of test	Fee per test
1.0	Calibration cotton for use with High Volume Instruments, per 5 pound package:	
	a. f.o.b. Memphis, Tennessee	$90.00
	b. By surface delivery within continental United States.	95.00
	c. By air freight collect outside continental United States.	90.00
	d. By air parcel post delivery outside continental United States.	130.00
1.1	High Volume Instrument (HVI) System Check Level. Furnishing two samples per month for HVI determinations, summarizing returned data, and reporting deviations from average of all laboratories for measurements taken, per 12 months:	
	a. By surface delivery within continental United States.	156.00
	b. By air parcel post delivery outside continental United States.	312.00
2.0	Furnishing international calibration cotton standards with standard values for micronaire reading and fiber strength at zero and ⅛-inch gage and Fibrograph length:	
	a. f.o.b. Memphis, Tennessee ½-lb. sample.	19.00
	b. By surface delivery within continental United States, ½-lb sample.	21.00
	c. By air freight collect outside continental United States, ½-lb sample.	19.00
	d. By air parcel post delivery outside continental United States, ½-lb sample.	29.00
2.1	Furnishing international calibration cotton standards with standard values for micronaire reading only:	
	a. f.o.b. Memphis, Tennessee, 1-lb sample.	27.00
	b. Surface delivery within continental United States, 1-lb sample.	30.00
	c. By air freight collect outside continental United States, 1-lb sample.	27.00
	d. By air parcel post delivery outside continental United States, 1-lb sample.	41.00
3.0	Furnishing standard color tiles for calibrating cotton colormeters, per set of five titles including box:	
	a. f.o.b. Memphis, Tennessee	115.00
	b. Surface delivery within continental United States.	120.00
	c. By air freight collect outside continental United States.	115.00
	d. By air parcel post delivery outside continental United States.	155.00
3.1	Furnishing single color calibration tiles for use with specific instruments or as replacements in above sets, each tile:	
	a. f.o.b. Memphis, Tennessee	21.00
	b. Surface delivery within continental United States.	24.00
	c. By air freight collect outside continental United States.	21.00
	d. By air parcel post delivery outside continental United States.	34.00
4.0	Furnishing a colormeter calibration sample box containing six cotton samples with color values Rd and +b for each sample, per box:	
	a. f.o.b. Memphis, Tennessee	40.00
	b. Surface delivery within continental United States.	45.00
	c. By air freight collect outside continental United States.	40.00
	d. By air parcel post delivery outside continental United States.	80.00
4.1	Furnishing a trashmeter calibration sample box containing six cotton samples with trashmeter percent area readings for each sample, per box:	
	a. f.o.b. Memphis, Tennessee	40.00
	b. Surface delivery within continental United States.	45.00
	c. By air freight collect outside continental United States.	40.00
	d. By air parcel post delivery outside continental United States.	80.00
5.0	High Volume Instrument (HVI) measurement. Reporting micronaire, length, length uniformity, ⅛-inch gage strength, color and trash content. Based on a 6 oz. (170 g) sample, per sample.	1.65
6.0	Color of ginned cotton lint. Reporting data on the reflectance and yellowness in terms of Rd and +b values as based on the Nickerson-Hunter Cotton Colorimeter on samples which measure 5 x 6-½ inches and weigh approximately 50 grams, per sample.	1.20
7.0	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 4 specimens from a blended sample, per sample.	9.00
7.1	Fiber length of ginned cotton lint by Fibrograph method. Reporting the average length and average length uniformity as based on 2 specimens from each unblended sample.	5.75
8.0	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the average strength as based on 6 specimens from a blended sample, per sample.	9.25
8.1	Pressley strength of ginned cotton lint by flat bundle method for either zero or ⅛-inch gage as specified by applicant. Reporting the strength as based on 2 specimens for each unblended sample, per sample.	5.75
9.0	Stelometer strength and elongation of ginned cotton lint by the flat bundle method for ⅛-inch gage. Reporting the average strength and elongation:	
	a. Based on 6 specimens from each blended sample, per sample.	9.25
	b. Based on 4 specimens from each blended sample, per sample.	7.00
	c. Based on 2 specimens from each blended sample, per sample.	5.75
10.0	Micronaire readings on ginned lint. Reporting the micronaire based on 2 specimens per sample.	0.65
10.1	Micronaire reading based on 1 specimen per sample.	0.35
11.0	Fiber maturity and fineness of ginned cotton lint by the Causticaire method. Reporting the average maturity, fineness, and micronaire reading as based on 2 specimens from a blended sample, per sample.	15.00
	Minimum fee	75.00

Item No.	Kind of test	Fee per test
12.0	Fiber fineness and maturity of ginned cotton lint by the IC-Shirley Fineness/Maturity Tester method, reporting the average micronaire, maturity ratio, percent mature fibers and fineness (linear density) based on 2 specimens from a blended sample, per sample.	7.00
13.0	Fiber length array fo cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample:	
	a. Ginned cotton lint, per sample.	74.00
	b. Cotton comber noils, per sample.	113.00
	c. Other cotton wastes, per sample.	136.00
13.1	Fiber length array of cotton samples. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length, and average length variability as based on 2 specimens from a blended sample:	
	a. Ginned cotton lint, per sample.	54.00
	b. Cotton comber noils, per sample.	78.00
	c. Other cotton wastes, per sample.	106.00
13.2	Fiber length array of cotton samples, including purified or absorbent cotton. Reporting the average percentage of fibers by weight in each ⅛-inch group, average length and average length variability as based on 3 specimens from a blended sample, per sample.	130.00
14.0	Fiber Length and Length Distribution of cotton samples by the Almeter method. Reporting the upper 25 percent length, mean length, coefficient of variation, and short fiber percentages by weight, number or tuft in each ⅛-inch group, as based on 2 specimens from a blended sample:	
	a. Report percentages of fiber by weight only.	25.00
	b. Report percentages of fiber by weight and numer of tuft.	30.00
	c. Report percentages of fiber by weight, number and tuft.	35.00
15.0	Foreign matter content of cotton samples. Reporting data on the non-lint content as based on the Shirley Analyzer separation of lint and foreign matter:	
	a. For samples of ginned lint or comber noils, per 100-gram specimen.	8.00
	b. For samples of ginning and processing wastes other than comber noils, per 100-gram specimen.	14.00
16.0	Neps content of ginned cotton lint. Reporting the neps per 100 square inches as based on the web prepared from a 3-gram specimen by using accessory equipment with the mechanical fiber blender, per sample.	16.00
17.0	Sugar content of cotton. Reporting the percent sugar content as based on a quantitative analysis of reducing substances (sugars) on cotton fibers, per sample.	5.25
	Minimum fee	26.25
18.0	Miniature carded cotton spinning test. Reporting data on tenacity (centinewtons per tex) of 22's yarn and HVI data (see item 5.0). Based on the processing of 50 grams of cotton in accordance with special procedures per sample.	25.00
19.0	Two-pound cotton carded yarn spinning test available to cotton breeders only. Reporting data on yarn skein strength, yarn appearance, yarn neps and the classification and the fiber length of the cotton as well as comments on any unusual processing performance as based on the processing of 2 pounds of cotton in accordance with standard procedures into two standard carded yarn numbers employing a standard twist multiplier, per sample.	84.00
20.0	Cotton carded yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps and classification, and fiber length as well as comments summarizing any unusual observations as based on the processing of 6 pounds of cotton in accordance with standard laboratory procedures at one of the standard rates of carding of 6½, 9½, or 12½ pounds-per-hour into two of the standard carded yarn number of 8s, 14s, 22s, 36s, 44s, or 50s, employing a standard twist multiplier unless otherwise specified, per sample.	115.00
21.0	Spinning potentials test. Determining the finest yarn which can be spun with no ends down and reporting spinning potential yarn number. This test requires an additional 4 pounds of cotton, per sample.	105.00
22.0	Cotton combed yarn spinning test. Reporting data on waste extracted, yarn skein strength, yarn appearance, yarn neps, and classification and fiber length as well as comments summarizing any unusual observations as based on the processing of 8 pounds of cotton in accordance with standard procedures at one of the standard rates of carding of 4½, 6½, or 9½ pounds per hour into two of the standard combed yarn numbers of 22s, 36s, 44s, 50s, 60s, 80s, or 100s employing a standard twist multiplier unless otherwise specified per sample.	152.00
23.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 10 pounds of cotton into two of the standard carded and two of the standard combed yarn numbers employing the same carding rate and the same yarn numbers for both the carded and the combed yarns, per sample.	220.00
24.0	Cotton carded and combed yarn spinning test. Reporting the results as based on the processing of 9 pounds of cotton into two of the standard combed yarn numbers employing different carding rates and/or yarn numbers for the carded and combed yarns, per sample.	240.00
25.0	Processing and testing of additional yarn. Any carded or combed yarn number processed in connection with spinning tests including either additional yarn numbers or additional twist multipliers employed on the same yarn numbers, per additional lot of yarn.	33.00
25.1	Processing and furnishing of additional yarn: Any yarn number processed in connection with spinning tests. Approximately 300 yards on each of 16 paper tubes for testing by the applicant, per additional lot of yarn.	45.00
26.0	Twist in yarns by direct-counting method. Reporting direction of twist and average turns per inch of yarn:	
	(a) Single yarns based on 40 specimens per lot of yarn.	84.00
	(b) Plied or cabled yarns based on 10 specimens, per lot of yarn.	24.00
27.0	Skein strength of yarn. Reporting data on the strength and the yarn numbers based on 25 skeins from yarn furnished by the applicant per sample.	13.00
27.1	Single Strand Yarn Strength Test. Measuring 100 strands on a Statimat Tester and reporting yarn strength, elongation and coefficient of variation, per test.	6.00
28.0	Appearance grade of yarn furnished on bobbins by applicant. Reporting the appearance grade in accordance with ASTM standards as based on yarn wound from one bobbin, per bobbin.	5.50
28.1	Furnishing yarn wound on boards in connection with yarn appearance tests.	9.00
28.2	Yarn Imperfections Test. Measuring yarn on the Uster Evenness Tester and reporting the yarn imperfections, thick places, thin places, and neps, and the percent coefficient of variation, per sample.	6.00
29.0	Strength of cotton fabric. Reporting the average warp and filling strength by the grab method as based on 5 breaks for both warp and filling of fabric furnished by the applicant, per sample.	19.00
29.1	Cotton fabric analysis. Reporting data on the number of warp and filling threads per inch and weight per yard of fabric as based on at least three (3) 6 × 6-inch specimens of fabric which were processed or furnished by the applicant, per sample.	33.00

Item No.	Kind of test	Fee per test
30.0	Chemical finishing tests on finished drawing sliver. The Ahiba Texomat Dyer is used for scouring, bleaching and dyeing of a 3-gram sample. Color measurements are made on the unfinished, bleached and dyed cotton samples, using a Hunterlab Colorimeter, Model 25 M-3. The color values are reported in terms of reflectance (Rd), yellowness (+b) and blueness (−b).	15.00
	Minimum fee	45.00
32.0	Furnishing identified cotton samples. Includes samples of ginned lint stock at any stage of processing or testing, waste of any type, yarn or fabric selected and identified in connection with fiber and/or spinning tests, per identified sample.	4.00
33.0	Furnishing additional copies of test reports. Including extra copies in addition to the two copies routinely furnished in connection with each test item, per additional sheet.	1.50
	Minimum fee	6.00
33.1	Furnishing a certified relisting of test results. Includes samples or sub-samples selected from any previous tests, per sheet.	16.00
33.2	Sending copies of test reports by facsimile (FAX), per sheet:	
	a. Within continental United States.	2.00
	b. Outside continental United States.	5.00
	Minimum fee (additional copies).	6.00
34.0	Classification of ginned cotton lint is available in connection with other fiber tests, under the provisions of 7 CFR 28, § 28.56, at the fees prescribed by 7 CFR 28, § 28.116. Classification includes grade, staple, and micronaire reading based on a 6 oz. (170g) sample.	

Dated: May 29, 1991.

Daniel Haley,

Administrator.

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7 CFR Part 905

[Docket No. FV-91-248FR]

Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Redistricting of Citrus Districts and Reapportionment of Grower Members

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department is adopting as a final rule, with an appropriate correction, an interim final rule which redefined districts in the production area for Florida citrus and reapportioned Citrus Administrative Committee (CAC) membership established under Marketing Order No. 905. The CAC is comprised of nine grower members apportioned among the four districts within the Florida citrus production area. The interim final rule more accurately apportioned the grower members among the districts in accordance with their proportionate quantities of shipments, production, and acreage of Florida citrus.

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Gary D. Rasmussen, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone (202) 475-3918.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Agreement and Marketing Order No. 905, both as amended (7 CFR part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida. This 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 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 requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

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

There are about 90 Florida citrus handlers subject to regulation under the marketing order covering oranges, grapefruit, tangerines, and tangelos grown in Florida, and about 12,000 producers of these citrus fruits in Florida. 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. A minority of these handlers and a majority of the producers may be classified as small entities.

An interim final rule was issued February 26, 1991, and published in the **Federal Register** (56 FR 8684, March 1, 1991), with a 30-day comment period ending April 1, 1991. No comments were received. However, that rule contained an inadvertent error which is being corrected in this final rule. The correction changes language in paragraph (b) of § 905.114 to specify that Citrus District Two shall be represented by two grower members rather than three members as incorrectly specified in the interim final rule.

Section 905.114 of the order's rule and regulations defines the four citrus districts into which the production area is currently divided. That section also outlines the apportionment of nine grower members on the CAC, each with an alternate, among these districts. Prior to issuance of the interim final rule, Citrus Districts One, Two, and Three each had two grower members, while Citrus District Four had three grower members.

Section 905.14 of the order authorizes the CAC, with the approval of the Secretary, to redefine the districts into which the production area is divided and reapportion or otherwise change the grower membership of the districts. The objective is to align the districts and apportion the grower membership in accordance with proportionate quantities of shipments, production, and citrus acreage in the production area in Florida.

Section 905.14 requires that the number of members from each district be based, insofar as practicable, upon the respective averages for the immediately preceding five fiscal periods of: (1) The volume of fruit shipped from each district; (2) the volume of fruit produced in each district; and (3) the total number of acres of citrus in each district. That section also requires that the CAC consider such redistricting and reapportionment during this fiscal period (1990-91) and that it be announced on or before March 1, 1991. With a nine-member committee, each member represents about 11 percent of the acreage, production, and shipments.

The CAC recommended, based on an analysis of these factors, that one grower member position be moved from Citrus District One to Citrus District Three. In addition, the CAC recommended that the District boundaries be changed by moving Osceola County from Citrus District One to Citrus District Two. As

reapportioned, Citrus District One is represented by one member, Citrus District Two by two members, and Citrus Districts Three and Four by three members each.

The CAC reports that these changes reflect shifts in production from the northern to the southern part of the Florida citrus producing area over the past five year period. The CAC also reports that, during the five year period (1986–90), the combined average percentages used as the basis for this reapportionment and redistricting were as follows: Citrus District One, 12.0 percent; Citrus District Two, 20.9 percent; Citrus District Three, 32.5 percent; and Citrus District Four, 34.7 percent.

This action reflects the CAC's and the Department's appraisal of the need to make the specified changes. The Department's view is that these changes will have a beneficial impact on producers and handlers since it more accurately aligns the districts and apportions the CAC membership in accordance with their proportionate quantities of shipments, production, and acreage of Florida citrus.

Based on the above, 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 recommendations submitted by the CAC, and other information, it is found that finalizing the interim final rule, as published in the **Federal Register** (56 FR 8684, March 1, 1991), with the corrections herein specified, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also 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 final rule maintains changes in the rules and regulations under the order which provided more equitable representation on the CAC by bringing representation more in line with the citrus acreage within the districts of the production area in Florida, and the quantities of citrus produced and shipped from this area; (2) Florida grapefruit growers and handlers are aware of these changes, which were recommended by the CAC at a public meeting; (3) the interim final rule provided a 30-day comment period and no comments were received; and (4) no useful purpose would be served by delaying the effective date until 30 days after publication.

List of Subjects in 7 CFR Part 905

Grapefruit, Marketing agreements, Oranges, Reporting and recordkeeping requirements, Tangelos, Tangerines.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 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 the provisions of § 905.114, which was published in the **Federal Register** (56 FR 8684, March 1, 1991), is adopted as a final rule with the following change in § 905.114 paragraph (b), which is revised to read as follows:

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

Section 905.114 Redistricting of citrus districts and reapportionment of grower members.

* * * * *

(b) Citrus District Two shall include the Counties of Polk and Osceola. This district shall have two grower members and alternates.

* * * * *

Dated: May 28, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–12918 Filed 5–30–91; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 981

[FV-91-234FR]

Handling of Almonds Grown in California; Salable and Reserve Percentages for the 1990–91 Crop Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Agricultural Marketing Service is adopting, without modification, as a final rule the provisions of an interim final rule which further revised the salable and reserve percentages for California almonds received by handlers during the 1990–91 crop year. The 1990–91 crop year commenced on July 1, 1990. The interim final rule revised the salable percentage from 70 to 80 percent and the reserve percentage from 30 to 20 percent for California almonds received by handlers during the 1990–91 crop year. The Almond Board of California (Board), the agency which locally administers the almond marketing order, unanimously recommended at its February 21, 1991, meeting the revision of the salable and reserve percentages while keeping the export percentage the same at 0 percent. This final rule is authorized under the marketing order for almonds grown in California. This action is necessary to provide a sufficient quantity of almonds to meet trade demand and carryover needs.

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, F&V, AMS, USDA, room 2524–S, P.O. Box 96456, Washington, DC, 20090–6456; telephone (202) 475–3861.

SUPPLEMENTARY INFORMATION: This final rule is issued under marketing agreement and Order No. 981 (7 CFR part 981), both as amended, hereinafter referred to as the order, regulating the handling of almonds grown in 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 U.S. Department of Agriculture (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 requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

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

There are approximately 105 handlers of almonds who are subject to regulation under the order and approximately 7,000 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 handlers

and producers of California almonds may be classified as small entities.

The 1990–91 almond salable, reserve, and export percentages were established in a final rule published in the **Federal Register** on September 21, 1990 (55 FR 38793). The initial salable percentage was 65 percent, the reserve percentage was 35 percent, and the export percentage was 0 percent. These percentages were established on the basis of two Board recommendations, on June 27 and July 25, 1990, pursuant to sections 981.47 and 981.49 of the almond marketing order. The Board based its recommendations on the then current estimates of marketable supply and combined domestic and export trade demand for the 1990–91 crop year.

However, on December 3, 1990, the Board met to review the salable and reserve percentages that had been established for the 1990–91 crop year and the supply and demand estimates from which those percentages were derived. At that meeting, the Board unanimously recommended to revise the salable and reserve percentages. Pursuant to section 981.48 of the almond marketing order, the Board arrived at its recommendation for revising the salable and reserve percentages by reviewing its estimates of marketable supply and combined domestic and export trade demand for the 1990–91 crop year. Subsequently, an interim final rule revising the salable percentage from 65 to 70 percent and revising the reserve percentage from 35 to 30 percent was published in the **Federal Register** on February 11, 1991 (56 FR 5308). The interim final rule provided interested persons an opportunity to submit comments through March 13, 1991.

At its February 21, 1991, meeting the Board again reviewed the 1990–91 crop year salable and reserve percentages and the supply and demand estimates from which those percentages were derived. At that meeting, pursuant to section 981.48 of the almond marketing order, the Board unanimously recommended to further revise the almond salable and reserve percentages for the 1990–91 crop year. A second interim final rule, which further revised the salable percentage from 70 to 80 percent and further revised the reserve percentage from 30 to 20 percent, was published in the March 19, 1991 (56 FR 11499) issue of the **Federal Register**. This interim final rule revised the February 11, 1991, interim final rule by further relaxing restrictions on almond handlers.

This action finalizes the March 19 interim final rule which decreased the quantity of California almonds which handlers must withhold from normal, competitive markets to meet their reserve obligations under the marketing order for the 1990–91 crop year. Therefore, this action will not impose any additional burden or costs on handlers.

The estimates used by the Board on February 21, 1990, in reviewing the salable and reserve percentages are shown below. The Board's July 25, 1990, and December 3, 1990, estimates are shown as a basis for comparison.

MARKETING POLICY ESTIMATES—1990 CROP

[Kernelweight basis in millions of pounds]

	7/25/90 Initial estimates	12/3/90 Revised estimates	2/21/91 Revised estimates
Estimated Production:			
1. 1990 Production	655.0	655.0	655.0
2. Loss and Exempt—4.0%	26.0	26.0	26.0
3. Marketable Production	629.0	629.0	629.0
Estimated Trade Demand:			
4. Domestic	190.0	190.0	205.0
5. Export	375.0	375.0	410.0
6. Total	565.0	565.0	615.0
Inventory Adjustment:			
7. Carryin 7/1/90	215.0	202.0	202.0
8. Desirable Carryover, 6/30/91	59.0	77.2	90.1
9. Adjustment (Items 8 minus item 7)	(156.0)	(124.8)	(111.9)
Salable/Reserve:			
10. Adjusted Trade Demand (Items 6 plus item 9)	409.0	440.2	503.1
11. Reserve (Item 3 minus item 10)	220.0	188.8	125.9
12. Salable Percentage (Item 10 divided by item 3 × 100)	65%	70%	80%
13. Reserve Percentage (100 percent minus item 12)	35%	30%	20%

Estimated 1990 crop production remained a 655.0 million kernelweight pounds. Estimated weight losses resulting from the removal of inedible kernels by handlers and losses during manufacturing also stayed the same at 26.0 million kernelweight pounds. Therefore, marketable production remained at 629.0 million kernelweight pounds.

The Board's estimate of domestic trade demand increased from 190.0 to 205.0 million kernelweight pounds. Estimated 1990–91 crop year export trade demand increased from 375.0 to 410.0 million kernelweight pounds. Therefore, total estimated trade demand increased from 565.0 to 615.0 million kernelweight pounds.

The Board's estimate of carryin on July 1, 1990, remained unchanged at 202.0 million kernelweight pounds. The Board's revised estimated included an increase in desirable carryover from 77.2 million kernelweight pounds to 90.1 million kernelweight pounds. The desirable carryover is the quantity of salable almonds deemed desirable to be carried out on June 30, 1991, for early season shipment during the 1991–92 crop year until the 1991 crop is available for market. After taking carryin and desirable carryover into account, the adjusted trade demand increase from 440.2 million kernelweight pounds to 503.1 million kernelweight pounds. The increase in the salable percentage from 70 to 80 will meet the higher trade demand needs.

The remaining 20 percent (125.9 million kernelweight pounds) of the 1990 crop marketable production will be withheld by handlers to meet their reserve obligations. All or part of these almonds could be released to the salable category if it is found that the supply made available by the salable percentage is sufficient to satisfy 1990–91 trade demand needs, including desirable carryover requirements for use during the 1991–92 crop year. The Board

is required to make any additional recommendations to the Secretary to increase the salable percentage prior to May 15, 1991. Alternatively, all or a portion of the reserve almonds would be sold by the Board, or by handlers under agreement with the Board, to governmental agencies or charitable institutions or for diversion into almond oil, almond butter, animal feed, or other outlets which the Board finds are noncompetitive with existing normal markets for almonds.

The order permits the Board to include normal export requirements with domestic requirements in its estimate of trade demand when recommending the establishment of salable, reserve, and export percentages for any crop year. For the 1990–91 crop year, estimated exports are included in the trade demand. Thus, an export percentage of 0 percent was established by the final rule published in the **Federal Register** on September 21, 1990 (55 FR 38793). Therefore, reserve almonds are not eligible for export to normal export outlets. However, handlers may ship their salable almonds to export markets. The export percentage is not changed as a result of this action.

Three comments were received in response to the February 11 and March 19 interim final rules. Comments supporting the further revision of salable and reserve percentages for the 1990–91 crop year were submitted by Valley Almond and California Grown Nut Company. Valley Almond and California Grown Nut Company encouraged the Secretary to approve the Board's recommendation to release an additional 10 percent of reserve almonds. In support of the release, California Grown Nut Company stated that the release would benefit producers, who would receive additional funds due to the increase in the salable percentage of almonds and handlers, who would handle and sell a higher percentage of salable almonds in any market.

The third comment, submitted by Panoche Creek Packing Corporation (Panoche), did not clearly state whether it supported or opposed the interim final rule. Panoche correctly commented that the Board's recommendation was based on an estimated increase in trade demand from 565 million pounds to 615 million pounds.

Panoche also stated that shipment statistics provided by the Board show that the industry would be shipping less than the Board's original estimate of 565 million pounds. Panoche pointed out that 530 million pounds were shipped during the 1988–89 crop year and that shipments as of February during the 1988–89 crop year were ahead by more than 13 million pounds of shipments as of February during the 1990–91 crop year.

However, the Board's March 1991 almond industry report shows that, as of March 31, the combined domestic and export salable shipments by handlers total 432 million pounds and the combined domestic and export commitments (salable almonds sold but not delivered) total 184 million pounds, which bring both totals to 607 million kernelweight pounds. This is 42 million pounds above the Board's original estimate of 565 million kernelweight pounds. Further, shipments as of February during the 1990–91 crop year (this season) were more than 34 million pounds greater than shipments as of February for the 1989–90 crop year (last season).

Lastly, Panoche commented that another factor working against the shipments will be the increase in duty rates from 2 percent to 7 percent for all almonds exported to the European Economic Community (EEC). First, the increase of duty rates for the export of almonds from 2 percent to 7 percent has occurred every year since the enactment of the Beef and Citrus Agreement of 1989 whenever the exportation of almonds has reached a level of 45,000 tons. Second, since the Beef and Citrus Agreement of 1989 was implemented, almond monthly industry statistics indicate a steady increase of almonds exported to EEC countries even after the 7 percent duty rate became effective. This demonstrates that the increase in duty rates has not reduced shipments to EEC countries.

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

After consideration of all relevant matter presented, the Board's recommendation, and other available information, it is found that the revision of § 981.237 so as to change the salable and reserve percentages for almonds during the crop year beginning on July 1, 1990, to 80 percent and 20 percent, respectively, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also 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 this final action adopts, without modification, an interim final rule which relaxed restrictions and was effective on March 19, and handlers need no additional time to comply.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 981 is amended as follows:

PART 981—ALMONDS GROWN IN CALIFORNIA

1. The authority citation for 7 CFR part 981 continues to read as follows:

Authority: Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–678.

2. Accordingly, the interim final rule revising § 981.237, which was published at 56 FR 11499 on March 19, 1991, is adopted as a final rule without change.

Dated: May 28, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–12916 Filed 5–30–91; 8:45 am]

BILLING CODE 3410—02—M

Farmers Home Administration

7 CFR Part 1945

Revisions to the Insured Emergency Loan Instructions to Implement Administrative Decisions Pertaining to Applicant Eligibility and Sale of Nonessential Assets

AGENCY: Farmers Home Administration, USDA.

ACTION: Interim rule with request for comments.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to revise the definition of single enterprise to include single crops which constitute a basic part of an applicant's farming operation, and to base eligibility on such single enterprises having sustained a 30 percent loss as the result of a natural disaster. Regulations are also revised to eliminate the requirement that a borrower sell all nonessential assets. The FmHA will require that such assets be pledged as security for the loan.

Farmers who have suffered severe production losses are in dire need of disaster program assistance to repay creditors and suppliers annual production loans, open supplier accounts, and installments due on intermediate and long term debts and to otherwise repair and continue their farming and ranching operations.

The changes incorporated in this interim rule ease the requirements for obtaining assistance under this program.

DATES: Interim rule effective May 31, 1991. Written comments must be submitted on or before July 1, 1991.

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

FOR FURTHER INFORMATION CONTACT: David R. Smith, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Building, 14th Street and Independence Avenue SW., Washington, DC 20250, telephone (202) 475-4018.

SUPPLEMENTARY INFORMATION:

Classification

This action was reviewed under USDA procedures established in Departmental Regulation 1512-1, which implements Executive Order 12291, and has been determined to be nonmajor because it will not result in an annual effect on the economy of $100 million or more. In FY 1989, 2,806 EM loans were made for a total of approximately $73 million. In FY 1990, 2,609 EM loans were made for a total of approximately $102 million.

Intergovernmental consultation

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

Programs affected

These changes affect the following FmHA program as listed in the Catalog of Federal Domestic Assistance: 10.404—Emergency Loans.

Environmental impact statement

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

Discussion of the interim rule

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption of 5 U.S.C. 553 with respect to such rules. However, FmHA is making this action effective immediately upon publication in the **Federal Register** without prior public comment. In this situation, the Agency has concluded that the need to provide immediate assistance to farmers who have suffered severe production losses as a result of natural disasters, and who would not otherwise qualify for assistance under current regulations, satisfies the Act's exception to notice and comment rule making for emergency cases.

Farmers who have suffered severe production losses are in dire need of disaster program assistance to repay creditors and suppliers annual production loans, open supplier accounts, and installments due on intermediate and long term debts and to otherwise repair and continue their farming and ranching operations.

The changes incorporated in this interim rule ease the requirements for obtaining assistance under this program. By implementing these regulations immediatley, assistance can be provided to many needy farmers and ranchers who, without this assistance, will be unable to continue their operations. Solicited comments will be considered carefully and taken into account before publication of a final rule.

Background

The making, supervision and servicing of farm loans to FmHA borrowers is governed primarily by the Consolidated Farm and Rural Development Act (CONACT) (7 U.S.C. 1921 et seq.). In particular, 7 U.S.C. 1970 provides in part, that the Secretary, and through delegation FmHA, extend emergency loans "to any applicant seeking assistance based on production losses if the applicant shows that a single enterprise which constitutes a basic part of the applicant's farming, ranching, or aquaculture operation has sustained at least a 30 per centum loss of normal per acre or per animal production * * *." Although Congress did not include a definition of "single enterprise" in the statute itself, the legislative history does provide a detailed explanation of the term. While the legislative history itself is not law, in this case the Agency originally promulgated regulations defining "single enterprise" in a manner that closely tracked the legislative history.

The existing emergency (EM) loan regulations state that applicant loan eligibility will be based on a 30 percent production loss to a single enterprise, which is defined as: All cash field crops—All cash vegetable crops—All cash fruit and nut crops—All feed crops fed to applicant's own livestock—Beef operations—Dairy operations—Hog operations—Poultry operations—Aquaculture operations—All other operations. Each single crop or fruit enterprise could be made up of one or more crops. For example, the single enterprise cash crop category for a typical midwestern farm may include corn, soybeans and wheat. Under current regulations, therefore, eligibility for obtaining an emergency production loss loan is determined when a single enterprise which is considered a basic part of the farming operation (e.g., the *net* loss of *all* cash crops) suffered a 30 percent loss due to the disaster. Once eligibility is established, then all single enterprises showing a production loss are considered in the calculation to determine the maximum loss loan entitlement.

Although this regulatory framework closely follows legislative history, the Agency has concluded that modifications to the current provisions are in order. In the 15 years that FmHA has employed the "single enterprise" requirement for determining eligibility, there have been numerous instances where producers have suffered qualifying losses to single crops, yet are deemed ineligible for an emergency loan only because other crops must be factored into the loss calculations. Based on this experience, it is the Agency's opinion that by strictly complying with legislative history, the ability of FmHA to carry out the underlying intent of the program—to provide loans to farmers who have suffered losses due to natural disasters and who cannot obtain credit from private sources—has been seriously hindered. For this reason, the Agency has concluded that it can best serve these farmers, and thereby meet the overriding goals of the program, by revising its regulations in a manner that still complies with the statutory requirements of 7 U.S.C. 1970, but that does not strictly follow nonbinding legislative history. The Agency makes these changes with the sincere belief that more farmers in need will be assisted, while at the same time

preserving a prudent loan making program.

The Agency is revising the definition of "single enterprise" to provide that any individual crop which constitutes a basic part of the applicant's total farming operation will be considered a single enterprise. Loan eligibility will be based on a 30 percent loss to an individual enterprise. The maximum loss loan entitlement will be the sum of production losses to all enterprises.

This change is necessary to respond to the extreme financial stress of many farmers affected by repetitive natural disasters. By basing the determination of loan eligibility on single crops, more applicants will be permitted to qualify for loan assistance.

The Agency is also relaxing the requirement for the handling of nonessential assets. The existing EM Instructions require that such assets be mortgaged and/or assigned to FmHA and sold no later than one year from the date of loan closing, if not sold prior to loan closing. The intent of this requirement was to reduce the amount of loan assistance needed by applying the sale proceeds to the loan account when the assets were sold.

The Agency is revising the nonessential asset section of the regulations by removing the requirement that borrowers sell nonessential assets. The revision will require applicants to pledge such assets as security for the emergency loans. Historically the requirement to sell nonessential assets has been difficult to administer. The Agency has concluded that the elimination of this requirement would not harm the Government, but instead would benefit the public by reducing the administrative cost associated with requiring the liquidation of nonessential assets.

List of Subjects in 7 CFR Part 1945

Agriculture, Disaster assistance.

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

PART 1945—EMERGENCY

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

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

Subpart D—Emergency Loan Policies, Procedures and Authorizations

2. Section 1945.154 is amended by revising the first sentence in paragraph (a)(13)(i), revising paragraphs (a)(13)(i)(A) through (a)(13)(i)(C), redesignating paragraphs (a)(13)(i)(D) through (a)(13)(i)(J) as (a)(13)(i)(E) through (a)(13)(i)(K), adding a new paragraph (a)(13)(i)(D), and revising newly redesignated paragraphs (a)(13)(i)(E), (J) and (K) to read as follows:

§ 1945.154 Definitions and abbreviations.

(a) * * *

(13) * * *

(i) *Single enterprise.* Any single crop or livestock enterprise which constitutes a basic part of an applicant's total farming operation. * * *

(A) Individual cash crops, i.e., wheat is an individual crop, corn is an individual crop, and soybeans is an individual crop.

(B) Individual vegetable crops, i.e., carrots is an individual crop, tomatoes is an individual crop, and radishes is an individual crop.

(C) Individual fruit crops, i.e., apples is an individual crop, oranges is an individual crop, and grapefruit is an individual crop.

(D) Individual nut crops, i.e., walnuts is an individual crop, almonds is an individual crop, and pecans is an individual crop.

(E) Individual feed crops, i.e., alfalfa is an individual feed crop, and corn is an individual feed crop when fed to an applicant's own livestock. A livestock enterprise must be a basic part of the farming operation in order for the feed crops to be considered as a basic enterprise in determining eligibility based on production losses to feed crops.

* * * * *

(J) Any aquaculture operation; and

(K) Any other operations (i.e., trees grown for timber).

* * * * *

3. Section 1945.156 is amended by revising paragraph (b)(3) to read as follows:

§ 1945.156 The test for credit and certification requirements for availability of credit elsewhere.

* * * * *

(b) * * *

(3) *Use of nonessential assets (both farm and nonfarm) when seeking other credit.* When an EM loan(s) will be made, after other lenders have declined to provide needed credit to the applicant, the County Supervisor will, as a condition of loan approval, require the applicant, and the owner(s) of the entity to list all assets (both essential and nonessential) and to pledge the nonessential assets to FmHA as security for the proposed loan. This security will be in addition to the security required pursuant to § 1945.169 of this subpart.

4. Section 1945.163 is amended by revising the first sentence of paragraph (a)(2)(iv) to read as follows:

§ 1945.163 Determining qualifying losses, eligibility for EM loan(s) and the maximum amount of each.

* * * * *

(a) * * *

(2) * * *

(iv) The gross dollar value of production losses will be computed for all crops and all livestock enterprises that suffered losses due to the disaster, by calculating the value of the disaster year's production and subtracting that amount from the calculated value of the normal production. * * *

5. Section 1945.200 is revised to read as follows:

§ 1945.200 OMB control number.

The reporting and recordkeeping requirements contained in this regulation have been approved by the Office of Management and Budget and have been assigned OMB control number 0575–0090. Public reporting burden for this collection of information is estimated to vary from 10 minutes to 1 hour per response, with an average of .58 hours per response including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404–W, Washington, DC 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB #0575–0090), Washington, DC 20503.

Dated: May 21, 1991.

David T. Chen,

Acting Administrator, Farmers Home Administration.

[FR Doc. 91–13018 Filed 5–30–91; 8:45 am]

BILLING CODE 3410–07–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 110

RIN 3150–AD 95

Return of Topaz Reactor to Soviet Union

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations pertaining to import and export of nuclear equipment and material to permit the return of the Topaz II Reactor System to the Union of Soviet Socialist Republics (USSR). The Topaz II was imported into the United States pursuant to an import license issued by the NRC on January 4, 1991. This rulemkaing action permits the export of Topaz II, which is owned by the Government of the USSR, without issuance of a license by the NRC.

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph F. Scinto or Joanna M. Becker, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555; Telephone (301) 492-1740.

SUPPLEMENTARY INFORMATION: In January 1991, the Topaz II Reactor System, a space reactor developed and owned by the USSR, was imported into the United States under an NRC import license, at the behest of the Department of Defense (DOD), for exhibit at a Space Nuclear Power Symposium in Albuquerque, New Mexico, and inspection and study by DOD. The reactor was imported without fuel, coolant or moderator and is non-operating. It is possessed in the United States by Sandia National Laboratory, a prime contractor of the Department of Energy exempt from facility license requirements by NRC regulations in 10 CFR 50.11.

The Topaz II Reactor System, while in the United States, is subject to the provisions of those sections of the Atomic Energy Act applicable to utilization facilities, including sections 101 and 104.

Section 101 reads as follows:

Sec. 101. Licensed Required.—It shall be unlawful, except as provided in section 91, for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any utilization or production facility except under and in accordance with a license issued by the Commission pursuant to section 103 or 104.

Section 104d. provides, in pertinent part:

Sec. 104 *Medical Therapy and Research and Development*

* * * * *

d. No license under this section may be given to any person for activities which are not under or within the jurisdiction of the United States, except for the export of production or utilization facilities under terms of an agreement for cooperation arranged pursuant to section 123 or except under the provisions of section 109. * * *

Section 11.cc. of the Atomic Energy Act of 1954, as amended, defines "utilization facility", in pertinent part, as

Any equipment or device, except an atomic weapon, determined by rule of the Commission to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such a manner as to affect the health and safety of the public, or peculiarly adapted for making use of atomic energy in such quantities as to be of significance to the common defense and security or in a manner as to affect the health and safety of the public. * * *

Commission regulations in 10 CFR 50.2 define "utilization facility" as

Any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

Commission regulations in 10 CFR 110.2 define "utilization facility" as

Any nuclear reactor, "other than one that is a production facility, and the following major components of a nuclear reactor * * *

Although presently unfueled, the Topaz II Reactor is a reactor peculiarly adapted to making use of atomic energy and was imported under NRC import license No. IR 90002, issued January 4, 1991. This license contained a condition to the effect that it would "become effective only upon written acknowledgement, by an authorized representative of the Union of Soviet Socialist Republics, that any export from the United States of the TOPAZ II Reactor System must meet the requirements of the U.S. Atomic Energy Act of 1954, as amended. Under the law, at present, these requirements include the need for an Agreement for Cooperation in the Peaceful Uses of Atomic Energy." The authorized representative of the USSR acknowledged this condition. There is currently no such Agreement for Cooperation. However, the Soviet agency which developed and owns the Topaz II Reactor System desires its return to the Soviet Union.

Although capable of making use of special nuclear material and peculiarly adapted for making use of atomic energy, taking into account the absence of fuel, moderator or coolant, the intended short stay and limited use as a model for exhibition purposes in the United States, and its return in the near future to the country of origin, the Commission has determined that, in connection with the export of the device, the Topaz II Reactor System imported under NRC License No. IR90002 is not a "utilization facility" and is amending the definition of that term in 10 CFR 110.2. Thus, this device may be exported without issuance of a Commission export license.

Since this matter involves a device which is the property of the Soviet Government transferred for exhibition purposes to the Department of Energy and involves a matter of interest to the Department of Defense and the Department of State, the Commission has determined that this amendment involves a foreign affairs function of the United States. Thus, the notice and comment provisions of the Administrative Procedure Act do not apply, pursuant to 5 U.S.C. 553(a)(1).

Environmental Impact: Categorical Exclusion

The NRC has determined that, pursuant to §§ 51.10 and 51.22(c)(1) of this chapter, the amendments to part 110 which follow require neither an environmental impact statement nor an environmental assessment.

Paperwork Reduction Act Statement

This final rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget under approval number 3150-0036.

Regulatory Analysis

Adoption of these amendments is necessary in order to enable return of the Topaz II Reactor System to the Soviet Union. No other NRC regulatory actions or alternative actions by other agencies, to the best of the Commission's knowledge, address this matter nor, in view of the desired time frame, are any alternative courses of action feasible. It is not expected to result in any increased regulatory burden.

Regulatory Flexibility Certification

As required by the Regulatory Flexibility Act (5 U.S.C. 605(b)), the Commission certifies that this rule does not have a significant economic impact on a substantial number of small entities. The final rule does not impose additional obligations on the public.

Backfit Analysis

The NRC has determined that the backfit rule, 10 CFR 50.109, does not apply to this final rule, and, therefore, a backfit analysis is not required for this final rule because these amendments do not involve any provisions which would impose backfits as defined in 10 CFR 50.109(a)(1).

List of Subjects in 10 CFR Part 110

Administrative practice and procedure, Classified information, Criminal penalty, Export, Import, Incorporation by reference, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Scientific equipment.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the NRC is adopting the following amendments to 10 CFR part 110.

PART 110—EXPORT AND IMPORT OF NUCLEAR EQUIPMENT AND MATERIAL

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

Authority: Secs. 51, 53, 54, 57, 63, 64, 65, 81, 82, 103, 104, 109, 111, 126, 127, 128, 129, 161, 181, 182, 183, 187, 189, 68 Stat. 929, 930, 931, 932, 933, 936, 937, 948, 953, 954, 955, 956, as amended, (42 U.S.C. 2071, 2073, 2074, 2077, 2092–2095, 2111, 2112, 2133, 2134, 2139, 2139a, 2141, 2154–2158, 2201, 2231–2233, 2237, 2239); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

Section 110.1(b)(2) also issued under Pub. L. 96–92, 93 Stat. 710 (22 U.S.C. 2403). Section 110.11 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152) and secs. 54c and 57d., 88 Stat. 473, 475 (U.S.C. 2074). Section 110.27 also issued under sec. 309(a), Pub. L. 99–440. Section 110.50(b)(3) also issued under sec. 123, 92 Stat. 142 (42 U.S.C. 2153). Section 110.51 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Section 110.52 also issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). Sections 110.80–110.113 also issued under 5 U.S.C. 552, 554. Sections 110.30–110.35 also issued under 5 U.S.C. 553.

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); §§ 110.20–110.29, 110.50, and 110.120–110.129 also issued under secs. 161 b and i, 68 Stat. 948, 949, as amended (42 U.S.C. 2201 (b) and (i); and §§ 110.7a and 110.53 are also issued under sec. 161(o), 68 Stat. 950, as amended (42 U.S.C. 2201(o)).

2. The definition of "utilization facility" in § 110.2 is revised to read as follows:

§ 110.2 Definitions.

* * * * *

Utilization facility means any nuclear reactor, other than one that is a production facility, and the following major components of a nuclear reactor:

(1) Pressure vessels designed to contain the core of a nuclear reactor;

(2) Primary coolant pumps;

(3) Fuel charging or discharging machines; and

(4) Control rods.

A utilization facility does not include the steam turbine generator portion of a nuclear power plant. For purposes of export from the United States under the jurisdiction of the Nuclear Regulatory Commission, a utilization facility does not include the Topaz II Reactor System owned by the Union of Soviet Socialist Republics and imported into the United States pursuant to NRC License No. IR90002, issued January 4, 1991.

3. Section 110.5 is revised to read as follows:

§ 110.5 Licensing requirements.

Except as provided under subpart B of this part and the definition of utilization facility in § 110.2 of this part, no person may export any nuclear equipment or material listed in § 110.8 and § 110.9, or import any nuclear equipment or material listed in § 110.9a, unless authorized by a general or specific license issued under this part.

Dated at Rockville, MD, this 24th day of May, 1991.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 91–12908 Filed 5–30–91; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 101

[T.D. 91-47]

Changes in the Customs Service Field Organization; Apalachicola, Carrabelle, and Port St. Joe, FL

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule, correction.

SUMMARY: In T.D. 91–47, published on May 16, 1991 (56 FR 22641), 19 CFR part 101 was amended to remove Apalachicola and Carrabelle, Florida from the list of ports of entry, and to change Port St. Joe, Florida from a port of entry to a Customs station. This document corrects errors which appeared in the Authority citation as well as a typographical error in that document.

EFFECTIVE DATE: July 15, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph O'Gorman, Office of Inspection and Control, 202–566–9425.

PART 101—GENERAL PROVISIONS [CORRECTED]

In FR Doc. 91–11634, on page 22642, in the first column the following corrections are made.

1. **Authority:** The Authority citation for part 101 should read "Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 8, Harmonized Tariff Schedule of the United States) 1623, 1624."

§ 101.3 [Corrected]

2. The date of issuance of E.O. 7818 relating to Port St. Joe, Florida, should read "Feb. 17, 1938" instead of "Feb. 17, 1983."

Dated: May 24, 1991.

Kathryn C. Peterson,

Chief, Regulations and Disclosure Law Branch.

[FR Doc. 91–12825 Filed 5–30–91; 8:45 am]

BILLING CODE 4820-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Docket Nos. 88p–0179, 88p–0173, 88p–0136]

Food and Drug Administration

21 CFR PART 878

Medical Devices; Reclassification and Codification of Nonabsorbable Poly (Ethylene Terephthalate) Surgical Suture, Nonabsorbable Polypropylene Surgical Suture, and Nonabsorbable Polyamide Surgical Suture

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is announcing that it has issued orders in the form of letters to a manufacturer reclassifying the nonabsorbable poly(ethylene terephthalate) surgical suture, nonabsorbable polypropylene surgical suture, and nonabsorbable polyamide surgical suture, from class III to class II. The orders are being codified in the Code of Federal Regulations as specified herein.

DATES: The reclassifications were effective February 15, 1990, for the nonabsorbable polyamide surgical suture, and July 5, 1990, for the nonabsorbable poly(ethylene terephthalate) surgical suture and the nonabsorbable polypropylene surgical suture. These codifications beome effective (July 1, 1991).

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

SUPPLEMENTARY INFORMATION: On May 4 and 10, 1988, and April 7, 1988, FDA

filed the reclassification petitions submitted by Advanced Biosearch Associates, Danville, CA 94526–4617, on behalf of United States Surgical Corp. (U.S. Surgical), Norwalk, CT 06856, requesting reclassification of the nonabsorbable poly(ethylene terephthalate) surgical suture, nonabsorbable polyamide surgical suture, and the nonabsorbable polypropylene surgical suture from class III to class II.

FDA consulted with the General and Plastic Surgery Devices Panel (the Panel). The Panel, during an open public meeting on October 20, 1988, recommended that FDA reclassify nonabsorbable polypropylene surgical suture and the nonabsorbable poly(ethylene terephthalate) surgical suture from class III into class II.

On June 24, 1968, the Panel recommended that FDA reclassify the nonabsorbable polypropylene surgical suture from class III into class II. FDA fully considered the Panel's recommendation, and reviewed various statements offered by persons who opposed U.S. Surgical's petitions for reclassification of the nonabsorbable polypropylene surgical suture, the nonabsorbable poly(ethylene terephthalate) surgical suture, and the nonabsorbable polypropylene surgical suture. FDA concluded that these generic types of devices, and all devices substantially equivalent to them should be reclassified from class III to class II.

After reviewing all data in the petition and presented before the Panel, and after considering the Panel's recommendation, FDA, based on the information set forth, ordered the reclassification of the nonabsorbable polypropylene surgical suture, the nonabsorbable poly(ethylene terephthalate) surgical suture, and the nonabsorbable polypropylene surgical suture from class III to class II. On July 5, 1990, FDA sent to the petitioner letters (orders) which reclassified the nonabsorbable polypropylene surgical suture and the poly(ethylene terephthalate) surgical suture, and substantially equivalent devices of these generic types, from class III to class II. On February 15, 1990, FDA sent the petitioner a letter (order) which reclassified the nonabsorbable polyamide surgical suture, and substantially equivalent devices within the reclassified generic type, from class III to class II. As required by 21 CFR 860.134 (b)(6) and (b)(7) of the regulations, FDA is announcing the reclassification of these generic types. In addition, FDA is codifying the reclassification of these devices by adding §§ 878.5000, 878.5010, and 878.5020 to subpart E.

The agency has determined under 21 CFR 25.24 (a)(8) and (e)(2) that this action is of a type that does not individually or cumulatively have a significant effect on the environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

After considering the economic consequences of approving this reclassification, FDA certifies that this final rule requires neither a regulatory impact analysis as specified in Executive Order 12291 nor an analysis under the Regulatory Flexibility Act (Pub. L. 96–354). This reclassification will not have a significant economic impact on a substantial number of small entities. All manufacturers of nonabsorbable poly(ethylene terephthalate) surgical suture, nonabsorbable polypropylene surgical suture, and nonabsorbable polyamide surgical suture will no longer be required to comply with the premarket approval requirement in section 515 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e) and, therefore, will not be subject to the costs of such compliance.

There are no offsetting costs that manufacturers would incur from reclassification into class II other than those associated with meeting a standard, once established. The magnitude of the economic savings attributable to this reclassification is dependent upon the number of premarket approval studies that would have been required of the manufacturers had reclassification not occurred. This savings may not be reliably calculated to permit an accurate quantification of the economic savings.

List of Subjects in 211 CFR Part 878

Medical devices.

Therefore, under this Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

1. The authority citation for 21 CFR part 878 continues to read as follows:

Authority: Secs. 501, 510, 513, 515, 520, 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351, 360, 360c, 360e, 360j, 371).

2. New §§ 878.5000, 878.5010, and 878.5020 are added to subpart E to read as follows:

§ 878.5000 Nonabsorbable poly(ethylene terephthalate) surgical suture.

(a) *Identification.* Nonabsorbable poly(ethylene terephthalate) surgical suture is a multifilament, nonabsorbable, sterile, flexible thread prepared from fibers of high molecular weight, long-chain, linear polyesters having recurrent aromatic rings as an integral component and is indicated for use in soft tissue approximation. The poly(ethylene terephthalate) surgical suture meets U.S.P. requirements as described in the U.S.P. Monograph for Nonabsorbable Surgical Sutures; it may be provided uncoated or coated; and it may be undyed or dyed with an appropriate FDA listed color additive. Also, the suture may be provided with or without a standard needle attached.

(b) Classification. Class II.

§ 878.5010 Nonabsorbable polypropylene surgical suture.

(a) *Identification.* Nonabsorbable polypropylene surgical suture is a monofilament, nonabsorbable, sterile, flexible thread prepared from long-chain polyolefin polymer known as polypropylene and is indicated for use in soft tissue approximation. The polypropylene surgical suture meets United States Pharmacopeia (U.S.P.) requirements as described in the U.S.P. Monograph for Nonabsorbable Surgical Sutures; it may be undyed or dyed with an FDA approved color additive; and the suture may be provided with or without a standard needle attached.

(b) *Classification.* Class II.

§ 878.5020 Nonabsorbable polyamide surgical suture.

(a) *Identification.* Nonabsorbable polyamide surgical suture is a nonabsorbable, sterile, flexible thread prepared from long-chain aliphatic polymers Nylon 6 and Nylon 6,6 and is indicated for use in soft tissue approximation. The polyamide surgical suture meets United States Pharmacopeia (U.S.P.) requirements as described in the U.S.P. monograph for nonabsorbable surgical sutures; it may be monofilament or multifilament in form; it may be provided uncoated or coated; and it may be undyed or dyed with an appropriate FDA listed color additive. Also, the suture may be provided with or without a standard needle attached.

(b) *Classification.* Class II.

Dated: May 20, 1991.

Ronald G. Chesemore,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 91–12954 Filed 5–30–91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket Nos. H-004E, F, G, H, I, and J]

Occupational Exposure to Lead

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Final Rule; corrections.

SUMMARY: On November 14, 1978, the Occupational Safety and Health Administration (OSHA) published a final rule in the Federal Register on occupational exposure to lead (29 CFR 1910.1025, 43 FR 52952). This document makes administrative corrections and amendments to 29 CFR 1910.1025, based on the lifting of a judicial stay which had been in effect on the effective date of the final standard.

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. James Foster, Occupational Safety and Health Administration, Office of Information and Consumer Affairs, U.S. Department of Labor, room N-3647, 200 Constitution Avenue, NW., Washington, DC 20210. Telephone (202) 523-8151.

SUPPLEMENTARY INFORMATION: OSHA promulgated the lead standard on November 14, 1978 (43 FR 52952). Immediately after promulgation, the lead standard was challenged by both industry and labor in several U.S. Courts of Appeals. All cases were transferred and consolidated in the U.S. Court of Appeals for the District of Columbia Circuit. On March 1, 1979, the U.S. Court of Appeals for the DC Circuit stayed a number of the standard's provisions, including the reqirement of paragraph (e)(1) that employers implement engineering and work practice controls to achieve the permissible exposure limit (PEL). On August 15, 1980, the Court issued its decision upholding the standard in most respects. With that decision, the Court lifted the stay with regard to all provisions of the standard except paragraph (e)(1) as it applied to certain lead industries. Thus, as of that date every other provision of the lead standard was in effect in all the lead industries. However, on December 8, 1980, pending the filing and disposition of industry petitions for certiorari, the U.S. Supreme Court issued a stay of the same provisions that had been stayed by the DC Circuit in March 1979. With its denial of the petition of certiorari on June 29, 1981, the Supreme Court dissolved its stay, leaving in effect only the partial stay by the DC Circuit of paragraph (e)(1). Thus, as of June 29, 1981 and since then, every other provision of the lead standard has been in effect in all the lead industries. *United Steelworkers of America* v. *Marshall*, 647 F.2d 1189 (1980), *cert. denied*, 453 U.S. 913 (1981).

The Appendices to the lead standard in 29 CFR 1910.1025 contain specific references to certain requirements of the lead standard that are said to be judicially stayed. The Court's 1981 action in lifting the stay has made those references obsolete and incorrect. This document deletes those references to the judicial stay where they appear in the Appendices of the lead standard.

Authority and Signature

This document was prepared under the direction of Gerard F. Scannell, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington DC 20210.

This action is taken pursuant to section 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1597, 1599; 29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 1-90 (55 FR 9033) and 29 CFR part 1911, and 33 U.S.C. 941. Part 1910, title 29, Code of Federal Regulations, is hereby amended, for the reasons set forth in the preamble, by revising appendices A, B, and C of § 1910.1025.

List of Subjects in 29 CFR Part 1910

Lead, Occupational safety and health.

Gerard F. Scannell,

Assistant Secretary of Labor for Occupational Safety and Health.

PART 1910—[AMENDED]

1. The authority citation for subpart Z of part 1910 continues to read as follows:

Authority: Secs. 6, 8 Occupational Safety and Health Act, 29 U.S.C. 655, 657; Secretary of Labor's Orders 12-71 (36 FR 8754, 8-76 (41 FR 25059), or 9-83 (48 FR 35736) as applicable; and 29 CFR Part 1911.

Section 1910.1000 Tables Z-1, Z-2, Z-3 also issued under 5 U.S.C. 553.

Section 1910.1000 not issued under 29 CFR Part 1911, except for "Arsenic" and "Cotton Dust" listing in Table Z-1.

Section 1910.1001 also issued under Sec. 107 of Contract Work Hours and Safety Standards Act, 40 U.S.C. 333.

Section 1910.1002 not issued under 29 U.S.C. 655 or 29 CFR Part 1911; also issued under 5 U.S.C. 553.

Section 1910.1003 through 1910.1018 also issued under 29 U.S.C. 653.

Section 1910.1025 also issued under 29 U.S.C. 653 and 5 U.S.C. 553

Section 1910.1028 also issued under 29 U.S.C. 653.

Section 1910.1043 also issued under 5 U.S.C. 551 *et seq.*

Section 1910.1045 and 1910.1047 also issued under 29 U.S.C. 653.

Section 1910.1048 also issued under 29 U.S.C. 653.

Section 1910.1200, 1910.1499 and 1910.1500 also issued under 5 U.S.C. 553.

§ 1910.1025 Lead [Amended]

2. Part 1910 of title 29 of the Code of Federal Regulations is hereby amended in § 1910.1025 as follows:

A. Appendix A to § 1910.1025 is amended by removing the last sentence of that appendix.

B. Appendix B to § 1910.1025 is amended by removing the following:

(1) The second paragraph.

(2) Under Section III. Methods of Compliance—Paragraph (E), the entire text, except for the first two sentences.

(3) Under Section IV. Respiratory Protection—Paragraph (F), the words "but this requirement has been stayed as part of the pending litigation" in the last sentence of the second paragraph.

(4) Under Section VII. Hygiene Facilities and Practices—Paragraph (I), the second sentence, the words "and these facilities are made available, however," in the next (third) sentence, and the words "if available," in the fourth sentence.

(5) Under Section VIII. Medical Surveillance—Paragraph (J), the words "but this test has been temporarily stayed by the Court" in the second sentence of the fourth paragraph and the next (third) sentence of that paragraph. Also, the words "As a result," in the seventh sentence of the eighth paragraph.

(6) Under Section XI. Signs—Paragraph (M), the last sentence.

C. Appendix C to § 1910.1025 is amended by removing the following:

(1) Under Section I. Medical Surveillance and Monitoring Requirements for Lead Workers Exposed to Inorganic Lead, the last two sentences of the second paragraph and the last sentence of the eleventh paragraph.

(2) Under Section III. Medical Evaluation, the words "(This requirement is currently not in effect due to the pending litigation, but is recommended nonetheless)" in the last sentence (item 6) of the thirteenth paragraph.

(3) Under Section IV. Laboratory Evaluation, the words "which" and "is, due to the pending litigation, not required under the standard" in the second sentence.

[FR Doc. 91-12862 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

Pennsylvania Regulatory Program; Regulatory Reform

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval, with certain exceptions, of a proposed amendment to the Pennsylvania regulatory program (hereinafter referred to as the Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment is intended to revise a substantial number of Pennsylvania rules in various subject areas for the purpose of maintaining consistency with revised Federal requirements and to improve the operational efficiency of the Pennsylvania program.

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Biggi, Director, Harrisburg Field Office, Office of Surface Mining Reclamation and Enforcement, Harrisburg Transportation Center, Third Floor, suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101; Telephone: (717) 782-4036.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program.
II. Submission of Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Pennsylvania Program

The Secretary of the Interior conditionally approved the Pennsylvania program on July 31, 1982. Information on the background of the Pennsylvania program including the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval of the Pennsylvania program can be found in the July 30, 1982 **Federal Register** (47 FR 33050). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 938.11, 938.15 and 938.16.

II. Submission of Amendment

By letter dated August 14, 1986 (Administrative Record Number PA 610), the Director of OSM notified Pennsylvania that the Pennsylvania rules corresponding to a number of Federal regulations promulgated between July 31, 1982, and October 1, 1983 (Regulatory Reform I), are less effective than the new Federal counterparts. By letter dated July 9, 1986 (Administrative Record Number PA-646), the Director of OSM informed Pennsylvania of certain Pennsylvania rules that are less effective than the counterpart Federal regulations. These rules concern offsite disturbance involving the construction of roads between permitted areas to move mining equipment. Additionally, final Federal rules published on May 19, 1986 (51 FR 18314), require Pennsylvania to amend certain anthracite prime farmland rules, chapter 88.

In response to the OSM requirements of May 19, 1986, August 14, 1986, and July 9, 1986, Pennsylvania submitted a State program amendment package to OSM by letter dated December 22, 1989 (Administrative Record Number PA 790.00).

The amendment package submitted to OSM consists of 109 rule revisions as proposed in Volume 18, *Pennsylvania Bulletin*, 3621, August 13, 1988 and 40 rule revisions based on public comments and internal review of the 109 revisions. Following public comment, Pennsylvania published the final amendments in the *Pennsylvania Bulletin*.

The proposed amendments address Regulatory Reform I, unpermitted roads used to move equipment, and prime farmlands in the anthracite coal fields. In addition, the proposed amendment includes rules to implement amendments to the Surface Mining Conservation and Reclamation Act, as found in Act 181 (1984), Act 171 (1986), and Senate Resolution 100. Rules based on recommendations from the Coal Work Group (CWG) are also included. The CWG is a group of legislators and industry representatives established by the Department to recommend ways to streamline the Department's coal regulatory program.

OSM announced receipt of the proposed amendments in the February 26, 1990, **Federal Register** (55 FR 6647), and in the same notice, opened the public comment period and provided opportunity for a public hearing on the adequacy of the proposed amendments. The comment period closed on March 28, 1990. Based on a request of several individuals for a public hearing, the comment period was extended, on March 21, 1990 (55 FR 10469), to April 8, 1990, and a pubic hearing was held on April 3, 1990.

On January 4, 1991 (56 FR 399), OSM reopened the public comment period for the purpose of correcting a description of a specific section in the Proposed Rule as set out in the February 26, 1990, **Federal Register** notice. The comment period ended on January 22, 1991. The scheduled public hearing was not held as no one requested an opportunity to testify.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.17 are the Director's findings concerning the proposed amendments to the Pennsylvania program. Any revisions not specifically discussed below are found to be no less stringent than SMCRA and no less effective than the Federal regulations. Revisions which are not discussed below contain nonsubstantive wording changes, or revise cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Pennsylvania's Regulations that are Substantively Identical to the Applicable Provisions of Counterpart Federal Regulations

State Regulation, 25 Pa. Code	Subject	Federal Counterpart, 30 CFR
Chapter 86. Surface and Underground Coal Mining: General		
86.34(b)	Informal Conference	773.13(c).
86.34(e)	Informal Conference	773.15(a)(1).
86.39(a)(2)(ii)	Final Permit Action	773.15(a)(1).
86.39(b)(1)	Final Permit Action	773.19(b).
86.52(a)(1)	Permit Revisions	774.13(a).
86.70	Proof of Publication	778.21.
86.83(a)(3)	Eligibility for Assistance	795.6(a)(3).
86.92(a)(6)	SOAP: Lab Qualification	795.10(a)(4).

State Regulation, 25 Pa. Code	Subject	Federal Counterpart, 30 CFR
86.101	Areas Unsuitable for Mining	761.5.
86.102(12)	Areas Unsuitable for Mining	816.57(a)(1).
86.123(c)(2)	Areas Unsuitable for Mining	764.13(b)(1).
86.123(c)(4)	Areas Unsuitable for Mining	764.13(b)(1)(i).
86.143(c)	Requirement to File Bond	800.11(b)(1).
86.150(a)	Bond Amount	800.14(b).
86.152(b)&(c)	Bond Adjustment	800.15(c).
86.157(8)	Surety Bonds	800.20(a).
86.157(9)	Surety Bonds	800.50(a)(2)(ii).
86.160	Form of Bond	800.12.
86.165(b)	Terms & Conditions of Bonds	800.16(e)(2).
86.166(a)	Replacement of Bonds	800.30(a).
86.171(f)(2)	Bond Release	800.40(b)(2).
86.182(a)(3)	Bond Forfeiture Procedures	800.50(b)(1).
86.192	Civil Penalties: Assessments	846.12(a).
86.211(b)(3)	Enforcement—General	843.12(f)(2).
	Chapter 87. Surface Mining of Coal	
87.1	Definition:	701.5.
	Coal Processing Wastes	701.5
	Noxious Plants	
87.50	Fish and Wildlife	780.16(a).
87.53(d)(1)	Prime Farmland Investigations	785.17(c)(1)(ii).
87.54(a)	Maps, Plans and Cross Sections	779.24 & 779.25.
87.54(b)	Maps, Plans and Cross Sections	779.25(b).
87.62(3)	Operational Information	780.14(b)(2).
87.64(b)	Blasting	816.61(d)(4).
87.65(a)(4)	Maps and Plans	780.14(b)(3).
87.65(b)	Maps and Plans	780.14(c).
87.83(7)	Prime Farmland Investigation	785.17(c)(1)(ii).
87.84(a)	Fish and Wildlife Protection	780.16(b).
87.102(c)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
87.102(d)	Effluent Limitations	40 CFR 434.61.
87.104(b)(3)	Diversions	816.43(b)(4).
87.112(d)	Impoundments: Inspections	816.49(a)(10)(i).
87.112(e)	Impoundments: Emergency Procedures	816.49(a)(12).
87.124(e)	Blasting: General	816.61(c)(4)(i).
87.125(d)	Preblast Survey	816.62(e).
87.127(e)(1)	Airblast Levels	816.67(b)(1)(i).
87.127(e)(3)	Airblast Levels	816.67(b)(2)(i).
87.127(o)(1)	Surface Blasting Requirements	816.61(d)(2).
87.127(o)(2)	Surface Blasting Requirements	816.62(a)&(d).
87.127(o)(3)	Surface Blasting Requirements	816.64(b)(1).
87.129(17)	Blasting Records	816.68(g).
87.129(19)	Blasting Records	816.68(o)(1).
87.129(19)(i)	Blasting Records	816.68(o)(5).
87.129(20)	Blasting Records	816.68(p).
87.131(q)(4)	Disposal of Excess Spoil	816.71(h)(3)(i) & (iii).
87.138(a)(9)	Protection of Fish and Wildlife	816.97(e)(3).
87.138(a)(10)	Protection of Fish and Wildlife	816.97(e)(4).
87.138(b)	Protection of Fish and Wildlife	816.97(b).
87.138(d)	Protection of Fish and Wildlife	816.97(b).
87.141(a)	Backfilling and Grading	816.102(k)(3)(ii).
	Chapter 88. Anthracite Coal	
88.1	Definitions:	701.5.
	Coal Processing Waste	701.5.
	Disturbed Area	
88.31(b)	Maps and Plans	779.25(b).
88.33	Fish and Wildlife, Information	780.16(a).
88.44(b)	Maps and Plans	780.14(c).
88.62(a)	Fish and Wildlife Protection	780.16(b).
88.92(c)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
88.92(d)	Effluent Limitations	40 CFR 434.61.
88.187(c)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
88.187(d)	Effluent Limitations	40 CFR 434.61.
88.292(c)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
88.292(d)	Effluent Limitations	40 CFR 434.61.
88.492(j)(3)	Maps and Plans	780.14(c).
88.492(n)	Protection of Fish and Wildlife	784.21(b).
	Chapter 89. Underground Mining of Coal and Coal Preparation Facilities	
89.33(b)	Geology: Overburden Analysis	784.22(d).
89.52(e)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
89.52(f)	Effluent Limitations	40 CFR 434.61.
89.56(b)(3)	Diversions	817.43(b)(4).
89.74(a)&(b)	Fish and Wildlife, Information	784.21(a)&(b).
89.82(b)	Fish and Wildlife Protection	817.97(b).
89.82(c)(4)	Fish and Wildlife Protection	817.97(e)(3).
89.82(c)(5)	Fish and Wildlife Protection	817.97(e)(4).

State Regulation, 25 Pa. Code	Subject	Federal Counterpart, 30 CFR
89.82(e)	Fish and Wildlife Protection	817.97(b).
89.86(a)(2)(ii)	Revegetation: General	817.111(b)(2).
89.101(b)	Impoundments: Inspections	817.49(a)(10)(i).
89.101(c)	Impoundments: Emergency Procedures	817.49(a)(12).
89.122(b)(1)	Prime Farmland Investigations	785.17(c)(1)(ii).
89.142(a)	Subsidence Control: Maps	783.25(b).
	Chapter 90. Coal Refuse Disposal	
90.1	Definitions:	701.5.
	Coal Processing Waste	701.5.
	Disturbed Area	701.5.
	Noxious Plants	
90.18	Fish and Wildlife, Information	780.16(a).
90.21(b)	Maps, Plans and Cross Sections	779.25(b).
90.22(d)(1)	Prime Farmland Investigation	785.17(c)(1)(ii).
90.39(a)(1)	Ponds, Impoundments, etc.	780.25(a)(2)(i)&(3)(i).
90.45(7)	Prime Farmland	785.17(c)(1)(ii).
90.46(3)	Maps, Plans and Cross Section	780.14(c).
90.48(a)	Fish and Wildlife Protection	780.16(b).
90.102(c)(2)	Effluent Limitations (exceptions)	40 CFR 434.45.
90.102(d)	Effluent Limitations	40 CFR 434.61.
90.105(b)(3)	Diversions	816.43(b)(4).
90.112(e)	Impoundments: Emergency Procedures	816.49(a)(12).
90.124(a)	Coal Refuse Disposal: Inspection	816.83(d).
90.124(d)	Coal Refuse Disposal: Inspection	816.83(d)(3).
90.150(a)(9)	Fish and Wildlife Protection	816.97(e)(3).
90.150(a)(10)	Fish and Wildlife Protection	816.97(e)(4).
90.150(b)	Fish and Wildlife Protection	816.97(b).
90.150(d)	Fish and Wildlife Protection	816.97(b).

Because the above proposed revisions are identical in meaning to the corresponding Federal regulations, the Director finds that the Pennsylvania proposed rules are no less effective than the Federal regulations.

B. Revisions to Pennsylvania's Rules that are not Substantively Identical to the Corresponding Federal Regulations

1. Section 86.1, 87.1. Definitions: Surface Mining Activities. Pennsylvania proposes to amend the definition of "surface mining activities" to include "substantial disturbance resulting from the construction of a pathway to move surface mining equipment to a new permit area." This revision is proposed as a result of OSM's oversight of the Pennsylvania program that identified a condition where a road, constructed to move mining equipment between two permitted areas, was not permitted. OSM notified the State on July 9, 1986, pursuant to § 732.17(e)(3) that the State's position that such activities need not be permitted is inconsistent with the minimum requirements of SMCRA (Administrative Record No. PA–646). In the letter, the Director stated that the State "shall make it unequivocally clear that the construction of any road or similar disturbance outside a permit area for any purpose related to a surface mining activity, including that of moving a dragline and similar equipment, shall be deemed a surface mining activity."

The amended language proposed by the State does not make it unequivocally clear that land used as a road for moving mining equipment between areas (permitted or not) must itself be permitted. Specifically, the State's use of the term "pathway" does not make it clear that such disturbances would include roads. Additionally, the amendment requires that only pathways whose construction constitutes a substantial disturbance be covered by the definition of surface mining activity. Such qualifiers as "pathways" and "substantial" are not authorized by the Federal definition of surface coal mining operations at 30 CFR 700.5 and serve to limit the effectiveness of the definition. The Federal definition of surface mining operations specifically includes all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the sites of surface mining activities.

The Director finds that the proposed revisions to the definition of "surface mining activities" are less effective than the Federal definition of "surface coal mining operations" at 30 CFR 700.5. The Director is requiring the State to amend the definition of surface mining activities to make it unequivocally clear that the construction of any road or similar disturbance outside a permit area for any purpose related to a surface mining activity, including that of moving or "walking" a dragline or other equipment, or for the assembly or disassembly or staging of equipment shall be deemed a surface mining activity and will be regulated.

2. Section 86.17. Permit and reclamation fees. a. Pennsylvania is proposing to amend § 86.17 by replacing existing language in subsection (b) concerning the requirement to submit a $50 per acre permit fee with revised language in subsection (e). The proposed revision includes: Clarification that the $50 fee is a reclamation fee which is required in addition to the bond required under §§ 86.145, 86.149 and 86.150; language to exempt the surface effects of underground mining from the requirement to pay the $50 reclamation fee; a statement that the reclamation fee may be paid, as acreage within the mining permit is authorized for mining; and the requirement that the reclamation fee deposited in the Surface Mining Conservation and Reclamation Fund shall only be used for reclaiming mining operations which have defaulted on their obligation to reclaim.

Under 30 CFR 800.11(e), the Director may approve an alternative bonding system provided the State has demonstrated that the alternative bonding system will have available sufficient funds to complete the reclamation plan for any areas which may be in default at any time. The proposed revisions raise questions concerning the ability of Pennsylvania's alternative bonding system to meet the requirements of 30 CFR 800.11(e). Specifically, the proposed revisions exempt underground mining operations from the requirement to submit the $50 reclamation fee without also excluding

the use of the funds generated from the fee to reclaim the surface effects of underground mines that default on their obligation to reclaim.

In addition, but separate from this rule making, the Director has expressed to Pennsylvania on January 15, 1991, (Admin. Rec'd. No. 799.00) the following:

> Concerns regarding the alternative bonding system have been cited in the last two OSM annual reports on the Pennsylvania program. In addition, * * * bond adequacy is the subject of longstanding litigation * * *. Specifically, the alternative bonding system must be modified to provide the resources needed to reclaim existing permanent program forfeiture sites within a reasonable timeframe and to ensure that future forfeiture sites will be reclaimed in a timely manner. These resources must be sufficient to complete the reclamation plan approved in the permit.

Pennsylvania responded, by letter dated February 27, 1991 (Administrative Record Number 779.01), with information pertaining to the State's alternative bonding system. The response reported that analysis of the solvency of the alternative bonding system for 1989 and 1990 showed a deficit in the fund in both years. Pennsylvania also noted that all adjudicated and final forfeitures have been or are in the contracting process, and that the regulatory authority is taking action to eliminate the deficit.

Therefore, because of the concerns regarding the effect of the proposed revision to exempt underground mines from payment of the $50 reclamation fee on the ability of the Surface Mining Conservation and Reclamation Fund to meet the requirements of 30 CFR 800.11(e), and in consideration of the State's findings regarding the solvency of this Fund, the Director is conditionally approving the proposed amendment. The approval is conditioned upon a demonstration by Pennsylvania that the revenues generated through collection of the reclamation fees will assure that the Surface Mining Conservation and Reclamation Fund can be operated in a manner that will meet the requirements of 30 CFR 800.11(e). This could be demonstrated through an actuarial study showing the Surface Mining Conservation and Reclamation Fund's soundness and financial solvency. In addition, the Director is requiring Pennsylvania to clarify both the procedures for bonding the surface impacts of underground mines and the procedures to reclaim underground mining permits where the operator has defaulted on the obligation to reclaim.

b. Pennsylvania is also proposing to renumber and revise existing subsection (d) as subsection (c). The revised language clarifies that the renewal application fee is due whether the site has not yet been activated or where coal is being extracted The amendment also adds that a renewal application for reclamation activities does not require the application fee. The Federal regulations at 30 CFR 777.17 provide the regulatory authority with the responsibility of determining permit application fees. The Director finds that proposed amendment and the decision to not require a fee for permit renewal applications for reclamation activities are reasonable, and will not render the State rules inconsistent with the cited Federal regulations.

3. Section 86.34. Informal conference. a. Pennsylvania is proposing to add regulations under subsection (f) that require the regulatory authority within 60 days of the informal conference to notify the permit applicant of its decision to approve, disapprove, or of its intent to disapprove the application subject to the submission of additional information to resolve deficiencies. Counterpart Federal regulations under 30 CFR 773.15(a)(1) require that the regulatory authority shall make a decision on the permit application within 60 days of the close of an informal conference. The requirement for the regulatory authority to issue written notification of its decision is found under 30 CFR 773.19(b)(1). These regulations taken together require the regulatory authority to issue written findings to the applicant within 60 days of its decision to approve, deny in whole or in part the permit application. The Federal counterpart regulations at 30 CFR 773.15(a) are similar except that the Federal regulations provide an exception to the 60 day time limit when additional time is needed to provide an opportunity for the operator to demonstrate that a violation is either in the process or being corrected, or will be resolved pending outcome of an administrative appeal of the validity of the current violation. Although the State proposed rules provide for an extension under less specific circumstances than the Federal regulations, the Director finds that the additional time for the permittee to correct deficiencies within the permit will provide the opportunity for better permits and that the revised rules at 86.34(f) will not render the States rules inconsistent with the cited Federal counterparts.

4. Section 86.37(a)(16). Criteria for Permit Approval or Denial. Pennsylvania proposes to add this subsection which would require a written finding by the regulatory authority, prior to permit issuance, that the applicant has submitted a statement that State and Federal civil penalty assessments have been paid. Although there is no direct Federal counterpart to this provision, the Director finds the proposed amendment is consistent with the Federal regulations at 30 CFR 773.15(b) concerning the review of violations prior to issuance of a permit.

5. Section 86.39. Final permit action. Pennsylvania is proposing to revise paragraph (a)(2)(i) by adding to the requirements that the regulatory authority will approve or deny a permit application within 60 days following an informal conference or a public hearing, unless additional time is required for the applicant to submit additional information to resolve remaining deficiencies in the permit. Federal counterpart regulations at 30 CFR 773.15(a) are similar except that the Federal regulations provide an exception to the 60 day time limit when additional time is needed to provide an opportunity for the operator to demonstrate that a violation is either in the process or being corrected, or will be resolved pending outcome of an administrative appeal of the validity of the current violation. Although the State proposed rules provide for an extension under less specific circumstances than the Federal regulations, the Director finds that the additional time for the permittee to correct deficiencies within the permit will not render the States rules inconsistent with the cited Federal counterparts.

6. Section 86.52(a)(1). Permit Revisions. Pennsylvania is proposing to amend this subsection concerning the requirement to submit a permit revision for a change to the coal mining activities. The proposed revision deletes the term "coal mining activities" and requires submittal of a revision for a change to the operation plan, reclamation plan or subsidence control plan. The Federal counterpart to the proposed rule, 30 CFR 744.13(a), does not specify what types of changes require a permit revision, but instead states that the permittee may submit an application to the regulatory authority for a revision of the permit. The preamble to this Federal rule, published on September 28, 1983 (48 FR 44377), clarifies the requirement and states that a permit revision is required if, in its absence, the permittee would be operating in violation of the terms of their permit. Therefore, a revision is required if the permittee proposes to make a change in the conduct of the mining or the reclamation that is described in the approved permit. Since the State's proposed amendment

requires a permit revision whenever there are changes to the permittee's mining, reclamation, or subsidence control plans, the Director finds that the proposed revision is consistent with section 511 of SMCRA and the cited Federal regulation.

7. Section 86.54. Public Notice of Permit Revision. Pennsylvania is proposing to revise section 86.54 to specify the circumstances under which an application for a permit revision must comply with public notice procedures under § 86.31. The proposed amendment in subsection (1) requires public notice of surface mining permit revisions for changes in water discharge treatment techniques not identified as Best Available Technology Economically Achievable (BAT); addition of fly ash disposal or sewage sludge; physical changes in mine configuration, and the addition of blasting to the operation. Revisions to underground mining operations in subsection (2) which require public notice include: discharging to a different watershed, use of other discharge treatment techniques not identified as BAT, elimination of public roads and change to postmining land use. The circumstances for coal refuse disposal activities in subsection (3) are revised to include discharging to different watershed, use of non-BAT treatment techniques, additional discharge points, changes to stream diversion structures, new or expanded road systems, and elimination of public roads.

The Director finds that the proposed revisions to section 86.54 are not inconsistent with the Federal regulations at 30 CFR 774.13(b)(2) which provides the regulatory authority with the responsibility to establish the scale or extent of permit revisions for which public notice procedures apply, and, therefore, is approving the amendment as proposed.

8. Section 86.64. Right of Entry. Subsection (c) is amended by deleting and adding language concerning exceptions to the requirement that a permit application include specified right of entry documentation. The proposed language would except from the subsection (c) requirements permit applications based on leases in existence on January 1, 1964, for bituminous coal surface mines, or leases in existence on January 1, 1972, for anthracite coal surface mining operations or permit applications for coal refuse disposal areas, coal preparation facilities which are not situated on a surface mining permit area, and the surface activities of underground mines.

Specific right of entry requirements concerning the bituminous and anthracite coal leases, and the refuse disposal areas, preparation facilities, and the surface activities of underground mines that were excepted from compliance at subsection (c) are specified at amended subparagraph (c)(1) and new paragraph (c)(1)(ii), and new subparagraph (c)(2), respectively.

The Federal regulations concerning right of entry at 30 CFR 778.15 specify that a permit application shall contain a description of the documents upon which the applicant bases their legal right to enter and begin surface coal mining and reclamation operations in the permit area. The Federal regulation also identifies additional required information if the private mineral estate to be mined has been severed from the private surface estate. The Director finds that, with the proposed amendments, section 86.64 contains all the elements of the Federal provisions and is, therefore, no less effective than 30 CFR 778.15. The Director also finds the additional provisions at subsection (c)(2) concerning the right of entry of the regulatory authority and the assessment of reasonable legal fees, although without Federal counterpart, are not inconsistent with SMCRA or the Federal regulations and can be approved.

9. Section 86.83. Eligibility for Assistance. a. *Production limit.* The proposed amendment revises 86.83(a)(2) which currently requires that an applicant, to be eligible for assistance, establish that the applicant's probable total and attributed production for each year of the intended permit will not exceed 100,000 tons. Proposed for deletion is language that states "of the applicant for each year of the intended permit will not exceed 100,000 tons." In its place is added language that states "from the applicant's operations during a consecutive 12-month period, either during the term of the permit or during the first 5 years after the issuance of the permit, whichever is shorter, will not exceed 100,000 tons."

The proposed new language is substantially identical to the counterpart Federal regulation at 30 CFR 795.6(a)(2) except that the proposed language uses the word "a" where the Federal regulation uses the word "any." The Federal regulation requires that probable total actual and attributed production from all locations during "any" consecutive 12-month period be considered. In effect, the Federal regulations require that any and all consecutive 12-month periods be considered. By use of the word "a" where the Federal regulations uses "any" the proposed rule could be interpreted to allow consideration of only one ("a") consecutive 12-month period in the determination of eligibility for assistance. This interpretation would render the proposed rule less effective than the Federal regulations.

The Director finds that the proposed rule is no less effective than the Federal regulations except to the extent that the proposed language limits or prohibits consideration of any and all consecutive 12-month periods in the determination of eligibility for assistance. In addition, the Director is requiring that Pennsylvania amend the language of this rule to make it clear that any and all consecutive 12-month periods must be considered in the determination of eligibility for assistance.

b. *Coal produced by relatives.* The proposed rule added at § 86.83(b)(5) requires that coal production attributed to the applicant shall include coal produced by members of the applicant's family and relatives unless the applicant demonstrates that there is no direct or indirect business relationship among them. The proposed rule is substantively identical to the counterpart Federal regulation at 30 CFR 795.6(a)(2)(iv), except that the Federal regulation attributes coal produced at "operations owned" by members of the applicant's family and the applicant's relatives whereas the proposed rule lacks the operation ownership requirement. The proposed amendment fails to clarify that all coal produced by individual family members and relatives and by their operations must be counted toward the 100,000 ton limitation. The Director is approving the proposed rule at § 86.83(b)(5), but is also requiring that Pennsylvania further amend its program to be no less effective than 30 CFR 795.6(a)(2)(iv) by clarifying that all coal produced by operations owned by the applicant's individual family members and relatives must also be counted toward the 100,000 ton limitation.

10. Section 86.94. Applicant Liability. Pennsylvania is proposing to amend this section concerning the conditions under which an applicant for assistance under the SOAP program will be required to reimburse the regulatory authority for cost of laboratory services performed.

a. Pennsylvania is proposing to revise subsection (a) to require a SOAP applicant to reimburse the regulatory authority for the interest on the cost of laboratory services performed under the SOAP program from the date the regulatory authority requested reimbursement. Although the Federal counterparts at 30 CFR 795.12(a) do not specifically discuss the interest on the

amount paid for laboratory services it is reasonable to account for this interest as part of the cost to the SOAP program. Therefore the Director finds that this revision will not render the State rules inconsistent with the cited Federal regulations.

b. Pennsylvania is proposing to revise subsections (a)(2) and (c) and to add subsections (a)(5) and (a)(6) to specify the conditions under which the regulatory authority will require reimbursement and to add subsection (d) and (d)(1)–(3) to specify when the regulatory authority may waive reimbursement requirements. The Federal counterparts under 30 CFR 795.12(a), although not as detailed as the State's proposed rules, contain similar conditions under which reimbursement of SOAP funds for laboratory costs must be required and may be waived. Therefore, the Director finds that the proposed revision will not render the State's rules less effective than the cited Federal counterparts.

However, consistent with the Director's finding at § 86.83(a)(2) concerning the use of the word "a" where the Federal regulations uses the word "any", he is requiring that Pennsylvania amend the language of § 86.94(a)(5) to make it clear that any and all consecutive 12-month periods must be considered in the determination of production totals of the transferee.

11. Section 86.123. Areas Designated Unsuitable for Mining: Procedure. Pennsylvania is proposing to amend its regulations at 86.123 (a) and (d) by adding provisions which stipulate that only persons who have an interest which is, or may be, adversely affected may petition the regulatory authority to have an area designated as unsuitable for surface mining or to have an existing designation terminated. Counterpart Federal regulations at 30 CFR 764.13 are similar but further require the petitioner to demonstrate how he or she meets an "injury in fact" test. The "injury in fact" test requires the petitioner to demonstrate that he or she is among the injured and how the alleged adverse impact will directly affect him or her. In the preamble to the Federal rule (48 FR 41328, September 14, 1983) OSM provided additional explanation that the "injury in fact" test requires more than an injury to a cognizable interest. It requires that the party seeking review to be himself among the injured.

Pennsylvania's proposed revisions to these regulations do not specify that the petitioner pass an "injury in fact" test. However, related provisions of this rule, specifically subsections (c) (3) and (5), and (d)(4), require the petitioner to provide information to the regulatory authority, containing a description of how mining of the area or continuation of the unsuitability designation has affected or may adversely affect people, land, air, or other resources and the identification of the petitioner's interest which is or may be adversely affected.

The Director finds that the revisions to § 86.123 (a) and (d), when considered in conjunction with the requirements of subsections (c) (3) and (5) and paragraph (d)(4), respectively, require that a petitioner demonstrate an injury in fact. Therefore, the Director finds that the proposed rules are no less effective than the Federal regulations and is approving the amendments.

12. Section 86.124. Areas Unsuitable for Mining. Procedures: Initial Processing, Recordkeeping and Notification Requirements. Pennsylvania is proposing to revise subsection (a)(1) by replacing the word "mineral" with the word "coal" in reference to the regulatory authority's responsibility to determine whether identified coal resources exist in an area contained in a petition to declare an area unsuitable for mining. The proposed revision is substantively identical to the Federal counterparts at 30 CFR 764.15(a)(2). In addition, Pennsylvania is proposing to make several nonsubstantive grammatical changes to paragraphs (a) and (a)(6) which do not affect the meaning of this section. Therefore, the Director finds that the proposed revisions to § 86.124 will not render the State's rules less effective than the Federal rules at 30 CFR 764.15 and is approving the amended language as proposed.

13. Section 86.143. Requirement to File a Bond. a. Pennsylvania is proposing to revise paragraphs (a) and (b) of this section to eliminate the concept of phased operations by deleting the phrase in (a) "or permission to expand mining or reclamation operations within a permit area which has been limited to a portion or phase of the entire area shall" and the phrase in (b) "or incremental phase approval." Pennsylvania also proposes to make additional nonsubstantive grammatical changes to the cited paragraphs. The Federal counterpart at 30 CFR 800.13(a)(2) provides that the regulatory authority may accept a bond to be posted to guarantee specific phases of reclamation. In the discussion regarding phase bonding in the preamble to the final rule published in the **Federal Register** on July 19, 1983 (48 FR 32938), OSM makes it clear that "If the regulatory authority does not wish to allow phase bonding, it is under no obligation to do so." Therefore, the Director finds that the proposed deletion of provisions for phased bonding and the proposed grammatical changes will not render the State's rules inconsistent with the cited Federal regulations at 30 CFR 800.13(a)(2).

14. Section 86.145(c). Bonding and Insurance Requirements: Department Responsibilities. Pennsylvania is proposing to amend subsection (c) concerning the regulatory authority's responsibility to establish bonding amount rate guidelines. The proposed revision adds cross reference to § 86.149(b) which contains the site specific factors to be used to determine the bond amount necessary to assure reclamation if the regulatory authority has to complete the reclamation plan. Since the proposed revision only clarifies the authority contained in the existing State rules pertaining to the determination of bond amount, the Director finds that the proposed revision will not render the State rule inconsistent with the Federal requirements of 30 CFR 800.4(c).

15. Section 86.149(a). Determination of Bond Amount. Pennsylvania is proposing to revise subsection (a) to include a cross reference to § 86.145(c) pertaining to the establishment of bond amount rate guidelines. The proposed revision clarifies that the regulatory authority may establish bond rate guidelines which utilize the factors contained in §§ 86.145(c) and 86.149(b). Since this revision only clarifies the authority contained in the existing State rules pertaining to the determination of bond amount, the Director finds that the revision is nonsubstantive in nature and that the addition of the cross reference to § 86.145(c) will not render the State rules inconsistent with the Federal regulations at 30 CFR 800.14 (a) and (b).

16. Section 86.150. Minimum Amount (of Bond). a. Pennsylvania is proposing to revise § 86.150(a) to clarify that the minimum amount of bond for anthracite coal refuse operations is $10,000. The Director finds that the proposed revision is consistent with the Federal regulations at 30 CFR 800.70 and 800.14(b).

b. Pennsylvania is proposing to revise § 86.150(b) concerning the minimum amount of bond that must be posted for a permit area. The State is proposing to delete the existing language which applies a $5,000 minimum to: "Operations of all other minerals * * *" and to add language to apply this minimum only to "anthracite coal mining activities—except anthracite coal refuse disposal operations." The Director finds that the proposed revision is consistent with the Federal regulations at 30 CFR 800.70(a)(1) which

authorizes the regulatory authority to specify bond limits for anthracite operations.

17. Section 86.156(b). Form of the Bond. Pennsylvania is proposing to revise its regulations at § 86.156(b) to delete the existing language and to add language requiring banks or other institutions which issue letters of credit or certificates of deposits, and surety companies which execute surety bonds to immediately notify the regulatory authority and the permittee, if permissible under law, of an action filed alleging the insolvency or bankruptcy of the bank or institution, or the surety company or alleging violations which would result in the suspension or revocation of the surety, bank charter, or license to do business. The Federal regulations at § 800.16(e)(1) contain similar provisions but they do not contain the exclusion found in the Pennsylvania proposed regulation that limits notification of the Department and the permittee of any actions alleging insolvency, bankruptcy, or violations only "if permissible under the law." The proposed exclusion could result in situations where the regulatory authority and the permittee may not receive the prompt notification as required by Federal regulations. However, the Director recognizes the possibility of the existence of Federal law which may render such actions confidential.

The counterpart Federal regulations at 30 CFR 800.16(e)(1) also require that the regulatory authority and the permittee be notified of any action filed alleging the insolvency or bankruptcy of the permittee. The proposed rule lacks this requirement and is, therefore, less effective than the Federal regulations at 30 CFR 800.16(e)(1).

Since the proposed rule contains language substantively identical to the Federal regulations at 30 CFR 800.16(e)(1), the Director is approving the proposed rule to the extent that the phrase "if permissible under the law" recognizes the possibility that Federal law may, in some cases, prohibit disclosure of the existence of an action filed alleging the bankruptcy or insolvency of the bank or institution. In addition, the Director is requiring that the rule be further amended to require that notice be given to the regulatory authority of any action filed alleging the insolvency or bankruptcy of the permittee.

18. Section 86.158. Special Terms and Conditions for Collateral Bonds. a. Pennsylvania is proposing to amend this section to add detailed information for valuing collateral bonds. The existing language in old subsection (b) is deleted and relocated to new subsection (b)(1) and new language is added which states that collateral bonds pledging negotiable government securities are subject to subsections (b)(1) through (b)(4). Subsection 85.158(b)(1) has been added to provide a procedure for determining the value of government securities, pledged as collateral bonds. The corresponding Federal Regulations at § 800.21(a)(2) contain a similar provision but specify that the regulatory authority "shall" value all collateral at its current market value. The proposed Pennsylvania rule, however, states that the regulatory authority "may" determine the current market value of securities for the purpose of establishing the value of securities for bond deposit. The Director finds that the proposed rule is no less effective than the Federal regulation at 30 CFR 800.21(a)(2) except to the extent that the determination of the current market value of securities for bond deposit is optional rather than mandatory as is required by the Federal regulations. In addition, the Director is requiring that Pennsylvania further amend § 86.158(b)(1) to require that the value of all government securities pledged as collateral bond "shall" be determined using the current market value.

b. Pennsylvania is also proposing to add subparagraph (b)(2) that requires the current market value of collateral bonds pledging negotiable securities to be at least equal to the amount of the required bond amount. The counterpart Federal regulation at § 800.21(e)(1) stipulates that the estimated bond value of all collateral bonds shall be subject to a margin which is the ratio of bond value to market value, as determined by the regulatory authority. Furthermore, the Federal regulations require that the calculation of the margin take into consideration legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which may lessen the actual amount of cash available to the regulatory authority to complete reclamation. While similar, the State proposed rule does not take into account those factors which may affect the overall value of the posted collateral. As a result, the cash value of the security may be reduced to below the bond value. The Director is approving the proposed revision except to the extent that the value of the collateral bond may equal the overall bond value without taking into consideration the effects of depreciation, marketability and other factors on the amount of cash available from the bond. In addition, the Director is requiring Pennsylvania to further amend its provisions related to valuation of collateral bonds to require that the estimated bond value of all collateral be subject to a margin, which is the ratio of the bond value to the market value and which accounts for legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in case of forfeiture.

c. Pennsylvania is proposing to add provisions in subparagraph (b)(3) allowing the regulatory authority to periodically revalue negotiable government securities, and, if necessary, to require additional amounts if the current market value is less than the required bond amount. The counterpart Federal regulations at § 800.21(e)(2) contain similar provisions for periodical evaluation of the bond value of collateral, but the Federal regulations also stipulate that bonds shall be evaluated as part of the regulatory authority's review of a permit renewal application. The Federal regulations at 30 CFR 800.21(e)(2) applies to all collateral bonds and not just those pledging 7negotiable government securities as contained in the State's rules for collateral bonds under § 86.158. The Director finds that the proposed revisions to § 86.158(b)(3) are no less effective than the cited Federal rules except to the extent that subparagraph (b)(3), and § 86.158 in general, do not require that the bond value of all collateral bonds be evaluated at a minimum as part of the permit renewal process. In addition, the Director is requiring Pennsylvania to further amend its rules to ensure that the bond value of all collateral bonds be evaluated during the permit renewal process to ensure that collateral bonds are sufficient to satisfy the bond amount requirements.

d. Pennsylvania is proposing to add subparagraphs (b)(4) and (c)(8) to § 86.158 concerning the provisions for the release of any interest that has accrued on governmental securities or certificates of deposit posted as collateral bond if requested by the operator and approved by the regulatory authority. The counterpart Federal regulations at 30 CFR 800.21(d)(2) provide the regulatory authority the option of whether or not to return to the operator the interest accruing on cash accounts, but say nothing about other types of collateral bonds. However, Pennsylvania's rules governing return of interest on negotiable government securities and certificates of deposit are not inconsistent with 30 CFR 800.21(d)(2). While similar to the Federal regulations, the State's proposed amendment also provides that the

regulatory authority will not make interest payments to the operator for interest which has accrued on certificates of deposit and negotiable government securities after forfeiture and during any appeals, and after resolution of the appeals, when the forfeiture is adjudicated and decided in favor of the State. The Federal regulations are silent concerning the interest which accrues post forfeiture. However, the Federal rules at 30 CFR 800.50(b)(2) authorize the use of funds collected from bond forfeiture to complete the reclamation. Included in these funds, at Pennsylvania's discretion, would be the interest accrued after declaration of forfeiture but before actual collection. Therefore, the Director finds that Pennsylvania's proposed rules at § 86.158 (b)(4) and (c)(8) are not inconsistent with the Federal regulations under 30 CFR 800.21 and 800.50.

e. Pennsylvania is proposing to revise section 86.158(d) concerning the conditions pertaining to collateral bonds pledging a letter of credit. The State is proposing to revise subparagraph (d)(1) to clarify that a letter of credit shall be a stand-by letter of credit issued by a Federally insured or equivalently protected bank or banking institution, chartered or authorized to do business in the United States and which agrees to the jurisdiction of the Commonwealth of Pennsylvania. In addition, Pennsylvania is proposing to revise its provisions for letter of credit in paragraph (d)(5) of this section to further state the requirements specific to Pennsylvania laws under which a letter of credit written by banks both within or outside of Pennsylvania shall be governed.

The counterpart Federal regulation at 30 CFR 800.21(b)(1) is similar to the proposed rule except that the Federal regulation does not specify that the letter of credit shall be a "standby" letter of credit issued by a Federally-insured or equivalently protected bank or banking institution. In addition, the Federal counterparts do not specifically require that the bank issuing the letter of credit agree to the jurisdiction of the State in which the document is issued.

The term "stand-by letter of credit" means a letter of credit under which drafts are payable when the customer has defaulted in performance of a duty, liability, or obligation and is consistent with the meaning of letter of credit in the Federal regulations. Since the additional requirements imposed by the State on the use of a letter of credit as a collateral bond provide the regulatory authority with additional security and control over the banks issuing such documents, the Director finds that the proposed revision is not inconsistent with the Federal regulations at 30 CFR 800.21(b)(1).

f. Pennsylvania is proposing to further revise § 86.158 by adding paragraph (e) concerning the requirements that all collateral shall be assigned to the regulatory authority free and clear until released in accordance with the approved bond release provisions regardless of any financial incapacity of the operator, as allowed by law. Although the Federal counterparts at 30 CFR 800.21(c) do not contain similar requirements, the Director finds that the proposed revisions are not inconsistent with the Federal regulations in general.

19. Section 86.171. Procedures for Seeking Release of Bond. Pennsylvania is proposing to amend subparagraph (a)(3) of this section by adding provisions to permit the regulatory authority to return an application for bond release without further action if the applicant has not submitted proof of publication of the advertisement of the application for bond release within 60 days of submitting the application to the regulatory authority. The Federal counterparts at 30 CFR 800.40(a)(2) do not discuss the regulatory authority's actions if the proof of publication is not submitted within the time frame required. The Director finds, however, that the State's proposed rules stipulating the regulatory authority will discontinue processing the application for bond release and will return the application to the applicant is not inconsistent with the Federal rules since the Federal rules require such public notice and the submittal of a copy of the advertisement to the regulatory authority. Therefore, the Director is approving the proposed revisions to § 86.171(a)(3).

20. Section 86.172. Criteria for Release of Bond

Pennsylvania is proposing to revise § 86.172 by deleting old subsections (a), (b) and (d) concerning bond release and moving and recodifying the provisions for the bond release schedule at proposed §§ 86.174 and 86.175, and by adding provisions to § 86.172 concerning the criteria the regulatory authority must consider in releasing performance bonds. The State is also proposing to amend the remaining provisions of this section by adding § 86.172(b) which specifies that the release or adjustment of a bond or a portion of a bond does not relieve the operator of further reclamation liability on the permit area. The proposed revision is consistent with the interpretation put forth by the District Court in *National Wildlife Federation et. al.* v. *Lujan,* Nos. 88-2416, 88-3345, 88-3586, 88-3635, 89-0039, 89-0136 and 89-0141 (consolidated) (D.D.C. August 30, 1990). In its decision, the Court interpreted sections 521(a)(1) and (a)(2) of SMCRA as imposing an on-going duty upon OSM and the regulatory authority to inspect and enforce, whenever an apparent violation of SMCRA was noticed, no matter how long after mining. The Court's ruling, in effect, serves to maintain the operator's reclamation liability even after the bond for the permit has been fully released. Therefore, the Director finds that the proposed revision does not render the State's rules inconsistent with the intent of SMCRA as interpreted by the District Court for the District of Columbia.

21. Section 86.174. Standards for Release of Bonds

a. Pennsylvania is proposing to revise its provision pertaining to the standards for the release of bonds by deleting the current provisions at § 86.172(d) concerning the criteria for release of bond, and by adding new § 86.174(a) through (c) concerning standards for release of bonds. Since the proposed new § 86.174(a) through (c) is substantively identical to the existing rules, the Director finds that the proposed renumbering of the bond release standards will not render the approved Pennsylvania program less effective than the Federal regulation at 30 CFR 800.40(c).

However, the Director notes that Pennsylvania inadvertently omitted the cross reference to chapter 88 in subsection (b)(3) concerning the requirement that if prime farmlands are present, the soil productivity be returned to the required level of yield when compared with nonmined prime farmland in the surrounding area, to be determined from the soil survey performed under the approved reclamation plan prior to approval for Stage II bond release. Accordingly, the Director is requiring Pennsylvania further amend its rules to include the necessary reference to Chapter 88.

b. Pennsylvania is proposing to add provisions to the new § 86.174 at subsection (d) concerning standards for bond release for underground mining operations. The new regulations under paragraph (d)(1) propose to allow for the release of bond amounts posted for the removal of buildings, facilities, or other equipment constructed or used to facilitate underground mining upon the removal of the structures or equipment and upon approval by the regulatory authority. Additionally, Pennsylvania is proposing to allow for release of bond amounts posted for the sealing of drifts,

shafts, or other mine openings upon demonstration by the permittee that the sealing is effective. The counterpart Federal regulations at 30 CFR 800.17(b)(1) require the period of liability for bonds covering long-term surface facilities and structures, and areas disturbed by surface impacts incident to underground mine shall extend until all reclamation, restoration, and abatement work under the permit has been completed and the bond is released under the provisions under the bond release schedule for reclamation of phase I, II, and III. In effect, the proposed regulations would provide for release of bonds for the reclamation of surface disturbances from underground mining activities outside of the established bond release schedules at § 86.175. The proposed rule would also permit the release of more than 60 percent of the bond for the area upon completion or removal of the structures of stage 1 reclamation.

Pennsylvania has asserted that the amount of bond to be released under the proposed paragraph (d)(1) would include only the additional bond required for the demolition of the structures or removal of the equipment. However, the counterpart Federal regulations at 30 CFR 800.40 concerning release of performance bonds, and section 516 of SMCRA concerning the surface effects of underground mining, do not provide for special bond release schedules for removal of underground mining surface structures. That is, bond releases must be conducted in accordance with the provisions of 30 CFR 800.40. Therefore, the Director is not approving Pennsylvania's proposed amendment to paragraph (d)(1) of § 86.174 as its addition would render the Pennsylvania rules less effective than the Federal counterpart regulations at 30 CFR 800.17 and 800.40(c).

c. Pennsylvania is also proposing to add paragraph (d)(2) concerning the release of bonds posted for mine subsidence 10 years after the completion of the underground mining and reclamation. There are no Federal counterparts to the Pennsylvania requirement that bonds be posted for mine subsidence. However, the addition of regulations imposing a 10-year schedule for the release of subsidence bonds is not inconsistent with the Federal regulations at 30 CFR 817.121 concerning subsidence control and 30 CFR 800.17 and 800.40 concerning bonding requirements for underground coal mines and bond release requirements, respectively. Therefore, the Director finds that the addition of § 86.174(d)(2) will not render Pennsylvania's rules less effective than the Federal rules.

22. Section 86.175. Schedule for Release of Bond

a. Pennsylvania is proposing to amend its regulations regarding bond release schedules by deleting the procedures at §§ 86.172(a) and 86.172(b) concerning criteria for bond release, and adding a new § 86.175, "Schedule for release of bond." The proposed regulations at § 86.175 describe the procedures to be used to calculate the maximum amount of bond that may be released on acreage achieving stage 1, 2, and 3 reclamation standards. Specifically, the proposed amendment would allow those portions of the permit achieving stage 1 reclamation standards the release of an amount calculated by multiplying 60 percent by the acreage achieving stage 1 reclamation standards, multiplied by the open pit bond rate. For those areas of the permit meeting stage 2 reclamation standards, an additional amount can be released. The total amount of the original bond that can be released at stage 2 is calculated by multiplying the acreage achieving stage 2 reclamation standards by 85 percent multiplied by the open pit bond rate. This means that the maximum amount that may be released for successful stage 2 reclamation is 25 percent of the original bond posted. For example, if a hypothetical open pit bond rate is $4,000 per acre and the area to be reclaimed is 25 acres, the total bond would be $100,000. Upon successful completion of stage 1, $60,000 may be released, calculated as follows:

60% × $4,000/acre × 25 acres = $60,000.

Upon successful completion of stage 2 reclamation, the amount of the original bond that may be released can be shown as follows:

85% × $4,000/acre × 25/acres = $85,000.

Using this method, upon successful completion of stage 1 and 2 for the entire permit area, $100,000 − $85,000 = $15,000 will be held for stage 3 reclamation.

The counterpart Federal regulations at 30 CFR 800.40(c)(2) differ in the method used to calculate the amount that can be released upon completion of phase II reclamation. Federal regulations at 30 CFR 800.40(c)(2) specify that the regulatory authority may release an additional amount of bond upon successful completion of phase II (stage 2) reclamation, but must retain sufficient funds to cover the cost for the reestablishment of revegetation over the 5-year liability period. On July 19, 1983, OSM eliminated its requirement that a maximum of 25 percent of the original bond may be released upon successful phase 2 reclamation. The preamble to this revision explains that the establishment of the 25 percent phase II maximum bond release amount was arbitrary and that its elimination better ties the setting of the remaining bond amount to the actual projected remaining reclamation involved (48 FR 32953, July 19, 1983).

The proposed standards for stage 2 release do not include the requirement contained in the existing regulations at § 86.172 that are proposed to be deleted which require the regulatory authority to retain an amount of bond sufficient to reestablish vegetation and reconstruct drainage structures on the entire permit area. Pennsylvania has indicated that the requirement of § 86.172(c) provides for this requirement by prohibiting the release or adjustment of a bond if the release or adjustment would reduce the amount of bond remaining to less than that necessary to complete the approved reclamation plan. The Director agrees that the State-approved rule at § 86.172(c) requires the regulatory authority to retain sufficient bond for the regulatory authority to complete reclamation, including the reestablishment of revegetation, if necessary by a third party.

Accordingly, the Director finds that Pennsylvania's proposed deletion of existing regulations at § 86.172 (a) and (b) and replacement with revised standards for bond release at § 86.175, specifically limiting stage 1 bond release to 60 percent of the original bond amount and stage 2 release to a maximum total of 85 percent of the original bond amount, will not render the State program less effective than the Federal regulations at 30 CFR 800.40(c)(2).

b. Pennsylvania is also proposing to add at new paragraphs 86.175 (1), (2) and (3), language to exclude supplemental bond posted for an oversized surface mining pit in the bond release calculation. Under the Pennsylvania program, when a surface mine (i.e., open pit) is planned for depth greater than 85 feet, the regulatory authority assesses an additional amount of bond for that area to cover the additional cost of reclamation of the larger pit. Under this proposed revision, the additional bond amount, the oversized pit supplement would be returned to the operator/permittee upon backfilling the open pit to a size which is less than that which requires the oversized pit supplement. In effect, the proposed Pennsylvania rule would allow an adjustment to be made to the bond

amount upon the partial completion of stage 1 reclamation.

Counterpart Federal regulations at 30 CFR 800.14 do not contain provisions for oversized pit supplements. Instead, 30 CFR 800.14 requires the regulatory authority to require bond in an amount which reflects the probable difficulty of reclamation, and sufficient to assure the completion of the reclamation if the work has to be performed by the regulatory authority. However, the Federal regulations do not permit the release of bond for partial completion of reclamation as is proposed by Pennsylvania.

Pennsylvania has indicated that once the area for which the oversized pit supplement was posted is backfilled to within the normal pit size, the supplemental bond is no longer needed for ensuring adequate reclamation and, therefore, the bond would be adjusted and the excess bond returned to the operator. Section 509(e) of SMCRA provides that the bond amount shall be adjusted as affected land acreage increases or decreases or the cost of future reclamation changes. The Federal rules at 30 CFR 800.15 repeat this language and, in paragraph (c), further provide that a permittee may request reduction of the bond amount by submitting evidence to the regulatory authority proving that changes in the method of operation or other circumstances have reduced the estimated cost to the regulatory authority of reclaiming the bonded area in the event of forfeiture. The preamble to the Federal regulations at 30 CFR 800.15 clearly states that the bond adjustment provisions are intended to be used to reduce bond amounts only if the acreage to be affected decreases, technological advances reduce the unit costs of reclamation, or changes in the mining plan (such as a decision not to remove the lowest coal seam) result in an operation of more limited extent than originally approved and bonded. This interpretation is reinforced by section 519 of SMCRA, which establishes criteria and schedules defining when and how bond may be released following the completion of specified reclamation activities. If the bond adjustment provisions of section 509 were interpreted as allowing bond reduction because the operator completed a portion of their reclamation obligations, section 519 would be rendered meaningless.

The preamble to the bond adjustment provisions of 30 CFR 800.15(c) at 48 FR 32945 (July 19, 1983) states that:

OSM has not included in the final rule any provision characterizing as an adjustment any reduction in bond amount for reclamation work performed on disturbed areas since bond for disturbed areas can only be released or reduced through the formal release procedures of (30 CFR) 800.40.

To be approved under the bond adjustment provisions of 30 CFR 800.15(c), a proposed bond reduction must be justified solely upon either changes in the acreage to be affected (not the acreage remaining to be reclaimed) or a demonstration that the reclamation cost estimates upon which the current bond amount is based are no longer valid for reasons other than the performance of reclamation work. Any bond reduction requested as a result of reclamation work performed must be processed as an application for bond release under 30 CFR 800.40; the request cannot be approved unless the criteria specified in 30 CFR 800.40(c) and section 519(c) of SMCRA, or, in Pennsylvania's case, revised § 86.175, are satisfied. The remaining bond amount must meet the minimum levels established in these program provisions.

Therefore, the Director is not approving the proposed provisions under § 86.175 for excluding the additional bond submitted as oversized pit supplements from the bond release calculations in paragraphs (1), (2) and (3) as these provisions would constitute an adjustment to the bond for reclamation work completed and would render Pennsylvania's rule less effective than the Federal regulations.

23. Section 86.182. Bond Forfeiture Procedures

Pennsylvania is proposing to revise its bond forfeiture procedures at § 86.182 by adding paragraph (d) concerning the collection of collateral funds, in cases where the Department declares a collateral bond forfeited. Upon receipt of the collateral funds the Department will pay, or direct the State Treasurer to pay, the funds into the Surface Mining Conservation and Reclamation Fund. In addition, the added paragraph stipulates that the regulatory authority will take appropriate steps to collect the proceeds from a forfeited collateral bond if the banking institution or other person or municipality which issued the collateral refuses to pay the regulatory authority the proceeds of the collateral bond. The counterpart Federal regulations at 30 CFR 800.50 (b)(1) and (b)(2) require the regulatory authority to proceed to collect the amount of the forfeited bond as provided by applicable laws for the collection of defaulted bonds, and that these funds be used to complete the reclamation plan on the permit area to which bond coverage applies. While similar to the Federal regulations, the proposed rules do not specify that the collateral funds collected will be used to complete the reclamation plan on the permit to which the bond coverage applies. The Director is approving the proposed provisions except to the extent that the proposed rules do not require that the funds paid to the Surface Mining Conservation and Reclamation Fund will be used on the site to which the bond coverage applies. In addition, the Director is requiring that the rule be amended to require that funds paid to the Surface Mining Conservation and Reclamation Fund be used on the site to which the bond coverage applies.

24. Section 86.193(h). Penalty Assessment

Pennsylvania has added this provision to state that the regulatory authority may, when appropriate, assess a penalty against corporate officers, directors or agents as an alternative to, or in combination with, other penalty actions. The Federal counterpart regulation at § 846.12(a) states that an individual civil penalty may be assessed against any corporate director, officer or agent of a corporate permittee who knowingly and willfully authorized, ordered or carried out a violation, failure or refusal.

The proposed Pennsylvania rule is consistent with the Federal regulation in that it authorizes the regulatory authority to assess individual civil penalties. The proposed rule does not, however, make it clear that individual civil penalties are never a substitute for mandatory civil penalties, nor does the rule clarify when the assessment of an individual civil penalty may be appropriate. The Director is approving the proposed rule to the extent that it authorizes the assessment of individual civil penalties. However, the Director is requiring that Pennsylvania further amend the rule to clarify that an individual civil penalty is not a substitute for mandatory civil penalties and to clarify when the assessment of an individual civil penalty may be appropriate.

25. Section 86.211. Enforcement—General

Pennsylvania is proposing to amend this section by adding subsection (b)(4) concerning the circumstances under which the regulatory authority may approve an extension to the 90-day period for the abatement of a violation at a surface mining operation. The added subsection would allow such an extension if the permittee cannot abate the violation within 90 days due to a labor strike. The Federal regulations at 30 CFR 843.12(f)(3) also contain such a

provision. However, the State rule does not allow this extension if the violation is causing or has the potential to cause off permit impacts such as environmental harm to air, water, or land resources or danger to the public health or safety. Since the Federal counterpart provides the regulatory authority with the option of granting extensions, Pennsylvania is free to limit the circumstances under which it grants extensions in any manner it deems appropriate, so long as it does not provide extensions for reasons other than those contained in 30 CFR 843.12(f). Further, Pennsylvania's rationale for disallowing extensions due to labor strikes when the violation can cause harm to the public or the environment is supported by the Federal regulations under 30 CFR 840.13(b) and 843.11(a) which require that the regulatory authority must order a cessation of surface mining activities if conditions exist which create an imminent danger to public health or safety and which are causing or can reasonably be expected to cause significant environmental harm. Therefore, the Director finds that the State's proposed revision is not inconsistent with the Federal regulations.

26. Sections 87.1, 88.1 and 90.1. Definitions: Land Use—Recreation

Pennsylvania is proposing to revise the current definition of recreational land, which is substantively identical to the existing Federal definition at 30 CFR 701.5, by deleting the reference to land used for public or leisure-time use including amusement areas as well as areas for less intensive uses such as hiking, canoeing and other undeveloped recreational uses. The proposed revision defines recreational land use as "land used for developed recreational uses." The Director cannot discern any potential environmental harm resulting from the proposed amendment, since the revision will require the permit applicant to categorize land used prior to mining for hiking, canoeing or other undeveloped recreational uses according to the other defined types of land use in § 87.1 and related sections. In addition, since the other defined land uses do not include a category for undeveloped land, the permittee will be required to achieve a postmining land use in accordance with the reclamation standards for the land uses defined by the approved program. Therefore, the Director finds that the proposed revision is not inconsistent with the cited Federal regulations.

27. Sections 87.46(b)(3)(i), 88.491(d)(2)(ii)(A), and 90.14(b)(3)(i). Surface Water Information

Pennsylvania has proposed to revise its regulations concerning surface water information requirements by specifying that applicable water monitoring requirements may be met by measuring specific conductance in micromhos per centimeter. The corresponding Federal regulations at 30 CFR 780.21(b)(2) contain a similar provision but require measurement of specific conductance to be corrected to 25 degrees Centigrade (25°C). Failure to require measurements of specific conductance in micromhos to be corrected to 25°C could result in inaccurate measurements.

In response to questions from OSM, Pennsylvania has stated that although their regulations do not specifically require the correction to 25°C, such conversion is generally accepted as a standard practice for measurements of specific conductance. In addition, the State noted that Pennsylvania's approved mining permit application, Module 8.1, requires specific conductance to be corrected to 25°C. Based upon Pennsylvania's interpretation that correcting specific conductance measurements to 25°C is the accepted standard procedure and that this requirement is contained in the permit application, the Director finds that the lack of a requirement to correct specific conductance measurements to 25°C does not render the Pennsylvania program less effective than the Federal regulations and is approving the proposed revisions to §§ 87.46(b)(3)(i), 88.491(d)(2)(ii)(A), and 90.14(b)(3)(i).

28. Section 87.73(c)(1), Dams, Ponds, Embankments and Impoundments

Pennsylvania has proposed to revise its regulations at § 87.73(c)(1) to require that detailed design plans for impounding structures that do not require a permit under chapter 105 of the Pennsylvania program shall be prepared by or under the direction of, and certified by a qualified registered professional engineer or a qualified registered land surveyor. A permit under chapter 105 is required when the greatest depth of water measured at the upstream toe of the dam at maximum storage elevation exceeds 15 feet, or when the impounding capacity at maximum storage elevation exceeds 50 acre-feet. The counterpart Federal regulations at 30 CFR 780.25(a)(3)(i) are substantively identical, except that they apply the MSHA size classification at 30 CFR 77.216(a) which provides that design plans for impoundments greater than 20 feet in height or which have a storage capacity of 20 acre-feet or more must be prepared by or under the direction of, and certified by a qualified registered professional engineer. In effect, the Pennsylvania regulations could allow a land surveyor to design and certify impoundments with a storage volume greater than the 20 acre-feet allowed using the MSHA size classification, but less than the 50 acre-feet under chapter 105 of the Pennsylvania program. In the approval of the Pennsylvania program as published in the **Federal Register** on July 30, 1982 (47 FR 33077) the Secretary noted the inconsistencies between Pennsylvania's and MSHA's impounding structures size classifications and reasoned that these inconsistencies were minor due to the overlapping coverage of impoundments by both agencies. However, the inconsistencies continue to create confusion concerning which standards apply to what size impoundments.

The Director finds that the proposed revisions at § 87.73(c)(1) are no less effective than the cited Federal regulations except to the extent that impoundments with a storage capacity of more than 20 acre-feet but less than 50 acre-feet may be designed by or under the direction of, and certified by a land surveyor. However, the Director is requiring Pennsylvania to further amend its program to clarify that all impoundments with a storage volume of 20 acre-feet or more must be designed by or under the direction of, and certified by, a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying and landscape architecture.

29. Sections 87.84, 88.62, 89.74, and 90.48. Fish and Wildlife Resource Information and Protection and Enhancement Plans

Pennsylvania is proposing to add subsection (b) of §§ 87.84, 88.62, and 90.48, and subsection (c) of § 89.74. These new sections require the regulatory authority to provide certain information submitted with a permit, including fish and wildlife resource information and the protection and enhancement plan, to the United States Fish and Wildlife Service (USFWS) upon request "during the comment period." Although the corresponding Federal regulations at 30 CFR 780.16(c) and 784.21(c) do not include the phrase "during the comment period," the Federal regulations are intended to assure the USFWS an opportunity to review and comment on these specific aspects of the permit application in accordance with provisions established

at 30 CFR 773.13(b)(1) pertaining to the submittal of written comments or objections by State and Federal fish and wildlife agencies. Indeed, the public comment period is the only appropriate time for such requests because the information may not be available until a permit is administratively complete and available for comment, and post-comment period requests are untimely because it may be too late to influence permitting decisions. The Director notes, however, that Pennsylvania will honor any early requests (pre-comment period) by the USFWS whenever possible. The Director finds that the proposed "during the comment period" requirement is reasonable and, therefore, the proposed regulations are consistent with the cited Federal rules at 30 CFR 780.16(c) and 784.21(c).

30. Section 87.101(e). Hydrologic Balance: General Requirements

Pennsylvania is proposing to add subsection (e) to require that surface mining activities be planned and conducted to minimize the accumulation of water in the pit, and that all pit water be collected and pumped to approved water treatment facilities. The amended rule also prohibits the discharge of pit water from the surface mining activity by gravity drains. Since the proposed rules will minimize the formation of acid or toxic water in the pit area and prohibit the discharge of this water prior to treatment to meet effluent limitations, the Director finds that the addition of subsection (e) is consistent with the requirements of the Federal regulations at 30 CFR 780.21(h), 816.41, and 816.42.

31. Sections 87.102, 88.92, 88.187, 88.292, 89.52, and 90.102. Hydrologic Balance: Effluent Standards

a. Pennsylvania is proposing to revise § 87.102(b)(2) and related sections to replace "operator" with "permittee" to clarify that a permittee conducting mining activities must demonstrate the factors set forth in § 87.103 in order to be entitled to the alternative effluent limitations in § 87.102(b) and to make these sections grammatically correct. The Director finds that the proposed revisions will not change the requirements to comply with effluent limitations specified in the State's rules and therefore does not render the State's rules inconsistent with the Federal regulations at 30 CFR 816/817.42.

b. Pennsylvania is proposing to revise § 89.52(h) to replace the word "operator" with the word "permittee" to make it clear that a permittee is permanently responsible for all discharges which are encountered or are in any way affected by or connected with the mining or reclamation activities. The Director finds that the proposed revision is consistent with the requirements of 30 CFR 773.17(c).

c. Pennsylvania is also proposing to replace its existing effluent standards for the discharge of water from areas disturbed by surface and underground mining activities, §§ 87.102(a), 88.92(a), 88.187(a), 89.52(c), and areas disturbed by coal refuse disposal activities, §§ 88.292(a) and 90.102(a), with more detailed effluent limitations grouped according to discharges resulting from specified precipitation events. The new rules are contained in two paragraphs, (a) and (b), for §§ 87.102, 88.92, 88.187, 88.292, and 90.102, and (c) and (d) for § 89.52. Both new paragraphs must be considered in concert to evaluate their effectiveness relative to the counterpart Federal regulations. The counterpart Federal regulations at 30 CFR 816.42, include by reference, effluent limitations for coal mining point sources as established by the Environmental Protection Agency (EPA) under 40 CFR part 434. Although the State's effluent standards have been completely reorganized, the proposed effluent standards do contain counterparts to each EPA standard detailed at 40 CFR part 434, and the proposed Pennsylvania standards are no less effective than the EPA standards. However, because of the differences in the format of the proposed Pennsylvania standards and the format of EPA standards, discussion is provided below to assist the reader in understanding the Director's findings.

The proposed standards at Group A contain the effluent limitations under dry weather flow conditions, specified as a 30-day average, a daily maximum, and an instantaneous maximum for total iron, manganese, total suspended solids and pH for all areas disturbed by bituminous and anthracite surface and underground mining activities.

The precipitation event criteria for anthracite and bituminous coal refuse disposal activities, §§ 88.292(a) and 90.102(a), respectively, are slightly different and require that Group A effluent limitations be applied to water discharges resulting during dry weather flow up to and including precipitation occurring from the 1-year, 24-hour precipitation event. Dry weather flow is defined by the State program as the base flow of surface water discharges from an area or treatment facility which occurs immediately prior to a precipitation event and which resumes 24 hours after precipitation event. The proposed Group A effluent limitations are substantively identical to the EPA new source performance standards at 30 CFR 434.25, 434.35, and 434.45, with one exception. Group A contains an additional effluent limitation for instantaneous maximum concentrations for total iron of 7.0 milligrams per liter (mg/l). This additional standard will provide additional protection against iron pollution. The Director finds, therefore, that the Group A standards are no less effective than the cited Federal regulations.

The proposed standards at Group B specify the effluent limitations for precipitation events greater than dry weather flow but less than a 10-year, 24-hour precipitation event, for areas disturbed by surface and underground mining activities. Group B effluent limitations for anthracite and bituminous coal refuse disposal activities are specified for precipitation greater than the 1-year, 24-hour event and less than or equal to the 10-year, 24-hour event. The counterpart Federal regulations at 40 CFR 434.63 (a), (b), and (c) also prescribe exemptions from the more stringent effluent limitations for substantially identical precipitation events. The proposed Pennsylvania Group B effluent limitations are substantively identical to the cited Federal counterparts, except that the proposed Pennsylvania standards prescribe instantaneous maximum concentrations for total iron and total manganese where the EPA standards specify only the maximum concentration for any one day. Since the State's proposed standards provide for additional protection of the surface water, the Director finds that they are no less effective than the regulations cited in the Federal EPA standards.

Pennsylvania is also proposing to establish exemptions from Group A and B effluent limitations for the occurrence of precipitation events greater than the 10-year, 24-hour events. The proposed exemptions, known as Group C, are substantively identical to exemptions in the counterpart Federal standards at 40 CFR 434.63(d).

The proposed rules at §§ 87.102(b), 88.92(b), 88.187(b), 88.292(b), 89.52(d), and 90.102(b) specify which group of effluent limitations apply to specific types of discharges. The types of discharges include discharges of pit water, surface runoff during active mining, surface runoff from areas achieving stage II reclamation and all other discharges. The counterpart Federal regulations at 40 CFR part 434 specify effluent limitations for active mining and refuse disposal activities and for post mining or "reclamation areas." Therefore, the proposed Pennsylvania regulations contain

counterparts to each of the Federal standards and are no less effective than the Federal regulations at 40 CFR part 434.

Although Pennsylvania's proposed rules are organized in a markedly different fashion that the cited Federal counterparts, the Director finds that the proposed alternate effluent limitations when considered together are substantively identical to and, therefore, no less effective than the Federal regulations at 40 CFR part 434.

32. Sections 87.103, 88.93, 88.188, 88.293, 89.53 and 90.103. Precipitation Event Exemption

Pennslyvania is proposing to amend § 87.103(a) and related sections listed above to clarify that the permittee must demonstrate to the regulatory authority's satisfaction that a precipitation event has occurred to establish that the effluent limitations of Group B or C in § 87.102(a) and similar sections should apply. The proposed revisions also prohibit the application of the precipitation exemptions if more stringent water quality based effluent limitations are specified in the approved permit. The counterpart Federal regulations at 40 CFR 434.63(e) state that the operator shall have the burden of proof to establish that the effluent limitations exemptions for a precipitation event should be applied.While similar to the proposed Pennsylvania rule, the Federal counterpart does not exclude any more stringent effluent limitations from application of the precipitation event exceptions. Since this provision in the proposed State's rules will afford a greater level of protection of surface waters receiving discharge from the mining areas, the Director finds that its addition will not render the State rules less effective than the cited Federal regulations at CFR 434.63(e).

Pennsylvania is also proposing to modify the listing of the level of precipitation (rainfall) in inches, for specific counties in Pennsylvania that represents events in excess of the 10-year, 24-hour rainfall event in §§ 88.93(b), 88.188(b), 88.293(b), 89.53(b), and 90.103(b) and has added the 1-year, 24-hour precipitation event values in §§ 88.293(b) and 90.103(b). The Federal counterpart at 40 CFR 434.11(n) states that the rainfall amounts for each precipitation event are to be established as defined by the National Weather Service or equivalent regional or rainfall probability information developed therefrom. Since Pennsylvania revised and incorporated the rainfall amounts from the National Weather Service information, the Director finds the revisions to be consistent with the requirements of 30 CFR 816.42 and 40 CFR 434.11(n).

Pennsylvania is proposing to revise §§ 87.103 (c), (d), (e); 88.93 (c), (d), (e); 88.188 (c), (d), (e); 88.293 (c), (d), (e); 89.53 (c), (c)(1), (c)(2), (d), (e); and 90.103 (c), (c)(1), (c)(2), (d), (e) concerning demonstration of the occurrence of a precipitation event. In addition to making several nonsubstantive word changes to clarify and make consistent that only the permittee may apply for a precipitation event exemption, Pennsylvania is proposing to add language to paragraph (c) of each section to clarify that the permittee may apply Group B alternative effluent limitations by demonstrating that dry weather conditions did not exist. Since the alternative effluent limitations for Group B are defined as precipitation greater than dry weather flow but less than the 10-year, 24-hour precipitation event, the Director finds that this change will not render the State's rules less effective than the Federal regulations at 40 CFR 434.63.

33. Sections 87.112 (b) & (f), 88.102(b), 88.197(b), 88.302(b), 89.101(a) & (d), 89.112, 90.112(b), (d) & (f). Hydrologic Balance: Dams, Ponds, and Embankments—Design, Construction and Maintenance.

a. Pennsylvania is proposing to amend §§ 87.112(b), 88.102(b), 88.197(b), 88.302(b), 89.112, and 90.112(b) by adding a reference to the United States Soil Conservation Service's (SCS) Pennsylvania Field Office Technical Guide, Section IV Standards 350 "Sediment Basin" to supplement the existing reference to the SCS's Pennsylvania Field Office Technical Guide, Section IV, Standard 378, "Pond." Standards 350 applies to small impoundments with an expected life of less than 5 years. When OSM revised the counterpart Federal regulations on September 26, 1983 at 30 CFR 816/817.49 (48 FR 43997), it did not reference the SCS design standards for impounding structures, but instead, listed certain requirements contained in the SCS document (48 FR 43997). OSM conducted an evaluation of this supplemental document and found that it contains design standards consistent with SMCRA and no less effective than the Federal requirements at 30 CFR 816/817.49 (Administrative Record Number 790.24) except that Standards 350 does not require a minimum static safety factor for the impounding structure. The Director understands that the State is now preparing further revision to the program to include a static safety factor for small impoundments and, therefore, this item will not be addressed in this amendment. Accordingly, the Director finds that the proposed addition of Standards 350 will not render the State's rules less effective than the cited Federal rules at 30 CFR 816/817.49.

b. Pennsylvania is proposing to revise paragraph (b) of §§ 87.112 and 90.112 concerning the design, construction, and maintenance of impounding structures, by deleting the phrase "that are not of the class of subsection (a)." Section 89.112 is similarly revised to delete the phrase "Impoundments not subject to the criteria of § 89.111(b) (relating to large impoundments)." Both §§ 87.112(a) and 90.112(a) and § 89.111(b) describe the size classification for large impoundments in accordance with chapter 105 of the State program. By deleting the identified phrases in §§ 87.112, 89.112, and 90.112, the proposed revisions require that all impoundments shall achieve the minimum design criteria contained in the SCS's Pennsylvania Field Office Technical Guide, Section IV, Standards 350 "Sediment Basins" and 378, "Ponds" (for small impoundments), or SCS Technical Release No. 60, "Earth Dams and Reservoirs," (pertaining to large impoundments), whichever is applicable. Since the revisions to §§ 87.112(b), 89.112 and 90.112(b) require the SCS design standards for large and small impoundments be applied to all impoundments, whichever is applicable, therefore making the requirements more inclusive, the Director finds that the revised rules are no less effective than the Federal regulations at 30 CFR 816/817.49.

However, Pennsylvania is also proposing to delete the language in §§ 88.102(b), 88.197(b) and 88.302(b) concerning impoundments at anthracite mines. This deletion will result in application of the SCS minimum design standards for small impoundments, contained in the SCS's Standards 350 and 378, to both large and small impoundments. OSM has approved the inclusion by reference of the SCS design standards for impoundments, but only to the extent that small impoundments apply the standards for SCS's Standards 350 and 378, and that large impoundments apply the more restrictive design standards contained in SCS Technical Release No. 60, "Earth Dams and Reservoirs." Since the existing rules at §§ 88.102(b), 88.197(b) and 88.302(b) do not contain a reference to the SCS's Technical Release No. 60, the deletion of the language that limits the applicability of these subsections to small impoundments inappropriately applies the less restrictive design

standards to the design standards for large impoundments. Therefore, the Director is not approving the proposed revision to delete the phrase "that are not of the class of subsection (a)" in §§ 88.102(b), 88.197(b) and 88.302(b) to make it clear that the design standards for small impoundments as contained in SCS 350 "Sediment Basin" and SCS 378, "Ponds" are not applied to the design, construction and maintenance of large impoundments.

c. Pennsylvania is also proposing to revise §§ 87.112(b)(1) and 89.101(a) to include provisions that small impoundments, those designed such that the greatest depth of water measured at the upstream toe of the dam at maximum storage elevation will not exceed 15 feet, or when the impounding capacity at maximum storage elevation is less than 50 acre-feet, may be designed and certified by a qualified registered land surveyor. The revised section has retained the requirement that large impoundments must be designed and certified by a qualified registered professional engineer. The Federal counterpart regulations at 30 CFR 780.25(a)(3)(i) and 784.16(a)(3)(i) allow detailed design plans for an impounding structure that does not meet the size or other criteria of the Mine Safety and Health Administration (MSHA), at 30 CFR 77.216, to be prepared by, or under the direction of, and certified by a qualified registered professional land surveyor. Under the MSHA size classification, structures that can impound water to an elevation of 20 feet or more above the upstream toe of the structure, or that can have a storage volume of 20 acre-feet or more are classified as large impoundments. Such large impoundments must be designed by or under the direction of, and certified by a qualified registered professional engineer. The important difference between the Pennsylvania and the MSHA size provisions is the storage volume of large impoundments. Under the Pennsylvania classification, a land surveyor may prepare or direct the preparation of the detailed design for, and may certify an impoundment that can impound greater than 20 acre-feet of water but less than 50 acre-feet. This is beyond the authority accorded land surveyors under the counterpart Federal regulations. Therefore, the Director is approving the revision to §§ 87.112(b)(1) and 89.101(a) except to the extent that the proposed revisions do not require that the detailed designs of impoundments with a storage capacity of more than 20 acre-feet must be prepared by or under the direction of, and certified by a qualified registered professional engineer. In addition, the Director is requiring Pennsylvania to further amend its rules to require that all impoundments which meet or exceed the MSHA size classification of 30 CFR 77.216 are designed and certified by or under the direction of a qualified registered professional engineer.

d. Pennsylvania is also proposing to revise subsection (b)(1) of both §§ 87.112 and 90.112 by deleting the requirement that each impoundment be certified that the pond was constructed as approved in the permit application. The counterpart Federal regulations at 30 CFR 816/817.49(a)(10)(ii) require all impoundments to be certified that the impoundment has been constructed and/or maintained as designed and in accordance with the approved plan and the performance standards of the applicable chapter. Pennsylvania's existing regulations at §§ 87.112(d) and 90.112(d) require that each impoundment be inspected during construction and certified after construction and annually thereafter. However, Pennsylvania rules do not require certification that the impoundment has been constructed "and or maintained" as approved in the permit "and in accordance with applicable performance standards." Therefore, the Director is approving the revision to §§ 87.112(b)(1) and 90.112(b)(1) except to the extent that they do not require that each impoundment be certified that the impoundment has been constructed and/or maintained as approved in the permit and in accordance with all applicable performance standards. In addition, the Director is requiring that Pennsylvania further amend its program to require that all impoundments be certified that the impoundment has been constructed and is being maintained as designed and in accordance with the approved plan and all applicable performance standards. The Director is also requiring that §§ 89.101 and 89.112 also be amended to require that all impoundments shall be similarly certified.

e. Pennsylvania is proposing to revise § 90.112(d), concerning the inspection and annual certification requirements of impounding structures located on coal refuse disposal areas to add the phrase "until removal of the structure or release of the performance bond." The counterpart Federal regulations at 30 CFR 816/817.83(c)(3) and 816/817.84(b)(1) specifically state that impounding structures may not be retained permanently as part of the approved postmining land use. Therefore, the Director finds that the addition of the phrase "until removal of the structure" will not render the State rules less effective than the cited Federal regulations. However, the Director is not approving the addition of the phrase "or release of the performance bond" as it will render the State rules less effective than the cited Federal counterparts.

f. Pennsylvania is proposing to amend §§ 87.112(f), 89.101(d) and 90.112(f) which provide that the regulatory authority may accept the MSHA's approval for MSHA size impoundments in lieu of the design, construction and maintenance requirements of the sections 87, 89 and 90, as applicable. Pennsylvania is proposing to revise 87.112(f), 89.101(d), and 90.112(f) to require duplicate plans for all MSHA size impoundments be submitted to MSHA and to the regulatory authority. In addition, Pennsylvania is proposing to revise these paragraphs to state that the regulatory authority may accept MSHA approval for impoundments in lieu of the requirements of paragraph (a) if the dam is of size classification C and hazard potential 3 as defined in chapter 105, provided all other requirements of the applicable chapters (87, 89, and 90, respectively) are met. Sections 87.112(a), 89.111(b) and 90.112(a) each require that all impoundments that meet or exceed the size criteria of chapter 105 shall be designed, constructed and maintained in accordance with chapter 105. Size classification C applies to impoundments with a storage volume equal to or less than 1000 acre-feet and with a dam height equal to or less than 40 feet. Hazard potential 3 applies to impoundments located where failure would not result in loss of life or where no permanent structures for human habitation are located and where failure would result in minimal economic loss and no significant effect on public convenience.

The Federal counterpart regulations at 30 CFR 780.25(c)(2) require that each plan required to be submitted to the District Manager of MSHA under § 77.216 shall be submitted to the regulatory authority as part of the permit application. However, the Federal rules do not authorize regulatory authority acceptance of MSHA approval in lieu of State requirements. OSM proposed revisions to the Federal regulations in the **Federal Register** on June 21, 1982 (47 FR 26754) which would have allowed MSHA the primary responsibility for impoundment design review and emergency action. However, OSM did not adopt this provision in the final rule as published in the **Federal Register** on September 26, 1983 (48 FR 43994). Instead, OSM implemented

regulations to require independent regulatory authority responsibility under section 515, 506, 507, 508, 510 of the Act for permitting and ensuring operator compliance with the performance standards found in section 515(b)(8) of the Act and with Public Law 83–566. In the preamble to the final rule, OSM stated that MSHA's approval of the design and construction of impoundments subject to the Act will not satisfy the requirement for approval by the regulatory authority. Instead, the regulatory authority must review and approve plans for impoundments to ensure that the structures are designed to be in compliance with appropriate approved standards. Therefore, the proposed Pennsylvania revision to allow the regulatory authority to accept MSHA approval in lieu of the regulatory authority's own review and approval of the design and construction of impoundments would render the Pennsylvania program inconsistent with the requirements of SMCRA and less effective than the Federal regulations.

Therefore, the Director is approving the proposed revisions at §§ 87.112(f), 89.101(d) and 90.112(f) except to the extent that the regulatory authority may accept MSHA approval in lieu of the requirements of §§ 87.112(a), 89.111(b) and 90.112(a) for MSHA size impoundments. The Director is requiring that Pennsylvania further amend its rules to clarify that the regulatory authority may consider MSHA's action on plans for impoundments, but that the regulatory authority is independently charged to make its own findings with regard to plan approvals.

34. Sections 87.118 ad 90.117. Hydrologic Balance Transfer of Wells.

Pennsylvania is proposing to delete these sections concerning the transfer of exploratory or monitoring wells used by the person conducting surface mining activities to the surface owner of the land for future use as water wells. Counterpart Federal regulations at 30 CFR 816.41(g) contain provision for the transfer of such wells provided the permittee of the surface mining operation shall remain responsible for the proper management of the well until final bond release. Pennsylvania rules at §§ 87.93 and 90.93 contain the requirements that all drilled holes will be cased, sealed or otherwise managed as approved by the regulatory authority in order to prevent contamination of ground or surface waters, prevent disturbance to the prevailing hydrologic balance, ensure safety of public, property, livestock, and fish and wildlife in the area and prevent water from entering underground mine workings. Deletion of the provisions for the transfer of exploratory or monitoring wells at §§ 87.118 and 90.117 will not adversely affect the requirements for the operator to properly manage exploratory or monitoring wells. Therefore, the Director finds that the deletion of §§ 87.118 and 90.117 does not render the Pennsylvania program less effective than the Federal regulations.

35. Section 87.125(a). Use of Explosives. Preblast Survey.

Pennsylvania is proposing to amend subsection (a) of this rule to require that, at least 30 days prior to the initiation of blasting, the operator shall notify, in writing, all residents or owners of dwellings or other structures located within one-half mile of the permit area where blasting will occur of the right to a preblast survey. In addition, Pennsylvania is proposing to revise the existing language of subsection (a) by replacing the word "any" with "a" concerning the requirement that a preblast survey shall be conducted promptly upon receipt of a request by a resident within one-half mile of "a" part of the permit area where blasting will occur. The counterpart Federal regulations at 30 CFR 816.62(a) and (b) contain similar requirements except that the Federal regulations require that any resident or owner of a dwellings or other structures within one-half mile of any part of the permit area shall be notified by the operator of the procedures for requesting a preblast survey and may request and promptly receive such a survey. Furthermore, the preamble to the Federal regulations on March 8, 1983, explains that OSM adopted the regulatory provisions to be consistent with section 515(b)(15)(E) of SMCRA which gives all owners and residents within one-half mile of any portion of the permitted area the opportunity to receive a preblasting survey before blasting begins on any portion of the permit area (48 FR 9793).

The Director is approving the proposed revisions except to the extent that the proposed language would limit the opportunity to receive a preblasting survey to residents or owners of dwellings within one-half mile of the blasting site within the permit area rather than to one-half mile of any part of the permit area. In addition, the Director is requiring Pennsylvania to further amend its rules to provide the opportunity to request a preblasting survey to every resident or owner of a man-made structure or dwelling within one-half mile of any part of the permit area.

36. Section 87.127. Surface Blasting Requirement.

a. Pennsylvania is proposing to amend the provisions of § 87.127(e)(2) by adding language which states that Pennsylvania may, if necessary to prevent damage, specify lower maximum allowable airblast levels than those specified in § 87.127(e). The counterpart Federal regulation at 30 CFR 816.67(b)(1)(ii) contains a similar provision. However, the Federal regulation requires that the regulatory authority must specify lower maximum allowable airblast levels if necessary to prevent damage, whereas the proposed Pennsylvania rule states that the regulatory authority "may" specify lower maximum allowable airblast levels. By specifying that the setting of lower airblast limits may be applied, the proposed rule could be interpreted that the setting of lower airblast limits is optional rather than mandatory in cases where such action is necessary to prevent damage.

The Director is approving the proposed rule at § 87.127(e)(2) except to the extent that the rule would allow the regulatory authority not to specify lower blasting limits where such limits are necessary to prevent damage. In addition, the Director is requiring Pennsylvania to further amend § 87.127(e)(2) to require that, if necessary to prevent damage, the regulatory authority shall specify lower maximum allowable airblast levels than those specified in § 87.127(e).

b. The approved § 87.127(h) currently reads, "In all blasting operations * * * the maximum peak particle velocity shall not exceed one inch per second at the location of any dwelling, public building, school, church, or commercial or institutional building." Pennsylvania proposes to amend the rule to add the words "or other structure designated by the Department." The corresponding Federal regulations at 30 CFR 816.67(d)(1) require that "all structures" in the vicinity of the blasting area must be protected from damage by establishment of a maximum allowable limit on ground vibration, submitted by the operator in the blasting plan and approved by the regulatory authority. While the proposed Pennsylvania amendment would require the regulatory authority to designate the structures in the vicinity of the blasting area to be protected, the proposed amendment does not make it clear that all such structures must be so protected.

The Director finds that Pennsylvania's proposed regulation at § 87.127(h) is no less effective than the Federal

regulations at 30 CFR 816.67(d)(1) except to the extent that the rule does not require that all structures in the vicinity of the blasting area be protected from damage. In addition, the Director is requiring that Pennsylvania further amend its program to require that all structures in the vicinity of the blasting area be protected from damage by establishment of a maximum allowable limit on the ground vibration.

c. Pennsylvania is proposing to revise its blasting requirements at §§ 87.127(j) by adding the requirement for the development of the modified scaled-distance factor that may be authorized by the operator. The Director finds that the amended provision is substantively identical to the Federal regulations at 30 CFR 816.67(d)(3)(ii). However, the Director is requiring that Pennsylvania correct an apparent typographical error in the cross-reference portion of the rule. To be no less effective than the Federal regulations, Pennsylvania must replace the reference to subsection (o) with one to subsection (n).

d. Pennsylvania is proposing to add at § 87.127(n) a table specifying the maximum ground vibrations at the locations of a dwelling, public building, school, church or community or institutional building outside the permit area. The table is substantively identical to the table of maximum ground vibrations at 30 CFR 816.67(d) and the Director, therefore, finds the proposed rule to be no less effective than the Federal regulations at 30 CFR 816.67(d). However, the Director has noted and is requiring that Pennsylvania correct two typographical errors in the table and accompanying footnotes. The table for maximum peak particle velocity should use "5,001 and beyond" for the last category under "Distance (D), from the blasting site, in feet," instead of the "5,000 and beyond" as shown in the proposed amendment. In addition, Footnote 2 should reference subsection (j) instead of subsection (k).

37. Section 87.131(n). Disposal of Excess Spoil.

Pennsylvania is proposing to revise subsection (n) to provide that only a qualified registered professional engineer or other qualified professional specialist working under the direction of a qualified registered professional engineer shall inspect excess spoil fills for stability. The revision also requires that the qualified registered professional engineer must provide to the regulatory authority a certified report that the fill has been constructed as specified in the approved design. The proposed revisions are substantively identical to the counterpart Federal regulations at 30 CFR 816.71(h)(2), except that the Federal regulations also require that the qualified registered professional engineer certify that the fill is being maintained as designed in the approved plan and in accordance with all performance standards applicable to excess spoil fills. Also, the Federal rule requires that the report include appearances of instability, structural weakness, and other hazardous conditions. Therefore, the Director finds that the proposed revisions to § 87.131(n) are no less effective than the cited Federal counterpart except to the extent that the proposed rule does not require the qualified registered professional engineer to certify that the fill is being maintained in accordance with the approved plan and applicable performance standards and to the extent that the report does not include appearances of instability, structural weakness, and other hazardous conditions. Accordingly, the Director is requiring that Pennsylvania further amend § 87.131(n) to require that the qualified registered professional engineer provide a certified report to the regulatory authority that the impoundment has been both constructed and maintained in accordance with the approved design plan and in accordance with all applicable performance standards, and that the report include appearances of instability, structural weakness, and other hazardous conditions.

38. Sections 87.135 and 88.54. Protection of Underground Mining.

a. Pennsylvania is proposing to revise its regulations at § 87.135(a) by adding an exception which would exempt support facilities from the prohibition of conducting surface mining activities within 500 feet of either an active or abandoned underground mine. The counterpart Federal regulations at 30 CFR 816.79 prohibit surface mining activities within 500 feet of either an active or abandoned underground mine. The Federal regulations at 30 CFR 701.5 define surface mining activities as those surface coal mining and reclamation operations incident to the extraction of coal from the earth by removing the materials over a coal seam, before recovering the coal, by auger coal mining, or by recovery of coal from a deposit that is not in its original geologic location. Therefore, the prohibition against surface mining activities as used in 30 CFR 816.79 includes a prohibition against mining operations involving the excavation of coal and overburden, but does not include a prohibition against the use of support facilities within 500 feet of an underground mine.

Pennsylvania's definition of surface mining activities includes all aspects of the active mining phase of surface mining including support activities and is consistent with the Federal definition of surface mining operations at 30 CFR 700.5. Therefore, Pennsylvania's proposed exception for support facilities is consistent with the Federal definition of surface mining activities at 30 CFR 701.5 and with 30 CFR 816.79 concerning the prohibition of conducting surface mining activities as discussed above. Accordingly, the Director is approving the proposed revision to except support facilities from the prohibition from mining within 500 feet of an underground mine.

b. Pennsylvania is proposing to revise §§ 87.135(a) and 88.54 to replace the word "any" with "a" pertaining to the prohibition of mining closer than 500 feet to a point of either an active or abandoned underground mine. The proposed language is substantively identical to the counterpart Federal regulation at 30 CFR 816.79 except that the proposed language uses "a" where the Federal regulation uses "any."

The Federal regulation prohibits surface mining activities conducted closer than 500 feet to "any" point of an underground mine. In effect, the Federal regulation limits surface mining activities within 500 feet from any and all points of an underground mine. By use of "a" the proposed State rule could be interpreted to allow designation of only one ("a") point of an underground mine in determining the distance to the underground mine within which surface mining activities may be conducted. Therefore, the Director is approving the proposed language except to the extent that the rule could be interpreted not to limit surface mining activities within 500 feet from any and all points of either an active or abandoned underground mine. In addition, the Director is requiring that Pennsylvania further amend its rules to make it clear that the surface mining activities are prohibited within 500 feet of any point of either an active or abandoned underground mine.

c. Pennsylvania is proposing to revise § 87.135(a)(1) to require the approval of both the regulatory authority and MSHA as a prerequisite for operations that propose to mine closer than 500 feet of an active underground mine. This proposed revision is substantively identical to and no less effective than the Federal regulations at 30 CFR 816.79(b). Therefore, the Director is approving the proposed revision.

Pennsylvania is also proposing to further amend this subsection by adding a requirement that operations that

propose to mine closer than 500 feet of an abandoned underground mine obtain the approval of the regulatory authority of the nature, timing, and sequence of the proposed operations. Although the corresponding Federal rules at 30 CFR 816.79(b) do not contain a similar provision, the preamble to the Federal rule (48 FR 24648, June 1, 1983) provides clarification that regulatory authority approval is required for surface mining activities proposed to occur within 500 feet of an abandoned underground mine. Therefore, the Director finds that Pennsylvania's proposed revision is not inconsistent with SMCRA and the Federal regulations and can be approved.

d. Pennsylvania has proposed to revise § 88.54 concerning the restrictions for surface mining activities in proximity to active or abandoned underground anthracite mines by adding language requiring that if coal removal, blasting or drilling is proposed to be conducted close to a point of an active or abandoned underground mine, the operation plan shall describe the measures to be used to comply with §§ 88.113 and 88.204 (relating to protection of underground mining) and applicable State and Federal Laws. Although there is no direct Federal counterpart to § 88.54, the Director finds that these revisions are consistent with the performance standards for anthracite mining contained at 30 CFR 820.11 and 785.11(b)(1), and, therefore, is approving the revision to § 88.54 as proposed.

39. Sections 87.138, 89.82 and 90.150. Protection of Fish, Wildlife and Related Environmental Values.

Pennsylvania has revised its fish and wildlife performance standards by adding §§ 87.138(c), 89.82(d) and 90.150(c) to prohibit any surface mining activities that would be conducted in a manner which would result in the unlawful taking of a bald or golden eagle, its nest or its eggs. The rules also require that an operator promptly report to the Department any bald or golden eagle nest found within the permit area of which the operator becomes aware. The proposed rule also requires the Department, upon notification, to consult with specified agencies, if appropriate, and identify whether, and under what conditions, the operator may proceed.

The counterpart Federal regulations at 30 CFR 816/817.97 contain similar provisions, but also specify that the regulatory authority, upon notification, must consult with the U.S. Fish and Wildlife Service (USFWS) and, where appropriate, the State fish and wildlife agency, to identify whether, and under what conditions the operator may then proceed. That is, consultation with the USFWS is mandatory. The proposed Pennsylvania rule differs from the Federal regulations in that the Pennsylvania rule requires consultation with the USFWS only "if appropriate." The proposed rules does not make it clear under what circumstances the State would consult with the USFWS.

Therefore, the Director finds that Pennsylvania proposed rules at §§ 87.138(c), 89.82(d) and 90.150(c) are no less effective than the Federal regulations except to the extent that the regulatory authority is not required to consult with the USFWS upon notification of the presence of any bald or golden eagle nest found within a permit area. In addition, the Director is requiring that Pennsylvania further amend its program to require consultation with the USFWS upon notification by an operator of the presence of any golden or bald eagle nest within the permit area.

40. Section 87.141. Backfilling and Grading: General Requirements

Pennsylvania is proposing to amend § 87.141 concerning backfilling and grading reclamation requirements. In addition to nonsubstantive revisions to subsection (a), Pennsylvania is proposing to revise subsections (c) (1) and (2) to provide that the regulatory authority may approve alternative time and pit width requirements in the operation and reclamation plan. The Director finds that these revisions are not inconsistent with the requirements of section 515(b)(16) of SMCRA which require that backfilling and grading shall occur as contemporaneously as practicable with mining operations.

41. Section 87.142. Backfilling and Grading: Reaffecting Previously Mined Areas

Pennsylvania is proposing to amend the first paragraph of this section by deleting the words "or other" and by making grammatical changes as a consequence of this deletion. With this change, terracing is the only alternative to approximate original contouring which the state would approve subject to the provisions at (1) through (6). The Director finds that proposed changes clarify the existing rule, and the proposed changes do not render the rules less effective than the counterpart Federal regulations at 30 CFR 816.106.

42. Section 87.143. Backfilling and Grading: Alternatives to Contouring or Terracing

Pennsylvania is proposing to delete § 87.143 concerning the regulatory authority's discretion to grant variances approving alternatives to contouring or terracing when backfilling and grading. The Director finds the proposed deletion is consistent with the suspension in *In Re: Permanent Surface Mining Regulation Litigation (II)*, 620 F. Supp. 1519 at 1577, 1578 (D.D.C. 1985) *aff'd in part and rev'd in part, National Wildlife Federation* v. *Hodel*, 839 F2d 694 (D.C.Cir. 1988) of 30 CFR 785.16 and 816/817.133(d) insofar as these regulations authorize any variance from approximate original contour for surface coal mining operations in any area which is not a steep slope area. Therefore, the Director finds that Pennsylvania's proposed deletion of § 87.143 does not render the Pennsylvania rules less effective than the Federal regulations.

43. Sections 87.146 and 89.87(b). Regrading or Stabilizing Rills and Gullies

Pennsylvania is proposing to revise these sections, in addition to several nonsubstantive grammatical changes, to include the requirements for the regrading or stabilization of rills and gullies which have developed on areas that have been backfilled and graded. For those rills and gullies that form when erosion and sedimentation controls are still in place, the operator will be required to repair and reseed the rills and gullies during the first normal period for favorable planting. For those rills and gullies that develop after erosion and sedimentation controls have been removed or that may contribute to impacts outside the permit area, the operator is required to stabilize such areas immediately. The Federal counterparts at 30 CFR 816/817.95(b) are similar, except that they do not specify a time period within which the rills and gullies must be stabilized. The Director finds that since the time periods specified by the proposed revisions are reasonable and practicable and will provide sufficient protection of the environment, the State's proposed rules will not render the State rules inconsistent with the Federal counterparts at 30 CFR 816/817.95(b) and can be approved.

44. Section 87.148. Revegetation Timing

a. Pennsylvania is proposing to revise paragraph (a) of this rule by adding language concerning when the operator is required to seed and plant areas

following backfilling and grading. Specifically, the revised provisions require that disturbed areas be seeded and planted prior to the end of the first full normal period for favorable planting after backfilling and grading. The State has included this language to provide clarification when planting would be required in situations where backfilling and grading is completed very near the end of the normal period for favorable planting, and when it would be impracticable for the operator to complete planting within the specified periods. The Pennsylvania program at § 87.148(a) (1) and (2) specify the normal periods for favorable planting as: Early spring until May 30 and August 10 until September 15 for permanent herbaceous species, and early spring until May 20 for woody species. Under the proposed regulations, an operator who completed backfilling and grading and replacement of the topsoil medium on May 20 could plant the area during the following normal period beginning August 10. Under the State's existing rules, in situations where an extension is allowed, the operator would be required to control erosion under § 87.148(b) by planting a temporary cover on the reclaimed area and/or § 87.153(a) by applying adequate mulch to all regraded and topsoiled areas.

The counterpart Federal rules at 30 CFR 816.113 require disturbed areas to be planted during the first normal period for favorable planting conditions after replacement of the plant's growth medium. While the proposed rule is similar to the Federal regulation, the Federal regulation does not require that planting be conducted "prior to the end of the next full normal period for favorable planting." However, the Director believes it to be a prudent agronomic practice to allow for a delay in the planting of the permanent vegetative cover if such a delay is necessary to help assure successful revegetation, and if all regraded and resoiled areas are protected to control erosion. The Director notes that the approved Pennsylvania rules at §§ 87.148(b) and 87.153(a) require that disturbed areas be protected from erosion through the planting of a temporary cover and/or the application of adequate mulch. In any event, the Federal regulation does not clearly require planting of disturbed areas during the same normal favorable planting period in which the plant's growth medium is established, but requires planting during the first normal period after replacement of the plant-growth medium. Therefore, the Director finds that the proposed rule, in concert with the approved rules at §§ 87.148(b) and 87.153(a), is no less effective than the Federal regulations at 30 CFR 816.113 and can be approved.

b. Pennsylvania is proposing to add subsection (c) which permits the regulatory authority to extend the established normal periods for planting when abnormal weather conditions or excessive soil moisture conditions exist which prohibit seeding and planting within the normal period, or when weather conditions allow for favorable planting outside the normal periods. The corresponding Federal regulations at 30 CFR 816.113 do not contain variances for conditions which would prohibit seeding and planting within the normal period for favorable planting. However, the Federal regulations do provide that the normal period for favorable planting is that planting time generally accepted locally. Therefore, the identification of the normal period of favorable planting should be accomplished by the regulatory authority. In addition, it is reasonable to allow that the regulatory authority and the rules it establishes should be flexible enough to account for abnormal weather conditions that may occur from year to year. Therefore, the Director finds that Pennsylvania's proposal to add § 87.148(c) to the State's rules is reasonable and not inconsistent with the cited Federal rule.

45. Section 87.157. Cessation of Operations: Temporary

The approved Pennsylvania rule at paragraph (b) states that temporary cessation of operations shall not exceed 90 days unless the regulatory authority approves a longer period for reasons of seasonal shutdown or labor strike. Pennsylvania is proposing to amend paragraph (b) to state that a temporary cessation of an operation may not exceed 90 days, unless the regulatory authority approves a longer period not to exceed 180 days or unless the regulatory authority approves a longer period for reasons of seasonal shutdown or labor strike.

The counterpart Federal regulations at 30 CFR 816.131 require that surface facilities be secured in areas in which there are no current operations, but in which operations are to be resumed under an approved permit. The Federal regulation does not contain provisions similar to the proposed amendments which limit the length of a temporary cessation. Such limits as proposed by Pennsylvania are not, however, prohibited by 30 CFR 816.131. The Director finds, therefore, that the proposed revisions are not inconsistent with the Federal regulations at 30 CFR 816.131 concerning temporary cessation of operations.

46. Section 87.176. Auger Mining

a. Pennsylvania is proposing to amend § 87.176 by deleting subsection (b) containing specific spacing requirements for auger mining. The Federal counterpart regulations at 30 CFR 819.13(c) do not contain specific spacing requirements and require only that each person who conducts auger mining operations shall leave areas of undisturbed coal, as approved by the regulatory authority, to provide access for future underground mining activities to coal reserves remaining after auger mining is completed. Since the State's rules retain substantively identical requirements in subsection (a), the Director finds that the proposed deletion of subsection (b) will not render § 87.176 less effective than the cited Federal regulations.

b. Pennsylvania is proposing to revise paragraph (c) of this rule to require the plugging of all auger holes within 72 hours after completion if the holes are discharging acid or toxic water. The proposed revision is substantively identical to the counterpart Federal requirement at 30 CFR 819.15(b)(1). The Federal regulations at 30 CFR 819.15(b)(1) further require that if plugging is not possible within 72 hours, the discharge must be treated within this time frame to meet applicable effluent limitations and water-quality standards until the auger holes are sealed. Pennyslvania's current rule in paragraph (d) of this section requires the operator proposing to conduct auger mining operations to demonstrate to the regulatory authority's satisfaction that drainage from the auger holes will not pose a threat of pollution to surface water and will comply with the established effluent limitations. In this way, the regulatory authority will ensure that discharge from the auger mining operation will not violate effluent limitations and water-quality standards. Therefore, the Director finds that Pennsylvania's proposed revisions at paragraph (c), in conjunction with the existing requirements of paragraph (d), are no less effective than the cited Federal counterparts at 30 CFR 819.15(b)(1).

47. Section 88.24(b)(4). Geology

Pennsylvania is proposing to revise the informational requirements for anthracite coal mining activities pertaining to geological information by deleting and replacing the existing language in paragraph (b)(4) that requires an analysis of the coal,

including analysis of the sulfur and pyrite content, when requested by the regulatory authority. The proposed replacement language requires that a chemical analysis of the coal and overburden shall be provided when deemed appropriate by the regulatory authority for evaluation of the effect of the proposed activity on the hydrologic balance. Counterpart Federal regulations at 30 CFR 780.22(d) do not provide for a waiver of the coal and overburden analyses unless the applicant requests the waiver and the regulatory authority finds in writing that the collection and analysis of such data are unnecessary because other equivalent information is available to the regulatory authority in a satisfactory form. In addition, the Federal regulations at 30 CFR 780.22(b)(2)(ii) require that the chemical analysis of the overburden identify the acid- or toxic-forming, or alkalinity-producing materials and to determine their content, except that the regulatory authority may find that the analysis for alkalinity material is unnecessary. The Federal regulations at 30 CFR 780.22(b)(2)(iii) require a chemical analysis of the coal seam for acid- or toxic-forming materials, including the total sulfur and pyritic sulfur, except that the regulatory authority may find that the analysis of pyritic sulfur content is unnecessary. The revised State regulations would replace the requirement for the analysis of the sulfur and pyrite content of the coal with a more general requirement for the chemical analysis of the coal and overburden. However, the proposed Pennsylvania rule fails to identify what analyses will be included as part of the chemical analyses of the coal and overburden.

The Director is approving the proposed revision to require chemical analyses of both the coal and overburden except to the extent that: (1) It would permit the waiver of the chemical analysis of the coal and overburden when deemed appropriate by the regulatory authority without a request from the operator and without making a finding in writing by the regulatory authority that the analyses are not necessary because other equivalent information is available to the regulatory authority in a satisfactory form; and (2) the regulatory authority does not require, at a minimum, chemical analysis of the overburden for acid- or toxic-forming materials and chemical analysis of the coal for total sulfur content. In addition, the Director is requiring Pennsylvania to further amend its program to provide that the requirements for chemical analysis of the coal and overburden can only be waived after the regulatory authority makes a finding in writing. The Director is also requiring that Pennsylvania amend the rule to clearly require that when not waived, the chemical analyses for overburden and coal must identify, at a minimum, those strata that contain acid- or toxic-forming materials and to determine their content, as specified in the Federal regulations at 30 CFR 780.22(b) (2) (ii) and (iii).

48. Sections 88.32(b)(4) and (e), and 88.491(k). Prime Farmland Investigation

a. Pennsylvania is proposing to delete § 88.32(b)(4) concerning a criterion for an exception from prime farmland requirements as it applies to surface anthracite operations. On April 24, 1985, OSM notified Pennsylvania that it had found the exemption from prime farmland at § 88.32(b)(4) to be inconsistent with SMCRA and Federal regulations (Administrative Record Number PA-553). This provision provided that land shall not be considered prime farmland if the applicant can demonstrate that the area of prime farmland is minimal in size (less than 5 acres) and has been or will be in use for an extended period of time (more than 10 years). Counterpart Federal regulations at 30 CFR 823.11(a) provide an exemption from prime farmland performance standards for coal preparation plants, support facilities and roads of surface and underground mines that are used over extended periods of time and affect a minimal amount of land. However, the Director suspended 30 CFR 823.11(a) "insofar as it excludes from the requirements of part 823 those coal preparation plants, support facilities, and roads that are surface mining activities" pursuant to 30 CFR 701.5 (50 FR 7278, February 21, 1985).

With this action, Pennsylvania has satisfied the required amendment, published in the **Federal Register** on May 19, 1986 (51 FR 18314) and codified in the Federal regulations at 30 CFR 938.16(c). The required amendment specifies that to be no less effective than 30 CFR 823.11(a), as partially suspended on February 21, 1985, the State must delete the language at § 88.32(b)(4) which provides an exemption to the prime farmland requirements if "the area of prime farmland is minimal in size (less than 5 acres) and has been or will be in use for an extended period of time (more than 10 years)." Therefore, the Director is approving the proposed amendment and is removing the requirement at 30 CFR 938.16(c).

b. Pennsylvania is proposing to revise its rules §§ 88.32(e) and 88.491(k) to add the specific requirement that the use of alternative soil profile descriptions of prime farmland soils for inclusion in the permit application must be approved by the U.S. Department of Agriculture Soil Conservation Service (SCS). In its April 24, 1985, letter to Pennsylvania, OSM notified the State that its rules at §§ 88.32(e) and 88.491(k) did not explicitly require SCS approval of prime farmland informational requirements and reconstruction plans. The Federal counterpart at 30 CFR 785.17(c)(1)(ii) provides that other representatives soil-profile descriptions from the locality may be used if their use is approved by the State Conservationist, U.S. Soil Conservation Service.

With this action, Pennsylvania has satisfied the required amendment, published in the **Federal Register** on May 19, 1986 (51 FR 18314) and codified in the Federal Regulations at 30 CFR 938.16(d). The required amendment specifies that the State must amend its program by requiring approval by the SCS of alternative soil profile descriptions for prime farmland soils included in the permit application. Therefore, the Director is approving the proposed amendment and is removing the requirement at 30 CFR 938.16(d).

49. Section 88.61(b). Prime Farmland

a. OSM informed Pennsylvania in the April 24, 1985, letter (Administrative Record Number PA-553), that its rule at § 88.61 is less effective than the Federal counterparts 30 CFR 785.17(c)(2), (3), and (4). To correct the deficiency Pennsylvania must: (1) Establish criteria for evaluating the applicant's operation and reclamation plan to determine whether the productivity standard for mined prime farmland set forth under chapter 88 can be achieved following mining; (2) require the applicant to submit a plan to establish its technological capability to comply with the requirements for restoring prime farmland productivity; and (3) require the applicant to submit information on the productivity prior to mining.

In response, Pennsylvania is proposing to revise its regulations at § 88.61 to require the applicant's operation and reclamation plan for prime farmland to include: (1) A plan containing a soil survey with descriptions of soil mapping units and representative soil survey profile with sufficient information to establish that the operator has the technological capabilities to restore the prime farmland within the permit area and the productivity prior to mining; (2) a plan for soil reconstruction, replacement and stabilization, scientific data for areas

with comparable soils, climate and management that demonstrate that the proposed method of reclamation will achieve within a reasonable time equivalent or higher levels of yield as nonaffected prime farmland in the surrounding area under equivalent levels of management; and (3) the productivity prior to mining, including the average yield of food, fiber, forage or wood products obtained under a high level of management.

With this proposed amendment, Pennsylvania has satisfied the required program amendment, published in the **Federal Register** on May 19, 1986 (51 FR 18314), and codified at 30 CFR 938.16(e). The Director finds that the proposed amendment is substantively identical to and no less effective than the Federal regulations at 30 CFR 785.17(c)(2), (3), and (4). Therefore, the Director is removing the requirement at 30 CFR 938.16(e).

b. Proposed § 88.61(b)(1) contains an apparent typographical error in the cited reference to § 88.32(d)(1). Therefore, the Director is requiring Pennsylvania to correct the cited reference to § 88.32(d).

50. Section 88.491(j). Maps and Plans

This rule has been revised to add that qualified registered professional land surveyors, in addition to qualified professional engineers and geologists, may prepare maps, plans, and cross sections to be included in a permit application. The counterpart Federal regulation at 30 CFR 779.25(b) is similar, except the Federal regulation also requires that such preparations be accomplished with assistance from experts in related fields such as landscape architecture. The Pennsylvania rule lacks this requirement.

The Director finds that the proposed amendment authorizing land surveyors to prepare and certify cross sections, maps and plans for permit applications is no less effective than the Federal regulations at 30 CFR 779.25(b). However, since the Pennsylvania rule lacks the requirement that the preparation of cross sections, maps and plans be prepared with assistance from experts in related fields such as landscape architecture, the Director is requiring that Pennsylvania further amend this rule to require such assistance and render the State program no less effective than the Federal regulations.

51. Sections 88.492 and 89.71. Reclamation Plan Requirement

Pennsylvania is proposing to delete §§ 88.492(c)(4) and 89.71(d) which require the reclamation plan to contain a copy of the comments concerning the proposed land use following reclamation from the owner of the surface areas to be affected by surface operations for facilities within the proposed permit area, and from the State and local government agencies which would have to initiate, implement, approve or authorize the proposed use of the reclaimed land. The Director is not approving the proposed revision to §§ 88.492(c)(4) and 89.71(d) as the deletion would render the State rules less effective than the Federal counterpart regulations at 30 CFR 784.15(b) which requires that such comments be obtained and included with the reclamation plan.

52. Section 89.7. Applicability

Pennsylvania is proposing to amend subsection (b) by adding the term "coal preparation activities" to clarify the applicability of Chapter 89 to these activities. Although, the Federal counterpart regulations for coal preparation activities are not included with the requirements for underground mining operations, the Director finds that the proposed revision will not render the State rules inconsistent with the general permit requirements for coal preparation activities under 30 CFR 785.21.

53. Section 89.32(3). General Description of Underground Mining Activities

Pennsylvania is proposing to amend this section to add to the information required to be submitted as part of the operation plan the identification of the coal seam(s) to be mined. Since identification of the coal seam(s) to be mined would assist the regulatory authority in evaluating the permit application, the Director finds that this requirement is not inconsistent with the requirements of 30 CFR 784.11(a).

54. Section 89.56(a)(1). Stream Channel Diversions

Pennsylvania is proposing to amend subsection (a)(1) concerning stream channel diversion regulations by deleting the existing provision that the operator shall demonstrate beyond a reasonable doubt that there will be no adverse hydrologic or water quality impacts as a result of the diversion. The new language allows the diversion of perennial or intermittent streams if it will not adversely affect, during and after mining, the water quantity and quality of the stream. The Federal counterpart at 30 CFR 817.43(b)(1) requires that the regulatory authority may permit the diversion of streams after making a finding relating to stream buffer zones 30 CFR 817.57 that the diversions will not adversely affect the water quantity and quality and related environmental resources of the stream. Pennsylvania rules at § 86.102(12) (relating to areas where mining is prohibited or limited) as revised in this program amendment, prohibit mining within 100 feet of the bank of a perennial or intermittent stream unless the regulatory authority approves a variance based upon a demonstration that there will be no adverse hydrologic impacts, water quality impact or other environmental resource impacts as a result of the variance. Although § 89.56(a)(1) and related sections do not cross reference the findings required under § 86.102(12), the Director finds that these sections when considered together will sufficiently ensure that a variance relating to stream buffer zones will only be approved if the diversion will not adversely affect the water quantity and quality and related environmental resources of the stream and are therefore, no less effective than the Federal counterparts under section 816/817.43(b)(1).

55. Sections 89.59 and 89.34. Surface and Groundwater Monitoring

a. Pennsylvania is proposing to revise § 89.59(a) (1) and (2) to specify the conditions to be measured in the groundwater monitoring plan for underground mining activities. Pennsylvania has included requirements for periodic monitoring of groundwater levels, subsurface flows, storage characteristics, and chemical analyses of water from aquifers to adequately measure changes in groundwater quality resulting from underground mining operations. In addition, Pennsylvania proposes to add a cross reference to § 89.59 in § 89.34(a)(1)(iii) pertaining to hydrologic information contained in the operation's plan.

The proposed provisions are substantively identical to the groundwater monitoring plan requirements in 30 CFR 784.14 (g) and (h)(1) of the counterpart Federal regulations. However, paragraph (h)(1) of 30 CFR 784.14 also specifies that, at a minimum, the monitoring plan include measurements of total dissolved solids or specific conductance corrected to 25° C, pH, total iron, total manganese, and that water levels must be monitored and the data submitted to the regulatory authority at least quarterly for each monitoring location. The proposed revisions do not include similar specific requirements and, instead, contain the general requirements in paragraph (a)(1) that groundwater shall be monitored in a manner approved by the regulatory

authority, and in paragraph (a)(2) that monitoring shall be adequate to plan for the modification of underground mining activities.

The Director is approving the proposed revisions except to the extent that they do not specify the minimum parameters to be monitored and do not specify the frequency for the reporting of monitoring data to the regulatory authority. In addition, the Director is requiring Pennsylvania to further amend § 89.59(a) to require the monitoring plan to specify that, at a minimum, the total dissolved solids or specific conductance, pH, total iron, total manganese, and water levels shall be monitored and data submitted to the regulatory authority at least every 3 months for each monitoring location.

b. Pennsylvania is also proposing to add paragraph 89.59(a)(3) concerning the performance standards for surface water monitoring and reporting requirements, and to include a cross reference to this new paragraph in the hydrology informational requirements in § 89.34(a)(2)(ii). The proposed addition requires that surface waters shall be monitored to accurately measure and record the water quality and quantity of the discharges from the permit area and the effect of the discharge on the receiving waters. The combined provisions of § 89.34(a)(2)(ii) and proposed § 89.59(a)(3) are substantively identical to the counterpart Federal regulations for surface water monitoring plans at 30 CFR 784.14 (g) and (i). However, 30 CFR 784.14(i) (1)–(3) also requires the surface water monitoring plan to provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land use; requires the plan to identify sampling frequency and site locations; and to require that monitoring reports to be submitted every 3 months. The Director is approving the proposed revision except to the extent that Pennsylvania does not require the surface water monitoring plan to contain the information specified by 30 CFR 784.14(i). In addition, the Director is requiring that Pennsylvania further amend § 89.59(a)(3) to require the surface water monitoring plan to provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land use, to identify sampling frequency, site locations, and to require that monitoring reports be submitted quarterly.

56. Section 89.83(d). Closing of Underground Mine Openings

Pennsylvania is proposing to amend § 89.83 by adding provisions in subsection (d) to prevent the sealing of an underground mine receiving and treating discharge from another coal mine under § 89.60 until the permittee of the other coal mining activity has received approval from the regulatory authority of an alternate means of handling its discharge. The Director finds this amendment to be consistent with the State's requirements to protect the hydrologic balance under § 89.36. Therefore, the Director finds that the proposed rule will not render the State rules less effective than the requirements of the Federal regulations at 30 CFR 817.41.

57. Section 89.142. Subsidence Control: Maps

a. Pennsylvania is proposing to amend this section to add the requirement in subsection (a)(7) that maps submitted as part of underground mine permit applications identify areas over the proposed mine where the overburden is less than 100 feet. The Federal regulations at 30 CFR 784.20(c) do not contain a direct counterpart, but do require that the subsidence control plan include the identification of the depth of cover. In addition, this amendment is consistent with the requirements of § 89.143(a)(3) concerning the prohibition for underground mining where the depth of cover is less than 100 feet. Therefore, the Director finds that the proposed rule is no less effective than the more general requirements of § 784.20(c).

b. Pennsylvania is also proposing to amend this section to add provisions in subsection (b)(2) to allow a qualified registered professional land surveyor to prepare and certify the 6-month mining map required by this subsection. Although the Federal counterparts under 30 CFR 784.23 do not require submittal of a 6-month mine map, the provision of subsection (c) of this Federal rule permits qualified, registered, professional land surveyors to design and certify maps. Therefore, the Director finds the proposed amendment to subsection (b)(2) of this rule will not render the State rules less effective than the cited Federal regulations.

58. Section 89.143. Subsidence Control: Performance Standards

Pennsylvania is proposing to restructure, for the sake of clarity, the general requirements of § 89.143 for the performance standards for underground mining. The existing requirements to comply with the subsidence control plan, and to be consistent with the postmining land uses and the prohibition against mining beneath structures where the cover is less than 100 feet, have been put in paragraph form and enumerated. In addition, a subsection (2) has been added to make it clear that the operator must comply with subsidence related performance standards at § 89.143(b)–(f). Finally, subsection (4) has been added to require the operator to adopt and describe to the regulatory authority in the permit application measures to maximize mine stability. Pennsylvania also proposes to delete old subsection (a)(1) which required that underground mining activities shall be planned and conducted using extraction techniques which provide for subsidence in a predictable and controlled manner, and old subsection (2) which required support techniques which are designed to prevent subsidence damage to features identified in subsection (b). The essence of both of these deleted subsections is incorporated in new paragraphs (a) (2) and (4).

The proposed revisions are substantively identical to the Federal regulations at 30 CFR 817.121 except that the Federal counterparts at § 817.121(a) also require that the operator shall either: (1) Adopt measures consistent with known technology which prevent subsidence from causing material damage to the extent technology and economically feasible; (2) maximize mine stability; and (3) maintain the value and reasonable foreseeable use of surface lands; or alternatively, the operator may adopt mining technology which provides for planned subsidence in a predictable and controlled manner. Pennsylvania's proposed provision at (a)(4) requires an operator to adopt and describe in the permit application measures to maximize mine stability. Proposed new subsection (a)(4) also authorizes planned subsidence in a predictable and controlled manner. However, the Pennsylvania rule lacks specific counterparts to the Federal regulation at 30 CFR 817.121(a) concerning preventing subsidence from causing material damage, and maintaining the value and use of surface lands. Pennsylvania's interpretation of the requirement at (a)(4), that an operator adopt and describe in the permit application measures to maximize mine stability, is explained in the preamble to the *Pennsylvania Bulletin,* June 16, 1990 (Pa. B. 3384):

> The issue of mine stability is difficult because neither the BMSLCA [Pennsylvania's Bituminous Mine Subsidence and Land Conservation Act] nor the Federal SMCRA contain an explicit definition for "maximum mine stability." The term appears in both laws together with two related objectives. The three objectives are: (1) To prevent

subsidence causing material damage to the extent technologically and economically feasible. (2) To maximize mine stability. (3) To maintain the value and reasonable foreseeable use of the surface land. Since the three objectives must be construed together, the purpose of maximizing mine stability is to reduce the likelihood that subsidence will either result in material damage or will not maintain the value and reasonable foreseeable uses of the surface land. Thus, determining whether the measures proposed by the operator will "maximize" mine stability depends on two factors, the nature of the mining techniques being employed and the operator's obligation to prevent damage and/or maintain the surface lands' value and reasonable foreseeable uses.

It is clear, therefore, that Pennsylvania interprets the requirement at (a)(4) concerning adopting and describing measures to maximize mine stability to include the two related objectives required by 30 CFR 817.121(a): (1) To prevent subsidence from causing material damage to the extent technologically and economically feasible; and, (2) to maintain the value and reasonable foreseeable use of the surface land.

Therefore, the Director finds that the proposed revisions to § 89.143, including the requirement at (a)(4), requiring the mine operator to adopt and describe in the permit application the measures to maximize mine stability, are consistent with and no less effective than the Federal regulations at 30 CFR 817.121.

59. Section 89.144. Public Notice

Pennsylvania is proposing to amend this section concerning underground mine operators' responsibility to send notice to each owner and each resident of each structure, at least 6 months but not more than 5 years, prior to mining beneath that property or structure. The State proposes to add provisions to this section to require that each political subdivision is also notified within the 6 month to 5 year time, prior to mining beneath the political subdivision. The Federal counterpart under 30 CFR 817.122 does not require notification of the political subdivision. Since the proposed amendment provides for public notice in addition to that required by the Federal regulations, the Director finds that the proposed amendment will not render the State rules inconsistent with the cited Federal regulations.

60. Sections 89.171, 89.172, and 89.173. Coal Preparation Activities: General Requirements: Information Requirements: Performance Standards

a. Pennsylvania is proposing to add § 89.171 to require persons who intend to conduct coal preparation activities outside the permit area of a surface or underground coal mine or coal refuse disposal area, other than the activities which are located at the site of ultimate coal use, to obtain a permit from the regulatory authority under chapter 86 (relating to surface and coal mining: general) and subchapter A of chapter 89 (relating to erosion and sedimentation controls).

The counterpart Federal regulations at 30 CFR 785.21 contain similar requirements that persons operating or who intend to operate a coal preparation plant outside the permit must obtain a permit from the regulatory authority. However, the Federal counterpart does not contain the same limiting language as the proposed State rule to exclude facilities "at the site of ultimate coal use." The Federal regulation was revised on November 22, 1988 (53 FR 47384) by deleting the exclusionary language concerning facilities at the site of ultimate coal use and replaced that language with the requirement to obtain a permit for coal preparation plants not located within the permit area of a mine, if a facility is operated "in connection with a coal mine but outside the permit area for a specific mine." The preamble to this revision stated that OSM amended this language to make it clear that the permitting requirements for off-site preparation plants apply only to off-site coal preparation that is "in connection with" a coal mine. OSM further stated that this limitation necessarily excludes facilities at the site of ultimate use, since such facilities are not operated "in connection with" a coal mine, and that the phrase "other than such plants which are located at the site of ultimate coal use" was redundant (53 FR 47385). In *National Wildlife Federation* v. *Lujan*, nos. 88-2416, 88-3345, 88-3586, 88-3635, 89-0039, 89-0136, 89-0141 (Consolidated) (D.D.C. August 30, 1990), Judge Flannery remanded the 1988 amendment to 30 CFR 785.21 to the Secretary of the Department of the Interior (Secretary) so that he could make clear that "proximity may not be the decisive factor" as to whether an off-site coal preparation plant is operated "in connection with" a mine. *Id*, Slip Op. at 24. The former language of CFR 785.21 had exempted from permitting and other requirements only those coal preparation plants "located at the site of ultimate coal use." This former standard, promulgated in 1983 (48 FR 20401), did not explicitly employ the "in connection with" test.

Pennsylvania has chosen to mirror the 1983 version of 30 CFR 785.21, and exempt only those preparation plants "at the site of ultimate coal use" from regulation. The Pennsylvania rule, therefore, does not use the "in connection with" test, the interpretation of which led to the partial remand of 785.21. *Id. at 24.* Because the Secretary continues to recognize that preparation plans located "at the site of ultimate coal use" are exempt from permitting and other requirements, the Director finds that the proposed revision to § 89.171 is no less effective than the Federal regulation at 30 CFR 785.21(a).

b. Pennsylvania is proposing to revise its regulations by adding § 87.172(a) which specifies that an application for a coal preparation activity shall contain: (a)(1) An erosion and sedimentation control plan under subchapter A of chapter 89; (a)(2) an operation plan which specifies plans for the construction operation and maintenance of the preparation plant; (a)(3) a reclamation plan which specifies plans for the removal of the preparation activities, and reclamation of the affected area; and (a)(4) the information requirements relating to prime farmlands, subchapter E, where applicable.

The proposed Pennsylvania rules are substantively identical to the Federal regulations at 30 CFR 785.21(b), except that the Federal counterparts do not contain specific requirements for an erosion and sedimentation control plan and information requirements for prime farmland, where applicable. However, Pennsylvania is free to require findings beyond 30 CFR 785.21(c), and, therefore, the proposed rule is no less effective than the cited Federal counterpart.

c. Pennsylvania is proposing to add paragraph (b) to § 89.172 to require that an application for a coal preparation activity must require that the coal preparation activity be conducted in compliance with the performance standards of subchapter H, Coal Preparation Activities. This proposed provision is substantively identical to the Federal regulations at 30 CFR 785.21(b). However, the counterpart Federal regulations at § 785.21(c) also require that no permit shall be issued for a coal preparation plant unless the regulatory authority finds in writing that the operation will be conducted in compliance with the performance standards for coal preparation plants at 30 CFR 827.12. The proposed Pennsylvania rules do not contain a requirement that the regulatory authority issue a written finding that the proposed coal preparation operation will be conducted in compliance with the performance standards contained in proposed § 89.173. The Director finds that § 89.172(b) is no less effective than the cited Federal counterparts except to

the extent that the proposed rules do not require the regulatory authority to issue a written finding that the operation will be conducted in compliance with the performance standards specified in § 89.173. In addition, the Director is requiring Pennsylvania to further amend its program to require such a finding.

d. Pennsylvania is proposing to add § 89.173 to identify the specific performance standards which must be complied with in the construction, operation, maintenance, removal and reclamation of coal preparation activities. The proposed additions are substantively identical to the performance standards contained in the counterpart Federal rules at 30 CFR 827.12, except that the proposed Pennsylvania rules do not include reference to the specific performance standards for roads at paragraph (h) and for the control of air pollution attendant to erosion at paragraph (j) of the cited Federal counterpart. However, the proposed rules at §§ 89.171 and 89.172(a)(1) both require compliance with subchapter A of chapter 89 which includes requirements for roads, under § 89.26, and for control of air pollution under § 89.13. In addition, the proposed rule at § 89.172(a)(1) requires an erosion and sedimentation plan under subchapter A. Therefore, the Director finds that the proposed performance standards at § 89.173 and the requirements of §§ 89.171 and 89.172(b) taken together are no less effective than the cited Federal counterparts at 30 CFR 827.12.

61. Section 90.4. General Requirements: Applications

Pennsylvania is proposing to delete § 90.4 concerning the provisions that an application for a coal refuse disposal permit may be submitted in two parts or together. Since the deletion will not affect the requirement at § 90.2 that each person who proposes to conduct a coal refuse disposal operation shall comply with the rules and procedures in chapter 86 (relating to the requirements to obtain a permit), the Director finds that the proposed deletion will not render the State rules inconsistent with the requirements of 30 CFR 773.11.

62. Section 90.122. Coal Refuse Disposal

a. Pennsylvania is proposing to revise its regulations at § 90.122(b) by adding the requirement that the registered professional engineer be qualified to design and certify fills for coal refuse disposal. Corresponding Federal regulations at 30 CFR 817.81(c) are similar, but also require that the qualified registered professional engineer be experienced in the design and construction of similar earth and waste structures. Under Pennsylvania's Professional Engineers Law of July 12, 1919 (Pub. L. 933, No. 369), engineers are to exhibit "responsible charge" and "not practice in any field of engineering in which the registrant is not proficient." Since this requirement will provide similar assurance that the qualified registered professional engineer will have the necessary experience, the Director finds that State's rules are not inconsistent with the cited Federal counterparts.

b. Pennsylvania is proposing to revise subsection (j) of this section by replacing the 100-foot elevation limit on refuse piles with provisions for the regulatory authority to approve fills designed to exceed the approximate elevation of the surrounding ridgeline provided the final configuration of the fill will be suitable for the approved postdisposal land use and that it will blend into the local surroundings. Counterpart Federal regulations at 30 CFR 816/817.71(a)(3) and 816/817.81(a)(3) contain similar requirements that the coal mine waste shall be reclaimed to be compatible with the natural surroundings and the approved postmining land use but do not impose elevation limitations. The Director finds that there is sufficient flexibility in the Federal rules to allow coal waste disposal areas to exceed the surrounding ridgeline elevations, on a case-by-case basis, provided the regulatory authority has determined that the final configuration will be suitable for the approved postdisposal land use and that it will blend into the local surroundings. Accordingly, he finds that the revisions will not render the State rules at 90.122(j) less effective than the Federal counterpart regulations at 30 CFR 816/817.71(a)(3) and 816/817.81(a)(3).

63. Section 90.125. Coal Refuse Disposal: Construction Requirements

a. Pennsylvania is proposing to revise subsection (b)(2) concerning the compaction requirements for coal refuse disposal sites. Specifically, the State proposes a technical clarification which specifies that the disposal area be compacted to attain a minimum 90% of the maximum dry density as determined by the Modified Proctor test, or 95% of the maximum dry density as determined by the Standard Proctor Test. The Federal counterparts at 30 CFR 816/817.81(c)(2) do not contain a direct counterpart, but, instead, require that the disposal areas shall attain a minimum long-term static safety factor of 1.5, and that the foundation and abutments must be stable under all conditions of construction. Pennsylvania's current rules contain substantively identical requirements at § 90.122 (c) and (d). Therefore, the Director finds that the proposed revision to § 90.125(b)(2), when considered with the rules at § 90.122 (c) and (d), will not render the State's rules less effective than the cited Federal regulations.

b. Pennsylvania has revised its regulations by deleting subsection (b)(3) in § 90.125 that permitted variations from the requirements of this section for the disposal of dewatered fine coal processing waste (minus 23 sieve size). Since a variation based upon coal processing waste size is not permitted under 30 CFR 816.81(c), the Director finds that the deletion of § 90.125(b)(3) will not render the Pennsylvania rule less effective than the cited Federal counterpart.

c. Pennsylvania is proposing to amend subsection (c) concerning the requirement to cover the coal refuse pile, following final grading, with a final layer of nontoxic, noncombustible material. Specifically, Pennsylvania proposes to add requirements substantively identical to the counterpart Federal regulations at 30 CFR 816/817.83(c)(4) that the site be covered with a minimum combined thickness of 4 feet of nontoxic, noncombustible material. However, the State's proposed regulations also contain provisions to waive the minimum 4 feet of cover requirement for coal refuse disposal areas permitted prior to the date of enactment of this amendment package, if the revegetation requirements can be met or if the permittee has demonstrated that a lesser combined thickness is as effective as 4 feet in meeting the applicable performance standards. Corresponding Federal regulations contain a similar waiver that allows the regulatory authority to approve less than 4 feet of cover material when physical and chemical analyses demonstrate that applicable revegetation standards will be met. Since Pennsylvania's proposed rule requires that, in all cases, a demonstration that revegetation standards will be met, the Director finds the proposed revisions will not render the State's rules inconsistent with the Federal regulations at 30 CFR 816/817.83(c)(4).

The proposed State revisions to § 90.125 also differ from the Federal regulations at 30 CFR 816/817.83(c)(4) by not specifically including the requirement that the cover material be placed in such a manner that it does not impede drainage from the underdrains. However, the Director finds that the

State's rules at § 90.124(a) which require that the coal refuse disposal area be inspected and certified by a qualified registered professional engineer at least quarterly and during placement of underdrains and protective filter systems, installation of surface drainage systems, the placement and compaction of fill materials, and revegetation, will provide sufficient assurance that the underdrains will not be obstructed by the placement of the cover material. Therefore, the Director finds that the State's rules are no less effective than the cited Federal counterparts.

64. Section 90.133. Disposal of Noncoal Wastes

Pennsylvania is proposing to amend this section to prohibit the disposal of flammable waste material including, but not limited to wood, cloth, waste paper, oil, grease and garbage near a coal refuse pile. Although the counterpart Federal regulations do not contain identical language, the director finds that the proposed revision is consistent with the Federal requirements at 30 CFR 816.89(a) that flammable materials shall be placed in a manner to prevent fires.

C. Revisions to Pennsylvania's Rules With No Corresponding Federal Regulations

1. Section 86.3. Use of the Coal Refuse Disposal Control Fund

Pennsylvania is proposing to add a provision under this section concerning § 30.64 of the The Coal Refuse Disposal Control Act, (52 P.S. 30.51–30.66), which was approved as part of the original approval of the Pennyslvania program on July 30, 1982 (47 FR 33050). Section 30.64 created the Coal Refuse Disposal Fund (Fund) and sets forth the purposes for which moneys from the Fund may be spent. Proposed § 86.3 repeats those purposes verbatim, and adds reclamation as well as the conduct of scientific studies and research. Since studies and research are authorized by the Coal Refuse Disposal Control Act (30.53.1) and reclamation is its ultimate purpose, addition of these uses of the Fund is consistent with the goals of the Coal Refuse Disposal Control Act. This proposed rule implements part of the original approved program for which there is no Federal counterpart. The Director finds, however, that the addition of the proposed amendments will not render the State rules inconsistent with SMCRA or the general Federal regulations.

2. Section 86.11. General Requirements for a Permit

Pennsylvania is proposing to revise § 86.11(c) to add the requirement for an authorization to mine, in addition to requiring a valid permit, before the permittee can carry out any coal mining activities. Although there is not a Federal counterpart to require a permit applicant to receive an authorization to mine in addition to a valid permit, the Director finds that the addition of this requirement is not inconsistent with the provisions of SMCRA or the Federal regulations.

3. Section 86.31(d)(8). Public Notices of Filing of Permit Applications

The approved Pennsylvania rules at § 86.31(c) require that the State notify specified parties upon its receipt of a complete application. Approved paragraph (d) specifies the content of the required notice. Pennsylvania proposes to add a new requirement at (d)(8) that the notice must contain a statement that the application pertains to a new permit, a renewal of an existing permit or the transfer of an existing permit to a new operator. Although SMCRA and the Federal regulations do not require that the notice announcing receipt of a complete application contain such a statement, the proposed requirement does not conflict with the Federal requirements for public participation in permit processing. Therefore, the Director finds that the proposed amendment is not inconsistent with the Federal regulations at 30 CFR 773.13.

4. Section 86.32. Opportunity for Submission of Written Comments or Objections on the Permit Application

Pennsylvania is proposing to revise subsection (a) of this regulation to include the statement that the Department will also publish notice of permit application in the *Pennsylvania Bulletin*. This requirement is in addition to the State's requirements under § 86.31(c) that require the regulatory authority to send notice of a permit application to applicable Federal, State and local agencies and has no Federal counterpart. However, the Director finds that the proposed notification requirements are not inconsistent with the Federal regulations at 30 CFR 773.13(a)(3).

5. Section 86.156(c). Form of the Bond

Pennsylvania is proposing to add subsection (c) to require that a permittee executing a bond shall certify in writing to the regulatory authority that it will immediately notify the regulatory authority, if permissible under the law, of an action filed alleging the insolvency or bankruptcy of the permittee. While there is no direct Federal counterpart to this provision, the Federal regulations at 30 CFR 800.16(e)(1) require that the bond shall provide a mechanism for a bank or surety company to give prompt notice to the regulatory authority and the permittee of any action filed alleging the insolvency or bankruptcy of the permittee. The Director finds, therefore, that the proposed provision is not inconsistent with the Federal regulations at 30 CFR 800.16(e)(1) and can be approved.

6. Section 86.161 Phased Deposits of Collateral

Pennsylvania is proposing to revise its provisions at § 86.161 concerning the phased deposit of collateral for long-term mining operations or facilities to eliminate deposits of bond for designated phases of the permit area. In addition, the State is proposing to add requirements for the phased deposits of collateral to specify terms for payment of remaining amount of bond as collateral; to provide for additional bonding where necessary; to specify under what conditions the regulatory authority may require payment of the full amount of the bond for the long-term operation or facility; and to specify under what conditions the department will not accept phased deposits of collateral. The Federal regulations do not contain similar provisions for the phased deposits of collateral. The rule for the phased deposits of collateral was approved as being consistent with 30 CFR chapter VII, subchapter J (Performance Bonds) in the Secretary of the Interior's original approval of the Pennsylvania program on July 30, 1982 (47 FR 33056). The Director finds the proposed revisions will not adversely affect the Secretary's findings under 30 CFR 732.15(b)(6) and are not inconsistent with SMCRA and the Federal regulations.

7. Section 86.166(c). Replacement of Bonds.

Pennsylvania is proposing to amend this subsection concerning the replacement of existing surety or collateral bonds with phased deposits of collateral bonds. Pennsylvania proposes to add the requirement that a permittee may replace an existing surety or collateral bond with phased deposits of collateral bonds only if the first payment is equal to the bond being replaced and that it meets the requirements of § 86.161 (relating to phased deposits of collateral). Although the Federal

regulations do not contain a direct counterpart to the State's provisions for phased deposits of collateral, the Director finds that the proposed revision is consistent with the provision under 30 CFR 800.30(a) which allows the regulatory authority the authority to approve the replacement of existing bonds with other bonds that provide equivalent coverage.

8. Section 86.168. Terms and Conditions for Liability Insurance.

Pennsylvania is proposing to revise § 86.168 to add subsection (g) that provides that a bond or an individual insurance policy may be provided in lieu of liability insurance to cover replacement or restoration of water supplies for each permit as required under subsection (c) of this section. The Federal counterparts at 30 CFR 800.60 contain similar requirements for a liability insurance policy for each permit. However, the Federal counterparts do not include specific provisions for insurance to cover the cost of replacement or restoration of water supplies that may be damaged by surface mining and reclamation operations. The Director finds that the proposed provision would continue to provide for the protection required by § 86.168(c) concerning the loss or diminution in quantity or quality of public or private sources of water, and that the proposed rule is not inconsistent with 30 CFR 800.60.

9. Section 86.173. Bond Release for Noncoal Mining Activities.

Pennsylvania is proposing to delete this section concerning the release of bonds for noncoal mining activities. Since SMCRA is concerned only with regulation of surface coal mining operations, the Director finds that the deletion of this section will not render the State rules less stringent than SMCRA nor less effective than the Federal regulations.

10. Sections 87.1, 88.1, 88.482, 89.5 and 90.1. Definitions: Dry Weather Flow.

Pennsylvania proposes to add the definition of "dry weather flow" to mean the base flow or surface discharge from an area or treatment facility which occurs immediately prior to a precipitation event and which resumes 24 hours after the precipitation event ends. While there is no Federal counterpart to the proposed definition, the Director finds that the definition is consistent with the generally accepted definition of base flow (water entering drainage systems from underground sources), and is not inconsistent with SMCRA and the Federal regulations.

11. Section 87.17, and 87.18. Surface Mining Operator's License: Criteria for Approval and Renewal.

Pennsylvania is proposing to amend its rules concerning the issuance, renewal, or amendment of the surface mining operator's license to conduct mining operations. The amendment proposes to revise the circumstances under which the regulatory authority will not issue, renew or amend a surface mining license. The amendment also proposes to add a requirement which specifies that the burden of proof is on those persons opposing licensing decisions, and to add a definition of "adjudicated proceedings." Pennsylvania is also proposing to revise its license renewal requirements under § 87.18 to establish a minimum 60-day period under which an applicant must file for renewal before expiration of an existing surface mining operator's license. The licensing requirements are included as part of the approved Pennsylvania program and are required in addition to the Pennsylvania program's approved permit application review and approval requirements. Although Federal regulations do not contain such licensing requirements, the Director finds that they do not affect the State's permit application review and approval requirements and are not inconsistent with the Federal permit application review and approval requirements under subchapter G of title 30, chapter VII and can be approved. The Director finds that the proposed revisions will not render the State program inconsistent with the Federal regulations under subchapter G.

12. Sections 87.207(b) and 88.507(b). Treatment of Discharges.

These sections outline minimum requirements concerning the treatment of preexisting pollutional discharges not encountered during the remining of areas that have been affected by pre-SMCRA mining operations. In addition to a nonsubstantive grammatical change, the State proposes to add the following language to the rule: "If the baseline pollution load when expressed as a concentration for a specific parameter satisfies the effluent limitations at § 87.102 (relating to hydrologic balance: Effluent standards) for that parameter, the operator shall treat the preexisting discharge for that parameter to comply with either effluent limitations established by best professional judgment or the effluent limitations at § 87.102."

While SMCRA and the implementing Federal regulations do not have specific requirements concerning remining operations, the Federal performance standards at 30 CFR 816/817.42 do require that discharges of water from areas disturbed by surface or underground mining activities be made in compliance with all applicable State and Federal water quality laws and regulations and with the National Pollutant Discharge Elimination System (NPDES) effluent limitations for coal mining as promulgated by the Environmental Protection Agency (EPA) at 40 CFR part 434. The EPA rules also contain no distinction between mining and remining.

However, as enacted on February 4, 1987, Public Law 100–4 added section 301(p) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1311(p)) to authorize the issuance of NPDES permits with modified effluent limitations for pH, iron and manganese on previously mined sites with preexisting discharges, defined as those discharges in existence at the time of permit application. Section 301(p) also requires that the applicant must demonstrate that the remining operation has the potential of improving the quality of the preexisting discharges. Any modified effluent limitations would apply only to discharges from remined areas on which coal mining was conducted before the effective date of SMCRA (August 3, 1977) and which were not reclaimed in accordance with the requirements of the Pennsylvania program. No NPDES permit may allow discharges of pollutants in excess of those being discharged prior to the remining operation. In addition, no discharge from or affected by the remined area may exceed State water quality standards.

The Director has sought and received general concurrence in this proposed amendment from the Environmental Protection Agency (EPA), in accordance with 30 CFR 732(h)(11)(ii) (Administrative Record Number PA–790.22). The EPA concurrence does not, however, specifically state whether the amended language quoted above is consistent with section 301(p)(2) of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1311(p)). The Director has requested that the EPA render such a determination, and is currently awaiting that agency's response. Therefore, the Director has elected to defer his decision as to Pennsylvania's proposed amendments to §§ 87.207(b) and 88.507(b) until such time as the EPA renders its determination. When the Director is notified of the EPA determination, he will publish his finding either approving or not approving the amendments to

§§ 87.207(b) and 88.507(b) in the **Federal Register.**

13. Sections 88.103, 88.198, and 88.303. Hydrologic Balance: Dams, Ponds, Embankments and Impoundments—Design, Construction and Maintenance.

Pennsylvania is proposing to revise these sections to incorporate the complete title of the U.S. Department of Agriculture Soil Conservation Service reference in which the design standards concerning impoundments are contained. The amendment also requires that the criteria of both chapter 105 (relating to dam safety and waterway management) and the U.S. Soil Conservation Service's technical guide be met as applicable. Although there are no direct Federal counterpart regulations, the amendment is not inconsistent with the Federal requirements concerning coal mine waste impounding structures and can be approved.

14. Sections 88.492(c)(1)(i) and (ii) and 89.71(a)(1) and (2). Reclamation Plan Requirements.

Pennsylvania is proposing to amend §§ 88.492(c)(1) (i) and (ii) and 89.71(a) (1) and (2) to delete provisions which allow underground mining operations anticipating permanent cessation after 5 years from the date of application to submit reclamation plan information 3 years prior to permanent cessation of the mining operation. As a consequence of the proposed deletion, the reclamation plan information would always be submitted with the permit application and the information would, therefore, be available for use when considering permit approval or denial. Although the Federal regulations at 30 CFR 784.13 do not contain a counterpart to these provisions, the Director finds that the proposed deletion will not render the State less effective than the cited Federal regulations.

15. Section 88.494. In Situ Processing of Anthracite Coal.

Subsection (b) has been amended to specifically prohibit the underground burning of anthracite coal. Although there is no direct Federal counterpart to this provision, the Director finds that the amendment is not inconsistent with any SMCRA provision or the Federal regulations and can be approved.

16. Sections 90.128(c) and 90.129(b). Coal Refuse Disposal: Active Surface Mines and Abandoned Unreclaimed Surface Mines.

Pennsylvania is proposing to amend § 90.128 by combining subsection (c) and (e) and 90.129 by adding 90.129(b) concerning the requirement that coal refuse shall be disposed at a minimum of least 10 feet above the pit floor "or the seasonal high water table whichever is higher." Although the Federal regulations at § 816.81(a)(1) do not contain a direct counterpart, the Director finds that the proposed amendment is consistent with the intent of the cited Federal regulation which requires that coal mine waste shall be placed to minimize adverse effects on ground water quality.

IV. Summary and Disposition of Comments.

Public Comments

The public comment period and opportunity to request a public hearing was announced for the initial submittal of this amendment in the February 26, 1990, **Federal Register** (55 FR 6647). The initial comment period closed on March 28, 1990 and several comments were received.

The comment period was extended and the opportunity to request a public hearing was announced in the March 21, 1990, **Federal Register** (55 FR 10469) based on the requests of several individuals for a public hearing and for a location change for that hearing. The reopened comment period was extended to April 8, 1990 and the hearing date and location were changed to April 3, 1990.

During OSM's preparation of final rulemaking, questions were raised concerning the clarity of the narrative describing the changes to § 89.143(a)(1)–(4). To resolve any possible misinterpretations and to provide full opportunity to comment on the proposed changes, a reopening of the public comment period was announced in the January 4, 1991 **Federal Register** (56 FR 399). The reopened comment period ended on January 22, 1991. No comments were received and no one requested an opportunity to testify at the scheduled public hearing and no hearing was held.

All substantive comments received during both comment periods which pertain to amendments being proposed by Pennsylvania are discussed below. Written comments were received from the Pennsylvania Coal Association (PCA), the Pennsylvania Sierra Club, the Protect Our Water and Environmental Resources—Western Pennsylvania, and the Pennsylvania Historical and Museum Commission (PHMC). Comments were also received at the public hearing from the Citizens Against Water Loss from Mining (CAWLM) Committee, a group of residents and property owners in rural areas of Western Pennsylvania, ICARE, a group of concerned citizens located outside of Ebensburg in Cambria Township, Pennsylvania, and a concerned citizen expressing her own interest.

Several of the comments submitted do not pertain to the specific changes Pennsylvania has proposed as part of this amendment and, therefore, will not be addressed here.

1. The PCA commented that amended § 86.11 will require underground mines and coal refuse disposal operations to obtain authorization from the Department prior to mining. PCA contends that since authorization is used as confirmation of bond approval and notice to proceed on additional acreage within the permit boundaries, that it serves no purpose for underground mining or coal refuse disposal permits. As stated in finding C-2, the State's proposal to require an authorization to mine, in addition to a valid permit is not inconsistent with SMCRA and the Federal regulations.

2. The PCA objects to the amendments to § 86.52(a)(1) which require that a permit revision shall be obtained for a change to the operation plan, reclamation plan and subsidence control plan. PCA states that the changes are too broad and unlimited. PCA contends that minor changes to the operation and reclamation plan, such as changes in equipment used or the sequence of mining, would be treated as a permit revision and would therefore require a revised application including maps, plans, and notarized proof of publication. The Director disagrees that this is always the case. The provisions of § 86.52 require that a permit revision be obtained for changes to the operation plan, reclamation plan, or subsidence control plan. However, the State's rules only require the application for a revision be accompanied by "appropriate" maps and plans, i.e. where such maps or plans are necessary to demonstrate compliance with the provision of the act and chapter 86 of the regulations; also, a notarized proof of publication is needed only for significant revisions as defined in § 86.54.

3. The PCA commented that the proposed amendment to § 86.54(1)(vi), which requires public notice of the addition of blasting to an existing permit, is redundant because similar requirements are contained in § 87.126 and should not be included under this section. The Director disagrees. The Federal counterpart at 30 CFR 774.13(b)(2) provides the regulatory authority with the discretion to establish the scale or extent of a revision for which public notice procedures shall apply. The State's inclusion of the

addition of blasting to an operations plan is within this discretionary authority.

4. The PCA commented that the proposed rules at § 86.64(c)(2) inappropriately extend liability for legal expenses incurred by the regulatory authority to gain access to surface lands (for case of permits for coal refuse disposal areas, coal preparation facilities which are not situated within a permit area, and surface areas of underground mines) to the holder of the subsurface rights. PCA specifically objects that in cases where the mineral estate has been severed from the surface estate, the subsurface owner could be financially liable in cases where surface owner refused access.

As discussed in Finding B–8, the Director has determined that the prepared provision upon which the PCA has commented is not inconsistent with SMCRA or the Federal regulations. Therefore, the Director has approved the amendments.

5. The PCA commented that the proposed revisions to § 86.83(b)(5) inappropriately shift the burden of proof to the applicant to demonstrate that there is no direct or indirect business relationship between members of the applicant's family for the purpose of determining eligibility for assistance under the Small Operator Assistance Program (SOAP). The Director disagrees. The counterpart Federal regulations at 30 CFR 795.6(a) place the burden of proof on the SOAP applicant to establish that he or she meets the criteria for eligibility for assistance under SOAP. The Director can discern no meaningful difference between the term "demonstrate" and the term "establish" insofar as burden of proof is concerned. Therefore, the State rules are no less effective than the Federal regulations in requiring the applicant to establish that there is no direct or indirect business relationship between members of the applicant's family.

6. PCA objects to the change of terms in § 86.102 from surface mining "operations" to "activities," stating that it greatly expands the impact of subchapter D of Pennsylvania's rules concerning areas where mining is prohibited. PCA ties this in with the use of the "all permits tests" to establishing valid existing rights (VER) (defined § 86.1) as more stringent than the Federal regulations and as being contrary to the Pennsylvania SMCRA § 4.5(g) which ties the definition of VER to the Federal SMCRA which does not incorporate an "all permits test."

The Director disagrees. The approved Pennsylvania definition of surface mining activities at § 86.101 has not been amended except for the addition of the word activities to the term surface mining. The referenced definition of VER is also unchanged. Therefore, the scope and impact of the definition remains unchanged.

7. PCA commented on the revision to § 86.123, and stated that it does not include a requirement for a demonstration of how the petitioner meets the "injury in fact test." The Director disagrees. As discussed in Finding B–11 the language of the State's rule includes requirements that are no less effective than the "injury in fact test" requirement at 30 CFR 764.13 (a) and (b)(iii).

8. The PCA commented that the language in the proposed State rule at § 86.157 that the "surety shall have no right to cover or perform the principal's obligation on the bond" prevents the surety from reclaiming a forfeited site. The PCA stated that the surety should have the right to complete reclamation and that no environmental purpose is served by preventing a surety's reclamation of a forfeited site. The Director disagrees that the proposed rule prevents a surety from reclaiming a site. In addition to the quoted language, § 86.157 also states that the regulatory authority may allow a surety to complete reclamation in lieu of enforcing a forfeiture or collecting a bond. The State's provisions are no less effective than the counterpart Federal regulations at 30 CFR 800.50(a)(2)(ii) which also provide that the regulatory authority "may" allow a surety to complete reclamation.

9. The PCA comments that there are no environmental or administrative reasons for the provision at § 86.161(6)(i) which include the following reason for not accepting phased deposits of collateral: The failure of the applicant to pay permit or reclamation fees, fines, penalties, or other payments or failure to deposit bond amounts when due. The Director does not agree. The issuance of a permit is contingent upon the submittal of a bond made payable to the regulatory authority and conditioned upon the faithful performance of all the requirements of the Act, the regulatory program, the permit and the reclamation plan. Such requirements include the payment of fees, fines and penalties due the Department of Environmental Resources. Therefore, it is prudent for the State to require an applicant to have paid such fees and fines when due as a prerequisite to accepting phased deposit of collateral for a long term operation. Also, as discussed in Finding C–6, the proposed changes to the rules at § 86.161(6) are not inconsistent with SMCRA and the Federal regulations.

10. The PCA commented on § 86.174(d)(2) concerning the reclamation that must be performed to secure the release of a subsidence bond. The PCA contends that the release of the subsidence bond should occur automatically, ten years after mining is complete. The Director disagrees. As discussed in Finding B–21(c), the State's rules are consistent with the Federal requirements at 30 CFR 800.17 which require that bond shall not be released until reclamation of surface impacts incident to underground mining.

11. The PCA questioned the meaning of the phrase "exclusive of oversized pit supplement" as used in § 86.175. As discussed in Finding B–22(b), the Director is not approving the phrase "exclusive of oversized pit supplement" as it is inconsistent with the bond release limitations under 30 CFR 800.40.

12. The PCA objected to inclusion of the caveat "except for any violation that is causing or has the potential to cause off permit impacts" at § 86.211(b)(4) because it could force an operator to order employees to cross a picket line which could lead to violence. As discussed in Finding B–25, the Director finds that the State's proposed rule is not inconsistent with the Federal regulations at 30 CFR 843.12(f)(3) as the State may limit the circumstances under which it grants extensions, so long as it does not provide extensions for reasons other than those contained 30 CFR 843.12(f).

13. The PCA expressed concern that the use of the phrase "surface mining operation" in the second sentence of § 87.101(e) will be interpreted to prohibit discharge from the permit area by gravity drains. The PCA suggests amending the provision to state that "gravity drains from pit areas are prohibited." The Director disagrees. The proposed language of this section makes it adequately clear that the prohibition applies to the discharge of pit water by gravity drains.

14. The PCA objects to deletion of the option to transfer wells to land owners from § 87.118, as it is allowed by Federal regulations. As discussed in Finding B–34, the State's proposed deletion of this option is consistent with the Federal requirements at 30 CFR 816.41(g) which only provides that the regulatory authority may, but is not required, to allow the transfer of such wells for future use prior to bond release.

15. The PCA commented on the language of § 87.127(h) that limits the maximum peak particle velocity to 1 inch per second at "other structures as designated by the Department." PCA suggested that the revised rule should

more closely track the Federal regulations at 30 CFR 816.67(d)(1) which provides that all the structures, other than those specifically listed by regulation, shall be protected from damage by establishment of a maximum allowable limit on ground vibration, submitted by the operator and approved by the regulatory authority. As discussed in Finding B–36(b), the Director is requiring the State to further amend its program to ensure that all structures in the vicinity of blasting be protected from damage resulting from blasting.

16. The PCA commented that the proposed rules at § 89.59(a)(1), (2), and (3) are largely duplicative of §§ 89.34, 89.35 and 89.36 and are therefore unnecessary and not required by Federal regulations. In addition, the PCA commented that the monitoring requirements and standards have been expanded to the point of being operational requirements as opposed to performance standards. The Director disagrees. Although the distinction between the information requirements of §§ 89.34, 89.35 and 89.36 and the operation performance standards of § 89.59 is not explicitly clear, the requirements of these sections when taken together contain requirements similar to the Federal regulations at § 816.41. However, as discussed in Finding B–55, the Director is requiring Pennsylvania to further amend its program to better reflect the performance standards in the cited Federal regulation.

17. The PCA objected to the deletion, in § 90.125(b)(3), of the provision which provides for variations in the disposal requirements for dewatered fine coal waste. The Director disagrees. The Federal regulations at 30 CFR 816.81(c)(2) require that all coal refuse disposal facilities shall be designed to attain a minimum long-term static safety factor of 1.5. Provisions for variations from these design standards based on size are not contained in the Federal regulations. As discussed in Finding B–63(b), the Director finds that the deletion of this provision renders the State rules no less effective than 30 CFR 816.81(c)(2).

18. The Sierra Club and CAWLM expressed concerns about the difference in Pennsylvania's definitions of surface mining activities in §§ 86.1 and 86.101. The commenters suggested that both definitions should conform to the definition of "surface operations and impacts incident to an underground coal mine" in 30 CFR 761.5, subchapter F (Areas Unsuitable for Mining). In response, the Director notes that the Pennsylvania definition of surface mining activities at § 86.101 pertains to Pennsylvania subchapter D concerning areas where mining is prohibited or limited. The currently approved definition is substantively identical to the Federal definition at 30 CFR 761.5 and includes all surface activity connected with surface or underground coal mining. In addition, although the State has chosen to use the term "surface mining activities" in both §§ 86.1 and 86.101, § 86.102 makes it clear that the use of the term surface mining activities pertains to the definition at § 86.101. Indeed, the definition does not delete the surface effects of underground mining, but includes all activities involved in or related to underground coal mining which are either conducted on the surface of the land, produce changes in the land surface, or disturb the surface, air or water resources of the area. In any event, the definitions at §§ 86.1 and 86.101 have not been changed in any substantive manner, with regard to surface effects of underground mining.

19. The Sierra Club and CAWLM commented on proposed § 89.143(a). CAWLM stated that proposed § 89.143(a)(4) ignores the Federal requirement at 30 CFR 817.121(a) to prevent material damage as much as is technologically and economically feasible. The Sierra Club opposed the proposed revisions to § 89.143(a) stating that surface owner protection and natural resource protection will be diminished by deleting the general requirements that all underground mining activity must utilize mining techniques which prevent subsidence damage or provide for planned subsidence. The Sierra Club suggests that since the Federal requirements for preventing, avoiding, or minimizing damage have not been changed that such wording should be included in Pennsylvania's regulations.

In response, the Director notes that the proposed Pennsylvania rule at § 89.143(a)(4) requires all underground mining operators to adopt and describe to the regulatory authority, in the permit application, measures to maximize mine stability. As discussed in Finding B–58, Pennsylvania has explained that the concept of maximizing mine stability includes the three objectives required by 30 CFR 817.121(a): (1) To prevent subsidence causing material damage to the extent technologically and economically feasible, (2) To maximize mine stability, and (3) To maintain the value and reasonable foreseeable use of the surface land. Pennsylvania has also acknowledged in the *Pennsylvania Bulletin*, June 16, 1990 (Pa. B. 3385) that when applied in the context of protecting structures or features which might be damaged by mine subsidence, mine stability takes on a necessary time dimension to insure the long-term protection of the structure or feature. Pennsylvania further stated that since January 1, 1986, the regulatory authority has been reviewing permit applications for new mines to insure that adequate measures have been adopted to maximize mine stability throughout the mine. Therefore, considering Pennsylvania's interpretation of the concept of maximizing mine stability as described above, the Director has approved the proposed amendment.

20. The PHMC supported the revisions to § 86.37(a)(16) requiring a statement from the applicant that all State and Federal final and civil penalty assessments have been paid. As noted in Finding B–4, the Director is approving this provision.

21. The PHMC opposed the addition of the language to § 86.123(a) which states that a person "who has an interest which is, or may be adversely affected has" the right to petition to have an area designated for surface mining. The PHMC stated that the added language put additional constraints on who may file a petition and suggested that any person should have the right to petition.

As discussed in Finding B–11, the proposed language is no less effective than the counterpart Federal regulations at 30 CFR 764.13 and is consistent with the requirements of § 601(c) of SMCRA and, therefore, the Director is approving that language.

22. PHMC requested clarification of the term "interest" as it is used at § 86.123 (a) and (d), because of its concern that the term could be limited to mean economic interest and thereby exclude other interest such as natural, scenic, and cultural. The term "interest" as used in the Pennsylvania rules at § 86.123 (a) and (d) is not limited to only mean economic interests. The approved Pennsylvania rule at § 86.123(c)(3) makes it clear that the term "interest" is wide in scope and pertains to people, land, air, water, or other resources.

23. The PHMC commented that § 86.103(e) should continue to use the word "shall" instead of adopting the word "will" in its place. Also, the PHMC stated that the provision should include a phrase that states "eligible for listing in the National Register." In response, the Director sees no substantive difference between the use of "shall" or "will" in this rule, and the use of "will" will not render the rule less effective than 30 CFR 761.12(f)(1). In addition, the

Federal regulation at 30 CFR 761.12(f)(1) does not include the requirement "eligible for listing in the National Register." Therefore, a lack of those words at § 86.103(e) does not render the Pennsylvania rule less effective than the Federal regulations.

24. The PHMC commented that the phrase "contemporary mining practices" proposed for addition to § 86.123(c)(2) is vague and incapable of definition. The Director notes that the proposed language is substantively identical to and no less effective than the counterpart Federal requirement at 30 CFR 764.13(b)(1)(v).

25. The PHMC recommended that in § 87.125(a) operators be required to notify in writing, residents or owners of dwellings or other structures located within one mile, and that preblast surveys should be conducted for structures within one mile of the proposed blasting upon written request. In response, the Director notes that the Federal standard for preblasting surveys at 30 CFR 816.62 is one-half mile. Therefore, Pennsylvania's use of a one-half mile standard is consistent with the Federal regulations. See Finding B–35 for more information.

26. The PHMC recommended that Pennsylvania lower the maximum peak particle velocity allowed from 1 inch per second to .5 inch per second and also that a .25 inch per second maximum peak particle velocity be adopted for historic structures listed on or eligible for listing on the National Register of Historic Places. As discussed in Finding B–36(b), the Director is requiring the State to further amend § 87.127(h) to require that the approved blasting plan establish the maximum allowable limits on ground vibration necessary to protect all structures within the blasting area. To the extent that this provision would require the establishment of a maximum peak particle velocity below 1 inch per second, the existing Pennsylvania program contains provisions for the regulatory authority to reduce the maximum peak particle velocity allowed, if it determines that a lower standard is necessary to protect structures based upon site specific circumstances.

In addition the PHMC recommended that Pennsylvania adopt blasting standards developed by the American National Standards Institute (ANSI) in lieu of those proposed at § 87.127 (n) and (o). In response, the Director notes that the proposed Pennsylvania standards are substantively identical to and no less effective than the counterpart Federal standards at 30 CFR 816.67(d)(2).

Agency Comments

Pursuant to section 503(b) of SMCRA and 30 CFR 732.17(h)(11)(i), comments were also solicited from various Federal agencies. Comments were received from the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) and the U.S. Environmental Protection Agency (EPA). The comments submitted by MSHA do not pertain to the specific provision of the State's rules that are revised as part of this amendment package, and, therefore, will not be discussed here. The comments submitted by EPA are discussed below under "EPA Concurrence."

V. Director's Decision.

Based on the findings discussed above, the Director is approving Pennsylvania's Regulatory Reform I program amendment as submitted on December 22, 1989, with the exceptions noted below. In addition, as discussed in Finding B–58, the Director is approving the proposed amendments to § 89.143 with the understanding that Pennsylvania will implement proposed subsection (a)(4) in a manner consistent with the explanation provided in the preamble to the *Pennsylvania Bulletin*, June 16, 1990 (Pa. B. 3384).

As discussed in Finding B–1, the Director is not approving the amendments to the definition of "surface mining activities" at §§ 86.1 and 87.1, and the Director is requiring that the State amend the definition to make it unequivocally clear that the construction of any road, or similar disturbance such as a pathway, outside the permit area for any purpose related to a surface mining activity, including that of moving or "walking" a dragline or other equipment, or for the assembly, disassembly or staging of equipment, shall be deemed a surface mining activity and will be regulated.

As discussed in Finding B–2(a), the Director is conditionally approving § 86.17(e), and the Director is requiring the State to demonstrate that the revenues generated by the collection of the reclamation fee will be sufficient to assure that the Surface Mining Conservation and Reclamation Fund can be operated in a manner that will meet the requirements of 30 CFR 800.11(e). Pennsylvania could provide such a demonstration through an actuarial study showing the soundness and financial solvency of this Fund. In addition, the Director is requiring Pennsylvania to clarify both the procedures for bonding the surface impacts of underground mines and the procedures to reclaim underground mining permits where the operator has defaulted on the obligation to reclaim.

As discussed in Finding B–9(a), the Director is approving § 86.83(a)(2) except to the extent that the proposed language limits or prohibits consideration of any and all consecutive 12-month periods in the determination of eligibility for assistance. In addition, the Director is requiring that the rule be amended to make it clear that any and all consecutive 12-month periods shall be considered.

As discussed in Finding B–9(b), the Director is requiring that the Pennsylvania program at § 86.83(b)(5) be amended to clarify that all coal produced by operations owned by the applicant's individual family members and relatives must also be counted toward the 100,000 ton limitation.

As discussed in Finding B–10(b) the Director is requiring that the Pennsylvania program at § 86.94(a)(5) be amended to clarify that if the permit is sold, transferred, or assigned to another person and that transferee's total actual and attributed production exceeds the 100,000-ton annual production limit during "any" consecutive 12-month period of the remaining term of the permit, that the applicant and its successor are jointly and severally obligated to reimburse the regulatory authority for the cost of laboratory services.

As discussed in Finding B–17, the Director is requiring that § 86.156(b) be amended to require that notice be given to the State of any action filed alleging the insolvency or bankruptcy of the permittee.

As discussed in Finding B–18(a), the Director is approving § 86.158(b)(1) except to the extent that the determination of the current market value of securities is optional rather than mandatory. In addition, the Director is requiring that the rule be further amended to require that the value of all government securities pledged as collateral bond shall be determined using the current market value.

As discussed in Finding B–18(b), the Director is approving § 86.158(b)(2) except to the extent that the value of the collateral bond may equal the overall bond value without taking into consideration the effects of depreciation, marketability, and other factors on the amount of cash available from the bond. In addition, the Director is requiring that the rules related to valuation of collateral bonds be amended to be subject to a margin, which is the ratio of the bond value to the market value, and which accounts

for legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in case of forfeiture.

As discussed in Finding B-18(c), the Director is approving § 86.158(b)(3) except to the extent that subparagraph (b)(3) and § 86.158 do not require that the bond value of all collateral bonds be evaluated, at a minimum, as part of the permit renewal process. In addition, the Director is requiring that the rule be further amended to ensure that the bond value of all collateral bonds be evaluated during the permit renewal process to ensure that the collateral bond is sufficient to satisfy the bond amount requirements.

As discussed in Finding B-21(a), the Director is requiring that Pennsylvania further amend § 86.174(b)(3) to include the necessary reference to chapter 88 regarding soil productivity on reclaimed prime farmland.

As discussed in Finding B-21(b), the Director is not approving the language of § 86.174(d)(1) which would allow for the release of the bond posted for the removal of buildings, facilities or other equipment upon completion of the removal and approval by the Department, and which would allow the release of bond posted for the sealing of drifts, shafts or other mine openings upon demonstration by the permittee that the sealing is effective.

As discussed in Finding B-22(b), the Director is not approving the language of § 86.175(1), (2) and (3) which exclude the supplemental bond posted for oversized pits from the bond release calculation requirements of § 86.175.

As discussed in Finding B-23, the Director is approving § 86.182(d) except to the extent that the proposed rule does not require that the funds paid to the Surface Mining Conservation and Reclamation Fund will be used on the site to which the bond coverage applies. In addition, the Director is requiring that the rule be amended to require that the rule be so interpreted.

As discussed in Finding B-24, the Director is requiring that § 86.193(h) be further amended to clarify that an individual civil penalty is not a substitute for mandatory civil penalties, and to clarify when the assessment of an individual civil penalty may be appropriate.

As discussed in Finding B-28, the Director is approving § 87.73(c)(1) except to the extent that impoundments with a storage capacity of more than 20 acre-feet but less than 50 acre-feet may be designed by or under the direction of, and certified by a land surveyor. In addition, the Director is requiring the State to further amend the Pennsylvania program to clarify that all impoundments with a storage volume of 20 acre-feet or more must be designed by or under the direction of, and certified by, a qualified registered professional engineer with assistance from experts in related fields.

As discussed in Finding B-33(b), the proposed amendments to §§ 88.102(b), 88.197(b), and 88.302(b) which would delete the words "that are not of the class of subsection (a)" are not approved.

As discussed in Finding B-33(c), the Director is approving §§ 87.112(b)(1) and 89.101(a) except to the extent that the proposed revisions do not require that the detailed designs of impoundments with a storage capacity of more than 20 acre-feet must be prepared by or under the direction of, and certified by a qualified registered professional engineer. In addition, the Director is requiring that Pennsylvania require that all impoundments which meet or exceed the MSHA size classification of 30 CFR 77.216 are designed by or under the direction of and certified by a qualified registered professional engineer.

As discussed in Finding B-33(d), the Director is approving §§ 87.112(b)(1) and 90.112(b)(1) except to the extent that they do not require that each impoundment be certified that the impoundment has been constructed and/or maintained as approved in the permit and in accordance with all applicable performance standards. In addition, the Director is requiring that Pennsylvania amend its rules to require that all impoundments be certified that the impoundment has been constructed and is being maintained as designed and in accordance with the approved plan and all applicable performance standards. The Director is also requiring that §§ 89.101 and 89.112 also be amended to require that all impoundments shall be similarly certified.

As discussed in Finding B-33(e), the Director is not approving the proposed language at § 90.112(d) that states "or release of the performance bond."

As discussed in Finding B-33(f), the Director is approving §§ 87.112(f), 89.101(d) and 90.112(f) except to the extent that the regulatory authority may accept MSHA approval in lieu of the requirements of §§ 87.112, 89.111(b) and 90.112(a) for MSHA size impoundments. In addition, the Director is requiring that Pennsylvania further amend its rules to clarify that the State may consider MSHA's action on plans for impoundments, but that the State is independently charged to make its own findings with regard to plan approvals.

As discussed in Finding B-35, the Director is approving § 87.125(a) except to the extent that the proposed language would limit the opportunity to receive a preblasting survey to one-half mile of the blasting site within the permit area rather than to one-half mile of any part of the permit area. In addition, the Director is requiring Pennsylvania to further amend its rules to provide the opportunity to request a preblasting survey to every resident or owner of property within one-half mile of any part of the permit area.

As discussed in Finding B-36(a), the Director is approving § 87.127(e)(2) except to the extent that the rule would allow the State not to specify lower blasting limits where such limits are necessary to prevent damage. In addition, the Director is requiring the State to further amend the rule to require that, if necessary to prevent damage, the State shall specify lower maximum allowable airblast levels than those specified in § 87.127(e).

As discussed in Finding B-36(b), the Director is approving § 87.127(h) except to the extent that the rule does not require that all structures in the vicinity of the blasting area shall be protected from damage. In addition, the Director is requiring the Pennsylvania program be amended to require that all structures in the vicinity of the blasting area be protected from damage by establishment of a maximum allowable limit on the ground vibration.

As discussed in Finding B-36(c), the Director is requiring the State to correct an apparent typographical error at § 87.127(j) by replacing the reference to subsection (o) with one to subsection (n).

As discussed in Finding B-36(d), the Director is requiring that the State correct two typographical errors at § 87.127(n) by changing "5,000 and beyond" to read "5001 and beyond" and by changing the reference in Footnote 2 to read subsection "(j)" rather than "(k)."

As discussed in Finding B-37, the Director is approving § 87.131(n) except to the extent that the excess spoil fill is not certified by the qualified registered professional engineer in the report to the regulatory authority that the fill has been maintained in accordance with the approved plan and applicable performance standards, and the report does not include appearances of instability, structural weakness and other hazardous conditions. In addition, the Director is requiring that Pennsylvania further amend § 87.131(n) to require the report to contain such certifications and observations.

As discussed in Finding B–38(b), the Director is approving proposed changes to § 87.135(a) except to the extent that the rule could be interpreted not to limit surface mining activities within 500 feet from any and all points of either an active or abandoned underground mine. In addition, the Director is requiring the State to amend the rule to clarify that surface mining activities are prohibited within 500 feet of any point of either an active or abandoned underground mine.

As discussed in Finding B–39, the Director is approving proposed changes to §§ 87.138, 89.82, and 90.150 except to the extent that the regulatory authority is not required to consult with the USFWS upon notification of the presence of bald or golden eagle nests found within a permit area. In addition, the Director is requiring that the Pennsylvania program be amended to require such notification.

As discussed in Finding B–47, the Director is approving proposed changes to § 88.24(b)(4) except to the extent that: (1) The rule would permit the State to waive the chemical analysis requirement without a request from the operator and without making a finding, in writing, that the analyses are not necessary because other equivalent information is available to the State in a satisfactory form; and (2) the regulatory authority does not require, at a minimum, chemical analysis of the overburden for acid- or toxic-forming materials and total sulfur content. In addition, the Director is requiring that the State amend the Pennsylvania program to include provisions that the requirements for chemical analysis of the coal and overburden can only be waived after the State makes a finding in writing, that the analyses are not necessary because other equivalent information is available to the regulatory authority in a satisfactory form.

Also as discussed in Finding B–47, the Director is not approving the proposed revisions to § 88.24(b)(4) to the extent that the State does not specify that, when required, the chemical analysis of the coal and overburden shall analyze, at a minimum, those strata that may contain acid- or toxic-forming materials, and to determine their sulfur content. In addition, the Director is requiring that the State amend the rule to clearly require the chemical analyses for overburden and coal specified in the Federal regulations at 30 CFR 780.22(b)(2) (ii) and (iii).

As explained in Findings B–48 (a) and (b), and B–49(a), the amendments to §§ 88.32, 88.491, and 88.61 satisfy the requirements of 30 CFR 938.16 (c), (d) and (e). Therefore, the Director is revising the Federal rules to remove these requirements.

As discussed in Finding B–49(b), the Director is requiring that the State amend § 88.61(b)(1) by replacing the reference to § 88.32(d)(1) with one to 88.32(d).

As discussed in Finding B–50, the Director is requiring that the State amend § 88.491(j) to add a requirement that the preparation of cross sections, maps and plans be prepared with assistance from experts in related fields such as landscape architecture.

As discussed in Finding B–51, the Director is not approving the deletion of §§ 88.492(c)(4) and 89.71(d) which require the description in the reclamation plan to be accompanied by a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface areas to be affected by surface operation of facilities within the proposed permit area, and from the State and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation.

As discussed in Finding B–55(a), the Director is approving the proposed changes to §§ 89.59(a) (1) and (2) and 89.34(a)(1) except to the extent that they do not specify the minimum parameters to be monitored, and do not specify the frequency for the reporting of monitoring data to the State. In addition, the Director is requiring the State to further amend § 89.59(a) (1) and (2) to require the monitoring plan to specify that, at a minimum, the total dissolved solids or specific conductance, pH, total iron, total manganese, and water levels shall be monitored and data submitted to the State at least every three months for each monitoring location.

As discussed in Finding B–55(b), the Director is approving the proposed changes to §§ 89.59(a)(3) and 89.34(a)(2)(ii) except to the extent that the State does not require the surface water monitoring plan to contain the information specified by 30 CFR 784.14(i). In addition, the Director is requiring that the State amend § 83.59(a)(3) to require the surface water monitoring plan to provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land use, and require the plan to identify sampling and monitoring report frequency and site locations.

As discussed in Finding B–60(c), the Director is approving the amendment to § 89.172(b) except to the extent that the proposed rule does not require the regulatory authority to issue a written finding that the operation will be conducted in compliance with the performance standards of § 89.173. In addition, the Director is requiring Pennsylvania to further amend its rules at § 89.172(b) to require that a permit will not be issued until the regulatory authority makes a finding, in writing, that the activity will be conducted in compliance with all applicable performance standards.

As discussed in Finding C–12, the Director is deferring action on the proposed amendments to §§ 87.207(b) and 88.507(b) until receipt from the EPA of a specific determination that these amendments are consistent with section 301(p) of the FWPCA.

The Federal regulations at 30 CFR part 938 codifying decisions concerning Pennsylvania's program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to the State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved State programs. In his oversight of the Pennsylvania program, the Director will recognize only the statutes, regulations and other materials approved by him, together with any consistent implementing policies, directives and other materials, and will require the enforcement by Pennsylvania of only such provisions.

EPA Concurrence

Sections 503(b)(2) of SMCRA and 30 CFR 732.17(h)(11)(ii) require that the Administrator of the EPA concur with all State provisions relating to water quality standards promulgated under the authority of the Clean Water Act, as amended (33 U.S.C. 1251 *et seq.*). Since the proposed amendment would alter effluent limitations established pursuant to the Clean Water Act (also known as the Federal Water Pollution Control Act) and its implementing regulations, EPA's concurrence is required before the Director may approve this amendment.

OSM solicited EPA's concurrence with the proposed amendments by letter dated January 18, 1990. By letter dated March 4, 1991 (Administrative Record Number PA-790.22), EPA provided concurrence with the understanding that the proposed modifications will be implemented to fully comply with all applicable Clean Water Act requirements. Specifically, EPA's concurrence on the sections dealing with potential point source discharges of pollutants into waters of the United States is based on the understanding that Pennsylvania's regulations require implementation consistent with applicable CWA requirements and do not themselves provide full authorization for instream treatment of point source discharges. However, as discussed in Finding C-12, the EPA did not specifically state whether the proposed revisions to §§ 87.207 and 88.507 are consistent with section 301(p)(2) of the FWPCA (33 U.S.C. 1311(p)). Therefore, the Director is deferring his decision until such time as the EPA renders its decision.

VI. Procedural Determinations.

National Environmental Policy Act:

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

Executive Order No. 12291 and the Regulatory Flexibility Act:

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

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

Paperwork Reduction Act:

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3507.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 22, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

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

PART 938—PENNSYLVANIA

1. The authority citation for part 938 continues to read as follows:

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

2. In § 938.15, a new paragraph(s) is added to read as follows:

§ 938.15 Approval of regulatory program amendments.

* * * * *

(s) With the exception of those provisions identified herein, the amendment submitted to OSM on December 22, 1989 (Regulatory Reform I), is approved effective May 31, 1991, provided Pennsylvania promulgates these regulations and enacts these statutory revisions in a form identical to that submitted to OSM.

Sections 86.1 and 87.1, concerning the definition of "surface mining activity," are not approved.

Section 86.17(e) is conditionally approved pending a demonstration by Pennsylvania that the revenues generated by collection of the reclamation fee will be sufficient to assure that the Surface Mining Conservation and Reclamation Fund can be operated in a manner that will meet the requirements of 30 CFR 800.11(e).

Section 86.83(a)(2) is approved except to the extent that the proposed language limits or prohibits consideration of any and all consecutive 12-month periods in the determination of eligibility for SOAP assistance.

Section 86.158(b)(1) is approved except to the extent that the determination of the current market value of securities is optional rather than mandatory.

Section 86.158(b)(2) is approved except to the extent that the value of the collateral bond may equal the overall bond value without taking into consideration the effects of depreciation, marketability, and other factors on the amount of cash available from the bond.

Section 86.158(b)(3) is approved except to the extent that subparagraph (b)(3) and § 86.158 do not require that the value of all collateral bonds be evaluated, at a minimum, as part of the permit renewal process.

Section 86.174(d)(1)—language which would allow for the release of the bond posted for the removal of buildings, facilities or other equipment upon completion of the removal and approval by the Department, and which would allow the release of bond posted for the sealing of drifts, shafts or other mine openings upon demonstration by the permittee that the sealing is effective is not approved.

Section 86.175 (1), (2) and (3)—language which would allow the exclusion of the supplemental bond posted for oversized pits from the bond release calculation requirements of § 86.175 is not approved.

Section 86.182(d) is approved except to the extent that the proposed rule does not require that the funds paid to the Surface Mining Conservation and Reclamation Fund will be used on the site to which the bond coverage applies.

Section 87.73 is approved except to the extent that impoundments with a storage capacity of more than 20 acre-feet but less than 50 acre-feet may be designed by or under the direction of, and certified by a land surveyor.

Sections 88.102(b), 88.197(b), and 88.302(b)—the proposed deletions of the words "that are not of the class of subsection (a)" are not approved.

Sections 86.112(b)(1) and 89.101(a) are approved except to the extent that the proposed revisions do not require that the detailed designs of impoundments with a storage capacity of more than 20 acre-feet must be prepared by or under the direction of, and certified by, a qualified registered professional engineer.

Sections 87.112(b)(1) and 90.112(b)(1) are approved except to the extent that they do not require that each impoundment be certified that the impoundment has been constructed and/or maintained as approved in the permit and in accordance with all applicable performance standards.

Sections 87.112(f), 89.101(d) and 90.112(f) are approved except to the extent that the regulatory authority may accept MSHA approval in lieu of the requirements of §§ 87.112(f), 89.111(b) and 90.112(a) for MSHA size impoundments.

Section 87.125(a) is approved except to the extent that the proposed language would limit the opportunity to receive a preblasting survey to one-half mile of the blasting site rather than to one-half mile of any part of the permit area.

Section 87.127(e)(2) is approved except to the extent that the rule would allow the State not to specify lower

blasting limits where such limits are necessary to prevent damage.

Section 87.127(h) is approved except to the extent that the rule does not require that all structures in the vicinity of the blasting area shall be protected from damage.

Section 87.131(n) is approved except to the extent that the excess spoil fill is not certified by the qualified registered professional engineer in the report to the regulatory authority that the fill has been maintained in accordance with the approved plan and applicable performance standards, and the report does not include appearances of instability, structural weakness and other hazardous conditions.

Section 87.135(a) is approved except to the extent that the rule could be interpreted not to limit surface mining activities within 500 feet from any and all points of either an active or abandoned underground mine.

Sections 87.138, 89.82, and 90.150 are approved except to the extent that the regulatory authority is not required to consult with the USFWS upon notification of the presence of bald or golden eagle nests found within a permit area.

Action is deferred on §§ 87.207(b) and 88.507(b) pending receipt from the EPA of a specific determination that the amendments to these sections are consistent with section 301(p) of the FWPCA.

Section 88.24(b)(4) is approved except to the extent that: (1) The rule would permit the State to waive the chemical analysis requirement without a request from the operator and without making a finding in writing that the analyses are not necessary because other equivalent information is available to the State in a satisfactory form, and (2) the State does not require that, at a minimum, the required chemical analysis of the overburden shall analyze those strata that may contain acid- or toxic-forming materials, and to determine their content including sulfur content.

Sections 88.492(c)(4) and 89.71(d)—deletion of language which requires the description in the reclamation plan to be accompanied by a copy of the comments concerning the proposed land use from the legal or equitable owner of record of the surface areas to be affected by surface operation of facilities within the proposed permit area, and from the State and local government agencies which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation is not approved.

Sections 89.59(a) (1) and (2) and 89.34(a)(1) are approved except to the extent that they do not specify the minimum parameters to be monitored, and do not specify the frequency for the reporting of monitoring data to the State.

Sections 89.59(a)(3) and 89.34(a)(2)(ii) are approved except to the extent that the State does not require the surface water monitoring plan to contain the information specified by 30 CFR 784.14(i).

Section 89.172(b) is approved except to the extent that the proposed rule does not require the regulatory authority to issue a written finding that the operation will be conducted in compliance with the performance standards of section 89.173.

Section 90.112(d)—language which states "or release of the performance bond" is not approved.

3. In Section 938.16, the section heading is revised, paragraphs (c), (d) and (e) are removed and reserved and new paragraphs (g) through (jj) are added to read as follows:

§ 938.16 Required regulatory program amendments

* * * * *

(c) [Reserved]

(d) [Reserved]

(e) [Reserved]

* * * * *

(g) By November 1, 1991, Pennsylvania shall amend the definition of "surface mining activities" at §§ 86.1 and 87.1 or otherwise amend its program to be no less effective than the Federal definition at 30 CFR 700.5 to make it unequivocally clear that the construction of any road, or similar disturbance such as a pathway, outside the permit area for any purpose related to a surface mining activity, including "walking" a dragline or other equipment, or for the assembly or disassembly, or staging of equipment, shall be deemed a surface mining activity and will be regulated.

(h) By November 1, 1991, Pennsylvania shall submit information, sufficient to demonstrate that the revenues generated by the collection of the reclamation fee, as amended in § 86.17(e), will assure that the Surface Mining Conservation and Reclamation Fund can be operated in a manner that will meet the requirements of 30 CFR 800.11(e). Pennsylvania could provide such a demonstration through an actuarial study showing the Fund's soundness or financial solvency. In addition, Pennsylvania shall clarify the procedures to be used for bonding the surface impacts of underground mines and the procedures to reclaim underground mining permits where the operator has defaulted on the obligation to reclaim.

(i) By November 1, 1991, Pennsylvania shall amend its rules at § 86.83(a)(2) or otherwise amend its program to be no less effective than 30 CFR 795.6(a)(2) by making it clear that any and all consecutive 12-month periods shall be considered in the determination of eligibility for assistance.

(j) By November 1, 1991, Pennsylvania shall amend its rules at § 86.83(b)(5)(b) or otherwise amend its program to be no less effective than 30 CFR 795.6(a)(2)(iv) by clarifying that all coal produced by operations owned by the applicant's individual family members and relatives must also be counted toward the 100,000 ton limitation.

(k) By November 1, 1991, Pennsylvania shall amend its rules at § 86.94(a)(5) or otherwise amend its program to be no less effective than 30 CFR 795.12(a)(3) by clarifying that if the permit is sold, transferred, or assigned to another person and that transferee's total actual and attributed production exceeds the 100,000-ton annual production limit during "any" consecutive 12-month period of the remaining term of the permit, that the applicant and its successor are jointly and severally obligated to reimburse the regulatory authority for the cost of laboratory services.

(l) By November 1, 1991, Pennsylvania shall amend its rules at § 86.156(b) or otherwise amend its program to be no less effective than 30 CFR 800.16(e)(1) by requiring that notice be given to the State of any action filed alleging the insolvency or bankruptcy of the permittee.

(m) By November 1, 1991, Pennsylvania shall amend its rules at § 86.158(b)(1) or otherwise amend its program to be no less effective than 30 CFR 800.21(a)(2) by requiring that the value of all government securities pledged as collateral bond shall be determined using the current market value.

(n) by November 1, 1991, Pennsylvania shall amend § 86.158(b)(2) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(1) by requiring that the provisions related to valuation of collateral bonds be amended to be subject to a margin, which is the ratio of the bond value to the market value, and which accounts for legal and liquidation fees, as well as value depreciation, marketability, and fluctuations which might affect the net cash available to the regulatory authority in case of forfeiture.

(o) By November 1, 1991, Pennsylvania shall amend § 86.158(b)(3) or otherwise amend its program to be no less effective than 30 CFR 800.21(e)(2) to ensure that the bond value of all collateral bonds be evaluated during the

permit renewal process to ensure that the collateral bond is sufficient to satisfy the bond amount requirements.

(p) By November 1, 1991, Pennsylvania shall amend § 86.174(b)(3), or otherwise amend its program to be no less effective than 30 CFR 800.40(c)(2) by requiring the necessary reference to chapter 88.

(q) By November 1, 1991, Pennsylvania shall amend § 86.182(d) or otherwise amend its program to be no less effective than 30 CFR 800.50 (b)(1) and (b)(2) by requiring that forfeited collateral bonds, which are paid into the Surface Mining Conservation and Reclamation Fund, be used to complete reclamation on the site to which the bond coverage applies.

(r) by November 1, 1991, Pennsylvania shall amend § 86.193(h) or otherwise amend its program to be no less effective than 30 CFR 846.12(a) by clarifying that an individual civil penalty is not a substitute for mandatory civil penalties and to clarify when the assessment of an individual civil penalty may be appropriate.

(s) By November 1, 1991, Pennsylvania shall amend § 87.73 or otherwise amend its program to be no less effective than 30 CFR 780.25(a)(3)(i) and 30 CFR 77.216(a) to clarify that all impoundments with a storage volume of 20 acre-feet or more must be designed by or under the direction of, and certified by, a qualified registered professional engineer with assistance from experts in related fields such as geology, land surveying, and landscape architecture.

(t) By November 1, 1991, Pennsylvania shall amend §§ 87.112(b)(1) and 89.101(a), or otherwise amend its program to be no less effective than 30 CFR 780.25/784.16(a)(3)(i) by requiring that all impoundments which meet or exceed the MSHA size classification of 30 CFR 77.216 are designed and certified by or under the direction of, a qualified registered professional engineer.

(u) By November 1, 1991, Pennsylvania shall amend §§ 87.112(b)(1) and 90.112(b)(1) or otherwise amend its program to be no less effective than 30 CFR 816/817.49(a)(10)(ii) by requiring that all impoundments be certified that they have been constructed and are being maintained as designed and in accordance with the approved plan and all applicable performance standards. Pennsylvania shall also amend §§ 89.101 and 89.112 to require that all impoundments shall be similarly certified.

(v) By November 1, 1991, Pennsylvania shall amend §§ 87.112(f), 89.101(d) and 90.112(f), or otherwise amend its program to be no less effective than 30 CFR 780.25(c)(2) by requiring that the State may consider MSHA's action on plans for impoundments, but that the State is independently charged to make its own findings with regard to plan approvals.

(w) By November 1, 1991, Pennsylvania shall amend §§ 87.125(a), or otherwise amend its program to be no less stringent than section 515(b)(15)(E) of SMCRA to provide the opportunity to request a preblasting survey to every resident or owner of a man-made structure or dwelling within one-half mile of any part of the permit area.

(x) By November 1, 1991, Pennsylvania shall amend §§ 87.127(e)(2) or otherwise amend its program to be no less effective than 30 CFR 816.67(b)(1)(ii) by requiring that, if necessary to prevent damage, Pennsylvania shall specify lower maximum allowable airblast levels than those specified in § 87.127(e).

(y) By November 1, 1991, Pennsylvania shall amend § 87.127(h) or otherwise amend its program to be no less effective than 30 CFR 816.67(d)(1) by requiring that all structures in the vicinity of the blasting area be protected from damage by establishment of a maximum allowable limit on the ground vibration.

(z) By November 1, 1991, Pennsylvania shall amend § 87.1279(j) to correct an apparent typographical error by replacing the reference to subsection (o) with one to subsection (n).

(aa) By November 1, 1991, Pennsylvania shall amend § 87.127(n) to correct two typographical errors by changing "5,000 and beyond" to read "5,001 and beyond" and by changing the reference in Footnote 2 to read subsection "(j)" rather than "(k)."

(bb) By November 1, 1991, Pennsylvania shall amend § 87.131(n), or otherwise amend its program to be no less effective than 30 CFR 816.71(h)(2) by requiring that the qualified registered professional engineer provide a certified report that the excess spoil fill has been constructed and maintained in accordance with the approved design plan and in accordance with all applicable performance standards, and that the report include appearances of instability, structural weakness and other hazardous conditions.

(cc) By November 1, 1991, Pennsylvania shall amend § 87.135(a) or otherwise amend its program to be no less effective than 30 CFR 816.79 by making it clear that surface mining activities are prohibited within 500 feet of "any" point of either an active or an abandoned underground mine.

(dd) By November 1, 1991, Pennsylvania shall amend §§ 87.138(c), 89.82(d), and 90.150(c) or otherwise amend its program to be no less effective than 30 CFR 816/817.97 to require consultation with the USFWS upon notification by an operator of the presence of any golden or bald eagle nests within the permit area.

(ee) By November 1, 1991, Pennsylvania shall amend § 88.24(b)(4) or otherwise amend it program to be no less effective than 30 CFR 780.22(d) by including provisions that the requirements for chemical analysis of the coal and overburden can only be waived after Pennsylvania makes a finding in writing that such analyses are not necessary because other equivalent information is available. In addition, Pennsylvania shall amend § 88.24 or otherwise amend its program to clearly require the minimum chemical analyses for overburden and coal specified in the Federal regulations at 30 CFR 780.22(b)(2) (ii) and (iii).

(ff) By November 1, 1991, Pennsylvania shall amend § 88.61(b)(1) to correct an apparent typographical error by replacing the reference to § 88.32(d)(1) with § 88.32(d).

(gg) By November 1, 1991, Pennsylvania shall amend § 88.491(j) or otherwise amend its program to require that the preparation of cross-sections, maps and plans be prepared with assistance from experts in related fields such as landscape architecture.

(hh) By November 1, 1991, Pennsylvania shall amend § 89.59(a)(1) and (2) or otherwise amend its program to be no less effective than 30 CFR 784.14(h)(1) to require the monitoring plan to specify that, at a minimum, the total dissolved solids or specific conductance, pH, total iron, total manganese, and water levels shall be monitored and data submitted to Pennsylvania at least every three months for each three months for each monitoring location.

(ii) By November 1, 1991, Pennsylvania shall amend § 89.59(a)(3) or otherwise amend its program to be no less effective than 30 CFR 784.14(i) (1) and (2) to require the surface water monitoring plan to provide for the monitoring of parameters that relate to the suitability of the surface water for current and approved postmining land use, and require the plan to identify sampling and monitoring report frequency and site locations.

(jj) By November 1, 1991, Pennsylvania shall amend its rules at § 89.172(b) or otherwise amend its program to be no less effective than 30 CFR 785.21(c) by requiring that a permit

will not be issued until the regulatory authority makes a finding, in writing, that the activity will be conducted in compliance with all applicable performance standards.

[FR Doc. 91-12721 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD1 91-051]

Special Local Regulations: Newburyport Grand Prix, Newburyport, MA

AGENCY: Coast Guard, DOT.

ACTION: Temporary rule.

SUMMARY: Special local regulations are being adopted for the Newburyport Grand Prix, a powerboat race to be held in Ipswich Bay off of Plum Island. This event will be held from 11 a.m. to 3 p.m. on June 15, 1991. If weather conditions preclude racing on June 15th, the regulations will be in effect from 11 a.m. to 3 p.m. the following day. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATES: This temporary regulation becomes effective on June 15, 1991 from 11 a.m. to 3 p.m. In the event of inclement weather, these regulations will be in effect for the same time period on June 16, 1991.

FOR FURTHER INFORMATION CONTACT: Lieutenant (junior grade) Eric G. Westerberg, U.S. Coast Guard, (617) 223-8310.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received by this office until April 29, 1991 and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this notice are Lieutenant (junior grade) E.G. Westerberg, U.S. Coast Guard, Project Officer, Boating Safety Office and Lieutenant R.E. Korroch, U.S. Coast Guard, Project Attorney, First Coast Guard District Legal Office.

Discussion of Regulation

The Newburyport Grand Prix is a high speed powerboat race event which is held annually in Ipswich Bay off of Plum Island, MA. Regulated areas will be the race course and a 200 yard regulated area around the perimeter of the race course. No vessel other than participants or those vessels authorized by either the sponsor or the Coast Guard Patrol Commander shall enter the regulated area. There will be a designated area inside the regulated area for spectator boats. The regulated area will be patrolled by the Coast Guard, Coast Guard Auxiliary, sponsor provided patrols and state and local law enforcement officials.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water).

Regulations

In consideration of the foregoing, part 100 of title 33, Code of Federal Regulations is amended as follows:

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. A temporary section, 100.35-T9151 is added to read as follows:

§ 100.35-T9151 Newburyport Grand Prix, Newburyport, MA.

(a) *Regulated Area:* The race course is a triangular area in Ipswich Bay off of Plum Island bounded by the following:

Turn 1: Longitude 42-42-36 North, Latitude 070-43-00 West.

Turn 2: Longitude 42-45-12 North, Latitude 070-42-06 West.

Turn 3: Longitude 42-48-06 North, Latitude 070-46-00 West.

The area two hundred yards around the perimeter of the race course will also be a regulated area.

(b) *Special Local Regulations:* (1) The regulated area shall be closed to all vessel traffic during the effective period, except as may be allowed by the Coast Guard Patrol Commander.

(2) No person or vessel shall enter or remain in the regulated area while it is closed unless participating in or authorized by the event sponsor or Coast Guard patrol personnel.

(3) All persons or vessels not registered with the sponsor as participants or not part of the regatta patrol are considered spectators. Spectator vessels should be at anchor within the designated spectator area. The spectator area will be between turn points 1 and 3 in the 200 yard regulated area and will be marked by two Coast Guard cutters. Spectators not in the spectator area shall remain 200 yards from the perimeter of the race course.

(4) The race committee will provide the following vessels: 3 turn boats, 6 crash boats and 3 medical boats. All race committee vessels will be identified by an orange, red, yellow or red cross flag.

(5) The competing vessels will assemble at the milling area located adjacent to turn point #3. The Coast Guard will escort the race boats from the marina to the milling area. Race boats will remain in the milling area until permission to start the race has been granted by the Patrol Commander. The race will run in a counterclockwise direction around the race course.

(6) A start boat will lead all the vessels from the military area to the start/finish line.

(7) The drivers must remain on the course when racing. If they stray off of the course they must come off plane and return to the course at bare steerageway. Only disabled race boats will be allowed to enter the spectator area. If a contestant enters the spectator area for any other reason they will be automatically disqualified and the race may be terminated.

(8) The Patrol Commander reserves the right to cancel the race in its entirety or to suspend the race for safety violations at any time including during the race.

(9) All persons and vessels shall comply with the instructions of U.S. Coast Guard patrol personnel. Upon hearing five or more blasts from a U S. Coast Guard vessel, the operator of a vessel shall stop immediately and proceed as directed. U.S. Coast Guard patrol personnel include commissioned, warrant and petty officers of the Coast Guard. Members of the Coast Guard Auxiliary may be present to inform vessel operators of this regulation and other applicable laws.

(c) *Effective dates:* This regulation will be effective from 11 a.m. to 3 p.m. on June 15, 1991. In case of inclement weather this regulation will be effective from 11 a.m. to 3 p.m. on June 16, 1991.

Dated: May 16, 1991.

R. I. Rybacki,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 91-12898 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 117

[CGD 91-036]

Drawbridge Operation Regulations; Apponagansett River, MA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: At the request of the Town of Dartmouth, the Coast Guard is changing the regulations governing the Padanaram (Gulf Road) drawbridge across the Apponagansett River, at mile 1.0, at Dartmouth, Massachusetts by permitting scheduled openings on the hour and half hour from May 1 through October 31 from 5 a.m. to 9 p.m., and by requiring the installation of clearance gauges on the bridge piers to minimize bridge openings. This change is being made in an effort to reduce marine and vehicular traffic delays caused by present restriction that created frequent and long openings of the bridge. This action will accommodate the current needs of vehicular traffic, and still provide for the reasonable needs of navigation.

EFFECTIVE DATE: These regulations become effective July 1, 1991.

FOR FURTHER INFORMATION CONTACT: William C. Heming, Bridge Administrator, First Coast Guard District, at (212) 668-7170.

SUPPLEMENTARY INFORMATION: On January 22, 1991 the Coast Guard published proposed rules Volume 56 FR 2156 concerning this amendment. The Commander, First Coast Guard District, also published the proposal as a Public Notice dated January 21, 1991. In each notice interested persons were given until March 8, 1991, to submit comments.

Drafting Information

The drafters of this notice are Jose M. Arca, Jr., project officer, and LT. John B. Gately, project attorney.

Discussion of Comments

No comments were received. The Coast Guard decided to issue the regulation after considering all available information. The regulation will be less restrictive to the mariner and will permit a more orderly flow of vehicular traffic. This change also incorporates operating procedures that had already been unofficially implemented by the Town of Dartmouth.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation, and nonsignificant under the 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. This determination is based on the fact that the proposed scheduled bridge openings will permit more frequent, and evenly distributed opening times for both vehicular and marine traffic with less disruption to the other mode of transportation. Since the economic 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.

Federalism Implication Assessment

This action has been analyzed under the principles and criteria in Executive Order 12612, and it has been determined that this regulation will not have sufficient federalism implications to warrant preparation of a federal assessment.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

In consideration of the foregoing, part 117 of title 33, Code of Federal Regulations, is amended as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

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

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

2. Section 117.587 is revised to read as follows:

§ 117.587 Apponagansett River.

(a) The following requirements apply to all bridges across the Apponagansett River:

(1) Public vessels of the United States, state and local vessels used for public safety and vessels in distress shall be passed as soon as possible. The opening signal from these vessels is four or more short blasts of a whistle or horn or a radio request.

(2) Mooring facilities shall be maintained at bridge piers or fenders for vessels to make fast to while waiting for the draw to open.

(3) The bridge owners shall provide and keep in good legible condition clearance gauges with figures not less than 10 inches high designed, installed and maintained in accordance with the provisions of § 118.160 of this chapter.

(b) The draw of the Padanaram Highway (Gulf Road) drawbridge, mile 1.0 at South Dartmouth, except as provided in (a)(1) above, shall open as follows:

(1) From 1 May to 31 October from 5 a.m. to 9 p.m. daily need open, on signal, only on the hour and half hour.

(2) At all other times, on signal if at least six hours notice is given.

Dated: May 22, 1991

R.I. Rybacki,

RADM, USCG, Commander 1st Coast Guard District.

[FR Doc. 91-12899 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3960-7]

Reconsideration of Certain Federal RACT Rules for Illinois

AGENCY: U.S. Environmental Protection Agency (USEPA).

ACTION: Final rule; partial stay and reconsideration.

SUMMARY: On January 4, 1991 (56 FR 460), USEPA announced a three-month partial stay reconsideration of certain federal rules requiring reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions in the Illinois portion of the Chicago ozone nonattainment area. That action was taken pursuant to Clean Air Act (CAA) 307(d)(7)(B), 42 U.S.C. 7607(d)(7)(B), which authorizes the Administrator to stay the effectiveness of a rule during reconsideration. Elsewhere in the January 4, 1991 **Federal Register** (at 56 FR 463) USEPA proposed to extend the stay beyond the three-month period, if and as necessary to complete reconsideration of the subject rules (including any appropriate regulatory action), pursuant to the Agency's authority to revise a Federal Implementation Plan by following rulemaking procedures in CAA 110(c) and 301(a)(1), 42 U.S.C. 7410(c) and 7601(a)(1). Public comment was solicited on USEPA's proposed extension of the stay and an opportunity for requesting a public hearing was provided.

Today's rulemaking responds to the public comments received. It also announces USEPA's final rule imposing a stay for the rules under

reconsideration, but only if and as necessary to complete reconsideration of these rules.

EFFECTIVE DATE: July 1, 1991.

ADDRESSES: The docket for this action (Docket No. 5A-91-1) which contains the public comments, is located for public inspection and copying at the following addresses. We recommend that you contact Randolph O. Cano before visiting the Chicago location and Gloris Butler before visiting the Washington, DC location. A reasonable fee may be charged for copying.

U.S. Environmental Protection Agency, Region V, Regulation Development Branch, Twenty Sixth Floor, Northeast, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

U.S. Environmental Protection Agency, Docket No. 5A-91-1, Public Information Reference Unit (pm-211D) room 2904, Waterside Mall, 401 M Street SW, Washington, DC 20460, (202) 245-3639.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano, Regulation Development Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6036.

SUPPLEMENTARY INFORMATION: On January 4, 1991 (56 FR 463), USEPA proposed to extend a three-month stay imposed on January 4, 1991 (56 FR 460) for the following RACT rules, including the applicable compliance dates being reconsidered: (1) The emission limitations and standards for "top coat" and "final repair coating" operations only as applied to General Motors Corporation at their diesel-electric locomotive coating lines in Cook County, Illinois (55 FR at 26868-9), codified at 40 CFR 52.741(e)(1)(i)(M) (*2*) and (*3*), as well as the July 1, 1991, compliance date (55 FR 26872), codified at 40 CFR 52.741(e)(5); (2) the emission limitations and standards for miscellaneous fabricated product manufacturing processes and miscellaneous formulation manufacturing processes only as applied to Viskase Corporation's cellulose food casing manufacturing facility in Bedford Park, Illinois (55 FR 26883-4), codified at 40 CFR 52.741 (u) and (v), as well as the July 1, 1991, compliance date (55 FR 26883-4), codified at 40 CFR 52.741 (u)(4) and (v)(4); and (3) the emission limitations and standards for miscellaneous fabricated product manufacturing processes only as applied to Allsteel, Incorporated's adhesive lines at their metal furniture manufacturing operations in Kane County, Illinois (55 FR 25883), codified at 40 CFR 54.741(u), as well as the July 1, 1991, compliance date (55 FR 26883), codified at 40 CFR 52.741(u)(4).

The proposed temporary stay beyond the three months expressly provided in section 307(d)(7)(B) was to remain in effect until withdrawn by a subsequent rule, but only if and as necessary to complete USEPA's rulemaking on the reconsidered actions. The notice proposed to issue the stay pursuant to CAA §§ 110(c) and 301(a)(1), 42 U.S.C. 7410(c) and 7601(a)(1).

Response to the Public Comments

Two public comments were received in support of USEPA's proposed extension of the partial stay. Both cited the complex issues involved as support for the indefinite stay. In addition, one of the commentors pointed out an error in the notice announcing the three-month stay. Specifically at 56 FR 460 (col. 1), the citation of 40 CFR 52.741(u) was incorrectly referred to as 40 CFR 54.41(u). Elsewhere in the proposed rule, the section is correctly referred to as 40 CFR 52.741(u). USEPA regrets any inconvenience or confusion that this error may have caused. No comments requested an opportunity for the oral presentation of comments.

Final Rulemaking Action

Based on the public comments received in support of USEPA's proposed rulemaking action to extend the stay beyond the three months provided in section 307(d)(7)(B) of the CAA, USEPA announces an extension of the stay, but only if and as long as necessary to complete reconsideration of the rules identified in the proposal. At that time, USEPA will publish a rule in the **Federal Register** notifying the public of the withdrawal of this stay.

USEPA intends to complete its reconsideration of the rules and, following the notice and comment procedures of section 307(d) of the CAA, take appropriate action. If the reconsideration results in emission limitations and standards which are stricter than the existing and applicable Illinois rules, USEPA will propose a compliance period of one year from the date of final action on reconsideration. Note that a one year compliance period was the general compliance period provided in the federal RACT rules (55 FR at 26814). Like the rules themselves, any USEPA proposal regarding the appropriate compliance period would be subject to the notice and comment procedures of CAA 307(d).

USEPA recognizes the interests of the State of Wisconsin in this matter. The regulatory requirements that are affected by today's proposal were undertaken in the context of a settlement agreement between USEPA and the States of Wisconsin and Illinois. In recognition of those obligations, USEPA will reconsider the rules in question as expeditiously as practicable. Under Executive Order 12291 this action is not "major". It has been submitted to the Office of Management and Budget for review.

List of Subjects in 40 CFR Part 52

Air pollution contol, Ozone.

Dated: May 21, 1991.

William K. Reilly,

Administrator.

Identification of Action: Final Rule approving an extended Stay of portions of the Chicago Federal Ozone Plan as applied to General Motors Corporation's Electromotive Division, Viskase Corporation and Allsteel, Incorporated (IL 12-2-5129).

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Authority: 42 U.S.C. 7401-7642.

Subpart O—Illinois

2. Section 52.741, is amended by revising paragraph (z) to read as follows:

§ 52.741 Control Strategy: Ozone Control Measures for Cook, DuPage, Kane, Lake, McHenry and Will Counties.

* * * * *

(z) *Rules Stayed.* Not withstanding any other provision of this subpart, the effectiveness of the following rules is stayed as indicated below.

(1) The following rules are stayed from January 4, 1991 until USEPA completes its reconsideration as indicated (i) 40 CFR 52.741(e)(1)(i)(M) (2) and (3), and 40 CFR 52.741(e)(5); (ii) 40 CFR 52.741 (u) and (v), including 40 CFR 52.741 (u)(4) and (v)(4) only as applied to Viskase Corporation's cellulose food casing manufacturing facility in Bedford Park, Illinois; and (iii) 40 CFR 54.741(u), including 40 CFR 52.741(u)(4), only as applied to Allsteel, Incorporated's adhesive lines at its metal furniture manufacturing operations in Kane County, Illinois.

* * * * *

[FR Doc. 91-12890 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 651

[Docket No. 901246-1100]

RIN 0648-AC88

Northeast Multispecies Fishery

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

ACTION: Final rule; interim final rule and request for comments.

SUMMARY: NOAA issues this final rule to implement amendment 4 (Amendment) to the Fishery Management Plan for the Northeast Multispecies Fishery (FMP). This rule: (1) Closes the Southern New England yellowtail area for the time period March through May and imposes mesh regulations when the area is open; (2) modifies the Exempted Fisheries Program to include enhanced reporting requirements, changes to target species allowances, and facilitation of sea sampling; (3) provides authority for gear restriction modifications in the northern shrimp fishery; (4) regulates the stowage of nets and mesh; (5) establishes a fishery for silver hake on Cultivator Shoals in the Regulated Mesh Area; and (6) modifies the management unit to include silver hake, red hake, and ocean pout. The interim final rule requires that nets with small mesh stowed below deck be secured in a manner consistent with what is required for nonconforming nets and mesh stowed on deck—specifically, that they be fan-folded (flaked) and bound around their circumferences. Because this specific requirement was not included in the proposed rule (56 FR 979, January 10, 1991), public comment on it is requested. The intended effect is to improve the overall effectiveness of existing management measures and enhance the conservation of the groundfish stocks. The proposed measure to implement a minimum mesh size of 2½ inches (6.35 cm) and the proposed measure to establish framework measures to protect yellowtail flounder and Atlantic cod were disapproved by the Secretary of Commerce (Secretary) and are not included in this final rule.

DATES: *Effective Date:* June 27, 1991. Written comments on the stowage requirement contained in § 651.20(f)(1)(iii) will be considered if received on or before June 12, 1991.

ADDRESSES: Copies of the Amendment, Environmental Assessment (EA), and Regulatory Impact Review (RIR), and other supporting documents are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, 5 Broadway (Route 1), Saugus, MA 01960. Comments on the small mesh stowage requirement, contained in § 651.20(f)(1)(iii), should be sent to Richard B. Roe, Director, Northeast Region, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930.

FOR FURTHER INFORMATION CONTACT: Jack Terrill (NMFS, Resource Policy Analyst), 508-281-9252.

SUPPLEMENTARY INFORMATION: Amendment 4, which this rule implements, was prepared by the New England Fishery Management Council (Council) under the provisions of the Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, 16 U.S.C. 1801 *et seq.* A notice of availability of amendment 4 was published on December 7, 1990 (55 FR 50572), and the proposed rule was published on January 10, 1991 (56 FR 979).

Approved Measures

The Secretary has approved six of the eight measures proposed by the Council in amendment 4. The Secretary approved, and this final rule implements: (1) An expansion of the Southern New England/Mid-Atlantic Region yellowtail closure area and a 5½ inch (13.97 cm) minimum mesh size requirement when the area is open; (2) changes to the Exempted Fisheries Program to include modified reporting requirements, a requirement to carry a sea sampler if requested, redesignation of the target species; (3) provisions that allow gear restriction modifications in the northern shrimp fishery to minimize bycatch of regulated species; (4) requirements for the stowage of small mesh nets when in the Regulated Mesh Area; (5) a fishery for silver hake on Cultivator Shoals and impose time, area, mesh size, reporting, and sea sampler requirements; and (6) the inclusion of silver hake, red hake, and ocean pout in the management unit.

Disapproved Measures and the Reasons for Disapproval

Two additional measures that had been proposed by the Council in amendment 4 have been disapproved by the Secretary. The measure that proposed a minimum mesh size of 2½ inches (6.35 cm) was determined to be inconsistent with National Standard 1 of the Magnuson Act. National Standard 1 states that "conservation and management measures shall prevent overfishing while achieving, on a continuing basis, the optimum yield from each fishery for the United States fishing industry." The retention characteristics of the proposed mesh size would be virtually the same as is currently in use, as indicated by a mesh selectively curve presented in the Amendment. As a result, the proposed mesh size would do little to prevent overfishing. Accordingly, the benefits of going from 2 inch (5.08 cm) to 2½ inch (6.35 cm) mesh were overstated in the Amendment. The many exemptions to the 2½ inch (6.35 cm) mesh further reduce any likely benefits.

The Amendment failed to provide an analysis showing any increase in percent maximum spawning potential (% MSP) for silver hake resulting from this measure. The Council has defined overfishing as occurring when the % MSP target levels are not achieved. Further, there is no evidence that the proposed mesh size would reduce fishing mortality rather than shift it to other age classes.

The economic analysis of the proposed measure failed to demonstrate any benefit over a 10-year period, inconsistent with Executive Order 12291 (E.O. 12291), which requires that regulatory action not be undertaken unless the potential benefits to society outweigh the costs. The net result would have been a discounted loss of $2 million and 50 jobs. The Mid-Atlantic region would bear the major impact of this measure, a statement supported by comments on the proposed mesh size.

The second measure that was disapproved proposed a means to close quickly areas that had been determined to have high discards of sublegal (below the minimum size) multispecies finfish. The Technical Monitoring Group of the Council had previously reported to the Council that short-term, reactive time/area closures may be "inappropriate for yellowtail flounder, since juveniles are resident due to fairly well-defined nursery areas. Annual fixed closures in space and time are more sensible." For Atlantic cod this approach may be more reasonable but could be hampered by fairly rapid shifts in distribution, as well as NMFS' ability to determine rapidly that a problem exists. Given the depleted status of the yellowtail flounder resource, a 49 percent discard rate before action is taken is not acceptable. The Flexible Area Action System (FAAS) is already in place and can be implemented to handle any occurrences until a more effective procedure is developed.

The success of this measure would depend on sea sampling, which is

opportunistic rather than guaranteed. Sea samplers may not be available or be in the right place to collect information needed to determine if the action is to be initiated. Short-term time/area closures may shift fishing mortality to other segments of the population or merely postpone it. Furthermore, quantification or biological benefits was done and thus, it cannot be shown that these measures prevent overfishing, which is inconsistent with National Standard 1.

Comments and Responses

Written comments were submitted by Raymond Bogan (Hrymack & Bogan), Cape Ann Vessel Association, Conservation Law Foundation of New England, Inc., Fisherman's Dock Cooperative/Belford Seafood Cooperative, The Gloucester Fishermen's Program, Gloucester Fishermen's Wives Association, Gloucester Inshore Fisheries Association, Massachusetts State Representative Bruce Tarr, Mid-Atlantic Fisheries Management Council, New Jersey Fisheries Development Commission, Joseph Seminara (Wolff, Seminara & Mitherz), West End Fishermen's Association and 103 individuals. The Cape Ann Vessel Association submitted a petition signed by 708 individuals.

Comment: Six commenters stated their opposition to the measure specifying a minimum mesh size of 2½ inches (6.35cm). They stated that the measure was unnecessary in the Mid-Atlantic because: (1) The Southern stock of silver hake has been determined to be underexploited; (2) there are no significant groundfish stocks off northern New Jersey/western Long Island, New York, resulting in little bycatch and subsequent fishing mortality; (3) the proposed mesh would result in a loss of the bycatch of squid and a loss of resultant revenues; and (4) the silver hake fishery is economically important to the ports of northern New Jersey. As an alternative, the commenters proposed a limited groundfish permit that would allow the vessel operator to fish with a minimum mesh of 2 inches (5.08cm) in an area west of 72° W. longitude from October 1 to June 30. One commenter supported the implementation of a 2½ inch (6.35cm) minimum mesh size.

Response: The measure, for the reasons stated in the preamble, has been disapproved. The measure as proposed would not prevent overfishing, and the benefits associated with its implementation would not be greater than the costs.

Comment: Numerous commenters and the signers of the Cape Ann Vessel Association petition stated their opposition to the framework measure responding to sublegal cod discards on Stellwagen Bank/Jeffreys Ledge. They opposed any closure, stating that the existing mesh size would be sufficient to eliminate discards of juvenile fish. They stated that the time period of February 1 to July 31 was too long and suggested an alternative period of from March 31 to May 31. The commenters suggested that the sea sampling be conducted weekly rather than bi-weekly and stated that the decision to take action should not reside solely with the Regional Director, but rather jointly with the Regional Director, the Council Chairman, and the Chairman of the Multispecies Committee of the Council.

Response: The measure, as stated previously, has been disapproved.

Comment: The U.S. Coast Guard made several comments of minor technical or editorial nature.

Response: These comments are addressed in the "Changes from the Proposed Rule" section below.

Comment: The U.S. Coast Guard recommended that the net stowage requirements be changed to include a requirement that vessels with nonconforming nets with small mesh stowed below deck must have them fan-folded (flaked) and secured. This change had been discussed by the Council but was not included in the amendment.

Response: The change will enhance the enforceability of the measure and is inconsistent with what is required on deck. Since it was not included in the proposed rule, NOAA is issuing this requirement as an interim final rule with request for public comment. After the comment period, NOAA will continue, discontinue, or modify the requirements, as appropriate. The change is included in the stowage requirements contained in § 651.20(f)(1)(iii).

Comment: One commenter stated that the amendment was in violation of the Magnuson Act because it was inconsistent with National Standard 1. The commenter noted that the Council has acknowledged that the major stocks have been overfished, but the amendment does not provide a program to rebuild them. The commenter stated that several of the measures would strengthen and extend the age-at-entry controls, but the amendment is insufficient to rebuild the stocks.

Response: Two of the measures were found to be inconsistent with the Magnuson Act or E.O. 12291, for the reasons stated previously. The remaining measures, although they do not constitute a complete rebuilding strategy, are steps necessary to the rebuilding program that the Council is currently developing in amendment 5 to the FMP. As listed above, the closed-area aspect of measure 1 and the modifications in measures 2, 3, and 4 will enhance information collection, facilitate enforcement, and provide greater protection to juvenile or regulated species. Measure 1 imposes a minimum mesh size of 5½ inches (13.97cm) in the Southern New England Yellowtail Closure Area. A 5½-inch (13.97cm) minimum mesh size had been previously implemented through a FAAS action intended to reduce sublegal yellowtail flounder discards with resultant mortality. However, FAAS actions can only be taken on a temporary basis. Amendment 4 imposes this minimum mesh size whenever the fishery is open.

Measure 5 established a fishery for silver hake on Cultivator Shoals that has been conducted since 1987 through the experimental fishery authority provided by the FMP. This experimental fishery, using sea samplers as observers, was shown to take a minimal bycatch of regulated species. The results of the experimental fishery were incorporated into the conditions under which this fishery will operate.

Measure 6 incorporates silver hake, red hake, and ocean pout into the management unit. These are species taken by groundfish vessels that have been regulated through the Exempted Fisheries Program. It is appropriate to include them in the multispecies management unit to prevent overfishing.

These measures in and of themselves are not expected to achieve the rebuilding goals the Council has set for this fishery, but they are designed as steps necessary to the rebuilding program to be addressed in amendment 5. As stated in the amendment, the Council has already begun efforts on an amendment specifically designed to begin the rebuilding of multispecies stocks within an established timeframe.

Comment: One commenter stated that the Exempted Fishery Program area should be expanded to include the entire range of the management unit with specific exemptions and reporting requirements.

Response: This suggestion was not proposed, had not had the benefit of public review, or been subjected to any analysis of possible impacts. Consequently, it could not be implemented at this time. It will be forwarded to the Council for their consideration.

Comment: One commenter stated that at-sea trials be conducted in the area of implementation before any change in shrimp gear be required.

Response: The rule requires that the Council, Atlantic States Marine Fisheries Commission (ASMFC), and NMFS review information on shrimp gear technology before modifying the gear restrictions. One of the factors that will have to be considered is the effect of the gear in the area of implementation. Once a gear restriction is proposed, there will be opportunity for public comment before a final decision is made.

Comment: One commenter supported the inclusion of silver hake, red hake, and ocean pout to the management unit.

Response: The measure is part of the approved amendment.

Comment: One commenter supported the implementation of a small mesh fishery for whiting on Cultivator Shoals.

Response: The measure is part of the approved amendment.

Comment: One commenter stated that a 50 percent discard criterion for triggering action to prevent discard mortality on yellowtail flounder was too high. The commenter felt that the discards were occurring because of the use of mesh that was smaller than 5½ inches (13.97 cm).

Response: the measure has been disapproved for the reasons stated previously.

Comment: One commenter stated that a regulation that required one mesh on board a vessel was needed rather than the proposed stowage language.

Response: One mesh on board a vessel would facilitate enforcement of mesh requirements. In several of the previous amendments to the FMP, including amendment 4, not allowing nonconforming nets and mesh to be carried on board at the same time has been one of the alternatives adopted by the Council for public hearing. However, the response at public hearing favored the gear stowage alternative. The public cited costs of storage of nets on land, lack of alternatives when fishing, and safety caused by vessels having to travel greater distances to avoid large mesh areas when in possession of nonconforming nets and mesh. Based upon the public comments received, the Council chose to go with the less restrictive alternative.

Comment: One commenter stated that vessels targeting yellowtail flounder in the Southern New England Yellowtail Flounder Closed Area should be required to use a mesh size and shape that would lower retention of juvenile yellowtail flounder.

Response: One of the approved measures increases the mesh size currently in use in this area. The increase will reduce the retention of juvenile yellowtail flounder and discard mortality.

Changes From the Proposed Rule

1. The disapproval of two measures requires that the following changes be made from the proposed rule:

a. Sections 651.20, 651.21(g), 651.22(b)(iii), 651.22(c), 651.22(d), 651.23(e)(1), and Figures 5 and 6 from the proposed rule are eliminated;

b. The changes specified in the proposed rule for § 651.7 (a)(1), (b)(3), (b)(4), (b)(5), (b)(6), (b)(8), (b)(11), and (b)(12) are no longer necessary;

c. The proposed redesignation of certain sections is no longer necessary with the disapproval of the minimum mesh size measure. The minimum mesh size measure had been designated as § 651.20, which required the renumbering of succeeding sections. The numbering of these sections reverts back to its original form;

d. Figure 7 from the proposed rule is redesignated as Figure 5; and

e. The definition of biweekly is deleted from § 651.2.

2. In commenting on the Amendment, the U.S. Coast Guard made several suggested changes or corrections. These were:

a. Section 651.7(b)(14) should reference § 651.21(a)(3)(iv) rather than § 651.21(a)(i);

b. References to straight lines in area coordinates should include the "rhumb lines" at § 651.27(b); and

c. Section 651.20(f) should include the language "(iii) The net is fan-folded (flaked) and bound around its circumference." Changes (a) and (b) have been incorporated into the final rule. The third change is being issued as an interim final rule with a request for comments.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), determined that amendment 4 is necessary for the conservation and management of the Northeast multispecies fishery and that it is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

The Assistant Administrator has determined that this rule is not a "major rule" requiring a regulatory impact analysis under E.O. 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, individual 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 Council prepared an environmental assessment (EA) for the Amendment and the Assistant Administrator concluded that there will be no significant impact on the environment as a result of this rule. A copy of the assessment may be obtained from the Council (see **ADDRESSES**).

This rule contains collection-of-information requirements subject to the Paperwork Reduction Act. the Exempted Fisheries Program information requirement in § 651.23(f) and the Cultivator Shoal Whiting Fishery information requirement in § 651.28(c)(3) have been approved by OMB. The public reporting burdens are 5 minutes per response for each submission. These collections of information were previously approved under OMB control number 0648–0212. The permitting requirement under § 651.28(c) has also been approved by OMB under control number 0648–0256. This requirement has a public reporting burden of 2 minutes. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments on the reporting burden estimates or any other aspect of the collections of information, including suggestions for reducing the burdens, to Jack Terrill, NMFS, One Blackburn Drive, Gloucester, MA 01930; and to the Office of Information and Regulatory Affairs, OMB, Washington, DC 20503 (Attn: Paperwork Reduction Act Projects 0648–0212 and 0648–0256).

The Council prepared a regulatory impact review/regulatory flexibility analysis that analyzes the economic impacts of this rule and describes its effects on small business entities. A summary of those impacts and effects was included in the proposed rule and is not repeated here.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal management programs of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and North Carolina. This determination was submitted for review by the responsible State agencies

under section 307 of the Coastal Zone Management Act. Massachusetts, Connecticut, New York, New Jersey, and North Carolina agreed with the determination. None of the other States commented within the statutory time period, and, therefore, consistency is automatically inferred.

This rule does not contain policies with federalism impications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 651

Fishing, Fisheries, Vessel permits and fees.

Dated: May 24, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For reasons set forth in the preamble, 50 CFR part 651 is amended as follows:

PART 651—NORTHEAST MULTISPECIES FISHERY

1. The authority citation for part 651 continues to read as follows:

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

2. Section 651.2 is amended by adding a definition of *codend* and revising the definition of *Multispecies finfish* to read as follows:

§ 651.2 Definitions.

Codend means the terminal section of a trawl net in which captured fish may accumulate.

* * * * *

Multispecies finfish includes, but is not limited to, the following finfish in the Northeast portion of the Atlantic Ocean EEZ.

Gadus morhua	Atlantic cod.
Glyptocephalus cynoglossus	witch flounder.
Hippoglossoides platessoides	American plaice.
Limanda ferruginea	yellowtail flounder.
Macrozoarces americanus	ocean pout.
Melanogrammus aeglefinus	haddock.
Merluccius bilinearis	silver hake.
Pollachius virens	pollock.
Pseudopleuronectes americanus	winter flounder.
Scophthalmus aquosus	windowpane flounder.
Sebastes marinus	redfish.
Urophycis chuss	red hake.
Urophycis tenuis	white hake.

* * * * *

3. In § 651.7, the first paragraph is designated "(a)"; paragraph (b)(2) is revised, new paragraphs (b)(12), (b)(13), (b)(14) and (c) are added, and paragraph (d) is revised to read as follows:

§ 651.7 Prohibitions.

* * * * *

(b) * * *

(2) Fish within the areas described in § 651.20(a) with nets of mesh smaller than the minimum size specified in § 651.20(b), unless the vessel is certified in an exempted fishery program established under § 651.22.

* * * * *

(12) Fish within the areas described in § 651.27 without a permit issued under § 651.27(c).

(13) Violate any provisions of the Cultivator Shoals Whiting Fishery specified in § 651.27.

(14) Violate any provisions specified in § 651.20(a)(3)(iv), § 651.20(d), § 651.20(e)(2), and § 651.20(f).

(c) It is unlawful to violate any other provision of this part, the Magnuson Act, or any regulations or permit issued under the Magnuson Act.

(d) *Presumption.* The possession for sale of regulated species that do not meet the minimum sizes specified in § 651.23 for sale will be prima facie evidence that such regulated species were taken or imported in violation of these regulations. Evidence that such fish were harvested by a vessel not holding a permit under this part and fishing exclusively within state waters will be sufficient to rebut the presumption. This presumption does not apply to fish being sorted on deck.

4. Section 651.20 is amended by adding new paragraph (a)(3) and by revising paragraphs (b)(1), (b)(3), and (f) to read as follows:

§ 651.20 Regulated mesh area and gear limitations.

(a) * * *

(3) Southern New England Yellowtail Area (Figure 3):

(i) Bounded by straight lines (rhumb lines) connecting the following points in the order stated:

Point	Latitude	Longitude
A	40°33.5′ N	69°40′ W.
N	40°26.5′ N	70°40′ W.
O	40°40.5′ N	70°40′ W.
P	40°30′ N	72°00′ W.
Q	40°17.8′ N	72°00′ W.
R	40°15.5′ N	72°20′ W.
S	40°39.0′ N	72°20′ W.
T	40°42.0′ N	72°00′ W.
U	40°48.2′ N	72°00′ W.
V	41°00′ N	70°49.5′ W.
W	41°00′ N	70°30′ W.
X	40°50′ N	70°30′ W.
Y	40°50′ N	69°40′ W.
A	40°33.5′ N	69°40′ W.

(ii) Vessels fishing with mesh smaller than that specified in paragraphs (b) and (c) of this section may not have any yellowtail flounder stored on deck in baskets, fish boxes (totes), or other containers, or below deck in any form. Vessels with yellowtail flounder and nonconforming nets and mesh aboard must follow the regulations pertaining to the carrying of nonconforming nets and mesh specified in paragraph (f) of this section.

(b) *Trawl nets*—(1) *Diamond mesh.* Except as provided for in §§ 651.20(b)(3), 651.20(d), and 651.22, the minimum mesh size for any trawl net, including midwater trawls, or Scottish seine, used by a vessel fishing in the mesh area described in paragraphs (a)(1), (a)(2), and (a)(3) of this section, is 5½ inches (13.97 cm) throughout the entire net.

* * * * *

(3) *Selective shrimp gear.* (i) The Council, in consultation with the ASMFC and NMFS, will review information on shrimp gear technology annually.

(ii) For 1991, the Council, in consultation with ASMFC, will make a recommendation to the Regional Director by July 15, on the appropriate shrimp gear to be used. The recommendation will include an economic impact analysis prepared by the Council and will specify the type of shrimp gear that should be used to minimize the bycatch of multispecies finfish. The Regional Director will publish notice of the Council's recommendation following the procedure of paragraph (b)(3)(iv) of this section.

(iii) For 1992 and after, if a change in shrimp gear is determined to be necessary, the Council will prepare an economic impact analysis and make a recommendation to the Regional Director by July 15 of each year. This recommendation will include the economic analysis and will specify the type of shrimp gear that should be used to minimize the bycatch of multispecies finfish.

(iv) The Regional Director will publish a notice in the **Federal Register** informing the public of the Council's recommendation and making available the economic impact analysis. The notice will initiate a 30-day public comment period. Upon review of the public comments, a final notice informing the public of the Regional Director's decision to approve/disapprove the Council's recommendation and to specify the gear requirements will be published in the **Federal Register.**

(v) The shrimp season will extend from December 1 through May 30 unless modified by the ASMFC.

* * * * *

(f) Except as provided in paragraph (d) of this section, no vessel issued a permit under § 651.4 may have available for immediate use any net, or any piece of a net, not meeting the requirements specified in paragraphs (b) and (c) of this section, or mesh that is rigged in a manner that is inconsistent with § 651.20(e)(2), while in the areas described in paragraph (a) of this section. A net that conforms to one of the following specifications and that can be shown not to have been in recent use is considered to be not "available for immediate use":

(1) A net stowed below deck, provided:

(i) It is located below the main working deck from which the net is deployed and retrieved;

(ii) The towing wires, including the "leg" wires, are detached from the net;

(iii) It is fan-folded (flaked) and bound around its circumference.

(2) A net stowed and lashed down on deck, provided:

(i) It is fan-folded (flaked) and bound around its circumference;

(ii) It is securely fastened to the deck or rail of the vessel; and

(iii) The towing wires, including the leg wires, are detached from the net.

(3) A net that is on a reel and is covered and secured, provided:

(i) The entire surface of the net is covered with canvas or other similar material that is securely bound;

(ii) The towing wires, including the leg wires, are detached from the net; and

(iii) The codend is removed from the net and stored below deck.

(4) Nets that are secured in a manner approved by the Regional Director, provided that the Regional Director has reviewed the alternative manner of securing nets and has published that alternative in the **Federal Register**.

5. Section 651.21 is amended by revising paragraph (b)(2) to read as follows:

§ 651.21 Closed areas.

* * * * *

(b) * * *

(2) The area defined in paragraph (b)(1) of this section will be regulated as follows:

(i) The area will be closed as of 0001 hours on March 1 of each year.

(ii) The entire area will be reopened at 2400 hours on May 31 of each year, or at an earlier date after May 1, by notice in the **Federal Register**, when the Regional Director, after consultation with the Council, determines that the close has achieved the appropriate spawning level for yellowtail and winter flounder.

* * * * *

6. Section 651.22, paragraphs (e) (2) and (3) and (f) are revised and a new paragraph (i) is added to read as follows:

§ 651.22 Exempted fishery program.

* * * * *

(e) * * *

(2) Participation in the exempted fisheries program is subject to:

(i) Seasonal limitations, exempted species, mesh and gear restrictions, and maximum percentage restrictions on the catch of other species as follows:

Period	June through November
Target Species	Dogfish, mackerel, red hake, silver hake, ocean pout, and squid
Restrictions	Regulated species weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of dogfish, mackerel, red hake, silver hake, ocean pout, and squid.
Period	December through January
Target Species	Silver hake
Restrictions	Regulated species, other than silver hake, weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of silver hake. Shrimp landings may not exceed 200 pounds (90.8 kg) on each trip during the months shrimp may be landed (see Northern Shrimp below).
Period	June through November
Target Species	Herring
Restrictions	Regulated species and silver hake weight may not exceed 1% of the total landings of herring on each trip.
Period	December through May, or as specified by ASMFC [1]
Target Species	Northern shrimp
Restrictions	Regulated species weight may not exceed 10% for the reporting period or 25% on each trip of the total landings of shrimp. Gear must comply with the shrimp gear specified according to § 651.21(b)(3).

[1] The Northern Shrimp Section of the Atlantic States Marine Fisheries Commission is responsible for the management of northern shrimp. The Section has the authority to adjust the regulatory period appropriate for the conservation of northern shrimp. The Section will consult the New England Fishery Management Council regarding recommendations to adjust the regulatory period with respect to the management of multispecies finfish.

(ii) A vessel may not participate in the exempted fishery programs for whiting and shrimp at the same time; however, participants in the Exempted Fishery Program for whiting may retain up to 200 pounds (90.7 kg) of shrimp per trip during the shrimp season.

(3) Adjustments in the seasons, species, or percentages of the exempted fisheries will be accomplished by regulatory amendment.

(f) *Recordkeeping and reporting.* The reporting period for the exempted fisheries will be equal to the participation period (from 7 to 30 calendar days). Within 1 week from the expiration of the reporting period or withdrawal from the program under paragraph (g) of this section, or receipt of a notice of revocation under paragraph (h) of this section, the participant must mail or deliver to the Regional Director a NOAA Form 88–30 "Tier Two Fishing Trip Record," listing, in pounds, all fish landed during participation in the Exempted Fishery Program on a trip-by-trip basis, or documentation that no fishing occurred. If no fish were landed, the participant must submit a document indicating no landings. In submitting NOAA Form 88–30, the participant may elect to identify the area fished by 10-minute squares instead of LORAN C coordinates, and is not required to estimate discards. The participant must provide, upon request of the Regional Director or his designee, trip landing records, kept in the normal course of business, that are certified as accurate by both the buyer and the seller for 1 year after his participation in the Exempted Fishery Program to confirm the information required on NOAA Form 88–30.

* * * * *

(i) *Sea Sampling.* (1) A participant in the Exempted Fishery Program must carry a sea sampler from the NMFS

Domestic Sea Sampling Program, if requested to do so by the Regional Director.

(2) NMFS may waive the sea sampling requirement based on a finding that the facilities for housing the sea sampler or for carrying out sea sampler functions are so inadequate or unsafe that the health or safety of the sea sampler or the safe operation of the vessel would be jeopardized.

(3) The participant, master, and crew must cooperate with the sea sampler in the performance of the sea sampler's duties including:

(i) Providing adequate accommodations;

(ii) Allowing for the embarking and debarking of the sea sampler as specified by NMFS. The operator of a vessel must ensure that transfers of sea samplers at sea are accomplished in a safe manner, via small boat or raft, during daylight hours as weather and sea conditions allow, and with the agreement of the sea sampler involved;

(iii) Allowing the sea sampler access to all areas of the vessel necessary to conduct sea sampler duties;

(iv) Allowing the sea sampler access to communications equipment and navigation equipment as necessary to perform sea sampler duties;

(v) Providing true vessel locations by latitude and longitude or loran coordinates, upon request by the sea sampler;

(vi) Providing marine specimens, as requested;

(vii) Notifying the sea sampler in a timely fashion of when commercial fishing operations are to begin and end; and

(viii) Complying with other guidelines, regulations or conditions that NMFS may develop to ensure the effective deployment and use of sea samplers.

7. A new § 651.27 and Figure 5 are added to read as follows:

§ 651.27 Cultivator Shoal whiting (silver hake) fishery (Figure 5).

(a) A fishery for whiting may occur annually in the regulated mesh area (§ 651.20), subject to the conditions specified below.

(b) The Cultivator Shoal whiting fishery may occur in the area bounded by straight lines (rhumb lines) connecting the following points in the order stated:

CULTIVATOR SHOAL WHITING FISHERY

Reference point	Latitude	Longitude	Approximate	
			Loran	Coordinates
C1	42°10'N	68°10'W	13132	43970
C2	41°25'N	68°45'W	13527	43767
C3	41°05'N	68°20'W	13495	43627
C4	41°55'N	67°40'W	13074	43861

Note: Loran lines and positions are included for the convenience of fisherman.

(c) The Regional Director will issue permits to fish for whiting in the prescribed area subject to the following conditions:

(1) The trip bycatch limit under which the combined landings of regulated species (as defined in § 651.2) shall not exceed 1 percent of the landings of silver hake;

(2) The minimum mesh size of 2½ inches (6.35 cm) applied to the first 160 meshes counted form the terminus of the net must be used;

(3) A Tier Two Fishing Trip Record (NOAA FORM 88–30) must be received by NMFS for each fishing trip.

(d) The Regional Director will conduct periodic sea sampling to determine if there is a need to change the area or season designation, and evaluate the bycatch of regulated species, especially haddock.

(e) The Council will conduct an annual review of data to determine if there are any changes in area or season designation necessary, and make the appropriate recommendations to the Regional Director.

(f) Unless specified by publication of a notice in the **Federal Register**, the fishery will take place from June 15 through October 31.

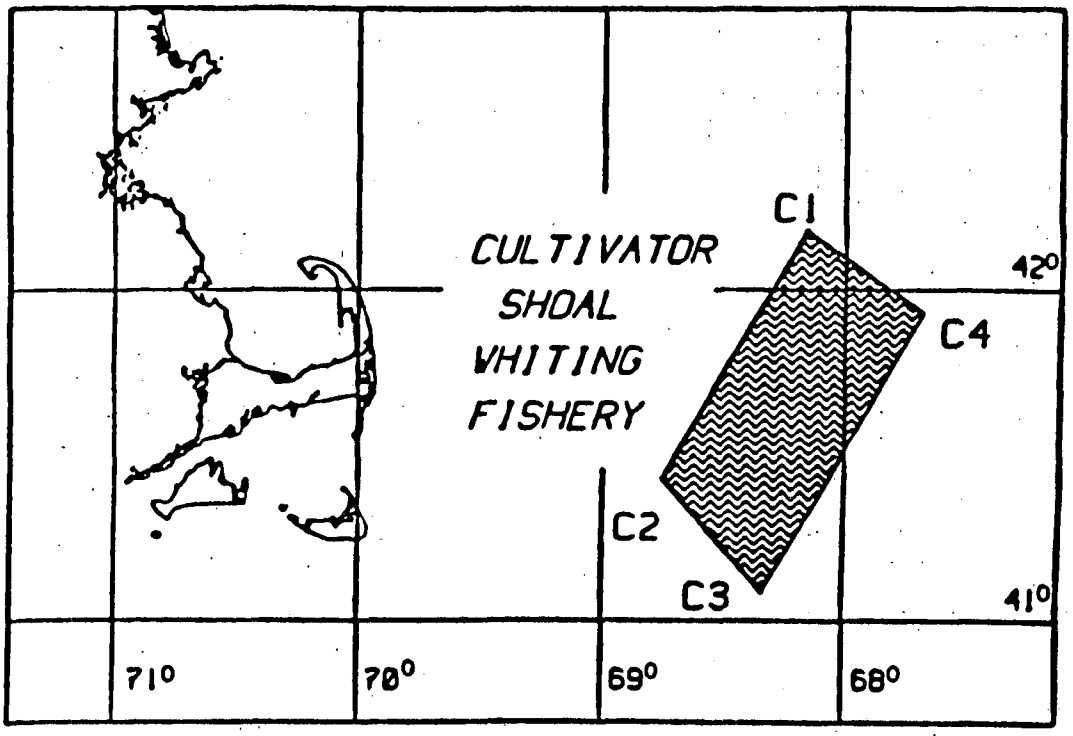

Figure 5. Cultivator Shoal Whiting Fishery. See text for details. This area is defined in §651.27.

[FR Doc. 91-12894 Filed 5-28-91; 91; 3:11 pm]
BILLING CODE 3510-22-M

50 CFR Part 663

[Docket No. 901078-0345]

Pacific Coast Groundfish Fishery

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

ACTION: Notice of fishing restrictions, and request for comments.

SUMMARY: NOAA announces a reduction in the trip limit for sablefish caught with nontrawl gear in the groundfish fishery off Washington, Oregon and California. This action is authorized by the regulations implementing the Pacific Coast Groundfish Fishery Management Plan. The trip limit is designed to keep landings within the nontrawl quota for this species while extending the fishery as long as possible during the year.

EFFECTIVE DATE: 0001 hours (local time) May 24, 1991, through 2400 hours (local time) December 31, 1991, unless modified, superseded, or rescinded. Comments will be accepted through June 17, 1991.

ADDRESSES: Submit comments on this action to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115; or Charles E. Fullerton, Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA 90731.

FOR FURTHER INFORMATION CONTACT: William L. Robinson (Northwest Region, NMFS) 206-526-6140, Rodney McInnis (Southwest Region, NMFS) 213-514-6199, or the Pacific Fishery Management Council at 503-221-6352.

SUPPLEMENTARY INFORMATION: Regulations implementing Amendment 4 to the Pacific Coast Groundfish Fishery Management Plan (FMP), published at 56 FR 736 (January 8, 1991), provide for rapid changes to specific management measures if they have been designated as "routine." This designation means that the identified management measure may be implemented and adjusted for a specified species or species group and gear type after consideration at a single meeting of the Pacific Fishery Management Council (Council), as long as the purpose of the measure is the same as originally established when the measure was designated as routine and the impacts of the measure already have been analyzed. Trip landing and frequency limits for sablefish caught with nontrawl gear are among those management measures that have been designated as routine at 50 CFR 663.23(c). This management measure falls within the scope of the impacts analyzed when Amendment 4 was implemented.

At its November 1990 meeting, the Council recommended three actions be taken in the nontrawl sablefish fishery in 1991: (1) from January 1-March 31, a 1,500 pound trip limit (for sablefish of any size); (2) on April 1, a trip limit,

applicable only to sablefish smaller than 22 inches, of 1,500 pounds or 3 percent of all sablefish on board, whichever is greater; and (3) a 500 pound trip limit (for sablefish of any size), in order to stretch the nontrawl quota of 3,612 metric tons (mt) to the end of the year. The date that the 500 pound trip limit would be imposed would be determined by the Council's Groundfish Management Team (GMT), based on the best available information. These recommendations were approved by the Secretary and published in the **Federal Register** (56 FR 645) on January 8, 1991. By a regulatory amendment effective January 18, 1991, the regular season for the nontrawl sablefish fishery begins April 1 of each year (50 CFR 663.23(b)(2); January 25, 1991, 56 FR 2865).

This notice announces the effective date of the 500 pound trip limit. The GMT has projected that the total catch of sablefish caught with nontrawl gear through May 11 was approximately 3,023 mt, and that the 500 pound trip limit would need to be imposed on May 24, 1991, to avoid reaching the nontrawl sablefish quota before the end of the year. Consequently, NOAA announces that no more than 500 pounds (round weight) of sablefish of any size caught with nontrawl gear may be taken and retained, possessed, or landed after 0001 hours (local time) on May 24, 1991. All other provisions announced at 56 FR 736 (January 8, 1991) regarding sablefish caught with nontrawl gear remain in effect.

Classification

These actions are taken under the authority of, and in accordance with, the regulations implementing Amendment 4 to the FMP at 50 CFR part 663.23(c)(1)(i)(E).

This action is authorized by Amendment 4 to the FMP for which a Supplemental Environmental Impact Statement (SEIS) was prepared in accordance with the National Environmental Policy Act (NEPA). Because this action and its impacts have not changed significantly from those considered in the SEIS, this action is categorically excluded from the NEPA requirement to prepare an environmental assessment in accordance with paragraph 5a(3) of the NOAA Directives Manual 02-10.

This action is in compliance with Executive Order 12291, and is covered by the Regulatory Flexibility Analysis prepared for the authorizing regulations.

The public has had the opportunity to comment on this action. The public participated in GMT, Groundfish Advisory Subpanel, Scientific and Statistical Committee, and Council meetings in November 1990 that resulted in the recommendation to take this action. The intent to take this action was announced in the **Federal Register** on January 8, 1991, and no comments relevant to this action were received. Additional public comments will be accepted for 15 days after publication of this notice in the **Federal Register**.

List of Subjects in 50 CFR Part 663

Fisheries, fishing.

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

Dated: May 24, 1991.

David S. Crestin,

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

[FR Doc. 91-12801 Filed 5-31-91; 2:57 pm]

BILLING CODE 3510-22-M

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50 CFR Part 685

[Docket No. 910374-1117]

RIN 0648-AD97

Pelagic Fisheries of the Western Pacific Region

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

ACTION: Final rule.

SUMMARY: NOAA issues a final rule to implement Amendment 2 to the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region (FMP). This rule requires longline and transshipping vessel owners to obtain permits for their vessels, and requires vessel operators to maintain and submit to NMFS logbook data on their fishing and transshipping activities. This applies to all operators of longline and transshipping vessels who conduct any part of their fishing activity shoreward of the outer boundary of the fishery management area. The rule also implements the amendment's application of the FMP to the fishery operating off the Commonwealth of the Northern Mariana Islands (CNMI), and for the management unit species to include tuna after 1991. The rule establishes a protected species zone in the Northwestern Hawaiian Islands (NWHI) and requires each vessel operator intending to fish in this zone to notify NMFS in advance and, if required by the Director, Southwest Region, NMFS (Regional Director), to carry an observer to record observations of protected species and incidents of interactions between the vessel or its gear and protected species. The rule also requires notification of the NMFS Southwest Regional Office in Honolulu, Hawaii, within 12 hours of return to port after any transshipment activity or to make a landing. In addition, this rule makes minor changes in the information to be submitted in permit applications. This is part of the Southwest Region's effort to simplify the permit process by using the same permit form for all Federal fishery permits in the region. These actions are necessary to ensure adequate monitoring of conditions in the fishery by collecting data on catch and effort, and on interactions between the fishery and marine mammals and/or endangered and threatened species. Emergency regulations are now in effect to provide these data; however, the emergency rule will expire under the time limits set by the Magnuson Fishery Conservation and Management Act (Magnuson Act). This rule will continue the requirements imposed by the emergency rule with some modifications described below.

EFFECTIVE DATE: This action is effective at 0000 hours local time May 26, 1991, except for the definition of "Protected species zone" in § 685.2, § 685.4(c), § 685.5 paragraphs (i) and (l) through (n), § 685.11, and § 685.13. The effective date for the definition of "Protected species zone" in § 685.2, and § 685.11 will be at 0000 hours local time July 16, 1991. Paragraph (c) of § 685.4, paragraphs (i) and (l) through (n) of § 685.5, and § 685.13 contain, or are associated with, collection-of-information requirements subject to the Paperwork Reduction Act (PRA); when approval from the Office of Management and Budget (OMB) is obtained, an effective date for those sections will be published in the **Federal Register**.

ADDRESSES: Copies of Amendment 2 and the environmental assessment (EA) are available from Kitty B. Simonds, Executive Director, Western Pacific Fishery Management Council, Suite 1405, 1164 Bishop Street, Honolulu, HI 96813 (808-523-1368).

FOR FURTHER INFORMATION CONTACT: Svein Fougner, Fisheries Management Division, Southwest Region, NMFS, Terminal Island, California (213) 514-6660, or Alvin Katekaru, Pacific Area Office, Southwest Region, NMFS, Honolulu, Hawaii (808) 955-8831.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Western Pacific Fishery Management Council (Council) and approved and implemented by the Secretary of Commerce (Secretary) at a time when there were few problems in the domestic fisheries for management unit species (billfish and associated species). This is no longer the case. Due to rapid growth in the longline fishery, there are serious concerns about the

status of the stocks, the impact of increased longline catches on other fisheries, and interactions between longline fishing and protected species such as Hawaiian monk seals. Faced with these concerns and recognizing that the information base was not sufficient to address these new concerns, the Council requested that the Secretary promulgate an emergency rule establishing permit and logbook requirements for domestic longline and transshipping vessels using the fishery management area under the FMP and requiring each vessel operator intending to fish in certain parts of the management area around the NWHI to notify NMFS in advance for possible placement of an observer to document interactions between fishing activities and protected species. This was done November 27, 1990 (55 FR 49285).

The Council then developed an amendment to the FMP to continue these measures on a permanent basis. NMFS published a proposed rule (April 3, 1991, 56 FR 13611), which described in considerable detail the basis for the emergency action as well as the reasons for the conservation and management measures proposed in the FMP amendment. That discussion will not be repeated here. This final rule will implement those measures on a permanent basis, with some changes from the emergency rule. The final rule does not differ substantially from the proposed rule.

By defining management unit species to consist of certain fish stocks throughout their range, the implementing regulations are able to effectively regulate the longline fishery and support activities that occur in or use the exclusive economic zone (EEZ) in the Council's area of concern. This broad definition is necessary to ensure that management of fishing activities in the EEZ is not negated by persons proposing they are exempt from permit and reporting requirements because they claim to operate only outside the EEZ. This definition allows NMFS to collect catch and effort data from all vessels of the United States off the coasts of the islands in the Council's area of concern, if the vessels are within the EEZ or the territorial sea, and if the vessels are being used to engage in some longline fishing activity, such as fishing for management unit species, or even possessing management unit species harvested by longline regardless of where they were caught. These data are crucial for assessing the condition of the stocks, for determining the extent to which fishing affects the stocks, the interaction between fishing inside and outside the EEZ, and the effects of potential conservation and management measures on different sectors of the pelagic species fisheries.

Any vessel of the United States using longline gear to fish for management unit species shoreward of the outer boundary of the EEZ around Hawaii or one of the other islands in the Council's area of concern, or possessing, landing, or transshipping shoreward of the outer boundary of the EEZ, around one of those islands, management unit species taken by longline gear, regardless of where the fish were caught, must obtain a permit from the Regional Director. Each operator of a permitted longline vessel must maintain and submit to the Regional Director a daily fishing logbook, recorded on forms provided by the Regional Director. Information to be recorded includes catch (by species), effort, and information on interactions with protected species. The forms must be mailed to the Pacific Area Office, Southwest Region, NMFS, within 72 hours of the end of a fishing trip unless they are picked up by an authorized agent or officer. The purpose of these requirements is to establish the potential universe of fishery participants and then monitor total effort, landings, value of landings, species composition of the landings, area of catch, and other vital information.

No longline vessel can fish within a 50-nm protected species zone around certain islands in the NWHI (Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island), unless the operator has provided the Regional Director with an opportunity to place an observer aboard the vessel to document whether there are any interactions with protected species, and if so, the specifics of the interactions. Observers can collect more detailed information than the vessel operators could be expected to record in the interactions section of the required fishing logbook. Biological samples may also be collected. Nihoa Island, Necker Island, and Maro Reef were inadvertently excluded from the protected species zone under the emergency rule. Also, in response to concerns about the potential impacts of the fishery on protected species of marine mammals, sea turtles, and marine birds, operators of fishing vessels will be required to attend an orientation meeting to be held by the Southwest Region, NMFS, prior to fishing in the protected species zone, to ensure knowledge about the species of concern and about measures that can and should be taken to avoid any taking of such species in the fishery. In addition, vessels must notify the NMFS Southwest Regional Office within 12 hours of an arrival in port after engaging in a transshipment activity or to make a landing.

It should be noted that an emergency rule (April 18, 1991, 56 FR 15842) has been promulgated by the Secretary to prohibit longline fishing in the waters that would constitute the protected species zone under this rule implementing Amendment 2 to the FMP. This action was requested by the Council due to evidence that adverse impacts on monk seals had resulted from interactions with longline fishing activities. The Council has indicated it will proceed with a formal amendment to effect this closure on a permanent basis. However, it is still possible that evidence will become available indicating that interactions occur beyond the area closed to longline fishing. Therefore, while the observer placement provisions of Amendment 2 are suspended during the emergency period, the rule implementing Amendment 2 is being made final to retain the authority to enlarge the size of the protected species zone beyond the 50-nm distance currently defined. The authority to place observers on vessels operating in the protected species zone is thus also retained and may be exercised in the future. These measures will not go into effect until the expiration of the current emergency rule on July 16, 1991.

Permitted vessels are required to display their official number (generally, a Certificate of Documentation number or a state vessel registration number) in a highly visible manner affixed to the deckhouse or hull. The purpose of this requirement is to aid in the identification of vessels by enforcement officers. In addition, longline gear must be marked with the official number of the vessel.

The amendment makes permanent the provisions of the emergency rule, and contains several additional provisions. The amendment defines the fishery management area as the EEZ around Hawaii, American Samoa, Guam, U.S. possessions in the Pacific Ocean area and, for the first time, includes within the definition the EEZ around the CNMI. The EEZ around the CNMI had not been included in the management area previously because the Council did not want to influence negotiations then underway concerning the extent to which the CNMI government would have fishery jurisdiction under its commonwealth status. The Council now

believes it is timely to include the EEZ around the CNMI due to the migratory nature of the management unit species and the wide-ranging capabilities of the longline fleet. The final rule also provides that the Regional Director may make a determination that Federal permits and logbooks would not be required in areas where a state has in place a substantively identical permit and reporting program and agrees to share permit and logbook information with NMFS.

Amendment 2 establishes a specific requirement for receiving vessels to maintain and submit to NMFS a transshipment logbook form recording details of such transshipments. This proposed collection-of-information has been submitted to OMB for approval. This measure will become effective upon approval of the request by OMB and publication of a notice in the **Federal Register**. A receiving vessel is prohibited from receiving transfers of management unit species in the management area from a fishing vessel that does not have a valid permit.

Finally, the rule sets forth permit application information elements so that a single permit application form can be used for all Federal fishery permits in the western Pacific region.

Public Comments Received and Responses

Comment

The Marine Mammal Commission generally favored the rule but proposed four changes: (1) Make permanent the area closure now in place under an emergency rule to protect monk seals; (2) extend the protected species zone to 100-nm around the NWHI; (3) specify that permits will not be renewed for persons failing to comply with area closure and notification requirements; and (4) require satellite transmitters on all fishing vessels.

Response

(1) NMFS anticipates that the Council will submit an amendment to close the protected species zone before expiration of the emergency rule. (2) There are no data at this time to support extending the protected species zone to 100 miles around the NWHI. No incidents of injured seals have been reported since the events in January 1991, and no interactions were observed on longline vessels on which observers were placed under the emergency rule. However, this rule provides that the protected species zone can be expanded without an FMP amendment. NMFS will act accordingly if additional data demonstrate a need for such action. (3) Permits may be revoked or suspended, or permit renewal may be denied, in accordance with 15 CFR 904. The potential for revoking or suspending a permit or denying renewal will be among the options considered for any serious violations of the regulations. (4) It is premature to require satellite transmitters on all vessels as it is not clear that such a system is economically feasible in the western Pacific at this time. NMFS is undertaking a test of transponders in the fishery and expects to have results available in July 1991. The results will be used by NMFS and the Council to evaluate the benefits and costs of transponders as an enforcement tool in the future.

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator) has determined that Amendment 2 to the FMP and its implementing rule are necessary for the conservation and management of the pelagic fishery resources of the western Pacific region and are consistent with the Magnuson Act and other applicable law.

The Council prepared an EA for the amendment and incorporated it into the amendment document. The Assistant Administrator has determined that there will not be a significant impact on the environment. A copy of the EA is available from the Council (see **ADDRESSES**).

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

The General Counsel of the Department of Commerce has certified to the Small Business Administration that this rule will not have a significant effect on a substantial number of small entities. This determination is based on the regulatory impact review (RIR), which is incorporated into the amendment. The RIR demonstrates long-term benefits to the fishery under the proposed measures. The principal burden to industry is associated with the recording and submission of information. The estimated total cost to industry is about $55,000 per year, or less than $400 per year per vessel. This is a low cost relative to the total operational costs of the fishery and to the estimated exvessel revenue, which is in excess of $25 million per year. Observer program costs (salaries, meals, insurance) are almost totally borne by NMFS. The vessels involved generally are large enough that placement of an observer should not affect fishing operations nor require displacement of a crew member. Again, it should be noted that as long as the current emergency closure is in effect, there is no cost to the industry from the observer program. Therefore, a regulatory flexibility analysis was not prepared.

As described below, this rule will maintain three current collection-of-information requirements subject to the PRA, and establish two new collection-of-information requirements.

This rule will continue the information collections relative to fishing logbooks applicable to harvesting vessels to ensure the collection, processing, and analysis of data needed for sound management decisions. Harvesting vessels' return to port will be monitored to ensure compliance with logbook recordkeeping. Fishing logbooks will provide detailed information about catch and effort needed for fishery stock assessments and for estimating the impacts of different management approaches. The public reporting burden for this collection-of-information is estimated to average 50 minutes per trip, including the time to complete the daily log sheet and submit fishing logbook forms to NMFS. This reporting requirement was approved by OMB (OMB No. 0648–0214).

The second collection-of-information requirement that will be continued by this rule stems from the establishment of an observer program. Vessel operators intending to fish within the protected species zone will be required to notify the Regional Director so that NMFS will have the opportunity to place an observer aboard the vessel. The public reporting burden for this collection-of-information is estimated at 2 minutes for the pretrip notification. This reporting requirement was approved by OMB (OMB No. 0648–0214).

A third collection-of-information requirement under the permit system is continued in this rule. Information is required to be submitted by longline fishing vessel permit applicants. The form used for this collection is the same as for other Federal fishing permit applications in the western Pacific and provides the same information on the longline fishing and transshipping vessel owner, vessel operator, and vessel as a person who applies for a permit for a vessel in the precious corals,

crustaceans, and/or bottomfish fisheries. This permit application information will enable NMFS to determine the potential number of participants in the fishery, and in subsequent economic analyses to determine the potential nature and distribution of impacts of alternative management measures. The public reporting burden for this collection-of-information is estimated to average 15 minutes per application, including the time to review the form, compile the information to complete the form, and submit it to NMFS. The permit application forms were approved by OMB in conjunction with the Southwest Region Family of Permit Forms (OMB No. 0648-0204).

Two new reporting requirements are set forth in this rule. Vessels engaged in transshipment of pelagic species taken on longline gear will be required to maintain and submit to the Regional Director a transshipment logbook form and to notify NMFS within 12 hours of each fishing trip or transshipment activity. The logbook form will indicate the name of the catcher vessel from which longline-caught fish are being transferred, the area in which the fish were harvested, and the amount, by species, of such fish transferred from the fishing vessel to the transshipping vessel. These collections of information, including the time necessary to notify NMFS of transshipment activity, are estimated to average 10 minutes. A request for approval of these information collections has been submitted to OMB as part of the Southwest Region Family of Logbook Forms (OMB No. 0648-0214). These collections will become effective upon approval from OMB and publication of a notice to that effect in the **Federal Register**.

Comments on the collections of information and/or suggestions on how to reduce the burden can be sent to the Regional Director, Southwest Region, NMFS (see **ADDRESSES**), and to the Office of Information and Regulatory Affairs, Office of Management and Budget, ATTN: Paperwork Reduction Projects 0648-0204 and 0648-0214, Washington, DC 20503.

The Council determined that this proposed rule would be implemented in a manner that is consistent, to the maximum extent practicable, with the approved coastal zone management programs of the State of Hawaii, the CNMI, and the Territories of American Samoa and Guam. This determination was submitted for review by the responsible state and territorial agencies under section 307 of the Coastal Zone Management Act. The agencies did not respond; therefore, concurrence is inferred.

A biological opinion has been issued by NMFS after consultation with the Council under section 7 of the Endangered Species Act. The opinion concludes that the pelagic fishery as managed under the FMP and its implementing rules, as amended by this rule, would jeopardize the continued existence of the Hawaiian monk seal. It further concludes that the fishery will not jeopardize the continued existence of any other listed species, nor will it result in the destruction or adverse modification of the critical habitat of any other listed species. In regard to the Hawaiian monk seal, the opinion offers as a reasonable and prudent alternative the closure of certain waters in the NWHI to longline fishing. This has been done under an emergency rule, and the Council plans to complete a FMP amendment to continue the closures permanently. Additional conservation recommendations for future consideration are made in the opinion. These will be considered by NMFS and will be forwarded to the Council for inclusion in a subsequent FMP amendment.

The final rule to implement Amendment 2 will not violate the requirements of the Marine Mammal Protection Act.

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

In order to afford maximum opportunity for public comment and participation, the Administrative Procedure Act (5 U.S.C. 553) requires that, generally, final rules be published not less than 30 days before they become effective. This 30-day period may be shortened or waived if the rulemaking agency publishes with the rule an explanation of what good cause justifies an earlier date. This rule, implementing Amendment 2 to the FMP, makes permanent with few changes certain management measures that were promulgated, with a request for comments, by emergency rule on November 27, 1990. The public has had opportunities to comment on that emergency rule as well as to participate in the development of Amendment 2. The emergency rule is effective until May 25, 1991. To prevent a lapse in the management regime, which includes urgent measures necessary to protect monk seals and assess conditions in and impacts of the fishery, this rule should be effective when the emergency rule expires. However, the public comment period on the proposed rule ended on May 13, 1991, and although this final rule has been published as expeditiously as possible, it is not possible to provide a full 30 days before the emergency rule will expire. Accordingly, good cause is found for making most provisions of this rule effective on May 26, 1991. Section 685.11 of this rule, which pertains to the protected species zone and observers, is currently suspended by an emergency rule that closes the entire zone to longline fishing, as discussed above. Therefore, NMFS does not foresee a need for making § 685.11 and the associated definition of protected species zone (§ 685.2) effective until the expiration of the emergency closure on July 16, 1991. If the emergency rule is extended for 90 days, as it may be upon agreement of the Council, then § 685.11 and the definition may be suspended again, in accordance with the provisions of that notice of extension.

List of Subjects in 50 CFR Part 685

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: May 24, 1991.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons stated in the preamble, 50 CFR part 685 is amended as follows:

PART 685—PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

1. The authority citation for part 685 continues to read as follows:

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

2. In § 685.1, paragraph (a) is revised to read as follows:

§ 685.1 Purpose and scope.

(a) The regulations in this part govern the conservation and management of management unit species seaward of Hawaii, American Samoa, Guam, the Northern Mariana Islands, and U.S. possessions in the Pacific Ocean area.

* * * * *

3. In § 685.2, the existing definitions for "Fishery management area", "Owner", and "Receiving vessel" are revised, and new definitions for "Fishing trip", "Harassment", "Longline gear", "Management unit species", "Pacific Area Office", "Protected species", "Protected species zone", "Sexual harassment", and "Transship" are added, in alphabetical order, to read as indicated below. The definition for "Protected species zone" will not become effective until 0000 hours local time July 16, 1991.

§ 685.2 Definitions.

* * * * *

Fishery management area means the exclusive economic zone off the coasts of Hawaii, American Samoa, Guam, the Northern Mariana Islands, and U.S. possessions in the Pacific Ocean area.

Fishing trip means a period of time between landings when fishing is conducted.

Harassment means any verbal or physical conduct which has the purpose or effect of substantially interfering with an observer's work performance or creating an intimidating, hostile, or offensive working environment.

* * * * *

Longline gear means a type of fishing gear consisting of a main line that exceeds one (1) nautical mile in length, is suspended horizontally in the water column either anchored, floating, or attached to a vessel and from which branch or dropper lines with hooks are attached.

Management unit species means the following species in the Pacific Ocean: Billfish, associated species, and, effective January 1, 1992, tuna.

* * * * *

Owner, as used in this part, means a person who is identified as the current owner of the vessel as described in the Certificate of Documentation (Form CG-1270) issued by the U.S. Coast Guard for a documented vessel, or in a registration certificate issued by a state or territory or the U.S. Coast Guard for an undocumented vessel.

Pacific Area Office means the Pacific Area Office, Southwest Region, National Marine Fisheries Service, 2570 Dole Street, Honolulu, HI 96822.

Protected species means an animal protected under the Marine Mammal Protection Act of 1972, as amended, listed under the Endangered Species Act of 1973, as amended, or subject to the Migratory Bird Treaty Act, as amended.

Protected species zone means an area, designated under § 685.11, measured from the center geographical positions of certain islands and reefs in the Northwestern Hawaiian Islands, as follows: Nihoa Island 23°05' N. 161°55' W., Necker Island 23°35' N. 164°40' W., French Frigate Shoals 23°45' N. 166°15' W., Gardner Pinnacles 25°00' N. 168°00' W., Maro Reef 25°25' N. 170°35' W., Laysan Island 25°45' N. 171°45' W., Lisianski Island 26°00' N. 173°55' W., Pearl and Hermes Reef 27°50' N. 175°50' W., Midway Islands 28°14' N. 177°22' W., and Kure Island 28°25' N. 178°20' W.

Receiving vessel means a vessel of the United States that possesses on board the vessel management unit species and that does not have fishing gear on board the vessel.

* * * * *

Sexual harassment means any unwelcome sexual advance, request for sexual favors, or other verbal and physical conduct of a sexual nature that has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

* * * * *

Transship means offloading or otherwise transferring management unit species or products thereof to a receiving vessel.

* * * * *

4. Section 685.4 is revised to read as indicated below. Paragraph (c) will become effective upon approval by the Office of Management and Budget and publication of a notice to that effect in the **Federal Register.**

§ 685.4 Recordkeeping and reporting.

(a) *State Reports.* Any person who is required to do so by applicable state law or regulation shall make and/or file all reports of management unit species landings containing all data and in the exact manner required by applicable state law or regulation.

(b) *Fishing Logbooks.* The operator of any vessel subject to § 685.9 must maintain on board the vessel an accurate and complete fishing logbook for each day of each fishing trip, which must include the following information:

(1) Name of fishing vessel;

(2) Permit number of fishing vessel;

(3) Date, time, latitude and longitude of the location at which the set of the longline is begun;

(4) Date, time, latitude and longitude of the location at which hauling of the longline is begun;

(5) Number of hooks set;

(6) Number of lightsticks used;

(7) Number of billfish, tuna, oceanic sharks, and associated fish (by species) caught and kept per day;

(8) Number of billfish, tuna, oceanic sharks, and associated fish (by species) caught and released per day;

(9) Number (by species) of protected species (not including marine birds) sighted in the area of the gear per day;

(10) Number (by species) of protected species released or lost alive and not apparently injured;

(11) Number (by species) of protected species released or lost alive but apparently injured;

(12) Number (by species) of protected species released or lost dead;

(13) Signature of the fishing vessel operator; and

(14) Date of signature.

(c) *Transshipment Logbooks.* The operator of any receiving vessel subject to the requirements of § 685.9 must maintain on board the vessel an accurate and complete transshipment logbook, which must include the following information:

(1) Name of transshipment vessel;

(2) Permit number of transshipment vessel;

(3) Name of the fishing vessel;

(4) Radio call sign of fishing vessel;

(5) Date of transshipment;

(6) Number of days fished by the fishing vessel;

(7) Average number of hooks fished per day by the fishing vessel;

(8) General area of catch;

(9) Number of billfish, tuna, oceanic sharks, and associated fish (by species) transshipped;

(10) Total weight of fish (by species) transshipped;

(11) Signature of the transshipment vessel operator; and

(12) Date of signature.

(d) Fishing and transshipment logbooks required by paragraphs (b) and (c) of this section must be:

(1) Prepared on forms supplied by the Pacific Area Office. All information specified on the forms must be recorded within 24 hours of hauling in longline gear or day of transshipment.

(2) Submitted, in original or duplicate, to the Pacific Area Office within 72 hours of the date of landing, unless the logbooks have been collected by any person authorized by the Regional Director to gather such forms.

(3) Made available for immediate inspection upon request of an authorized officer, or of any employee of NMFS authorized by the Regional Director to make such an inspection.

(e) If the Regional Director determines that a state has substantively identical logbook and reporting requirements and the state has entered into an agreement to provide these data to the Regional Director, then reporting in accordance with state requirements will satisfy the equivalent requirements of this part.

5. In § 685.5, existing paragraphs (m) through (p), which are effective through July 22, 1991, and (q) and (r), which are effective through July 15, 1991, are redesignated paragraphs (o) through (t); paragraph (d) is revised; and new paragraphs (e) through (n) are added, to read as indicated below. New paragraphs (i), (l), (m), and (n), will become effective upon approval by the Office of Management and Budget and publication of a notice to that effect in the **Federal Register.**

§ 685.5 Prohibitions.

* * * * *

(d) Falsify or fail to make and/or file all reports of management unit species landings, containing all data and in the exact manner, as required by applicable State law or regulation, as specified in § 685.4(a), provided that the person is required to do so by applicable State law or regulation.

(e) Without a valid permit on board issued under § 685.9(a), possess, receive, transship, or land shoreward of the outer boundary of the fishery management area, management unit species that were taken by longline gear, regardless of the area where the fish were caught.

(f) Without a valid permit on board issued under § 685.9(a), fish for management unit species with longline gear shoreward of the outer boundary of the fishery management area.

(g) Receive on board a vessel that is shoreward of the outer boundary of the fishery management area around Hawaii management unit species from a longline vessel that does not have a valid permit on board the vessel.

(h) Transfer any permit issued under § 685.9 to another vessel or person.

(i) Fail to notify the Pacific Area Office within 12 hours following each fishing trip or transshipment activity as required under § 685.13.

(j) Falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other record or report required under §§ 685.4 and 685.13.

(k) Fail to affix or maintain vessel identification and longline float markings required under §§ 685.10 and 685.12.

(l) Fail to notify the Pacific Area Office of intent to fish for pelagic species with longline gear within the protected species zone as required under § 685.11.

(m) Fish without an observer after having been directed to do so by the Regional Director under § 685.11.

(n) Forcibly assault, impede, intimidate, interfere with, or influence or attempt to influence an observer, or to harass or sexually harass an observer.

* * * * *

6. In subpart A, § 685.9(l) which was added on April 12, 1991 (56 FR 14868), to be effective until July 22, 1991, is removed, and new §§ 685.9 through 685.13 are added, to read as indicated below. Section 685.11 will become effective at 0000 hours local time July 16, 1991, and § 685.13 will become effective upon approval by the Office of Management and Budget and publication of a notice to that effect in the Federal Register.

§ 685.9 Permits.

(a) Any vessel of the United States shoreward of the outer boundary of the fishery management area that uses longline gear to fish for management unit species, or that possesses, receives, transships, or lands management unit species that were taken by longline gear, must have a permit issued under this section.

(b) *Application.*

(1) An application for a permit under this section must be submitted to the Pacific Area Office by the vessel owner or a designee of the owner at least 15 days before the date the applicant desires to have the permit be effective. If an incomplete or improperly completed permit application is filed, the Regional Director will notify the applicant, in writing, of the deficiency. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(2) Each application must be submitted on a form that is obtained from the Pacific Area Office and must contain at least the following information:

(i) Type of application; whether the application is for a new permit or a renewal; and whether it is for fishing or transshipping;

(ii) Owner's name, social security number, mailing address, and telephone numbers (business and home);

(iii) Name of the partnership or corporation, if the vessel is owned by such an entity;

(iv) Primary operator's name, social security number; mailing address, and telephone numbers (business and home);

(v) Relief operator's name;

(vi) Name of the vessel;

(vii) Official number of the vessel;

(viii) Radio call sign of the vessel;

(ix) Principal port of the vessel;

(x) Length of the vessel;

(xi) Engine horsepower;

(xii) Approximate fish hold capacity;

(xiii) Number of crew;

(xiv) Construction date;

(xv) Date vessel purchased;

(xvi) Purchase price;

(xvii) Type and amount of fishing gear carried on board the vessel;

(xviii) Position of the applicant in the corporation, if the vessel is owned by such an entity;

(xix) Signature of the applicant; and

(xx) Date of signature.

(c) *Fees.* No fee is required for a permit under this section.

(d) *Change in application information.* Any change in the information specified in paragraph (b) of this section must be reported to the Pacific Area Office 10 days before the effective date of the change. Failure to report such changes may result in termination of the permit.

(e) *Issuance.* Within 15 days after receipt of a properly completed application, the Regional Director will determine whether to issue a permit to the applicant. A permit will not be valid for fishing in the protected species zone, however, until the applicant has attended an orientation meeting conducted by the Pacific Area Office regarding procedures for protecting endangered and threatened species, marine mammals, and/or seabirds.

(f) *Expiration.* Permits issued under this section expire at 2400 hours local time on December 31 following the effective date of the permit.

(g) *Renewal.* An application for renewal of a permit must be submitted to the Pacific Area Office in the same manner as described in § 685.9.

(h) *Alteration.* Any permit that has been altered, erased, or mutilated is invalid.

(i) *Replacement.* Permits may be issued to replace lost or mutilated permits. An application for a replacement permit is not considered a new application.

(j) *Transfer.* Permits issued under this section are not transferable or assignable to other vessels. A permit is valid only for the vessel for which it is issued.

(k) *Display.* Any permit issued under this section must be on board the vessel at all times while the vessel is engaged in any activity under that permit. The permit is subject to inspection upon request of any authorized officer.

(l) *Penalties.* Permits may be revoked or suspended, or renewal may be denied, in accordance with section 308(g) of the Magnuson Act.

(m) *Limited Entry Permits.* Vessels subject to a limited entry system in all or part of the fishery must have a permit issued under this section, in addition to a limited entry permit.

(n) *State permit systems.* If the Regional Director determines that a state has substantively identical permit requirements and the state has entered into an agreement to provide the necessary permit information to the Regional Director, then obtaining a permit under state requirements will satisfy these Federal requirements.

§ 685.10 Vessel identification.

(a) Each fishing vessel subject to this part must display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft.

(b) The official number must be affixed to each vessel subject to this part in block Arabic numerals at least 18 inches (45.7 cm) in height for fishing vessels of 65 feet (19.8 m) in length or longer, and at least 10 inches (25.4 cm) in height for all other vessels. Markings must be legible and of a color that contrasts with the background.

(c) The official number must be clearly legible and in good repair.

(d) No part of the vessel, its rigging, or its fishing gear shall obstruct the view of the official number from an enforcement vessel or aircraft.

§ 685.11 Observers.

(a) The operator of a fishing vessel subject to the permit requirements of § 685.9 of this part shall inform the Pacific Area Office at least 72 hours (not including weekends and holidays) before leaving port of his or her intent to fish within the protected species zone. The operator shall provide this notice by contacting the Pacific Area Office, telephone (808) 955-8831. The notice must include the name of the vessel, the name of the operator, the intended departure date and location, and a telephone number at which the operator or his agent may be contacted during the business day (8 a.m. to 5 p.m. local time) to indicate whether an observer will be required on the subject fishing trip.

(b) The initial size of the protected species zone is 50 nm from the center geographical positions of Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Reef, Midway Islands, and Kure Island. The Regional Director may enlarge or reduce the size of the protected species zone:

(1) If the Regional Director determines that a change in the size of the zone would not result in fishing for management unit species that would adversely affect any protected species;

(2) After consulting with the Council; and

(3) Through a notice in the **Federal Register** published at least 30 days prior to the effective date or through actual notice to the permit holders.

(c) All fishing vessels subject to this part must carry an observer when directed to do so by the Regional Director.

(d) The Regional Director shall advise the vessel operator of any observer requirement within 72 hours of receipt of the notice, and if an observer is required, shall establish with the operator the terms and conditions of observer coverage, and time and place of embarkation of the observer.

(e) All observers must be provided with sleeping, toilet, and eating accommodations at least equal to that provided to a full crew member. A mattress or futon on the floor or a cot is not acceptable in place of a regular bunk. Meal and other galley privileges must be the same for the observer as for other crew members.

(f) Female observers on a vessel with an all male crew must be accommodated either in a single person cabin or, if reasonable privacy can be ensured by installing a curtain or other temporary divider, in a two-person cabin shared with a licensed officer of the vessel. If the cabin assigned to a female observer does not have its own toilet and shower facilities that can be provided for the exclusive use of the observer, then a schedule for time-sharing common facilities must be established and approved by NMFS prior to the vessel's departure from port.

§ 685.12 Longline float identification.

The official number of the vessel must be affixed on each of the deployed floats of the longline gear.

§ 685.13 Notification of landings and transshipments.

The operator of a vessel that is subject to the permit requirements of § 685.9 of this part shall contact the Pacific Area Office by telephone, at a number provided to permit holders, within 12 hours of the vessel's arrival at any port in Hawaii, Guam, American Samoa, the Northern Mariana Islands, or U.S. possessions in the Pacific Ocean area and report the name of the vessel, name of the vessel operator, and the date and time of each landing or transshipment of management unit species by the vessel since its previous report of landings and/or transshipments.

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BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 56, No. 105
Friday, May 31, 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

Office of the Secretary

7 CFR Parts 24 and 2400

Amendment of Regulations and Rules of Procedure, Agriculture Board of Contract Appeals

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The Agriculture Board of Contract Appeals (Board) proposed to amend the regulations and Rules of Procedure governing appeals before it, 7 CFR part 24, so that they properly reflect the Board's jurisdiction and underlying authority. The proposed amendment also clarifies the role of the hearing examiner, corrects minor typographical errors, and removes 7 CFR part 2400, which has been superseded.

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

ADDRESSES: Board of Contract Appeals, room 2912, South Building, U.S. Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Marilynn M. Eaton, Vice Chair, telephone (202) 475-5710.

SUPPLEMENTARY INFORMATION:

Objectives

The objective of this proposed rule is to amend the regulations and Rules of Procedure of the Board of Contract Appeals, Department of Agriculture, 7 CFR part 24, to reflect changes in jurisdiction and underlying authority which have occurred since publication in 1982. The current regulations, at § 24.4(d), provide for appeals of debarment actions by authorized officials of (1) the Commodity Credit Corporation (CCC) under 7 CFR 1407.6(d); (2) the Department of Agriculture under 41 CFR 4-1.604-1(b); and (3) the Farmers Home Administration (FmHA) under 7 CFR chapter XVIII, part 1918, subpart C.

The Agriculture Acquisition Regulation (AGAR), at 48 CFR 409.470 authorizes the Board to hear appeals by procurement contractors from both suspension and debarment actions by the Department debarment official. The regulations of the CCC, at 7 CFR 1407.2, make the provisions of 48 CFR 409.493 *et seq.* applicable to all CCC suspension and debarment proceedings. The proposed amendment of § 24.4(d) (1) and (2) reflects the Board's jurisdiction, under the AGAR, over suspensions as well as debarments.

Forest Service regulations, at 36 CFR 223.138(b)(8), authorize the Board to hear appeals by timber purchasers from debarment actions by officials of the Forest Service. The proposed addition of § 24.4(d)(3) reflects this jurisdiction.

Section 3017.515 of the Governmentwide Debarment and Suspension (Nonprocurement) regulations, as adopted by the Department of Agricultrue, 54 FR 4729 (1989), 7 CFR part 3017, establishes jurisdiction over nonprocurement debarment and suspension appeals in the Office of Administraitve Law Judges. Accordingly, deletion of the reference to the Board's review of debarment actions by the FmHA in § 24.4(d)(3) is proposed.

Procurement contractors must appeal suspension and debarment actions by officials of the Department of Agriculture and the CCC within 90 days of their receipt of a decision to this effect. Timber purchasers must appeal debarment actions by the Forest Service within 30 days of receipt of a decision. Accordingly, the proposed amendment of § 24.5 reflects these times.

With regard to the conduct of hearings, for appeals considered under the Contract Disputes Act, Rule of Procedure 20 refers to an "examiner." Proposed § 24.3 clarifies the role of this individual. Additionally, this amendment will correct minor typographical errors and omissions.

The Board's former regulations, 7 CFR part 2400, were superseded effective September 25, 1974, but continued to be published for application to appeals pending on that date. The Board no longer has any cases pending under 7 CFR part 2400. Accordingly, deletion of that section is proposed.

Regulatory Impact

This action reflects jurisdictional changes that already have been adopted, and it is therefore exempt from the reguirements of Executive Order 12291. This action is not a rule as defined by the Regulatory Flexibility Act, so it is also exempt from the provisions of that Act. This action related to delegations of authority and internal management of the Department of Agriculture, and it does not constitute a major federal action affecting the quality of the human environment. Finally, the rule will impose no additional paperwork requirements on individuals or groups who appeal to the Board of Contract Appeals.

List of Subjects in 7 CFR Part 24 and 2400

Administrative practice and procedure; Agriculture; Government contracts; Organization and functions (Government agencies).

Under the Secretary's Authority 5 U.S.C. 301, the following changes are made:

PART 24—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Part 24, title 7, Code of Federal Regulations is proposed to be amended as follows:

1. The authority citation for part 24 is revised to read as follows:

Authority: 5 U.S.C. 301; 15 U.S.C. 714b, 714g and 714h; 16 U.S.C. 551; 40 U.S.C. 486(c); 41 U.S.C. 601-613.

Subpart A—Organization and Functions

2. Section 24.3 is amended by revising the introductory text to read as follows:

§ 24.3 Presiding Administrative Judge.

The Chair acts as Presiding Administrative Judge, or designates a member of the Board or an examiner to so act, in each proceeding. The Presiding Administrative Judge or the examiner has power to:

* * * * *

3. Section 24.4 is amended by revising paragraph (d) to read as follows:

§ 24.4 Jurisdiction.

* * * * *

(d) *Suspension and debarment.* The Board shall have jurisdiction to hear and determine the issue of suspension or debarment and the period thereof, if any, on an appeal by a person

suspended or debarred by (1) an authorized official of the Department of Agriculture, under 48 CFR 409.470 or (2) an authorized official of the Commodity Credit Corporation under 7 CFR part 1407. In addition, the Board shall have jurisdiction to hear and determine the issue of debarment and the period thereof, if any, on an appeal by (3) a timber purchaser debarred by an authorized official of the Forest Service under 36 CFR part 223.

4. Section 24.5 is revised to read as follows:

§ 24.5 Time for filing notice of appeal.

A notice of appeal under §§ 24.4(a), 24.4(d)(1), or 24.4(d)(2) shall be filed within 90 days from the date of receipt of a contracting officer's or suspending or debarring official's decision. A notice of appeal under § 24.4(b)(1) shall be filed within 30 days from the date of receipt of the contracting officer's decision or within such different time as may be prescribed in the contract or other applicable regulation of the Department of Agriculture. A notice of appeal under §§ 24.4(b)(2), or 24.4(d)(3) shall be filed within 30 days from the date of receipt of the contracting officer's or debarring official's decision. The time for filing a notice of appeal shall not be extended by the Board.

Subpart B—Rules of Procedure

5. Section 24.21 is amended by removing paragraph (b) and by revising paragraph (a)(2) to read as follows:

§ 24.21 Rules of Procedure of Agriculture Board of Contract Appeals—AGBCA.

(a) * * *

(2) No member of the Board or the Board's staff shall entertain, nor shall any person directly or indirectly involved in an appeal submit to the Board or the Board's staff off the record any evidence, explanation, analysis, or advice, whether written or oral, regarding any matter at issue in an appeal. This provision does not apply to consultation among Board members nor to ex parte communication concerning the Board's administrative functions or procedures.

6. Following § 24.21, immediately before the word "INDEX" add the following new heading: "RULES OF PROCEDURE APPLICABLE TO APPEALS UNDER § 24.4(a)"

7. Rule 34 is revised to read as follows:

Rule 34. *Applicability of these rules.*

These Rules of Procedure for § 24.4(a) shall apply (1) mandatorily to all appeals relating to contracts entered into on or after March 1, 1979, and (2) at the Contractor's election, to appeals relating to earlier contracts, with respect to claims pending before the contracting officer on March 1, 1979, or initiated thereafter.

8. Following Rule 34, immediately before the word "INDEX" revise the heading to read as follows: "RULES OF PROCEDURE APPLICABLE TO APPEALS UNDER §§ 24.4(b), (c) and (d)"

9. Rule 22 in the second "Index" is revised to read as follows:

Rule 22. *Withdrawal of exhibits.*

After a decision has become final the Board may, upon request and after notice to the other party, in its discretion, permit the withdrawal of original exhibits, or any part thereof, by the party entitled thereto. The substitution of true copies of exhibits or any part thereof may be required by the Board in its discretion as a condition for granting permission for such withdrawal.

CHAPTER XXIV—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

PART 2400—BOARD OF CONTRACT APPEALS, DEPARTMENT OF AGRICULTURE

Part 2400, title 7, Code of Federal Regulations is removed and 7 CFR Chapter XXIV is vacated.

Done at Washington, DC, this 24th day of May, 1991.

Edward Madigan,

Secretary of Agriculture.

[FR Doc. 91-12834 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-01-M

Agricultural Marketing Service

7 CFR Part 932

[Docket No. FV-91-232PR]

Olives Grown in California; Proposal Suspending Provisions Relating to Size Requirements for California Olives for Limited Uses and Establishing Grade and Size Requirements for Olives Authorized for Such Uses During the 1991-92 Season

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would suspend, for an indefinite period, order provisions which specify minimum size requirements for California processed olives used in the production of limited use styles of olives such as wedges, halves, slices, or segments. This proposed rule would also authorize the use of smaller sized olives in the production of limited use styles during the 1991-92 crop year and establish grade and alternative minimum size requirements for such olives in the order's rules and regulations. The 1991-92 crop year begins August 1, 1991, and ends July 31, 1992. The suspension of order provisions which restrict the use of smaller size olives is necessary to permit olives smaller than those used heretofore to be authorized for use in the production of limited use styles. Olives used in limited use styles are too small to be desirable for use as whole or whole pitted canned olives because their flesh-to-pit raion is too low. However, they are satisfactory for use in the production of limited use styles. This action would help the California olive industry meet the increasing market needs of the food service industry by making smaller olives available for use in the production of limited use styles. This would increase returns to growers on smaller olives. This proposed action was unanimously recommended by the California Olive Committee (committee), which works with the Department in administering the marketing order program for olives grown in California.

DATES: Comments must be received by June 17, 1991.

ADDRESSES: Written comments concerning this rule should be submitted in triplicate to the Docket Clerk, F&V Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. All comments submitted will be made available for public inspection in the above office during regular business hours. Comments should reference the docket number and the date and page number of this issue of the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Patrick Packnett, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2530-S, Washington, DC 20090-6456; telephone (202) 475-3862.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Agreement and Order No. 932 (7 CFR Part 932), as amended, regulating the handling of olives grown in California, hereinafter referred to as the order. 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 proposed rule has been reviewed by the Department of Agriculture (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 requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has considerd the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that thay 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 six handlers of California olives subject to regulation under the order and approximately 1,350 producers in California. 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. Most but not all of the olive producers may be classified as small entities. None of the olive handlers may be classified as small entities.

Nearly all of the olives grown in the United States are produced in California. The growing areas are scattered throughout California with most of the commercial production coming from inland valleys. In 1989, about 66 percent of the production came from the San Joaquin Valley and 34 percent from the Sacramento Valley.

Olive production has fluctuated from a low of 24,200 tons during the 1972–73 crop year to a high of 146,500 tons during the 1982–83 crop year. The committee indicated that 1989 production totaled about 118,990 tons. The various varieties of olives produced in California have alternate bearing tendencies with high production one year and low the next. The committee expects the 1990 production to be about 104,600 tons. It is too early to estimate with precision the 1991 production. However, based on past production and marketing experience, the committee believes that handlers will need smaller sized olives during the 1991–92 crop year to meet the needs for limited use styles of canned olives.

The primary use of California olives is for canned ripe whole and whole pitted olives which are eaten out of hand as hors d'oeuvres or used as an ingredient in cooking and in salads. The canned ripe olive market is essentially a domestic market. Very few California olives are exported.

Paragraph (a)(3) of § 932.51 of the order requires handlers, under the supervision of the inspection service, to dispose of olives smaller than certain sizes (specified in paragraphs (a)(3)(i) through (a)(3)(v)), and olives classified as culls (specified in paragraph (a)(3)(vi)) into noncanning uses. The sizes specified in paragraphs (a)(3)(i) through (a)(3)(iv) are the smallest sizes of olives currently permitted to be used for limited use.

Paragraph (a)(3) of § 932.52 of the order provides that processed olives smaller than the sizes prescribed for whole and whole pitted styles may be used for limited uses if recommended by the committee and approved by the Secretary. Paragraph (a)(3) also prescribes minimum sizes, by variety group, which may be authorized for use in the production of limited use styles by the Secretary. The sizes are specified in terms of minimum weights for individual olives in various size categories. The section further provides for the establishment of size tolerances.

Effective August 1, 1991, this proposal would suspend certain non-canning size disposition requirements specified in § 932.51(a)(3) and minimum sizes which may be authorized for limited use specified in § 932.52(a)(3) of the marketing order. This proposal would also authorize the use of smaller sized California processed olives in the production of limited use styles of olives during the 1991–92 crop year and establish grade and size requirements for such olives from the 1991–92 crop. These proposed changes were unanimously recommended by the committee at its December 4, 1990, meeting.

The minimum sizes which may be authorized for limited use, specified in § 932.52(a)(3), were established in a 1971 amendment to the marketing order. Olives smaller than the prescribed minimum sizes which may be authorized for limited use must be disposed of for less profitable non-canning uses such as crushing for oil. Thus, returns to producers are lower on smaller fruit used for such purposes. The use of smaller sized olives for limited uses has been authorized in all but one crop year since 1971.

Since the 1971 amendment, there have been substantial changes within the olive industry. In spite of the annual limited use authorization, in recent years the industry has not been able to meet the market demand for its products, especially the limited use styles used primarily by the food service industry. The demand for processed olives and for limited use styles is expected to continue to increase. At the same time, the industry has not been able to increase production to meet the market needs for canned ripe olives. The only alternative available at this time is to utilize a larger portion of the fruit currently available.

In light of the current situation, the committee recommended that the portion of § 932.52(a)(3) which specifies minimum sizes which may be used in limited use styles be suspended indefinitely. The language which would be suspended begins with the words "but any such" in the first proviso of the introductory text of paragraph (a)(3) and extends through paragraph (a)(3)(iv). With the provisions suspended, paragraph (a)(3) of § 932.52 would specify that: "Subject to the provisions set forth in paragraph (a)(4) of this section and 932.51(a) (1) and (2), processed olives to be used in the production of canned pitted ripe olives, other than those of the "tree-ripened" type, shall meet the same requirements as prescribed pursuant to paragraph (a)(2) of this section: *Provided*, that olives smaller than those so prescribed, as recommended annually by the committee and approved by the Secretary, may be authorized for limited use."

Suspending this language would allow the committee to recommend and the Secretary to establish minimum size requirements smaller than those currently specified. Minimum size and grade requirements would be recommended annually by the committee and approved by the Secretary along with the committee's annual recommendation to authorize the use of olives smaller than the minimum canning sizes in the production of limited use styles.

The committee also recommended that a portion of the provisions in paragraph (a)(3) of § 932.51 also be suspended indefinitely recognizing that the sizes of olives required to be disposed of into noncanning uses now could be smaller than the sizes currently specified in paragraph (a)(3)(i) through paragraph (a)(3)(iv) of § 932.51 with the proposed suspension of the provisions in § 932.52(a)(3). The language to be suspended indefinitely in § 932.51 includes all of paragraph (a)(3)(i), (a)(3)(ii), (a)(3)(iii), (a)(3)(iv), and the words "for the foregoing variety groups" in paragraph (a)(3)(v). With the provisions suspended, paragraph (a)(3) of § 932.51 would specify that: "Each handler shall, under the supervision of any such inspection service, dispose of

into noncanning use an aggregate quantity of olives, comparable in size and characteristics and equal to the quantities shown on the certification for each lot to be (v) Such other sizes as are not authorized for limited use pursuant to § 932.52; and (vi) Olives classified as culls."

The committee conducted a study during the 1990–91 crop year to determine the feasibility of utilizing smaller sized olives in the production of limited use styles and to determine which sizes could be efficiently processed into such styles. All olive handlers within the industry participated in the study and reported the results to the committee at the December 4 meeting. All handlers reported positive results and agreed that smaller sizes can be efficiently processed into limited use styles. Advanced technology in the form of better processing equipment is currently available. The new technology allows handlers to process smaller olives into limited use styles more efficiently than was possible in the past.

Upon direction from the Department, the committee conducted an informal poll of California olive growers to determine whether growers supported the suspension of these order provisions. Ballots were sent to all olive growers of record along with an explanation of the proposed suspension of order provisions. The results of the poll indicate that the majority of the growers who voted support suspension of the aforementioned order provisions so that the committee has authority to recommend smaller minimum size requirements for olives used in the production of limited use styles than currently specified.

This action would help growers and handlers meet the growing demand for limited use style olives by removing size restrictions from the order and allowing the committee to annually recommend size requirements based upon current conditions. The removal of size restrictions will allow the committee to recommend the use of sizes which currently must be disposed of for non-canning use. In turn, growers would receive a larger return from such olives than they would if the size restrictions currently contained in the order were to remain in effect. The action would also increase the amount of limited use size fruit available and thus decrease handlers' cost for fruit processed into limited use styles since handlers have been using larger size olives for limited use styles.

In conjunction with the suspension of the provisions discussed above, this proposed rule would modify § 932.153 of Subpart-Rules and Regulations (17 CFR 932.108–932.161). The modification would authorize the use of olives smaller than the sizes prescribed for whole and whole pitted styles in the production of limited use styles and establish grade and size regulations for 1991–92 crop limited use size olives. The modification would be issued pursuant to paragraph (a)(3) of § 932.52 of the order, as proposed to be suspended. The grade requirements would be the same as established last season. The proposed size requirements are based on the study authorized by the committee and conducted by all olive handlers within the California olive industry during the 1990–91 crop year. The specific sizes for the variety groups are the minimum sizes which are desirable for use in the production of limited use styles at this time.

As in past years, permitting the use of the smaller olives in the production of limited use styles would allow handlers to take advantage of the strong market for halved, segmented, sliced, and chopped canned ripe olives. Handlers would be able to market more olives than would be permitted in the absence of this relaxation in size requirements. This additional opportunity is provided to maximize the use of the available olive supply and facilitate market expansion thereby increasing returns to handlers and growers. In the absence of this action, the smaller fruit would have to be disposed of for less profitable, non-canning uses.

Based on available information, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities and that the proposal would benefit both producers and handlers of California olives.

A comment period of 15 days is deemed appropriate to alllow adequate time for any changes or modifications which may be adopted as a result of this proposal to be implemented before the beginning of the 1991 crop year (August 1, 1991).

List of Subjects in 7 CFR Part 932

Marketing agreements, Olives, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 932 is proposed to be amended as follows:

1. The authority citation for 7 CFR part 932 continues to read as follows:

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

PART 932—OLIVES GROWN IN CALIFORNIA

§ 932.51 [Amended]

2. In § 932.51(a)(3), paragraphs (i), (ii), (iii), (iv), and the words "for the foregoing variety groups" in paragraph (v) are suspended.

§ 932.52 [Amended]

3. In § 932.52(a)(3), the words in the introductory text "but any such limited use size olives so used shall be not smaller than the following applicable minimum size: *Provided further,* That each such minimum size may also include a size tolerance (specified as a percent) as recommended by the committee and approved by the Secretary.", and paragraphs (a)(3)(i) through (a)(3)(iv) are suspended.

4. Section 932.153 is revised to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1991–92 crop year olives for limited use.

(a) *Grade.* On and after August 1, 1991, any handler may use processed olives of the respective variety group in the production of limited use styles of canned ripe olives if such olives were processed after July 31, 1991, and meet the grade requirements specified in paragraph (a)(1) of § 932.52 as modified by § 932.149.

(b) *Sizes.* On and after August 1, 1991, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were harvested during the period August 1, 1991, through July 31, 1992, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives harvested before August 1, 1991, or after July 31, 1992.

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh at least 1/105 pound: *Provided,* That no more than 35 percent of the olives in any lot or sublot may be smaller than 1/105 pound.

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh at least 1/180 pound: *Provided,* That no more than 35 percent of the olives in any lot or sublot may be smaller than 1/180 pound.

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh at least 1/205 pound: *Provided,* That no more than 35 percent of the olives in any lot or sublot may be smaller than 1/205 pound.

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh at least 1/180 pound: *Provided*, That no more than 35 percent of the olives in any lot or sublot may be smaller than 1/180 pound.

Dated: May 28, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-12919 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 985

[FV-91-264]

Spearmint Oil Produced in the Far West; Amendment of Rules and Regulations Regarding the Issuance of Additional Allotment Base to New Producers

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the amendment of the administrative rules and regulations of the spearmint oil marketing order regarding the issuance of additional allotment base to new producers. The amendment would divide the production area into four regions for the purpose of distributing an equal portion of the additional allotment base to each of the four regions for each class of spearmint oil during a marketing year. It would provide a greater opportunity to new producers in some regions of the production area to receive allotment base. This action was unanimously recommended by the Spearmint Oil Administrative Committee (Committee), which is responsible for the local administration of the order.

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

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

FOR FURTHER INFORMATION CONTACT: Beatriz Rodriguez, Marketing Specialist, Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2524-S, Washington, DC 20090-6456; telephone: (202) 475-3861.

SUPPLEMENTARY INFORMATION: This proposed rule is issued under Marketing Order No. 985 (7 CFR Part 985) regulating the handling of spearmint oil produced in the Far West. The marketing 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 proposed rule has been reviewed by the U.S. Department of Agriculture (Department) in accordance with Departmental Regulation 1512-1 and the criteria contained in Executive Order 12291 and has been determined to be a "non-major" rule.

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

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

There are approximately nine handlers of spearmint oil produced in the Far West who are subject to regulation under the spearmint oil marketing order and approximately 253 producers of spearmint oil in the regulated area. Of the 253 producers, 160 hold Scotch (Class 1) spearmint oil allotment base and 136 producers hold Native (Class 3) spearmint oil allotment base. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) 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 spearmint oil producers and handlers may be classified as small entities.

The Committee unanimously recommended at its February 27, 1991, meeting that § 985.153 of the administrative rules and regulations of the spearmint oil marketing order be amended by dividing the production area into four regions for the purpose of distributing additional allotment base to new producers. This amendment is authorized under § 985.53(d)(3) of the spearmint oil marketing order which states that the Committee may establish rules and regulations to determine the distribution of additional allotment bases.

The spearmint oil marketing order is a volume control program which authorizes the regulation of spearmint oil produced in the Far West through annual allotment percentages and salable quantities by class of spearmint oil. The salable quantity limits the quantity of each class of spearmint oil that may be marketed from each season's crop. Each producer is allotted a share of the salable quantity by applying the allotment percentage to that producer's allotment base for the applicable class of spearmint oil. Handlers may not purchase spearmint oil in excess of a producer's annual allotment, or from producers who have not been issued an allotment base under the spearmint oil marketing order.

Section 985.53(d)(1) of the spearmint oil marketing order provides that no more than 1 percent of the total allotment base for each class of spearmint oil may be issued annually and distributed equally as additional allotment base to both new and existing producers. Fifty percent of this additional allotment base is made available for existing producers and 50 percent is made available to new producers. A "new producer" is defined, under § 985.153(a)(1), as any individual who was never issued an allotment base by the Committee for a class of oil in any capacity either as an individual, or as a member of a partnership, corporation, or other business unit.

The Committee, under § 985.153(c)(1) of the spearmint oil marketing order, is authorized to place in a lot for drawing the names of all eligible new producers who have applied for additional allotment base. Each new producer whose name is drawn is issued an equal amount of the available additional allotment base.

Currently, most Far West spearmint oil is produced in portions of Washington, Idaho and Oregon. Knowledge of and interest in the production of spearmint oil by non-producers in these areas is higher than in areas containing fewer spearmint oil producers. More requests from new producers for allotment base are submitted from these areas than from other regions within the production area. Less opportunity is realized for the production of spearmint oil by potential new producers from other areas of production.

The Committee unanimously recommended that the production area be divided into four regions for the purpose of distributing additional allotment base to new producers. The production area, which includes the States of Washington, Idaho, Oregon,

and portions of California, Nevada, Montana, and Utah, would be divided as follows: Region 1 would consist of those portions of Montana and Utah included in the production area; region 2 would consist of Oregon and those portions of Nevada and California included in the production area; region 3 would consist of Idaho; and region 4 would consist of Washington.

The Committee, after determining the amount of additional allotment base for each class of spearmint oil to be made available to new producers, would allocate each region one-fourth of the total additional allotment base for each class of oil. New producers in each of the four regions would submit requests for allotment base and the Committee would determine whether the new producers requesting allotment base have the ability to produce spearmint oil. Eligible producers would then be selected by lot in each region.

If a region does not have enough eligible applicants to use the available additional allotment base for that region, the undistributed quantity of additional allotment base would then be divided equally among the remaining regions.

This proposed amendment would make an equal portion of the additional allotment base available to each of the four regions for each class of spearmint oil during a marketing year. It would provide a greater opportunity to new producers in some regions of the production area, such as portions of Montana, Utah, Nevada, Central Oregon, and California, to receive allotment base and undertake the production of spearmint oil.

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

List of Subjects in 7 CFR Part 985

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

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

PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

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

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

2. Section 985.153 is proposed to be amended by revising paragraph (c)(1) to read as follows:

Subpart—Administrative Rules and Regulations

§ 985.153 Issuance of additional allotment base to new and existing producers.

* * * * *

(c) *Issuance.* (1) *New producers.* (i) For the purpose of issuing allotment base to new producers, the production area should be divided into regions as follows:

(A) *Region 1.* Those portions of Montana and Utah included in the production area.

(B) *Region 2.* The State of Oregon and those portions of Nevada and California included in the production area.

(C) *Region 3.* The State of Idaho.

(D) *Region 4.* The State of Washington.

(ii) Each year, the Committee shall determine the size of the minimum economic enterprise required to produce each class of oil. The Committee shall thereafter calculate the number of new producers who will receive allotment base under this seciton for each of oil. An equal number of grants of the additional allotment base for each class of oil that is available to new producers each marketing year shall be issued to producers within each region. The Committee shall include that information in its announcements to new producers in each region informing them when to submit requests for allotment base. The Committee shall determine whether the new producers requesting additional base have ability to produce spearmint oil. The names of all eligible new producers in each region shall be placed in a lot for drawing. A separate drawing shall be held for each region. If, in any marketing year, there are not enough requests from eligible new producers in a region to use all of the additional allotment base available for that region, such unused allotment base shall be divided equally among eligible new producers within the other regions receiving allotment base pursuant to this section. The Committee shall immediately notify each new producer whose name was drawn and issue that producer an allotment base in the appropriate amount.

* * * * *

Dated: May 28, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–12917 Filed 5–30–91; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 998

[Docket No. FV-91-262PR]

Marketing Agreement No. 146 Regulating the Quality of Domestically Produced Peanuts; Proposed Changes in the Outgoing Quality Regulation and Terms and Conditions of Indemnification for 1991 Crop Peanuts

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would change the outgoing quality regulations and the current terms and conditions of indemnification for 1991 crop peanuts regulated under Marketing Agreement No. 146. The outgoing regulation would be changed to allow for more efficient utilization of peanut meal resulting from the crushing of peanuts for peanut oil. The terms and conditions of indemnification would be changed to set a $9,000,000 limit on indemnification expenses (including $5,000,000 in insurance coverage) and to establish a payment schedule and criteria which would ensure that all indemnification claims are handled equitably and are paid as soon as it can be ascertained that the $9,000,000 limit will not be exceeded. The limit on indemnification expenditures is intended to ensure that indemnification expenses incurred do not exceed the Peanut Administrative Committee's (Committee) ability to cover such expenses in the event of a crop year with an unusually high incidence of aflatoxin.

DATES: Comments must be received by June 17, 1991.

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

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 rule is proposed under Marketing Agreement No. 146 [7 CFR part 998], regulating the quality of domestically produced peanuts, hereinafter referred

to as the agreement. This agreement is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674] (the Act).

This proposed rule has been reviewed by the Department of Agriculture (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 requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed 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.

There are 68 handlers of peanuts subject to regulation under the agreement, and there are about 46,950 peanut growers in the 16 states covered under the program. 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. Some of the handlers signatory to the agreement are small entities, and a majority of the growers may be classified as small entities.

There are three major peanut production areas in the United States covered under the agreement: (1) Virginia-Carolina, (2) Southeast, and (3) Southwest. These areas encompass 16 states. The Virginia-Carolina area (primarily Virginia and North Carolina) usually produces about 18 percent of the total U.S. crop. The Southeast area (primarily Georgia, Florida and Alabama) usually produces about two-thirds of the crop. The Southwest area (primarily Texas, Oklahoma, and New Mexico) produces about 15 percent of the crop. Based upon the most current information, U.S. peanut production in 1990 totalled 3.60 billion pounds, a 10 percent decrease from 1989 and 1988. The 1990 crop value is $1.26 billion, up 13 percent from 1989.

The objective of the agreement is to ensure that only wholesome peanuts enter edible market channels. Since aflatoxin was found in peanuts in the mid-1960's, the domestic peanut industry has sought to minimize aflatoxin contamination in peanuts and peanut products.

The agreement plays a very important role in the industry's quality control efforts. It has been in place since 1965 with over 90 percent of U.S. shellers (handlers) participating. The participating shellers handle about 95 percent of the crop. Under the agreement, farmers' stock peanuts with visible *Aspergillus flavus* mold (the principal source of aflatoxin) are required to be diverted to non-edible uses. Each lot of shelled peanuts for edible use must be officially sampled and chemically tested for aflatoxin by the Department or in laboratories approved by the Committee. The Committee works with the Department in administering the marketing agreement program. The inspection and chemical analysis programs are administered by the Department. A sheller who has complied with these requirements, is eligible for indemnification of losses incurred if the sheller's peanuts are deemed unsuitable for human consumption because of aflatoxin. All indemnification and administration costs are paid by assessments levied on handlers signatory to the agreement.

The incoming quality regulation specifies the quality of farmers' stock peanuts which handlers may purchase from producers. Handlers are required to purchase only good quality, wholesome peanuts for edible products. The outgoing quality regulation requires shellers to mill peanuts to meet certain quality specifications and to have them inspected before such peanuts can be sold to edible outlets. Foreign material and damaged and immature peanuts are removed in the milling operation. Each lot of milled peanuts must be sampled and the samples chemically analyzed for aflatoxin. If the chemical assay shows that the lot is positive as to aflatoxin, the lot is not allowed to go to edible channels. Lower quality peanuts are crushed for oil and meal. The end result is that only good quality peanuts end up in human consumption outlets.

On January 23–24, 1991, the Committee unanimously recommended changes in paragraphs (g)(3)(ii) and (1)(2) of § 998.200 Outgoing Regulation to require that meal produced from the crushing of all "restricted" categories of peanuts be sampled and tested for aflatoxin, as prescribed by the Committee, and that the numeric test results be shown on the certificate accompanying each shipment of meal produced from the crushing of "restricted" categories of peanuts. The Committee also recommended that the current restrictions regarding the use and disposition of meal produced from the crushing of "restricted" peanuts be removed from the regulations. Meal produced from the crushing of "unrestricted" categories of peanuts would continue to be exempt from aflatoxin testing requirements and would be eligible for feed use without testing.

Generally, restricted categories of peanuts are peanuts which were determined to be Segregation III or peanuts which contain or are likely to contain significant levels of aflatoxin. Unrestricted categories of peanuts are peanuts which have been determined to be Segregation I or II pursuant to § 998.100 or have been determined to be negative (based on the criteria applicable to non-edible quality categories) as to aflatoxin content.

Currently, meal produced from restricted categories of peanuts, unless detoxified, must be disposed of for fertilizer or other non-feed uses. The Committee reported that other Federal and State requirements or criteria for the disposition of peanut meal in certain feed outlets are less restrictive than those currently in effect under the agreement. Therefore, the regulations under the agreement restrict otherwise legitimate dispositions of peanut meal for feed use. The recommended changes would provide crushers and meal receivers with certified information as to the aflatoxin content of meal produced from restricted categories of peanuts. Receivers would then make usage determinations based upon any Federal or State regulations or requirements in effect for the desired outlet. This would allow for more efficient utilization of peanut meal, eliminate conflicts between agreement and other State or Federal regulations or requirements, and simplify the requirements in effect for the disposition of peanut meal under the agreement.

At its February 27 meeting, the Committee recommended changes in § 998.300 Terms and conditions of indemnification to limit indemnification expenses on 1991 crop peanuts to $9,000,000, including $5,000,000 of insurance coverage. The Committee's recommendation would cause payment of the applicable indemnification payment on indemnified 1991 crop peanuts to be withheld until the loan acquired for the purposes of paying indemnities on 1990 crop peanuts is repaid (by December 31, 1991). The Committee also recommended the establishment of a payment schedule, to be utilized after the loan is repaid, to allow 1991 crop indemnification payments to be made as soon as possible while ensuring that all indemnification claims are handled equitably and that the $9,000,000 limit is not exceeded. The payment schedule provides that:

—The cost of preparation, delivery and assays on Samples 2–AB and 3–AB, crushing supervision, and other indemnification costs not allocated to claims, shall be paid, without delay, in accordance with established procedures;

—Authorized costs for blanching and remilling fees, freight, and assay costs allocated to claims shall be paid pursuant to the Terms and Conditions of Indemnification, unless the Committee projects that these costs, plus the costs listed above, are likely to exceed the $9,000,000 limitation, in which case alternative rates of payment would be recommended to the Secretary;

—If not more than 800 claims for indemnification have been filed with the Committee by December 31 of the current crop year, the Committee will pay claimants for the applicable indemnification payment on indemnified peanuts covered by claims which are determined to be valid pursuant to the Terms and Conditions of Indemnification;

—If more than 800 but not more than 1300 claims for indemnification have been filed with the Committee by December 31 of the current crop year, the Committee will pay claimants at the rate prescribed in paragraph (x) of the Terms and Conditions, for "additional peanuts", on indemnified peanuts covered by claims determined to be valid pursuant to the Terms and Conditions of Indemnification;

—If more than 1300 but not more than 2500 claims for indemnification have been filed with the Committee by December 31 of the current crop year, indemnification payments for the peanuts removed in the remilling and/or blanching process will continue to be withheld until December 31 of the calendar year following the crop year (December 31, 1992), or until other action is prescribed by the Committee, with the approval of the Secretary; and

—If more than 2500 claims have been filed with the Committee on or before December 31 of the current crop year, or if projections indicate that the total claims during the crop year may be approximately 6,000 or more, or if projections indicate that the aggregate costs of the expense items referred to in proposed paragraphs (z)(i) and (z)(ii), less receipts for salvage, might exceed the $9,000,000 limit, alternative methods or rates of payment shall be prescribed by the Committee, with the approval of the Secretary.

The payment schedule is based on historical data on the receipt of indemnification claims by the Committee. Using the number of claims received by December 31 and other information, the Committee can project the number of claims likely to be received for the remainder of the current crop year and the payment levels at which all claims may be processed while remaining within the proposed limit on total indemnification expenses for the 1991 crop.

The recommended changes in the Terms and Conditions of Indemnification for 1991 crop peanuts are intended to ensure that indemnification expenses incurred do not exceed the Committee's ability to cover such expenses in the event of a crop year with an unusually high incidence of aflatoxin. Heretofore, no upper limits have been fixed on total committee indemnification expenditures for handler indemnification claims. The limit on indemnification expenditures is in response to the large number of indemnification claims on 1990 crop peanuts. Expenditures from these claims exceeded the $7.8 million which was available to cover 1990 crop indemnification expenses. This resulted in a $14 million dollar deficit in the indemnification reserve. The Committee is currently in the process of negotiating a line of credit to pay 1990 crop indemnification expenses until sufficient income is received from 1991 crop assessments. An indemnification assessment of $15.00 per ton of 1991 crop peanuts has been established to cover expenses from the 1990 crop and to continue the indemnification program. The recommended changes in the terms and conditions would protect the Committee from such unlimited liabilities in the future. This would protect handlers from unreasonably high assessment rates and help ensure the integrity of the indemnification program.

No changes were recommended in § 998.100 Incoming quality regulation for the 1991 crop. Therefore, the incoming regulation applicable to 1990 crop peanuts will be effective for 1991 crop peanuts. The section heading of that section would be changed accordingly.

Based on the above, the Administrator of the AMS has determined that the proposed changes would not have a significant economic impact on a substantial number of small entities.

The information collection requirements that are contained in the sections of these regulations proposed to be amended have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0067.

A comment period of 15 days is deemed appropriate because the 1991 crop year begins on July 1, and any changes that may be adopted in the regulations as a result of this proposal should be implemented as soon as possible.

All available information, including the Committee's recommendation, and all written comments timely received in response to this request for comments, will be considered before deciding whether or not to implement this proposal.

List of Subjects in 7 CFR Part 998

Marketing agreements, Peanuts, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 998 is proposed to be amended as follows:

PART 998—MARKETING AGREEMENT REGULATING THE QUALITY OF DOMESTICALLY PRODUCED PEANUTS

1. The authority citation for 7 CFR part 998 continues to read as follows:

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

2. Section 998.100 is amended by revising the section heading to read as follows:

§ 998.100 Incoming quality regulation—1991 crop peanuts.

* * * * *

3. Section 998.200 is amended by revising the section heading, revising paragraph (g)(3)(ii), adding a new paragraph (1)(2)(viii) and revising the sixth sentence of the concluding text of paragraph (1)(2) to read as follows:

§ 998.200 Outgoing quality regulation—1991 crop peanuts.

* * * * *

(g) * * *

(3) * * *

(ii) Meal produced from the crushing of loose shelled kernels, fall through, and pickouts, which have not been certified negative as to aflatoxin content, and meal produced from the crushing of other "restricted" categories of peanuts listed in paragraph (1)(2) of this section, shall be prepared for disposition in specifically identified lots not exceeding 200,000 pounds. Handlers or crushers, at their own expense, shall cause each such lot of meal to be sampled, as prescribed by the Committee, by an inspector of the Federal or Federal-State Inspection Service and tested for aflatoxin in a

laboratory approved by the Committee or by a USDA laboratory. The numerical test result of the chemical assay shall be shown on a certificate covering each lot of meal produced from "restricted" peanuts, and a copy of the certificate shall accompany each shipment or disposition. However, meal produced from the crushing of loose shelled kernels, fall through, and pickouts, which have been certified negative as to aflatoxin content, and meal produced from the crushing of other categories of peanuts determined by paragraph (1)(1) of this regulation to be eligible for "unrestricted" crushing, shall be exempt from the aflatoxin testing requirements.

* * * * *

(1) * * *
(2) * * *
(viii) PAC indemnified peanuts.

* * * * *

* * * Meal produced from the crushing of "restricted" categories of peanuts described in this paragraph (1)(2) shall be tested and certified as to aflatoxin content pursuant to the requirements of paragraph (g)(3)(ii) of this section, applicable to such "restricted" categories of peanuts. * * *

* * * * *

4. Section 998.300 is amended by revising the section heading, and by adding a new paragraph (z) to read as follows:

§ 998.300 Terms and conditions of indemnification—1991 crop peanuts.

* * * * *

(z) Not withstanding the provisions of any other paragraph of these Terms and Conditions, the total payments for indemnification plus expenses, minus salvage received by the Committee on indemnified peanuts delivered for crushing, shall not exceed $9,000,000 in the aggregate, for the crop year. To assure that the $9,000,000 limit is not exceeded while dealing with all expenses and claims on an equitable basis, the following payment schedule shall be followed:

(i) Cost of preparation, delivery and assays on Samples 2–AB and 3–AB, as prescribed in § 998.200(c)(2), crushing supervision, and other indemnification costs not allocated to claims, shall be paid, without delay, in accordance with the procedures in this part.

(ii) Authorized costs for blanching and remilling fees, freight, and assay costs allocated to claims shall be paid pursuant to these Terms and Conditions, unless the Committee projects that these costs, plus the costs listed in paragraph (z)(i), are likely to exceed the $9,000,000 limitation.

(iii) If not more than 800 claims for indemnification have been filed with the Committee by December 31 of the current crop year, the Committee shall pay claimants for the applicable indemnification payment on indemnified peanuts covered by claims, which are determined to be valid, pursuant to these Terms and Conditions.

(iv) If more than 800 but not more than 1300 claims for indemnification have been filed with the Committee by December 31 of the current crop year, the Committee shall pay claimants at the rate prescribed in paragraph (x) of these Terms and Conditions, for "additional peanuts", on indemnified peanuts covered by claims, as determined to be valid pursuant to these Terms and Conditions.

(v) However, with respect to paragraphs (z)(iii) and (z)(iv) above, indemnification payments for the peanuts removed in the remilling and/or blanching process shall be delayed until such time as the loan acquired for the purposes of paying indemnities on 1990 crop peanuts is repaid.

(vi) If more than 1300 but not more than 2500 claims for indemnification have been filed with the Committee by December 31 of the current crop year, indemnification payments for the peanuts removed in the remilling and/or blanching process shall be delayed until December 31 of the calendar year following the current crop year. or until other action is prescribed by the Committee, with the approval of the Secretary.

(vii) If more than 2,500 claims for indemnification have been filed with the Committee on or before December 31 of the current crop year, or if projections indicate that the total number of claims during the crop year may be approximately 6,000 or more, or if projections indicate that the aggregate costs of the expense items referred to in paragraph (z)(i) and (z)(ii), minus salvage, might exceed the $9,000,000 limit, alternative methods or rates of payment shall be prescribed by the Committee, with the approval of the Secretary.

Dated: May 23, 1991.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 91–12746 Filed 5–30–91; 8:45 am]

BILLING CODE 3410–02–M

7 CFR Part 1004

[Docket No. AO–160–A65–RO–2; DA–90–003]

Milk in the Middle Atlantic Marketing Area; Recommended Decision and Opportunity to File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This decision recommends changes to the Middle Atlantic Federal milk order that would incorporate into the order a plan for pricing milk on the basis of its nonfat solids content, as well as its volume and butterfat content. The differential value of milk used in Class I and Class II would be pooled to determine producers' shares of the higher-valued uses, and the value of nonfat solids used in Classes II and III would be pooled with the value of skim milk used in Class I to determine the value of nonfat solids in producer milk.

The decision is based on industry proposals considered at a public hearing held July 17–18, 1990, in Philadelphia, Pennsylvania.

DATES: Comments are due on or before June 17, 1991.

ADDRESSES: Comments (five copies) should be filed with the Hearing Clerk, room 1083, South Building, United States Department of Agriculture, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Constance M. Brenner, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, room 2968, South Building, P.O. Box 96456, Washington, DC 20090–6456 (202) 447–7183.

SUPPLEMENTARY INFORMATION: This administrative action is governed by the provisions of sections 556 and 557 of title 5 of the United States Code and, therefore, is excluded from the requirements of Executive Order 12291.

The Regulatory Flexibility Act (5 U.S.C. 601–612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this action will not have a significant economic impact on a substantial number of small entities. The amendment(s) would promote orderly marketing of milk by producers and regulated handlers.

Prior document in this proceeding:

Notice of Hearing: Issued June 29, 1990; published July 9, 1990 (55 FR 28052).

Preliminary Statement

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and the order regulating the handling of milk in the Middle Atlantic marketing area. This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR part 900).

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, DC, 20250, by the 15th day after publication of this decision in the **Federal Register**. Five copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendments set forth below are based on the record of a public hearing held at Philadelphia, Pennsylvania, on July 17–18, 1990, pursuant to a notice of hearing issued June 29, 1990 (55 FR 28052).

The material issues on the record of hearing relate to multiple component pricing.

Findings and Conclusions

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

A proposal that the Middle Atlantic order be amended to accommodate a multiple component plan using values of nonfat milk solids and butterfat to adjust the value of milk used in Class II and Class III products and payments to producers should be adopted. Under the component pricing plan adopted herein, handlers' obligations for producer milk used in Class I will not be affected by the nonfat solids content of the milk.

At the present time under the Middle Atlantic order, and under nearly all of the other Federal milk orders, milk received by handlers is priced according to the pounds of producer milk allocated to each class of use multiplied by the prices per hundredweight of milk testing 3.5 percent butterfat, as determined under the orders for each class of use. Adjustments for such items as overage, reclassified inventory, location and other source milk allocated to Class I are added to or subtracted from the classified use value of the milk. The resulting amount is divided by the total producer milk in the pool to calculate a price per hundredweight of milk testing 3.5 percent butterfat to be paid to producers for the approved milk they have delivered to handlers. The price paid to each producer is then adjusted according to the specific butterfat test of the producer's milk by means of a butterfat differential. The butterfat differential is computed by multiplying the wholesale selling price of Grade A (92-score) bulk butter per pound on the Chicago Mercantile Exchange, as reported for the month by the U.S. Department of Agriculture, by 0.138 and subtracting the Minnesota-Wisconsin price at test, also as reported for the month by the U.S. Department of Agriculture, multiplied by .0028.

The component pricing plan was proposed by Pennmarva Dairymen's Federation, Inc., (Pennmarva) a federation of cooperatives composed of Atlantic Dairy Cooperative, Mid-Atlantic Division of Dairymen, Inc., Maryland and Virginia Milk Producers Cooperative Association, Inc., and Valley of Virginia Cooperative Milk Producers Association. A witness for the Federation testified in favor of the proposed pricing plan on behalf of Pennmarva, Mount Joy Farmers Cooperative Association and Eastern Milk Producers Cooperative Association, Inc. The members of these organizations market 90 percent of the producer milk associated with the Middle Atlantic order.

Pennmarva's witness testified that the adoption of component pricing under the Middle Atlantic order is justified on the basis that its incorporation under the order will result in a better recognition of the economic value of all producer milk than either the order's current provisions or any existing industry-sponsored component pricing programs within the Middle Atlantic market, and thereby contribute to orderly marketing. The witness explained that under the current provisions of the order, prices vary only for differences in the butterfat component content of milk, even though it has been demonstrated that other components have value. He indicated that without multiple component pricing under the order, industry-sponsored programs, which suffer from serious economic defects, will continue to proliferate. The witness stated that under the industry-sponsored plans prices cannot be adjusted downward for milk of less than average component content. In addition, he continued, the plans generally are not available to all producers, resulting in a situation in which producers do not receive uniform prices for their milk and handlers do not pay uniform prices. As a consequence, the witness testified, producers on the Middle Atlantic market are not receiving appropriate pricing signals regarding the value of their milk.

The representative of Pennmarva testified that Pennmarva has chosen to follow the multiple component pricing plan in the Great Basin order. He stated that the plan excludes adjustments in Class I prices for the nonfat component while dividing the Class III value between the fat and nonfat solids prices. Use of the plan, according to the witness, will maintain price alignment between the Middle Atlantic market and neighboring Federal order markets because purchasers of Class II and Class III milk will experience no appreciable change in their prices. The witness maintained that the plan works well and helps maintain orderly marketing. He pointed out that the plan results in revenue neutrality. The current handler reporting structure would be maintained, he said. Finally, the witness stated, the plan prices Class II and Class III milk according to the relationship that exists between component content and product yield.

Pennmarva's witness explained that due to the U.S. Food and Drug Administration's standards of identity requiring fluid milk products to have only a minimum nonfat solids content of 8.25 percent, Pennmarva does not support having component pricing apply to Class I milk in the Middle Atlantic market. He indicated that Pennmarva does not want to create an incentive to lower the current nonfat solids content of fluid milk, which is generally somewhat higher than the required minimum. The witness stated that fluid milk handlers do not want to create a situation in which their competitors may gain a competitive advantage by paying less for Class I milk containing a lower percentage of nonfat solids. He testified further that fluid milk handlers are reluctant to pay for milk on the basis of multiple components because of a general perception that consumers are unwilling to pay a higher price for milk containing a higher-than-average percentage of nonfat solids.

Proponent witness proposed that the multiple component pricing plan used in the Great Basin Federal milk order be adapted for use in the Middle Atlantic order by making four basic modifications. The Great Basin pricing plan would be modified by incorporating the current Middle Atlantic seasonal base-excess plan, by using nonfat solids and butterfat as the components rather than protein and butterfat, by using the Class III price rather than the basic formula price to derive the nonfat solids

price, and by deriving the nonfat solids price from the current month's nonfat solids content rather than the previous month's.

The Pennmarva witness presented several reasons for using nonfat solids instead of protein as the component for pricing producer milk and milk used in Class II and Class III by handlers. According to the witness, a preponderance of the milk pooled under the Middle Atlantic order and used in Class II and Class III is used in products whose economic value depends on the nonfat solids content of the milk rather than on the protein content. Therefore, the Pennmarva witness argued, the use of protein to determine the value of milk used by handlers in most Order 4 manufactured products would result in price variations to handlers that would exceed the value of the component in the products manufactured. Finally, the witness stated, a greater redistribution of money among producers would occur if prices to producers are adjusted on the basis of the protein content of their milk rather than on the basis of the nonfat solids content.

Pennmarva's witness further explained why Pennmarva proposes using the Class III price rather than the basic formula price to derive the nonfat solids price. According to the witness, the Middle Atlantic Class III price differs from the basic formula price due to the use of seasonal adjustments to the basic formula price. He indicated that maintaining these seasonal adjustments requires using the Class III price to derive the nonfat solids price.

Pennmarva's representative explained that use of the current month's average nonfat solids content of producer milk to derive the nonfat solids price, rather than the previous month's content, will provide a better measure of the current month's component values than using the previous month's tests. He indicated that nonfat solids tests for the current month are available at the same time as butterfat tests for the current month. The witness stated that under Pennmarva's proposal the nonfat solids prices for the current month will be announced by the 13th of the following month.

A witness appearing on behalf of Dietrich's Milk Products, Inc. (Dietrich's), a non-regulated handler under the Middle Atlantic order, testified that Dietrich's supports Pennmarva's position that the Middle Atlantic order should be amended to provide incentives to producers to produce milk that has a greater value in the marketplace. He testified that Dietrich's would prefer nonfat solids pricing to protein pricing because the handler mainly produces whole milk powder, a major manufacturing use of milk in the Middle Atlantic market. Therefore, the witness stated, nonfat solids pricing would better fit Dietrich's operations. The witness also testified that Dietrich's has found that it is more difficult to accurately determine the protein content of milk than the nonfat solids content. He observed that the Minnesota-Wisconsin price largely reflects protein values because it is primarily driven by the cheese market, and argued that since the nonfat solids price as proposed by Pennmarva would be derived from the Minnesota-Wisconsin price, the resulting nonfat solids price would include the value of protein as well as the value of nonfat solids.

However, Dietrich's witness expressed some concerns about the proposal and its impact. He indicated that Dietrich's is concerned about transfers between handlers and between markets. Specifically, he testified that Dietrich's ships fluid skim milk from its non-pool plant to pool plants under the New York-New Jersey order on an agreed-upon Class II basis. He expressed concern about the treatment of these shipments under an amended Middle Atlantic order, and about how shrinkage would be handled under the order if component pricing were adopted.

A witness representing National All-Jersey, Inc., a national organization of dairy farmers, and appearing on behalf of the American Jersey Cattle Club, the breed association for owners of Jersey cattle, stated that both organizations support Pennmarva's proposal because the current butterfat-skim milk pricing system is not equitable to dairy farmers. He explained that under the current pricing plan, producers receive the same price for the skim portion of their milk regardless of its nonfat solids content. In other words, he said, producers are paid the same price for a pound of water as for a pound of nonfat solids.

The witness for the Jersey organizations testified that the organizations also support the proposal because it would give dairy farmers more appropriate economic signals. He opined that the current milk pricing system does not give dairy farmers the proper incentives to produce the kind of milk that consumers are demanding. Through the types of dairy products they are purchasing, according to the witness, consumers are placing a greater emphasis and value on the nonfat solids portion of milk. However, the witness stated, an increase in the value of the skim portion of milk, without component pricing, only gives dairy farmers an incentive to increase the volume of milk that they produce without regard to the components or water contained in it.

A consultant for the Jersey organizations stated that their organizations' purpose in testifying is to support Pennmarva's proposal. He suggested that the most important reason for implementing a multiple component pricing plan is to reflect back to producers the fact that the value of skim milk varies depending on the percentage of solids it contains. According to the witness, differences in the value of skim milk stem from the fact that milk with higher levels of nonfat solids has a greater nutritional value and produces higher yields of manufactured products. He stated that producers cannot achieve maximum efficiency in the use of their resources in satisfying consumer wants so long as they are being paid under the present pricing system that tells them that it makes no difference what level of nonfat solids or water their milk contains.

The consultant, who also has direct experience with the pricing plan effective under the Great Basin order, further testified that differences in milk costs among fluid milk handlers on the Great Basin market would have been rather small even if the order had priced Class I milk on the basis of its protein content, because the variation in the protein content among handlers was not great. These differences would have been even less, according to the witness, if pricing had been based on the nonfat solids content of the milk. The consultant also testified that fluid milk handlers on the Great Basin market are beginning to pay much more attention to the level of solids in the skim milk that they receive. He stated that they are objecting more and more to receiving milk with lower solids.

Although the Jersey consultant testified that charging handlers for the nonfat solids content of the milk they use in Class I is feasible and economically justifiable, he stated that the Jersey organizations do not advocate that component pricing under the Middle Atlantic order apply to Class I milk at this time. Such an approach would not be appropriate, according to the witness, until handlers begin to insist on receiving higher nonfat solids milk for which they pay no more.

The witness testifying on behalf of the National Farmers Organization (NFO), a producer cooperative, stated that NFO supports the concept of multiple component pricing of milk in Federal milk orders because by pricing milk according to its values in the marketplace, component pricing makes

it possible for producers to respond to the demands of the marketplace and to be properly rewarded for their efforts. However, the witness stated that NFO supports component pricing based on protein rather than nonfat solids for several reasons. He said that NFO has found that protein is the component most demanded by handlers and the component handlers are most willing to pay for directly. Further, he stated, although protein and lactose, the major components of nonfat solids, have very different economic values, nonfat solids pricing would result in assigning them equal value.

The NFO witness testified that producers have become attuned to the protein content of their milk as part of their herd management. The witness concluded that adjoining Federal order markets with overlapping procurement areas likely will adopt multiple component pricing based on protein, with the result that a Middle Atlantic multiple component pricing plan based on nonfat solids would be isolated and out-of-step with adjacent orders. As a result, he stated, producers and handlers within the substantial area of overlapping supplies among these neighboring markets would be presented with a confusing and difficult marketing situation.

The witness for NFO also testified that the cooperative association recently negotiated a contract with a fluid milk handler in which the handler agreed to pay premiums for high protein content. According to the witness, the handler agreed to pay an incentive for high protein milk in order to procure a milk supply, not because he wanted high protein milk.

The witness representing Dean Foods Company, a non-regulated handler under the Middle Atlantic order, testified that Dean favors protein and quality pricing rather than nonfat solids pricing. However, the witness indicated that if Dean had had more time to compare the effect on Dean of nonfat solids pricing with the effect of protein pricing, Dean may have favored nonfat solids pricing. According to the witness, Dean is concerned that the adoption of nonfat solids pricing in the Middle Atlantic market and protein pricing in adjacent markets will cause milk used in the same Class II (and Class III) products to have differing costs.

The witness representing Kraft General Foods, a non-regulated handler under the Middle Atlantic order, testified that Kraft is not opposed to the concept of multiple component pricing as part of the Federal milk order system, but is opposed to Pennmarva's proposal. The witness explained that Kraft is opposed to Pennmarva's proposal because (1) nonfat solids rather than protein would be used to adjust handler and producer prices, (2) the value of the non-butterfat component would not be uniform among markets, and (3) prices would not be adjusted for somatic cell count.

Kraft's witness presented several reasons for protein to be used as a component instead of nonfat solids. In surrounding markets, the witness stated, the predominant use of surplus milk is in cheese rather than nonfat dry milk (and related products), and these markets' procurement areas overlap that of the Middle Atlantic market. The witness testified that producers in the Middle Atlantic area select herd sires on the basis of potential protein production, that voluntary multiple component pricing plans in the area use protein, and that protein is the component that gives manufactured dairy products, including nonfat dry milk, their value. He stated further that if nonfat solids are used as a basis for pricing milk, the addition of whey powder or lactose to producer milk for the purpose of enhancing producer returns may be a problem.

According to Kraft's witness, the price of components other than butterfat should be the same among markets as are butterfat prices. Otherwise, he contended, market disorder and handler inequity would result because of different raw product costs among competing handlers. The witness stated that the use of each market's average protein or nonfat solids content would result in different values for the component among markets.

Kraft's witness further testified that somatic cell counts must be included in any multiple component pricing plan. He explained that the presence of high somatic cells has a negative value on milk because it reduces cheese yields. According to the witness, other countries that use multiple component pricing adjust their prices for somatic cell count, and somatic cell count adjustments are used in most voluntary multiple component pricing plans.

The witness representing Dairylea Cooperative, a producer cooperative marketing the milk of "less than a handful" of producers under Order 4, testified that Dairylea agrees that the time has come for multiple component pricing since the value of the nonfat components of milk are greater in the marketplace than the fat component in milk. He indicated, however, that the cooperative has no position regarding multiple component pricing in the Middle Atlantic order.

In Pennmarva's brief, the cooperative federation argued that Kraft's position favoring the use of protein rather than nonfat solids as a pricing component rests upon the unsupportable supposition that intermarket alignment is more important than market characteristics, and therefore should be rejected. Pennmarva's brief stated that there is substantial record evidence concerning the characteristics of the Middle Atlantic market, but no evidence in the record that the use of nonfat solids pricing would create misalignment. Furthermore, Pennmarva contended, Kraft's data concern other marketing areas with very different market characteristics than the Middle Atlantic market. Pennmarva pointed out, for example, that while the manufacture of cheese is more substantial in the neighboring New York-New Jersey marketing area, nonfat dry milk is the principal surplus milk product manufactured in the Middle Atlantic market.

The Pennmarva brief contended that the Federal milk order program is a producer program and, absent substantial evidence of disorderly marketing as a result of proposals favored by a great majority of the market's producers, such proposals should be adopted. Pennmarva stated that the preference of Kraft, a non-pool handler utilizing approximately 4 percent of the producer milk pooled under the order, for protein pricing does not justify ignoring the fact that 90 percent of the market's producers, who would be directly affected by the provision, favor nonfat solids pricing. Pennmarva argued that handlers would not be directly affected by adoption of nonfat solids pricing because the Federation's proposal would not affect basic class price levels. Finally, Pennmarva noted that Kraft is familiar with nonfat solids pricing since Kraft operates three plants in California that are subject to such pricing and manufacture products that compete with products manufactured at plants regulated under Federal orders.

In the brief filed on behalf of the Jersey organizations, the organizations maintained that the hearing record contains abundant evidence for the Secretary to adopt Pennmarva's proposal. The brief stated that the hearing record is replete with testimony from experts and corroborating data showing the need for multiple component pricing in the Middle Atlantic market. The brief also stated that the hearing record contains several reasons for Pennmarva's proposal to be adopted. The Jersey organizations indicated that the record shows that most of the producers on the Middle

Atlantic market support the proposal, while it is opposed by a cooperative with only about 50 producers on the market and a handler with no producers on the market. The brief conceded, however, that the opposition's position that it would be better to pay producers for the skim portion of milk based on protein rather that nonfat solids may very well prove to be a better approach in the long run. Finally, the brief indicated that while the Jersey organizations support the proposal, they believe that the multiple component pricing plan in the Great Basin order can be improved by (1) changing the method for calculating the protein or nonfat solids price, (2) providing for the same price in all orders, and (3) pricing protein or nonfat solids in Class I milk. The brief stated that the Jersey organizations do not advocate that these changes be made at this time.

In the brief filed on behalf of NFO, the cooperative association argued that the intrinsic merits of nonfat solids pricing are not superior to protein pricing, and that there are no unique conditions in the Middle Atlantic market that require nonfat solids pricing. NFO therefore opposed an action the cooperative characterized as isolating the Middle Atlantic market and placing it out of step with national dairy trends by adopting nonfat solids pricing. NFO contended that pricing milk on the basis of its nonfat solids content does not make economic sense. The cooperative stated that such a pricing plan would have the effect of assigning the same value to lactose and protein and assuming that the mineral content of milk is constant, and denigrated the choice of nonfat solids as a pricing component on the basis that it would result in less variation in producer prices than would protein.

In the brief filed on behalf of Kraft, the handler concluded that Pennmarva's proposal should not be adopted because the value of milk to manufacturers in the Middle Atlantic area results from its protein content rather than its nonfat solids content. Kraft maintained that even a protein pricing plan should not be adopted for the Middle Atlantic marketing area unless the same protein price is used in all Federal milk orders, and the resulting protein price is adjusted for somatic cell content.

Kraft's brief contained a number of proposed findings (42) that detailed the interrelationship between the Middle Atlantic market and other Federal order markets, suggested that the milk products manufactured in the separate markets be considered on a combined basis, and insisted that adoption of nonfat solids pricing for the Middle Atlantic marketing area would create disorderly marketing conditions throughout the region. In support of arguments related to intermarket competition and alignment, Kraft requested official notice be taken of the Order 2 Market Administrator's Bulletin Quarterly "D" for 1989. Accordingly, official notice of this publication is taken. The brief argued that dairy herd improvement information about sire selection offers information on the protein-transmitting ability of sires, but not on their nonfat solids-transmitting ability. Kraft's arguments included an overview of multiple component pricing plans throughout the nation, and stressed the prevalence of protein pricing in such plans in the northeastern United States. The brief also included a number of proposed findings regarding the relatively greater importance of protein over nonfat solids as a dairy product ingredient.

Kraft's brief argued that protein testing is more precise than nonfat solids testing, and that the integrity of a nonfat solids pricing plan could be compromised by the undetectable addition of low-cost dairy solids such as lactose to producer milk. The brief characterized the determination of a component price on the basis of marketwide tests and residual skim value as defective, and urged that component values be computed on the basis of the component content in the milk included in the survey from which the Minnesota-Wisconsin price is derived.

It is apparent that a multiple component pricing plan is appropriate for the Middle Atlantic milk order. The record of the proceeding shows that the level of nonfat solids or protein contained in producer milk strongly influences the quantity of manufactured dairy product obtained from the milk. In addition, it is apparent that independent pricing plans within the marketing area for nonfat solids and protein are resulting in nonuniform prices paid to producers and paid by handlers.

Notwithstanding the objections to nonfat solids pricing raised by NFO and by Kraft, the Middle Atlantic order should be amended to include nonfat solids as one of the factors used in calculating handler obligations to the marketwide pool for milk used in Class II and Class III, and in paying producers for the milk they deliver to handlers. The regulatory language by which Pennmarva proposed the multiple component pricing plan be incorporated in the order also should be adopted, with minor adjustments to accommodate other order amendments that have been adopted since the hearing in this proceeding.

Three factors should be present before the pricing of a milk component can be economically justified. First, the component should have economic value. Second, the variability of the component within milk should be of such magnitude that the economic value of the milk changes because of changes in the economic value of the component. Third, the variability of the component should be measurable.

The record in this proceeding demonstrates that industry-sponsored premium programs for both nonfat solids and protein are operating within the Middle Atlantic marketing area. The fact that handlers are paying more for milk with higher nonfat solids or protein content is sufficient to demonstrate that these components have economic value.

The record also shows that the nonfat solids and protein contents of milk can vary among individual producers to the extent that the economic value of the milk would be affected. For example, an employee of the Market Administrator of the Middle Atlantic order testified regarding a study conducted by the Market Administrator's office on what effect price adjustments to producers paid under the Middle Atlantic order for differences in the protein or nonfat solids content of each producer's milk would have on the price received by each producer. The results of the study indicated that in March 1988 differences in payments to producers would have ranged from at least minus 43 cents per hundredweight to plus 43 cents per hundredweight for both nonfat solids and protein.

The record shows that tests to measure the nonfat solids or protein content of milk are sufficiently accurate and reliable for pricing purposes. An expert witness testified that several methods for the determination of butterfat, protein, lactose, and nonfat solids are contained in the current edition of the Official Methods of Analysis of the Association of Official Analytical Chemists (AOAC). For a procedure to be recognized as an official method by the AOAC its results must be reproducible, not only in the laboratory of origin but in different laboratories, and the test must be found to be accurate. The witness indicated that the purpose of getting the AOAC's approval is to give the procedure recognition as a proven method that can be used for regulatory purposes.

The record also demonstrates that component pricing is specifically needed in the Middle Atlantic order. As

previously indicated, industry-sponsored premium programs for nonfat solids and protein are operating in the market. Testimony indicates that not only do these programs differ from one to another, but that they do not apply to all producers or handlers on the market. As a result, handlers are not paying uniform prices and producers are not receiving uniform prices. Inclusion of a component pricing plan under the Middle Atlantic order will help assure that orderly marketing conditions are maintained in the Middle Atlantic market.

The four modifications to the Great Basin multiple component pricing plan proposed by the Pennmarva witness should be adopted. The plan should be adapted to incorporate the current Middle Atlantic seasonal base-excess plan. The multiple component pricing plan for the Middle Atlantic market should use nonfat solids and butterfat as the pricing components, rather than protein and butterfat, with the nonfat solids price derived from the Class III price rather than the basic formula price, and from the nonfat solids content for the current month rather than for the previous month. Use of the current month's marketwide nonfat solids test and the Class III price will assure that producer returns for a particular month are more closely related to the actual value of milk used in manufactured products during that month. The record indicates that the only opposition to the Federation's proposal was to the use of nonfat solids rather than protein as a pricing component.

In the Middle Atlantic market, a far greater quantity of milk is used in manufactured dairy products of which the yield depends on the nonfat solids content of the milk than in dairy products of which the yield depends on protein. In 1989, 1.6 billion pounds of milk were used to make condensed and powdered milk products, frozen desserts and yogurt in the Middle Atlantic market, while 0.8 billion pounds of milk were used in cottage cheese, and American, Swiss and Italian cheeses. This 2.0-to-1 1989 ratio has been relatively constant for the 1980–89 period, ranging from a high of 2.1-to-1 in 1986 to a low of 1.6-to-1 in 1984.

In Kraft's testimony and in its brief, the handler proposed that for purposes of determining how milk is used in manufactured dairy products, the uses of such milk in the Middle Atlantic market and the adjacent markets should be combined. Kraft contended that if such use were combined, cheese would be the principal use of milk used in manufactured dairy products manufactured in the region. Kraft, however, provided no persuasive reasoning for combining the manufacturing uses of milk in these three markets.

The Kraft brief also contended that protein, since it constitutes over one-third of the nonfat solids in milk, is the predominant ingredient in manufactured products made from milk pooled under the Middle Atlantic order. Kraft's approach would require combining the protein in nonfat dry milk and other products of which the yield is dependent on nonfat solids with the protein in cheese and other products in which yield is determined by protein to conclude that protein is the most important factor in manufactured products produced in the marketing area. Such an approach would make economic sense only if the protein in the milk used to produce nonfat dry milk is priced separately from other constituents of the nonfat solids contained in the milk. Since the record indicates that the nonfat constituents in nonfat dry milk are not valued individually, there is no basis for considering Kraft's contention.

According to the record, nonfat solids pricing is the principal method employed under the industry-sponsored component pricing plans operating in the Middle Atlantic market. Three producer cooperative associations qualified under the Middle Atlantic order (all of which support Pennmarva's proposal for nonfat solids pricing) charge some handlers and pay some of their producers some form of component premium. The record indicates that Atlantic Dairy Cooperative has a nonfat solids premium plan, Dairymen, Inc., had a protein premium plan but has changed to nonfat solids, and Eastern has a protein premium plan.

Although the testimony of an expert witness indicated that the protein component of the nonfat solids component of milk has a much greater nutritional, functional, and economic value than lactose, the witness also stated that protein is only rarely priced according to its intrinsic values. Conclusions based on an examination of the functional values of components do not necessarily apply to relative economic values. Except for Kraft's, most of the testimony in the record supports a conclusion that purchasers of manufactured milk products such as dry milk powder and condensed milk do not base their purchasing decisions on prices paid on the protein content of the products.

The casein and lactose prices which are part of the record are not wholesale prices for these products, and do not represent the economic values of these components in producer milk. While it might be possible to derive a producer price for these products from their wholesale prices, the record is devoid of the facts that one would need to do it.

Aside from the testimony of one witness regarding premiums paid for nonfat solids content, the record contains no testimony about the amount of premiums paid for protein and nonfat solids. It is unlikely that a price for lactose would exist at the producer level because it is impractical to separate lactose from milk other than as a byproduct of cheesemaking. Furthermore, since the issue is whether milk should be paid for on the basis of its protein or nonfat solids components, comparisons between protein and lactose have no relevance. Although nonfat solids contain both lactose and protein, such a comparison is invalid because other components are contained in the nonfat solids portion, and because nonfat solids are not simply the sum of their parts. Nonfat solids constitute a distinct component with its own economic value apart from any of its constituents.

Although the Secretary generally adopts uniform pricing provisions in orders where significant inter-market competition among handlers exists, exceptions are made when warranted by local marketing conditions. Such an exception, for example, can be found in the present Middle Atlantic order. In nearly all orders, the basic formula price is the Class III price. However, in the Middle Atlantic order, the Class III price is the basic formula price adjusted for seasonality. There is no evidence in this record that the price difference has led to disorderly marketing between the Middle Atlantic market and adjacent marketing areas.

In order to cause disorderly marketing conditions, price differences between marketing areas would have to be of a great enough magnitude to overcome inherent institutional differences such as cooperative membership and relationships between suppliers and distributors. Such differences would also have to be readily discernable.

Although the nonfat solids and protein percentages of milk vary between individual producers, the variation in component content of the milk supply purchased by individual handlers is less marked, as the milk of a number of producers is commingled. Therefore, handlers procuring milk supplies from a milkshed shared by more than one marketing area are unlikely to see much difference in the component content of

their milk receipts. If they are paying for different components under two different orders, it is also unlikely that such differing payment bases will result in significant differences in their obligations for producer milk as long as the prices for the components are calculated from the market's lowest class use price. Handlers such as Kraft, who see a decided advantage in procuring milk high in a particular component, likely will continue to pay premiums for a supply of such milk.

In the case of neighboring producers, the substantially higher quantity of nonfat solids in a hundredweight of milk in comparison to the quantity of protein in that milk would be balanced by a lower price for nonfat solids than for protein, resulting in essentially the same total impact on an average producer's payments. In addition, the relationship of the level of nonfat solids and protein content in the milk of any individual producer can be expected to vary seasonally. It is unlikely that producers would want, or be able, to change the order under which their milk is regulated to take advantage of variations in their relative component levels from month to month.

The fact that existing information on sire selection includes the potential in cow progeny for volume of milk, butterfat and protein, rather than nonfat solids, should not be given primary consideration. There is some relationship between the levels of protein and nonfat solids in milk. In addition, 90 percent of the producers on the Middle Atlantic market are represented by the cooperative associations that proposed incorporation of nonfat solids pricing in the order for the Middle Atlantic market. To conclude that pricing producer milk on the basis of its protein content would be more appropriate for the Middle Atlantic market than nonfat solids pricing would require finding that producers are incapable of determining their own best interests. In any event, it is difficult to envision a situation where a component is specifically being priced when it had not been before, and producers respond by reducing their production of it.

It is not necessary to find that testing for nonfat solids is more accurate than protein testing in order to adopt pricing on the basis of nonfat solids. The question is not whether protein tests are more accurate than nonfat solids tests but whether nonfat solids tests are sufficiently accurate, reliable and affordable to allow nonfat solids pricing. The record indicates that while the testing procedures for any component, including butterfat, are not exact, testing procedures for nonfat solids are accurate, repeatable, and affordable for any size operation.

Kraft's concern that nonfat solids pricing would enable producers to add cheap nonfat solids such as lactose to their milk to enhance their income with little fear of detection could not be alleviated by adopting protein pricing. Under a protein pricing plan, producers would have an incentive to add cheap protein, dry whey for example, which also would be difficult to detect.

It is therefore concluded that under the multiple component pricing plan adopted for the Middle Atlantic order, prices for milk should be adjusted for the nonfat solids content of the milk rather than for the protein content. A far greater quantity of milk pooled under the order is used in manufactured dairy products of which the yield depends on the nonfat solids content of the milk than is used in products of which the yield depends on the protein content of the milk. In addition, nonfat solids pricing plans are the principal industry-sponsored component pricing plans operating in the Middle Atlantic market. It cannot be shown that the adoption of nonfat solids pricing in the Middle Atlantic market will result in disorderly marketing conditions within this market or between the Middle Atlantic and adjoining marketing areas.

Since it has been determined that nonfat solids pricing will be adopted under the Middle Atlantic order, it is not necessary to deal with the issues regarding protein pricing raised by Kraft in its testimony and brief: Namely, a uniform protein price among all orders and price adjustments for somatic cell count. This proceeding provides no basis for concluding that the presence of somatic cells affects the value of nonfat milk solids in milk in the same way that the value of the protein content is affected by somatic cells.

Incorporation of the proposed multiple component pricing plan in the Middle Atlantic order will necessitate amending provisions of the order dealing with handler reports, class (and component) prices, the computation of handler's obligations and payments to the producer-settlement fund, and the determination of payments to producers. As in the Great Basin order, the assumption is made that the nonfat solids contained in skim milk will remain evenly distributed within the skim milk portion of milk receipts. This assumption will allow the proration of nonfat solids to skim milk in the shrinkage and allocation procedures of the order.

In addition to the information that the order already requires handlers to report monthly to the Market Administrator, each handler will be required to report the average nonfat solids content of milk received from each producer during the month, the amount of nonfat solids in the handler's other receipts, except receipts of other source milk, and the nonfat solids contained in bulk transfers of milk and cream to other handlers. Partially regulated distributing plant operators will not be required to report information regarding the nonfat solids of their milk receipts unless they elect to have their obligations calculated under the provision that would determine obligations on the same basis as those of fully regulated handlers.

The amended order will contain definitions for a skim milk price, a butterfat price and a nonfat milk solids price in addition to defining the usual Class I, Class II and Class III prices, and producer prices. The skim milk price will be used to determine the value of the skim milk portion of producer milk that is allocated to Class I. Value adjustments for determining payments by handlers for milk used in Class II and Class III, and to producers, will be made by prices per pound for the butterfat and nonfat solids contained in their milk. The skim milk price, the butterfat price and the nonfat milk solids price will be derived from the Class III price and the butterfat differential.

The butterfat price in the amended order will be determined by adding the value of the butterfat differential expressed in pounds (the butterfat differential$\times$10) to the value of skim milk per pound (the skim milk price per hundredweight divided by 100). The use of the skim milk price and the butterfat price will result in no changes from the present pricing procedures in the value of skim milk or butterfat to producers or handlers.

The nonfat solids price will be determined as proposed by Pennmarva. The value of the skim milk portion in milk priced at the Class III price, determined by subtracting from the Class III price the result of multiplying the butterfat price by 3.5, will be divided by the average pounds of nonfat solids in producer milk for the current month.

Payments to producers for deliveries of milk and the nonfat solids portion of milk will be determined through the operation of two marketwide pools. The differential pool will be used to determine the price to be paid producers for their share of the fluid milk market and the skim milk-nonfat solids pool will be used to determine the price to be paid producers for the nonfat solids in

their milk. Each handler's net obligation to the two pools (and consequently the handler's payment to the producer settlement fund) will be determined by subtracting the differential and nonfat solids values due to the handler's producers from the differential and nonfat solids values of the producers' milk used by the handler. The value of butterfat used by the handler will not be pooled, but will be paid directly to the producers from which the handler received the milk in which the butterfat was contained.

The differential value of each handler's receipts of producer milk assigned to Class I and Class II will be calculated by multiplying the hundredweights of producer milk allocated to these classes by the difference between the respective class prices applicable at the location of the plant and the Class III price. In addition, the adjustments to the class values of producer milk that currently are included in determining a handler's obligation would be included in the differential value. The adjustments include the values of overage, beginning Class III inventory allocated to a higher class, other source and filled milk receipts allocated to Class I, and certain receipts from unregulated supply plants that are allocated to Class I. Each handler's differential value will be combined and then divided by the hundredweight of producer base milk in the differential pool to determine the weighted average differential price for base milk, and by the hundredweight of producer milk in the differential pool to determine the weighted average differential price.

Currently, the price for excess milk may reflect some of the value of a higher class if the volume of excess milk in the marketwide pool exceeds the amount of Class III milk. Under the amended order, all of the excess milk would be valued solely on its component basis, as derived from the Class III price. As a result, the base value of producer milk under the amended order would have the potential of exceeding the base value under the current order. The change should result in little material change in the relationship of the values of base and excess milk, and reflects the intent of proponents.

The weighted average differential price for base milk and the weighted average differential price will equal the portion of the present base price, and the uniform or blend price, respectively, that exceed the Class III price because the butterfat, skim milk and nonfat milk solids prices will be derived from the Class III price. As a result, it will be possible to compute and announce a base price and a uniform price (for informational and comparison purposes) by simply adding the weighted average differential price for base milk or the weighted average differential price to the Class III price.

Each handler's skim milk-nonfat solids value will be determined by combining the skim milk value of the handler's producer milk in Class I with the nonfat solids value of the handler's milk in Class II and Class III. The skim milk value will be determined by multiplying the skim milk in producer milk assigned to Class I by the skim milk price. The nonfat solids value will be determined by multiplying the nonfat solids in producer milk assigned to Class II and Class III by the nonfat milk solids price. The amount of nonfat solids in each class will be determined by multiplying the skim milk portion of producer milk allocated to each class by the nonfat solids content of the skim milk portion of all of the handler's producer milk. The price to be paid producers for the nonfat solids in their milk will be determined by combining the individual handler values of skim milk in Class I milk and nonfat solids in Class II and Class III milk, and dividing the resulting total by the pounds of nonfat solids in all producer milk. The resulting price will be the producer nonfat milk solids price.

As a result of the order amendments described, payments to producers will be based on three factors. First, they will receive payment for their base milk equal to the hundredweight of base milk delivered to handlers multiplied by the weighted average differential price for base milk. Second, they will be paid for the nonfat solids contained in their milk in an amount equal to the pounds of nonfat solids contained in their milk deliveries multiplied by the producer nonfat milk solids price. And third, they will be paid for the butterfat in their production in an amount determined by the pounds of butterfat contained in their milk deliveries multiplied by the butterfat price.

The concerns expressed by the Dietrich's witness do not provide an adequate basis for altering the pricing and pooling plan described herein. Sales of skim milk as Class II (or Class III) to fluid milk handlers in the New York City area would not need to be treated differently than any other Class II or Class III use under the amended order. Because the component prices are derived from the Class III price, there should not be a great deal of difference between the pool value of Class III milk at a hundredweight price and a corresponding value at component prices. Dietrich's may be concerned that its receipts of high-solids milk will result in greater costs that may not be covered by payment from Order 2 handlers at Class III prices. However, if the skim milk is delivered by Dietrich's to fluid milk handlers in the New York metropolitan area, it is unlikely that Dietrich's receives only the order's lowest class price for such sales.

The equitable treatment of handlers in shrinkage computation, a question raised by the Dietrich's witness, should present no problems. The proportion of each handler's receipts represented by nonfat solids will be presumed to be reflected in the handler's shrinkage, and the handler's classified use of milk will be determined accordingly. The record provides no basis for assigning a different percentage of nonfat solids in skim milk lost in shrinkage than the handler receives in the skim milk portion of producer receipts.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth supplement those that were made when the Middle Atlantic order was first issued and when it was amended. The previous findings and determinations are hereby ratified and confirmed, except where they may conflict with those set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the

order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions to Rulings of the Administrative Law Judge

Exceptions to four rulings by the Administrative Law Judge (the ALJ) which excluded or limited proffered evidence were filed by counsel on behalf of Kraft General Foods.

Counsel challenged the ALJ's decision not to allow cross-examination of the Atlantic Dairy Cooperative's expert witness on the Department's usual pre-hearing procedures. Counsel argued that this ruling was clearly wrong because parties were not afforded the amount of time upon which they are accustomed to rely to prepare for the hearing. Counsel contended insufficient notice adversely affected the quality of the record evidence.

The Department's review of the proceeding supports the ALJ's decision. The Department's regulations (7 CFR 900.4) set forth the requirements for the institution of proceedings to amend a marketing order. A notice of hearing must be filed with the Hearing Clerk. The time of a hearing on an amendment to a marketing order can not be less than 3 days after the notice is published in the **Federal Register**. The notice of hearing for this proceeding was published on July 9, 1990. The hearing began on July 17, 1990, more than the required 3 days after the publication date. (Tr. p. 5, Exhibit 1). Next, the Administrator is required to provide notice of the hearing to all interested parties and to the Governors of the States who, in the public interest, should be notified. Exhibits 1–4 establish that the Administrator fulfilled all the requirements of 7 CFR 900.4.

Counsel complained that the record is deficient because the notice to the parties was insufficient. There is no merit to this argument. The purpose of § 900.4 is to ensure adequate notice to all parties. Since the requirements of that section were satisfied, Counsel's suggestion that the parties did not have ample time to prepare for the hearing is of no consequence. The common practices of the Department were not an issue in this proceeding. The ALJ was correct to exclude this testimony because it was irrelevant.

Even if this inquiry had been relevant, an economist for a dairy cooperative is not the proper witness to testify about Department practices. A witness may not testify about a matter unless evidence is introduced sufficient to support a finding that he has personal knowledge of the matter. There is no evidence in the record to suggest that this witness had personal knowledge of the Department's common pre-hearing practice.

Counsel also challenged the ALJ's decision to exclude portions of Department studies because they contained opinion. The people who had prepared the studies were not present to testify at the hearing. The exhibits in question are exhibits 29, 30 and 38, entitled "Multiple Component Pricing Report" and "Industry Sponsored Multiple Component Pricing Programs Applicable to Federal Milk Order Procedures May 1989 Update", and "Upper Midwest Marketing Area Analysis of Component Levels on Individual Herd Milk at the Farm Level 1984 and 1985", respectively. The first report was prepared by a Task Force of USDA Market Administrators, the second by the Missouri Market Administrator's Office, and the third by Victor Halverson and H. Paul Kyburz of the Upper Midwest Market Administrator's Office.

Although the studies are hearsay, the ALJ admitted portions of them into evidence under the public records exception to the hearsay rule. The ALJ also ruled that the parts of the reports which stated opinions or conclusions were not admissible. This decision was correct. The opinions of the Market Administrators and their employees who prepared these studies are expert testimony. The public records exception does not extend to expert opinion testimony or evidence.

Counsel also claimed that these opinions should have been admitted into evidence under the "learned treatise" exception to the hearsay rule. The exception upon which counsel relies states that to the extent material called to the attention of an expert witness upon cross-examination or relied upon by him in direct examination, is established as a reliable authority by the testimony or admission of the witness or by other expert testimony or by judicial notice, it is admissible. The exception also states that if such publication is admitted, the statement may be read into evidence but may not be received as an exhibit. The opinions contained in these exhibits do not fit this exception. The witness through whom counsel sought to introduce these exhibits was not an expert witness. There is no evidence in the record upon which to find that he is an expert in a particular field. The exception does not extend to a non-expert witness who relies on a publication.

Counsel's third argument in favor of admitting this hearsay opinion evidence is based upon a general exception to the hearsay rule. To fit that exception, hearsay must be offered as evidence of material fact, be more probative on the point for which it is offered than any other evidence, and its admission must serve the interest of justice. This exception is not applicable to opinions contained in reports. The most probative evidence would certainly be the testimony of those experts whose opinions are sought to be introduced.

The ALJ excluded a portion of exhibit 37, "Great Basin Market Average Protein Content in Producer Milk and Average Producer Protein Price/Pound", as well. Specifically, he excluded the table entitled "Difference in Handling Cost Pricing compared to Skim Milk Under Component Pricing" located on the third page of the exhibit. In his exceptions, counsel stated that this chart was excluded because "it was specially prepared for information to the industry rather than prepared every month on a routine basis." This reason is not the one the ALJ gave for excluding the table. Rather, he excluded it because the table did not contain volume information and therefore was potentially misleading. (Tr. p. 454). This ruling was proper because without the volume information, the table's probative value was negligible.

Counsel also challenged the ALJ's ruling that summaries of statistical data concerning somatic cell count in Pennsylvania and Wisconsin DHIA herds were not admissible. The ALJ based his ruling on the fact that the document contained only conclusions. Counsel did not present a witness who could explain the exhibit or answer questions about it. This ruling was correct. Without information about how the information was collected, the sample of herds on which the information was based, and other vital information, the tables had little probative value.

Evidence related to any modification of a multiple component pricing plan to include adjustments for somatic cell counts was excluded from the record by the ALJ on the basis that such a modification was well beyond the scope of the hearing notice. Kraft's two exceptions to rulings of the ALJ on this issue are based on its assertion that

pricing adjustments for somatic cell content is generally recognized as an integral part of multiple component pricing programs.

No mention of any kind of quality adjustment was included in the hearing notice for this proceeding. The record clearly supports a finding that other parties to the hearing did not expect to address any issue related to quality adjustments in general or somatic cell counts in particular. While the question of what, if any, milk components should be included in a pricing plan for the Middle Atlantic market clearly was an issue in this proceeding, there was no basis for any parties to the proceeding to assume that quality adjustments would be considered.

Recommended Marketing Agreement and Order Amending the Order

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended regulating the handling of milk in the Middle Atlantic marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out.

List of Subjects in 7 CFR Part 1004

Milk marketing orders.

PART 1004—[AMENDED]

1. The authority citation for 7 CFR part 1004 continues to read as follows:

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

2. Section 1004.30 is revised to read as follows:

§ 1004.30 Reports of receipts and utilization.

(a) On or before the eighth day after the end of each month each handler with respect to each of the handler's pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in:

(i) Receipts of producer milk (including such handler's own production) and milk received from a cooperative association for which it is a handler pursuant to § 1004.9(c), and the pounds of nonfat milk solids contained in such receipts;

(ii) Receipts of fluid milk products and bulk fluid cream products from other pool plants; and

(iii) Receipts of other source milk;

(2) The quantities of skim milk and butterfat in inventories at the beginning and end of the month of fluid milk products and products specified in § 1004.40(b)(1); and

(3) The utilization or disposition of all skim milk and butterfat required to be reported pursuant to this paragraph, showing separately in-area route disposition, except filled milk, and filled milk route disposition in the marketing area;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section, except that receipts of milk from dairy farmers shall be reported in lieu of producer milk and that the market administrator may waive the reporting of nonfat milk solids; such report shall include a separate statement showing the quantity of reconstituted skim milk in fluid milk products disposed of on routes in the marketing area;

(c) Each producer-handler and each handler pursuant to § 1004.9(e) shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(d) On or before the eighth day after the end of each month, each cooperative association and/or a federation of cooperative associations shall report with respect to milk for which it is a handler pursuant to § 1004.9(b) or (c) as follows:

(1) Receipts of skim milk, butterfat and nonfat milk solids from producers;

(2) Utilization of skim milk, butterfat and nonfat milk solids diverted to nonpool plants; and

(3) The quantities of skim milk, butterfat and nonfat milk solids delivered to each pool plant of another handler.

3. Section 1004.32 Other reports, is amended by revising paragraphs (a)(1)(iii), (a)(2) and (d)(2) to read as follows:

§ 1004.32 Other reports.

(a) * * *

(1) * * *

(iii) The average butterfat content and average nonfat milk solids content of such milk; and

* * * * *

(2) Such other information with respect to receipts and utilization of butterfat, skim milk and nonfat milk solids as the market administrator shall prescribe.

* * * * *

(d) * * *

(2) The total pounds of milk involved in the transaction, and the average butterfat and nonfat milk solids content of such milk; and

* * * * *

4. Section 1004.50 Class prices, is amended by adding three new paragraphs (d)–(f), to read as follows:

§ 1004.50 Class prices.

* * * * *

(d) *Butterfat price.* The butterfat price per pound shall be a figure computed as follows:

(1) Compute a butterfat differential per 1 percent butterfat by multiplying the simple average for the month of the daily prices per pound of Grade A (92-score) butter by 1.38, and subtract from the result an amount determined by multiplying the average price per hundredweight, at test, for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, by 0.028.

The butter price means the simple average for the month of the daily prices per pound of Grade A (92-score) butter. The prices used shall be those of the Chicago Mercantile Exchange as reported and published weekly by the Dairy Division, Agricultural Marketing Service. The average shall be computed by the Director of the Dairy Division using the price reported each week as the daily price for that day and for each following day until the next price is reported.

(2) Multiply the butterfat differential obtained in paragraph (d)(1) of this section by 3.5, and subtract the resulting amount from the Class III price;

(3) Divide the value obtained from the calculations of paragraph (d)(2) of this section by 100; and

(4) Add to the resulting amount the butterfat differential computed in paragraph (d)(1) of this section. The sum thereof shall be the price per pound for producer butterfat for the month.

(e) *Nonfat milk solids price.* The price per pound for nonfat milk solids shall be computed by subtracting from the Class III price the butterfat price multiplied by 3.5, and dividing the result by the average percentage of nonfat milk solids in all producer milk for the month.

(f) *Skim milk price.* The skim milk price per hundredweight shall be the Class III price for the month adjusted to remove the value of 3.5 percent butterfat and rounded to the nearest cent. Such adjustment shall be computed by multiplying the butterfat differential pursuant to paragraph (d)(1) of this section by 3.5 and subtracting the result from the Class III price.

5. Section 1004.51 Basic formula prices, is amended by revising the last sentence of paragraph (a) to read as follows: "For such adjustment the butterfat differential pursuant to § 1004.50(d)(1), rounded to the nearest cent, shall be used."

6. Section 1004.53 is amended by revising paragraph (a)(3) to read as follows:

§ 1004.53 Announcement of class prices and producer butterfat differential.

* * * * *

(a) * * *

(3) The prices for butterfat and skim milk computed pursuant to § 1004.50(d) and (f).

* * * * *

7. Section 1004.54 is revised to read as follows:

§ 1004.54 Equivalent prices or indexes.

If for any reason a price or pricing constituent required by this order for computing class prices or for other purposes is not available as prescribed in this order, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

8. The heading "Uniform Prices" before Section 1004.60 is revised to read "Differential Pool and Handler Obligations."

9. Section 1004.60 is revised to read as follows:

§ 1004.60 Handler's value of milk for computing uniform prices.

The market administrator shall compute each month for each handler defined in § 1004.9(a) with respect to each of such handler's pool plants, and for each handler defined in § 1004.9 (b) and (c), an obligation to the pool computed by adding the following values:

(a) The pounds of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated to Class I pursuant to § 1004.44(a)(14) and the corresponding step of § 1004.44(b), and the pounds of producer milk in Class I as determined pursuant to § 1004.44, both multiplied by the difference between the Class I price (adjusted pursuant to § 1004.52) and the Class III price;

(b) The pounds of milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated to Class II pursuant to § 1004.44(a)(14) and the corresponding step of § 1004.44(b), and the pounds of producer milk in Class II as determined pursuant to § 1004.44, both multiplied by the difference between the Class II price and Class III price;

(c) The value of the product pounds, skim milk, and butterfat in overage assigned to each class pursuant to § 1004.44(a)(15) and the value of the corresponding pounds of nonfat milk solids associated with the skim milk subtracted from Class II and Class III pursuant to § 1004.44(a)(15), by multiplying the skim milk pounds so assigned by the percentage of nonfat milk solids in the handler's receipts of producer skim milk during the month, as follows:

(1) The hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(15) and the corresponding step of § 1004.44(b), multiplied by the difference between the Class I price adjusted for location and the Class III price, plus the hundredweight of skim milk subtracted from Class I pursuant to § 1004.44(a)(15) multiplied by the skim milk price, plus the butterfat pounds of overage subtracted from Class I pursuant to § 1004.44(b) multiplied by the butterfat price;

(2) The hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1004.44(a)(15) and the corresponding step of § 1004.44(b) multiplied by the difference between the *Class II price and the Class III price*, plus the pounds of nonfat milk solids in skim milk subtracted from Class II pursuant to § 1004.44(a)(15) multiplied by the nonfat milk solids price, plus the butterfat pounds of overage subtracted from class II pursuant to § 1004.44(b) multiplied by the butterfat price;

(3) The pounds of nonfat milk solids in skim milk overage subtracted from Class III pursuant to § 1004.44(a)(15) multiplied by the nonfat milk solids price, plus the butterfat pounds of overage subtracted from Class III pursuant to § 1004.44(b) multiplied by the butterfat price;

(d) For the first month that this paragraph is effective, the value of the hundredweight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), as follows:

(1) The value of the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b) applicable at the location of the pool plant at the difference between the current month's Class I price and the previous month's Class III price;

(2) The value of the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b) at the current month's Class II–Class III price difference and the current month's nonfat milk solids and butterfat prices, less the Class III value of the milk at the previous month's Class III price;

(e) For the second and subsequent months that this paragraph is effective, the value of the produce pounds, skim milk, and butterfat subtracted from Class I or Class II pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b), and the value of the pounds of nonfat milk solids associated with the skim milk subtracted from Class pursuant to § 1004.44(a)(10), computed by multiplying the skim milk pounds so subtracted by the percentage of nonfat milk solids in the handler's receipts of producer skim milk during the previous month, as follows:

(1) The value of the product pounds, skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b) applicable at the location of the pool plant at the current months' Class I–Class III price difference and the current month's skim milk and butterfat prices, less the Class III value of the milk at the previous month's nonfat milk solids and butterfat prices;

(2) The value of the hundredweight of skim milk and butterfat subtracted from Class II pursuant to § 1004.44(a)(10) and the corresponding step of § 1004.44(b) at the current month's Class II–Class III price difference and the current month's nonfat milk solids and butterfat prices, less the Class III value of the milk at the previous month's nonfat milk solids and butterfat prices;

(f) The value of the product pounds, skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(8) (i) through (iv), and the corresponding step of § 1004.44(b), excluding receipts of bulk fluid cream products from another order plant, applicable at the location of the pool plant at the current month's Class I–Class III price difference;

(g) The value of the product pounds, skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(8) (v) and (vi) and the corresponding step of § 1004.44(b) applicable at the location of the transferor-plant at the current month's Class I–Class III price difference;

(h) The value of the product pounds, skim milk and butterfat subtracted from Class I pursuant to § 1004.44(a)(12) and the corresponding step of § 1004.44(b), excluding such hundredweight in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent quantity disposed of to such plant by handlers fully regulated by any Federal order is

classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order, applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received at the current month's Class I–Class III price difference.

(i) The pounds of skim milk received from a cooperative association as a handler pursuant to § 1004.9(c) and allocated to Class I pursuant to § 1004.44(a)(14), and the pounds of producer milk in Class I as determined pursuant to § 1004.44, both multiplied by the skim milk price for the month computed pursuant to § 1004.50(f).

(j) The pounds of nonfat milk solids in skim milk in receipts allocated to Class II and Class III pursuant to § 1004.44(a)(14) and in producer milk classified as Class II and Class III pursuant to § 1004.44, computed by multiplying the skim milk pounds so assigned by the percentage of nonfat milk solids in the handler's receipts of producer skim milk during the month for each report filed, separately, the result to be multiplied by the nonfat milk solids price for the month computed pursuant to § 1004.50(e).

10. Section 1004.61 is revised to read as follows:

§ 1004.61 Computation of weighted average differential price, weighted average differential price for base milk, and producer nonfat milk solids price.

For each month the market administrator shall compute a "weighted average differential price", a "weighted average differential price for base milk" received from producers, and a "producer nonfat milk solids price", as follows:

(a) The "weighted average differential price" shall be the result of the following computations:

(1) Combine into one total:

(i) The value computed pursuant to § 1004.60(a) through (h) for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments pursuant to § 1004.71 for the preceding month;

(ii) An amount equal to the total value of the location differentials computed pursuant to § 1004.75;

(iii) An amount equal to not less than one-half of the unobligated balance in the producer-settlement fund.

(2) Divide the total value calculated under paragraph (a)(1) of this section by the sum of the following for all handlers:

(i) The total hundredweight of producer milk pursuant to § 1004.13 represented by the value established pursuant to paragraph (a)(1)(i) of this section; and

(ii) The total hundredweight for which a value is computed pursuant to § 1004.60(h).

(3) Subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "Weighted average differential price."

(b) Compute the "Weighted average differential price for base milk" as follows:

(1) Subtract from the total value calculated pursuant to paragraph (a)(1) of this section an amount computed by multiplying the hundredweight of milk for which a value is computed pursuant to § 1004.60(h) by the weighted average differential price computed pursuant to paragraph (a) of this section; and

(2) Divide the result obtained in paragraph (b)(1) of this section by the total hundredweight of base milk for handlers included in the computations pursuant to paragraph (a)(1)(i) of this section and subtract not less than 4 cents nor more than 5 cents per hundredweight. The result shall be the "weighted average differential price for base milk."

(c) The "Producer nonfat milk solids price" to be paid to all producers for the pounds of nonfat milk solids contained in their milk shall be computed by the market administrator each month as follows:

(1) Combine into one total the values computed pursuant to § 1004.60 (i) and (j) for all handlers who made reports pursuant to § 1004.30 and who made payments pursuant to § 1004.71 for the preceding month;

(2) Divide the resulting amount by the total pounds of nonfat milk solids in producer milk; and

(3) Round by subtracting a positive amount not to exceed one cent. The result is the "Producer nonfat milk solids price."

11. Section 1004.62 is revised to read as follows:

§ 1004.62 Computation of uniform price.

A uniform price for producer milk containing 3.5 percent butterfat shall be computed by adding the weighted average differential price determined pursuant to § 1004.61(a) to the Class III price.

12. A new Section 1004.63 is added to read as follows:

§ 1004.63 Announcement of weighted average differential price, weighted average differential price for base milk, nonfat milk solids price and producer nonfat milk solids price.

On or before the 13th day of each month, the market administrator shall publicly announce for the preceding month by posting in a conspicuous place in his office and by such other means as he deems appropriate, the weighted average differential price, the weighted average differential price for base milk and the producer nonfat milk solids price computed pursuant to § 1004.61, and the price for nonfat milk solids computed pursuant to § 1004.50(e).

13. Section 1004.71 is amended by revising paragraph (b) to read as follows and removing paragraph (c):

§ 1004.71 Payments to the producer-settlement fund.

* * * * *

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to 1004.9(c) at the applicable price(s) pursuant to § 1004.61 adjusted by applicable location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.9(c), the amount due from other handlers pursuant to § 1004.74(d); and

(2) The value at the uniform price, computed pursuant to § 1004.62, adjusted by the applicable location differential on nonpool milk pursuant to § 1004.75(b), with respect to other source milk for which a value was computed pursuant to § 1004.60(h).

§ 1004.74 [Removed]

14. Section 1004.74 is removed, § 1004.73 is redesignated as § 1004.74 and amended by revising paragraphs (a)(2), (c), (d)(2) and (e)(2), and a new § 1004.73 is added, to read as follows:

§ 1004.73 Value of producer milk.

The total value of milk received from producers during any month shall be the sum of the following calculations:

(a) The value of a producers' base milk shall be the sum of the following:

(1) The weighted average differential price for base milk computed pursuant to § 1004.61(b) subject to the appropriate plant location adjustment times the total hundredweight of base milk received from the producer;

(2) The total nonfat milk solids contained in the producer milk received from the producer multiplied by the producer nonfat milk solids price computed pursuant to § 1004.61; and

(3) The total butterfat contained in the producer milk received from the producer times the butterfat price computed pursuant to § 1004.50(d).

(b) The value of a producer's excess milk shall be the sum of the values computed pursuant to paragraphs (a) (2)

and (3) of this section. § 1004.74 Payments to producers and to cooperative associations.

(a) * * *

(2) On or before the 20th of the following month at not less than the total amount computed in accordance with the provisions set forth in § 1004.73 with respect to such milk, subject to the following adjustments:

* * * * *

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class and/or component prices for the location of the plant of the buying handler; and

(d) * * *

(2) A final payment equal to the total value of such milk computed pursuant to § 1004.73, adjusted by the applicable differentials pursuant to § 1004.75, less the amount of partial payment on such milk.

(e) * * *

(2) The total pounds, average butterfat test and average test of nonfat milk solids of milk delivered by the producer;

* * * * *

15. Section 1004.75 is revised to read as follows:

§ 1004.75 Location differentials to producers and on nonpool milk.

(a) For milk received from producers and from cooperative association handlers pursuant to § 1004.9(c) at a plant located 55 miles or more from the city hall in Philadelphia, Pa., and also at least 75 miles from the nearer of the zero milestone in Washington, DC, or the city hall in Baltimore, Md. (all distances to be the shortest highway distance as determined by the market administrator), the weighted average differential price for base milk computed pursuant to § 1004.61(b) shall be reduced 1.5 cents for each 10 miles distance or fraction thereof that such plant is from the nearest of such basing points.

(b) For purposes of computations pursuant to §§ 1004.71 and 1004.74, the weighted average differential price computed pursuant to § 1004.61(a) shall be reduced at the rate set forth in paragraph (a) of this section applicable at the location of the nonpool plant from which the milk was received, except that the adjusted weighted average differential price shall not be less than zero.

16. Section 1004.76 is amended by revising the reference "1004.60(f)" in paragraph (a)(1)(i) to "1004.60(h)", and revising paragraph (b)(5) to read as follows:

§ 1004.76 Payments by a handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the class I price, subtract its value at the uniform price computed pursuant to § 1004.62, and add for the quantity of reconstituted skim milk specified in paragraph (b)(3) of this section its value computed at the class I price less the value of such milk at the class III price (except that the Class I price and the uniform price shall be adjusted for the location of the nonpool plant and shall not be less than the Class III price).

17. Section 1004.86 is revised to read as follows:

§ 1004.86 Deductions for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, making payments directly to producers for milk (other than milk of his own production) pursuant to § 1004.74(a) shall deduct 5 cents per hundredweight or such lesser amount as the Secretary may prescribe and shall pay such deductions to the market administrator on or before the 20th day after the end of the month. Such money shall be expended by the market administrator to provide market information and to verify or establish the weights, samples and tests of milk of producers who are not receiving such service from a cooperative association; and

(b) In the case of producers for whom the Secretary determines a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made directly to such producer pursuant to § 1004.74(a) as are authorized by such producers on or before the 18th day after the end of each month and pay such deductions to the cooperative rendering such services.

Signed at Washington, DC, on: May 23, 1991.

Daniel Haley,

Administrator.

[FR Doc. 91-12747 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 270

[INS No. 1408-91]

Penalties for Document Fraud

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule with request for comments.

SUMMARY: The Immigration and Naturalization Service ("the Service") proposes this new part 270 to implement section 544 of the Immigration Act of 1990, Public Law 101-649, 104 Stat. 4978_____ (November 29, 1990), which provides for civil penalties for certain specified acts involving document fraud. This proposed regulation merely establishes the procedures to be followed in the investigation of civil document fraud violations.

DATES: Written comments must be submitted on or before July 1, 1991.

ADDRESSES: Please submit comments in triplicate to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, room 5304, 425 I Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTACT: Kathy Sheehan, Coordinator, Enforcement Implementation Team, room 2108, 425 I Street, NW., Washington, DC 20536, telephone (202) 514-9612.

SUPPLEMENTARY INFORMATION: This proposed rule amends title 8 of the Code of Federal Regulations, to add part 270 relating to civil document fraud. This new part was necessitated by section 544 of the Immigration Act of 1990, Public Law 101-649 (November 29, 1990), which amended the Immigration and Nationality Act ("the Act") by adding civil penalties for document fraud.

Although criminal penalties currently exist under title 18, United States Code, for similar acts involving the manufacture and use of fraudulent documents, Congress recognized that a further reduction in this illegal activity is important to strengthen enforcement of title 8 generally and, specifically, the employer sanctions provisions contained in section 274A of the Act. To realize this reduction without negatively impacting the already overburdened federal court system, Congress created an administrative proceeding for civil document fraud.

Background

Section 544 defines four separate offenses which may result in the implementation of civil monetary penalties. Section 274C(a)(1) makes it unlawful for a person or entity to knowingly forge, counterfeit, alter, or falsely make any document for the purpose of satisfying a requirement of the Act. Section 274C(a)(2) makes it unlawful for a person or entity to knowingly use, possess, obtain, accept, or receive any forged, counterfeit, altered, or falsely made document in order to satisfy a requirement of the Act.

Section 274C(a)(3) makes it unlawful for a person or entity to knowingly use or attempt to use any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of satisfying any requirement of the Act. Finally, section 274C(a)(4) makes it unlawful for a person or entity to knowingly accept or receive any document lawfully issued to a person other than the possessor (including a deceased individual) for the purpose of complying with section 274A(b), which sets forth the employment eligibility verification requirements.

This proposed regulation sets forth the procedures to be followed in the investigation and institution of proceedings for violations involving civil document fraud. The regulation closely parallels the procedures set forth in 8 CFR 274a.1 *et seq.*, relating to the enforcement of the employer sanctions provisions. The Service has found that the procedures established under employer sanctions are easily comprehensible by individuals against whom actions have been initiated. Since the provisions of section 544 of the Immigration Act of 1990 closely track the administrative procedures in section 274A of the Act, the provisions of 8 CFR 274a.1 *et seq.*, have been utilized to a great extent in this proposed regulation.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This is not a major rule within the meaning of section 1(b) of E.O. 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment pursuant to E.O. 12612.

List of Subjects in 8 CFR Part 270

Administrative practice and procedure, Aliens, Fraud, Penalties.

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

1. A new part 270 is added to read as follows:

PART 270—PENALTIES FOR DOCUMENT FRAUD

Sec.
270.1 Definitions.
270.2 Enforcement procedures.
270.3 Penalties.

Authority: 8 U.S.C. 1101, 1103, 1324c, Pub. L. 101-649, 104 Stat. 4978_____.

§ 270.1 Definitions.

For the purpose of this part—

Document means an instrument on which is recorded, by means of letters, figures, or marks, matter which may be evidentially used to fulfill any requirement of the Act. The term "document" includes, but is not limited to, an application required to be filed under the Act and any other accompanying document or material;

Entity means any legal entity, including, but not limited to a corporation, partnership, joint venture, agency, proprietorship or association.

§ 270.2 Enforcement procedures.

(a) *Procedures for the filing of complaints.* Any person or entity having knowledge of a violation or potential violation of section 274C of the Act may submit a signed, written complaint in person or by mail to the Service office having jurisdiction over the business or residence of the potential violator or the location where the violation occurred. The signed, written complaint must contain sufficient information to identify both the complainant and the alleged violator, including their names and addresses. The complaint should also contain detailed factual allegations relating to the potential violation including the date, time and place of the alleged violation and the specific act or conduct alleged to constitute a violation of the Act. Written complaints may be delivered either by mail to the appropriate Service office or by personally appearing before any immigration officer at a Service office.

(b) *Investigation.* The Service may conduct investigations for violations on its own initiative, and without having received a written complaint. When the Service receives a complaint from a third party, it shall investigate those complaints which, on their face, have a substantial probability of validity. If it is determined after investigation that the person or entity has violated section 274C of the Act, the Service may issue and serve upon the alleged violator a Notice of Intent to Fine. Service officers shall have reasonable access to examine any relevant evidence of any person or entity being investigated.

(c) *Issuance of Subpoena.* Prior to the initiation of proceedings before an Administrative Law Judge under the provisions of 5 United States Code 554–557, the Service may issue subpoenas pursuant to its authority under sections 235(a) and 287 of the Act, in accordance with the procedures set forth in § 287.4 of this chapter.

(d) *Notice of Intent to Fine.* The proceeding to assess administrative penalties under section 274C of the Act is commenced when the Service issues a Notice of Intent to Fine on Form I-763. Service of this Notice shall be accomplished pursuant to part 103 of this chapter. The person or entity identified in the Notice of Intent to fine shall be known as the respondent. The Notice of Intent to Fine may be issued by an officer defined in § 242.1 of this chapter an INS Port Directors designated by their District Director, with the concurrence of a Service attorney.

(e) *Contents of the Notice of Intent to Fine.* (1) The Notice of Intent to Fine will contain the basis for the charge(s) against the respondent, the statutory provisions alleged to have been violated, and the penalty that will be imposed.

(2) The Notice of Intent to Fine will provide the following advisals to the respondent:

(i) That the person or entity has the right to representation by counsel of his/her own choice at no expense to the government;

(ii) That any statement given may be used against the person or entity;

(iii) That the person or entity has the right to request a hearing before an Administrative Law Judge pursuant to 5 United States Code 554–557, and that such request must be made within 30 days from the service of the the Notice of Intent to Fine; and

(iv) That if a written request for a hearing is not timely received the Service will issue a final order in 45 days and that there will be no appeal of the final order.

(f) *Request for Hearing Before an Administrative Law Judge.* If a respondent contests the issuance of a Notice of Intent to Fine, a written request for a hearing before an Administrative Law Judge. Any written request for a hearing submitted in a foreign language must be accompanied by an English language translation. A request for a hearing is not deemed to be filed until received by the Service office designated in the Notice of Intent to Fine. In computing the 30 day period

prescribed by this section, the day of service of the Notice of Intent to Fine shall not be included. If the Notice of Intent to Fine was served by ordinary mail, five days shall be added to the prescribed 30 day period. In the request for a hearing, the respondent may, but is not required to, respond to each allegation listed in the Notice of Intent to Fine. A respondent may waive the 30 day period in which to request a hearing before an Administrative Law Judge and ask that INS issue a final order from which there is no appeal.

(g) *Failure to File a Request for Hearing.* If the respondent does not file a written request for a hearing within 30 days of the day of service of the Notice of Intent to Fine (35 days if served by ordinary mail), the INS shall issue a final order from which there is no appeal.

(h) *Issuance of the Final Order.* A final order may be issued by an officer defined in § 242.1 of this chapter, INS Port Directors designated by their District Director, and the INS Director National Fines Office.

§ 270.3 Penalties.

(a) *Criminal penalties.* Nothing in section 274C of the Act shall be construed to diminish or qualify any of the penalties available for activities prohibited by this section but proscribed as well in Title 18, United States Code.

(b) *Civil penalties.* A person or entity may face civil penalties for a violation of section 274C of the Act. Civil penalties may be imposed by the Service or an Administrative Law Judge for violations under section 274C of the Act. In determining the level of the penalties that will be imposed, a finding of more than one violation in the course of a single proceeding or determination will be counted as a single offense. However, a single violation will include penalties for each unlawful act proscribed by section 274C of the Act.

(1) A respondent found by the Service or an Administrative Law Judge to have violated section 274C of the Act shall be subject to the following order:

(i) To cease and desist from such behavior; and

(ii) To pay a civil fine according to the following schedule:

(A) *First offense.* Not less than $250 and not more than $2,000 for each document used, accepted, or created and each instance of use, acceptance, or creation as prohibited by section 274C(a) (1)–(4); or

(B) *More than one offense.* Not less than $2,000 and not more than $5,000 for each document used, accepted, or created and each instance of use, acceptance, or creation as prohibited by section 274C(a) (1)–(4).

(2) Where an order is issued to a respondent composed of distinct, physically separate subdivisions which do their own hiring, or their own recruiting or referring for a fee for employment (without reference to the practices of, and under the control of, or common control with another subdivision), the subdivision shall be considered a separate person or entity.

Dated: May 7, 1991.

Gene McNary.

Commissioner.

[FR Doc. 91–12875 Filed 5–30–91; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 131 and 135

[Docket Nos. 89P–0208 and 89P–0444]

Yogurt Products; Frozen Yogurt, Frozen Lowfat Yogurt, and Frozen Nonfat Yogurt; Petitions To Establish Standards of Identity and To Amend the Existing Standards

AGENCY: Food and Drug Administration, HHS.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is announcing that petitions have been filed requesting that the agency: (1) Establish standards of identity for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt" in 21 CFR part 135; (2) provide for the use of any safe and suitable sweeteners in the new standards; and (3) amend the standards of identity for yogurt (21 CFR 131.200), lowfat yogurt (21 CFR 131.203), and nonfat yogurt (21 CFR 131.206) to provide for the use of any safe and suitable sweeteners. The agency is requesting comments on whether the petitioned actions would be in the best interest of consumers.

DATES: Comments by July 30, 1991.

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

FOR FURTHER INFORMATION CONTACT: Nannie H. Rainey, Center for Food Safety and Applied Nutrition (HFF–414), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–485–0107.

SUPPLEMENTARY INFORMATION:

I. The Petitions

The International Ice Cream Association (IICA), 888 16th St. NW., Washington, DC 20006, a trade association representing manufacturers and distributors of ice cream and other frozen desserts, has filed a petition, dated June 19, 1989. This petition asks FDA to establish standards of identity for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt." This petition was filed under 21 U.S.C. 371(e), which required formal rulemaking in any action for the issuance of a food standard. However, in November of 1990, the Nutrition Labeling and Education Act (NLEA) of 1990 was signed into law, and it removed food standard rulemakings, except for actions for the amendment or repeal of food standards for dairy products or maple sirup, from the coverage of 21 U.S.C. 271(e). Therefore, any action on the IICA petition is subject to notice and comment rulemaking (21 U.S.C. 371(a)).

The Calorie Control Council (Council), 5775 Peachtree-Dunwoody Rd., Atlanta, GA 30342, an international association of manufacturers of low-calorie and diet foods and beverages, including manufacturers of a variety of sweeteners and other low calorie ingredients, filed a second petition, dated October 9, 1989, that included two requests. First, the Council asked FDA to add a provision to the standards of identity for yogurt, lowfat yogurt, and nonfat yogurt (21 CFR 131.200, 131.203, and 131.206, respectively) to permit the use of any safe and suitable sweeteners, including saccharin, aspartame, and acesulfame potassium (acesulfame K), as optional ingredients. Because this part of the petition seeks amendment of an existing standard relating to dairy products, it is subject to 21 U.S.C. 371(e). Therefore, FDA will respond to this portion of the petition in a separate rulemaking. In addition, the Council requested that FDA include the same provision in any proposed standards of identity for "frozen yogurt," frozen lowfat yogurt," and "frozen nonfat yogurt." Because this part of the petition bears on new standards, it is subject to the same procedures as the IICA petition.

FDA points out that the food additive regulation in 21 CFR 172.800 does not provide for the use of acesulfame K in yogurt, ice cream, frozen yogurt, or other frozen desserts. To provide for such use under the Federal Food, Drug, and Cosmetic Act (the act), the correct course is to file a food additive petition under section 409 of the act (21 U.S.C.

348), not to seek an amendment of the standard. Therefore, to the extent that the petitions are asking for the use of acesulfame K, they are outside the scope of this rulemaking and are therefore denied.

II. Request for Comments

1. FDA is by this notice requesting that interested persons submit data and information as to the need for, and the appropriateness of, new standards for frozen yogurt products. As explained below, FDA has significant questions about the need for, and the advisability of, adopting new food standards at this time. The agency also requests comments on a number of other factors including, but not limited to, the following provisions set forth in the petitions:

(a) The names of the new foods, i.e., "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt;" FDA requests comments on whether it is appropriate to call a product with 2.0 percent milkfat "lowfat;"

(b) The minimum weight per gallon requirement;

(c) The milkfat content requirements;

(d) The minimum total nonfat milk solids requirement;

(e) The minimum titratable acidity requirement;

(f) The need to provide for any safe and suitable sweeteners, including sweeteners such as aspartame and saccharin; and

(g) The need to provide for the optional addition of vitamins A and D for consistency with the nonfrozen yogurt counterparts (21 CFR 131.200, 131.203, and 131.206).

2. FDA also points out that the limitations on the fat content in IICA's proposed standards concern only the milkfat content of the basic frozen yogurt mix. The fat content of lowfat and nonfat frozen yogurt products may be increased significantly by the fat contributed by the characterizing flavoring ingredients, such as milk chocolate, butterscotch, and nut meats, that may be added to the basic mix. The agency specifically requests comments on the need to address this issue in any standards it may propose.

3. FDA can anticipate the use of sweeteners that have not been affirmed as generally recognized as safe (GRAS) and not otherwise determined to be safe by FDA in the products covered by this notice. In order to ensure that sweeteners are not used until FDA has determined that they are safe for this use, FDA is requesting comment on the use of alternative language in any standards that may result from this proceeding. Instead of the phrase "any safe and suitable sweeteners" as suggested in the petitions, FDA believes that any standards should describe the permitted optional sweeteners as "any sweeteners that have been affirmed as GRAS or approval as a food additive for this use by the Food and Drug Administration." FDA also requests comments on whether, in the alternative, it should amend 21 CFR 130.3(d), the definition of "safe and suitable," to reflect this formulation in the description of all optional ingredients that may be used in standardized foods.

4. FDA has already received several comments on IICA's petition. The National Yogurt Association (NYA) submitted comments in support of the petition. Comments from two State governments were received in support of Federal standards of identity to insure uniform regulations for frozen yogurt products shipped from State to State. Two comments were received from industry. One of these comments supported the need for Federal standards of identity, and the other comment objected to the petition from IICA because of possible adverse impacts on the soft serve industry. In addition, two members of academia submitted comments in support of a minimum titratable acidity of 0.5 percent and higher for frozen yogurt products. The petitions and comments are on file with the Dockets Management Branch (address above).

III. Grounds for the Frozen Yogurt, Frozen Lowfat Yogurt, and Frozen Nonfat Yogurt Petition

The statement of grounds submitted in support of the IICA petition is as follows:

A. The Proposal Would Promote Honesty and Fair Dealing

In support of its petition, IICA asserted that establishing standards of identity for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt" would promote honesty and fair dealing in the interest of consumers by providing uniform terminology and ingredient parameters for these products. IICA stated that its proposed standards of identity for frozen yogurt products would complement the current yogurt standards in 21 CFR 131.200, 131.203, and 131.206 and would ensure that consumers of frozen yogurts receive equally consistent and well-defined products as do consumers of yogurts.

IICA also stated that frozen yogurts are marketed and perceived by consumers as a separate and distinct category of food that shares the essential characteristics of yogurt but that is offered and consumed in frozen form and has a unique taste and texture. IICA continued that its proposed standards are intended to reflect current consumer expectations and responsible manufacturing practices for this class of products.

In addition, IICA noted that sales of frozen yogurt products are increasing rapidly, and that there is growing consumer interest in this class of products. IICA continued that with the proliferation of frozen yogurt products, there is a strong need for Federal standards of identity to assure consumers of consistent and high quality frozen yogurts throughout the country. In the absence of Federal standards, IICA stated that there will be increasing pressure for State and local governments to regulate this class of products which could result in inconsistent regulations, thereby creating unreasonable barriers in interstate commerce and confusion for the consumer. Under the NLEA such State standards would not be preempted where no Federal standard had been promulgated.

FDA strongly encourages comments, which should include data and other information, on whether there is a need to adopt Federal standards of identity for frozen yogurt, lowfat frozen yogurt, and nonfat frozen yogurt. Under the NLEA, both standardized and nonstandardized foods will bear full ingredient and nutrition labeling. FDA also points out that products described with these common or usual names currently are being marketed as nonstandardized foods.

FDA questions whether the suggested standards are necessary. What evidence is there that consumers are being misled or not being dealt with honestly or fairly in the current situation? Any evidence of consumers being misled or deceived by foods currently being marketed as "frozen yogurt" would be relevant on this point, as would evidence on the range of characteristics of products that are being marketed under this name. Is there any evidence that products are being marketed as "frozen yogurt" without the constituents that consumers would normally expect in such a food (e.g., dairy ingredients and bacterial cultures) or with ingredients that consumers would not expect (e.g., acids or acidogens)?

FDA also requests comments on whether adoption of standards will limit future technological developments in how frozen yogurt, frozen lowfat yogurt, and frozen nonfat yogurt are made. The agency also requests comments on IICA's claim that in the absence of

standards, there will be increasing pressure for State and local governments to regulate this class of products, and that such regulations will create unreasonable barriers in interstate commerce and confusion for the consumer. The agency also seeks comment on the effects of the enactment of the NLEA of 1990 on this claim.

FDA notes that 22 States currently have regulations in effect for frozen yogurt products. These State regulations vary in their requirements on titratable acidity, weight per gallon, percent of milkfat, processing, and labeling. Are the differences in the current State regulations creating barriers to the marketing of frozen yogurt products? For example, some State regulations require that frozen yogurt products have a titratable acidity of 0.5 percent, which IICA maintains is too high. Are frozen yogurts generally being made to comply with a titratable acidity of 0.5 percent? Should the agency adopt a standard which, under the NLEA, will preempt all State standards that are not identical to it? Comments on the issue of State regulation versus Federal regulation should not only address individual provisions of the standards but should also address economic concerns and regional differences, preferences, or expectations for frozen yogurt products.

FDA will consider the comments that it receives on all these issues in deciding whether standards for "frozen yogurt," "lowfat frozen yogurt," and "nonfat frozen yogurt" will promote honesty and fair dealing in the interest of consumers, and thus whether IICA's petition should be granted and standards proposed.

B. The Nomenclature and Product Labeling Set Forth in the Petition is Accurate and Meaningful to Consumers

IICA stated that to satisfy reasonable consumer expectations with respect to product nomenclature that includes the term "yogurt," its requested standards would require that all frozen yogurt products undergo bacterial fermentation with yogurt culture (i.e., the lactic acid-producing bacteria *Lactobacillus bulgaricus* and *Streptococcus thermophilus*), and that no heat treatment be applied following culturing. IICA suggested this requirement to ensure that all frozen yogurts contain the essential bacteria and characteristics of bacterial fermentation that are appropriately associated with yogurts.

IICA elaborated on this issue, stating that the suggested standards would specify that the unflavored frozen yogurt mix be cultured to obtain a minimum titratable acidity of 0.3 percent before the addition of flavoring. IICA noted that this requirement is necessary to ensure that frozen yogurt products have been cultured by the characterizing yogurt bacteria and possess identifiable yogurt characteristics. IICA's standard also would not permit the direct addition of food grade acids or other acidogens to raise the titratable acidity of the frozen yogurt mix to the prescribed minimum. The requested standards also provide that no chemical preservation treatment or other process, other than refrigeration, could be used to eliminate or reduce the live culture bacteria.

IICA stated that available data show that the natural buffering capacity of an uncultured frozen yogurt mix averages approximately 0.15 percent. Utilizing this average as a base, IICA explained that the 0.3 percent minimum titratable acidity requirement is intended to ensure that at least 0.15 percent titratable acidity is developed as a result of yogurt culture fermentation. IICA noted that the required 0.15 percent increase in titratable acidity is recognized by the industry as the level at which fermentation or culturing becomes identifiable as having been initiated. Furthermore, IICA maintained, the requested standards recognize and provide for the common industry practice of fully culturing a yogurt base and blending this base yogurt with pasteurized dairy ingredients. Under the requested standards, the resultant blend of this formulation must contain not less than 0.3 percent titratable acidity.

IICA also has petitioned the agency to provide an alternative for those frozen yogurts not achieving the required 0.3 percent minimum titratable acidity. The petitioner stated that, in certain instances, the apparent titratable acidity of the uncultured mix may be less than 0.15 percent, and a developed titratable acidity of 0.15 percent would not achieve the prescribed minimum 0.3 percent. In such cases, IICA suggested that the manufacturer should have the right to demonstrate compliance by making quality control records available to FDA, documenting at least a 0.15 percent increase in titratable acidity above that of the uncultured dairy ingredients. IICA recognized that FDA does not have the authority to require that manufacturers make titratable acidity records available for review. Therefore, its requested standard provides that this provision could be invoked by only manufacturers that voluntarily disclose to FDA records sufficient to establish a 0.15 percent increase in titratable acidity.

IICA, consistent with existing requirements for yogurt (21 CFR 131.200), suggested that the standard of identity for frozen yogurt require that the food contain not less than 3.25 percent milkfat and not less than 8.25 percent milk solids not fat before the addition of any bulky characterizing ingredients. To ensure adequate quality and to be consistent with existing industry practice, IICA requested that frozen yogurt contain not less than 1.3 pounds of total solids per gallon and weight not less than 4.0 pounds per gallon.

The IICA suggested requirements for "frozen lowfat yogurt" and "frozen nonfat yogurt" that are essentially identical to those in the standards of identity for frozen yogurt except for appropriate reductions in milkfat levels. The specified milkfat levels for these products would parallel the current milkfat requirements for lowfat yogurt (not less than 0.5 percent nor more than 2.0 percent; 21 CFR 131.203) and nonfat yogurt (less than 0.5 percent; 21 CFR 131.206). IICA stated that the establishment of standards of identity for lowfat and nonfat frozen yogurts would promote public health by facilitating a reduction in fat consumption and would satisfy the growing consumer demand for reduced fat alternatives to regular food products, especially dairy-based products.

IICA stated that, consistent with the approach employed in most modern food standards, the proposed standards for frozen yogurt products would permit use of any safe and suitable ingredients and would require full ingredient labeling. This approach, IICA maintained, would afford manufacturers reasonable flexibility in formulating frozen yogurt products and would provide consumers with full ingredient disclosure.

IV. Grounds for Safe and Suitable Sweetners Proposal

A. The Proposal Would Promote Public Health

In support of its petition, the Council stated that granting the petition to provide for nutritive and nonnutritive sweetners in frozen yogurt products would enhance the public health and promote honesty and fair dealing in the interest of consumers. The Council stated that Americans are being urged to consume more foods that are low in calories, sugar, and fat. It cited the statement in the Surgeon General's "Report on Nutrition and Health" (Ref. 1) that the public would benefit from the increased availability of foods and food products low in calories, total fat, saturated fat, and sugars. In addition, the Council noted that surveys routinely

demonstrate that Americans are hearing and acting upon this message by restricting their intake of specific types of foods, such as foods high in calories (Ref. 2). One of the surveys, reviewed in "Designing Foods" (Ref. 3), show that half of the respondents reported that they had decided to eat fewer foods containing certain ingredients, such as sugar. The Council also noted that its petition would enhance the public health by enabling consumers to select from a wider variety of frozen yogurt products, including frozen yogurt products that contain fewer calories from sweetners, as well as fat.

B. The Proposal Would Promote Honesty and Fair Dealing

The Council pointed out that consumers would be aware that these new products may contain alternative sweetners because both nutritive and nonnutritive sweetners used in these products would have to be declared on the label, along with all other ingredients, in the ingredient statement. In addition, the Council noted that FDA regulations in 21 CFR 105.66 require that any food marketed as useful for maintaining or reducing weight or caloric intake identify the utility of the food and bear nutrition information on the label in accordance with the regulations in 21 CFR 101.9.

In summary, the Council contended that FDA should establish standards of identity for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt" as proposed by IICA, allowing the use of safe and suitable ingredients, including sweetners, because: (1) FDA has the authority to regulate the use of alternative sweetners, (2) FDA has determined that the use of at least one of these sweetners (aspartame) is safe for yogurt type products; and (3) consumers are interested in eating sweetened but calorie-controlled yogurt products.

V. Requested Standards

The requested new standards for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt" submitted by the petitioners, are set forth below. With the exception of the reference to sweetners in the regulations, which has been revised to state that any sweetner used must have been "affirmed as GRAS or approved as a food additive for this use by [FDA]," and a statement that makes clear that whether an ingredient can be added before or after pasteurization may be limited by other FDA regulations (see, e.g., 21 CFR 172.804(c)(15) for aspartame), the language of the requested standards is as suggested by the petitioners.

IICA's requested standard of identity for "frozen yogurt," "frozen lowfat yogurt," and "frozen nonfat yogurt," as revised by FDA, and the Council's requested amendment to provide for nonnutritive and nutritive sweeteners read as follows:

1. Section 135._____ is added to subpart B to read as follows:

§ 135._____ Frozen yogurt.

(a) *Description.* (1) Frozen yogurt is the food produced by freezing, while stirring, a mix containing safe and suitable ingredients including, but not limited to, dairy ingredients. The mix may be homogenized, and all of the dairy ingredients shall be pasteurized or ultrapasteurized. All or a portion of the dairy ingredients shall be cultured with a characterizing live bacterial culture that shall contain the lactic acid-producing bacteria *Lactobacillus bulgaricus* and *Streptococcus thermophilus* and may contain other lactic acid-producing bacteria. After culturing, the unflavored frozen yogurt mix shall have a titratable acidity of not less than 0.3 percent, calculated as lactic acid. Where the titratable acidity of the frozen yogurt mix is less than 0.3 percent, the manufacturer may establish compliance with this section by disclosing to the Federal Food and Drug Administration (FDA) quality control records that demonstrate that as a result of bacterial culture fermentation, there has been at least a 0.15 percent increase in the titratable acidity, calculated as lactic acid, of the product above the apparent titratable acidity of the uncultured dairy ingredients in the frozen yogurt mix. The direct addition of food grade acids or other acidogens for the purpose of raising the titratable acidity of the frozen yogurt mix to comply with the prescribed minimum is not permitted, and no chemical preservation treatment or other preservation process, other than refrigeration, may be utilized that results in reduction of the live culture bacteria. Sweeteners, flavorings, color additives, and other characterizing food ingredients, unless otherwise provided in FDA's regulations may be added to the mix before or after pasteurization or ultrapasteurization, provided that any ingredient addition after pasteurization or ultrapasteurization is done in accordance with current good manufacturing practice. Any dairy ingredients added after pasteurization or ultrapasteurization shall have been pasteurized.

(2) Frozen yogurt may be sweetened with any sweetner that has been affirmed as GRAS or approved as a food additive for this use by FDA and may or may not be characterized by the addition of flavoring ingredients.

(3) Frozen yogurt, before the addition of bulky characterizing ingredients or sweeteners, shall contain not less than 3.25 percent milkfat and 8.25 percent milk solids not fat. Frozen yogurt shall contain not less than 1.3 pounds of total solids per gallon and shall weigh not less than 4.0 pounds per gallon.

(b) *Nomenclature.* The name of the food is "frozen yogurt". The name of the food shall be accompanied by a declaration indicating the presence of any characterizing flavoring as specified in § 101.22 of this chapter.

(c) *Label declaration.* (1) Each of the ingredients used in the food shall be declared on the label as required by the applicable sections of part 101 of this chapter.

(2) If the food purports to be or is represented for special dietary use, it shall be labeled in accordance with the requirements of part 105 of this chapter.

2. Section 135._____ is added to subpart B to read as follows:

§ 135._____ Frozen lowfat yogurt.

(a) *Description.* Frozen lowfat yogurt is the food that is prepared from the same ingredients and in the same manner prescribed in § 135._____ for frozen yogurt, and complies with all of the provisions of § 135._____, except that the milkfat level is not less than 0.5 percent nor more than 2.0 percent.

(b) *Nomenclature.* The name of the food is "frozen lowfat yogurt" or, alternatively, "lowfat frozen yogurt".

3. Section 135._____ is added to subpart B to read as follows:

§ 135._____ Frozen nonfat yogurt.

(a) *Description.* Frozen nonfat yogurt is the food that is prepared from the same ingredients and in the same manner prescribed in § 135._____ for frozen yogurt, and complies with all of the provisions of § 135._____, except that the milkfat level is not less than 0.5 percent.

(b) *Nomenclature.* The name of the food is "frozen nonfat yogurt" or, alternatively, "nonfat frozen yogurt".

VI. References

The following information has been placed on file in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. U.S. Department of Health and Human Services, "Surgeon General's Report on Nutrition and Health," DHHS (PHS) Publication No. 88-50210, Washington, DC,

U.S. Government Printing Office, GPO Stock No. 017-001-00465-1 (1988).

2. Booth Research Services, Inc., Dieting and Low-Calorie Products Survey, May, 1989. Survey conducted for the Calorie Control Council.

3. Committee on Technological Options to Improve Nutritional Attributes of Animal Products, Board of Agriculture, National Research Council, "Designing Foods: Animal Product Options in the Marketplace," National Academy Press, Washington, DC, 1988.

FDA is requesting comments on whether the petitioned actions would be in the best interest of consumers.

Interested persons may, on or before July 30, 1991, submit to the Dockets Management Branch (address above) written comments regarding this advance notice of proposed rulemaking. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 6, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-12955 Filed 5-30-91; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

29 CFR Part 2550

Participant Directed Individual Account Plans (ERISA Section 404(c) Plans); Notice of Hearing

AGENCY: Department of Labor.

ACTION: Notice of hearing.

SUMMARY: This document provides notice of a public hearing regarding a proposed regulation under section 404(c) of title I of the Employee Retirement Income Security Act of 1974 (ERISA) relating to participant directed individual account plans. The proposed regulation was set forth in a notice of proposed rulemaking published in the **Federal Register** at 56 FR 10724 on March 13, 1991.

DATES: The hearing will be held on Thursday, July 11, 1991, and Friday, July 12, 1991, beginning at 9:15 a.m. e.s.t. on each day.

ADDRESSES: The hearing will be held in room N3437 of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Deborah S. Hobbs, Pension and Welfare Benefits Administration, U.S. Department of Labor, Washington, DC 20210, (202) 523-7901 (not a toll free number), or Daniel J. Maguire, Esq., Plan Benefits Security Division, Office of the Solicitor, U.S. Department of Labor, Washington, DC 20210, (202) 523-9592 (not a toll free number).

SUPPLEMENTARY INFORMATION: On March 13, 1991, the Department of Labor (the Department) published a notice of proposed rulemaking in the **Federal Register** (56 FR 10724) regarding participant directed individual account plans under section 404(c) of ERISA (29 U.S.C. 1104(c)). In that notice the Department invited all interested persons to submit written comments concerning the proposed regulation on or before May 13, 1991.[1]

The Department has received a number of comments requesting a public hearing. In view of these requests, and the importance of the proposed regulation, the Department has decided to hold a hearing on the proposed regulation on Thursday, July 11, 1991, and Friday, July 12, 1991, beginning at 9:15 a.m. e.s.t. on each day, in room N3437 of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC.

Any interested person who wishes to be assured of an opportunity to present oral comments at the hearing should submit by 3:30 p.m. e.s.t. June 28, 1991: (1) A written request to be heard and (2) an outline (preferably seven copies) of the topics to be discussed, indicating the time allocated to each topic. The request to be heard and accompanying outline should be sent to the Office of Regulations and Interpretations, Pension and Welfare Benefits Administration, room R-5669, U.S. Department of Labor, Washington, DC 20210, and marked "Attention: Section 404(c) Hearing." Individuals who did not file written comments regarding the proposed regulation may nonetheless submit a request to make oral comments at the hearing.

The Department will prepare an agenda indicating the order of presentation of oral comments. In the absence of special circumstances, each commentator will be allotted ten minutes in which to complete his or her presentation. Information about the agenda may be obtained on or after July 2, 1991 by telephoning Deborah S. Hobbs, Washington, DC (202) 523-7901 (not a toll free number). Individuals not listed in the agenda will be allowed to make oral comments at the hearing to the extent time permits. Those individuals who make oral comments at the hearing should be prepared to answer questions regarding their comments. The hearing will be transcribed.

[1] In connection with the March 13, 1991 publication of a proposed 404(c) regulation, the Department also withdrew a prior regulation proposal under section 404(c) which had been published in the **Federal Register** on September 3, 1987 (52 FR 33508).

Notice of Public Hearing

Notice is hereby given that a public hearing will be held on Tuesday, July 30, 1991 and Wednesday, July 31, 1991, regarding a proposed regulation (published at 56 FR 10724) under section 404(c) of ERISA relating to participant directed individual account plans. The hearing will be held beginning at 9:15 a.m. e.s.t. on each day, in room N3437 of the Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC.

Signed at Washington, DC, this 24th day of May, 1991.

Robert J. Doyle,

Director of Regulations and Interpretations, Pension and Benefits Administration, U.S. Department of Labor.

[FR Doc. 91-12947 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-29-M

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900-AF25

Exclusions from Income

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its adjudication regulations concerning exclusions from countable income under the Improved Pension program. This change is necessary because current regulations inappropriately exclude payments from a specific Federal program from countable income for VA purposes. The intended effect of this change is to correct that error.

DATES: Comments must be received on or before July 1, 1991. This change is proposed to be effective thirty days after the date of publication of the final rule. Comments will be available for inspection until July 10, 1991.

ADDRESSES: Interested persons are invited to submit written comments, suggestions, or objections regarding this

change to the Secretary of Veterans Affairs (271A), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420. All written comments received will be available for public inspection only in the Veterans Services Unit, room 132, at the above address and only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 10, 1991.

FOR FURTHER INFORMATION CONTACT: John Bisset, Jr., Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, (202) 233-3005.

SUPPLEMENTARY INFORMATION: On December 13, 1979, 42 U.S.C. 5044(g) was amended by section 9 of the Domestic Volunteer Service Act Amendments of 1979, Public Law 96-143, 93 Stat. 1077, to provide that payments under a Domestic Volunteer Service Act (DVSA) program be excluded from consideration when determining entitlement to other governmental programs unless the Director of the ACTION Agency determines that a volunteer's payments equal or exceed the minimum wage. As a result, VA published, in the **Federal Register** of January 29, 1981 (46 FR 9579-80), an amendment to 38 CFR 3.272 which added paragraph (k) for the purposes of excluding such payments from countable income under the Improved Pension Program. That rulemaking, however, erroneously listed the Older American Community Service Program as a DVSA program. We have learned, and the ACTION Agency has confirmed, that the Older American Community Service Program is not a DVSA program. VA proposes to amend 38 CFR § 3.272(k) to correct this error.

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 602-612. The reason for this certification is that this amendment would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

In accordance with Executive Order 12291, Federal Regulation, the Secretary has determined that this regulatory amendment is non-major for the following reasons:

(1) It will not have an annual effect on the economy of $100 million or more.

(2) It will not cause a major increase in costs or prices.

(3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with Foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance program numbers are 64.104 and 64.105.

List of Subjects in 38 CFR Part 3

Administrative practices and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

Approved: May 1, 1991.

Edward J. Derwinski,

Secretary of Veterans Affairs.

PART 3—[AMENDED]

38 CFR part 3, Adjudication, is proposed to be amended as follows:

§ 3.272 [Amended]

1. In § 3.272 paragraph (k), introductory text, remove the words "and Older American Community Service Program".

(Authority: 38 U.S.C. 210(c))

[FR Doc. 91-12859 Filed 5-30-91; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL-3960-6]

Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; RACT for S. Bent and Brothers

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by the Commonwealth of Massachusetts. This revision establishes and requires reasonably available control technology (RACT) for S. Bent and Brothers in Gardner, Massachusetts. This revision is necessary to limit volatile organic compound (VOC) emissions from this source. The intended effect of this action is to approve a source-specific RACT determination made by Massachusetts in accordance with commitments specified in its Ozone Attainment Plan approved by EPA on November 9, 1983 (48 FR 51480). This action is being taken in accordance with section 110 of the Clean Air Act.

DATES: Comments must be received on or before July 1, 1991. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments may be mailed to Linda M. Murphy, Acting Director, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region I, One Congress Street, 10th floor, Boston, MA; and the Division of Air Quality Control, Department of Environmental Protection, One Winter Street, 8th Floor, Boston, MA 02108.

FOR FURTHER INFORMATION CONTACT: Robert C. Judge, (617) 565-3248; FTS 835-3248.

SUPPLEMENTARY INFORMATION: On November 2, 1990, the Massachusetts Department of Environmental Protection (DEP) submitted a final plan approval issued to S. Bent and Brothers (S. Bent) as a formal state implementation plan (SIP) revision. The plan approval establishes and requires reasonably available control technology (RACT) to control volatile organic compound (VOC) emissions from S. Bent in Gardner, Massachusetts. The SIP revision consists of a plan approval effective October 17, 1990.

Summary of SIP Revision

The DEP issued this plan approval pursuant to requirements found in 310 CMR 7.18(17), which EPA approved on November 9, 1983 (48 FR 51480) as part of Massachusetts' Ozone Attainment Plan. Massachusetts Regulation 310 CMR 7.18(17), "Reasonably Available Control Technology (RACT)," requires the DEP to determine and impose RACT on otherwise unregulated stationary sources of VOC with the potential to emit greater than or equal to 100 tons per year. On May 25, 1988, EPA issued a SIP call to Massachusetts notifying them that their ozone attainment plan was substantially inadequate to attain the ozone standard. Nevertheless, Massachusetts remains obligated to continue to control these otherwise unregulated sources of VOC and submit the RACT determinations as SIP revisions.

S. Bent and Brothers (S. Bent) manufactures and coats dining room sets including tables, chairs, china hutches, and other dining room

furniture. The furniture is made from ash, birch and maple (all hardwoods). No control techniques guideline (CTG) document exists for wood furniture coaters at this time. Therefore, S. Bent is a miscellaneous VOC emitting source covered by 310 CMR 7.18(17). Massachusetts has determined that the use of certain spraying technology and the establishment of maximum allowable VOC emission rates for the different categories of coatings used, represent RACT for S. Bent. In determining RACT, Massachusetts and EPA investigated other source-specific RACT determinations for other wood coating operations. Several wood coating operations in other areas of the country were found to be regulated or regulations were expected soon. A discussion of these regulations can be found in the Technical Support Document prepared for this revision. The plan approval imposing RACT on S. Bent contains provisions which will enforceably insure emission reductions at the facility.

Ract Determination

S. Bent has undertaken considerable efforts to ensure that its VOC emissions were minimized. S. Bent now sprays with high pressure-low volume (HVLP) spray guns and uses low VOC coatings.

Two technologies exist which can decrease emissions dramatically at wood furniture coating facilities excluding add-on control equipment. Ultraviolet (UV) cure coatings and water-based coatings have both been studied and tested for application to wood furniture coating and can achieve considerable VOC reductions. UV coatings have been found to be very effective in cutting VOC emissions. EPA and Massachusetts investigated the possibility of using such coatings. It was found that UV coating is effective in certain wood coating applications. However, UV technology requires that the UV lamps are configured to face all of the coated product. UV coatings on chairs cannot be properly cured because of the chairs differing three dimensional shapes. The UV lamps cannot be aligned to face all surfaces. The table and case line will not work with UV technology because the shapes of the tables and cases vary go significantly that it would be impossible to align the UV lamps close enough to all surfaces for proper curing.

Water-based coatings have also become a promising technology for wood coating. However, based on discussions with coating manufacturers and Air Agencies in California which will be mandating such technology, humidity must be controlled or consistently low for proper curing. At S. Bent, such a requirement would necessitate climate controls in the application and drying areas of the plant. Because of this cost, water-based coatings were not feasible at S. Bent.

As was stated earlier, RACT at S. Bent involves the use of low-VOC coatings and certain spray technology. HVLP spray equipment must be used for all finishing operations except for the staining of chairs (which must use flow coatings), decorative hand painting, and small touch up/repair work. Further, all VOC-containing materials must be stored in covered containers which prevent evaporation. The plan approval imposing RACT on S. Bent contains several additional provisions which will enforceably insure emission reductions at the facility.

Provision A of the plan approval requires that top coats, defined as a clear coat applied as a top coat, must be at or below 4.70 pounds of VOC per gallon of coating (minus water). Over 35 percent of all gallons applied at S. Bent are top coats. S. Bent uses a catalyzed top coat and has demonstrated that it is the best low-emitting coating which fulfills their product specifications.

Provision B of the plan approval requires that all stains be at or below 6.74 pounds of VOC/gallon of coating (minus water). About 23 percent of all gallons applied at S. Bent are classified as stains. Provision C of the approval mandates that sealers, defined as the coat used to seal pores or wood grains, must be at or below 6.1 pounds of VOC/gallon of coating (minus water). Approximately 30 percent of all gallons applied at S. Bent are sealers.

Finally, provisions D and E, set emission limits for both pigmented coatings and pigmented primers. Pigmented coating must be at or below 4.35 pounds of VOC per gallon of coating (minus water) while pigmented primers, defined as the pigmented first coat applied prior to the pigmented coating, must be at or below 5.72 pounds of VOC per gallon of coating (minus water). Approximately 10 percent of coatings applied at S. Bent are classified as pigmented.

More detail is provided in the Technical Support Document on how these limitations compare to other state's requirements for wood coating. Final rulemaking will be contingent upon Massachusetts submitting information documenting that the coating limitations established for S. Bent for these processes represent the lowest VOC content reasonably available which yield acceptable quality products.

Recordkeeping and reporting requirements are contained in the plan approval and are sufficient to determine compliance with each of the above listed requirements. For example, daily records must be maintained which include the identity, quantity and VOC content of each coating as applied (see State submittal for more details). Test methods have been established and defined for each of the above requirements.

The plan approval has been written to require that RACT be imposed on S. Bent. The requirements of RACT have been shown to be the greatest level of control technologically and economically feasible. Imposition of RACT will achieve approximately a 42 percent reduction in VOCs, despite production increases. Per unit of production, approximately a 61 percent reduction was achieved. The plan approval was effective upon its issuance on October 17, 1990.

EPA is proposing to approve the Massachuesetts SIP revision for S. Bent and Brothers in Gardner, Massachusetts, which was submitted on November 2, 1990. EPA is soliciting public comments on the issues discussed in this notice or on other relevant matters. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the "**ADDRESSES**" section of this notice.

Proposed Action

EPA is proposing to approve this plan approval submitted as a SIP revision request for S. Bent. The plan approval defines and imposes RACT on S. Bent, a manufacturer and coater of wood furniture in Gardner, Massachusetts. Final rulemaking will be contingent upon the DEP providing additional technical support documenting that the limits established for S. Bent represent RACT.

EPA has reviewed this request for revision of the federally-approved State implementation plan for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. EPA has determined that this action conforms with those requirements irrespective of the fact that the submittal preceded the date of enactment.

Under 5 U.S.C. section 605(b), I certify that this SIP revision will not have a significant economic impact on a substantial number of small entities. (See 46 FR 8709.)

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225).

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

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

The Administrator's decision to approve or disapprove the SIP revision will be based on whether it meets the requirements of section 110(a)(2)(A)–(K) and 110(a)(3) of the Clean Air Act, as amended, and EPA regulations in 40 CFR part 51.

List of Subjects in 40 CFR Part 52

Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: May 9, 1991.

Julie Belaga,

Regional Administrator Region I.

[FR Doc. 91–12888 Filed 5–30–91; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3100, 3150, 3160, 3180, 3200, 3260, 3500, 3510, 3520, 3530, 3540, 3550, 3580, 3590, 3600, 3800, 3860

[WO-770-1270-02-24 1A]

RIN 1004-AB55

Public Availability of Mineral Resources Information

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Land Management (BLM) proposes to amend its regulations in group 3000 of title 43 of the Code of Federal Regulations (CFR) addressing public availability of mineral resources information. The purpose of this proposal is to remove conflicts between the regulations implementing the Freedom of Information Act, 5 U.S.C. 552 (FOIA), in 43 CFR part 2, subpart B, and existing regulations which relate to public availability of mineral resources information. Additionally, this proposal seeks to remove inconsistencies among the various mineral resources regulations relating to release of information under FOIA.

DATES: Comments should be submitted by July 30, 1991. Comments received or postmarked after the above date may not be considered in the decisionmaking process on the final rule.

ADDRESSES: Comments should be sent to: Director (140), Bureau of Land Management, room 5555, Main Interior Building, 1849 C Street NW., Washington, DC 20240.

Comments will be available for public review at the above address during regular business hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Sid Vogelpohl, BLM Albuquerque District, Division of Mineral Resources, (505) 761–4503, or Dorothy Chambers, FOIA Coordinator, (202) 653–8853.

SUPPLEMENTARY INFORMATION: Regulations relating to the BLM's management of mineral resources are found in 43 CFR group 3000. Separate regulations deal specifically with oil and gas (part 3100), geothermal resources (part 3200), coal (part 3400), solid minerals other than coal (part 3500), mineral materials (part 3600) and mining law (part 3800). Coal is also addressed in regulations at 43 CFR 2.22.

Mineral resources regulations dealing with public access to information were promulgated at different times. They differ among themselves on the important issue of public access to information and conflict in varying degrees with the FOIA regulations at 43 CFR part 2, subpart B.

Mineral resources information is received by the BLM from a myriad of industry sources involved in exploring, leasing, or mining public and Indian lands. Information held by the BLM includes exploration and mining plans, company financial information, and resource and/or reserve information. Most information held by the BLM was originally submitted to the BLM in accordance with regulatory requirements. Some information is provided on a voluntary basis. Under this proposal, Indian and Federal mineral resources information would be subject to the same FOIA disclosure and exemption requirements.

In keeping with the spirit of FOIA, industry information held by the BLM is made available to the greatest extent possible. FOIA provides nine categories of information which may be exempt from public disclosure in order to protect the rights of the individuals who submitted the information and to protect the interests of the BLM. Mineral resources information may be exempt from release to the public under several of the categories: Exemption 3 (as prescribed by another statute), exemption 4 (trade secrets and commercial or financial information), exemption 5 (inter-agency or intra-agency memoranda or letters), exemption 7 (law enforcement), or exemption 9 (geological or geophysical information concerning wells). Information falling within any of the nine exemptions is withheld from release only if (1) Disclosure is prohibited by statute or Executive Order or (2) sound grounds exist for invocation of one or more FOIA exemptions. Through judicial interpretation of exemption 4, sound grounds to withhold trade secrets and commercial or financial information that are privileged or confidential exist when disclosure is likely to (1) Cause substantial harm to the competitive position of the person from whom the information was obtained or (2) impair the BLM's ability to obtain voluntarily submitted information in the future. Under exemption 5, deliberative material (drafts, staff opinions, pre-decisional documents) may be withheld.

For the full text of the FOIA regulations and the nine statutory exemptions provided in FOIA, refer to 43 CFR part 2, subpart B.

BLM is in the process of classifying categories of mineral resources information as "public" or "non-public." The classification is being drafted as a BLM Manual. Pending finalization of the Manual, copies of the list for specific mineral commodities may be obtained by contacting one of the persons listed above under **FOR FURTHER INFORMATION CONTACT.**

Certain mineral resources information possessed by the BLM is also maintained by other agencies of the Department of the Interior, including the Bureau of Indian Affairs (BIA), the Office of Surface Mining, Reclamation and Enforcement (OSMRE), the United States Geological Survey (USGS), and the Minerals Management Service (MMS). As provided by the Department FOIA regulations at 43 CFR part 2, one of these agencies will be designated as the office of primary control, and that agency will coordinate the response to FOIA requests and issue decisions.

Information relating to Indian mineral resources, tribal and allotted, is subject to FOIA to the same extent as Federal mineral resources information. In the

case of Indian information, when the BLM is the office of primary control for non-public information sought through FOIA for which the BLM needs confirmation of the non-public status, the BLM will contact the submitter as required by FOIA, and will also contact the Indian lessor through the BIA. As has been past Department of the Interior policy, Indian tribes or allottees or their designated representatives may have full access to information in agency files relating to their mineral ownership.

Under FOIA's exemption 3, information specifically exempted from public disclosure by a statute other than FOIA is not available to the public. The only two such statutes affecting mineral resources are the Indian Mineral Development Act of 1982 (IMDA) and the Federal Coal Leasing Amendments Act of 1976. IMDA applies solely to mineral agreements approved under the authority of IMDA after the date of the Act and does not apply to leases authorized under some other authority. The statutory exemption of IMDA applies only to the findings, such as that there will be a sufficient financial return to the Indian parties, forming the basis of the Secretary's decision to approve or disapprove an agreement, including the terms and conditions of such agreements and the agreed manner of disposition of the mineral resource. Information filed with the Department of the Interior for the exploration, production, and reclamation of mineral resources subsequent to agreement approval is not exempt from public disclosure under exemption 3, although another exemption may be applicable. Exemption 3 status applies solely to information related to Indian agreements specifically authorized by the IMDA.

The BLM proposes to revise mineral resources regulations on public availability of information to accomplish two goals: (1) To ensure that the mineral resources regulations dealing with public access to information conform with the FOIA regulations, and (2) to standardize the mineral resources regulations dealing with access to information. By this proposal, standard paragraphs would be repeated in the regulations for oil and gas, geothermal, coal, solid minerals other than coal, mineral materials and mining law.

Oil and Gas Regulations. Existing regulations dealing with public access to oil and gas information held by BLM are:

1. 43 CFR 3152.6(b)—Geophysical exploration—Alaska
2. 43 CFR 3162.8—Oil and gas operations
3. 43 CFR 3181.2—Oil and gas unit agreements
4. 43 CFR 3190.1—Cooperative agreements

The two standard paragraphs and the IMDA paragraph would be added at § 3100.4. Section 3152.6(d) would then be replaced with a statement referring to 43 CFR part 2 and proposed § 3100.4. Section 3162.8 would be entirely removed, since the functions of paragraphs (a) through (d) of that section are addressed by proposed § 3100.4, and the functions of paragraphs (e) through (g) are fully covered by existing § 3190.1. Section 3181.2 would be amended by changing the sixth sentence to refer to 43 CFR part 2 and proposed § 3100.4. Section 3190.1 would not be changed.

Geothermal. Existing regulations dealing with public access to geothermal information held by the BLM are in § 3264.4. This provision would be removed. A new § 3200.3 would be added, consisting of the standard paragraphs and the IMDA paragraph.

Coal. Existing regulations dealing with public access to coal information held by the BLM are:

1. 43 CFR 2.22—Special rules for coal
2. 43 CFR 3410.4(b)—Coal exploration license
3. 43 CFR 3420.1-2(b)—Competitive leasing
4. 43 CFR 3422.1(a)—Fair market value
5. 43 CFR 3422.3-4(g)—Lease sale consultation
6. 43 CFR 3453.2-2(g)—Lease transfers
7. 43 CFR 3481.3—General

A **Federal Register** notice proposing amendments affecting most of the regulations in 43 CFR group 3400 is expected to be published in the near future. Because it is anticipated that the sections of the regulations will be renumbered, revision of those sections to bring them into conformance with the purpose of this notice will be accomplished at the time of the proposed overall revision of the group 3400 regulations. Changes proposed at that time which address public availability of information will conform with the proposal in this notice.

Solid Minerals Other Than Coal and Oil Shale. Existing regulations dealing with public access to solid minerals other than coal information are:

1. 43 CFR 3500.5(b)—Solid minerals in general
2. 43 CFR 3514.5—Phosphate exploration license
3. 43 CFR 3524.5—Sodium exploration license
4. 43 CFR 3534.5—Potassium exploration license
5. 43 CFR 3544.5—Sulphur exploration license
6. 43 CFR 3554.5—Gilsonite exploration license
7. 43 CFR 3585.5-9—White Mountains National Recreation Area
8. 43 CFR 3590.1—Confidentiality of information

The standard paragraphs and the IMDA paragraph would be placed in new § 3500.5-2. The second sentence of each of § 3514.5, 3524.5, 3534.5, 3544.5, 3554.5, and 3585.5-9 would be replaced by a sentence referring to 43 CFR part 2 and proposed § 3500.5-2. Section 3590.1 would be removed, its function being taken over by proposed § 3500.5-2

Mineral Materials. Existing regulations dealing with public access are in 43 CFR 3602.2. A new § 3600.0-8 would consist of the two standard paragraphs applicable to public land. The fourth and fifth sentence of § 3602.2(a) would be replaced with a sentence referring to 43 CFR part 2 and proposed § 3600.0-8.

Mining Law. Existing regulations dealing with public access to information are:

1. 43 CFR 3802.6—Wilderness study areas (WSAs)
2. 43 CFR 3809.5—Lands outside WSAs

Both of these provisions would be replaced with the two standard paragraphs applicable to public land. A new § 3862.9 would consist of the two standard paragraphs applicable to public land.

The principal author of this proposed rule is Sid Vogelpohl, Assistant District Manager, Mineral Resources, BLM Albuquerque District, assisted by the staff of the BLM Division of Legislation and Regulatory Management.

It is hereby determined that this proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment, and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. An environmental assessment has been prepared and a finding of no significant impact has been determined for these proposed amendments to 43 CFR groups 3100, 3200, 3500, 3600, and 3800. The environmental assessment is available, upon written request, from the Division of Information Resources Management (770), Bureau of Land Management, U.S. Department of the Interior, Washington, DC 20240-1849. No new significant information has arisen since publication of the public-availability-of-information sections in existing 43 CFR group 3100, 3200, 3500, 3600, and 3800.

The Department of the Interior has determined under Executive Order 12291 that this document is not a major rule, and under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that it will not have a significant economic impact on a sustantial number of small entities. Additionally, as required by Executive Order 12603, the Department of the Interior has determined that the rulemaking woud not cause a taking of private property.

This rule does not contain information collection requirements that require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

List of Subjects for 43 CFR Part 3100

Oil and Gas, Public land, Indian land, Administrative practices and procedures, Classified information, Freedom of Information Act.

List of Subjects for 43 CFR Part 3150

Alaska, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds.

List of Subjects for 43 CFR Part 3160

Government contracts, Indians-lands, Mineral royalties, Oil and gas exploration, Penalties, Public lands-mineral resources, Reporting and recordkeeping requirements.

List of Subjects for 43 CFR Part 3180

Government contracts, Oil and gas exploration, Public lands-mineral resources, Reporting and recordkeeping requirements.

List of Subjects for 43 CFR Part 3200

Geothermal, Public land, Indian land, Administrative practices and procedures, Classified information, Freedom of Information Act.

List of Subjects for 43 CFR Part 3260

Environment protection, Geothermal energy, Government contracts, Public lands-mineral resources, Reporting and recordkeeping requirements.

List of Subjects for 43 CFR Part 3500

Solid minerals (other than coal), Public land, Indian land, Administrative practices and procedures, Classified information, Freedom of Information Act.

List of Subjects for 43 CFR Part 3510

Government contracts, Mineral royalties, Mines, Phosphate, Public land-minerals resources, Reporting and recordkeeping requirements, Surety bonds.

List of Subjects for 43 CFR Part 3520

Government contracts, Mineral royalties, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Sodium, Surety bonds.

List of Subjects for 43 CFR Part 3530

Government contracts, Mineral royalties, Mines, Potassium, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds.

List of Subjects for 43 CFR Part 3540

Government contracts, Mineral royalties, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Sulphur, Surety bonds.

List of Subjects for 43 CFR Part 3550

Government contracts, Hydrocarbons (vein-type solid), Mineral royalties, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements, Surety bonds.

List of Subjects for 43 CFR Part 3580

Government contracts, Mineral royalties, Mines, Public lands-mineral resources, Recreation and recreation areas, Surety bonds.

List of Subjects for 43 CFR Part 3590

Environment protection, Government contracts, Indian-lands, Mines, Public lands-mineral resources, Reporting and recordkeeping requirements.

List of Subjects for 43 CFR Part 3600

Mineral materials, Administrative practices and procedures, Classified information, Freedom of Information Act.

List of Subjects for 43 CFR Part 3800

Mineral patents, Mining claims (Wilderness Review Program), mining claims, Administrative practices and procedures, Classified information, Freedom of Information Act.

List of Subjects for 43 CFR Part 3860

Mines, Public lands-mineral resources, Reporting and recordkeeping requirements.

For the reasons in the Preamble, and under the authority of the Freedom of Information Act as amended and supplemented (5 U.S.C. 552), it is proposed to amend parts 3100, 3150, 3160, 3180, 3200, 3260, 3500, 3510, 3520, 3530, 3540, 3550, 3580, 3590, 3600, 3800, subchapter C, chapter II, title 43 of the Code of Federal Regulations as set forth below:

PART 3100—OIL AND GAS LEASING

1. The authority citation is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359, the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 3101 *et seq.*), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the Federal Property and Administrative Services Act of 1949 (40 U.SC. 471 *et seq.*), the Act of May 21, 1930 (30 U.S.C. 301–306), the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35), the National Wildlife Refuge Administration Act of 1966 (16 U.S.C. 668dd–ee), the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a), the Freedom of Information Act (5 U.S.C. 552), the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*), and the Attorney General's Opinion of April 2, 1941 (40 Op.Atty.Gen. 41).

2. Section 3100.4 is added to read as follows:

§ 3100.4 Public availability of information.

(a) All data and information submitted under this group 3100 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under group 3100 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this Group 3100 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

(c) All findings forming the basis of the Secretary's intent to approve or disapprove Minerals Agreements under the Indian Mineral Development Act of 1982 (IMDA), 25 U.S.C. 2101 *et seq.*), as well as all projections, studies, data, or other information possessed by the Department of the Interior regarding the terms and conditions of Minerals Agreements made pursuant to IMDA, the financial return to the Indian parties thereto, or the extent, nature, value, or disposition of the Indian mineral resources or the production, products, or proceeds thereof, will be held by the Department of the Interior as privileged proprietary information of the affected

Indian or Indian tribe as provided in IMDA.

PART 3150—ONSHORE OIL AND GAS GEOPHYSICAL EXPLORATION

Subpart 3152—Exploration in Alaska

3. The authority citation for part 3150 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired lands of 1947, as amended (30 U.S.C. 351–359), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*), the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a), the Naval Petroleum Reserves Production Act of 1976 (42 U.S.C. 6504), the Freedom of Information Act (5 U.S.C. 552), and the Department of the Interior Appropriations Act, Fiscal year 1981 (42 U.S.C. 6508).

4. Section 3152.6(b) is revised to read as follows:

§ 3152.6 Collection and submission of data.

* * * * *

(b) All informatioon submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records, as provided at § 3100.4.

PART 3160—ONSHORE OIL AND GAS OPERATIONS

5. The authority citation for part 3160 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Act of May 21, 1930 (30 U.S.C. 301–306); the Act of March 3, 1909, as amended (25 U.S.C. 396); the Act of May 11, 1938, as amended (25 U.S.C. 396a–396q); the Act of February 28, 1891, as amended (25 U.S.C. 397); the Act of May 29, 1924 (25 U.S.C. 398); the Act of March 3, 1927 (25 U.S.C. 398a–398e); the Act of June 30, 1919, as amended (25 U.S.C. 399); R.S. 441 (43 U.S.C. 1457); Attorney General's Opinion of April 2, 1941 (40 Op. Atty. Gen. 41); the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 *et seq.*); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); the Act of December 12, 1980 (42 U.S.C. 6508); the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070); the Federal Oil and Gas Royality Management Act of 1982 (30 U.S.C. 1701 *et seq.*); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2102 *et seq.*).

§ 3162.8 [Removed]

6. Section 3162.8 is removed in its entirety.

PART 3180—ONSHORE OIL AND GAS UNIT AGREEMENTS: UNPROVEN AREAS

7. The authority citation for 43 CFR part 3180 is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181, 189, 226(e), 226(m)), and the Freedom of Information Act (5 U.S.C. 552).

§ 3181.2 [Amended]

8. Section 3181.2 is amended by removing the sixth sentence, beginning "If requested, geologic, * * *", and replacing it with the sentence: "All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records, as provided under this part at § 3100.4."

PART 3200—GEOTHERMAL RESOURCES LEASING: GENERAL

9. The authority citation for part 3200 is revised to read as follows:

Authority: 30 U.S.C. 1001–1027, 25 U.S.C. *et seq.*, 5 U.S.C. 552.

10. Section 3200.3 is added to read as follows:

§ 3200.3 Public Availability of Information

(a) All data and information submitted under this group 3200 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under group 3200 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mary it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this group 3200 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

(c) All findings forming the basis of the Secretary's intent to approve or disapprove Minerals Agreements under the Indian Mineral Development Act of 1982 (IMDA), 25 U.S.C. 2101 *et seq.*, as well as all projections, studies, data, or other information possessed by the Department of the Interior regarding the terms and conditions of Minerals Agreements made pursuant to IMDA, the financial return to the Indian parties thereto, or the extent, nature, value, or disposition of the Indian mineral resources or the production, products, or proceeds thereof, will be held by the Department of the Interior as privileged proprietary information of the affected Indian or Indian tribe as provided in IMDA.

PART 3260—GEOTHERMAL RESOURCES OPERATIONS

11. The authority citation for part 3260 is revised to read as follows:

Authority: 30 U.S.C. 1001–1025, and Order No. 3087, dated Dec. 3, 1982, as amended on Feb. 7, 1983 (48 FR 8983).

§ 3264.4 [Removed]

12. Section 3264.4 is removed in its entirety.

PART 3500—LEASING OF SOLID MINERALS OTHER THAN COAL AND OIL SHALE

13. The authority citation for part 3500 is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C., 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); sec. 3, Act of Sept. 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b)); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of Mar. 3, 1933, as amended (47 Stat. 1487); sec. 10 of the Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*); and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

14. Section 3500.5 is amended by removing the text and revising the heading to read as follows:

§ 3500.5 Document submission and availability.

15. Section 3500.5–1 is added to read as follows:

§ 3500.5-1 Filing of documents.

All necessary documents shall be filed in the proper BLM office. A document shall be considered filed when it is received in the proper BLM office.

16. Section 3500.5-2 is added to read as follows:

§ 3500.5-2 Public availability of information.

(a) All data and information submitted under this group 3500 are subject to part 2 of this title, which sets forth the regulations of th Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under group 3500 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this group 3500 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

(c) All findings forming the basis of the Secretary's intent to approve or disapprove Minerals Agreements under the Indian Mineral Development Act of 1982 (IMDA), 25 U.S.C. 2101 *et seq.*, as well as all projections, studies, data, or other information possessed by the Department of the Interior regarding the terms and conditions of Mineral Agreements made pursuant to IMDA, the financial return to the Indian parties thereto, or the extent, nature, value, or disposition of the Indian mineral resources or the production, products, or proceeds thereof, will be held by the Department of the Interior as privileged proprietary information of the affected Indian or Indian tribe as provided in IMDA.

PART 3510—PHOSPHATE

17. The authority citation for part 3510 is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C., 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Act of March 3, 1933, as amended (47 Stat. 1487); Sec. 10, Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

18. Section 3514.5 is added to read as follows:

§ 3514.5 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3520—SODIUM

19. The authority citation for part 3520 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C., 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Act of March 3, 1933, as amended (47 Stat. 1487); sec. 10 of the Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

20. Section 3524.5 is revised to read as follows:

§ 3524.5 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3530—POTASSIUM

21. The authority citation for part 3530 is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C., 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Act of March 3, 1933, as amended (47 Stat. 1487); sec. 10 of the Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

22. Section 3534.5 is revised to read as follows:

§ 3534.5 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3540—SULPHUR

23. The authority citation for part 3540 is revised to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Act of March 3, 1933, as amended (47 Stat. 1487); Sec. 10 of the Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

24. Section 3544.5 is revised to read as follows:

§ 3544.5 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3550—"GILSONITE" (INCLUDING ALL VEIN-TYPE SOLID HYDROCARBONS)

25. The authority citation for part 3550 continues to read as follows:

Authority: Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351-359); the Federal Land Policy and

Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

26. Section 3554.5 is revised to read as follows:

§ 3554.5 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3580—SPECIAL LEASING AREAS

27. The authority citation for part 3580 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933, as amended (47 Stat. 1487); Sec. 10, Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Freedom of Information Act (5 U.S.C. 552), and the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701).

28. Section 3585.5–9 is revised to read as follows:

§ 3585.5–9 Submission of data.

The licensee shall furnish to the authorized officer copies of all data obtained during exploration. All information submitted under this section is subject to part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records.

PART 3590—SOLID MINERALS (OTHER THAN COAL) EXPLORATION AND MINING OPERATIONS

29. The authority citation for part 3590 is revised to read as follows:

Authority: The Mineral Leasing Act, as amended and supplemented (30 U.S.C. 181 *et seq.*); the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359); the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); Reorganization Plan No. 3 of 1946 (5 U.S.C. Appendix); sec. 3 of the Act of September 1, 1949 (30 U.S.C. 192c); the Act of June 30, 1950 (16 U.S.C. 508(b); the Act of June 8, 1926 (30 U.S.C. 291–293); the Act of March 3, 1933, as amended (47 Stat. 1487); sec. 10 of the Act of Aug. 4, 1939 (43 U.S.C. 387); the Act of Oct. 8, 1964 (16 U.S.C. 460n *et seq.*); the Act of Nov. 8, 1965 (16 U.S.C. 460q *et seq.*); the Act of Oct. 2, 1968 (16 U.S.C. 90c *et seq.*); the Act of Oct. 27, 1972 (16 U.S.C. 460dd *et seq.*); the Alaska National Interest Lands Conservation Act, as amended (16 U.S.C. 460mm-2-460mm-4), the Independent Offices Appropriations Act of 1952 (31 U.S.C. 9701); the Combined Hydrocarbon Leasing Act of 1981 (95 Stat. 1070); the Act of May 27, 1908 (35 Stat. 315); the Act of March 3, 1909, as amended (25 U.S.C. 396); the Act of May 11, 1938, as amended (25 U.S.C. 396a–396q); the Freedom of Information Act (5 U.S.C. 552); and the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 *et seq.*).

§ 3590.1 [Removed]

30. Section 3590.1 is removed.

§ 3590.2 [Redesignated as § 3590.1]

31. Section 3590.2 is redesignated as § 3590.1.

PART 3600—MINERAL MATERIALS DISPOSAL: GENERAL

32. An authority citation for part 3600 is added to read as follows:

Authority: 30 U.S.C. 601 *et seq.*; 43 U.S.C. 1732, 1734; Sec. 2, Act of September 28, 1962 (76 Stat. 652); 31 U.S.C. 483a; 5 U.S.C. 552.

33. Section 3600.0–8 is added to read as follows:

§ 3600.0–8 Public availability of information.

(a) All data and information submitted under this Group 3600 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under Group 3600 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a resonable time thereafter, clearly mark mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this Group 3600 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

34. Section 3602.2 is amended by removing the fourth and fifth sentences of paragraph (a), and adding a sentence to read as follows:

§ 3602.2 Sampling and testing.

(a) * * * All information submitted under this section is subject to Part 2 of this title, which sets forth the rules of the Department of the Interior relating to public availability of information contained in Departmental records, as provided under this part at 3600.0–8.

* * * * *

PART 3800—MINING CLAIMS THE GENERAL MINING LAWS

35. The Authority Citation for part 3800 is revised to read as follows:

Authority: Act of April 25, 1812 (43 U.S.C. 2); Act of September 28, 1850 (43 U.S.C. 1201); Act of July 4, 1866 (30 U.S.C. 21); Lode Law of 1866 (30 U.S.C. 22 *et seq.*); Placer Act of 1870 (30 U.S.C. 36); General Mining Law of 1872, as amended (30 U.S.C. 21 *et seq.*); Stockraising Homestead Act (43 U.S.C. 299); Act of December 22, 1928 (43 U.S.C. 1068 *et seq.*); Act of April 23, 1932 (42 U.S.C. 154); Act of June 18, 1934 (25 U.S.C. 463); Act of July 16, 1946, Reorganization Plan No. 3 (43 U.S.C. 1457); Act of April 8, 1948 (62 Stat. 162); Alaska Public Sale Act of 1949 (43 U.S.C. 687b–687b–4); Act of July 23, 1955 (30 U.S.C. 621 *et seq.*); Wilderness Act 16 U.S.C. 1131–1136; Wild and Scenic Rivers Act (16 U.S.C. 1271–1287); Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a); Mining in the Parks Act of 1976 (16 U.S.C. 1901); Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*); National Materials and Minerals Policy, Research, and Development Act of 1980 (30 U.S.C. 1601); and Freedom of Information Act, 5 U.S.C. 552.

Subpart 3802—Exploration and Mining, Wilderness Review Program

36. Section 3802.6 is revised to read as follows:

§ 3602.6 Public availability of information.

(a) All data and information submitted under this Group 3800 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under Group 3800 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of

this title. Failure to mark data and information submitted under this Group 3800 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

Subpart 3809—Surface Management

37. Section 3809.5 is revised to read as follows:

§ 3809.5 Public availability of information.

(a) All data and information submitted under this Group 3800 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under Group 3800 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this Group 3800 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

PART 3860—MINERAL PATENT APPLICATIONS

38. The Authority Citation for part 3860 is revised to read as follows:

Authority: 30 U.S.C. 22 *et seq.*, 5 U.S.C. 552.

39. Section 3862.9 is added to read as follows:

§ 3862.9 Public availability of information.

(a) All data and information submitted under this Group 3800 are subject to part 2 of this title, which sets forth the regulations of the Department of the Interior relating to the public disclosure of data and information contained in Department of the Interior records.

(b) Parties submitting data and information under Group 3800 of this title that they believe to be exempt from disclosure shall, at the time of submission to the authorized officer, or within a reasonable time thereafter, clearly mark it "CONFIDENTIAL INFORMATION" and physically separate it from other portions of the submitted materials and mark each such page. Data and information so marked shall be kept confidential to the extent allowed by the regulations in part 2 of this title. Failure to mark data and information submitted under this Group 3800 in this manner may result in public disclosure to the full extent allowed under part 2 of this title without notice to the submitter, subject to the provisions of § 2.15(d)(4)(v) of this title.

Dated: March 26, 1991.

Jennifer A Salisbury

Assistant Secretary of the Interior

[FR Doc. 91-12728 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-84-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

Snapper-Grouper Fishery of the South Atlantic

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

ACTION: Notice of availability of an amendment to a fishery management plan and request for comments.

SUMMARY: NOAA issues notice that the South Atlantic Fishery Management Council has submitted Amendment 4 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic (FMP) for review by the Secretary of Commerce (Secretary) and is requesting comments from the public.

DATES: Comments will be accepted until July 22, 1991.

ADDRESSES: Comments should be mailed to Peter J. Eldridge, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

Copies of Amendment 4 and supporting documents may be obtained from the South Atlantic Fishery Management Council, Southpark Building, suite 306, 1 Southpark Circle, Charleston, SC 29407-4699, telephone 803-571-4366.

FOR FURTHER INFORMATION CONTACT: Peter J. Eldridge, 813-893-3161.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act (Magnuson Act), as amended, requires that a council-prepared fishery management plan or amendment be submitted to the Secretary for review and approval or disapproval. The Magnuson Act also requires that the Secretary, upon receiving the document, immediately publish a notice of its availability for public inspection and comment. The Secretary will consider public comment in determining approvability of the document.

Amendment 4 to the FMP proposes to: (1) Institute an annual permit and fee system to harvest fishes in the snapper-grouper management unit in excess of the proposed bag limits (there would be income requirements to qualify for a permit); (2) initiate a reporting and data collection system for participants in the fishery; (3) institute an abbreviated procedure for modifying certain management measures; (4) establish minimum size restrictions for many of the species in the management unit; (5) prohibit the harvest of Nassau grouper; (6) establish bag limits for many components of the management unit; (7) add three species, i.e., spadefish, lesser amberjack, and banded rudderfish, to the management unit; (8) require fish other than cored greater amberjack to be landed with head and fins intact; (9) institute spawning season closures for greater amberjack and mutton snapper; (10) prohibit the use of entanglement nets (gillnets, trammel nets, etc.) in a directed fishery for species in the snapper-grouper management unit; (11) prohibit bottom longlining for wreckfish in the exclusive economic zone (EEZ) of the south Atlantic; (12) require off-loading procedures for wreckfish; (13) prohibit the use of bottom longlines for other species in the management unit in the EEZ shoreward of the 50-fathom contour; (14) prohibit the use of powerheads/bang sticks for harvesting components of the snapper-grouper management unit within designated special management zones (SMZ) off South Carolina; (15) delete the Little River Artificial Reef SMZ from the management plan; (16) authorize the Regional Director, in consultation with the Council, to designate special research zones where fishing may either be prohibited or permitted on a controlled basis; and (17) prohibit the use of fish traps in the south Atlantic EEZ, except for black sea bass traps north of Cape Canaveral, FL, which would be regulated.

Proposed regulations for Amendment 4 are scheduled for publication within 15 days.

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

Dated: May 24, 1991.

David S. Crestin,

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

[FR Doc. 91-12866 Filed 5-28-91; 3:11 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 56, No. 105
Friday, May 31, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

May 24, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions fo the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new propoasls, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection: (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from : Department Clearance Officer, USDA, OIRM, room 404–W Admin. Bldg., Washington, DC 20250, (202) 447–2118.

Reinstatement

- Rural Electrification Administration. Request for Mail List Data—REA Borrowers. REA Form 87. Annually. Small businesses or organizations; 1,927 responses; 482 hours, Curtis L. Bryant (202) 382–8940.
- Farmers Home Administration. 7CFR 1945–D, Emergency Loan Policies, Procedures and Authorizations. FmHA 1940–38, 1945–15, 1945–22. On occasion. State or local government; farms; businesses or other for-profit; Small businesses or organizations; 25,340 responses; 14,738 hours. Jack Holston (202) 382–9736.
- Agricultural Stabilization and Conservation Service. 7 CFR part 760, Indemnity Payment Programs-Dairy Indemnity. Payment Program. ASCS–373 and CCC–314. Monthly. Farms; businesses or other for-profit; 960 responses; 280 hours. Clarence Domire (202) 447–7673.

New Collection

- Forest Service. Employment Interest Survey. R5–6100–135. On occasion. Individuals or households; Federal agencies or employees; 10,000 responses; 2500 hours. Floyd Thomas (415) 705–2924.

Donald E. Hulcher,
Deputy Departmental Clearance Officer.

[FR Doc. 91–12915 Filed 5–30–91; 8:45 am]
BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

[Docket No. 91-072]

Receipt of Permit Applications for Release into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that two applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, United States Department of Agriculture, 14th and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

FOR FURTHER INFORMATION CONTACT: Mary Petrie, Program Specialist, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S.

Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) in the United States, certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article..

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
91-107-06	Calgene, Incorporated	04-17-91	Cotton plants genetically engineered to express tolerance to the herbicide bromoxyl	Mississippi and South Carolina.
91-123-01, renewal of Permit 90-135-02, issued on 08-15-90.	Amoco Technology Company.	05-03-91	Tobacco plants genetically engineered to express an eukaryotic gene important for primary metabolism and an antibiotic resistance marker gene.	Kentucky.

Done in Washington DC, this 24th day of May 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-12914 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-34-M

[Docket 91-050]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that eight environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The assessments provide a basis for the conclusion that the field testing of these genetically engineered organisms will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on these findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

DATES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton Givens, Program Assistant, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write Mr.Clayton Givens at this same address. The documents should be requested under the permit numbers listed below.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the

environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing the permit applications, APHIS assessed the impact on the environment of releasing the organisms under the conditions described in the permit applications. APHIS concluded that the issuance of the permits listed below will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of the following permits to allow the field testing of genetically engineered organisms:

Permit No.	Applicant	Date issued	Organism	Field test location
90-297-01	Calgene, Inc.	03/06/91	Cotton plants genetically engineered to express both a delta-endotoxin protein from *Bacillus thuringiensis* which is toxic to the larvae of some lepidopteran insects, and an enzyme that confers tolerance to the herbicide bromoxynil; and cotton plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Mississippi.
90-303-02	Calgene, Inc.	03/06/91	Cotton plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Alabama, Arkansas, Arizona, California, Louisiana, Mississippi, Missouri, North Carolina, Tennessee, and Texas.
90-332-04	Dekalb Plant Genetics	03/06/91	Corn plants genetically engineered to contain the *bar* gene which confers tolerance to the herbicide bialaphos.	Illinois.
90-311-01	Frito-Lay, Inc.	03/12/91	Potato plants genetically engineered to express a metabolic enzyme.	Wisconsin.
90-332-02	Dakalb Plant Genetics	03/12/91	Corn plants genetically engineered to contain the *bar* gene which confers tolerance to the herbicide bialaphos.	Hawaii.
90-351-01	United States Department of Agriculture, Agricultural Research Service.	03/15/91	Walnut plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki*.	California.
90-365-01	University of California, Davis.	03/19/91	Tomato plants genetically engineered to contain a transposable element from corn.	California.
90-310-01	United States Department of Agriculture, Agricultural Research Service.	03/20/91	Potato plants genetically engineered to express a modified *Galleria mellonella* larval serum protein.	Idaho, Maine, Minnesota, and North Dakota.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384,

August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done in Washington, DC, this 24th day of May 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-12912 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-34-M

[Docket 91-055]

Availability of Environmental Assessments and Findings of No Significant Impact Relative to Issuance of Permits to Field Test Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that five environmental assessments and findings of no significant impact have been prepared by the Animal and Plant Health Inspection Service relative to the issuance of permits to allow the field testing of genetically engineered organisms. The assessments provide a basis for the conclusion that the field testing of these genetically engineered organisms will not present a risk of the introduction or dissemination of a plant pest and will not have a significant impact on the quality of the human environment. Based on these findings of no significant impact, the Animal and Plant Health Inspection Service has determined that environmental impact statements need not be prepared.

ADDRESSES: Copies of the environmental assessments and findings of no significant impact are available for public inspection at Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Clayton Givens, Program Assistant, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 844, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. For copies of the environmental assessments and findings of no significant impact, write Mr. Clayton Givens at this same address. The documents should be requested under the permit numbers listed below.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340 regulate the introduction (importation, interstate movement, and release into the environment) of genetically engineered organisms and products that are plant pests or that there is reason to believe are plant pests (regulated articles). A permit must be obtained before a regulated article can be introduced into the United States. The regulations set forth procedures for obtaining a limited permit for the importation or interstate movement of a regulated article and for obtaining a permit for the release into the environment of a regulated article. The Animal and Plant Health Inspection Service (APHIS) has stated that it would prepare an environmental assessment and, when necessary, an environmental impact statement before issuing a permit for the release into the environment of a regulated article (see 52 FR 22906).

In the course of reviewing permit applications, APHIS assessed the impact on the environment of releasing the organisms under the conditions described in the permit applications. APHIS concluded that the issuance of the permits listed below will not present a risk of plant pest introduction or dissemination and will not have a significant impact on the quality of the human environment.

The environmental assessments and findings of no significant impact, which are based on data submitted by the applicants as well as a review of other relevant literature, provide the public with documentation of APHIS' review and analysis of the environmental impacts associated with conducting the field tests.

Environmental assessments and findings of no significant impact have been prepared by APHIS relative to the issuance of the following permits to allow the field testing of genetically engineered organisms:

Permit No.	Applicant	Date issued	Organism	Field test location
90-333-01	Crop Genetics International.	04-02-91	*Clavibacter xyli* subsp. *cynodontis* genetically engineered to express the delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki*.	Maryland and Nebraska.
90-344-01	DNA Plant Technology Corporation.	04-02-91	Tobacco plants genetically engineered to express a chitinase gene for control of fungal plant pathogens.	California.
90-365-02 Renewal of Permit No. 90-088-01, Issued 07-11-90	Upjohn Company	04-02-91	Cantaloupe and squash plants genetically engineered to express the genes encoding the coat proteins of cucumber mosaic virus, papaya ringspot virus, watermelon mosaic virus 2, and zucchini yellow mosaic virus.	California, Georgia, and Michigan.
90-365-03 Renewal of Permit No. 90-088-02, Issued 07-06-90	Upjohn Company	04-02-91	Cantaloupe and squash plants genetically engineered to express the genes encoding the coat proteins of cucumber mosaic virus, papaya ringspot virus, watermelon mosaic virus 2, and zucchini yellow mosaic virus.	Georgia.
91-018-04	Monsanto Agricultural Company.	04-02-91	Cotton plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki*.	California and Mississippi.

The environmental assessments and findings of no significant impact have been prepared in accordance with: (1) The National Environmental Policy Act of 1969 (NEPA) 42 U.S.C. 4331 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1509), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979).

Done in Washington, DC., this 24th day of May 1991.

James W. Glosser,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 91-12913 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-34-M

Farmers Home Administration

Submission of Information Collection to OMB (Under Paperwork Reduction Act and 5 CFR Part 1320)

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: The information collection requirement described below has been submitted to OMB for expedited clearance under 5 CFR 1320.18. The agency solicits comments on subject submission. The action is necessary in order to comply with the Consolidated Farm and Rural Development Act.

ADDRESSES: Interested persons are invited to submit comments regarding this submission. Comments should refer to the proposal by name and should be sent to: Elizabeth Harker, USDA Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David R. Smith, Senior Loan Officer, Farmer Programs Loan Making Division, Farmers Home Administration, USDA, South Agriculture Building, room 5430, 14th and Independence Avenue, SW., Washington, DC 20250. Telephone (202) 382-1645.

SUPPLEMENTARY INFORMATION: The agency has submitted the proposal for collection of information as described below to OMB for clearance as required by the Paperwork Reduction Act (44 U.S.C. chapter 35). It is requested that OMB approve this submission within three days.

The supporting statement below explains the revision, and the need and justification for the revision, of subpart D of part 1945 of this chapter and form FmHA 1945-22.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507.

Supporting Statement, 7 CFR 1945-D, Emergency Loan Policies, Procedures and Authorizations

1. The Consolidated Farm and Rural Development Act, as amended, provides the statutory authority for the Insured Loan Programs set out in title 7 of the Code of Federal Regulations, chapter XVIII, part 1945, subpart D, and for requiring the use of forms FmHA 1945-22, 1940-38 and 1945-15. The Secretary of Agriculture is given broad discretion to impose such rules and regulations as the Secretary deems necessary to carry out the purposes of the enabling legislation (7 United States Code (U.S.C.) 1981). The Secretary is authorized to define the character, scope and frequency of information required to be collected. The information requested is needed to efficiently carry out the purpose of the enabling legislation in accordance with the policies established in the law. The Secretary has delegated this discretionary authority to the Administrator of the Farmers Home Administration (FmHA).

The reporting and recordkeeping requirements are generally no more stringent than required by lending institutions except that the law does require that FmHA verify compliance with the following policies:

a. The Agency must verify the ability of an applicant to obtain credit elsewhere without the benefit of FmHA assistance (7 U.S.C. 1922, 1941 and 1962).

b. The Agency must determine that funds are used only for those purposes authorized by law and prescribed by the Secretary (7 U.S.C. 1923, 1924 and 1963).

c. The Agency must determine sufficient repayment ability exists to certify that the applicant evidences the prospects of carrying on a successful farming operation (7 U.S.C. 1922, 1941, 1961 and 1983).

d. The Agency must determine that sufficient collateral is taken to protect the government's interest over loan terms consistent with the expectant life of the security taken, not to exceed the maximum terms prescribed by law (7 U.S.C. 1921, 1946 and 1964).

e. The Agency must determine the applicant is of good (financial) character and intends to continue farming. The use of an FmHA county committee certification that an applicant meets this criteria is required (7 U.S.C. 1982 and 1983).

f. The Agency must graduate its insured loan borrowers to other credit sources as soon as it is prudent to do so. (7 U.S.C. 1964 and 1983).

The reporting and recordkeeping requirements imposed on the public by regulations set out in 7 CFR part 1945, subpart D are necessary to administer the EM program in accordance with the statutory provisions summarized herein and consistent with commonly performed lending practices.

2. The Agency requires some of the information it collects to be reported in a standard manner. Although lending institutions generally require and collect information similar to that requested by FmHA, there is a wide diversity in reporting practices. The Agency requires some information to be reported on standard forms in order to facilitate an effective and efficient decision making process. The Agency does not impose standard reporting requirements on the format and detail of much of the information it requires such as cash flow statements, construction specifications, etc.

The Agency requires applicants for insured EM loans to present information about their past, present and projected production and financial history. The Agency also requires information about the extent of the damage caused by natural disaster conditions. The Agency uses this information to evaluate loan making or loan servicing proposals. The information is needed for FmHA to evaluate an applicant's eligibility and to determine if the operation is technically and economically feasible. The information is also needed to evaluate the market value and life expectancy of the security offered in support of the loan request. The Agency must determine whether the security offered is adequate to protect the government's interest before approving any loan request.

The Agency verifies the accuracy of the financial and security information through contact with lenders, employers and courthouse records. The Agency requires verification of the unavailability of private credit, with all assets pledged as security, prior to extending subsidized EM loan assistance. Proposals from cooperatives and corporations may require the pledge of individual security liability from the entity members prior to extending subsidized EM loan assistance.

The Agency solicits information about nonfarm income and practices. The Agency uses this information to evaluate whether such sources are essential to the success of the farming operation. Applicants must agree to sell any nonessential assets to reduce the amount of the proposed EM loan. When such assets cannot be sold prior to loan closing, the interest in such assets will be mortgaged to FmHA, and the borrower will enter into a written agreement to sell such assets within a specified period not to exceed one year from the date of loan closing. Proceeds from the sale of such assets will be applied on the borrower's FmHA loan(s). Applicants must also agree to return to private lending sources if the Agency determines they are able to return to such creditors. The Agency, therefore, requires that acceptable financial and production recordkeeping practices be maintained to enable proper evaluation and to facilitate a return to private lenders.

Compliance with local, state and federal laws is required and evidence of compliance with these laws may be required. Evidence of compliance with building codes, zoning ordinances, environmental standards governing

discharge and disposal of animal wastes, equal opportunity standards, historic preservation requirements, corporate registration requirements, historical preservation requirements, etc., may be required when warranted. Generally, evidence of compliance with local, state and federal laws is requested only if violations are suspected.

The Agency also collects some information for use in monitoring the program's effectiveness. Information about the characteristics of applicants and the planned use of loan funds is of particular concern to the Agency in evaluating the effectiveness of its programs.

The applicant normally has the required production and financial information readily available from existing farm recordkeeping sources. The Agency considers the information collected to be essential to make prudent loan making and servicing decisions.

Specifically, the burden to be cleared with this regulation is described as follows:

Reporting Requirements—Forms

Sections 1945.156(b)(1) and 1945.156(b)(2)—Form FmHA 1940-38—"Request for Lender's Verification of Loan Application"

This form is completed by the FmHA County Supervisor and the lender. It is used by County Office personnel to verify credit elsewhere and to determine the lender's willingness to consider making a loan with or without an FmHA guarantee.

The annual number of respondents is estimated to be 12,000 based on the annual number of applications. The number of applications has declined drastically in the last 5 years. (1985—21,392; 1990—5,586). This has been the direct result of the termination of FmHA's authorization to administer the major adjustment and annual production loans under the emergency loan authorization. In addition, the authorization for economic loans and emergency livestock loans has expired.

The number of annual respondents is directly related to the number of applications received annually. Consequently, the number of annual respondents has declined commensurate with the number of applications received. It is anticipated an average of 3 lenders will receive form FmHA 1940-38 for each application filed. With an average of 4,000 applications filed per year, there will be an estimated 12,000 responses. This is one-third of the responses received in 1986.

Section 1945.161(b)—Form FmHA 1945-11—"Certification of Disaster Losses"

This form is completed by the applicant and the County Supervisor. It is used by the County Office to obtain information from EM actual loss applicants pertaining to their claimed losses caused by disasters.

Current revisions to FmHA Instruction 1945-D allows farmers to now claim a physical or production loss on an individual crop, rather than only on entire enterprises. These revisions have resulted in changes to form FmHA 1945-22.

This form is being revised to delete the last sentence under the Applicant Certification section.

The Instructions to the Applicant are also being revised in items 4(5)(1) and (4)-(8), by substituting the word "Individual" for "All;" in items 4 (5) (2)-(3) by substituting the word "Individual" for "All cash;" and in items 4(5)(9)-(10) by substituting the word "Any" for "All." These changes are made to comply with the revisions to Instruction 1945-D mandated by the Secretary.

Additionally, the last sentence under item 4, Instructions to the Applicant, is revised to read, "Enter the enterprise in item (F)."

The annual number of respondents is estimated to be 4,000 based on the annual number of applications. The revisions in the matrix are directly related to the reduced application caseload. The estimated number of man-hours for applicants to complete the form is 1.0. The estimated total man-hours is 4,000.

Section 1945.175(c)(ii)—Form FmHA 1945-15—"Value Determination Worksheet"

This form is completed by the applicant and the FmHA official making the appraisal. It is used by FmHA supervisory personnel in appraising chattel property to serve as security for EM loans only.

The closing rate for EM loans is 33 percent. At a rate of 4,000 applications received annually, there will be an estimated 1,320 responses. The estimated number of man-hours for applicants to complete the form is .5.

Reporting Requirements—No Forms

Section 1945.173—Supplementary Material Required to Support an Application

This instruction is used by the applicant in determining compliance with environmental regulations.

The annual number of respondents is estimated to be 500 based on a percentage of annual number of applications. The estimated number of man-hours per response is estimated to be .25 and the estimated total man-hours is estimated to be 125.

Section 1945.169—Evidence of Applicant's Capacity to Meet FmHA's Security Requirements

This section of the instruction is used to determine that adequate and proper security is obtained and that all security instruments have been properly executed and recorded.

The annual number of respondents is estimated to be 2,500 based on the average number of loans made annually. The estimated number of man-hours per respondent is 1 with an estimated total man-hour figure of 2,500.

Section 1945.175(b)—Preparation of Monthly Budget to Schedule Disbursement of Fund Requirements

Instruction specifies that when all loan funds are not disbursed at loan closing, a monthly budget will be prepared showing the specific amount to be disbursed for each loan purpose for each month.

The annual number of respondents is estimated to be 200 based on a percent of the loans made annually. The estimated number of man-hours for applicants to complete the form is .25. The total estimated number of man-hours is 50.

Section 1945.156(b)(3)—Evidence of Compliance with the Agency's Use of Nonessential Asset Policies

This requirement is deleted from FmHA Instruction 1945-D, as directed by the Secretary. This Instruction is changed to require only that the borrower pledge all nonessential assets as security for the loan, rather than agree to sell all nonessential assets.

No paperwork burden is imposed on the public as a result of this requirement.

Section 1945.161(d)—Financial and Other Information Required of Cooperative, Corporation or Partnership Loan Applications

This section of the instruction requires evidence of a cooperative, corporation, partnership, or joint operation that it was operating as a cooperative, corporation, joint operation or partnership at the time the disaster loss occurred.

Estimated number of respondents is 400 based on a small percentage of applications received annually. The estimated total number of respondents is 400. The estimated number of man-hours per response is .5 with a total

estimated number of man-hours to be 200.

Section 1945.168(d)—Evidence of Compliance with Borrower Graduation Requirements

This section requires written evidence by lender and applicant to determine whether he/she is able to graduate to other sources of credit.

Estimated number of applicants responding is 4,000 based on number of loans made annually. The estimated number of man-hours per response is .25 with a total estimated number of man-hours to be 1,000. Estimated number of lenders responding is 400, 10 percent of the total borrowers. The estimated number of man-hours per lender is .5 with a total estimated number of man-hours to be 200.

Section 1945.173(d)—Evidence of Compliance with National Historic Preservation Act Requirements

Instruction dictates that if there is any evidence to indicate property to be financed has historical or archaeological value, certain provisions will apply.

Estimated number of respondents is only 20 based on a very small percentage of loans made annually. The estimated number of man-hours per response is .167. The estimated total number of man-hours is 3.00.

3. The information requested by the Agency primarily consists of gathering financial and production information and verifying its content. This process cannot be performed through computer exchange of information between the Agency and private lenders, employers, and other Federal agencies.

The Agency has not identified any legal obstacles to reducing reporting burdens associated with FmHA Instruction 1945-D.

4. In specific instances where assistance is made simultaneously with another agency or the Farm Credit System, it is possible to exchange information rather than require duplicative efforts on the part of the applicant. It is also possible to use existing financial information provided it is current. Due to the dynamic nature of an applicant's financial affairs the Agency must insist that decisions pertaining to loan making be made based upon accurate and up-to-date information.

5. Information which is comparable to that required by Agency regulations may usually be substituted in lieu of using Agency forms. The Agency also utilizes voice verification with private lending institutions and employers whenever possible to confirm the accuracy of information reported.

6. Methods to minimize the public reporting burden include the requirement that the applicant certify that the financial information is correct, rather than requiring an audited financial statement, allowing documentation of an entity's legal and/or financial status in the form of material already required by the State or the Internal Revenue Service (IRS) and the utilization of accurate and timely financial data already prepared for another agency or organization.

The Agency's reporting requirements for farming operations are sometimes considerably less than would be required by private lending institutions. The Agency's application forms, for example, solicit only eleven entries on last year's income and expenses. Many private lending institutions impose greater reporting detail in this area than does FmHA.

7. Collection of information on a reduced frequency would result in unsound loan making and/or loan servicing decisions. The Agency generally requires information to be reported only when proposals are submitted requiring a decision. The Agency also requires that borrowers be prepared to present financial and production information for annual review. Annual or more frequent reviews of year-end financial and production records are expected to be made on all new farm loans and on any loans evidencing serious problems. Reporting the disposition and use of the proceeds of FmHA security property is required for all farm loans. Reduced reporting requirements in these areas would undermine the integrity of the Agency and contribute to higher delinquencies and losses.

8. The information collection associated with this clearance action is consistent with the provisions of 7 CFR 1320.6. The public is not required to respond to any information requirement in less than 30 days. Information is not normally required to be reported more frequently than a quarterly basis. Monthly monitoring of cash flow schedules may be required for new borrowers or problem accounts. Information required does not exceed the goal of imposing no more than a maximum of one original and two copies of required information and the FmHA normally only requires the filing of an original copy of any required information.

9. The FmHA consults with its borrowers, representatives of private lending institutions, FmHA and other USDA employees, and representatives of the Farm Credit Administration on a frequent basis as a part of its coordinated assessment functions. The Agency also solicits public comments through responses to changes published in the **Federal Register**. The FmHA publishes all rule making actions impacting the public, including those actions imposing recordkeeping and reporting requirements in the **Federal Register**.

The public responses received indicate that the reporting and recordkeeping requirements associated with EM loan processing are not excessive or unduly time consuming to prepare.

(a) The following respondents have been contacted:

Farm Credit Service, Morgantown, West Virginia, Reed Judy, (304) 624–5551.

Production Credit Association, Opelousas, Louisiana, Kenneth Soileau, (318) 948–3062.

First National Bank of Lockney, Texas, Lockney, Texas, Darrel Dodds, (806) 652–3355.

(b) There were no major problems encountered.

(c) There have been no other public comments on the subject.

10. No assurances of confidentiality are provided to respondents.

11. No sensitive questions are requested.

12. The estimated cost to the Federal Government to collect this information is $418,085 which includes salaries, operational expenses, overhead and printing.

The estimated cost to the public is $191,249. This is based on 8,785 hours of burden for applicants, 6,200 hours of burden for lenders and 3 hours of burden for state and local governmental agencies. The following hourly rates were utilized in estimating the monetary expenses to the public:

Farmer respondents, $10.00/hour.

Lender respondents, 16.67/hour.

State and local government officials, 15.20/hour.

13. The attached chart provides the mathematical computations employed to arrive at the respondent's burden. Essentially, information was collected from individuals knowledgeable in emergency loan processing. Additionally, an evaluation of the time burden by respondents was assessed within the Agency by individuals directly involved with analyzing and processing respondent data. A mean man-hour response time was projected from this material and applied in the calculations.

Figures comprised to determine the actual number of respondents and forms estimated necessary are based on an actual average number of EM loan

application processing activity for Fiscal Years 1987, 1988 and 1989.

14. The difference in the amount from the previous clearance has a direct correlation in the number of applications received. The number of applications has declined drastically in the last 5 years. This has been the direct result of the termination of FmHA's authorization to administer the major adjustment and annual production loans under the EM loan authorization. In addition, the authorization for economic emergency loans and emergency livestock loans has expired. Additionally, activity in the EM program is based on natural disasters. Accurate forecasts of future disaster related losses are impossible to determine.

This is a reinstatement of a previously cleared data collection. The burden requested represents projected program activity for the next 3 years.

15. There are no plans to publish information from these reports for statistical purposes.

7 CFR PART 1945 SUBPART D—EMERGENCY LOAN POLICIES, PROCEDURES AND AUTHORIZATIONS

Sect. of Regulations	Title	Form No. (if any)	Estimated No. of respondents	Reports filed annually	Total annual responses (d) x (e)	Est. No. of man-hrs. per response	Est. total manhours (f) x (g)
(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
		Reporting Requirements—No Forms					
1945.173	Supplementary material required to support an application. (Information included evidence of compliance with environmental regulations, state and local laws and regulations governing obtaining options on land to be purchased, etc.).	Written Evidence	500	on occasion	500	.25	125
1945.169	Evidence of applicant's capacity to meet FmHA's security requirements.		2,500	on occasion	2,500	1	2,500
1945.175(b)	Preparation of a monthly budget to schedule disbursement of fund requirements.		200	on occasion	200	.25	50
1945.156(b)(1) and 1945.156(b)(2).	Request for Lender's Verification of Loan Application.	1940-38	12,000	on occasion	12,000	.5	6,000
1945.161(b)	Certification of Disaster Losses	1945-22	4,000	on occasion	4,000	1.0	4,000
1945.175(c)(ii)	Value Determination Worksheet	1945-15	1,320	on occasion	1,320	.5	660
1945.161(d)	Financial and other information required of cooperative, corporation or partnership loan applications.	Written Evidence	400	on occasion	400	.5	200
1945.168(d)	Evidence of compliance with borrowers graduation requirements.	Written Evidence	4,000	on occasion	4,000	.25	1,000
		(Applicant)	400	on occasion	400	.5	200
		(Lender)					
1945.173(d)	Evidence of compliance with National Historic Preservation Act Requirements.	Written Evidence	20	on occasion	20	.167	3
Docket totals				25,340			14,738

BILLING CODE 3410-07-M

Form FmHA 1945-22
(Rev. 5-91)

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

FORM APPROVED
OMB NO. 0575-0090
APPROVAL EXPIRES 5/94

COUNTY
DISASTER NO.

CERTIFICATION OF DISASTER LOSSES

A. APPLICANT'S NAME: *(First)* *(Middle)* *(Last)*

B. COMPLETE ADDRESS: *(Include Zip Code)*

C. DATE AND NATURE OF DISASTER:

D. CROP PRODUCTION FOR THE DISASTER YEAR AND THE 5 PRECEDING YEARS:

CROPS List total acres and yields per acre of all crops (Cash, Feed and Pasture).	UNITS *(tons, bush, lbs.)*	DISASTER YEAR		19		19		19		19		19		(For FmHA Use Only)
		Acres	Yield per Acre	Acres	Yield per Acre	Acres	Yield per Acre	Acres	Yield per Acre	Acres	Yield per Acre	Acres	Yield per Acre	
1. CASH CROPS														
2. FEED CROPS														
3. OTHER (list)														

SOURCE(S) FROM WHICH YIELD AND ACREAGE RECORDS WERE OBTAINED: 1☐ Own records 2☐ ASCS Proven 3☐ ASCS Established 4☐ Co. Average 5☐ Other (list)

E. LIVESTOCK AND LIVESTOCK PRODUCTS PRODUCTION FOR THE DISASTER YEAR AND THE 5 PRECEDING YEARS:

ALL TYPES OF LIVESTOCK ENTERPRISES	UNITS *(head, doz. cwt. lbs.)*	DISASTER YEAR		19		19		19		19		19		(For FmHA Use Only)
		Number head	Production per head	Number head	Production per head	Number head	Production per head	Number head	Production per head	Number head	Production per head	Number head	Production per head	

SOURCE(S) FROM WHICH PRODUCTION AND NUMBERS OF UNITS WERE OBTAINED: 1☐ Own records 2☐ ASCS Proven 3☐ ASCS Established 4☐ Co. Average 5☐ Other (list)

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, Room 404-W, Washington, D.C. 20250; and to the Office of Management and Budget, Paperwork Reduction Project (OMB No. 0575-0090), Washington, D.C.20503. Please DO NOT RETURN this form to either of these addresses. Forward to FmHA only.

position 3

F. APPLICANT'S IDENTIFICATION OF A SINGLE ENTERPRISE SUFFERING GREATEST DISASTER LOSSES:

The single farming enterprise which is _____ does normally generate sufficient income to be considered essential to the success of my total farming operation.

G. APPLICANT'S IDENTIFICATION OF CROP YEAR TO BE ELIMINATED IN CALCULATION OF NORMAL YEAR'S PRODUCTION: Eliminate 19____ in the calculation of my normal year's production.

H. PHYSICAL LOSSES OR DAMAGES TO PROPERTY: Describe below the kind and estimated dollar value of damages and losses to property other than growing crops and producing livestock.

1. Dwelling(s): _____

_____ Estimated dollar value of losses = $_____

2. Household Furnishings, Equipment and Personal Effects _____

_____ Estimated dollar value of losses = $_____

3. Farm Buildings *(Specify type)*: _____

_____ Estimated dollar value of losses = $_____

4. Farm Machinery and Equipment *(Specify make, model and year)*: _____

_____ Estimated dollar value of losses = $_____

5. Supplies, Harvested or Stored Crops and Livestock Products: _____

_____ Estimated dollar value of losses = $_____

6. Livestock and Poultry *(Specify type and number)*: _____

_____ Estimated dollar value of losses = $_____

7. Aquatic Organisms *(Specify type and number)*: _____

_____ Estimated dollar value of losses = $_____

8. Perennial Crops *(Specify type and number)*: _____

_____ Estimated dollar value of losses = $_____

9. Other Farm Property, e.g., Fences, Land Damage, Debris Removal: _____

_____ Estimated dollar value of losses = $_____

10. **TOTAL PHYSICAL LOSSES** ..... $_____

I. REMARKS: _____

J. INSURANCE AND OTHER COMPENSATION: Itemize in detail all insurance claims and settlements, and all other compensation, e.g., ASCS disaster program payments and benefits, and FCIC settlements, received or to be received for losses incurred by the disaster.

SOURCE	CROP OR PROPERTY	DOLLAR AMOUNT
		$
Total Compensation		$

K. ASCS FARM NUMBER(S): List the ASCS farm number, county where farm is located, name of farm operator as reflected by ASCS records, and the percentage of ownership you have in the crops producted on each farm.

ASCS Farm Number	County Farm is Located	Name of Farm Operator as Reflected by ASCS Records	Operator's Share of Crops	For FmHA use only

APPLICANT CERTIFICATION: It is understood that the information shown herein and on attached sheets will be used to determine my emergency loan eligibility and I certify, subject to penalties provided by law, including any civil and criminal fraud penalties, that such information is true, correct and complete to the best of my knowledge and belief and can be supported with documented records.

(Date) *(Signature of Applicant)*

(APPLICANT MAY SUPPLEMENT THE ABOVE INFORMATION, IF NECESSARY, BY ATTACHING ADDITIONAL SHEETS)

INSTRUCTIONS TO THE APPLICANT

1. Please complete all spaces with the information requested or with an N/A where not applicable, except those spaces designated "For FmHA Use Only".

2. The information provided by you on this form and any supplements thereto will serve as the basis for determining your EM actual loss loan eligibility and the maximum amount of actual loss loan for which you may qualify. It is, therefore, of particular importance that the information you provide is accurate, and that the information can be supported with your own or other reliable actual farm records, e.g., accounting systems printouts, ASCS actual production history, ASCS established yields, etc.. You should check the appropriate blocks to indicate from which source(s) your records can be verified.

3. The exact date(s) and nature of the disaster, item C of form, causing the loss and/or damage must be accurately identified as it will determine whether they can be considered under the particular declared/designated/authorized disaster.

4. When your application is processed, your normal year's production will be calculated for all commodities constituting the disaster years operation. The order of priority of production records that will be used is as follows:
   (1) Your own accurate and verifiable records.
   (2) ASCS records of your established yields for all acres of each crop grown in the disaster year.
   (3) County average yields established in accordance with FmHA regulations.
   (4) When one source of records is not available for the full 5 years preceding the disaster year, combinations of record sources (1) (2) and (3) as set forth above will be used.
   (5) When the production loss is on land being developed, the FmHA State Director will establish normal year's production.

   In determining whether you sustained a qualifying loss, your individual crops and types of livestock produced in the disaster year are grouped into single enterprises as follows:
   (1) Individual cash crops, i.e., wheat is an individual crop, corn is an individual crop, soybeans is an individual crop, etc.
   (2) Individual vegetable crops, i.e., carrots is an individual crop, tomatoes is an individual crop, radishes is an individual crop, etc.
   (3) Individual fruit crops, i.e., apples is an individual crop, oranges is an individual crop, grapefruit is an individual crop, etc.
   (4) Individual nut crops, i.e., walnuts is an individual crop, almonds is an individual crop, pecans is an individual crop, etc.
   (5) Individual feed crops, i.e., alfalfa is an individual feed crop, corn is an individual feed crop when fed to an applicant's own livestock, etc. A livestock enterprise must be a basic part of the farming operation in order for the feed crops to be considered as a basic enterprise in determining eligibility based on production losses to feed crops.
   (6) Individual beef cattle operations;
   (7) Individual dairy cattle operations;
   (8) Individual hog/swine operations;
   (9) Individual poultry operations;
   (10) Any aquaculture operation; and
   (11) Any other operations (i.e., trees grown for timber, etc.).

   A single enterprise which is considered to be a basic part of the total farming operation is one which normally generates sufficient income to be considered essential to the success of the farming operation. This enterprise will be used in determining your eligibility for EM loan assistance. Enter the enterprise in item (F).

5. Your estimates for physical losses should be itemized in the appropriate categories with sufficient detail to enable ready identification of the loss or damage. The dollar value of physical losses will be established by determining the market value at the time of the disaster for property destroyed, or the cost of repair for property damaged, based on written estimates for reputable vendors.

6. All compensation you have received or expect to receive for losses or damages reported on this form will be itemized in detail as provided for in item J. FmHA officials will verify all acknowledged sources of compensation.

7. FmHA will verify all information provided on this form with FCIC and ASCS.

8. You should thoroughly understand the implications of the certification to which you are attesting at the end of this form. If you have any questions or are in need of clarification, contact your FmHA County Office.

BILLING CODE 3410-07-C

7 CFR Part 1945, Subpart D

Dated: May 24, 1991.

La Verne Ausman,

Administrator, Farmers Home Administration.

[FR Doc. 91-12864 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-07-M

Forest Service

Environmental Impact Statement for the Amendment of the Chugach Land and Resource Management Plan, Prince William Sound Management Areas: Chugach National Forest, AK

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The Forest Service will prepare an Environmental Impact Statement to amend the Chugach Land and Resource Management Plan (or "Forest Plan") of 1984, as amended. This amendment will be done under the provisions of the National Forest Management Act of 1976 and its implementing regulations. It will respond to the management challenges and opportunities created by the Exxon Valdez oil spill in Prince William Sound for the management of the Chugach National Forest. The amendment is intended to provide the Forest Service with additional guidance for the design and execution of projects aimed at restoration of the area. It will focus on management of the ecosystems of Prince William Sound and related areas. In so far as possible, the Forest Service intends to develop the amendment through a cooperative effort that will involve all the land managers in the area. The Forest Service will invite the active participation and cooperation of other Federal agencies, the State of Alaska, private landowners in the Sound, and interest groups and individuals.

DATES: Initial comments concerning the proposed amendment of the management direction for Prince William Sound provided by the Forest Plan should be received by August 2, 1991.

ADDRESSES: Send written comments to Bruce Van Zee, Forest Supervisor, Chugach National Forest, 201 E. Ninth Avenue, Anchorage, Alaska, 99501.

FOR FURTHER INFORMATION CONTACT: Bruce Van Zee, Forest Suprvisor (907) 271-2500.

SUPPLEMENTARY INFORMATION:

A. Introduction

Prince William Sound lies at the heart of the Chugach National Forest. Its several million acres of land and water include fiords, islands, inlets, high mountains, magnificent scenery, and large and varied populations of fish and wildlife. It is approximately 15 times larger than San Francisco Bay, and contains the northernmost large, generally ice free port in North America: The Alsaka Pipeline terminal at Valdez.

On March 24, 1989, the oil tanker T/V Exxon Valdez went aground on Bligh Reef and spilled approximately 11 million gallons of crude oil, the largest oil spill in United States history. The oil spread through Prince William Sound, the western Gulf of Alaska, and lower Cook Inlet. More than 1,200 miles of coastline were oiled, including parts of the Chugach National Forest.

Following the initial response to the oil spill, the Federal Government and the State of Alaska began an intensive program of scientific studies to determine the extent of the injuries to the natural resources of the Sound and related areas. The full extent of the injuries will not be known until the studies are completed, but a preliminary report was filed with the Federal court overseeing the proposed settlement agreement between Exxon, the Federal Government, and the State of Alaska. The preliminary report summarizes what is known so far about injuries to fish, wildlife, marine mannals, coastal habitats, subtidal habitats, and archeological and subsistence resources.

Planning for restoration of the area has also begun. The general intent of restoration is to restore injured resources to their pre-spill conditions. Restoration activities may include fish and wildlife habitat projects, work at archaeological sites, restoring or improving traditional subsistence resources, and restoring or improving scenic and recreation values. Restoration activities may also involve careful monitoring of natural recovery processes, replacement of injured resources, and the acquisition of equivalent resources (such as the purchase of similar habitat in another location). Resortation will require close coordination and cooperation among the Federal and State resource managers involved.

B. Need for the Amendment

The existing Land and Resource Management Plan for the Chugach, which was adopted in 1984 and amended in 1986, emphasizes the ecological and recreational values of Prince William Sound and related areas. It establishes objectives for maintenance and improvement of fish and wildlife, dispersed recreation, marine recreation, and landscape character. It also recommends establishment of a 1.7 million acre wilderness in the Nellie Juan and College Fiord areas.

The Forest Service believe that the existing plan is still valid, but needs to be changed to respond to the challenges and opportunities created by the Exxon Valdez oil spill. There are some activities that are permitted by the plan, such as timber haresting, that may no longer be appropriate on the National Forest land in the area. More importantly, the plan needs to be amended to provide more explicit guidance for the planning and execution of restoration activities.

The oil spill affected an entire ecosystem, not just the National Forest land in Prince William Sound. Effective restoration must consider the ecosystem as a whole: It must recognize that the needs of fish, wildlife, and marine mammals may be met in different places at different points in their life cycles, and that these places may fall under the jurisdiction of different land and resource managers. It must recognize that effective recreational use of any particular site in the Sound may depend upon environmental conditions and the level of development on land in other ownerships in the Sound. It must also recognize that the visual quality of the landscapes of the Sound is affected by the management decisions of all the land owners and land managers in the area.

The Forest Service believes that an ecosystem approach to this plan amendment will help to identify those parts of the existing plan that need to be changed. It will also provide a basis for the establishment of restoration objectives for the Forest Service.

C. Planning Process

The National Forest Management Act of 1976 provides the framework for development of Forest Plans and amendments to Forest Plans. The process described in this act, as well as the implementing regulations at 36 CFR 219, will be followed in making any changes to the Chugach Forest Plan.

D. Cooperative Planning

The Forest Service will propose that planning for the future of Prince William Sound and related areas be done as a cooperative effort among all the major land owners and land managers that are affected: the Federal Government, the State of Alaska, Alaska Native

corporations, and private parties. The Forest Service believes that a joint effort using a common data base offers a promising opportunity to use ecosystem concepts in planning.

A joint planning effort could lead to a joint management of the area. Under this concept, the area would be managed cooperatively by the land owners and land managers of the Sound. A formal agreement between the parties would set forth goals, objectives, roles, and responsibilities. Alternately, a joint planning effort could simply provide the information that each of the land owners and land managers would need in order to amend their own plans for the areas they administer. Either result is likely to yield a higher level of integration in management of the Sound, and more explicit recognition of the ecosystems involved, than the current planning and management practices.

The Forest Service will explore both of these concepts with the affected parties during the early stages of the amendment process.

E. Scoping and Issue Development

With publication of this notice of intent, the Forest Service is beginning a process intended to identify those issues that need to be addressed in preparing the amendment to the Chugach Forest Plan. Under the National Environmental Policy Act, this process is called "scoping." The results of the scoping process, along with information about how the management situation in Prince William Sound has been changed because of the oil spill, will form the basis for a "need for change" determination to guide the amendment process. The Forest Service will prepare a schedule of the activities that will take place during the scoping process. Meanwhile, the Forest Service invites public comment on the issues to be addressed and the plan amendment process to be followed.

F. Expected Time for Completion

A Draft Environmental Impact Statement is projected for issuance in July, 1992 and a Final Environmental Impact Statement is projected for November, 1992.

The responsible official for the amendment is Bruce Van Zee, Forest Supervisor, Chugach National Forest. The responsible official will consider comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposed amendment. The responsible official will document the decision and rationale in a Record of Decision.

G. Comments

The comment period on the draft environmental impact statement will be 60 days from the date the Environmental Protection Agency's notice of availability appears in the **Federal Register.** It is very important that those interested in this proposed action participate at this time. To be the most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and concerns. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel, Harris,* (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Dated: May 23, 1991.

Bruce Van Zee,

Forest Supervisor.

[FR Doc. 91-12921 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Environmental Statements; Availability, etc.; Memphis-Noxubee Watershed, Alabama

AGENCY: Soil Conservation Service–USDA.

ACTION: Notice of a finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Memphis-Noxubee Watershed, Pickens and Sumter Counties, Alabama.

FOR FURTHER INFORMATION CONTACT: Ernest V. Todd, State Conservationist, Soil Conservation Service, 665 Opelika Road, Auburn, Alabama 36830, Telephone (205) 821-8070.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Ernest V. Todd, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for watershed protection to control onsite and offsite damages caused as a result of excess erosion and sediment.

The planned works of improvement include the installation of water disposal systems, stripcropping, and/or buffer strips on 10,500 acres. An additional 4,250 acres will be treated through landowner initiative and Food Security Act compliance.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during the environmental assessment are on file and may be reviewed by contacting Ernest V. Todd.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register.**

(This activity is listed in the Catalog of Federal Domestic Assistance under No. 10.904—Watershed Protection and Flood Prevention—and is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials.)

Dated: May 17, 1991.

Ernest V. Todd,

State Conservationist.

[FR Doc. 91-12804 Filed 5-30-91; 8:45 am]

BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Monthly Retail Inventory Survey.

Form Number(s): B-175(87).

Agency Approval Number: 0607-0078.

Type of Request: Revision of a currently approved collection.

Burden: 4,524 hours.

Number of Respondents: 9,970.

Avg Hours Per Response: 6 minutes.

Needs and Uses: The Bureau of the Census uses the Monthly Retail Inventory Survey (RIS) to collect monthly data on estimated end-of-month inventories, method of inventory valuation, and stock/sales ratios from a sample of retail establishments contained in the Bureau's Standard Statistical Establishment List. The Bureau of Economic Analysis incorporates RIS data in its calculations of the Gross National Product. Other government agencies and businesses use the published estimates to gauge current trends in the economy and as a tool for market analysis.

Affected Public: Businesses or other for-profit organizations, Small businesses or organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Marshall Mills, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 31, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-12873 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-07-F

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: Current Retail Sales and Inventory Surveys.

Form Number(s): B-101(92), 102, 103, 111, 112, 113, 114.

Agency Approval Number: None.

Type of Request: New collection.

Burden: 33,063 hours.

Number of Respondents: 27,675.

Avg Hours Per Response: 15 minutes.

Needs and Uses: The Monthly Retail Trade Survey (OMB number 0607-0187) provides estimates of monthly sales of retail stores in the United States while the Monthly Retail Inventory Survey (OMB number 0607-0078) provides estimates of the value of end-of-month merchandise inventories. Currently, data for both surveys are collected independently. Starting in 1992 retail establishments will be asked to fill out one combined form which will provide data for both surveys. Testing of respondents has shown that they prefer the new reporting format. The combination will also result in a savings of time and money for both the government and respondents. We plan to use both the old and new forms for a four-month period to monitor the quality of data collected using the new format. Where overlaps occur in the sample, those respondents will receive only the new form. The current forms will be phased out by mid 1992 and replaced with the combined format. The sales and inventory data collected using the combined format will continue to be tabulated separately.

Affected Public: Businesses or other for-profit organizations, Small businesses or organizations.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Marshall Mills, 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Clearance Officer, (202) 377-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Marshall Mills, OMB Desk Officer, room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 31, 1991.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 91-12872 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-07-F

National Oceanic and Atmospheric Administration

Coastal Zone Management, Federal Consistency Appeal by the Yeamans Hall Club from an Objection by the State of South Carolina

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of appeal and request for comments.

On September 25, 1990, the Secretary of Commerce (Secretary) received a notice of appeal from the Yeamans Hall Club (Appellant). The Appellant is appealing to the Secretary under section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA) and the Department's implementing regulations, 15 CFR part 930, subpart H. The appeal is taken from an objection by the State of South Carolina (State) to the Appellant's consistency certification that its proposal to fill 0.23 acres of wetlands for the purpose of constructing a dam in connection with the creation of a lake, for which a U.S. Army Corps of Engineers' permit must be obtained, is consistent with the State's coastal zone management program. The State has alleged that the construction of the dam would result in the flooding of an additional 2.5 acres of wetlands.

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 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. 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.

Public comments are invited on the findings that the Secretary must make as set forth in the regulations at 15 CFR 930.121. Comments are due within 30 days of the publication of this notice and should be sent to Glenn E. Tallia, 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 Mr. H. Stephen Snyder, Director of Planning and Certification, South Carolina Coastal Council, 4130 Faber Place, suite 300, Charleston, South Carolina 29405.

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: Glenn E. Tallia, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, 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: May 23, 1991.

Thomas A. Campbell,

General Counsel.

[FR Doc. 91-12896 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-08

Gulf of Mexico Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The Gulf of Mexico Fishery Management Council's Ad Hoc Limited Entry Committee will hold a public meeting on June 4 and 5, 1991, at the Ramada Airport Hotel and Conference Center, 5303 West Kennedy Boulevard, Tampa, FL. The meeting will begin on June 4 at 1 p.m., and continue until 5 p.m., and will reconvene on June 5, at 8 a.m., and adjourn at 4 p.m.

The Council will: discuss the development of an Individual Transferable Quota System (ITQ) by the National Marine Fisheries Service Supported Economic Task Team, review and revise an Options Paper, and discuss a Control Date notice.

For more information contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, FL; telephone: (813) 228-2815.

Dated: May 24, 1991.

David S. Crestin,

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

[FR Doc. 91-12837 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-22-M

National Oceanic and Atmospheric Administration, National Marine Fisheries Service

Marine Fisheries Advisory Committee; Public Meeting

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

TIME AND DATE: Meeting will convene at 8 a.m., June 18, 1991, and adjourn at 3:30 p.m., June 19, 1991.

PLACE: The Marriott Residence Inn, 800 Fairview Avenue North, Seattle, Washington.

STATUS: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. app. (1982), notice is hereby given of a meeting of the Marine Fisheries Advisory Committee (MAFAC). MAFAC was established by the Secretary of Commerce on February 17, 1971, to advise the Secretary on all living marine resource matters which are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meets the needs of commercial and recreational fishermen, environmental, state, consumer, academic, and other national interests.

MATTERS TO BE CONSIDERED: June 18, 1991, 8 a.m.-5:30 p.m., (1) habitat, (2) marine mammals, (3) endangered species (salmon), and (4) west coast observer program.

June 19, 1991, 8 a.m.-3:30 p.m. (1) west coast gillnets, (2) conservation engineer/bycatch, and (3) NMFS strategic planning and budget.

FOR FURTHER INFORMATION CONTACT: Ann Smith, Executive Secretary, Marine Fisheries Advisory Committee, Policy and Coordination Office, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910. Telephone (301) 427-2259.

Dated: May 24, 1991.

Samuel W. McKeen,

Program Management Officer, National Marine Fisheries Service NOAA.

[FR Doc. 91-12893 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-01-M

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

The North Pacific Fishery Management Council's Ad Hoc Bycatch Committee and Data Committee will hold public meetings. The Bycatch Committee will meet June 3-14, 1991, beginning on June 3 at 10 a.m., at the Alaska Fisheries Science Center, 7600 Sand Point Way NE., room 2079, Building 4, Seattle, WA. The Committee will review the bycatch management alternatives for all Council-managed fisheries, except salmon.

The Council's Data Committee will meet June 5-6, 1991, beginning June 5 at 8 a.m. (at the same location mentioned above.) The Committee will review the Council's proposed user-fee system for funding its domestic observer plan.

For more information contact Brent Paine or Steve Davis, North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510; telephone (907) 271-2809.

Dated: May 24, 1991.

David S. Crestin,

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

[FR Doc. 91-12836 Filed 5-30-91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM 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 and a service to be furnished by nonprofit agencies employing the blind or other

severely handicapped.

EFFECTIVE DATE: July 1, 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 March 1, 22 and April 5, 1991, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (56 FR 8749/50, 12192/930 and 14089/90) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to produce the commodities and provide the service at a fair market price and impact of the addition on the current or most recent contractors, the Committee has determined that the commodities and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c and 41 CFR 51-2.6.

I certify that the following actions will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

a. The actions will not result in any additional reporting, recordkeeping or other compliance requirements.

b. The actions will not have a serious economic impact on any contractors for the commodities and service listed.

c. The actions will result in authorizing small entities to produce the commodities and provide the service procured by the Government.

Accordingly, the following commodities and service are hereby added to the Procurement List:

Commodities

Clamp, Loop
5340-00-103-2976
Gown, Operating, Surgical
6532-00-083-6534
6532-00-083-6535

Service

Commissary Shelf Stocking and Custodial
Defense General Supply Center
Richmond, Virginia

This action does not affect contracts awarded prior to the effective date of this addition or options exercised under those contracts.

E.R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 91-12940 Filed 5-30-91; 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 and service to be furnished by nonprofit agencies employing the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 1, 1991.

ADDRESS: 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 service listed below from nonprofit agencies employing the blind or other severly handicapped.

It is proposed to add the following commodities and service to the Procurement List:

Commodities

Roll, Tools and Accessories
5140-00-106-5671
Ion-Exchange Compound
6810-00-873-2554
Air Freshener, Deodorant, General Purpose
6840-00-932-4692
Microfiche, Federal Register
7670-00-NSH-0002
Button, Insignia
8455-00-530-3700

Service

Janitorial/Custodial
Fort Worth Federal Center
Fort Worth, Texas
For the following locations;
Warehouse #1—Section A-L
Warehouse #3—Bin Area A-F
Warehouse #8 thru #12—Office and Rest Rooms
Warehouse #14—Rest Rooms
Warehouse #23
Warehouse #24
Warehouse #50

E.R. Alley, Jr.,
Deputy Executive Director.

[FR Doc. 91-12941 Filed 5-30-91; 8:45 am]

BILLING CODE 6820-33-M

CONSUMER PRODUCT SAFETY COMMISSION

Privacy Act of 1974; Deletions of Systems of Records

AGENCY: Consumer Product Safety Commission.

ACTION: Announcement of Deletions of Systems of Records.

SUMMARY: The Commission is deleting record systems CPSC-8 and CPSC-10 from its published Privacy Act systems of records.

EFFECTIVE DATE: May 31, 1991.

ADDRESSES: Comments should be sent to the Secretary, Consumer Product Safety Commission, Washington, DC 20207.

FOR FURTHER INFORMATION CONTACT: Joseph F. Rosenthal, Office of the General Counsel, Consumer Product Safety Commission, Washington, DC 20207. Telephone (301) 492-6980.

SUPPLEMENTARY INFORMATION: The Consumer Product Safety Commission has previously published notice of a system of records entitled "Employee Executive Development Records—CPSC-8" and of a system of records entitled "Employee Merit Promotion Program Files—CPSC-10." The record system described in CPSC-8 is no longer maintained by the Commission, although some of the data from that system is in other Privacy Act systems published by the Commission. The files described in CPSC-10 are maintained, but they are no longer indexed or retrieved by an individual's name or other unique identifier. Thus, CPSC-10 is no longer a system of records as defined by the Privacy Act.

Accordingly, CPSC-8 and CPSC-10 are removed and reserved.

Dated: May 23, 1991.

Sadye E. Dunn,
Secretary, Consumer Product Safety Commission.

[FR Doc. 91-12753 Filed 5-30-91; 8:45 am]

BILLING CODE 6335-1-M

DEPARTMENT OF DEFENSE

General Services Administration

National Aeronautics and Space Administration

[FAR Case 91-25]

OMB Clearance Request for Certification of Commercial Pricing

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Request for revision to OMB Control 9000-0105.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve a revision of a currently approved information collection requirement concerning Certification of Commercial Pricing.

DATES: Notice of intent to comment should be submitted to OMB on or before July 1, 1991.

ADDRESSES: Send comments to Ms. Maya Bernstein, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy Olson, Office of Federal Acquisition Policy (202) 501-3221.

SUPPLEMENTARY INFORMATION:

A. Purpose

This clearance covers the revised reporting requirements as required by 41 U.S.C. 253e on Certification of Commercial Pricing. The clauses at FAR 52.215-32 and 52.215-35 require that offerors/contractors certify to the best of their knowledge and belief that prices offered for certain spare or repair parts that the contractor offers for sale to the public are no higher than the lowest commercial sales price at which such parts were sold during the most recent regular monthly, quarterly, or other period for which sales data are reasonably available; provided, that in no event shall this period be less than 30 days in duration. All items for which prices offered are higher than the lowest commercial sales price discussed above must be identified and a written justification for the difference supplied. This interim rule retains requirements for acquisitions involving major systems for civilian agencies and eliminates requirements for acquisition of parts and components under DOD, NASA, and Coast Guard contracts.

B. Annual Reporting Burden

The annual reporting burden is estimated as follows: Respondents, 303; responses per respondent, 1; total annual responses, 303; preparation hours per response, 120; and total response burden hours, 36,360.

C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows: Recordkeepers, 303; hours per recordkeeper, 160; and total recordkeeping burden hours, 48,480.

Obtaining Copies of Proposals: Requester may obtain copies from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0105, Certification for Commercial Pricing, in all correspondence.

Dated: May 22, 1991.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 91-12805 Filed 5-30-91; 8:45 am]

BILLING CODE 6820-JC-M

Office of the Secretary of Defense

DOD Advisory Group on Electron Devices; Notice of Advisory Committee Meeting

SUMMARY: Working Group C (Mainly Opto-Electronics) of the DoD Advisory Group on Electron Devices (AGED) announces a closed session meeting.

DATES: The meeting will be held at 0900, Tuesday and Wednesday, June 25 and 26, 1991.

ADDRESSES: The meeting will be held at the Palisades Institute for Research Services, Inc., 2011 Crystal Drive, One Crystal Park, suite 307, Arlington, Virginia 22202.

FOR FURTHER INFORMATION CONTACT: Gerald Weiss, AGED Secretariat, 2011 Crystal Drive, suite 307, Arlington, Virginia 22202.

SUPPLEMENTARY INFORMATION: The mission of the Advisory Group is to provide the Under Secretary of Defense for Acquisition, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This opto-electronic device area includes such programs as imaging device, infrared detectors and lasers. The review will include details of classified defense programs throughout.

In accordance with section 10(d) of Public Law No. 92-463, as amended, (5 U.S.C. App. II 10(d) (1988)), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1988), and that accordingly, this meeting will be closed to the public.

Dated: May 24, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91-12829 Filed 5-30-91; 8:45 am]

BILLING CODE 3810-01-M

Department of the Army

Availability of a Final Environmental Impact Statement for the Fort Douglas, Utah, Base Closure

AGENCY: DOD, U.S. Army.

SUMMARY: Fort Douglas was recommended for closure by the Defense Secretary's Commission on Base Realignment and Closure. The Commission specifically recommended: The relocation of the Reserve Pay Input Station to Fort Carson, CO; the relocation of other major activities to leased space in Salt Lake City, UT; and the segregation and retention of a portion of Fort Douglas for reserve component activities. This document focuses upon the environmental and socioeconomic impacts and mitigations associated with the planned closure of Fort Douglas and realignment activities at Fort Carson and Tooele Army Depot, UT.

No long-term adverse environmental or socioeconomic effects at Fort Douglas are expected as a result of realignment and closure implementation. No adverse environmental or socioeconomic impacts are anticipated at either Fort Carson or Tooele Army Depot.

The public is encouraged to comment on the Final EIS. Comments received within 30 days of this notice will be considered in decisions concerning the closure of Fort Douglas. A copy of the Final EIS may be obtained by contacting Mr. Paul Cote, (916) 551-2249, or by writing to: Commander, U.S. Army Corps of Engineers, Sacramento District, 650 Capitol Mall, Sacramento, California 95814-2147.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health), OASA (I,L&E).

[FR Doc. 91-12823 Filed 5-30-91; 8:45 am]

BILLING CODE 3710-08-M

Availability; Pueblo Depot Activity, CD

ACTION: Notice of Availability of the Draft Environmental Impact Statement for the realignment of Pueblo Depot Activity.

AGENCY: U.S. Army; Department of Defense.

SUMMARY: This Environmental Impact Statement (EIS) describes the impacts of realigning Pueblo Depot Activity, Colorado with transfers of its supply mission to Tooele Army Depot, Utah and its conventional ammunition mission to Red River Army Depot, Texas. This document considers only those actions recommended in the December 1988 Report of the Defense Secretary's Commission on Base Realignments and Closures and those related actions necessary to complete the recommendations. No alternatives to the Commission's recommendations are considered, in compliance with the Base Closure and Realignment Act of October 24, 1988 (Pub. L. 100-526). No significant impacts of realignment were found. The Army will prepare separate NEPA analyses to address the effects of construction at receiving installations and for Pueblo Depot Activity remediation, property excessing and specific reuse alternatives.

Execution of all or some of the decisions analyzed in the Draft EIS is subject to change based on the Defense Base Closure and Realignment Act of 1990. Specifically, the Secretary of Defense recommended to the newly formed Defense Base Closure and Realignment Commission that the tactical maintenance workload be transferred from Anniston Army Depot, Alabama, to Letterkenny Armyt Depot, Pennsylvania. Therefore, the proposed transfer of the Inertial Guidance Unit maintenance mission from Pueblo Depot Activity to Anniston Army Depot may be changed to Letterkenny Army Depot. This recommendation, if approved, would be subject to additional environmental impact analyses and documentation.

The public is encouraged to comment on the Draft EIS. Public notices requesting input will be issued. A copy of the Draft EIS may be obtained by contacting Mr. Gary Mick (402) 221-4602, or writing to Commander, U.S. Army Corps of Engineers, Omaha District, 215 North 17th Street, Omaha, Nebraska 68102.

Lewis D. Walker,

Deputy Assistant Secretary of the Army—(Environment, Safety and Occupational Health) OASA (I,L&E).

[FR Doc. 91-12798 Filed 5-30-91; 8:45 am]

BILLING CODE 3710-08-M

Army Science Board; Closed Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

Name of the Committee: Army Science Board (ASB).

Dates of the Meeting: 12 June 1991.

Time: 1500-1630 Hours.

Place: Pentagon, Washington, DC.

Agenda: The Army Science Board (ASB) C3I Issue Group on Follow-On Radio to SINCGARS will present a briefing on their study results. This meeting will be closed to the public in accordance with section 552b(c) of title 5, U.S.C., specifically subparagraph (1) thereof, and title 5, U.S.C., appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as the preclude opening any portion of the meeting. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (202) 695-0781/0782.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 91-12923 Filed 5-30-91; 8:45 am]

BILLING CODE 3710-8-M

Department of the Navy

Naval Research Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. app. 2), notice is hereby given that the Naval Research Advisory Committee Panel on Anti-Tactical Ballistic Missile Requirements in the 2010 Timeframe will meet on June 5-7, 1991. The meeting will be held at the Convair Division, General Dynamics Corporation, Kearny Mesa Plant, San Diego, California. The meeting will commence at 8 a.m. and terminate at 5 p.m. on June 5, 6, and 7, 1991. All sessions of the meeting will be closed to the public.

The purpose of the meeting is to provide technical briefings for the panel members pertaining to their assessment of the vulnerability of U.S. naval forces to to ballistic missile attack employing conventional, chemical, and nuclear munitions; and identifying the key issues related to the Navy ATBM program and the corresponding critical technology requirements. The agenda will include briefings and discussions related to current U.S. Army, Navy, and Air Force anti-tactical ballistic missile capabilities; current system architecture; Desert Storm architecture; Department of Defense and national ground, sea, and air surveillance, intelligence, and warning systems; ground-based and space-based interceptors, command, control, communications, and intelligence; and technology options in connection with the tactical ballistic missile threat. These briefings and discussions will contain classified information that is specifically authorized under criteria established by Executive order to be kept secret in the interest of national defense and are in fact properly classified pursuant to such Executive order. The classified and non-classified matters to be discussed asre so inextricably intertwine as to preclude opening any portion of the meeting. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that all sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

This notice is being published late because of administrative delays which constitute an exceptional circumstance, not allowing notice to be published in the **Federal Register** at least 15 days before the date of this meeting.

For further information concerning this meeting contact: Captain Gerald Mittendorff, USN, Office of the Chief of Naval Research, 800 North Quincy Street, Arlington, VA 22217-5000, telephone number (703) 696-4870.

Dated: 23 May 1991.

W. T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91-12925 Filed 5-30-91; 8:45 am]

BILLING CODE 3810-AE-M

Patent License; Ludwig R. Duykers

AGENCY: Department of the Navy, DOD.

ACTION: Intent to Grant Exclusive Patent License; Ludwig R. Duykers.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Ludwig R. Duykers a revocable, nonassignable, exclusive license to practice the Government-owned invention described in U.S. Patent No. 4,216,766, "Treatment of Body Tissue by Means of Internal Cavity Resonance" issued August 12, 1980.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of the Chief of Naval Research (Code OOCCIP), Arlington, Virginia 22217-5000.

DATES: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of the Chief of Naval Research (Code OOCCIP), 800 N. Quincy Street, Arlington, Virginia 22217-5000, telephone (703) 696-4001.

Dated: May 21, 1991.

Wayne T. Baucino,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 91-12926 Filed 5-30-91; 8:45 am]

BILLING CODE 3810-AE-M

Department of the Navy (Marine Corps)

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of the Navy (U.S. Marine Corps), DOD.

ACTION: Amend record system.

SUMMARY: The U.S. Marine Corps proposes to amend one record system in its inventory of record systems subject to the Privacy Act of 1974, as amended (5 U.S.C. 552a).

DATES: The proposed action will be effective without further notice July 1, 1991, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to Mrs. B.L. Thompson, Head, FOIA/PA Section, MI-3, Headquarters, U.S. Marine Corps, Washington, DC 20380-0001. Telephone (703) 614-4008 or Autovon 224-4008.

SUPPLEMENTARY INFORMATION: The U.S. Marine Corps record system notices for records systems subject to the Privacy Act of 1974, as amended, (5 U.S.C. 552a) were published in the **Federal Register** as follows:

50 FR 22674—May 29, 1985 (DoD Compilation, changes follow)
51 FR 35548—Oct. 6, 1986
51 FR 45932—Dec. 23, 1986
52 FR 22670—Jun. 15, 1987
53 FR 49588—Dec. 8, 1988
54 FR 14377—Apr. 11, 1989
55 FR 32948—Aug. 13, 1990
55 FR 49411—Nov. 28, 1990

The specific changes to the record system being amended are set forth below, followed by the system notice, as amended, published in its entirety. The proposed amendments are not within the purview of the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a(r) which requires the submission of an altered system report.

Dated: May 24, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

MFD00007

System name:

Marine Corps Financial Records System (50 FR 22681, May 29, 1985).

Changes:

* * * * *

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Delete the entire entry and replace with "To the General Accounting Offices and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purposes of collection services to recover indebtedness owed to the Department of Defense.

To any other Federal agency for the purpose of effecting salary offset procedures against a person employed by that agency when any Department of Defense creditor agency has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DoD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purposes.

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identity and locate delinquent debtors for recoupment of debts owed the Department of Defense.

The "Blanket Routine Uses" set forth at the beginning of the Marine Corps' compilation of record system notices also apply to this sytem."

Add the following new category: "Disclosure to consumer reporting agencies:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report."

* * * * *

MFD00007

SYSTEM NAME:

Marine Corps Financial Records System.

SYSTEM LOCATION:

Defense Finance and Accounting Service-Kansas City (DFAS-KC), Support Accounting, Settlement, and Centralized Pay Division, 1500 E. 95th Street, Kansas City, Missouri 64197-001.

Federal Records Center, National Archives and Records Service, 2301 East Bannister Road, Kansas City, Missouri 64131-5200.

Washington National Records Center, Washington, DC 20409-0001.

National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132-5292.

Marine Corps Central Design and Programming Activity, 1500 E. 95th Street, Kansas City, Missouri 64197-0501.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Marines serving on active duty, personnel on the Marine Corps Retired List, Fleet Marine Corps Reservists, personnel discharged or separated from active duty, active and inactive Reserve personnel, deceased personnel, and Marine Corps disbursing officers concerning pay or financial matters.

CATEGORIES OF RECORDS IN THE SYSTEM:

Unit Diaries-A chronological record of daily personnel events and history of active Marine Corps activities and organized Marine Corps Reserve Units.

Substantiating Vouchers-Supporting documents to substantiate pay

adjustment items entered on military pay accounts.

Military Payrolls-An accounting and record of appropriated funds disbursed for military pay by name, social security number, amount of payment, and check number or signature of member for cash payments.

Financial Returns-Travel vouchers, collection vouchers, public vouchers for services other than personal, and civilian payrolls.

Military Pay Cases of Separated Personnel-A history of individual pay accounts from date of entry on active duty through date of separation, including, as appropriate, replies to congressional inquiries; correspondence in connection with requests for remission and/or waiver of indebtedness; individual claims for pay and allowances including claims for travel allowances and responses thereto; records of participation in the Uniformed Services Savings Deposit Program, including personnel declared to be in a missing-in action status; information surrounding the circumstances of a former member separated in an overpaid status, thus being indebted to the government; cases contain substantiating documents such as military pay records, leave and earnings statements, documents relating to Board for Correction of Naval Records, and other records and vouchers to substantiate responses to all inquiries and payment or disapproval of claims.

Annual Separations Listing-An annual record of separation showing social security number, initials, type of separation, and the effective date of separation of Marines discharged, retired, transferred to the Fleet Marine Corps Reserve, and deceased.

Microfilm of Annual Wage and Tax Information of Active Duty Personnel-Contains cumulative totals of taxable pay earned and taxes withheld, social security wages, and taxes withheld.

Microfilm of Quarterly Social Security Wage Data-Contains social security number, name, and amount of wages reported to the Social Security Administration on a quarterly basis.

Microfilm of Master Allotment File-Contains information concerning the allotment status of active, retired, and Fleet Marine Corps Reserve (FMCR) members, such as start and stop dates, allotment purpose codes, money amounts, name and address of allottee.

Microfiche and Microfilm of Field and Alpha Locators-A record of personnel data of Marines on active duty, listed numerically by social security number and alphabetically name.

Microfiche of Marine Corps Officers Lineal List-A record of Marine Corps officers on active duty showing social security number, name, rank, date of rank, permanent rank, date of birth, date first commissioned, and pay entry base date.

Active Military Pay Cases-A file of each Marine on active duty containing military pay records opened semiannually prior to July 1, 1973 and related miscellaneous pay documents.

Uniformed Services Savings Deposit Accounts of Personnel Missing-in Action-A record of deposits and withdrawals of Marine Corps personnel in a missing-in-action status containing member's name, social security number, balance of deposits, and name and address of the designated beneficiary to whom monies are disbursed.

Federal Housing Administration (FHA)-Files contain social security number, name, FHA account number, due date of insurance premiums, and record of bills and payments.

U.S. Treasury Department, Internal Revenue Service Form 941c-A record effecting adjustment of social security wages, previously reported or nonreported, containing the member's name, social security number, military pay group, period covered, and the monetary amount of adjustment.

Marine Corps Disbursing Officers Shortage Accounts-File contains accountability of losses, letters, and vouchers pertaining thereto.

Indebtedness Cases-Files contain the debtor's name, social security number, current mailing address, the reason for indebtedness and correspondence relating thereto, personal financial information provided by the debtor, receipts of payments, control book, cash record debt ledger, collection agent's ledger, collection vouchers, provided by credit bureau reports, indebtedness record card, debt control card accountability statements, complete military pay accounts, General Accounting Office inquiries, correspondence relating to cases certified to the U.S. Department of Justice, legal notices pertaining to bankruptcy, tax certificates, and other miscellaneous substantiating records and vouchers relating to the indebtedness.

Reserve Personnel Military Pay Cases-A history of individual pay accounts of Selected Marine Corps Reserve (SMCR), Individual Mobilization Augmentee (IMA), Individual Ready Reserve (IRR), Standby Reserve, Retired Reserve, and Fleet Marine Corps Reserve (FMCR) personnel order to temporary active duty under individual duty orders, including pay accounts of personnel attending the Platoon Leaders Class. File contains pay data in support of payments made to SMCR and IMA Reservist Assigned to Organized Marine Corps Reserve units containing drill reports, unit diaries, promotion warrants, certificate for performance of hazardous duty, pay adjustment authorizations, active duty for training orders, pension certificates, token payments payrolls, adjustment, and consolidated final settlement payrolls, and other miscellaneous documents to substantiate payments to Reserve personnel.

Reserve Manpower Management and Pay System (REMMPS)—Microform of Master Reserve Manpower Management and Pay System File—Contains information concerning pay and personnel status of Reserve personnel. Files of pay data compiled by Reserve Pay Branch, Central Pay Division, in support of payments made to Organized Marine Corps Reserve units containing unit diaries, leave and earnings statements, pay adjustment authorizations, transcripts of data extraction, travel orders and vouchers, and miscellaneous documents to substantiate payments of Reserve Personnel.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Claims Collection Act of 1966, 80 Stat. 309; Pub. L. 97-365, The Debt Collection Act of 1982; Title 10 U.S.C. 5013; and Executive Order 9397.

PURPOSE(S):

To maintain records of all financial transactions on current or former Marine Corps personnel.

To permit collection of debts owed to any Department of Defense creditor agency. Records in this system are subject to use in approved computer matching programs authorized under the Privacy Act of 1974, as amended, for debt collection purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the General Accounting Office and the Department of Justice for collection action for any delinquent account when circumstances warrant.

To a commercial credit reporting agency for the purpose of either adding to a credit history file or obtaining a credit history file for use in the administration of debt collection.

To a debt collection agency for the purpose of collection services to recover indebtedness owned to the Department of Defense.

To any other Federal agency for the purpose of effecting salary offset procedures against a person employed by that agency when any Department of Defense creditor agency has a claim against that person.

To any other Federal agency including, but not limited to, the Internal Revenue Service and Office of Personnel Management for the purpose of effecting an administrative offset of a debt.

To the Internal Revenue Service (IRS) to obtain the mailing address of a taxpayer for the purpose of locating such taxpayer to collect or to compromise a Federal claim against the taxpayer.

Note: Redisclosure of a mailing address from the IRS may be made only for the purpose of debt collection, including to a debt collection agency in order to facilitate the collection or compromise of a Federal claim under the Debt Collection Act of 1982, except that a mailing address to a consumer reporting agency is for the limited purpose of obtaining a commercial credit report on the particular taxpayer. Any such address information obtained from the IRS will not be used or shared for any other DoD purpose or disclosed to another Federal, state or local agency which seeks to locate the same individual for its own debt collection purpose.

To any other Federal, state or local agency for the purpose of conducting an authorized computer matching program to identify and locate delinquent debtors for recoupment of debts owed the Department of Defense.

The "Blanket Routine Uses" set forth at the beginning of the Marine Corps' compilation of record system notices also apply to this system.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act of 1966 (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)). The disclosure is limited to information necessary to establish the identity of the individual, including name, address, and taxpayer identification number (SSN); the amount, status, and history of the claim; and the agency or program under which the claim arose for the sole purpose of allowing the consumer reporting agency to prepare a commercial credit report.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Data is recorded on magnetic records, computer printouts, microform and file folders.

RETRIEVABILITY:

Data is retrieved by social security number or taxpayer identification number.

SAFEGUARDS:

Federal Protective Security Guards. Records are maintained in areas not normally accessible to other authorized personnel.

RETENTION AND DISPOSAL:

Various types of records in the system are maintained at different lengths of time or indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Commandant of the Marine Corps (Code FD), Headquarters, U.S. Marine Corps, Washington, DC 20380-0001; Commanding Officer, Marine Corps Finance Center, Kansas City, MO 64197-0001; Director, Marine Corps Central Design and Programming Activity, Kansas, MO 64131-0501.

NOTIFICATION PROCEDURE:

Information may be obtained from the system manager.

RECORD ACCESS PROCEDURE:

Same as notification.

CONTESTING RECORD PROCEDURES:

The Department of the Navy rules for accessing records and contesting contents and appealing initial determinations by the individual concerned are published in the Secretary of the Navy Instruction 5211.5; 32 CFR part 701; Marine Corps Order P5211.2; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Marine Corps activities having the responsibility of collecting data and preparing reports and documents; Headquarters, U.S. Marine Corps; credit unions; credit bureaus; insurance companies, courts, and financial institutions.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 91-12830 Filed 5-30-91; 8:45 am]
BILLING CODE 3810-01

DELAWARE RIVER BASIN COMMISSION

Admendment of Comprehensive Plan and Basin Regulations: Water Code and Administrative Manual—Part III Water Quality Regulations

AGENCY: Delaware River Basin Commission.

ACTION: Final rule.

SUMMARY: At its May 22, 1991 business meeting the Delaware River Basin Commission amended its Comprehensive Plan and Article 3 of the Water Code and Administrative Manual—Part III Water Quality Regulations in relation to upgrading water use classifications and associated water quality criteria for portions of the tidal Delaware River. These amendments adopt the recommendations of the Delaware Estuary Use Attainability Assessment regarding achievement of the "swimmable" water quality goals of the federal Clean Water Act.

The amendments upgrade the reaches from near the Chesapeake and Delaware Canal upstream to near the Commodore Barry Bridge and from the Burlington-Bristol Bridge downstream to near the Tacony-Palmyra Bridge for swimming and other primary contact recreational activities. The reach between the Tacony-Palmyra Bridge and the Commodore Barry Bridge will remain classified only for boating and other secondary contact recreational activities since this reach is significantly impacted by combined sewer overflows from Philadelphia and Camden at this time.

EFFECTIVE DATE: May 22, 1991.

ADDRESSES: Copies of the Commission's Water Code and Administrative Manual—Part III Water Quality Regulations are available from the Delaware River Basin Commission, P.O. Box 7360, West Trenton, New Jersey 08628.

FOR FURTHER INFORMATION CONTACT: Susan M. Weisman, Commission Secretary, Delaware River Basin Commission, Telephone (609) 883-9500.

SUPPLEMENTARY INFORMATION: The Commission held public hearings on October 2 and 3, 1990 as noticed in the July 5, 1990 Federal Register, Vol. 55, No. 129, on proposed amendments to upgrade water quality standards for portions of the tidal Delaware River. Based upon testimony received and further deliberation, the Commission has amended its Comprehensive Plan, Water Code and Administrative Manual—Part III Water Quality Regulations with regard to "swimmable" water quality goals of the Clean Water Act.

The Commission's Comprehensive Plan and Article 3 of the Water Code of the Delaware River Basin and the Commission's Administrative Manual—Part III Water Quality Regulations, which are referenced in 18 CFR part 410, are amended to read as follows:

1. In 3.30.2B.3., subsection a. is revised to read as follows:
   3.30.2B.3.a. recreation;
2. In 3.30.2B.3., subsection b. is removed.
3. In 3.30.2C., subsection 8. is revised to read as follows:
   3.30.2C.8. Bacteria.
   a. Fecal Coliform. Maximum geometric average 200 per 100 milliliters.
   b. Enterococcus. Maximum geometric average 33 per 100 milliliters.
4. In 3.30.3C., subsection 8. is revised to read as follows:
   3.30.3C.8. Bacteria.
   a. Fecal Coliform. Maximum geometric average 770 per 100 milliliters.
   b. Enterococcus. Maximum geometric average 88 per 100 milliliters.
5. In 3.30.4B.3., subsections a. and b. are revised to read as follows:
   3.30.4B.3.a. recreation—secondary contact above R.M. 81.8,
   3.30.4B.3.b. recreation below R.M. 81.8;
6. In 3.30.4C., subsection 8 is revised to read as follows:
   3.30.4C.8. Bacteria.
   a. Fecal Coliform.
   (1) Above R.M. 81.8 maximum geometric average 770 per 100 milliliters.
   (2) Below R.M. 81.8 maximum geometric average 200 per 100 milliliters.
   b. Enterococcus.
   (1) Above R.M. 81.8 maximum geometric average 88 per 100 milliliters.
   (2) Below R.M. 81.8 maximum geometric average 33 per 100 milliliters.
7. In 3.30.5B.3., subsection a. is revised to read as follows:
   3.30.5B.3.a. recreation;
8. In 3.30.5B.3., subsection b. is removed.
9. In 3.30.5C., subsection 8. is revised to read as follows:
   3.30.5C.8. Bacteria.
   a. Fecal Coliform. Maximum geometric average 200 per 100 milliliters.
   b. Enterococcus. Maximum geometric average 35 per 100 milliliters.
10. In 3.30.6C., subsection 8. is revised to read as follows:
   3.30.6C.8. Bacteria.
   a. Fecal Coliform. Maximum geometric average 200 per 100 milliliters.
   b. Enterococcus. Maximum geometric average 35 per 100 milliliters.
   c. Coliform. MPN (most probable number) not to exceed federal shellfish standards in designated shellfish areas.
11. In 3.30.6C., subsection 9. is removed.
12. Redesignate 3.30.6C.10. and 3.30.6C.11. as 3.30.6C.9. and 3.30.6C.10., respectively.

Delaware River Basin Compact, 75 Stat. 688.

Dated: May 24, 1991.

Susan M. Weisman,

Secretary.

[FR Doc. 91-12922 Filed 5-30-91; 8:45 am]

BILLING CODE 6360-01-M

DEPARTMENT OF ENERGY

Alaska Power Administration

Wholesale Power Rates; Snettisham Project

AGENCY: Alaska Power Administration, Department of Energy.

ACTION: Notice of proposed rate adjustment, public information and comment forums and opportunity for review and comment.

SUMMARY: Alaska Power Administration (APA) is proposing to adjust the rates for the Snettisham Project. The present rate of 28.8 mills per kilowatt-hour for firm energy will expire in October 1991. APA proposes to raise the rate for firm energy to 32.1 miles per kilowatt-hour beginning October 1, 1991 for a period of up to five years. Rates for non-firm energy deliveries under both the oil displacement and wood-heat displacement programs would not change. APA will finalize the proposal giving full consideration to comment received. The final proposal may differ from the present. The proposed rates will be submitted to the Department of Energy for interim approval and to the Federal Energy Regulatory Commission for review and final approval.

DATES: Written comments will be considered on or before August 29, 1991.

Public information and comment forums are scheduled to be held June 27, 1991, at 7 p.m., at Centennial Hall and July 11, 1991 at 7 p.m. at the Mendenhall Valley Library in Juneau, Alaska.

ADDRESSES: Written comments should be submitted to: Mr. Gordon J. Hallum, Chief, Power Division, Alaska Power Administration, 2770 Sherwood Lane suite 2B, Juneau, AK 99801.

Details of the proposed rates, including supporting studies, are available for inspection at APA headquarters, 2770 Sherwood Lane suite 2B, Juneau, Alaska.

Public information and comment forums are scheduled to be held June 27, 1991, at 7 p.m. at Centennial Hall and July 11, 1991 at 7 p.m. at the Mendenhall Valley Library in Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Mr. Gordon J. Hallum, Chief, Power Division, Alaska Power Administration, 2770 Sherwood Lane suite 2B, Juneau, AK 99801 (907) 586-7405.

SUPPLEMENTARY INFORMATION: The proposed rates apply for power sold from the Snettisham Hydroelectric Project to the electric utility serving the Juneau, Alaska area and a State owned fish hatchery at the Snettisham Project.

Authorities for the proposed rate action are the 1962 Flood Control Act (Pub. L. 87-874), the 1976 Water Resources Development Act (Pub. L. 94-587) and the Department of Energy Organization Act (Pub. L. 95-91). Alaska Power Administration is developing these rates in accordance with DOE financial reporting policies, procedures and methodology (DOE Order No. RA 6120.2 (September 20, 1979), and the procedures for public participation in rate adjustments found at 10 CFR part 903 (1987) as amended.

The present firm energy rate went into effect in October 1986. In 1991, construction was completed on the Crater Lake Unit of the Snettisham Project. The Federal investment of over $66 million on this new unit will be added to the existing unpaid Federal investment of the Snettisham Project at the end 1991. Increased revenues are required to meet the repayment criteria of the project under present law. The increase in the firm energy rate is 11.5 percent at the wholesale level and approximately 3.8 percent at the retail level.

The oil displacement and wood-heat displacement rates involve interruptible sales of surplus hydro energy for resale to residential and commercial customers having dual-fuel heating capability. These interruptible sales accounted for 1.4 percent of revenues in 1990 and will remain a comparatively small part of Snettisham revenues.

The Administration continues to advocate divestiture of APA, and a legislative proposal to authorize the divestiture will be forwarded for congressional consideration soon. This proposed rate action continues present rate policies under existing law.

The proposed rate action will have no significant environmental impact within the meaning of the National Environmental Policy Act of 1969. The proposed action is not a major Federal action for which preparation of an Environmental Impact Statement is required.

Issued at Juneau, Alaska, May 22, 1991.
Robert J. Cross,
Administrator.
[FR Doc. 91-12902 Filed 5-30-91; 8:45 am]
BILLING CODE 6450-01-M

Energy Information Administration

Form RW-859, "Nuclear Fuel Data"

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of proposed revision of the Form RW-859, "Nuclear Fuel Data," and solicitation of comments.

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and respondent burden (required by the Paperwork Reduction Act of 1980, Pub. L. No. 96-511, 44 U.S.C. 3501 *et seq.*), conducts a presurvey consultation program to provide the general public and other Federal agencies with an opportunity to comment on proposed and/or continuing reporting forms. This program helps to ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, EIA is soliciting comments concerning the proposed revisions to the Form RW-859, "Nuclear Fuel Data."

DATES: Written comments must be submitted on or before July 1, 1991. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Ms. Kathy Gibbard, Survey Manager, Form RW-859, U.S. Department of Energy, Energy Information Administration (EI-531), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 254-5559.

FOR FURTHER INFORMATION OR TO OBTAIN COPIES OF THE PROPOSED FORM AND INSTRUCTIONS: Requests for additional information or copies of the form and instructions should be directed to Ms. Gibbard at the address listed above.

SUPPLEMENTARY INFORMATION:
I. Background
II. Current Actions
III. Request for Comments

I. Background

The Nuclear Waste Policy Act (NWPA), 42 U.S.C. 10101 *et seq.*, requires that the Secretary develop and implement programs to dispose of spent nuclear fuel. The Office of Civilian Radioactive Waste Management (OCRWM) uses the information from Form RW-859 to understand and explore the specific requirements of developing and conducting programs to effectuate the purposes of the NWPA.

The EIA administers the Form RW-859, "Nuclear Fuel Data," which is used to collect data from owners of commercial nuclear power plants and owners and caretakers of spent nuclear fuel. The Federal Energy Administration Act of 1974 (15 USC 761 *et seq.*) authorizes the EIA to collect data. The current Form RW-859 collects data on every fuel assembly discharged from domestic commercial nuclear reactors, spent fuel projected to be discharged, and spent fuel storage pool inventories and capacities. The form is cleared through December 31, 1993. Major revisions necessitate the proposed form be cleared again with a new expiration date of December 31, 1994.

II. Current Actions

This notice is to solicit comments on proposed revisions to the form and the instructions. The extension request will be through December 31, 1994. The DOE is proposing to add several questions.

A summary of the proposed additions is as follows:

- Expansion of the section on maximum established site capacity.
- Storage plans for each wet and dry storage site.
- Number of assemblies that are scheduled for shipment to another site.
- The American National Standard Identification (ANSI) assembly identifier and fuel fabricator assembly identifiers are permanently and temporarily discharged assemblies, assemblies shipped to another storage site, and reinserted fuel assemblies. Current cycle data is required; historical data is optional. (The respondent will report the ANSI identifier if it is different from the Form RW-859's, and report the fuel fabricator identifier if it is different from the Form RW-859's or if it is a non-ANSI Identifier.).
- Creation of a new section on canister-specific data. This section is to quantify all canisters, all materials in canisters, i.e., failed and non-failed fuel, and all nonfuel components not attached to the assembly.
- Creation of a new section on noncanistered nonfuel components data. This section is to quantify noncanistered components in storage, projected storage for the next five cycles, length, and other dimensions.
- Creation of a new data series on reconstituted fuel.
- *Optional Question*—Assembly Identifiers Cross-Reference Table (All Historical Assemblies). For this version of the Form RW-859, the completion of this cross-reference table on historical assembly identifiers is optional. In three years, when the Form RW-859 is again revised, the DOE intends to make completion of this table a mandatory requirement. The DOE encourages respondents to submit the data now; and the EIA is available to assist in this process.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed revisions to the form and instructions. The following general guidelines are provided to assist in the preparation of responses.

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted within the response time specified in the instructions?

D. Public reporting burden for this collection is estimated to average 60 hours per response. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information, do you estimate it will require you to complete and submit the required form?

E. What is the estimated cost of completing this form, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative costs, directly attributable to providing this information.

F. How can the form be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify the agency, the data element(s), and the means of collection.

As a potential user:

A. Can you use data at the level of detail indicated on the form?

B. For what purpose would you use the data? Be specific.

C. How could the form be improved to better meet your specific needs?

D. Are there alternate sources of data and do you use them? What are their strengths and/or weaknesses?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained in the Form RW-859, "Nuclear Fuel Data."

Comments submitted in the response to this notice will be summarized and/or included in the requests for OMB approval of the form; they also will become a matter of public record.

Statutory Authority: Sections 5(a), 5(b), 13(b), and 52 of Public Law 93-275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b) and 790a.

Issued in Washington, DC, May 24, 1991.

Yvonne M. Bishop,

Director, Statistical Standards, Energy Information Administration.

[FR Doc. 91-12903 Filed 5-30-91; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ID-2632-000, et al.]

William H. Bruett, Jr., et al., Electric Rate, Small Power Production, and Interlocking Directorate Filings

May 22, 1991.

Take notice that the following filings have been made with the Commission:

1. William H. Bruett, Jr.

[Docket No. ID-2632-000]

Take notice that on May 16, 1991, William H. Bruett, Jr. (Applicant) tendered for filing an application under section 305(b) of the Federal Power Act to hold the following positions:

Director... Green Mountain Power Corporation
Director, President, and Chief Executive Officer..... PW Trust Company

Comment date: June 10, 1991 in accordance with Standard Paragraph E at the end of this notice.

2. Southern California Edison Co.

[Docket No. ER91-451-000]

Take notice that on May 21, 1991, Southern California Edison Company (Edison) tendered for filing the following amendment, executed on May 1, 1991, by the respective parties:

Amendment No. 1 (Amendment) to Edison San Diego Interruptible Transmission Service Agreement (Matrix) Between Southern California Edison Company and San Diego Gas & Electric Company (SDG&E)

The Amendment designates the Midway Substation as an additional point of Receipt (Delivery) for interruptible transmission service between San Onofre and Midway Substation.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. PacifiCorp Electric Operations

[Docket No. ER91-355-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on May 17, 1991, tendered for filing, an amendment to its filing of the Transmission Service and Operating Agreement ("Agreement") dated March 25, 1991 between PacifiCorp and Deseret Generation & Transmission Co-Operative ("Deseret").

PacifiCorp renews its requests, pursuant to 18 CFR 35.11 of the Commission's Rules and Regulations that a waiver of prior notice be granted and that an effective date of April 1, 1991 be assigned. Such date is consistant with the effective date shown on the Agreement.

Copies of this filing were supplied to Deseret and the Utah Public Service Commission.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

3. Southern California Edison Co.

[Docket No. ER90-348-001]

Take notice that on May 17, 1991, Southern California Edison Company tendered for filing its Refund Report in the above-referenced docket in compliance with the Commission's order issued April 2, 1991.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

4. PacifiCorp Electric Operations

[Docket No. ER91-354-000]

Take notice that PacifiCorp Electric Operations ("PacifiCorp"), on May 17, 1991, tendered for filing, an amendment to its filing of the Transmission Service and Operating Agreement ("Agreement") dated March 25, 1991 between PacifiCorp and Utah Associated Municipal Power Systems ("UAMPS").

PacifiCorp renews its requests, pursuant to 18 CFR 35.11 of the Commission's Rules of Regulations that a waiver of prior notice be granted and that an effective date of April 1, 1991 be assigned. Such date is consistent with the effective date shown on the Agreement.

Copies of the filing were supplied to Deseret and the Utah Public Service Commission.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

5. Central Vermont Public Service Corporation

[Docket No. ER91-328-000]

Take notice that on May 20, 1991 Central Vermont Public Service Corporation (CVPS) tendered for filing supplemental financial information in the above docket.

CVPS requests the Commission waive its notice of filing requirements to permit the rate schedules that were filed in this docket to become effective according to its terms.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER91-165-000]

Take notice that on May 17, 1991, Entergy Services, Inc., as agent for Arkansas Power & Light Company, Louisiana Power & Light Company, Mississippi Power & Light Company, and New Orleans Public Service Inc., tendered for filing amendments to the Interchange Agreement with Oglethorpe Power Corporation which it filed in this proceeding on December 19, 1990.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

7. Pacific Gas and Electric Co.

[Docket No. ER89-49-002]

Take notice that on May 16, 1991, Pacific Gas and Electric Company (PG&E) tendered for filing its Compliance Refund Report in the above-referenced docket. Also included in its filing were revised Sheets to the Transmission Rate Schedule filed in this docket between PG&E and Sacramento Municipal Utility District.

Comment date: June 6, 1991, in accordance with Standard Paragraph E at the end of this notice.

8. Iowa-Illinois Gas and Electric Co.

[Docket No. ES91-29-000]

Take notice that on May 13, 1991, Iowa-Illinois Gas and Electric Company (Applicant) filed an application pursuant to section 204 of the Federal Power Act seeking authority to issue from time to time no more than $75 million of short-term notes with a final maturity date no later than June 30, 1993.

Comment date: June 12, 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. 91-12844 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF91-147-000]

East Syracuse Generating Company L.P.; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

May 24, 1991.

On May 15, 1991, East Syracuse Generating Company L.P. (Applicant), of 7475 Wisconsin Avenue, Bethesda, Maryland 20814-3422, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located adjacent to the Bristol-Myers Squibb plant in East Syracuse, New York. The facility will consist of two combustion turbine generating units, two waste heat recovery boilers and an extraction/condensing steam turbine generating unit. Steam recovered from the facility will be used in the Bristol-Myers Squibb plant for pharmaceutical processing, product sterilization and space hearing. The maximum net electric power production capacity of the facility will be 101 megawatts. The primary energy source will be natural gas. Installation of the facility will begin in or after the fourth quarter of 1991.

Any person desiring to be heard or objecting to the granting of qualifying staut should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 211 and 214 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed within 30 days after the date of publication of this notice in the **Federal Register** and must be served on the applicant. 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12845 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 10896-000, Virginia]

City of Danville, VA; Availability of Environmental Assessment

May 23, 1991.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for license for the Pinnacles Hydroelectric Project, located on the Dan River in Patrick County, Virginia, and has prepared an Environmental Assessment (EA) for the project. In the EA, the Commission's staff has analyzed the environmental impacts of the project and has concluded that approval of the project, with appropriate mitigative measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the EA are available for review in the Public Reference Branch, room 3308, of the Commission's offices at 941 North Capitol Street NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12848 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP90-2214-000]

El Paso Natural Gas Co.; Availability of the Environmental Assessment for the El Paso Natural Gas Co.; North System Expansion Project

May 24, 1991.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared the enclosed environmental assessment (EA) on the above-referenced docket. The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that the approval of the proposed project, with the appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

The EA asseses the potential environmental effects of the proposed construction and operation of 231.3 milies of pipeline looping on El Paso Natural Gas Company's (El Paso) existing San Juan Triangle System and San Juan Mainline System, and the addition of 34,600 horsepower of compression at four existing compressor stations. The purpose of the proposed facilities is to: (1) Add 835 million cubic feet per day (MMcf/d) of incremental pipeline capacity on its San Juan Triangle System to permit delivery of gas volumes from the San Juan Basin to markets in El Paso's California service area and to the east of El Paso's systems; (2) add 400 MMcf/d of incremental pipeline capacity on its San Juan Mainline System into the existing utility systems and/or into facilities to be constructed and operated by Mojave Pipeline Company; (3) transport 429 Mcf/d of natural gas east of the Permian-San Juan Crossover System; and (4) allow bi-directional flow of natural gas on that system. The EA also evaluates alternatives to the proposal.

Copies of the Commission's EA are being sent to the appropriate Federal and state agencies, and those other organizations, agencies, and individuals in the affected area or on the FERC service list, who responded to the staff's Notice of Intent to Prepare an Environmental Assessment for the Proposed El Paso East-End/North System Expansion Project and Request for Comments on Environmental Issues. The EA has been placed in the public files of the FERC and its available for public inspection in the FERC's Division of Public Information, room 3104, 941 North Capitol Street NE., Washington, DC 20426. Copies of the EA are available in limited quantities from the Division of Public Information.

Any peson wishing to comment on the EA may do so. Comments should be sent to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, and should reference Docket No. CP90-2214-000. Comments should be filed as soon as possible, but must be received no later than June 14, 1991, to ensure consideration prior to a Commission decision on this proposal. A copy of the comments should also be sent to Ms. Lauren O'Donnell, Project Manager, room 7312, at the same address.

Comments will be considered by the Commission but will not serve to make the commenter a party to the proceeding. Any peson seeking to become a party to the proceeding must file a motion to intervene pursuant to rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

Additional information about this project is available from Ms. Lauren O'Donnell, Environmental Compliance and Project Analysis Branch, Office of Pipeline and Producer Regulation, telephone (202) 208-0874.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-12847 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CS91-7-000]

Draco Gas Partners, L.P.; Application for Small Producer Certificate

May 23, 1991.

Take notice that on April 9, 1991, Draco Gas Partners, L.P. (Applicant) of 7666 East 61 Street, Tulsa, Oklahoma 74133, filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's regulations thereunder for a small producer certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1991, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12846 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP89-161-000, RP89-172-000, CP90-2275-000, and CP91-687-000]

ANR Pipeline Co.; Informal Settlement Conference

May 24, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on June 11 and 12, 1991, at 10 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street NE., Washington, DC, for the purpose of exploring the possible settlement of the above-referenced dockets.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Michael D. Cotleur at (202) 208-1076 or James A. Pederson at (202) 208-2158.

Lois D. Cashel,

Secretary.

[FR Doc. 91-12850 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-3-2-002]

East Tennessee Natural Gas Co.; Compliance

May 23, 1991.

Take notice that on May 8, 1991, East Tennessee Natural Gas Company (East Tennessee) in compliance with the Commission's March 1, 1991 and April 25, 1991 orders submits for filing Second Substitute Second Revised Sheet No. 6 to First Revised Volume No. 1 of its FERC Gas Tariff, to be effective May 1, 1991, to track Tennessee Gas Pipeline Company's (Tennessee) May 2, 1991 filing in Docket No. RP91-29.

Tennessee states that the purpose of the instant tariff sheets is to revise East Tennessee's allocation of its fixed take-or-pay charges billed to it by its upstream pipeline supplier, Tennessee, pursuant to the Commission's April 25 order rejecting tariff sheets in Docket No. RP91-79-004. East Tennessee states that the instant filing implements the reallocation of dollars by Tennessee pursuant to the Commission's April 25, order and makes certain corrections to the allocation methodology reflected in East Tennessee's March 28, 1991 filing.

East Tennessee states that a copy of the tariff filing is being mailed to all affected customers on East Tennessee's system and state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 385.211. All such protests should be filed on or before May 31, 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. 91-12852 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-277-000]

Florida Power & Light Co.; Filing

May 24, 1991.

Take notice that on May 13, 1991, Florida Power & Light Company ("FP&L") tendered for filing its response to a deficiency letter from the Director of the Division of Applications of the Commission's Office of Electric Power Regulation. The deficiency letter was with regard to FP&L's earlier filing in this docket of the Joint Ownership Party Allocation Agreement Between FP&L and the Jacksonville Electric Authority.

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 18 CFR 385.214). All such motions or protests should be filed on or before June 4, 1991. Protests will be considered by the Commission in determining the approriate 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 91-12851 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER91-156-000]

Northern Natural Gas Co; Temporary Waiver of Tariff Provision

May 23, 1991.

Take notice that on May 17, 1991, Northern Natural Gas Company, (Northern) filed a motion requesting a temporary waiver of that portion of its FERC Gas Tariff, Third Revised Volume No. 1, Sixth Revised Sheet No. 52.F.3, that requires Northern to "give a Shipper requesting firm service written confirmation within seven (7) work days after receipt of a request."

Northern states that waiver is necessary in order to be able without violating the provisions of its tariff to timely respond to an unusually large number of service requests anticipated as the result of the terms of a stipulation and agreement filed by it on March 29, 1991. Northern requests that the waiver apply to requests received from June 14 through July 3, 1991.

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 18 CFR 385.214 and 3825.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 30, 1991. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public reference room.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12853 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. ER91-337-000 and EL91-31-000

Pacific Gas and Electric Co.; Initiation of Proceeding and Refund Effective Date

May 24, 1991.

Take notice that on May 22, 1991, the Commission issued an order in the above-indicated dockets initiating a proceeding in Docket No. E91-31-000 under section 206 of the Federal Power Act, as amended by the Regulatory Fairness Act of 1988.

The refund effective date will be 60 days after publication of this notice in the Federal Register.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12855 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-157-000]

Pan-Alberta Gas (U.S.) Inc.; Tariff Changes

May 24, 1991.

Take notice that on May 21, 1991, Pan-Alberta Gas (U.S.) Inc. ("PAG-US") (formerly NATGAS U.S. INC.), 500, 707 Eighth Avenue, SW., Calgary, Alberta, Canada T2P 3V3, tendered for filing in Docket No. RP91-157-000 Third Revised Sheet No. 4 Superceding Second Revised Sheet No. 4 to its FERC Gas Tariff Original Volume No. 2.

PAG-US states that it is submitting Third Revised Sheet No. 4 (1) to reflect an increase in demand charges during the forthcoming demand charge period (July 1, 1991 through December 31, 1991) for Canadian gas purchased by PAG-US from Northwest Alaskan Pipeline Company ("Northwest Alaskan") and resold to Northern Natural Gas Company ("Northern") under Rate Schedule X-1; and (2) to reflect a downward adjustment in its demand charges to Northern for the period September 1, 1990 through February 28, 1991.

PAG-US requests that Third Revised Sheet No. 4 become effective on July 1, 1991.

PAG-US states that a copy of this filing has been served on Northern.

Any person desiring to be heard or to protest said filing should file a petition 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 & Procedure. All such petitions or protests should be filed on or before June 3, 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 petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12854 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP91-140-001]

Questar Pipeline Co.; Tariff Filing

May 23, 1991.

Take notice that on May 21, 1991, pursuant to 18 CFR 154.63 Questar Pipeline Company submitted for filing and acceptance to be effective June 1, 1991, Substitute Fourteenth Revised Sheet No. 12 to Original Volume No. 1 of its FERC Gas Tariff.

Questar states that this filing revises the Statement of Rates to Original Volume No. 1 that was filed in its April 30, 1991, section 4(e) rate case by including the applicable gas cost components in the base rates reflected on that tariff sheets.

Questar Pipeline requests an effective date of June 1, 1991, for the tendered tariff sheet and states that copies of the filing were served upon the official service list on file with the Commission in this proceeding.

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 and 385.211. All such protests should be filed on or before May 28, 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. 91-12856 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TM91-6-17-000]

Texas Eastern Transmission Corp.; Proposed Changes in FERC Gas Tariff

May 24, 1991.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on May 22, 1991 tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, six copies of the following tariff sheets.

Sub Alt Seventh Revised Sheet No. 60
Sub Alt Seventh Revised Sheet No. 61
Sub Alt Sixth Revised Sheet No. 62
Sub Alt Seventh Revised Sheet No. 63

Texas Eastern states that the purpose of this filing is to reflect the removal by

Southern Natural Gas Company (Southern) of those costs flowed through by Southern to Texas Eastern which are attributable to United Gas Pipe Line Company's (United) Docket No. RP90-132 and reflect the crediting of amounts previously billed to customers by Texas Eastern for those costs related to United's Docket No. RP90-132 as flowed through by Southern in Docket No. TM90-5-7.

The proposed effective date of the tariff sheets listed above is February 15,1991, the date accepted by the Commission in its February 14, 1991 Order.

Texas Eastern states that copies of the filing were served on Texas Eastern's jurisdictional customers, interested state commissions and all parties in docket No. RP91-72, *et al.*

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 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before June 4, 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. 91-12857 Filed 5-30-90; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. RP88-115-000, et al.]

Texas Gas Transmission Corp.; Informal Settlement Conference

May 23, 1991.

Take notice that an informal settlement conference will be convened in this proceeding on June 12, 1991, at 10:30 a.m., at the offices of the Federal Energy Regulatory Commission, 810 First Street, NE., Washington, DC 20426. The conference will continue on June 13, if necessary.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Donald A. Heydt at (202) 208-0740 or Joanne Leveque at (202) 208-5705.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12858 Filed 5-30-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Change in Filing Deadline in Special Refund Proceeding No. HEF-0591 Involving Atlantic Richfield Co.

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of extension of time for Filing Applications for Refund in Special Refund Proceeding HEF-0591, Atlantic Richfield Company.

SUMMARY: The Office of Hearings and Appeals (OHA) of the Department of Energy (DOE) has extended the deadline for filing Applications for Refund from the escrow account established pursuant to a consent order entered into between the DOE and the Atlantic Richfield Company (ARCO). Special Refund Proceeding No. HEF-0591. The previous deadline was July 1, 1990. The new final deadline is July 31, 1991.

FOR FURTHER INFORMATION CONTACT: Max William Yano, Department of Energy, Office of Hearings and Appeals, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6602.

SUPPLEMENTARY INFORMATION: On January 28, 1988, the Office of Hearings and Appeals of the Department of Energy issued a Decision and Order setting forth final refund procedures to distribute the monies in the oil overcharge escrow account established in accordance with the terms of a Consent Order entered into by the Department of Energy and the Atlantic Richfield Company. *See Atlantic Richfield Co.*, 17 DOE ¶ 85,069, 53 FR 3254 (February 4, 1988). That Decision established August 31, 1988, as the filing deadline for the submission of refund applications for direct restitution by purchasers of ARCO's refined petroleum products. 17 DOE at 88,155, 53 FR at 3261. On August 31, 1988, that filing deadline was extended to May 1, 1989. 53 FR 34830 (September 8, 1988). On March 12, 1990, that filing deadline was further extended to July 1, 1990. 54 FR 10284 (March 20, 1990).

Over 400 claimants have filed after the due date of July 1, 1990. Most of these filings can be attributed to the notice given in a collateral court action. On October 8, 1989, an Order Authorizing Dissemination of Class Notice was filed by the Clerk of the United States District Court for the Northern District of California with respect to the pending litigation in *Van Vranken, et al.* v. *Atlantic Richfield Company*, Civil No. C-79-0627-SW (N.D. Cal.). As a result, a Notice of Pendency of Class Action was disseminated to *Van Vranken* Litigation Class members by the Class Counsel in November 1989. The Notice, *inter alia*, gave an overview of the status of the *Van Vranken* class litigation, including the recent rejection by the U.S. Temporary Emergency Court of Appeals (TECA) of plaintiffs' attempt to file a "class" refund application with OHA in the ARCO Special Refund Proceeding (Case No. HEF-0591). In addition, the Notice specifically informed class members that because of the TECA decision, "Class Counsel will not be submitting any claims to the DOE on behalf of class members," and that class members who had not filed an individual claim with OHA should do so. Notice at 11-12. Thus, numerous potential claimants only recently became aware of their right to file an individual refund claim in this ARCO Special Refund Proceeding. As a result, more than four hundred refund applications have been filed in this proceeding after the July 1, 1990 deadline for filing. We have carefully considered the situation, and have concluded that the final date for filing applications in the proceeding should be extended once again, until July 31, 1991. Therefore, all Applications for Refund from the ARCO Consent Order fund postmarked after that final filing date of July 31, 1991, are subject to summary dismissal. Any unclaimed funds remaining after all pending claims are resolved will be made available for indirect restitution pursuant to the Petroleum Overcharge Distribution and Restitution Act of 1986, 15 U.S.C. 4501.

Dated: May 24, 1991.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 91-12904 Filed 5-30-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-3960-4]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared May 13, 1991 Through May 17, 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 05, 1991 (56 FR 14096).

Draft EISs

ERP No. D-AFS-L65144-OR Rating EC2, Augur Creek Timber Sale and Road Construction, Implementation, Fremont National Forest, Paisley Ranger District, Lake County, OR.

Summary

EPA expressed environmental concerns regarding the project's potential to adversely impact air quality in a Class I airshed. Additional information is needed to describe project monitoring and describe the effects of the project on biodiversity.

Final EISs

ERP No. F1-BLM-J70010-WY, Washakie Resource Area, Wilderness Study Areas (WSAs), Suitability or Nonsuitability, (5 WSA's) Honeycombs, Cedar Mountain, Medicine Lodge, Alkali Creek, Trapper Creek, Bighorn, Washaki and Hot Spring, Counties, WY.

Summary

Review of the final EIS has been completed and the project found to be satisfactory. No formal letter was sent to the agency.

Dated: May 28, 1991.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 91-12957 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-M

[ER-FRL-3960-3]

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 May 20, 1991 Through May 24, 1991 Pursuant to 40 CFR 1506.9.

The Notice of Availability of Environmental Impact Statements filed May 6 through May 10, 1991 which should have appeared in the May 17, 1991 **Federal Register** were inadvertently omitted from the publication. The notice appeared in the May 20, 1991 **Federal Register**. The official 45 and 30 day Comment Periods according to the Council on Environmental Quality Regulations § 1506.10 are still calculated from May 17, 1991. The 45 day draft comment period ends on July 1, 1991 and the 30 day final comment period ends on June 17, 1991.

EIS No. 910170, DRAFT EIS, BLM, OR, Lower Deschutes Wild and Scenic River Management Plan, Implementation, Jefferson, Sherman, and Wasco Counties, OR, Due: September 30, 1991, Contact: Brian Cunningham (503) 447-4115.

EIS No. 910171, FINAL EIS, UAF, AL, Anniston Army Depot On-Site Facility for Disposal of Stockpiled Chemical Agents and Munitions, Construction and Operation, Calhoun County, AL, Due: July 01, 1991, Contact: Margaret Thompson (301) 671-3633.

EIS No. 910172, DRAFT EIS, AFS, AK, Kensington Venture Underground Gold Mine Project, Development, Construction, and Operation, NPDES Permit and section 10 and 404 Permits, Tongass National Forest, Sherman Creek, City of Juneau, AK, Due: August 01, 1991, Contact: Roger Birk (907) 586-8800.

EIS No. 910173, FINAL EIS, FHW, OH, OH-297/Whipple Avenue Improvement, US-30 Interchange at Raff Road/Whipple Avenue/OH-297 to I-77 Interchange at Everhard Road, Funding, Stark County, OH, Due: July 01, 1991, Contact: Fred J. Hempel (614) 469-6896.

EIS No. 910174, DRAFT EIS, USA, CO, UT, TX, Pueblo Depot Activity Realignment, Transfers of Ammunition Mission to Red Army Depot, Bowie County Texas; Pueblo County, CO, Due: July 15, 1991, Contact: Robert Nebel (402) 221-4598.

EIS No. 910175, FINAL EIS, COE, UT, CO, MT, UT, CO, Fort Douglas Base Closure and Realignment, Relocation to Fort Carson, CO; Tooele Army Depot, UT and Fitzsimmons Medical Center, CO, Implementation, Salt Lake City, UT, CO and MT, Due: July 07, 1991, Contact: Paul Cote (916) 551-2249.

Amended Notices

EIS No. 910085, SECOND DRAFT SUPPLE, AFS, PR, Caribbean National Forest and Luquillo Experimental Forest Land and Resource Management Plan, Effects of Hurricane Hope and Updated Information, Commonwealth of Puerto Rico, Due: July 12, 1991, Contact: Jose Salinas, Jr. (809) 766-5335.

Published FR 03-29-91—Review period extended.

Dated: May 28, 1991.

Richard E. Sanderson,

Director, Office of Federal Activities.

[FR Doc. 91-12956 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3960-8]

Open Meeting of the Policy Dialogue Committee on Mining Wastes

AGENCY: U.S. Environmental Protection Agency.

ACTION: Open Meeting of Federal Advisory Committee on Mining Wastes.

SUMMARY: As required by section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), we are giving notice of the second meeting of the Policy Dialogue Committee. The committee was formed to provide a forum to refine and further develop issues related to managing mining waste and to facilitate the exchange of ideas and information among the interested parties. We have determined that this is in the public interest and will assist EPA in performing its duties prescribed in the Resource Conservation and Recovery Act.

Copies of the Committee Charter are filed with the appropriate committees of Congress and the Library of Congress.

DATES: The Committee will meet on the following dates: June 17, 1991 from 1 p.m.-5 p.m. continuing on June 18, 1991 from 9 a.m.-3 p.m. July 25, 1991 from 9 a.m.-3 p.m. continuing on July 26, 1991 from 8 a.m.-12 p.m.

LOCATIONS: The June 17-18 meeting will be held at the Embassy Suites Hotel, 1881 Curtis Street, Denver, CO. The July 25-26 meeting will be held at the Sir Francis Drake Hotel, Union Square, 450 Powell Street, San Francisco, CA. Committee meetings are open to the public without need for advance registration.

The Committee's facilitator has notified interested parties of the meeting dates. The purpose of the meeting is to continue discussion of issues related to the development of EPA's mining program.

FOR FURTHER INFORMATION CONTACT: Persons needing further information on the substantive matters of the Committee should call Stephen Hoffman, Office of Solid Waste, at (703) 308-8413. Summaries of previous meetings will be made available upon written request to Patricia Whiting, Office of Solid Waste, Environmental Protection Agency, 401 M Street, SW., (OS-323W), Washington, DC 20460. Persons needing further information on Committee procedural matters should call Deborah Dalton, Regulatory Negotiation Project, at (202) 382-5495.

SUPPLEMENTARY INFORMATION:

Background

The Policy Dialogue Committee was created to provide a forum to refine and further develop issues raised during the strawman development and comment process, and to facilitate the exchange for new ideas and information among the interested parties. It is hoped that consensus may be possible on some issues but, at a minimum, we would like to ensure that issues are thoroughly defined and that differing positions, as well as the reasons for those differences, are identified. The output of the Policy Dialogue Committee will be made available to various EPA decision-makers in the mining waste program development process.

The first meeting of the Committee was held in Washington, DC on May 15 and May 16, 1991.

Participants

Seven representatives from each of the interested parties (States, the mining industry, and public interest groups) serve as representatives on the Committee. Representatives from EPA and other Federal agencies also serve as members of the Committee. The following is a listing of representatives for the interested parties.

States—Mr. Ken Alkema, Director, Division of Environmental Health, Utah Department of Health; Mr. Fred Banta, Director, Mine Land Reclamation Division, Colorado Department of Natural Resources; Mr. Tom Fronapfel, Bureau Chief, Bureau of Mining Regulation and Reclamation, Nevada Department of Conservation and Natural Resources; Mr. Charles Gardner, State Geologist, Director of Land Resources, North Carolina Department of Health, Environment and Natural Resources; Ms. Charlene Herbst, Chief, Land Disposal Branch, California Water Resource Control Board; Mr. Jim Joy, Chief, Air Quality Control, South Carolina Department of Health and Environmental Control; Mr. Steve Priner, Director, Division of Environmental Regulation, South Dakota Department of Water and Natural Resources.

Mining Industry—Mr. Steven Barringer, Esq., Holland & Hart; Mr. David Crouch, Corporate Manager, Environmental Affairs, Homestake Mining Company; Mr. Norman Greenwald, Norman Greenwald Associates; Mr. Thomas Janeck, Vice President, Environmental Affairs, Zinc Corporation of America; Dr. Krishna Parameswaren, Senior Analyst, Government Relations, ASARCO Incorporated; Mr. William Schimming, Manager, Environmental Affairs, Texas Gulf, Inc.; Mr. Ivan Urnovitz, Manager, Government Relations, Northwest Mining Association.

Public Interest Groups—Mr. Thomas Galloway, Esq., Friends of the Earth; Mr. Philip Hocker, Mineral Policy Center; Mr. David Lennett Esq., National Audubon Society; Dr. Glenn Miller, Sierra Club; Mr. James Jensen, Montana Environmental Information Center; Mr. Wm. Paul Robinson, Southwest Research & Information Center, and Tony Mazzochi, Oil, Chemical and Atomic Workers International Union.

Federal Agency Representatives—Mr. David S. Brown, Associate Director, Information and Analysis, Bureau of Mines; Lynn Sprague, Director of Minerals and Geology Staff, U.S. Forest Service; Matthew A. Straus, Deputy Director, Waste Management Division, Office of Solid Waste, U.S. Environmental Protection Agency; Russell H. Wyer, Director, Waste Management Division, Office of Solid Waste, U.S. Environmental Protection Agency; Robert E. Walline, Mining Waste National Expert, Region 8 U.S. Environmental Protection Agency.

Dated: May 28, 1991.

Paul Lapsley,

Director, Regulation Management Division.

[FR Doc. 91-12970 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-M

[OPP-66147; FRL 3889-5]

Notice of Receipt of Requests to Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing this notice to announce the receipt of requests by registrants to voluntarily cancel certain pesticide registrations.

DATES: Unless a request is withdrawn, all cancellations will be effective August 29, 1991.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (H7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Rm. 210, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703) 557-4461.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, provides that a pesticide registrant may, at any time, request that any of its pesticide registrations be cancelled. The Act further provides that EPA must publish a notice of receipt of any such request in the **Federal Register** before acting on the request.

II. Intent to Cancel

This Notice announces receipt by the Agency of requests to cancel some 94 pesticide registrations under section 3 or 24(c) of FIFRA. These registrations are listed in sequence by registration number (or company number and 24(c) number) in the following Table 1.

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration no.	Product Name
000004-00149	Dupont Ammate X Weed and Brush Killer
000004-00171	Bonide Grass-N-Weed Killer New-Contains Dupont Ammate
000004-00304	Bonide Grass-N-Weed Killer
000059-00156	Cattle Dust Bag C
000059-00174	Cooper Dust-Pak Cattle Dust Bag Filler
000059-00175	Dri-Kil Extra
000070-00237	Rigo Enide 90W
000100-00545	Phosphamidon Technical
000100-00668	Swat Insecticide - Miticide
000352 OR-84-0031	Du Pont Benlate Fungicide Wettable Powder
000352-00339	Du Pont 50% Linuron Composition
000352-00398	Du Pont Manzate 200 Flowable Fungicide
000476 DE-84-0002	Stauffer Eptam 10.G Granules

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product Name
000476 FL-79-0002	Sutan + 6.7-E
000476 IA-81-0002	Eradicane 6.7-E
000476 MO-81-0003	Eradicane 6.7-E
000550-00015	Formaldehyde Solution USP
000550-00149	Formaldehyde Solution N.F. Strength
000655 NJ-89-0003	Prentox PBO 8
000707 AZ-79-0036	Kerb 50-W Selective Herbicide
000707 NY-83-0003	Kerb 50-W Herbicide (in Water Soluble Pouches)
000707 WA-78-0025	Kerb 50-W Selective Herbicide
000814-00006	Force's Poison Peanuts
000814-00008	Force's Gopher Killer
000814-00011	Force's Mole Killer
000869-00173	Green Light Tomato Bloom Spray II
000869-00206	Green Light Weed Away
000869-00207	Green Light Ready-To-Use Weed Away
001021-00020	Concentrated Dry Pyrocide
001021-00612	15% Piperonyl Butoxide Dust Concentrate F-5975
001021-01025	Pyrocide Intermediate 6925
001021-01028	Pyrocide Intermediate 6926
001258 AL-80-0010	Terrachlor Emulsifiable Soil Fungicide
001258 GA-81-0003	Terraclor 2 Lb Emulsifiable Soil Fungicide
001258 ME-79-0001	Olin Terraclor 75% Wettable Powder
001258 TX-78-0043	Mathieson Terraclor 10% Granular
001258 TX-79-0017	Olin Terraclor 75% Wettable Powder
001990-00397	2,4-D Amine Weed Killer
001990-00415	Low-Vol. 2,4-D
002382-00013	Parid Bomb
002382-00059	Pet-Guard Gel
002382-00074	Parid Plus Pressurized Spray
002382-00077	Flea Ban Spray
002382-00081	Parid-X Spray
002382-00083	Ban-Guard Dip 7.68%
002382-00085	Ban Guard Dip 1.92%
002724-00293	Zoecon Rf-184 House & Kennel Fogger
002724-00297	Zoecon Rf-198 Aerosol
002724-00331	Zoecon Rf-278 Fogger
003222-00006	Super Pear Wraps Ethoxyquin and Copperized Protection B
003222-00007	Green Crownoil Pear Wraps Ethoxyquin Treated Basis 15
003222-00009	Crownoil Apple Wraps Ethoxyquin Treated
003486-00005	Atco Copper Preservative
005383-00004	Troysan PMA-30
005857 SD-86-0002	Furadan 4 Flowable
005887-00138	Black Leaf Lawn Edging Liquid
005905 KS-81-0033	N/A
005905 NE-82-0024	N/A
007001-00332	Zipp 6-12-12 Lawnfood with Fungus Control
007173 CO-80-0018	Rozol Tracking Powder
007173 CT-85-0002	Rozol Tracking Powder
007173 GA-78-0019	Rozol Tracking Powder
007173 ID-86-0003	Rozol Tracking Powder
007173 KY-80-0022	Rozol Tracking Powder
007173 MA-78-0008	Rozol Tracking Powder
007173 ME-77-0004	Rozol Tracking Powder
007173 MI-78-0015	Rozol Tracking Powder
007173 MT-78-0013	Rozol Tracking Powder
007173 SC-80-0025	Rozol Tracking Powder
007173 TX-79-0040	Rozol Tracking Powder
007173 WA-84-0063	Rozol Tracking Powder
007173 WY-78-0012	Rozol Tracking Powder
008590-00037	Alfalfa Spray 22E
008590-00585	Agway Home Pest Control
010182 FL-87-0012	Gramoxone Super Herbicide
010182 FL-87-0013	Gramoxone Super Herbicide
010182 FL-87-0014	Gramoxone Super Herbicide
010182 FL-87-0015	Gramoxone Super Herbicide
010182 TX-81-0025	Ordram 10-G
010182-00121	Colonel Herbicide
010827-00031	Ammo-Sol Weed and Brush Control
014775-00048	Methomyl 5G Insecticide for Use Oncorn
023543-00002	Wood Saver 4809
034704-00278	Clean Crop Methomyl 5G
040285 AL-89-0010	Degesch Fumi-Cel Plate

TABLE 1.—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration no.	Product Name
040285 FL-90-0001	Degesch Fumi-Cel Plate
040810-00002	Belclene 310
040810-00004	Belclene 322
041104-00001	Mildew Stop
041978-00001	Aqua Pure 16
046473-00003	Duo-Cide Flea & Tick Spray for Dogs & Cats
046473-00004	Duo-Cide Forte
048520-00007	A.P.C. Multi-Purpose Chemical
048520-00008	Berkite 4 Algaecide

Unless a request is withdrawn by the registrant within 90 days of publication of this notice, orders will be issued cancelling all of these registrations. Users of these pesticides or anyone else desiring the retention of a registration should contact the applicable registrant directly during this 90-day period. The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA Company Number.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
000004	Bonide Products Inc, 2 Wurz Ave., Yorkville, NY 13495.
000059	Coopers Animal Health Inc, 1201 Douglas Ave, Kansas City, KS 66103.
000070	Wilbur-Ellis Company, Box 16458, Fresno, CA 93755.
000100	Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419.
000352	E. I. du Pont de Nemours and Company, Inc., Agricultural Products Department, Box 80038, Wilmington, DE 19880.
000476	Stauffer Chemical Company, 1200 S. 47th St., Richmond, CA 94804.
000550	Van Waters & Rogers, Inc., Subsidiary Of Univar, 2256 Junction Avenue, San Jose, CA 95131.
000655	Prentiss Drug & Chemical Company Inc, 21 Vernon St.—c.b. 2000, Floral Park, NY 11001.
000707	Rohm & Haas Company, Agricultural Chemicals, Independence Mall West, Philadelphia, PA 19105.
000814	Carajon Chemical Company Inc., P.O. Box 167, Fremont, MI 49412.
000869	Green Light Company, P.O. Box 17985, San Antonio, TX 78217.
001021	Mc Laughlin Gormley King Co., 8810 Tenth Ave North, Minneapolis, MN 55427.
001258	Olin Corporation, Box 586, Cheshire, CT 06410.
001990	Universal Cooperatives, Inc., c/o Diana Williams, Box 460, Minneapolis, MN 55440.
002382	Virbac Inc, 2507 Gravel Dr, Fort Worth, TX 76118.
002724	Zoecon Corporation, A Sandoz Company, 12200 Denton Drive, Dallas, TX 75234.
003222	James River II, Inc., 300 Lakeside Drive - 1140, Oakland, CA 94612.
003486	American Tar Company, 1700 N Northlake Way, Seattle, WA 98103.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company No.	Company Name and Address
005383	Troy Chemical Corp. Inc., c/o Pazianos Associates, 1338 G Street SE, Washington, DC 20003.
005857	Pestcon Systems, Inc., South Raymond Ave., Suite 302, Pasadena, CA 91105.
005887	Wilbur-Ellis Company, Box 9518, Fresno, CA 93792.
005905	Helena Chemical Co, 5100 Popular Avenue - Suite 3200, Memphis, TN 38137.
007001	J.R. Simplot Co., Box 198, Lathrope, CA 95330.
007173	Liphatech, Inc., 3600 W. Elm St., Milwaukee, WI 53209.
008590	Agway, Inc. Crop Services, Box 4933, Syracuse, NY 13221.
010182	ICI Americas Inc., New Murphy Road & Concord Pike, Wilmington, DE 19897.
010827	Chemical Specialties Inc., P. O. Box 312, San Marcos, TX 78666.
014775	Asgrow Florida Co, 4144 Hwy 39 N, Plant City, FL 33565.
023543	Iowa Paint Manufacturing Company Inc, 1625 Grand Ave P.O. Box 1417, Des Moines, IA 50305.
034704	Platte Chemical Company, 419 18th St. (80632) Box 667, Greeley, CO 80632.
040285	Degesch America, Inc., P.O. Box 116, Weyers Cave, VA 24486.
040810	Ciba-Geigy Corporation, Additives Division, Seven Skyline Dr., Hawthorne, NY 10532.
041104	Guardsman Products, Inc., Consumer Products Group, 2960 Lucerne Drive, SE., Grand Rapids, MI 49506.
041978	Wecco Inc, 28 Kenton Lands Road,P.O., Erlanger, KY 41018.
046473	Allerderm Inc., P.O. Drawer 277, Hurst, TX 76053.
048520	Phoenix Chemical Co, 8 Fairfield Court, Danbury, CT 06811.

III. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to James A. Hollins, at the address given above, postmarked before August 29, 1991. This written withdrawal of the request for cancellation must include a commitment to pay any reregistration or registration maintenance fees due, and to fulfill any applicable unsatisfied data requirements.

IV. Provisions for Disposition of Existing Stocks

The effective date of the cancellation will be the date of the cancellation order. The orders effecting these requested cancellations will generally permit registrants to continue to sell and distribute existing stocks of the cancelled products for 1 year after the date of this notice. Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of cancellation. The orders will also generally provide for use of stocks already in the hands of dealers or users until they are exhausted. Exceptions to these general rules will be made in specific cases when more stringent restrictions on sale, distribution, or use of the products or their ingredients have already been imposed, as in Special Review actions, or where the Agency has identified significant potential risk concerns associated with a particular chemical.

Dated: May 20, 1991.

Douglas D. Campt,
Director, Office of Pesticide Programs.

[FR Doc. 91-12765 Filed 5-30-91; 8:45 am]
BILLING CODE 6560-50-F

[PP OG3830/T606; FRL 3892-2]

Fosthiazate; Establishment of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has established a temporary tolerance for residues of the nematicide fosthiazate in or on the raw agricultural commodity tomatoes at 0.05 part per million (ppm).

DATES: This temporary tolerance expires March 11, 1992.

FOR FURTHER INFORMATION CONTACT: By mail: Dennis Edwards, Product Manager (PM) 12, Registration Division (H7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 202, CM#2, 1921 Jefferson Davis Highway, Arlington, VA, (703)-557-2386.

SUPPLEMENTARY INFORMATION: Ishihara Sangyo Kaisha, Ltd., Landis Associates, Inc., 3025 Madison Highway, P.O. Box 5126, Valdosta, Georgia 31603-5126, has requested in pesticide petition (PP) OG3830, the establishment of a temporary tolerance for residues of the nematicide fosthiazate (O-ethyl S-(1-methylpropyl)-(2-oxo-3-thiazolidinyl)-phosphonothioate) in or on the raw agricultural commodity tomatoes at 0.05 part per million (ppm). This temporary tolerance will permit the marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits 49036-EUP-2 and 49036-EUP-3, which are being issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and other relevant material were evaluated, and it was determined that establishment of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been established on the condition that the pesticide be used in accordance with the experimental use permits and with the following provisions:

1. The total amount of the active ingredient to be used must not exceed the quantity authorized by the experimental use permits.

2. Landis Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires March 11, 1992. Residues not in excess of this amount remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permits and temporary tolerance. This tolerance may be revoked if the experimental use permits are revoked or if any experience with or scientific data on this pesticide indicate that such revocation is necessary to protect the public health.

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

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

Authority: 21 U.S.C. 346a(j).

Dated: May 20, 1991.

Anne E. Lindsay,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 91-12762 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-66149; FRL-3887-8]

Phenylmercuric Acetate; Notice of Receipt of Request For Voluntary Cancellation From Cosan Chemical Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Voluntary cancellation notice.

SUMMARY: Cosan Chemical Corporation has requested voluntary cancellation of its conditional registration for the pesticide product Cosan PMA-100, EPA Registration No. 8489-5. In response to concerns expressed by EPA regarding the risks to human health associated with use of mercury compounds in paints and coatings, Cosan previously amended the registration for this product to eliminate use in interior paints and coatings and to add new conditions to the product registration. Among other things, the conditional registration for Cosan PMA-100 required Cosan to develop and submit specific additional data for use by EPA in evaluating the risks and benefits associated with continued use of phenylmercuric acetate in exterior paints and coatings. After Cosan failed to conform to the mandatory schedule for development and submission of this data, EPA advised Cosan of its intention to issue a notice of intent to cancel Cosan PMA-100 under FIFRA section 6(e). Cosan subsequently agreed to submit the request for voluntary cancellation which is the basis for this notice. After Cosan PMA-100 is cancelled pursuant to Cosan's request, EPA has decided to permit sale and distribution of certain stocks of Cosan PMA-100 until September 30, 1991, and to permit use of stocks of Cosan PMA-100 purchased on or before September 30, 1991, in manufacture of exterior paints and coatings.

DATES: Any comments by the public on this request for voluntary cancellation of Cosan PMA-100 should be received by EPA at the address noted below on or before July 1, 1991. EPA will grant Cosan's request for voluntary cancellation and issue a final order cancelling Cosan PMA-100 on July 1, 1991, unless Cosan withdraws its request before that time. After EPA cancels Cosan PMA-100 pursuant to this request, EPA will permit stocks of Cosan PMA-100 packaged and labeled by Cosan on or before the effective date of cancellation to be distributed and sold until September 30, 1991, and EPA will permit manufacturers of exterior paints and coatings to use all stocks of Cosan PMA-100 which were packaged and labeled by Cosan on or before the effective date of cancellation and purchased by the manufacturer on or before September 30, 1991.

ADDRESSES: Any comments on this request for voluntary cancellation may be submitted to: Beth Edwards, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Beth Edwards, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 3rd Floor, 2800 Jefferson Davis Highway, Arlington, VA (703) 308-8010.

SUPPLEMENTARY INFORMATION:

I. Background

Following receipt of reports concerning a 4-year old child who developed acrodynia (a rare form of mercury poisoning) after his home was painted with paint containing mercury and a followup investigation by the Centers for Disease Control and the State of Michigan of mercury levels in other homes painted with similar paint, EPA initiated a comprehensive review of the risks and benefits associated with the use of mercurial compounds in paints and coatings. After evaluating the available evidence concerning exposure to mercury resulting from use in paints and coatings, toxicity of mercury and mercury compounds, and availability of alternative biocides, EPA concluded that

the continued use of mercurial compounds in the manufacture of interior paints and coatings would present an unreasonable risk of adverse health effects. EPA also concluded that the available data were insufficient to enable full evaluation of the risks and benefits associated with use of mercurial compounds in exterior paints and coatings, and that the registrants should be required to develop and submit additional data concerning this use.

After completing its review, EPA initiated discussions with the registrants of mercury products labeled for use in paints and coatings to determine whether the necessary changes in the legal status of such products could be achieved by voluntary action. Cosan Chemical Corporation ("Cosan") and Troy Chemical Corporation ("Troy") agreed to submit applications to conditionally amend pursuant to FIFRA section 3(c)(7)(a) the registrations for two pesticide products containing phenylmercuric acetate (PMA), Cosan PMA-100, EPA Reg. No. 8489-5 and Troysan PMA-100, EPA Reg. No. 5383-4. Cosan, Troy, and the remaining registrants requested voluntary cancellation of all other registered pesticide products containing mercurial pesticides which had been previously labeled for use in manufacture of paints and coatings. (See 55 FR 26754, June 29, 1990.)

The conditional amendments submitted by Cosan and Troy included revised labeling: (1) Prohibiting use of these products in manufacture or formulation of any paint or coating intended or labeled for interior use, (2) limiting use of these products to only those exterior paints and coatings labeled with a specific warning against interior use, and (3) specifying maximum application rates for use of these products in exterior paints and coatings.

The new conditional registrations required each registrant to develop and submit additional data pertaining to the risks and benefits associated with continued use of PMA products in exterior paints and coatings. Each registration incorporated specific conditions requiring submission of protocols, descriptions of analytical methods, draft reports, and final reports by specific dates.

Although Cosan and Troy each individually committed to develop and submit the data, EPA agreed that the registrants could elect to cooperate in fulfilling data requirements. The registrants decided to form a consortium to develop and submit the required data. The Chemical Manufacturers Association (CMA) Biocides Panel was selected by the registrants to coordinate and supervise the data development effort.

On November 5, 1990, the manager of the CMA Biocides Panel wrote a letter advising the Agency that, "On October 19, 1990, the consortium decided to withdraw from CMA but will continue to develop protocols and the required data as an ad hoc consortium." On November 2, 1990, the registrants started to miss deadlines. On November 16, 1990, Cosan wrote a letter requesting that EPA provide a 120-day extension for all remaining submissions. Then, in a letter dated November 26, 1990, Troy submitted a request for voluntary cancellation of its registered PMA product. Troy's request for voluntary cancellation is the subject of a separate **Federal Register** notice under FIFRA section 6(f)(1) published elsewhere in this issue of the **Federal Register**.

After reviewing Cosan's November 16, 1990, extension request and a subsequent submission by Cosan on January 8, 1991, EPA concluded that, except for the dermal absorption study, Cosan had not provided an explanation sufficient to justify any extension of the due dates for remaining data submissions. On March 4, 1991, EPA wrote a letter to Cosan denying all requests for extensions except for those pertaining to the dermal absorption study.

II. Request for Voluntary Cancellation

On April 1, 1991, EPA advised Cosan representatives that it intended to issue a notice of intent to cancel PMA-100 pursuant to FIFRA section 6(e), and suggested that Cosan consider requesting voluntary cancellation of PMA-100. In subsequent discussions, EPA and Cosan discussed the options available to Cosan, the scope and potential outcomes of a cancellation hearing, and the provisions for sale, distribution, and use of existing stocks to be incorporated in a cancellation order. On May 10, 1991, Cosan submitted the request for voluntary cancellation which is the basis for this notice.

III. Legal Authority

Section 6(f)(1) of FIFRA, as amended, provides that, "A registrant may, at any time, request that a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses." EPA must publish a notice of the receipt of the request in the **Federal Register** and provide 30 days for public comment. After 30 days, EPA may grant the request and enter an order cancelling the product.

IV. Existing Stocks

FIFRA section 6(a)(1), 7 U.S.C. section 136d(a)(1), provides that EPA may permit continued sale and use of existing stocks of cancelled products for specific uses and subject to specific conditions, if EPA determines "that such sale or use is not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment." In the event that Cosan PMA-100 is cancelled pursuant to this notice, EPA has determined for the reasons given below that distribution, sale, and use of Cosan PMA-100 subject to the limitations described below would not be inconsistent with the purposes of FIFRA and would not have unreasonable adverse effects on the environment.

At the time that the Agency granted applications for conditional amendment of the registrations for two PMA products made by Cosan and Troy, the available data were insufficient to permit the Agency to fully evaluate the risks and benefits associated with use of PMA in exterior paints and coatings. EPA therefore decided to permit continued registration of these products during the pendency of the data development process.

If Cosan had adhered to the mandatory schedule for development and submission of additional data, all of the required data pertaining to the risks associated with use of PMA in exterior paints and coatings would have been submitted to EPA by July 29, 1991. In its discussions with Cosan, EPA stressed the need to establish existing stocks provisions in this instance which will not encourage registrants in other instances to make data development commitments which they are unwilling or unable to adhere to. However, in the event that EPA had issued a notice of intent to cancel under FIFRA section 6(e) and Cosan had requested a hearing, EPA estimates that it would have taken until September 1991, to hold a hearing and make a final determination concerning cancellation of Cosan PMA-100. Such a hearing would have involved substantial uncertainties and resource expenditures for both Cosan and EPA. EPA did not want to insist on existing stocks provisions which would provide an incentive to Cosan to request a hearing solely to delay the effective date of cancellation. Ultimately, EPA concluded that it would be consistent with the purposes of FIFRA to permit Cosan to distribute and sell Cosan PMA-100 for a period approximately equivalent to the period which would be

required to cancel Cosan PMA-100 in a contested proceeding.

In the event that Cosan PMA-100, EPA Reg. No. 8489-5, is cancelled pursuant to this notice, EPA will permit stocks of Cosan PMA-100 packaged and labeled by Cosan on or before the effective date of cancellation to be distributed and sold until September 30, 1991. After Cosan PMA-100 is cancelled, EPA will not permit Cosan to distribute or sell any stocks of Cosan PMA-100 packaged or labeled by Cosan after the date of cancellation, and EPA will not permit any person to distribute or sell Cosan PMA-100 after September 30, 1991.

EPA believes that users may have purchased stocks of Cosan PMA-100 in the expectation that this product would remain registered during the pendency of data development. Moreover, users of PMA-100 will likely require some time to complete the unexpected transition to alternative biocides. Finally, EPA believes that disposal of excess PMA stocks could itself present serious environmental problems. For these reasons, EPA has decided to permit manufacturers of exterior paints and coatings to use all stocks of Cosan PMA-100 which were packaged and labeled by Cosan on or before the effective date of cancellation and purchased by the manufacturer on or before September 30, 1991.

As noted above, Troy's registered PMA product, Troysan PMA-100, EPA Reg. No. 5383-4, is the subject of an additional voluntary cancellation notice published elsewhere in this issue of the **Federal Register**. Separate provisions governing sale, distribution, and use of Troysan PMA-100 are set forth in that notice.

V. Cancellation Pursuant to Cosan's Request

EPA will grant Cosan's request for voluntary cancellation and issue a final order cancelling Cosan PMA-100 on July 1, 1991, unless Cosan withdraws its request before that time. [Even if Cosan were to withdraw its request for voluntary cancellation, EPA would then immediately issue a notice of intent to cancel the conditional registration for Cosan PMA-100 pursuant to FIFRA section 6(e).] Because issuance of a final order granting Cosan's request and cancelling Cosan PMA-100 will affect the legality of activities by persons other than Cosan and it is not feasible for EPA to notify each such person, EPA has decided in this instance that it will publish the final cancellation order in the **Federal Register**.

Dated: May 20, 1991.

Peter Caulkins,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 91-12764 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-F

[OPP-66148; FRL-3887-6]

Phenylmercuric Acetate; Notice of Receipt of Request For Voluntary Cancellation From Troy Chemical Corporation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Voluntary cancellation notice.

SUMMARY: Troy Chemical Corporation has requested voluntary cancellation of its conditional registration for the pesticide product Troysan PMA-100, EPA Registration No. 5383-4. In response to concerns expressed by EPA regarding the risks to human health associated with use of mercury compounds in paints and coatings, Troy previously amended the registration for this product to eliminate use in interior paints and coatings and to add new conditions to the product registration. Among other things, the conditional registration for Troysan PMA-100 required Troy to develop and submit specific additional data for use by EPA in evaluating the risks and benefits associated with continued use of phenylmercuric acetate in exterior paints and coatings. Troy has decided to request voluntary cancellation of the registration for this product rather than developing and submitting the required data. After Troysan PMA-100 is cancelled pursuant to Troy's request, EPA has decided to permit sale and distribution of certain stocks of Troysan PMA-100 until June 27, 1991, and to permit use of stocks of Troysan PMA-100 purchased on or before June 27, 1991, in manufacture of exterior paints and coatings.

DATES: Any comments by the public on this request for voluntary cancellation of Troysan PMA-100 should be received by EPA at the address noted below on or before July 1, 1991. EPA will grant Troy's request for voluntary cancellation and issue a final order cancelling Troysan PMA-100 on July 1, 1991, unless Troy withdraws its request before that time. After EPA cancels Troysan PMA-100 pursuant to this request, EPA will permit stocks of Troysan PMA-100 packaged and labeled by Troy on or before February 28, 1991, to be distributed and sold until June 27, 1991, and EPA will permit manufacturers of exterior paints and coatings to use all stocks of Troysan PMA-100 which were packaged and labeled by Troy on or before February 28, 1991, and purchased by the manufacturer on or before June 27, 1991.

ADDRESSES: Any comments on this request for voluntary cancellation may be submitted to: Beth Edwards, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Beth Edwards, Special Review and Reregistration Division (H7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW.,Washington, DC 20460. Office location and telephone number: 3rd Floor, 2800 Jefferson Davis Highway, Arlington, VA (703) 308-8010.

SUPPLEMENTARY INFORMATION:

I. Background

Following receipt of reports concerning a 4-year old child who developed acrodynia (a rare form of mercury poisoning) after his home was painted with paint containing mercury and a followup investigation by the Centers for Disease Control and the State of Michigan of mercury levels in other homes painted with similar paint, EPA initiated a comprehensive review of the risks and benefits associated with the use of mercurial compounds in paints and coatings. After evaluating the available evidence concerning exposure to mercury resulting from use in paints and coatings, toxicity of mercury and mercury compounds, and availability of alternative biocides, EPA concluded that the continued use of mercurial compounds in the manufacture of interior paints and coatings would present an unreasonable risk of adverse health effects. EPA also concluded that the available data were insufficient to enable full evaluation of the risks and benefits associated with use of mercurial compounds in exterior paints and coatings, and that the registrants should be required to develop and submit additional data concerning this use.

After completing its review, EPA initiated discussions with the registrants of mercury products labeled for use in paints and coatings to determine whether the necessary changes in the legal status of such products could be achieved by voluntary action. Troy Chemical Corporation ("Troy") and Cosan Chemical Corporation ("Cosan") agreed to submit applications to conditionally amend pursuant to FIFRA section 3(c)(7)(a) the registrations for

two pesticide products containing phenylmercuric acetate (PMA), Troysan PMA-100, EPA Registration No. 5383-4 and Cosan PMA-100, EPA Registration No. 8489-5. Troy, Cosan, and the remaining registrants requested voluntary cancellation of all other registered pesticide products containing mercurial pesticides which had been previously labeled for use in manufacture of paints and coatings. (See 55 FR 26754, June 29, 1990.)

The conditional amendments submitted by Troy and Cosan included revised labeling: (1) Prohibiting use of these products in manufacture or formulation of any paint or coating intended or labeled for interior use, (2) limiting use of these products to only those exterior paints and coatings labeled with a specific warning against interior use, and (3) specifying maximum application rates for use of these products in exterior paints and coatings.

The new conditional registrations required each registrant to develop and submit additional data pertaining to the risks and benefits associated with continued use of PMA products in exterior paints and coatings. Each registration incorporated specific conditions requiring submission of protocols, descriptions of analytical methods, draft reports, and final reports by specific dates. Although Cosan and Troy each individually committed to develop and submit the data, EPA agreed that the registrants could elect to cooperate in fulfilling data requirements.

II. Request for Voluntary Cancellation

In a letter dated November 26, 1990, Troy submitted a request for voluntary cancellation of Troysan PMA-100, EPA Registration No. 5383-4. In its initial request, Troy advised EPA that it was immediately ceasing all production of Troysan PMA-100 and requested that EPA permit sale, distribution, and use of existing stocks of Troysan PMA-100 until November 26, 1991. In subsequent discussions, EPA indicated to Troy that it would not be willing to permit sale and distribution of Troysan PMA-100 after June 27, 1991, or use of any stocks of Troysan PMA-100 purchased by the user after June 27, 1991. On February 28, 1991, Troy wrote an additional letter to EPA confirming its prior request for voluntary cancellation and accepting the existing stocks provisions specified by EPA. Troy's November 26, 1990, request for voluntary cancellation, as confirmed and modified on February 28, 1991, is the basis for this notice.

After Troy decided to cease production of Troysan PMA-100 and to request voluntary cancellation, Cosan fell considerably behind the established schedule for development and submission of the required data concerning use of PMA in exterior paints and coatings. EPA concluded that the explanations for these delays offered by Cosan did not warrant an extension of the mandatory due dates. EPA then advised Cosan that it would be issuing a notice of intent to cancel under FIFRA section 6(e) for Cosan PMA-100, EPA Registration No. 8489-5. In subsequent discussions, Cosan agreed to submit a request for voluntary cancellation of this product, which is the subject of another voluntary cancellation notice published elsewhere in this issue of the **Federal Register.**

Since Troy also failed to satisfy the conditions regarding data generation included in its conditional registration for Troysan PMA-100, if Troy had not requested voluntary cancellation the registration for Troysan PMA-100 would be subject to cancellation pursuant to FIFRA section 6(e).

III. Legal Authority

Section 6(f)(1) of FIFRA, as amended, provides that, "A registrant may, at any time, request that a pesticide registration of the registrant be canceled or amended to terminate one or more pesticide uses." EPA must publish a notice of the receipt of the request in the **Federal Register** and provide 30 days for public comment. After 30 days, EPA may grant the request and enter an order cancelling the product.

IV. Existing Stocks

FIFRA section 6(a)(1), 7 U.S.C. section 136d(a)(1), provides that EPA may permit continued sale and use of existing stocks of cancelled products for specific uses and subject to specific conditions, if EPA determines "that such sale or use is not inconsistent with the purposes of this Act and will not have unreasonable adverse effects on the environment." In the event that Troysan PMA-100 is cancelled pursuant to Troy's request, EPA has determined for the reasons given below that distribution, sale, and use of Troysan PMA-100 subject to the limitations described below would not be inconsistent with the purposes of FIFRA and would not have unreasonable adverse effects on the environment.

At the time that the Agency granted applications for conditional amendment of the registrations for two PMA products made by Troy and Cosan, the available data were insufficient to permit the Agency to fully evaluate the risks and benefits associated with use of PMA in exterior paints and coatings. EPA therefore decided to permit continued registration of these products during the pendency of the data development process.

At the same time that EPA granted conditional amendments to Troy and Cosan, the remaining registrants of pesticide products containing mercury and labeled for use in paints and coatings requested voluntary cancellation of their registrations. Since it appeared that PMA products labeled for use in exterior paints and coatings would remain registered during data development by Troy and Cosan, EPA concluded that limited distribution, sale, and use of existing stocks of cancelled mercurial pesticides pursuant to the same substantive terms and conditions as the registered PMA products would be consistent with the purposes of FIFRA and would not have unreasonable adverse effects on the environment. Therefore, EPA decided to allow continued distribution, sale, and use of the previously cancelled mercurial pesticides solely for manufacture of exterior paints and coatings until June 27, 1991.

EPA has now concluded that it would not be inconsistent with the purposes of FIFRA and would not have unreasonable adverse effects on the environment to permit Troy to sell and distribute Troysan PMA-100 until June 27, 1991, the same deadline for distribution and sale established as part of the earlier voluntary cancellations. In the event that Troysan PMA-100, EPA Registration No. 5383-4, is cancelled pursuant to Troy's request, EPA will permit stocks of Troysan PMA-100 packaged and labeled by Troy on or before February 28, 1991, to be distributed and sold until June 27, 1991. After Troysan PMA-100 is cancelled, EPA will not permit Troy to distribute or sell any stocks of Troysan PMA-100 packaged or labeled by Troy after February 28, 1991, and EPA will not permit any person to distribute or sell Troysan PMA-100 after June 27, 1991.

EPA believes that users may have purchased stocks of Troysan PMA-100 in the expectation that this product would remain registered during the pendency of data development. Moreover, users of PMA-100 will likely require some time to complete the unexpected transition to alternative biocides. Finally, EPA believes that disposal of excess PMA stocks could itself present serious environmental problems. For these reasons, after Troysan PMA-100 is cancelled, EPA has decided to permit manufacturers of exterior paints and coatings to use all stocks of Troysan PMA-100 which were packaged and labeled by Troy on or before February 28, 1991, and purchased

by the manufacturer on or before June 27, 1991.

As noted above, Cosan's conditional registration for Cosan PMA-100, EPA Registration No. 8489-5, is the subject of an additional voluntary cancellation notice published elsewhere in this issue of the **Federal Register.** Separate provisions governing sale, distribution, and use of Cosan PMA-100 are set forth in that notice.

V. Cancellation Pursuant to Troy's Request

EPA will grant Troy's request for voluntary cancellation and issue a final order cancelling Troysan PMA-100 on July 1, 1991, unless Troy withdraws its request before that time. [Even if Troy were to withdraw its request for voluntary cancellation, EPA would then immediately issue a notice of intent to cancel the conditional registration for Troysan PMA-100 pursuant to FIFRA section 6(e).] Because issuance of a final order granting Troy's request and cancelling Troysan PMA-100 will affect the legality of activities by persons other than Troy and it is not feasible for EPA to notify each such person, EPA has decided in this instance that it will publish the final cancellation order in the **Federal Register.**

Dated: May 20, 1991.

Peter Caulkins,

Acting Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 91-12763 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-62045A; FRL-3843-4]

Informational Notice on the Interagency Chlorinated Solvents Project

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice is provided to update the activities of the Chlorinated Solvents Project. The Chlorinated Solvents Project was initiated in 1985 by EPA in response to concerns with the use of methylene chloride (DCM, CAS No. 75-09-2), and expanded to include four Federal agencies investigating six major chlorinated solvents in four high-use categories. The integrated regulatory investigation led to significant exposure reductions in the major chlorinated solvent use applications, and established a precedent for future cooperative regulatory endeavors.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, Telephone: (202) 554-1404, TDD: (202) 554-0557. For further information on the 33/50 Project, contact Susan B. Hazen, at (202) 382-3671.

SUPPLEMENTARY INFORMATION:

I. Background

In March 1985, the National Toxicology Program (NTP) reported positive results for a cancer bioassay on methylene chloride (DCM). Subsequently, the EPA made a preliminary determination to list DCM as a "Hazardous Air Pollutant" under section 112 of the Clean Air Act (CAA), and made a finding under section 4(f) of the Toxic Substances Control Act (TSCA) that occupational and ambient air exposures to DCM may present a significant risk of serious and widespread harm to humans (50 FR 20126, May 14, 1985).

On October 17, 1985 (50 FR 42037), EPA issued an Advance Notice of Proposed Rulemaking (ANPR) on DCM. At the same time, EPA initiated an integrated Federal regulatory investigation of DCM in cooperation with the Consumer Product Safety Commission (CPSC), the Occupational Safety and Health Administration (OSHA), and the Food and Drug Administration (FDA). The agencies formed an Interagency Work Group, chaired by EPA's Office of Pesticides and Toxic Substances (OPTS), to determine whether DCM presents a significant risk to human health or the environment, and to determine if regulatory actions are needed to limit exposures to DCM.

Following approval by all agencies involved with the integrated regulatory investigation, the Assistant Administrator for OPTS organized an interagency Committee of Office Directors, chaired by the Director of the Office of Toxic Substances (OTS), to oversee the Chlorinated Solvents Project, review the regulatory options developed, and recommend specific courses of action to senior management of participating agencies.

Although the Work Group was initially formed to investigate DCM, its focus expanded to include the following solvent chemicals deemed possible substitutes for DCM: trichloroethylene (TCE, CAS No. 79-01-6); perchloroethylene (tetrachloroethylene, PCE, CAS No. 127-18-4); 1,1,1-trichloroethane (methyl chloroform, TCA, CAS No. 71-55-6); carbon tetrachloride (CAS No. 56-23-5); and 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113, CAS No. 7613-1). The Work Group directed their analyses to the use categories identified as presenting the greatest risk potential for these solvents: dry cleaning, solvent cleaning (electronics and metal cleaning), aerosols, and paint stripping.

One of the primary purposes of integrating the chlorinated solvents investigation with other Federal agencies was to identify the most appropriate statutory authority for controlling the risks associated with different solvent uses. Risk control strategies were based on appropriate statutory authorities administered by all four participating agencies. These authorities included the Federal Hazardous Substances Act (FHSA), administered by CPSC; the Occupational Safety and Health Act (OSHAct), administered by OSHA; the Federal Food, Drug, and Cosmetic Act (FFDCA), administered by the FDA; and the Clean Air Act (CAA), Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and Toxic Substances Control Act (TSCA), all administered by the EPA.

Regulatory alternatives considered under the FHSA and FFDCA included labeling provisions and product bans. The primary option considered under the OSHAct was lowering of permissible exposure limits (PELs). The other regulatory options considered were National Emission Standards for Hazardous Air Pollutants (NESHAP) under the CAA, pesticide registration controls under the FIFRA, and commercial use bans under the TSCA.

When the Work Group began its analysis, there were several existing regulations affecting the use of the chlorinated solvents under investigation. OSHA had existing PEL's for DCM, PCE, and TCE. The existing limits were: 500 ppm for an 8-hour time weighted average (TWA) for DCM; 100 ppm TWA for TCE; and 100 ppm TWA for PCE.

Two of the six solvents originally under review by the Work Group were subsequently withdrawn from the analysis. Carbon tetrachloride was no longer being used in the major applications under investigation, and CFC-113 was subject to regulation by EPA's Office of Air and Radiation (OAR), as an ozone depletor (53 FR 30566, August 12, 1988). TCA remained a part of the Work Group analysis, but is now regulated by OAR as an ozone depletor. Under both the terms of the Montreal Protocol on Substances that Deplete the Ozone Layer and Title VI of the new Clean Air Act Amendments, CFC-113 and carbon tetrachloride will be completely phased out by the year

2000, and TCA will be phased out by the year 2002.

II. Work Group Activities

The Work Group completed hazard assessments for the four solvents remaining under investigation, risk assessments for the four high risk use categories, and economic analyses and risk management options papers for each use category. These references are available as described in Unit IV.

A. Summary of Risk Management Actions

The Work Group was responsible for conducting risk assessments, and developing risk management strategies for each category. The project did not generally require the Work Group to reconcile conflicting statutory directions, so much as to choose, from among the many authorities, those that would best reduce the risks.

Below is a description of risk management actions completed by each agency for the chemicals and uses under review, as well as a discussion of ongoing risk control activities.

1. *OSHA*. In 1989, OSHA promulgated their generic PEL project, which addressed PEL's of 400 air contaminants. Two of the chlorinated solvents under investigation by the Work Group, PCE and TCE, were included in OSHA's PEL project.

The PCE PEL was lowered from 100 ppm to 25 ppm for an 8-hour TWA (January 19, 1989, 54 FR 2686). The standard was revised primarily in response to occupational cancer risks attributable to PCE dry cleaning workplace exposure, although the reduced PCE standard effected reduction in the total occupational cancer risks resulting from PCE solvent cleaning and at aerosol packing plants.

For TCE, OSHA lowered the PEL from 100 ppm to 50 ppm for an 8-hour TWA (January 19, 1989, 54 FR 2432). This standard was revised based on occupational cancer risks from TCE solvent cleaning.

OSHA is also currently proceeding on a section 6(b) rulemaking for DCM, and is expected to propose a significant reduction of the DCM PEL, presently at 500 ppm, in late 1991. While the PEL would be lowered across the board for all uses of DCM, the reduction would be driven primarily by concern for the risks of solvent cleaning.

2. *FDA*. On June 29, 1989 (54 FR 27328), FDA promulgated a regulation under the FFDCA prohibiting the use of DCM as an ingredient of cosmetic products. The regulation was primarily targeted at the use of DCM in aerosol hair sprays, which FDA estimated resulted in high cancer risks for hair care specialists and users of hair spray (see 50 FR 51553, December 18, 1985).

3. *CPSC*. On August 20, 1986 (51 FR 29778), CPSC proposed a rule declaring household products containing DCM to be hazardous substances. CPSC suspended the rulemaking and issued a statement of interpretation and enforcement policy (52 FR 34698, September 14, 1987) declaring several DCM consumer products to be hazardous substances requiring labeling under the FHSA. Required labeling of the DCM products was implemented by CPSC in 1987. CPSC is in the process of assessing the effectiveness of their DCM labeling program. Once the assessment of DCM product labeling effectiveness is completed, CPSC staff will make a recommendation to the Commission on the appropriateness of a ban on certain DCM-containing products. The Commission is scheduled to make a decision on further regulation of DCM in household products in early 1992.

4. *EPA*. In October 1988, EPA's Office of Pesticide Programs (OPP) conducted a data call-in under section 3(c)(2)(B) of FIFRA. This action required registrants using DCM as an inert ingredient in their pesticide products to either develop toxicity and exposure data on DCM to support continued product registrations, cancel, reformulate their products, or have their registrations suspended. All registrants using DCM as an inert ingredient responded to the data call-in by canceling or reformulating their products, with the exception of one registrant who requested a waiver from data requirements based upon low volume/minor use considerations.

On July 25, 1990 (55 FR 30370), the Office of Drinking Water proposed a Maximum Contaminant Level Goal (MCLG) of 0.00 and a Maximum Contaminant Level (MCL) of 5 parts per billion (ppb) for DCM in drinking water. Promulgation of the final drinking water standards for DCM is expected in Spring of 1992.

The Office of Air and Radiation began development of a NESHAP for the PCE dry cleaning source category in 1986. On May 19, 1988, a meeting of the National Air Pollution Control Techniques Advisory Committee (NAPCTAC) was held to discuss results of EPA's analysis of control options, and associated environmental, cost, and economic impacts. Shortly thereafter, further work on the PCE dry cleaning NESHAP was delayed to determine the effect of the vinyl chloride NESHAP remand, and possible amendments to the Clean Air Act on subsequent NESHAP development.

Currently, OAR plans to propose the PCE dry cleaning NESHAP under section 112 of the new CAA. Under these provisions, EPA will promulgate the PCE dry cleaning NESHAP based on maximum achievable control technology (MACT), which considers technological feasibility and cost. Based on the current schedule, it is anticipated that a NESHAP will be proposed in November of 1991 with promulgation in November of 1992. NESHAP's for DCM, PCE, and TCE solvent cleaning emissions are scheduled to be proposed by 1993.

EPA's OTS is examining risk reduction possibilities for dry cleaning consumers. The dry cleaning and PCE manufacturing industries agreed to conduct a study intended to determine ways of minimizing the potential in-house exposures of consumers to PCE that may off-gas from dry-cleaned fabrics. The industry's study commenced in September 1990. The results of the industry's investigation could be used to issue guidance to dry cleaners on opportunities for minimizing any potential PCE contribution from dry cleaning to residential indoor air pollution.

B. Other Activities

As an adjunct to CPSC's continuing efforts concerning the use of DCM in paint strippers, EPA, in coordination with CPSC, NIOSH, and OSHA, sponsored an International Conference on Reducing Risk in Paint Stripping. The conference was held February 12-13, 1991, in Washington, DC. It was intended as a mechanism for obtaining information on feasible substitutes for DCM paint strippers. The conference brought together several interested Federal regulatory agencies, and both suppliers and users for each sector of the industry: original equipment manufacture (OEM), maintenance, and commercial/consumer refinishing. The discussions at the conference focused on the cost and effectiveness of alternative stripping technologies and information needs, including consideration of waste generation and exposure.

III. New Initiatives

Although there has been significant risk reduction effected by the agencies participating on the Chlorinated Solvents Project, and many of the most significant risks have been addressed, EPA strongly believes that the use of toxic chemicals, such as chlorinated solvents, should continue to be reduced or controlled wherever possible.

While the regulatory actions detailed above yielded significant reductions in the risks associated with these solvents,

there remain uses and emissions which result in unnecessary exposures to these chemicals. In a number of cases, the Agency has seen voluntary reductions in the use of these solvents, voluntary substitution of safer alternatives, and the institution of process controls which reduce exposures. In many instances these changes have proven to be both environmentally and economically beneficial.

Building on the experience these voluntary actions have provided, the Agency is initiating a project to work closely with facilities in the industrial sector to voluntarily reduce or control unnecessary exposures associated with certain high production/high emission chemicals. These chemicals, which are a subset of the Toxic Release Inventory (TRI) list, have been targeted by the Agency for reductions of 50 percent by 1995, with an interim goal of 33 percent reduction by 1992.

Carbon tetrachloride, DCM, PCE, TCA, and TCE are among the 17 chemicals selected for this effort. This project, known as the 33/50 Project, will work with the industrial sector to achieve exposure reductions in all environmental media, as well as transfers of chemical wastes to off-site management facilities. EPA anticipates that most of these reductions can be accomplished through pollution prevention practices which eliminate the wastes at the source, rather than relying on destructive treatment after wastes have been generated.

The successes achieved in the integrated solvents regulatory investigation not only addressed risks posed by chlorinated solvents, but also raised the importance of integrated risk management decision making, while laying the foundation for future regulatory integration. With new emphases on pollution prevention and cross-media approaches to environmental risk reduction, such coordinative capabilities are essential. EPA's 33/50 Project is a good example of the type of project that will require such an integrated, cooperative effort for success.

IV. Official Record

EPA has established an official administrative record in support of this notice [docket number OPTS-62045A]. This record contains basic information developed and utilized by the Interagency Work Group and Committee of Office Directors over the course of the Chlorinated Solvents Project. The record is available in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, rm. NE-G004, 401 M St., SW., Washington, DC 20460.

Dated: May 24, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91-12892 Filed 5-30-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-59298; FRL 3926-6]

Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of applications for test marketing exemptions (TMEs) under section 5(h)(1) of the Toxic Substances Control Act (TSCA) and 40 CFR 720.38. EPA has designated these applications as TME-91-16, TME-91-17, and TME-91-18. The test marketing conditions are described below.

EFFECTIVE DATE: May 28, 1991. Written comments will be received until June 17, 1991.

ADDRESS: Written comments, identified by the document control number "[OPTS-59298]" and the specific TME numbers "[TME-91-16, TME-91-17, and TME-91-18]" should be sent to: Document Control Officer (TS-790), Office of Toxic Substances, Environmental Protection Agency, Rm. E-201, 401 M St., SW., Washington, DC 20460, (202) 382-3532.

FOR FURTHER INFORMATION CONTACT: Karen K. Pollard, New Chemicals Branch, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-611, 401 M St. SW., Washington, DC 20460, (202) 475-8993.

SUPPLEMENTARY INFORMATION: Section 5(h)(1) of TSCA authorizes EPA to exempt persons from premanufacture notification (PMN) requirements and permit them to manufacture or import new chemical substances for test marketing purposes if the Agency finds that the manufacture, processing, distribution in commerce, use, and disposal of the substances for test marketing purposes will not present an unreasonable risk of injury to health or the environment. EPA may impose restrictions on test marketing activities and may modify or revoke a test marketing exemption upon receipt of new information which casts significant doubt on its finding that the test marketing activity will not present an unreasonable risk of injury.

EPA hereby approves TME-91-16, TME-91-17, and TME-91-18. EPA has determined that test marketing of these new chemical substances described below, under the conditions set out in the TME applications, and for the time period and restrictions specified below, will not present an unreasonable risk of injury to health or the environment. Production volumes, uses, and number of customers must not exceed that specified in the application. All other conditions and restrictions described in the applications and in this notice must be met.

Inadvertently, notice of receipt of the application was not published. Therefore, an opportunity to submit comments is being offered at this time. The complete nonconfidential document is available in the Public Reading Room NE G004 at the above address between 8 a.m. and 4 p.m., Monday through Friday, excluding legal holidays. EPA may modify or revoke the test marketing exemption if comments are received which cast significant doubt on its finding that the test marketing activities will not present an unreasonable risk of injury.

The following additional restrictions apply to TME-91-16, TME-91-17, and TME-91-18. A bill of lading accompanying each shipment must state that the use of these substances is restricted to that approved in the specific TME. In addition, the applicant shall maintain the following records until 5 years after the date they are created, and shall make them available for inspection or copying in accordance with section 11 of TSCA:

1. Records of the quantity of each TME substance imported and the date of import.
2. Records of dates of the shipments to each customer and
3. Copies of the bill of lading that accompanies eachshipment of each TME substance.

Close of Review Period: May 29, 1991. The extended comment period will close (insert date 15 days after date of publication in the Federal Register).

TME-91-16

Date of Receipt: April 16, 1991.

Applicant: Mastsui International Co. Inc.

Chemical: (G) Spiro [2H-Indole-2,3'-[3H]Naphth[2,1-b][1,4] Oxazine], 1,3-Dihydrydro-1,3,3-Trimethyl-6'-(1-Piperdinyl)-.

Use: (G) A photochromic textile dye which changes color on exposure to sunlight.

Import Volume: 40 kg/yr.
Number of Customers: 2.
Test Marketing Period: 30 days, commencing on first day of commercial import.

TME-91-17

Date of Receipt: April 16, 1991.
Applicant: Mastsui International Co. Inc.
Chemical: (G) Spiro [2H-Indole-2,3'-[3H]Naphth[2,1- b][1,4]Oxazine],6'-(2,3-Dihydro-1H-Indole-1-UL)-1,3-Dihydro-1,3-Dihydro-1,3,3-Trimethyl.
Use: (G) A photochromic textile dye which changes color on exposure to sunlight.
Import Volume: 29 kg/yr.
Number of Customers: 2.
Test Marketing Period: 30 days, commencing on first day of commercial import.

TME-91-18

Date of Receipt: April 16, 1991.
Applicant: Mastsui International Co. Inc.
Chemical: (G) 3H-Naphtho[2,1-b]Pyran, 3,3-Diphenyl.
Use: (G) A photochromic textile dye which changes color on exposure to sunlight.
Import Volume: 45 kg/yr.
Number of Customers: 2.
Test Marketing Period: 30 days, commencing on first day of commercial import.
Risk Assessment: EPA has identified potential environmental concerns for test market substances TME-91-16, TME-91-17, and TME-91-18. Based on Quantitative Structural Activity Relationships (QSAR) derived from test data on structurally similar compounds, EPA expects chronic aquatic toxicity at surface water concentrations as low as 1 part-per-billion (ppb); however, due to the low production volumes of these TME substances, the Agency does not expect water releases of the substances to result in surface water concentrations exceeding this level. Regarding the human health concerns, EPA identified apotential for carcinogenicity for the TME substance TME-91-18, based on data on structurally analogous substances. EPA's exposure analysis indicated, however, that there would be no inhalation exposure to the TME substances, that any dermal exposure to the substance would not result in absorption, and that exposures to the substance via drinking water would not be significant.

Based on the above information, EPA determined that TME-91-16, TME-91-17, and TME-91-18, will not present an unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to health or the environment.

Dated: May 28, 1991.

John W. Melone,
Director, Chemical Control Division, Office of Toxic Substances.

[FR Doc. 91-13016 Filed 5-30-91; 8:45 am]
BILLING CODE 6560-50-F

[FRL 3960-5]

Guidelines Establishing Test Procedures for the Analysis of Pollutants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the intentions of the EPA to conduct an interlaboratory study of a "Test Method for Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry". This study will be a part of the selection and evaluation process prior to proposal of the method under section 304(h) of the Clean Water Act. The method, based on EPA Method 524.2, has been proposed as a consensus standard by the American Society for Testing and Materials (ASTM)—Philadelphia Subcommittee D19.06 Organics in Water pending completion of their interlaboratory study.

EPA through the Environmental Monitoring Systems Laboratory—Cincinnati in cooperation with ASTM Committee D19 will conduct the interlaboratory study. By this notice EPA is soliciting participants for this study. A preliminary announcement of this study was made at the "12th Annual EPA Conference on Analysis of Pollutants in the Environment", May 9-11, 1991 in Norfolk, VA.

In keeping with the EPA Environmental Monitoring Management Committee's charge to combine/reduce the number of analytical methods required to implement environmental regulation, the study is intended to cover a cross-section of water matrices including: Drinking water, ground water, wastewater, ambient/raw source water, and leachate from the toxicity characteristic leaching procedure (TCLP). As many as possible of the regulated volatile organic chemicals (VOCs) will be included.

Summary of Method: Volatile organic compounds are purged by bubbling inert gas thorugh an aqueous sample. Purged sample components are trapped in a sorbent tube which is thermally desorbed onto a capillary gas chromatography column. Compounds are eluted from the column by temperature programming then identified and quantified using a mass spectrometer.

Study Design:

- Approximately seventy regulated analytes will be included using the matrices listed above.
- There will be 10 concentration levels (5 Youden pairs) per water matrix (0.2 to 100 mg/L).
- The study period is planned for October-November 1991 (60 days).
- Sample spiking solutions, reference standards, and quality control samples will be provided.
- A Youden pair will be provided for optional MDL determination in the analysts wastewater of choice (30-40 labelled compounds included).

DATES: Those wishing to participate in this interlaboratory study must respond by July 1, 1991.

ADDRESSES: Those wishing to participate in this study should write to James J. Lichtenberg, Environmental Monitoring Systems Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, Cincinnati, OH 45268.

FOR FURTHER INFORMATION CONTACT: James J. Lichtenberg, (513-569-7306).

SUPPLEMENTARY INFORMATION: Copies of the proposed analytical method are available to prospective participants from Environmental Monitoring Systems Laboratory—Cincinnati. Telephone: 513-569-7306.

Dated: May 20, 1991.

Thomas A. Clark,
Director, Environmental Monitoring Systems Laboratory, Cincinnati, OH 45268.

[FR Doc. 91-12889 Filed 5-30-91; 8:45 am]
BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection Requirements Submitted to Office of Management and Budget for Review.

May 22, 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 Judy Boley, Federal Communications Commission, (202) 632-7513. Persons wishing to comment on these information collections should contact Jonas Neihardt, Office of Management and Budget, room 3235 NEOB, Washington, DC 20503, (202) 395-4814.

OMB Number: 3060-0110.

Title: Application for Renewal of License of Commercial and Noncommercial AM, FM or TV Broadcast Station.

Form Number: FCC Form 303-S.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Other: once every 5 years for TV; once every 7 years for radio.

Estimated Annual Burden: 3,237 responses; 0.8 hours average burden per response; 2.590 hours total annual burden.

Needs and Uses: FCC Form 303-S is required to be filed by licensees of AM, FM and TV broadcast stations for renewal of the station license. This form is basically a checklist which assures the Commission that all necessary reports and contracts have been filed and that the licensee is in full compliance with FCC Rules. On 4/9/91, the FCC adopted a Report and Order, MM Docket No. 90-570, which implements the Children's Televison Act of 1990. This action will revise the FCC Form 303-S by requiring licensees of commercial broadcast stations to submit a summary of the licensee's programming response and other efforts directed to the educational and informational needs of children and to certify compliance with the commercial limits established in the R&O. This requirement will become effective with renewal applications filed as of February 1, 1992, and corresponding with licenses expiring as of June 1, 1992. This revised information collection also includes modified policies concerning adjudicated or pending adjudications of relevant misconduct by broadcast applicants and fee collection data. The data is used by FCC staf to assure that the necessary forms connected with the renewal application have been filed and that the licensee continues to meet basic statutory requirements to remain a licensee of a broadcast station.

OMB Number: 3060-0214.

Title: Section 73.3526, Local public inspection file of commercial stations.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 10,530 recordkeepers; 106.83 hours average burden per recordkeeper; 1,124,920 hours total annual burden.

Needs and Uses: Section 73.3526 requires that each licensee/permittee of a commercial broadcast station maintain a file for public inspection. The contents of the file vary according to type of service and status. The contents include, but are not limited to, copies of certain applications tendered for filing, a statement concerning petitions to deny filed against such applications, copies of ownership reports and annual employment reports, statements certifying compliance with filing announcements in connection with renewal applications, etc. In addition, §§ 73.3526(a) (8) and (9) requires that each broadcast licensee of a commercial station place in a public inspection file a list of community issues addressed by the station's programming. This list is kept on a quarterly basis and contains a brief description of how each issue was treated. This information collection is also affected by the Report and Order, MM Docket No. 90-570, Children's Television Programming. This action will revise § 73.3526 by requiring commercial television broadcast licensees to maintain records sufficient to verify compliance with commercial limits and to maintain records of educational and informations programming desinged to serve children's needs. The data is used by FCC staff and the public to evaluate information about the licensee's performance and to ensure that the station is addressing issues concerning the community to which it is licensed to serve.

OMB Number: None.

Title: Survey to verify the accuracy of existing FM Translator stations technical operation.

Action: New collection.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Other: one time requirement.

Estimated Annual Burden: 1,869 responses; 3 hours average burden per response; 5,607 hours total annual burden.

Needs and Uses: On 11/8/90, the Commission adopted a Report and Order, MM Docket No. 88-140, Amendment of part 74 of the Commission's Rules Concerning FM Translator Stations. This proceeding established contour overlap protection standards for FM translators. In order for existing FM Translator licensees to be afforded this protection, a survey requesting this information must be made. The survey requires licensees of FM Translator stations to submit data regarding their station's technical operation. The data elements needed to calculate service and interference contours are: The effective radiated power (ERP), antenna height above average terrain (HAAT), the antenna pattern relative field values and radiation center above mean sea level (RCAMSL) values. This survey is necessary to ensure that the licensees meet basic statutory requirements and will not cause interference to other licensed broadcast services. The data will be used by FCC staff to create a technical data base which would facilitate the implementation of the technical protections permitted by MM Docket No. 88-140 for FM Translator stations operating with directional facilities.

OMB Number: 3060-0316.

Title: Section 76.305, Records to be maintained locally by cable system operators for public inspection.

Action: Revision.

Respondents: Businesses or other for-profit (including small businesses).

Frequency of Response: Recordkeeping requirement.

Estimated Annual Burden: 10,188 recordkeepers; 13.86 hours average burden per recordkeeper; 141,206 hours total annual burden.

Needs and Uses: Section 76.305 requires cable television systems having 1000 or more subscribers to maintain a public inspection file containing certain records. On 4/9/91, the FCC adopted a Report and Order, MM Docket No. 90-570, Policies and Rules Concerning Children's Televison Programming, which will revise this rule section by requiring cable operators to maintain records in accordance with § 76.225(c), (Commercial limits in children's programs). Section 76.225(c) requires cable operators to maintain records sufficient to verify compliance with commercial limits. This section would require all cable systems (which would include systems with less than 1000 subscribers) to maintain records. The data is used by FCC staff in field inspections/investigations and the public to assess a cable television system's performance and to ensure that the system is in compliance with all applicable Rules and Regulations of the Commission.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 91-12792 Filed 5-30-91; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for two new FM stations:

Applicant, city/state	File No.	MM docket No.
I.		
A. Madaline Broadcasting, Inc., Haltom City, TX.	BPH-890921MB	91-100
B. Bonnie P. Fox, Haltom City, TX.	BPH-890921MC	.....
C. Scottlite, Inc., Haltom City, TX.	BPH-890921ME	.....
D. Q Prime Inc., Haltom City, TX.	BPH-890921MF	.....
E. Lin-Mar Broadcasting, Inc., Haltom City, TX.	BPH-890921MG	.....
F. Mary Gaines, Haltom City, TX.	BPH-890921MH	.....
G. Cynthia Devaney, Haltom City, TX.	BPH-890921MI	.....
H. Fort Worth Radio, Incorporated, Haltom City, TX.	BPH-890921MJ	.....
I. Texas Communications, Inc., Haltom City, TX.	BPH-890921MK	.....
J. Poder Broadcasting, Inc., Haltom City, TX.	BPH-890921ML	.....
K. Prairie Broadcasting, Inc., Haltom City, TX.	BPH-890921MN	.....
L. Haltom City Radio Partners, Haltom City, TX.	BPH-890921MO	.....
M. The Radio Voice of Haltom City, Inc., Haltom City, TX.	BPH-890921MQ	.....
N. Jonathan and Mary Lyn Wolfert, a general partnership, Haltom City, TX.	BPH-890921MR	.....
O. Hispanic Coalition, Inc., Haltom City, TX.	BPH-890921MS	.....
P. Michael C. Nelms, Haltom City, TX.	BPH-890921MT	.....
Q. The Anchor Network Limited Partnership, Haltom City, TX.	BPH-890921MX	.....
R. Lenox Broadcasting Corporation, Haltom City, TX.	BPH-890921MY	.....
S. O'Day Broadcasting, Ltd., Haltom City, TX.	BPH-890921MZ	.....
T. R.W. Andrews, Urban J. Endres, Billy Wayne Hooten, Charles R. Bowers d/b/a Haltom Media Services, Haltom City, TX.	BPH-890921NB	.....
U. John W. Barger, Haltom City, TX.	BPH-890921NC	.....
V. Melanie Bruton, Haltom City, TX.	BPH-890921NG	.....
W. Charles B. Johnson, Haltom City, TX.	BPH-890921NH	.....
X. Metroplex Spanish Broadcasters, Inc., Haltom City, TX.	BPH-890921NT	.....
Y. Tarrant County Educational Foundation, Haltom City, TX.	BPH-890921MA (Dismissed Herein)	.....
Z. American Indian Broadcast Group, Inc., Haltom City, TX.	BPH-890921NA (Dismissed Herein)	.....

Issue Heading and Applicant(s)

1. Air Hazard, B, G, I, K, Q, T, U, V, W
2. Ultimate, A-X
3. Comparative, A-X

Applicant, city/state	File No.	MM docket No.
II.		
A. Mary Anne Embrey d/b/a Clarksville Radio, Clarksville, IN.	BPH-890830MF	91-98
B. Lisa M. Jenkins, Clarksville, IN.	BPH-890905MA	.....
C. Irvin Davis, Clarksville, IN.	BPH-890905MB	.....
D. Valerie Hale, Clarksville, IN.	BPH-890905MC	.....
E. KRB Broadcasting, Inc., Clarksville, IN.	BPH-890905MD	.....
F. Q Prime, Inc., Clarksville, IN.	BPH-890905ME	.....
G. Michael R. Leep, Clarksville, IN.	BPH-890905MF	.....
H. Nellie Gaines, Clarksville, IN.	BPH-890905MN	.....
I. Kentuckiana Radio Partners, Clarksville, IN.	BPH-890905MO	.....
J. Anthony D. Fields & David B. Smith d/b/a Minority Venture Broadcasting, Clarksville, IN.	BPH-890905MR	.....
K. Sandra Metts-Snowden, Clarksville, IN.	BPH-890905MS	.....
L. Clarksville Broadcasting Ltd. Partnership, Clarksville, IN.	BPH-890905MU	.....

Issue Heading and Applicant(s)

1. Comparative, A-L
2. Ultimate, A-L

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth above. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used above to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street, NW., Washington, DC 20036. (Telephone (202) 452-1422).

W. Jan Gay,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91-12793 Filed 5-30-91; 8:45 am]

BILLING CODE 6712-01-M

Applications for Consolidated Hearing

1. The Commission has before it the following mutually exclusive applications for renewal of license of Station WSVE(AM), Jacksonville, Florida, and for a New AM station at Jacksonville Florida:

Applicant	City/state	File No.	MM Docket No.
A. Darrell Spann	Jacksonville, Florida	BR-881003YH	91-126.
B. Spicecom Broadcasting, Inc	Jacksonville, Florida	BP-890103AC	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The

text of each issue has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name above is used below to signify whether the issue in question applies to that particular applicant.

Issue heading	Applicant
1. Site Availability	B.
2. Financial Qualifications	B.
3. Comparative	A, B.
4. Ultimate	A, B.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an appendix to this Notice. A copy of the complete Hearing Designation Order in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC 20554. The complete text may also be purchased from the Commission's duplicating contractor, Downtown Copy Center, 1114 21st Street NW., Washington, DC 20036 (Telephone [202] 452-1422)B.

Stuart B. Bedell,

Assistant Chief, Audio Services Division, Mass Media Bureau.

[FR Doc. 91-12794 Filed 5-30-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Port of Tacoma International Transportation Service, Inc.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the Date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224-200522.

Title: Port of Tacoma/International Transportation Service, Inc. Terminal Agreement.

Parties:

Port of Tacoma,
International Transportation Service, Inc. (ITSI).

Synopsis: The Agreement, filed May 22, 1991, provides for ITSI's 25-year lease and operation of certain marine terminal facilities as well as preferential use of the Port's Berth D Pier 7, together with three installed container cranes.

Dated: May 24, 1991.

By order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-12838 Filed 5-30-91; 8:45 am]

BILLING CODE 6730-01-M

Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011334.

Title: Columbus/Alianca Agreement.

Parties:

Hamburg-Sudamerikanische, Dampfschifffahrts-Gesellschaft, Eggert & Amsinck,
Empresa de Navegacao Alianca S/A.

Synopsis: The proposed Agreement would authorize the parties to charter space to each other on the vessels they operate and to agree as to the number, size and type of vessels they will operate in the trade between Altantic and Gulf Coast ports of the United States, and inland points in the United States and Canada, via such ports and ports and points in Brazil, Uruguay and Argentina, and inland points in Paraguay and Bolivia. The parties will share revenue in proportion to the number of slots allocated to each other and cooperate in the use of shoreside facilities. Further, the parties would also discuss and agree on rates and charges. Adherence to any agreement reached by the parties is strictly voluntary.

Dated: May 28, 1991.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 91-12877 Filed 5-30-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Agency Forms Under Review

May 24, 1991.

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act of 1980, as per 5 CFR 1320.9, "to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320.9." Board-approved collections of information will be incorporated into the official OMB inventory of currently approved collections of information. A copy of the SF 83 and supporting statement and the approved collection of information instrument(s) will be placed into OMB's public docket files. The following forms, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collection, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority.

DATES: Comments must be submitted on or before July 1, 1991.

ADDRESSES: Comments, which should refer to the OMB Docket number (or Agency form number in the case of a new information collection that has not yet been assigned an OMB number), should be addressed to Mr. William W. Wiles, Secretary, board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or delivered to room B-2223 between 8:45 a.m. and 5:15 p.m. Comments received may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.8(a) of the Board's Rules Regarding Availability of Information, 12 CFR § 261.8(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Gary Waxman, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form, the request for clearance (SF 83), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Federal Reserve Board Clearance Officer—Frederick J. Schroeder—Divison of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202-452-3829).

Proposal To Approve Under OMB Delegated Authority the Extension, With Revisions, of the Following Report

1. *Report title*: Report of Transaction Accounts, Other Deposits and Vault Cash; Reports of Certain Eurocurrency Transactions; and Advance Reports of Deposits.

Agency form number: FR 2900; FR 2950/51; and FR 2000/2001.

OMB Docket number: 7100-0087.

Frequency: Weekly, Quarterly, Daily—dependent upon report.

Reporters: Depository institutions.

Annual reporting hours: 1,863,459.

Report	Estimated Number of Respondents	Estimated Hours Per Response
FR 2900	9,198 (weekly).	1 to 12 (3.50 avg.)
	5,746 (quarterly).	1 to 12 (3.50 avg.)
FR 2950/2951	796 (weekly)	.2 to 5 (1,000 avg.)
	2 (quarterly)	.2 to 5 (1.00 avg.)
FR 2000	186	.3 to 2.4 (.84 avg.)
FR 2001	540	.3 to 3 (.96 avg.)

Small businesses are affected.

General Description of Reports

This information collection is mandatory (12 U.S.C. 248(a), 461, 603, 615, and 1305(b)(2) and is given confidential treatment (5 U.S.C. 552b(4)).

This package of reports collects information on: deposits and related items from depository institutions that have transaction accounts or nonpersonal time deposits and that are not fully exempt from reserve requirements (FR 2900); Eurocurrency transactions from depository institutions that obtain funds from foreign (non-U.S.) sources or that maintain foreign branches (FR 2950, FR 2951); and selected items on the FR 2900 in advance from samples of commerical banks on a daily basis (FR 2000) and on a weekly basis (FR 2001). The Federal Reserve System proposes to consolidate several items now reported on the FR 2000 as separate items, largerly in response to the reduction to zero of the reserve requirement on nonpersonal time deposits that became effective in December 1990, but also because of developments in deposit markets that have reduced the value of certain items. The proposed revisions would reduce the number of data items collected on the FR 2900 from 21 to 14. Information provided by these reports is used for administering Regulation D—Reserve Requirements of Depository Institutions; or for constructing, analyzing, and controlling the monetary and reserves aggregates or both.

Proposal To Approve Under OMB Delegated Authority the Extension, Without Revision, of the Following Reports:

1. *Report title:* Quarterly Report of Selected Deposits, Vault Cash and Reservable Liabilities; and Annual Report of Total Deposits and Reservable Liabilities

Agency form number: FR 2910q; FR 2910a

OMB Docket number: 7100-0175

Frequency: Quarterly; Annually

Reporters: Depository institutions

Annual reporting hours: 6,139

Report	Estimated Number of Respondents	Estimated Average Hours Per Response
FR 2910q	612	2.00
FR 2910a	6,213	.20

Small businesses are affected.

General Description of Reports

This information collection is mandatory [12 U.S.C. §§ 248(a) and 461] and is given confidential treatment [5 U.S.C. § 552b(4)]

These reports collect information from depository institutions (other than U.S. branches and agencies of foreign banks and Edge and Agreement corporations) that are fully exempt from reserve requirements under the Garn-St Germain Depository Institutions Act of 1982. Information provided by these reports is used to construct and analyze the monetary aggregates and to ensure compliance with Regulation D—Reserve Requirement of Depository Institutions. No changes are proposed for these reports.

2. *Report title:* Allocation of Low Reserve Tranche and Reservable Liabilities Exemption

Agency form number: FR 2930; FR 2930a

OMB Docket number: 7100-0088

Frequency: Annually, and on occasion

Reporters: Depository institutions

Annual reporting hours: 53

Estimated average hours per response: .25

Estimated number of respondents: 210

Small businesses are affected

General Description of Reports

This information collection is mandatory (12 U.S.C. 248(a) and 461) and is given confidential treatment (5 U.S.C. 552b(4)).

This report provides information on the allocation of the low reserve tranche and reservable liabilities exemption for depository institutions having offices (or groups of offices) that submit separate FR 2900 deposits reports. The data collected by these reports are needed for the calculation of required reserves. No changes are proposed for these reports.

Board of Governors of the Federal Reserve System, May 24, 1991.

William W. Wiles,

Secretary of the Board.

[FR Doc. 91-12871 Filed 5-30-91; 8:45 am]

BILLING CODE 6210-01-M

Banca Commerciale Italiana S.P.A., et al.; Notice of Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have 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.

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 the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than June 19, 1991.

A. Federal Reserve Bank of New York (William L. Rutledge, Vice President) 33 Liberty Street, New York, New York 10045:

1. Banca Commerciale Italiana S.P.A., Milan, Italy; to engage *de novo* through its subsidiary, BCI Capital Corporation, New York, New York, in dealing in ineligible securities pursuant to § 225.25(b)(16) of the Board's Regulation Y.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Turtle Lake Bancshares, Inc., Turtle Lake, Wisconsin; 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 Turtle Lake, Wisconsin.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Southeast Bancorp of Texas, Inc., Winnie, Texas; to engage *de novo* through its subsidiary, Southwest Financial Services, Winnie, Texas, in providing management consulting services to depository institutions pursuant to § 225.25(b)(11) of the Board's Regulation Y. These activities will be conducted in the State of Texas and southwest Louisiana.

Board of Governors of the Federal Reserve System, May 23, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12867 Filed 5-30-91; 8:45 am]

BILLING CODE 6210-01-F

Central Illinois Financial Corporation, 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 June 19, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Central Illinois Financial Corporation, Champaign, Illinois; to acquire Heartland Federal Savings and Loan Association, Mattoon, Illinois, and thereby engage in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

2. Indiana United Bancorp, Greensburg, Indiana; to acquire Regional Federal Bancorp, Inc., New Albany, Indiana, and thereby indirectly acquire Regional Federal Savings Bank, New Albany, Indiana, and thereby engage in operating a savings and loan association pursuant to § 225.25(b)(9) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 24, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12867 Filed 5-30-91; 8:45 am]

BILLING CODE 6210-01-F

David T. Kearns, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 19, 1991.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. David T. Kearns, Alexandria, Virginia; to acquire 25.54 percent of the voting shares of S.B.T. Financial, Inc., Townsend, Montana, and thereby indirectly acquire The State Bank of Townsend, Townsend, Montana.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. H. Leon Brooks, Beverly Hills, California; to retain 14.95 percent of the voting shares of Professional Bancorp, Inc., Santa Monica, California, and thereby indirectly acquire First Professional Bank, National Association, Santa Monica, California.

Board of Governors of the Federal Reserve System, May 24, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12869 Filed 5-30-91; 8:45 am]

BILLING CODE 6210-01-F

Siouxland Bank Holding Company; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) 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, or to engage in such an activity. Unless otherwise noted, these 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 June 19, 1991.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Siouxland Bank Holding Company, Sioux Falls, South Dakota; to become a bank holding company by acquiring 96 percent of the voting shares of Dakota Bankshares, Inc., Fargo, North Dakota, and thereby indirectly acquire Dakota Bank and Trust Co. of Fargo, Fargo, North Dakota, and Hettinger Holding Company, Inc., Hettinger, North Dakota, and thereby indirectly acquire First National Bank of Hettinger, Hettinger, North Dakota.

In connection with this application, Applicant also proposes to acquire Dakota Data Processing, Inc., Fargo, North Dakota, and thereby engage in providing data processing and data transmission services, data bases and facilities for affiliated and nonaffiliated organizations pursuant to § 225.25(b)(7); and Dakota First Trust Company, Fargo, North Dakota, and thereby engage in trust company activities pursuant to § 225.25(b)(3) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, May 24, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12870 Filed 5-30-91; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 91N-0130]

Research Procurement Co.; Opportunity for Hearing on Proposal To Revoke U.S. License No. 692

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for a hearing on a proposal to revoke the establishment (U.S. License No. 692) and product licenses issued to Research Procurement Co. (RPC) for the manufacture of Source Plasma. The proposed revocations are based on RPC's willful disregard for, and continued noncompliance with, the biologics regulations, which subsume and include the establishment license standards.

DATES: RPC must submit a written request for a hearing by July 1, 1991 and any data justifying a hearing by July 30, 1991. Other interested persons may submit written comments on the proposed revocations by July 1, 1991.

ADDRESSES: Submit a written request for a hearing, any data justifying a hearing, and any written comments on the proposed revocations to the Dockets Management Branch (HFA-305), Food and Drug Administration, rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Ann Reed Gaines, Center for Biologics Evaluation and Research (HFB-132), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20892, 301-295-8188.

SUPPLEMENTARY INFORMATION: FDA is initiating proceedings to revoke the establishment (U.S. License No. 692) and product licenses issued to RPC for the manufacture of Source Plasma. RPC's business office is located at 9918A Holmes Rd., Kansas City, MO 64131, while RPC's physical facilities are located at 6040 Troost Ave., Kansas City, MO 64106.

FDA has determined that RPC has repeatedly failed to conform to the biologics regulations applicable to the manufacture of Source Plasma. Such failures: (1) Have compromised the continued safety, purity, and potency of the Source Plasma; (2) have compromised the assurance of a continuous and healthy donor population; and (3) constitute grounds for license revocations, as provided in 21 CFR 601.5(b). By publishing this notice of opportunity for a hearing in the **Federal Register**, FDA is initiating proceedings on a proposal to revoke the above licenses, as provided in 21 CFR 12.21(b).

FDA conducted an inspection of RPC on January 24 through 31, 1985. That inspection documented deviations from the regulations that included failure to follow procedures for preventing infusion of red blood cells into the wrong donor, repeated acceptance of a permanently deferred donor, and inaccurate recordkeeping. FDA concluded that these deviations constituted a danger to public health and suspended RPC's licenses pursuant to 21 CFR 601.6(a), by letter dated February 13, 1985. RPC took corrective action, and FDA reinstated the licenses on April 19, 1985.

The FDA inspection of RPC conducted on April 22 through 26, 28, 30, and May 1, 1986, documented continuing deviations from the regulations that included incomplete donor screening and acceptance of unsuitable donors. FDA again concluded that these deviations constituted a danger to public health and again suspended RPC's licenses pursuant to 21 CFR 601.6(a), by letter dated May 22, 1986. RPC took corrective action, and FDA reinstated the licenses on August 22, 1986.

Subsequent FDA inspections of the establishment in January 1987, January 1988, and February 1989 documented

continuing deviations, including improper disposal of bags and tubing that were contaminated with blood, acceptance of repeat donors more often than allowable within a 7-day period of time, acceptance of a donor without the required physical examination, and inadequate performance of donor screening procedures. FDA requested that RPC take voluntary corrective action following each of these inspections.

The most recent FDA inspection of RPC was conducted on September 5 through 18, 1990. That inspection documented continuing deviations that included inadequate explanation of the acquired immunodeficiency syndrome (AIDS) education information to prospective donors, inadequate explanation of the hazards of the plasmapheresis procedure, inadequate space for the private and accurate screening of donors, inadequate and unclean handwashing facilities, inadequate and uncontrolled disposal of biohazardous waste, and inadequate training and supervision of personnel. FDA again suspended RPC's licenses, pursuant to 21 CFR 601.6(a), by letter dated September 27, 1990, because FDA concluded that these deviations constituted a danger to public health.

Based on RPC's inspectional history and the results of an FDA investigation of RPC conducted concurrently with the September 5 through 18, 1990 inspection, FDA determined that grounds for license revocations existed. In the letter dated September 27, 1990, RPC was advised of FDA's intention to initiate proceedings for license revocations, pursuant to 21 CFR 601.6(b)(1), unless RPC: (1) Requested, subject to evaluation and approval by FDA, that the revocations be held in abeyance pending resolution of the license suspensions, as provided in 21 CFR 601.6(b)(2); and (2) detailed the corrective actions that had been undertaken to remedy all deviations noted in the September 1990 inspection report and in the September 27, 1990, letter.

In a letter dated September 25, 1990, written following the September 1990 inspection, and in a letter dated October 3, 1990, written following receipt of the September 27, 1990, letter, RPC detailed the corrective actions that had been taken to remedy the deviations. In the letter dated October 3, 1990, RPC requested that the license revocations be held in abeyance.

By letter dated November 16, 1990, FDA denied RPC's request that the license revocations be held in abeyance. FDA determined that RPC's inspectional history demonstrated a distinct pattern of noncompliance with and careless disregard for the regulations. FDA concluded that RPC's assurances that corrective actions had been taken, would be adhered to, and would be sustained were not credible and that willfulness existed. In accordance with 21 CFR 601.5(b), RPC was advised that no additional time would be provided in which to demonstrate compliance with the regulations before proceedings would be initiated to revoke RPC's licenses. RPC was offered the option of voluntarily requesting that the licenses be revoked and was advised that, should that option not be elected, FDA would initiate proceedings to revoke the licenses by publishing in the **Federal Register** a notice of opportunity for a hearing on a proposal to revoke the licenses, pursuant to 21 CFR 12.21(b), as provided in 21 CFR 601.5(b).

In a telephone call to FDA on December 11, 1990, RPC declined to voluntarily request license revocations. Thus, under 21 CFR 12.21(b), with this notice, FDA is offering an opportunity for a hearing on a proposal to revoke RPC's licenses.

FDA procedures and requirements governing a notice of opportunity for a hearing, notice of appearance and request for a hearing, grant or denial of a hearing, and submission of data and information to justify a hearing on proposed revocation of licenses are contained in 21 CFR parts 12 and 601. A request for a hearing may not rest upon mere allegations or denials but must set forth a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses submitted in support of the request for a hearing that there is no genuine and substantial issue of fact for resolution at a hearing, the Commissioner of Food and Drugs will deny the hearing request, making findings and conclusions that justify the denial.

FDA has placed copies of letters supporting the proposed license revocations on file under the docket number found in brackets in the heading of this notice in the Dockets Management Branch. Included are the following letters from FDA to RPC: The license suspensions letter, dated February 13, 1985; the license suspensions letter, dated May 22, 1986; the license suspensions letter, dated September 27, 1990; and the letter initiating proceedings for license revocations, dated November 16, 1990. These documents are available for public examination in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Any request for a hearing, any data justifying a hearing, or any comments on the proposed revocations must be submitted in writing to the Dockets Management Branch by the dates specified. Two copies of any submissions should be provided, except that individuals may submit one copy. Submissions should be identified with the docket number found in brackets in the heading of this document. Submissions, except for data and information identified pursuant to 21 CFR 10.20(j)(2)(i) or 18 U.S.C. 1905, are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act (sec. 351 (42 U.S.C. 262)) and the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 502, 505, 701 (21 U.S.C. 321, 351, 352, 355, 371)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and as redelegated (21 CFR 5.67).

Dated: May 22, 1991.

Gerald V. Quinnan, Jr.,

Acting Director, Center for Biologics, Evaluation and Research.

[FR Doc. 91-12881 Filed 5-30-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0160]

Colorcon; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Colorcon has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polydextrose as a formulation aid in film coatings applied to vitamin and mineral supplement tablets.

FOR FURTHER INFORMATION CONTACT: Rosalie M. Angeles, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-5487.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that Colorcon, 415 Moyer Blvd., West Point, PA 19486, has filed a petition (FAP 1A4258) proposing to amend the food additive regulations in § 172.841 *Polydextrose* (21 CFR 172.841) to provide for the safe use of polydextrose as a formulation aid (film

former/adhesion promoter) in film coatings applied to vitamin and mineral supplement tablets.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: May 23, 1991.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-12879 Filed 5-30-91; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 91F-0168]

Parexel International Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Parexel International Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of diethylene glycol monoethyl ether as an excipient in vitamin and mineral dietary supplements.

FOR FURTHER INFORMATION CONTACT: Emily Florio, Center for Food Safety and Applied Nutrition (HFF-334, Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-426-9463.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that Parexel International Corp., One Alewife Place, Cambridge, MA 02140, has filed a petition (FAP 0A4230), on behalf of Gattefosse s.a., Saint-Priest, France, proposing that the food additive regulations be amended to provide for the safe use of diethylene glycol monoethyl ether as an excipient in vitamin and mineral dietary supplements.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not requried and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: May 22, 1991.

L. Robert Lake,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 91-12880 Filed 5-30-91; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Hearing: Reconsideration of Disapproval of Georgia State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on June 25, 1991, in room 512, 101 Marietta Street, Atlanta, Georgia to reconsider our decision to disapprove Georgia State Plan Amendment 89-37.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the Docket Clerk by June 17, 1991.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, HCFA Hearing Staff, Suite 110, Security Office Park, 7000 Security Blvd., Baltimore, Maryland 21207, telephone (301) 597-3013.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Georgia State Plan amendment (SPA) number 89-37.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

Georgia SPA 89-37 seeks protection under section 1902(r)(2) of the Act for a policy which the State believes is more liberal than that which is used by the Supplemental Security Income (SSI) program. This policy involves disregarding income from title II benefits that are being withheld to recover a prior overpayment. This policy would apply to various optional categorically needy and poverty level-related Medicaid eligibility groups.

The first issue in this matter is whether the application of the policy in question to some of the groups the State proposes to cover could result in individuals receiving Medicaid with incomes which exceed the Federal Financial Participation (FFP) limits at section 1903(f) of the Act. If the FFP limits could be exceeded would this violate sections 1902(a)(4) and (19) of the Act, which requires States' plans to provide such methods of administration as are found necessary by the Secretary for the proper and efficient operation of the plans? These sections also require States to provide for such safeguards as may be necessary to ensure that eligibility for care and services under the plans will be determined, and such care and services will be provided, in a manner consistent with simplicity of administration and the best interests of recipients. The second issue in this matter is whether the State's policy is eligible for protection under section 1902(r)(2) of the Act.

In general, the Medicaid statute requires States to use the eligibility criteria of the SSI program in determining eligibility criteria of the SSI program in determining eligibility for aged, blind, and disabled individuals. (See section 1902(a)(10)(A) of the Act.) Under section 1902(r)(2) of the Act, States may use more liberal methodologies than are used by the cash assistance programs in determining Medicaid eligibility for certain groups of individuals. However, HCFA believes the States may not use more liberal methodologies in determining income eligibility if those methodologies could result in the FFP limits provided for at section 1903(f) of the Act being exceeded.

In SPA 89-37, the State proposes to disregard income from title II benefits that are being withheld to recover prior overpayments. The State would count as income only the amount of the benefit actually received by the individual, rather than the total amount of the title II benefit. The State proposes to apply this policy to the following eligibility groups:

- Individuals eligible for a home and community-based waiver under section 1902(a)(10)(A)(ii)(VI);

• Individuals eligible under a special income level under section 1902(a)(10)(A)(ii)(VI);

• Individuals eligible under the hospice provision under section 1902(a)(10(A)(ii)(VII); and

• Individuals eligible as Qualified Medicare Beneficiaries and individuals eligible as Qualified Disabled and Working Individuals under section 1902(a)(10)(E).

HCFA believes the policy in question is, in fact, more liberal than SSI. However, it also has the potential for exceeding the FFP limits at section 1903(f). For this reason, HCFA disapproved SPA 89-37 as it applies to the groups consisting of individuals eligible under a home and community-based waiver, a special income level, and under the hospice group. Because the FFP limits do not apply to the poverty-level related groups, HCFA approved SPA 89-37 as it applies to the Qualified Medicare Beneficiaries group. The Qualified Disabled and Working Individuals group is not eligible for protection under section 1902(r)(2) at all. HCFA disapproved SPA 89-37 as it applies to this group.

The notice to Georgia announcing an administrative hearing to reconsider the disapproval of its State plan amendment reads as follows:

Mr. Russ Toal
Commissioner
Georgia Department of Medical Assistance
2 Martin Luther King, Jr. Drive, SE.
1220-C West Tower
Atlanta, Georgia 30334

Dear Mr. Toal:

I am responding to your request for reconsideration of the decision to partially disapprove Georgia State Plan Amendment (SPA) 89-37.

Georgia SPA 89-37 seeks protection under section 1902(r)(2) of the Social Security Act (the Act) for a policy which you believe is more liberal than that which is used by the Supplemental Security Income (SSI) program. This policy involves disregarding income from title II benefits that is being withheld to recover a prior overpayment. This policy would apply to various optional categorically needy and poverty level-related Medicaid eligibility groups.

The first issue in this matter is whether the application of the policy in question to some of the groups the State proposes to cover could result in individuals receiving Medicaid with incomes which exceed the Federal Financial Participation (FFP) limits at section 1903(f) of the Act. If the FFP limits could be exceeded would this violate sections 1902(a)(4) and (19) of the Act, which require States' plans to provide such methods of administration as are found necessary by the Secretary for the proper and efficient operation of the plans? These sections also require States to provide for such safeguards as may be necessary to ensure that eligibility for care and services under the plans will be determined, and such care and services will be provided, in a manner consistent with simplicity of administration and the best interests of recipients. The second issue in this matter is whether the State's policy is eligible for protection under section 1902(r)(2) of the Act.

I am scheduling a hearing on your request for reconsideration to be held on June 25, 1991, at 10 a.m. in room 512, 101 Marietta Street, Atlanta, Georgia. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR part 430.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk at (301) 597-3013.

Sincerely,

Gail R. Wilensky,

Administrator.

Authority: Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR section 430.18.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: May 23, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 91-12831 Filed 5-30-91; 8:45 am]

BILLING CODE 4120-03-M

[BPD-651-PN]

RIN 0938-AE77

Medicare Program; Geographic Designation for Home Health Agency Branch Offices

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Proposed notice.

SUMMARY: This proposed notice would clarify the way that cost limits are applied to home health agencies. It proposes that a branch office of a home health agency that is situated in a geographic location that is different from the geographic location of the main office of the home health agency would be subject to the limits on allowable costs in effect for the geographic location in which the branch office is located.

DATES: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on July 30, 1991.

ADDRESSES: Mail comments to the following address: Health Care Financing Administration, Department of Health and Human Services, attention: BPD-651-PN, P.O. Box 26676, Baltimore, MD 21207.

If you prefer, you may deliver your comments to one of the following addresses:

Room 309-G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC, or

Room 132, East High Rise Building, 6325 Security Boulevard, Baltimore, Maryland.

Due to staffing and resource limitations, we cannot accept facsimile (FAX) copies of comments.

If comments concern information collection or recordkeeping requirements, please address a copy of comments to: Office of Management and Budget, Office of Information and Regulatory Affairs, Room 3206, New Executive Office Building, Washington, DC 20503, attention: Allison Herron.

In commenting please refer to file code BPD-651-PN. Comments received timely will be available for public inspection as they are received, generally beginning approximately three weeks after publication of a document, in room 309-G of the Department's offices at 200 Independence Ave., SW., Washington, DC, on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (phone 202-245-7890).

FOR FURTHER INFORMATION CONTACT: Tzvi Hefter (301) 966-4595.

SUPPLEMENTARY INFORMATION:

I. Background

Section 1861(v)(1)(A) of the Social Security Act (the Act) authorizes the Secretary to establish limits on allowable costs for services that may be paid under the Medicare program. These limits are based on estimates of the costs necessary for the efficient delivery of needed health services. The limits may be applied to direct or indirect overall costs or to the costs incurred for specific items or services furnished by a provider. This provision of the Act is implemented under regulations at 42 CFR 413.30. Additional statutory provisions specifically governing the limits applicable to home health agencies (HHAs) are contained in section 1861(v)(1)(L) of the Act.

Under sections 1861(v)(1) (A) and (L) of the Act, we have maintained limits on HHA per visit costs since 1979. The current schedule of limits for HHA cost reporting periods beginning on or after July 1, 1988, was published in the **Federal Register** on October 18, 1988 (53 FR 40771).

These limits are determined in part based on the HHA's urban or rural location and are adjusted to reflect area

wage differences. As of July 1, 1979, the criterion generally used to classify HHAs' location for purposes of applying cost limits is whether their main offices are located in an urban or nonurban area. We consider urban areas to be those areas located with Metropolitan Statistical Areas (MSAs) or New England County Metropolitan Areas (NECMAs) as identified in the U.S. Department of Commerce publication: Federal Information Processing Standards Publication—Metropolitan Statistical Areas. Thus, a main office of an HHA, which is located in an MSA or a NECMA, is considered urban. Subunits of HHAs can be classified differently from their parent agencies. In 42 CFR 484.2, we define a subunit as a semi-autonomous organization that serves patients in a geographic area different from that of the parent agency. A subunit must independently meet the conditions of participation for HHAs because it is too far from the parent agency to share administration, supervision, and services on a daily basis.

Subunits of private agencies (that is, agencies not operated by a State or local government) are classified according to the location of each subunit. Subunits of public agencies are classified according to the location of the main office of the parent agency.

Branch offices of HHAs are classified according to the location of the main office of the parent agency. Section 484.2 states that a branch office is a location or site from which an HHA provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the HHA and is located sufficiently close to share administration, supervision, and services.

The purpose of the urban and rural designation and the corresponding area wage adjustment is to create a limit that reflects the economic conditions experienced by HHAs. In the past, branch offices were presumed to be located sufficiently close to the parent office to share the same economic environment. However, we have found that changing technology, such as direct computer links, facsimile machines, and electronic mail have resulted in branches being much farther from the parent offices. In many cases, the distance between the parent and branch offices is so great that they no longer share the same economic environment. Because allowable cost limits are intended both to reflect local conditions and apply equally to all providers in the geographical area, in order to ensure that all agenices (parent, branch and subunit) in an area have comparable limits, applying the same limit to the parent and branch offices in all situations may defeat the intent of the cost limits.

II. Provisions of this Notice

This notice proposes to change the method of determining the allowable cost limits for branch offices. We are proposing that in establishing cost limits for HHAs with branch offices, the geographic location of both the parent and branch offices must be considered.

If both the parent office and its branch officies are in the same urban or rural area, the cost limits would be determined by that location. If the parent office and one or more branch offices are in different urban or rural areas, the cost limits, for other than State health department agencies, would be determined separately for the parent office and each branch office. Therefore, the provider would be required to maintain sufficient data to determine the number of visits made by each office. While a single cost report would be filed for all services provided by both the parent and all branches, the cost limits would be computed and applied separately using the applicable wage index for the parent office and each branch office, based on the specific office's location

Because public agencies are required to pay employees under uniform wage scales, public agencies with branches or subunits would continue to be permitted to file a single combined cost report. The wage index would be determined by the location of the parent office without regard to the locaton of the branch offices.

III. Information Collection Requirement

Section II contains information collection requirements which are subject to the Paperwork Reduction Act. Providers would be required to report on separate cost report worksheets the number of visits made by each office so that cost limits would be computed and applied separately for each branch office based on the specific office's location. The burden associated with this collection of information is estimated to be two hours per respondent. A notice will be published in the Federal Register when approval is obtained.

Organizations and individuals desiring to submit comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing this burden, should direct them to the OMB official whose name appears in the "ADDRESSES" section of this preamble.

IV. Regulatory Impact Statement

A. Executive Order 12291

Executive Order 12291 (E.O. 12291) requires us to prepare and publish a regulatory impact analysis for any proposed notice that meets one of the E.O. 12291 criteria for a "major rule"; that is, that would be likely to result in—

- An annual effect on the economy of $100 milion 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 domestic or export markets.

B. Regulatory Flexibility Act

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secertary certifies that a proposed notice would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, all home health agencies are considered small entities.

This proposed notice would clarify the way that cost limits are applied to HHAs. It proposes that a branch office of a HHA that is situated in a geographic location that is different from the geographic location of the main office of the HHA would be subject to the limits on allowable costs in effect for the geographic location in which the branch office is located.

We believe that this proposed notice may result in lower cost limits for the branch offices of HHAs located in rural areas that have parent offices in urban areas. These lower cost limits would be the result of being paid at the rural cost limit of the branch office rather than the urban cost limit of the parent office. We estimate that there exist 600 HHAs with branch offices and that, on average, each of these HHAs has two branch offices thus totalling 1200 branch offices. We are unable to estimate the effect of this proposed notice on these 1200 HHAs either individually or collectively.

Although we are unable to estimate the costs to these approximately 1200 HHAs, we believe that they are not significant enough to meet any of the threshold criteria of E.O. 12291 or of the RFA. Therefore, we have determined, and the Secretary certifies, that a regulatory impact analysis under E.O.

12291 and regulatory flexibility analysis under the RFA are not required.

Section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a proposed notice would have a significant impact on the operations of a substantial number of small rural hospitals. We have determined, and the Secretary certifies, that this proposed notice would not have a significant economic impact on the operations of a substantial number of small rural hospitals since HHAs are the only affected entities.

Authority: Sec. 1861(v)(1) (A) and (L) of the Social Security Act (42 U.S.C. 1395x(v)(1) (A) and (L).

(Catalog of Federal Domestic Assistance Program No. 13.773 Medicare-Hospital Insurance)

Dated: January 26, 1991.

Gail R. Wilensky,

Administrator, Health Care Financing Administration.

[FR Doc. 91-12821 Filed 5-30-91; 8:45 am]

BILLING CODE 4120-01-M

Health Resources and Services Administration

Special Projects of National Significance; Ryan White Comprehensive AIDS Resources Emergency (C.A.R.E.) Act of 1990

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Office of the Administrator, Associate Administrator for AIDS, Health Resources and Services Administration (HRSA), announces that Fiscal Year (FY) 1991 funds are available for grants for Special Projects of National Significance (SPNS). These funds, appropriated under Section 2618(a), of the Public Health Services Act, as amended by title II, Public Law 101-381 (The Ryan White Comprehensive AIDS Resources Emergency Act of 1990), will be awarded to support innovative programs that advance the development of knowledge and skills in the delivery of health and support services for persons with HIV disease.

Applications are invited for projects which address one of the following four Special Project Categories: (1) Projects designed to improve access to health and support services through the reduction of sociocultural, financial and/or logistical barriers for one of the following population groups—(a) rural residents, (b) women, children, and adolescents, (c) incarcerated persons, and/or recently released inmates, or (d) American Indian/Alaska Natives; (2) Projects designed to ensure adequate, appropriate and timely receipt of care to which persons with HIV disease are eligible through the provision of advocacy services; (3) Projects designed to improve the quality of life for persons with HIV disease through the amelioration of social isolation precipitated by learning of their HIV seropositivity or diagnosis of AIDS; and (4) Projects designed to develop a more comprehensive treatment regimen for persons with HIV disease through the integration of mental health services into primary care settings.

Since the program is designed to demonstrate potentially replicable models, an internal evaluation of the project's effectiveness and the means of disseminating the project's findings will be critical components of each project.

HEALTHY PEOPLE 2000 OBJECTIVES: The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of Healthy People 2000. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017-001-00474-0) or Healthy People 2000 (Summary Report; Stock No. 017-001-00473-1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402-9325 (telephone 202-783-3238).

DATES: To receive consideration for competition, grant applications must be received by the Grants Management Officer by July 12, 1991. Applications shall be considered as meeting the deadline if they are either (1) received on or before the deadline date or (2) postmarked on or before the deadline date, and received in time for orderly processing. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be accepted as proof of timely mailing. Applications which do not meet the deadline will be considered late applications and will be returned to the applicant.

FOR FURTHER INFORMATION CONTACT: Requests for technical or programmatic information should be directed to the SPNS Coordinator, Mr. George Sonsel, in the Office of the Associate Administrator for AIDS, Health Resources and Services Administration, 5600 Fishers Lane, room 14A-21, Rockville, MD 20857, (301) 443-9976; Fax (301) 443-1550. Grant applications (Form PHS 5161-1, with revised face sheet HHS Form 424 and Program Narrative approved under OMB No. 09370-0189), accompanying guidance materials, and additional information regarding business management or fiscal issues related to the awarding of grants under this notice may be requested from the Grants Management Officer, Ms. Glenna Wilcom; Bureau of Health Resources Development Health Resources and Services Administration, 5600 Fishers Lane, room 13A-38, Rockville, MD 20857 (301) 443-2280; or, Fax (301) 227-6096.

SUPPLEMENTARY INFORMATION:

Program Purpose

The primary purpose of the SPNS program is to contribute to the advancement of knowledge and skills in the delivery of health and support services to persons with HIV disease. This will be accomplished under this program by providing financial and technical support for HIV service related projects which meet the criteria for funding and target one of the specified Special Project categories.

Background

The Ryan White C.A.R.E. Act of 1990, contains a provision under title II, section 2618, subsection (a) entitled "Special Projects of National Significance". This provision states that the Secretary shall use not to exceed ten percent of the funds appropriated under title II to award direct grants to public and non-profit private entities, including community based organizations and tribal health programs, to fund special programs for the care and treatment of persons with HIV disease. It further states that grants awarded under this subsection must be based on the need to assess the effectiveness of a particular model of care, the innovative nature of the project and the project's potential for replicability nationally, in other parts of the country, or within similar population groups.

In establishing the Special Project Categories, consideration was given to the funding areas suggested in the statute; the recommendations of the National HRSA AIDS Advisory Committee, the National Commission on AIDS and the National Workshop on HIV Issues in Rural Areas (July, 1990, Washington, DC); evaluations which have been conducted on the AIDS Service Demonstration Programs; and, other studies which have examined AIDS service delivery issues.

Description of Special Project Categories

The following categories have been selected for support under the SPNS Program.

1. Projects designed to improve access to health and support services through the reduction of sociocultural, financial and/or logistical barriers for one of the

following populations of persons with HIV disease:

(a) Rural residents (Approximately $.75 million will be awarded for the support of up to three grants, with an average grant of $250,000, under this sub-category.);

(b) Women, children and adolescents (Approximately $1.0 million will be awarded for the support of up to four grants, with an average grant of $250,000, under this sub-category.);

(c) Incarcerated persons, or recently released inmates (Approximately $.3 million will be awarded for the support of up to two grants, with an average grant of $150,000, under this sub-category.); or

(d) American Indians/Alaska Natives (Approximately $.3 million will be awarded for the support of up to two grants, with an average grant of $150,000, under this sub-category.)

Although several points will be funded under this Catagory, applicants should focus on only one of these special populations. In this Special Project Category, consideration is being given to specific access barriers such as inadequate financial resources, variances in language and culture, undeveloped or inadequate service networks in rural areas, etc., that present impediments to receiving adequate care. Where appropriate, the applications should address the unique access barriers experienced by racial and ethnic populations.

2. Projects designed to ensure adequate, appropriate, and timely receipt of health and support services for which persons with HIV disease are eligible through the provision of advocacy services. (Approximately $.45 million will be awarded for the support of up to three grants, with an average grant of $150,000, under Special Project Category 2.)

Barriers to eligibility for receipt of services created as a result of discriminatory behavior and practices may require the use of various types of advocacy services. Projects targeting this category should aim to demonstrate innovative approaches to the design and implementation of such advocacy services.

3. Projects designed to improve the quality of life for persons with HIV disease through the amelioration of social isolation precipitated by learning of their HIV seropositivity or a diagnosis of AIDS. (Approximately $.45 million will be awarded for the support of up to three grants, with an average grant of $150,000, under Special Project Category 3.)

People with HIV infection and AIDS have been known to isolate themselves from family, peers, friends, and colleagues for fear of being rejected. This may be a particular problem for individuals residing in rural areas, individuals of certain racial or ethnic minority groups, or women, although it is a phenomenon that may occur for any person with HIV infection or AIDS. One of the important consequences of this can be a failure of the individual to seek early and appropriate care for their HIV disease. Projects selecting this priority can demonstrate methods of reducing social isolation through various social rehabilitation and/or mental health models.

4. Projects designed to develop a more comprehensive treatment regimen for persons with HIV disease through the integration of mental health services into primary care. (Approximately $.75 million will be awarded for the support of up to three grants, with an average grant of $250,000, under Special Project Category 4.)

There are myriad mental health related complications of HIV disease, including, suicidal risk, anxiety reaction, dementia, antisocial behavior, addictive behavior, and others. Left unrecognized and untreated, these conditions may complicate the overall care and treatment process for the HIV infected. This priority will seek to demonstrate innovative approaches to incorporating mental health activities within the scope of primary care services to prevent and/or treat these conditions early in their development.

Availability of Funds

Approximately $4.0 million is available in FY 1991 for new competitive projects. The budget periods for approved and funded projects will begin on or about October 1, 1991. Project periods may be requested for up to 3 years. Grants to support projects beyond the first budget year will be contingent upon the availability of funds and satisfactory progress in meeting the project's objectives. Applicants are required to submit budgets for each proposed project year.

Eligible Applicants

The statute, in section 2618 (a)(1), provides that grants may be awarded to public and non-profit private entities, including community based organizations, to fund special programs for the care and treatment of individuals with HIV disease. Eligible entities may include, but are not limited to, State or local health departments, public or private hospitals, community based service organizations, tribal health programs, institutions of higher education, and national organzations of service providers.

Review Criteria

Applications for the SPNS program grant will be reviewed and rated by an objective review committee. Criteria for the technical review of applications will include the following:

1. Adequacy of the justification of the need for the proposed program within the target population to be served by the project.

2. A comprehensive understanding of HIV service delivery issues as they related to the project's goals.

3. A clearly defined and realistic management plan which includes attainable, time framed, and measureable project goals and objectives that specifically relate to the selected Special Project Category, the program methodology and the population to be served by the proposed project.

4. The demonstrated capability of the applicant organization to provide competent fiscal and program management, as demonstrated in the consistency of the budget justification with the level of effort proposed; the level of expertise required in the personnel specifications; a feasible management plan; and, a plan for continuation of the program, if indicated, beyond the project period.

5. The strength of the internal evaluation plan for the project which includes dissemination of the project findings.

6. The applicant's conformance of the SPNS program guidelines, i.e., the need to study a particular model of care and treatment, the innovativeness of the proposed project, and its potential for replicability.

7. Evidence of coordination of the proposed project with other HIV related activities within the proposed project area, including knowledge about HIV service activities within their States and localities.

Other Grant Information

Allowable Costs

The basis for determining the allowability and allocability of costs charged to PHS grants is set forth in 45 CFR part 74, subpart Q and 45 CFR part 92 for State and local governments. These regulations implement the five separate sets of cost principles prescribed for grant recipients, which are: OMB circular A-87 for State and local governments; OMB circular A-21 for instititions of higher education; 45 CFR part 74, appendix E for hospitals;

OMB circular A-122 for nonprofit organizations.

Reporting and Other Requirements

A successful applicant under this notice will submit reports in accordance with provisions of the general regulations which apply under 45 CFR part 74, subpart J. Monitoring and Reporting of Program Performance, with the exception of State and local governments to which 45 CFR part 92, subpart C reporting requirements will apply. Additionally, all applicants will be expected to develop a management plan that includes the program methodology and evaluation techniques. This will be stated in the form of goals and objectives and be the basis for progress reporting to HRSA. Grantees will also be expected to cooperate with HRSA, or its contractors, in conducting an overall evaluation of the SPNS Program.

Executive Order 12372

The Special Projects of National Significance Grant Program has been determined to be a program subject to the provisions of Executive Order 12372, concerning intergovernmental review of Federal Programs, as implemented by 45 CFR part 100. Executive Order 12372 allows states the option of setting up a system for reviewing applications from within their states for assistance under certain Federal programs. The application package under this notice will contain a listing of States which have chosen to set up such a review and will provide a point of contact in the States for the review. Applicants should promptly contact their State single point of contact (SPOC) and follow their instructions prior to the submission of an application. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for a State to process recommendations is 60 days after the application deadline for new and competing awards. The granting agency does not guarantee to "accommodate or explain" for State process recommendations it receives after that date. (See part 148 Intergovernmental Review of PHS Programs under Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements.)

The OMB Catalog of Federal Domestic Assistance number for the Special Projects of National Significance is 93.928.

Dated: April 8, 1991.

John H. Kelso,

Acting Administrator.

[FR Doc. 91-12878 Filed 5-30-91; 8:45 am]

BILLING CODE 4160-15-M

Office of Human Development Services

Federal Council on the Aging; Meeting

AGENCY HOLDING THE MEETING: Federal Council on the Aging.

TIME AND DATE: Meeting begins at 9 a.m. ends at 4:30 p.m. on Tuesday, June 11, 1991, begins at 9 a.m. and ends at 4:30 p.m. on Wednesday, June 12, 1991.

PLACE: On Tuesday, June 11, from 9 a.m. to 4:30 p.m., in room 632 of the Dirksen Senate Office Building, and Wednesday, June 12, from 9 a.m. to 4:30 p.m., in the Snow Room, Fifth Floor of the Wilbur J. Cohen Federal Office Building, 330 Independence Avenue, SW., Washington, DC 20201.

STATUS: Meeting is open to the public.

CONTACT PERSON: Kevin W. Parks, room 4280, Wilbur Cohen Federal Building, 330 Independence Avenue, SW., Washington, DC 20201 (202) 619-2451.

The Federal Council on the Aging was established by the 1973 Amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health and Human Services, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee Act (Pub. L. 92-453, 5 U.S.C. App. 1, Sec. 10, 1976) that the Council will hold its final meeting for FY 91 on June 11 and 12, 1991, from 9 a.m. to 4:30 p.m., respectively.

The agenda will include: The Council's regular business meeting during the morning session on Tuesday, June 11 from 9 a.m. to 12 noon. The afternoon session will begin at 1:30 p.m. and end at 4:30 p.m. and will be devoted to work sessions of the Council's Committee on Mental Health and the Elderly, Task Force on the National Eldercare Campaign, Planning and Budget Committee, and Membership Committee.

On Wednesday, June 12, 9 a.m. to 12 noon, the morning session will be devoted to reports of the four committees and discussion of future activities. The afternoon session will begin at 1:30 p.m. and end at 4:30 p.m. and will focus on the development of meeting topics and agenda for the remainder of calendar year 1991.

Dated: May 24, 1991.

Ingrid C. Azvedo,

Chairperson, Federal Council on the Aging.

[FR Doc. 91-12822 Filed 5-30-91; 8:45 am]

BILLING CODE 4130-01-M

National Institute of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Meeting, National Digestive Diseases Advisory Board

Pursuant to Public Land 92-463, notice is hereby given of the meeting of the National Digestive Disease Advisory Board on July 22, 1991. The meeting will begin at 8 a.m. and adjourn at 5 p.m. The meeting, which will be open to the public, will be held at the Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, Virginia 22032. The meeting will include a conference on liver transplantation as well as discussion regarding the Board's activities and continued evaluation of the implementation of the longrange digestive diseases plan. The conference portion of the meeting will enable the Board to develop a position statement on selected issues regarding liver transplantation that will aid the Board in its subsequent recommendations. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the hotel lobby.

Mr. Raymond M. Kuehne, Executive Director, National Digestive Diseases Advisory Board, 1801 Rockville Pike, suite 500, Rockville, Maryland 20852, (301) 496-6045, will provide on request an agenda and roster of the members. Summaries of the meeting may also be obtained by contracting his office.

Dated: May 22, 1991.

Betty J. Beveridge,

Committee Management Officer, NIH.

[FR Doc. 91-12832 Filed 5-30-91; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Commercial Use Fees on National Wildlife Refuges in Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given that special use permit fees for commercial uses on National Wildlife Refuges (Refuges) in Alaska are bring revised. The revised fee schedule is proposed to

become effective on January 1, 1992. Fees equal to 50% of the proposed fee schedule will be charged during 1992. Full fees will be charged starting in 1993.

The proposed fee schedule is intended for publication in the Fish and Wildlife Service's (Service) Region 7 (Alaska) Policy Manual. The fee revision is needed in order for the Service to meet Federal mandates. These mandates require fee determinations to be based on fair market values, and that the Service attempts to recover costs of administering revenue producing commercial activities on Refuge lands. The Service is publishing this notice for the purpose of seeking comments and recommendations in written form from agencies of State, local, and Federal government; groups and organizations; and individuals with an interest in this matter.

DATES: Comments on this revision of fees must be received by July 30, 1991.

ADDRESSES: Comments should be sent to Daryle R. Lons at the following address.

FOR FURTHER INFORMATION CONTACT: Daryle R. Lons, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503; telephone (907) 786-3354.

SUPPLEMENTARY INFORMATION: The following fee schedule is proposed for guides, outfitters, and transporters that are issued special use permits to conduct commercial operations on National Wildlife Refuges in Alaska. Fees for other non-recreational types of commercial activities that involve removing marketable resources or utilizing reserved sites will not be based on the following proposed fee schedule. Fees for these types of commercial activities will be determined by the Service's Division of Realty and will be based on fair market value analysis surveys. These surveys will be conducted periodically to assure that fees reflect current market values.

The Service considered a number of methods for meeting the required mandates. Four alternatives were given serious consideration. These alternatives were: (1) A single fixed fee of $350 for all commercial permittees, (2) a fee schedule based on type of commercial use activity and actual client numbers, (3) a fee schedule based on permittee calculations, made after the permit use period, of 3% of adjusted gross income derived from commercial activities that are authorized by special use permit on Refuge lands, and (4) a fee schedule based on permittee estimates, made prior to the permit use period, of 3% of anticipated adjusted gross income derived from commercial activities that are authorized by special use permit on Refuge lands.

The Service proposes to adopt alternative 4 because it appears that it will be: (1) Equitable to all commercial use permittees, regardless of whether they operate on a small or large scale, (2) charging a fair market value, (3) reasonably consistent with the fee schedule of other Federal agencies in Alaska, and (4) cost effective for the government to administer.

The proposed fee system is similar to what the Bureau of Land Management, Department of the Interior; and the Forest Service, Department of Agriculture; currently use for similar commercial use activities on public lands. Under these agencies' systems, permittees estimate their level of commercial use and pay fees prior to the use period. After the use period, permittees calculate the actual fees owned and the difference is paid to the government by the permittee, applied to the permittee's estimated fees for the next year, or refunded.

The Service's proposed fee schedule system requires permittees to estimate adjusted gross incomes prior to each year's use period and then pay the fixed fee of the category that the estimate is in (see proposed fee schedule chart). This estimate is used exclusively to determine the annual fee due the government. Final fee calculations after the use period are not required under this proposal. All special use permits will have a clause that states all of the permittee's financial records, including Internal Revenue Service income reporting forms, will be subject to review by the refuge manager. Providing significantly inaccurate income estimates will, with due process, be considered grounds for revocation of the permit and could result in legal action, financial penalties and denial of future permit requests for lands administered by the Service.

Special circumstances may justify fee reductions/fee waivers on a case by case basis.

Permit fees shall generally be non-refundable. Refuge Managers may authorize the refund of a partial fee payment, under unusual circumstances, where the permittee can sufficiently demonstrate that the level of actual commercial use was significantly less than the estimated level because of reasons beyond the permittee's control. In these cases, fees will only be refunded above the amount that is needed to fully recover the government's expenses in administering the permit.

Estimates for fees due the government will be made by the permittee using the following guidelines:

A. General Procedure

1. Estimating the total of all customer payments to be received by the permittee, their employees, or agents for goods or services provided in connection with commercial activities authorized by the special use permit; whether provided on refuge lands or related waters, or not;

2. Adjusting the estimated total customer payments by:

a. Subtracting allowable deductions (see B.1).

b. Applying applicable discounts for off-refuge land use (see B.2.).

3. The resulting figure, after the applicable adjustments are made in step 2, will determine which category of adjusted gross earnings is to be used (see following proposed fee schedule). The fixed fee for this category is the amount due the Service.

B. Deductions and Discounts

1. *Deductions for Transportation and Lodging*—Deductions shall be allowed for certain client transportation and lodging costs before arrival at the beginning of a trip, and after departure at the end of a trip from a permittee's headquarters or local community. These deductions may not include costs incurred between the permittee's headquarters or local community and the refuge lands, or for costs incurred during the permitted activity or trip regardless of public or private land status.

a. *Transportation Deductions*—For applicable transportation described above, the estimated costs to be incurred may be deducted, provided they are reasonable and consistent with local area charges.

b. *Lodging Deductions*—Estimated lodging costs to be paid or borne by the permittee which will be incurred on non-refuge lands, before or after the permitted activity, may be deducted up to the estimated amount to be paid, to the extent they are consistent with local community rates. Costs incurred for lodging on non-refuge lands during the trip shall not be deducted; however, the time spent on non-refuge land may be applied to the discount for non-refuge land use.

2. *Discount for Non-Refuge Land Use.*—A discount shall be allowed for time spent off refuge land or related waters (see Table 1.) which occurs between the time when a customer leaves a permittee's headquarters or local community at the beginning of the trip, and when they return at the end of a trip. Permittees must make sure there is no overlap or double deduction with

transportation costs in section B.1. above.

TABLE 1

Percent of total time on refuge land or related waters	Fee reduction (percent)	Multiplication factor
1-5	80	.20
6-60	40	.60
61-100	None	None

Additonal fees will be charged all commercial users for reserved site authorizations. These fees will be based on fair market value of sites and will be different for various geographic areas. Periodic surveys will be conducted to determine fees which reflect current fair market values. Commercial transporters who don't actually physically transport clients from one place to another on refuge lands, but who just "drop off or pick up" clients from refuge lands, will only be required to pay the minimum annual permit fee of $100.

The proposed fee schedule follows:

Permit fee (3% of adjusted gross)	Adjusted gross earnings from activities authorized on refuge lands
$100	$0-3,500
200	3,5001-10,000
300	10,001-20,000
600	20,001-30,000
900	30,001-40,000
1,200	40,001-50,000
1,500	50,001-60,000
1,800	60,001-70,000
2,100	70,001-80,000
2,400	80,001-90,000
2,700	90,001-100,000
3,000	101,00-110,000
3,300	110,001-120,000
3,600	120,001-130,000
3,900	130,001-140,000
4,200	140,001-150,000
4,500	150,001-160,000
4,800	160,001-170,000
5,100	170,001-180,000
5,400	180,001-190,000
5,700	190,001-200,000
3%	Over 200,000

Dated: May 21, 1991.

Walter O. Stieglitz,

Regional Director, Region 7, U.S. Fish and Wildlife Service.

[FR Doc. 91-12927 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-SS-M

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT-754748

Applicant: San Diego Zoo, San Diego, CA.

The applicant requests a permit to import two pairs of captive hatched blyth's tragopan (*Tragopan blythii*) and one male captive hatched cabot's tragopan (*T. caboti*) from Glen Howe, Canada for the purpose of captive propagation.

PRT-756184

Applicant: Larry Johnson, Orange, CA.

The applicant requests a permit to purchase in interstate commerce from Wildlife Safari, Winston, Oregon and export one captive born female white-handed gibbon (*Hylobates lar*) to the Guadalajara Zoo, Mexico for the purpose of captive propagation and education.

PRT-757837

Applicant: U.S. Fish and Wildlife Service, Patuxent Wildlife Research Center, Laurel, MD.

The applicant requests a permit to import up to 12 eggs and 20 blood samples collected in the wild from Eurasian peregrine falcons (*Falco peregrinus peregrinus*) for the purpose of evaluating the contaminant burdens in the eggs and genetic indicators in blood of U.S.S.R. populations of this species.

PRT-758093

Applicant: Florida Marine Research Institute, Dept. of Natural Resources, St. Petersburg, FL.

The applicant requests a permit to import (blood and tissue samples from live animals and organs, gut contents, and bones salvaged from animals taken and butchered by indigenous people for substistence use) green sea turtle (*Chelonia mydas*), loggerhead turtle (*Caretta caretta*), and hawksbill turtle (*Eretmochelys imbricata*) from Panama and Bermuda for the purpose of scientific research.

PRT-702631

Applicant: U.S. Fish and Wildlife Service, Regional Director Region 1, Portland, OR.

The applicant requests an amendment of their current permit to authorize additional take activities (remove nestlings from the wild to establish a captive breeding population and release to the wild birds produced from the captive population) with the San Clemente Island loggerhead shrike (*Lanius ludovicianus mearnsi*) for scientific purposes and the enhancement of propagation or survivial in accordance with the California Channel Island Species document.

PRT-758470

Applicant: San Diego Wild Animal Park, San Diego, CA.

The applicant requests a permit to import one captive-born male Przewalski's horse (*Equus przewalskii*) from Munchner Tierpark Hellabrunn. Germany, for the purpose of education and display.

PRT-758779

Applicant: Frederick J. Schlack, McHenry, IL.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus dorcas dorcas*) culled from the captive herd maintained by Mr. D. Parker, Elandsberg Farms, Constantina, South Africa for the purpose of enhancement of survivial of the species.

PRT-755877

Applicant: San Diego Wild Animal Park, San Diego, CA.

The applicant requests a permit to reexport one male and one female Manchurian crane (*Grus japonensis*), captive hatched at the Osaka Zoo, Japan and the Guangzhou Zoo, China, to the Hong Kong Zoological and Botanical Gardens, Hong Kong, for breeding purposes.

Written data or comments should be submitted to the director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45-4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: May 24, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91-12860 Filed 5-30-91; 8:45 a.m.]

BILLING CODE 4310-55-M

Fish and Wildlife Service; Receipt of Application for Permit

The public is invited to comment on the following application for a permit to conduct certain activities with marine

mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: Homer Society of Natural History, Inc.; File No. PRT 756274.

Address: Homer, AK.

Type of Permit: Public display.

Name and Number of Animals: Alaskan sea otter (*Enhydra lutris lutris*); 3.

Summary of Activity To Be Authorized: The applicant proposes to Import one mount and two pelts of one adult female and two pups to transport throughout the U.S. in a traveling exhibit to various museums for public display.

Source of Marine Mammals for Research Public Display: Anchorage, Alaska; Homer Alaska; and Seldovia, Alaska.

Period of Activity: Spring 1991 until tour of display is completed.

Concurrent with the publication of this notice, the Office of Management Authority is forwarding copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments and/or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with this application are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 28, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits Office of Management Authority.

[FR Doc. 91–12876 Filed 5–30–91; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[AZ-040-01-4320-02]

Meeting for the Safford District Advisory Council and Grazing Advisory Board

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: The Bureau of Land Management (BLM), Safford District announces a forthcoming joint meeting of the Safford District Advisory Council and Grazing Advisory Board.

DATES: Wednesday, June 19, 1991, 8:30 a.m..

ADDRESSES: BLM Office, 425 E. 4th St., Safford, Arizona 85546.

SUPPLEMENTARY INFORMATION: This meeting is held in accordance with Public Law 92–463 and 94–579. The agenda for the meeting will include:

1. Heritage Program (Arizona Game and Fish Department).
2. San Carlos Apache Reservation boundary fence.
3. North Santa Teresa Wilderness and Black Rock Road (BLM/BIA).
4. Gila Box Riparian National Conservation Area Advisory Committee.
5. Management Updates.
6. Grazing Advisory Board Business Meeting.

Council and Board members will meet at the BLM Office, 425 E. 4th Street, Safford, Arizona at 8:30 a.m. From there they will depart via BLM-provided vehicles for the meeting location at the Black Rock Allotment headquarters located approximately 15 miles southwest of Ft. Thomas, Arizona. Members of the public may attend the meeting, but must provide their own transportation. It is expected the Council and Board members will return to Safford by 5 p.m.

Interested persons may make oral statements to the Council or Board, or may file written statements for consideration by the Council or Board. Anyone wishing to make an oral statement must notify the District Manager by Tuesday, June 18, 1991. Depending on the number of people wishing to make oral statements, a per person time limit may be considered.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction (during regular business hours) within thirty (30) days following the meeting.

Dated: May 21, 1991.

Jerome H. Satterlee,

Acting District Manager.

[FR Doc. 91–12928 Filed 5–30–91; 8:45 am]

BILLING CODE 4310-32-M

[WY-920-41-5700; WYW97705]

Proposed Reinstatement of Terminated Oil and Gas Lease

Pursuant to the provisions of Public Law 97–451, 96 Stat. 2462–2466, and Regulation 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW97705 for lands in Sweetwater County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW97705 effective February 1, 1991, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Beverly J. Poteet,

Supervisory Land Law Examiner.

[FR Doc. 91–12806 Filed 5–30–91; 8:45 am]

BILLING CODE 4310-22-M

[AZ-930-01-4214-11; A-9708]

Expiration of Withdrawal and Opening of Land; Arizona

May 23, 1991.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: United States Forest Service withdrawal under Public Land Order No. 5763, expired on September 25, 1990. The order withdrew 320 acres of U.S. Forest Service administered land in the Coconino National Forest in Coconino County. The withdrawal, effective for a 10-year period, withdrew the land from operation of the mining laws only in support of U.S. Forest Service vegetative research and resource management programs. This action will open the land

to location and entry under the United States mining laws.

EFFECTIVE DATE: Expiration of Public Land Order No. 5763 was effective on September 25, 1990. The land will be opened to mining at 10 a.m. MST on July 1, 1991.

FOR FURTHER INFORMATION CONTACT: John Mezes, Bureau of Land Management, Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602-640-5509.

SUPPLEMENTARY INFORMATION: Pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, the following described land is hereby relieved of the segregative effect of Public Land Order No. 5763, and opened to location and entry under the United States mining laws.

Gila and Salt River Meridian

T. 19 N., R. 5 E.,
Sec. 15, SW¼SW¼NE¼,S½SE¼NW¼, NE¼SW¼, N½SE¼SW¼,W½N W¼SE¼, and NW¼SW¼SE¼;
Sec. 22, S½NW¼SW¼, SW¼SW¼, and W½SE¼SE¼;
Sec. 27, SW¼NW¼NE,W½,SW¼ NE¼,NE¼NW¼, NE¼NW¼NW¼, and SE¼NW¼.

The area described contains 320 acres in Coconino County, Arizona.

Beaumont C. McClure,
Deputy State Director, Lands and Renewable Resources.

[FR Doc. 91-12929 Filed 5-30-91; 8:45 am]
BILLING CODE 4310-32-M

[AK-040-01-4230-21; AA-58203]

Realty Action: FLPMA Lease Proposal Near Farewell Landing Strip, Alaska

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of realty action.

SUMMARY: This notice of realty action involves converting a permit to a lease on public lands administered by the Bureau of Land Management. The lease is intended to authorize continued use of approximately one (1) acre of land for a trapping cabin west of the Farewell Landing Strip and approximately 55 miles southeast of McGrath, Alaska. This land has been examined and found suitable for leasing under the provisions of section 302 of the Federal Land Policy and Management Act of 1976, and is located within the following described area:

Seward Meridian, Alaska

T. 28 N., R. 27 W.,
Secs. 24 and 25 those portions within a one acre parcel around the existing trapping cabin.

The area described contains 1.00 acre.

The above land would be offered noncompetitively to the current permittee and owner of the improvements, Mr. Dewayne G. Covey of Farewell, Alaska, under a renewable ten (10) year lease at no less than fair market rental. In addition, the lessee shall reimburse the United States for reasonable administrative and other costs incurred by the United States in processing and monitoring the lease. (The general terms and conditions for leases are found in 43 CFR 2920.7.)

DATES: Interested parties may submit comments on or before July 1, 1991.

ADDRESSES: Comments must be submitted to the Anchorage District Manager, 6881 Abbott Loop Road, Anchorage, Alaska 99507-2599.

FOR FURTHER INFORMATION CONTACT: Sandra Dunn (907) 267-1214.

Richard J. Vernimen,
Anchorage District Manager.

[FR Doc. 91-12931 Filed 5-30-91; 8:45 am]
BILLING CODE 4310-JA-M

[AZ-020-01-4212-11; AZA-24614]

Realty Action: Recreation and Public Purposes (R&PP) Act Lease/ Conveyance

The following described lands, located near the city of Florence, Pinal County, Arizona, have been found suitable for lease/conveyance to the Arizona National Guard (to be used in conjunction with lands that have been withdrawn for the Guard, EO 1633), and are so classified under the Recreation and Public Purpose Act of June 14, 1926, as amended (44 Stat. 471: 43 U.S.C. 869 et seq.).

Gila and Salt River Meridian, Arizona

T. 4 S., R. 10 E.,
Sec. 8, SE¼;
Sec. 9, All;
Sec. 17, NE½NE¼.
Containing 840 acres.

These lands are not needed for federal purposes. Through the environmental assessment process, it has been determined that the lease/conveyance of these lands would not affect any BLM programs and would be in the public interest.

The lease/conveyance would be subject to the following conditions:

1. Provisions of the Recreation and Public Purpose Act and all regulations of the Secretary of the Interior.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

3. A right-of-way for ditches and canals constructed by the authority of the United States.

4. All rights reserved for the Central Arizona Project by A-977 and AR-031307.

Upon publication of this Notice in the **Federal Register**, these lands will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purpose Act.

For a period of (45) days from the date of publication of this Notice, interested parties may submit comments regarding this proposed lease/conveyance or classification of these lands to the District Manager, Phoenix District Office, 2015 W. Deer Valley Road, Phoenix, Arizona 85027. Any adverse comments will be evaluated by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this Notice. Further information concerning this realty action may be obtained from the Phoenix Resource Area, Phoenix District at (602) 863-4464.

Dated: May 15, 1991.

Kirby Boldan,
Acting District Manager.

[FR Doc. 91-12932 Filed 5-30-91; 8:45 am]
BILLING CODE 4310-31-M

[CO-050-4212-11]

Realty Action: Park County, Colorado

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action COC-52691, Recreation and Public Purpose Classification and Application for Lease and Patent, for a Gliderport and Campground, Park County, Colorado.

SUMMARY: The following public lands are being examined for classification under the Recreation and Public Purposes Act (R&PP) of July 14, 1926, as amended, 43 U.S.C. 869 et. seq., and the regulations thereunder 43 CFR 2740. The public lands involved are segregated from the public land laws including the general mining laws, except for applications for R&PP lease and patent.

Sixth Principal Meridian, Colorado

T. 8 S., R. 76 W., sec. 27, SW¼SE¼, SE¼SW¼ (east of U.S. Highway 285);
Sec. 34, W½NE¼, SE¼NE¼, NW¼ (east of U.S. Highway 285, and north of Park

County Road No. 15, Elkhorn Road), NE¼SW¼ (north of Park County Road No. 15, Elkhorn Road), SE¼ (north of Park County Road No. 15, Elkhorn Road); containing approximately 425 acres of public land.

DATES: Interested parties may submit comments on this action for a period on or before July 15, 1991. Comments should be directed to the District Manager, BLM, P.O. Box 2200, Canon City, CO 81215-2200. Objections will be reviewed and this realty action may be sustained, vacated, or modified. Unless vacated or modified, this realty action will become the final.

ADDRESSES: Bureau of Land Management, Royal Gorge Resource Area, P.O. Box 2200, Canon City, CO 81215-2200.

FOR FURTHER INFORMATION CONTACT: Mark Pyle, Realty Specialist, Bureau of Land Management, Royal Gorge Resource Area, P.O. Box 2200, Canon City, Colorado 81215-2200; Phone: (719) 275-0631.

SUPPLEMENTARY INFORMATION: The purpose of the classification and application for an R&PP lease and/or patent is to allow recreational development investment on public land by the Park County Board of County Commissioners for use as a gliderport and campground. The proposed classification would be consistent with BLM land use plans for the area. Since an application has been filed, segregation will continue until cancelled.

A grazing lease will have to be cancelled in part if the application is approved. If issued, the lease will be subject to any valid existing rights. A perpetual reverter clause will be in any patent; title will revert to the U.S. if the property is put to another use or transfer of the property is attempted.

Donnie R. Sparks,

District Manager.

[FR Doc. 91-12933 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-JB-M

[G-010-5101-09-G002/G1-0114; NMNM 83311]

Right-of-Way Application; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: An application, serialized as NMNM 83311, was received for a 5.42 mile right-of-way for a 42 inch diameter pipeline.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973, (37 Stat. 576), El Paso Natural Gas Company has applied for a right-of-way serialized as NMNM 83311 to construct 5.42 miles of 42 inch diameter natural gas pipeline across public land in San Juan County, New Mexico. This is part of a project that will transport natural gas to California markets. The proposed line crosses the following public lands in San Juan County.

New Mexico Principal Meridian

T. 29 N., R. 11 W.,
- Sec. 26, NW¼NW¼;
- Sec. 27, S½SE¼;
- Sec. 33, E½SE¼;
- Sec. 34, NW¼NE¼, NE¼NW¼, SW¼NW¼, NW¼SW¼.

T. 28 N., R.11 W.,
- Sec. 9, SE¼NE¼;
- Sec. 10, NW¼NW¼;
- Sec. 16, N½NE¼, SW¼NE¼, E½SW¼, NW¼SE¼;
- Sec. 20, SE¼NE¼, N½SE¼, SW¼SE¼, SE¼SW¼;
- Sec. 29, N½NW¼, SW¼NW¼.

The purpose of this notice is to inform the public that the Bureau will be deciding whether the right-of-way should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 435 Montano Road NE., Albuquerque, New Mexico 87107.

Dated: May 16, 1991.

Steve Henke,

Acting Associate District Manager.

[FR Doc. 91-12930 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-FB-M

[CA-068-00-7123-52-D094]

Implementation of the Dumont Dune OHV Area Management Plan: Barstow Resource Area, Desert District, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of implementation of the Dumont Dunes Off-Highway Vehicle (OHV) Area Management Plan, and Establishment of Supplementary Rules for the Dumont Dunes OHV Area, San Bernardino County, CA.

SUMMARY: The Interim Critical Management Program designated Dumont Dunes as an OHV area in 1973. Seven years later the California Desert Conservation Area (CDCA) Plan reassessed this decision and continued the OHV area designation. This designation provides the opportunity for "Intensive" multiple-use and "Open" vehicle-use. The planning area surrounds the OHV area and includes public land within T. 17N., R. 6E.-7E.-8E.; T. 18N., R. 6E.-7E.-8E.; T. 19N., R. 6E.-7E-6E, SBBM. Actions in the management plan identify methods to enhance OHV recreation opportunities, visitor safety and primary vehicle access, delineate the boundary and expand the OHV area. Area expansion has already been accomplished through a CDCA Plan amendment.

Authorities for the management plan are 43 CFR 8340, 8341, 8342 and 8360; Federal Land Policy and Management Act of 1976 section 202(e)); National Environmental Policy Act of 1969; and the CDCA Plan of 1980, as amended. Six public meetings were held to acquire written and oral comments throughout the planning process. the draft plan was revised to reflect public input and the final was approved on June 4, 1990. The decision to implement the management plan was made on the basis of the environmental assessment (EA) which considered the environmental effect of the proposed action. No significant adverse effects were found and a Finding of No Significant Impact (FONSI) was made. The management plan, EA and FONSI are available for the public at the Barstow BLM office.

Implementation of the management plan will prevent environmental degradation in adjacent sensitive areas and encourage safe recreational use within the OHV area. The plan prescribes these major actions: Amend the CDCA Plan to expand the Dumont Dunes OHV Area from 2,718 acres to 8,327 acres; Acquire non-Federal land through purchase or exchange; Cancel right-of-way grants #R-4265 and R4267; Construct two information kiosks; Publish an OHV area brochure; Establish and equip a volunteer organization; Identify hazards on the Tonopah & Tidewater Railroad grade; Establish a designated route from the Amargosa River crossing to the parking area; Whip antenna with flag required in OHV area; No glass beverage containers in OHV area; Sign the boundary and routes crossing the boundary; Post designated routes and route closure information; No parking, staging or camping along portions of Dumont Road and the Amargosa River; Rehabilitate closed routes; Conduct a Class III cultural inventory of previously unsurveyed areas; Upgrade the intersections of access roads and Highway 127; Improve Dumont Road from the Amargosa River crossing to top

of mesa; Develop an improved access road to the Little Dunes; Maintain the access roads; Monitor effectiveness of plan implementation.

In order to fully implement selected recommendations in the final management plan, the following supplementary rules are promulgated to provide for the protection of persons, property and public land resources:

(1) All off-highway vehicles registered under California Vehicle Code Section 38010 or other off-road vehicles as defined in 43 CFR 8340.0-5(a) operating within the Dumont Dunes OHV Area shall be equipped with a whip, which is any pole, rod, mast or antenna, that is securely mounted on the vehicle and which extends at least eight (8) feet from the surface of the ground when the vehicle is stopped. When the vehicle is stopped, the whip shall be capable of standing upright when supporting the weight of any attached flags. At least one whip attached to each vehicle shall have a solid red or orange colored safety flag with a minimum size of six (6) inches by twelve (12) inches and be attached within ten (10) inches of the top of the whip. Flags may be of pennant, triangle, square or rectangular shape. Club or other flags may be mounted below the safety flag or on a second whip.

(2) Unless otherwise authorized by the Area Manager, Barstow Resource Area, no person within the Dumont Dunes OHV Area shall have, possess, or use any cup, tumbler, bottle, jar or container of whatever nature, empty or not, which is made of glass and used for carrying or containing any liquid for drinking purposes, except that persons may pick up glass containers discarded by others and remove or deposit same in approved trash receptables.

(3) Parking, staging and camping is prohibited within 500 feet of either side of Dumont Road from the intersection of Dumont Road and Highway 127, to where the Amargosa River crosses Dumont Road; and within 500 feet of either side of the Amargosa River from where the river crosses Dumont Road to T.19N., R.7E., SEC. 3, SBBM, approximately five miles up river.

EFFECTIVE DATE: July 1, 1991.

ADDRESSES: The management plan including maps and environmental assessment are available by either writing, calling or visiting the Bureau of Land Management, Barstow Resource Area Office, 150 Coolwater Lane, Barstow, California 92311 from 7:45 a.m. until 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Tim Read, Wilderness/Recreation Branch Chief, or Jeff Wilbanks, Outdoor Recreation Planner at the above address or telephone (619) 256-3591.

SUPPLEMENTARY INFORMATION: The authority for establishing supplemental rules is contained in 43 CFR 8365.1-6. These rules have been recommended and adopted through the development of the Dumont Dunes OHV Area Management Plan. Copies of these will be available in the Barstow Resource Area Office. These rules will also be posted near and/or within the lands, sites or facilities affected in the Dumont Dunes OHV Area. Violations of supplementary rules established under authority of 43 CFR 8365.1-6 are punishable by a fine not to exceed $1000 and/or imprisonment not to exceed 12 months.

APPEALS: If a party is adversely affected by this action, there is a right of appeal to the Board of Land Appeals, Office of Secretary, in accordance with the regulations in 43 CFR part 4, subpart E. If an appeal is taken, the notice of appeal must be filed in this office (not with the Board) so that the case file can be sent to the Board. A copy of the notice of appeal and of any statement of reasons, written arguments or briefs must be served upon any adverse parties, and in addition, to the Regional Solicitor, Pacific Southwest Region, U.S. Department of the Interior, 2800 Cottage Way, room E-2753, Sacramento, California 95825, within 30 days of the publication of this notice. If the procedures set forth in the regulations are not followed, an appeal is subject to dismissal.

Dated: May 21, 1991.

Ed Hastey,

State Director.

[FR Doc. 91-12953 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-40-M

[CO-942-91-4730-12]

Colorado: Filing of Plats of Survey

May 20, 1991.

The plats of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., May 20, 1991.

The plat representing the dependent resurvey of a portion of the south boundary, T. 9 S., R. 86 W., a portion of Tracts 51 and 52, a metes-and-bounds survey of a portion of Pitkin County Road No. 11, and the survey of the location of the Bullion King No. 10 lode in section 3, T. 10 S., R. 86 W., Sixth Principal Meridian, Colorado, Group No. 949, was accepted April 18, 1991.

The plat representing the dependent resurvey of certain mineral claims in section 36, T. 3 S., R. 73 W., Sixth Principal Meridian, Colorado, Group No. 964, was accepted April 29, 1991.

The plat representing the dependent resurvey of a portion of the boundary between the states of Colorado and Kansas (from mile corner No. 200 to the Oklahoma boundary) and a portion of the boundary between the states of Colorado and Oklahoma, Group No. 944, Colorado, was accepted April 11, 1991.

These surveys were executed to meet certain administrative needs of this Bureau.

The supplemental plat showing new lots 5 and 6 from previously designated lot 3 in section 24, and new lots 9 and 10 from previously designated lot 4 in section 25 is based upon the plat accepted August 11, 1983, T. 39 N., R. 9 W., New Mexico Principal Meridian, Colorado, was accepted May 2, 1991.

This supplemental plat was prepared to support a land exchange under General Exchange Act of March 20, 1922 (42 stat. 465) of this Bureau.

The protraction diagrams of the following described townships will be officially filed in the Colorado State Office, Bureau of Land Management, Lakewood, Colorado, effective 10 a.m., July 8, 1991.

Protraction Diagram No. 50, prepared to delineate the remaining unsurveyed public lands in T. 43 N., R. 10 W., New Mexico Principal Meridian, Colorado was approved October 26, 1990.

Protraction Diagram No. 49, prepared to delineate the remaining unsurveyed public lands in T. 39 N., R. 10 W., New Mexico Principal Meridian, Colorado was approved June 20, 1990.

Protraction Diagram No. 3A, prepared to delineate the remaining unsurveyed public lands in T. 5 S., R. 88 W., Sixth Principal Meridian, Colorado was approved May 17, 1991.

These protraction diagrams were prepared to meet certain administrative needs of this Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado, 80215.

Jack A. Eaves,

Chief, Cadastral Surveyor for Colorado.

[FR Doc. 91-12934 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-JB-M

[ID-943-4214-11; IDI-017112]

Proposed Continuation of Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The U.S. Forest Service, Department of Agriculture, proposes that the withdrawal of 24.54 acres of National Forest System land for three recreation sites within the Challis National Forest be continued for an additional 30 years. The lands are now being used for recreation site purposes. The lands would remain closed to surface entry and mining, but have been and would remain open to mineral leasing under the proposal.

EFFECTIVE DATE: August 29, 1991.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, BLM, 3380 Americana Terrace, Boise, Idaho 83706, 208-384-3162.

The Forest Service proposes that the existing land withdrawal made by Public Land Order No. 4214 be partially continued for a period of 30 years pursuant to section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714. The lands are described as follows:

Boise Meridian

Challis National Forest

(Pole Flat Campground)

T. 11 N., R. 15 E., sec. 8, a metes and bounds description within the NE¼.

(Custer No. 1 Campground)

T. 12 N., R. 15 E., sec. 2, a metes and bounds description within the NE¼.

(Jerrys Creek Campground)

T. 12 N., R. 15 E., sec. 32, a metes and bounds description within the NE¼.

The areas described aggregate 24.54 acres in Custer County.

The withdrawal is essential for protection of substantial capital improvements on the sites. The withdrawal closed the lands to surface entry and mining, but not to mineral leasing. No changes in the segregative effect or use of the land is proposed by this action.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments in connection with the proposed withdrawal continuation may present their views in writing to the Idaho State Director at the above address.

The authorized officer of the Bureau of Land Management will undertake such investigations as necessary to determine the existing and potential demand for the lands and their resources. A report will also be prepared for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued; and if so, for how long. The final determination of the withdrawal will be published in the **Federal Register**. The existing withdrawal will continue until such final determination is made.

Dated: May 24, 1991.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 91-12935 Filed 5-30-91; 8:45 am]

BILLING CODE 4310-GG-M

INTERNATIONAL TRADE COMMISSION

[Inv. No. 731-TA-470 (Final)]

Revised Schedule Silicon Metal From Argentina

AGENCY: United States International Trade Commission.

ACTION: Revised schedule for the subject investigation.

EFFECTIVE DATE: Date of Commission action.

FOR FURTHER INFORMATION CONTACT: Fred Fisher (202-252-1179), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202-252-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-252-100.

SUPPLEMENTRY INFORMATION: Effective March 27, 1991, the Commission instituted the subject investigation and established a schedule for its conduct (56 FR 15632, April 17, 1991). Subsequently, the Department of Commerce extended the date for its final determination in the investigation from June 5, 1991, to August 12, 1991 (56 FR 19835, April 30, 1991). The Commission, therefore, is revising its schedule in the investigation to conform with Commerce's new schedule.

The Commission's new schedule for the investigation requires that posthearing briefs be filed not later than seven days after Commerce announces its final determination.

For further information concerning this investigation see the Commission's notice of investigation cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201, as amended by 56 FR 11918, Mar. 21, 1991), and part 207, subparts A and C (19 CFR part 207, as amended by 56 FR 11918, Mar. 21, 1991).

Authority

This investigation is being conducted under authority of the Tariff act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules.

Issued: May 21, 1991.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 91-12826 Filed 5-30-91; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

Lodging of Joint Stipulation for Entry of Judgment

In accordance with Department policy notice is hereby given that on May 15, 1991, a proposed Joint Stipulation for Entry of Judgment Against Defendant Auto Specialties Manufacturing Company in *United States* v. *Burrows, et al.*, Civil Action No. K88-128-CA8, was lodged with the United States District Court for the Western District of Michigan. The proposed Joint Stipulation For Entry of Judgment Against Defendant Auto Specialties Manufacturing Company resolves the judicial enforcement action brought by the United States against Auto Specialties Manufacturing Company pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA").

The proposed Joint Stipulation for Entry of Judgment provides for the entry of judgment against Auto Specialties Manufacturing Company in the amount of $250,000. The proposed Joint Stipulation also provides that Auto Specialties Manufacturing Company and the bankruptcy trustee have stipulated that the judgment of $250,000 entered against Auto Specialties Manufacturing Company shall be an allowed claim in bankruptcy pursuant to section 502 of the Bankruptcy Code (*i.e.*, as a general unsecured claim).

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the proposed Joint Stipulation for Entry of Judgment. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Burrows, et al.*, D. J. Ref. 90-11-2-223.

The proposed Joint Stipulation for Entry of Judgment may be examined at the office of the United States Attorney, 399 Federal Building, Grand Rapids, Michigan 49503 and at the Office of Regional Counsel, United States Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois.

Copies of the proposed Joint Stipulation for Entry of Judgment may be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202-347-2072). A copy of the proposed consent decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. In requesting a copy, please enclose a check in the amount of $1.25 (25 cents per page reproduction cost) payable to the Treasurer of the United States.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-12808 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Settlement Agreement

In accordance with the policy of the Department of Justice, 28 CFR 50.7, and pursuant to section 122(d)(2) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that a proposed Consent Decree in *In re Hollingsworth Solderless Terminal Corporation*, was lodged with the United States Bankruptcy Court for the Eastern District of Pennsylvania on May 8, 1991. This action was brought pursuant to section 107 of CERCLA, 42 U.S.C. 96078.

Under the proposed Settlement Agreement, Hollingsworth Solderless Terminal Corporation (HSTC) agrees to pay $130,000 to the Hazardous Substance Superfund. In addition, HSTC agrees to sell one of its manufacturing plants as part of the company's plan of reorganization and pay 55% of the net sales proceeds to the Superfund. These funds are being paid to reimburse the United States for environmental response actions taken and to be undertaken at the HSTC facility in Fort Lauderdale, Florida. The United States will complete the remedial action contemplated by the United States Environmental Protection Agency's Record of Decision relative to the site.

The Department of Justice will receive comments relating to the proposed Settlement Agreement for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, 10th and Pennsylvania Ave., NW., Washington, DC 20530. All comments should refer to *In re Hollingsworth Solderless Terminal Company*, D.J. Ref. 90-11-3-162.

The proposed Settlement Agreement may be examined at the office of the United States Attorney, 3310 U.S. Courthouse, 601 Market Street, Independence Mall West, Philadelphia, PA 19106. A copy of the proposed Settlement Agreement may also be examined at the Environmental Enforcement Section, Document Center, 601 Pennsylvania Avenue Building, NW, Washington, DC 20004 (202-347-2072). A copy of the proposed Settlement Agreement may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004. Any request for a copy of the proposed Settlement Agreement should be accompanied by a check in the amount of $7.25 for copying costs ($0.25 per page) payable to "Aspen Systems Corporation."

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-12809 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Proposed Consent Decree Under the Clean Air Act

Notice is hereby given, in accordance with Departmental policy, 28 CFR 50.7, that on April 25, 1991, a proposed consent decree was lodged with the United States District Court for the Northern District of Illinois in *United States* v. *CED's Inc. d/b/a/ Products for Power*, Civil Action No. 89 C 2461 (N.D. Ill.), between the United States—on behalf of the Environmental Proctection Agency ("EPA")—and CED's Inc.

The claims that would be resolved under the proposed decree arise from alleged violations relating to the Clean Air Act ("Act"), 42 U.S.C. 7401 *et seq.*, including defendant's alleged breach of a prior administrative settlement concluded under the Act. The alleged violations involve section 203 of the Act, 42 U.S.C. 7522, and defendant's production and sale of devices known as replacement pipes or test tubes, which were used in motor vehicles in lieu of catalytic converters. The proposed consent decree will permanently enjoin defendant from the manufacture, marketing, advertisement, distribution, and sale of replacement pipes or test tubes. Also under the proposed decree, the defendant will pay the United States a civil penalty of $292,700.

The Department of Justice will receive comments relating to the proposed decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *CED's Inc. d/b/a Products for Power*, D.J. Ref. No. 90-5-2-1-1290. The proposed consent decree may be examined at the Office of the United States Attorney for the Northern District of Illinois, 219 South Dearborn Street, room 1500, Chicago, Illinois 60604, or at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004 (202-347-2072). A copy of the proposed decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $5.00 (25 cents per page reproduction costs) payable to Aspen Systems Corporation.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-12810 Fied 5-30-91; 8:45am]

BILLING CODE 4410-01-M

Lodging a Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that on May 13, 1991, a proposed Consent Decree in *United States of America* v. *Temrac, Inc., et al.* Civil Action No. 91-3042, was lodged with the United States District Court for the Eastern District of Pennsylvania.

The proposed Consent Decree resolves the liability of Defendants Temrac, Inc. and Sunbeam Oster Corporation (collectively "Defendants") under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") for the groundwater contamination at the Bally Engineered Structures Superfund Site ("the Site"), Berks County, Pennsylvania. The Consent Decree requires Defendants to implement the June 30, 1989, Record of Decision, as modified by an Explanation of Significant Differences, dated January 18, 1990. The Record of Decision, as modified, calls for remediation of groundwater contamination at the Site by pumping the groundwater and

treating it by means of air stripping. The remedial objectives set forth in the June 30, 1989, Record of Decision are to pevent current and future ingestion of groundwater containing unacceptable levels of volatile organic compounds ("VOC") and to restore the aquifer within a reasonable time frame to a condition such that levels of the VOC contaminants of concern are below specified remediation levels. Under the Decree, Defendants agree to pay the United States $95,000.00 in settlement of the federal government's claim for reimbursement of past response costs incurred by EPA at the Site. Defendants also agree to pay all future oversight costs to be incurred by the United States at the Site overseeing the implementation of work under the Decree.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Temrac, et al.* (DOJ No. 90-11-3-302).

The proposed Consent Decree may be examined at the office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, suite 1300, Philadelphia, Pennsylvania 19106 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004, 202-347-2072. A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy of the proposed Consent Decree, please enclose a check in the amount of $37.75 (25 cents per page reproduction cost) payable to Consent Decree Library.

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-12811 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

Lodging of Consent Decree

In accordance with Department of Justice regulations, 28 CFR 50.7, notice is hereby given that on May 15, 1991, a proposed Consent Decree ("Decree") in *United States* v. *Wheeling-Pittsburgh Steel Corporation*, No. C2 88-598, was lodged with the United States District Court for the Southern District of Ohio.

The United States filed this action pursuant to section 309 of the Clean Water Act, 33 U.S.C. 1319, at the request of the United States Environmental Protection Agency ("U.S. EPA"). The complaint seeks injunctive relief and civil penalties as a result of Wheeling-Pittsburgh's violations of sections 301 and 311 of the Act, 33 U.S.C. 1311, 1321, and its National Pollutant Discharge Elimination System ("NPDES") permits, at three of Wheeling-Pittsburgh's facilities located in Steubenville, Mingo Junction, and Yorkville, Ohio.

Under the proposed Decree, Wheeling-Pittsburgh has agreed to implement a number of injunctive programs. The principal injunctive measures include, among others: (1) A Facilities Evaluation and Action Program to identify and then implement, as necessary, measures to upgrade further its treatment and sewer systems at each facility; (2) rerouting of wastewaters at the Mingo Junction facility and construction of an upgraded treatment of effluent; (3) an Oil Control Program at the Yorkville facility; (4) a Toxicity Reduction Program at each process water outfall at each facility; and (5) a series of environmental audits to assess compliance with the Act at each facility and at Wheeling-Pittsburgh's Martin's Ferry, Ohio facility.

In addition, under the proposed Decree, Wheeling-Pittsburgh has agreed to pay a civil penalty of $6,000,000, plus interest which has accrued thereon since February 8, 1991.

The Department of Justice will receive comments relating to the proposed Decree for a period of 30 days from the date of this publication. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, DC 20044. All comments should refer to *United States* v. *Wheeling-Pittsburgh Steel Corporation*, DJ Ref. No. 90-5-1-3035.

The proposed Decree may be examined at the following offices: (1) The United States Attorney, 85 Marconi Blvd., Columbus, Ohio, 43215; (2) the United States Environmental Protection Agency, 111 West Jackson Street, Chicago, Illinois 60604; (3) the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue Building, NW., Washington, DC 20004 (202-347-2072). A copy of the proposed Decree may be obtained in person or by mail from the Environmental Enforcement Section Document Center, 601 Pennsylvania Avenue, NW., Box 1097, Washington, DC 20004.

Any request for a copy of the Decree, not including Exhibits, should be accompanied by a check in the amount of $18.25 ($.25 per page) for copying costs. The check should be made payable to the "Consent Decree Library."

Richard B. Stewart,

Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 91-12812 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

Antitrust Division

[Civil No. 90-00904 DAE]

United States v. First Hawaiian, Inc. and First Interstate of Hawaii, Inc., Comments and Response on Proposed Final Judgment

Pursuant to the Antitrust Procedures and Penalaties Act, 15 U.S.C. 16 (a) and (b), the United States publishes below the comments it received on the proposed Final Judgment in *United States* v. *First Hawaiian, Inc. and First Interstate of Hawaii, Inc.*, Civil Action No. 90-00904 DAE, United States District Court for the District of Hawaii, together with the response of the United States to those comments.

Copies of the response and the public comments are available on request for inspection and copying in Room 3233 of the Antitrust Division, U.S. Department of Justice, Tenth Street and Pennsylvania Avenue, NW., Washington, DC 20530 and for inspection at the Office of the Clerk of the United States District Court for the District of Hawaii, 300 Ala Moana Boulevard, Honolulu, Hawaii 96850

Joseph H. Widmar,

Director of Operations, Antitrust Division.

Patricia A. Shapiro
Laury E. Bobbish
Jennifer L. Otto
Attorneys
U.S. Department of Justice
Antitrust Division, Room 8104
555 Fourth Street, NW.
Washington, DC 20001
Telephone: (202) 514-5768
Daniel Bent
United States Attorney
District of Hawaii
Marshall Silverberg
Assistant U.S. Attorney
Room 6100, PJKK Federal Building
P.O. Box 50183, 300 Ala Moana Blvd.
Honolulu, Hawaii 96850
Telephone: (808) 541-2850

In the United States District Court for the District of Hawaii

RESPONSE OF THE UNITED STATES TO PUBLIC COMMENTS AND MOTION OF THE UNITED STATES FOR ENTRY OF FINAL JUDGMENT

Pursuant to section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)–(g)) ("APPA"), the United States of America hereby files its Response to Public Comments and moves for entry of the proposed Final Judgment in this civil antitrust proceeding.

I. Introduction

After carefully reviewing the comments submitted on the proposed Final Judgment, the United States remains convinced that entry of the proposed Final Judgment is in the public interest.

II. Background

This action began on December 28, 1990 when the United States filed a complaint alleging that the proposed acquisition of First Interstate of Hawaii, Inc. ("FIH") by First Hawaiian, Inc. ("FH") violated section 7 of the Clayton Act, 15 U.S.C. 18. The complaint alleged that the effect of the proposed acquisition may be substantially to lessen competition in the provision of business banks services in the Honolulu, East Hawaii, West Hawaii, Maui, and Kauai geographic markets.

On March 7, 1991, the United States filed a Stipulation between the United States and defendants FH and FIH for entry of the proposed Final Judgment and a Competitive Impact Statement explaining the basis for the complaint and for the United States' conclusion that entry of the proposed Final Judgment would be in the public interest. The proposed Final Judgment provides structural relief in each of the relevant geographic markets through divestiture of branches, and also provides additional relief by requiring the defendants to relinquish use of the First Interstate System franchise.

The Stipulation provides that the proposed Final Judgment may be entered by the Court after completion of the procedures required by APPA.

III. Compliance With APPA

Upon publication of this Response in the **Federal Register**,[1] the procedures required by APPA will be completed, and the Court may enter the proposed Final Judgment. The United States hereby certifies that it has complied with all the other provisions of the APPA, 15 U.S.C. 16(b)–(d) and states:

A. Stipulation, Proposed Final Judgment and Competitive Impact Statement

The United States has caused the Stipulation between the parties for entry of the proposed Final Judgment, the proposed Final Judgment and Competitive Impact Statement, in the form prescribed by 15 U.S.C. 16(b), to be filed with the Court on March 7, 1991, and to be published in the **Federal Register** (56 FR 109106, March 14, 1991).[2] It has also furnished copies of these documents to all persons who have requested them.

B. Newspaper Notices

The United States has caused newspaper notices of the proposed Final Judgment and its Competitive Impact Statement to be published in the Washington Post and the Sunday Star-Bulletin & Advertiser and the Honolulu Advertiser in accordance with the procedures set forth in 15 U.S.C. 16(c).[3]

C. Statements Regarding Communications

As required by 15 U.S.C. 16(g), defendant FH on March 18 and May 2, and defendant FIH on March 15 and May 9, filed with the Court a description of communications, by or on behalf of the defendants with officers and employees of the United States concerning the proposed Final Judgment.

D. Waiting Period, Comments and Publication of Comments and Response

The 60-day comment period prescribed in 15 U.S.C. 16(d) expired on May 16, 1991. The United States received three comments between May 12 and 13, 1991. In accordance with the APPA, the United States has evaluated the three comments and responds to them below.[4]

E. Response to Comments

The United States has received three comments which express generalized concerns regarding possible anticompetitive effects as a result of the proposed acquisition of FIH by FH. None of the comments express concerns regarding the relief required by the proposed Final Judgment, nor do any of them contain factual or policy arguments that would justify a judicial refusal to enter the proposed Final Judgment.

In the Competitive Impact Statement the United States explained the contentions it would have made if it proceeded to trial rather than settling the case. The comments raise no new contentions related to competition that have not already been considered by the United States before agreeing to the proposed Final Judgment.

The issue in an APPA proceeding is "[w]hether the relief provided * * * was adequate to remedy the antitrust violations alleged in the complaint." [5] None of the comments dispute the United States' conclusion that the relief provided by the proposed Final Judgment effectively will remedy the antitrust violations alleged in the Complaint. The proposed Final Judgment will guard against possible anticompetitive effects which might have otherwise occurred as a result of the proposed acquisition. The proposed branch divestitures and termination of the First Interstate System franchise will maintain competition in the local banking markets in the state of Hawaii.

Each of the three comments also express concerns unrelated to the proposed Final Judgment. In general, they express complaints about the business activities of First Hawaiian. For example, they generally allege that First Hawaiian unlawfully foreclosed on certain property in which at least one of the commentors has an interest. These allegations are unrelated to the proposed acquisition's effects on competition, and even if true do not support a finding that the proposed Final Judgment is not in the public interest.

F. Public Interest Determination

Pursuant to the Stipulation filed on March 7, 1992, and 15 U.S.C. 16(e), the Court may enter the proposed Final

[1] Upon filing of this Response today with the Court, the United States began procedures for publication of this Response in the **Federal Register**. Publication in the **Federal Register** generally takes five to seven days. The United States will advise the Court of the **Federal Register** publication date. The United States is required to publish its Response one time in the **Federal Register**.

[2] A copy of the **Federal Register** notice is attached to this Response as Exhibit A.

[3] A copy of the Certificates of Publication are attached to this Response as Exhibit B.

[4] The three comments are attached to the Response as Exhibit C. An appendix of documents to the Lighter comment may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washington, DC 20530 and at the Office of the Clerk of the United States District for the District of Hawaii.

[5] *United States* v. *Bechtel Corp.*, 1979–1 Trade Cas. (CCH) ¶ 62,429 (N.D. Cal. 1979), *aff'd*, 648 F. 2d 660, 665 (9th Cir. 1981), *cert. denied*, 454 U.S. 1083 (1982). *See also United States* v. *National Broadcasting Companies*, 449 F. Supp. 1127, 1144 (C.D. Cal. 1978), *citing United States* v. *Automobile Manufacturers Ass'n.*, 307 F. Supp. 617, 621 (C.D. Cal. 1969), *aff'd per curiam sub nom. City of New York* v. *United States*, 397 U.S. 248 (1970) ("[I]n evaluating a proposed consent decree, one highly significant factor is the degree to which the proposed decree advances and is consistent with the government's original prayer for relief, [citations omitted]").

Judgment after it determines that the proposed Final Judgment serves the public interest. The United States' Competitive Impact Statement demonstrates that the proposed Final Judgment satisfies the public interest standard of 15 U.S.C. 16(e). Accordingly, the United States requests that this Court enter the proposed Final Judgment without further hearings. Counsel for Defendants have authorized the United States to state that Defendants join in this request.

IV. Conclusion

For the reasons set forth in the Competitive Impact Statement and this Response, the Court should find that the proposed Final Judgment is in the public interest and should enter the proposed Final Judgment after publication of this Response in the **Federal Register**.

Dated: May 20, 1991.

Respectfully submitted,

Patricia A. Shapiro

Laury E. Bobbish

Jennifer L. Otto

Attorneys, U.S. Department of Justice, Antitrust Division, room 8104, 555 Fourth Street, NW., Washington, DC 20001, Telephone: (202) 514-5768.

Daniel Bent,

United States Attorney, District of Hawaii.

Marshall Silverberg,

Assistant U.S. Attorney, Room 6100, PJKK Federal Building, P.O. Box 50183, 300 Ala Moana Blvd., Honolulu, Hawaii 96850.

Exhibit A. previously was published in the **Federal Register** (56 FR 10916, March 14, 1991) and is not republished herein. Exhibit B, copies of affidavits of publication of newspaper notices of the proposed Final Judgment and Competitive Impact Statement, is also omitted from publications herein; these may be requested for inspection and copying at room 3233, Antitrust Division, Department of Justice, Washington, DC 20530 and at the Office of the Clerk of the United States District Court for the District of Hawaii.

Exhibit C

John Salter & Company, 734 Holmes Street, P.O. Box 7192, Missoula, Montana 59813 (406) 533-7750

May 10, 1991

Certified Mail, P 314 766 118.

Constance K. Robinson, Chief,
Communications and Finance Section, AntiTrust Division, U.S. Department of Justice, 555 Fourth Street NW, Washington, D.C. 20001.

Re: USA v. First Hawaiian, Inc., et al, CV 90-0000904.

Re: Competitive Impact Statement March 7, 1991, Federal Register publication date: April 14, 1991.

Re: 15 USC 16.

Dear Ms. Robinson: 1. The proposed merger of First Hawaiian Bank ("FHB") and First Interstate Bank ("FIB") is incredibly anti-competitive and should not be approved.

2. The attached statement explains why.

3. I herewith officially submit said attached statement for record. It is submitted in letter form. I have copyrighted it, but I herewith authorize publication in the Federal Register and/or in any other appropriate government document.

Sincerely,

John Salter,

Financial Consultant

cc: R: Measel, President, Coche, Inc., E. Lighter, President, Royal.

Attachment: Statement/Letter of Record.

John Salter & Company, 734 Holmes Street, P.O. Box 7192, Missoula, Montana 59813 (406) 523-7750

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May 9, 1991.

Certified Mail, P 314 766 118.

Constance K. Robinson, Chief,
Communications and Finance Section, AntiTrust Division, U.S. Department of Justice, 555 Fourth Street NW, Washington, D.C. 20001.

Re: USA v. First Hawaiian, Inc., et al, CV 90-0000904.

Re: Competitive Impact Statement March 7, 1991, Federal Register publication date: April 14, 1991.

Re: 15 USC 16.

Dear Ms. Robinson: 1. The proposed merger of First Hawaiian Bank ("FHB") and First Interstate Bank ("FIB") is incredibly anti-competitive and should not be approved.

2. Hawaii hos NO "outside" banks. State law prohibits it. First Hawaiian, Inc. ("FHI") is the leader of a small, closed-shop "cartel" of "Hawaii-only" banks gouging consumers in Hawaii, Hawaiian banks are among the most profitable in the Nation, not necessarily due to "exceptionally brilliant management".

3. FHI has been instrumental in preventing competition from "outside banks" via the immense political influence of FHI in Hawaiian State politics, including massive opposition to any change in this state legislation:

(a) CEO Walter Dods was the governor's campaign chairman while serving as a senior executive of FHI just prior to his elevation to the CEO position.

(b) Former Governor George Ariyoshi held a large block of FHI stock while governor, and at all times since.

(c) Former Governor Ariyoshi became a Director of FHI immediately upon his retirement from the governorship.

(d) Former Governor Ariyoshi's (former?) law firm (Kobayashi, Watanabe, Sugita and Goda) is the primary firm relied upon by FHI to handle real estate matters, which are at the core of FHI banking activities.

4. FHI has acted overtly and covertly to prevent US banks from participating in the lucrative Hawaiian economy, thus preserving a small, closed "cartel" of "Hawaii-only" banks which continue to generate extraordinarily large profits at the expense of local Hawaiian citizens who are denied the obvious benefits of true competition in the availability and price of money and credit.

5. While thus preventing US banks from any inroads upon the FHI-led cartel of "Hawaii-only" banks, FHI has secretly stage-managed massive flows of banking funds from "Japan, Inc." banks intent upon buying/controlling Hawaiian properties, businesses, and politicians:

(a) George Ariyoshi, Former Governor of Hawaii, Director of FHI, and major stockholder of FHI, acting through his law firm affiliations and in other capacities, has been very instrumental in funnelling massive Japanese banking funds through FHI for the purpose of facilitating abusive Japanese takeover "investments" in Hawaiian businesses and real estate purchases.

(b) Massive Japanese funding for such purposes has been secretly funnelled through FHI via huge "credit facilities" subscribed by banking consortia led by the Industrial Bank of Japan ("IBJ") and its affiliated Japanese financial partners, including but not limited to Mitsui, Mitsubishi, Dai Ichi, Sanwa, and others.

(c) These "credit facilities", often exceeding $300,000,000.00 per event, continue to exert great and obscene distortion in the ownership of Hawaiian commercial real estate, and in the visitation of economic distress upon locally-owned businesses suddenly confronted with competition from "competitor" firms secretly and massively funded in "trickle-down" loans passed out by FHI pursuant to instructions masterminded by the IBJ consortia.

(d) These abuses of economic power and public trust have caused predictable results, reducing Hawaii to the stature of a "banana republic" in which those who are favored by FHI prosper while those who are not become targeted victims of economic and political terror.

6. Among the predatory banking practices brandished by FHI is the chilling tale of the Hawaiian Colony Hotel Corporation ("HCHC"), a company targeted for obliteration by the IBJ consortia. HCHC owned a key real estate property in Waikiki which was coveted by the IBJ consortia in order to efficiently link the then-secretly-planned Mass Transit Rail system with the Hawaii Convention Center. The Center was intended to be built on forty acres of Fort DeRussy land in the heart of Waikiki and worth perhaps $1,000 per square foot. Fort DeRussy is owned by the US Department of Defense.

Senator Dan Inouye and Governor George Ariyoshi openly championed a plan to have DOD "dispose" of the land, as "excess US property", in a sale (at a favorable price) to the State of Hawaii. They did not disclose their knowledge of, and participation in, the mega-buck IBJ role lurking in the wings:

(a) The IBJ consortia funded a new $2 billion real estate/hotel development 20 miles West of Waikiki now known as West Beach.

(b) To assure the success of this outlying venture, a $1 billion light-rail mass transit system was desired, hopefully to be paid for

with citizen dollars, and linking Waikiki to West Beach.

(c) To help "sell" the Mass Transit plan to the voters, it was designed to serve the proposed $0.5 billion Convention Center, which in turn needed to be anchored in Waikiki.

(d) Key properties alone the proposed route were targeted by the IBJ consortia for "acquisition", and funds were made available through FHI to special Japanese-led "investment groups" formed for the specific purpose of acquiring these key parcels.

(e) The HCHC parcel became a primary target because it sat atstride the Mass Transit entryway to the planned Convention Center Fort DeRussy. Without control of this site, a $200 million detour would be required in order to properly serve the Center.

(f) Documentary evidence in a certain Hawaii state court case revealed that FHI had engineered a plot to gain control of the HCHC site. FHI was represented at a secret meeting in the office of attorney (now Federal Judge) David Ezra wherein an illegal and conspiratorially-rigged insolvency of the condominium owner's association of the Hawaiian Colony Apartment/Hotel Fueled the intended foreclosure/takeover of the property by FHI.

(g) HCHC waged a brilliant but unsuccessful defense of its property rights. Eventually the battle came down to a question of control of the Air Rights, which FHI wrested in a state court decision. Even FHI's own internal appraisal clarified that the Air Rights were not subject to the foreclosure. However, determined to gain control, FHI successfully but wrongly (and wrongfully) argued via Ariyoshi's law firm that HCHC had "lost" its separately-owned Air Rights on the theory that such rights could not "float", i.e., that HCHC had failed to preserve any "real property" rights in the Hawaiian Colony property, which was itself untrue. FHI/IBJ clout in Hawaiian state courts (described elsewhere as "judgeships populated by real estate developers, disguised in black robes") assured the intended "legal" judgment, even though the legal theory advanced is founded in deed theory inapplicable to condominium ownership.

(h) FHI also concealed the fact that FHI was simultaneously involved in "floating air rights" matters involving three other high-rise properties in Honolulu built with IBJ consortia funds funnelled through FHI. Speaking out of both sides of their mouth in court, FHI/IBJ funded those developments on a basis exactly opposite to the "legal theory" espoused in court by Ariyoshi's law firm, representing FHI. HCHC has appealed, alleging a predatory banking act by FHI to illegally confiscate private property.

(i) FHI wrongfully concealed these matters from the Federal Reserve, Federal Deposit Insurance Commission ("FDIC"), Department of Justice ("DOJ"), and the Securities and Exchange Commission ("SEC") in this application to gain control of First Interstate Bank, which is the subject of the instant Anti-Trust inquiry, and of this letter.

7. An further instance of predatory banking practices by FHI is found in the matter of In Re Royal Hawaiian Heritage Company of Hawaii, Inc. ("Royal"), USBC 87-00386, 9th Circuit, Hawaii:

(a) Royal possessed legal interests in (two) Key properties along the route of the planned Mass Transit System.

(b) Royal had the misfortune of falling victim to an uninsured $300,000 burglary by parties unknown who spent five hours torching into the safe whilst a central alarm company supervisor "ignored" a valid burglar alarm.

(c) Royal, cash short and struggling to recover from the burglary, temporarily sought legal refuge from creditors in a bankruptcy court petition. However, a trustee was appointed.

(d) Japanese investor groups, formed and managed by Ariyoshi's law firm and financed by IBJ-consortia funds dispensed via FHI, obtained the trustee's signature in an under-the-table deal, releasing Royal's interests. These releases were necessary in order to acquire the two key parcels. Royal's trustee obligingly "abandoned" one property interest as "worthless", and signed off Royal's control of the other parcel, obtaining nothing of value for the estate for its forebearance.

(e) IRS/Hawaii and DOJ/Hawaii officers knew this, did nothing, and continue doing nothing in order to help coverup the blatant wrongdoing by the FHI/IBJ consortia.

8. Certain other matters re the "acquisition of Royal's property by IBJ/FHI affiliates" (otherwise referred to as "the taking") which are of concern to anyone pondering the wisdom of approving a banking merger in ANY state to empower only one single bank to control 40%

(a) Royal came "voluntarily" to the bankruptcy court, in order to legitimately "buy a little time to get its finances, and its healthy cash flow, back on track". Shortly thereafter, a trustee was appointed, who evicted Royal's owners from their own offices, and ISOLATED them from the financial "books".

Note: For any business owner, this is a real scary event. I am asking Congress to correct this defect in our law by empowering any owner to have reasonable and timely (48 hours written notice?) access to the company's books of account, to prevent trustee's from stealing them blind, which they can do and they do do, often. Two dozen felonious trustees are currently in Federal prisons for precisely such acts, and probably another two hundred belong there.

(b) Royal's court-appointed trustees concealed a secret conflict of interest about which he "forgot" to tell the court and Royal . . . that he secretly owned one of the businesses competing directly with Royal, and through which he then began receiving kickbacks from Royal's major creditor, a twice-convicted felon who had gotten him to be appointed in the first place. Both the creditor and the Trustee intended to benefit handsomely as decently soon as they could indecently dismantle Royal. They almost made it . . .

(c) Royal's trustee embezzled $300,000 from Royal's estate. To conceal the embezzlement, he filed a prima facie fraudulent tax return for Royal.

(d) When Royal discovered and filed evidence (UCC-1) of the conflict with the court, a successor trustee was appointed. The US Internal Revenue Service ("IRS") and the Department of Justice ("DOJ") were charged with the duty to investigate, but no meaningful action ever resulted.

(e) Again, even after Royal (not IRS) obtained and filed further evidence (i.e., an official copy of the prima facie fraudulent tax return), no action by the court or by DOJ or by IRS resulted.

(f) The successor-trustee then embezzled an additional $900,000 from Royal's estate.

(g) Royal obtained conclusive evidence of two sets of books in use by the successor-trustee. The actual inventory, as evidenced by the internal computer runs used by the Trustee, is several hundred thousand dollars less that the fictitious amount reported by the trustee to the Court.

(h) When Royal filed said evidence of embezzlement with the Court and with IRS, no action resulted by either the Court or IRS.

(i) Royal filed numerous reports with IRS and DOJ, seeking a formal determination that the prima facie fraudulent tax return filed by the first trustee was, in fact, illegal. However, an IRS/Hawaii attorney, William Sims, stated in a letter to Royal (since filed in court by Royal) that he saw "nothing improper" in the tax return. DOJ relied upon this "determination" and opposed Royal, joining with IRS in seeking (unsuccessfully) to strike Royal's evidence from the court record on "procedural" grounds.

(j) The court continues to rely upon this "determination", and has taken no action to unseat the successor trustee or to appoint an independent Master, as Royal has requested.

(k) Royal besieged both IRS and DOJ supervisory executives, via some 200 documented telephone calls and certified letters. Every senior executive in the chain of command has "downstreamed", stonewalled, or just flat ignored Royal's every demand for an official written determination whether Royal's tax return, as filed by the trustee, is—or is not—an illegal evasion of taxes rightly due to the government.

(l) Royal caused a Federal Court Order to be issued clarifying that the "Official Position of the United States" regarding the contested tax return is "as stated by attorney Sims", i.e., that there is "no wrongdoing" and the tax return is fine.

(m) Royal steadfastly maintains that the tax return is fraudulent, prima facie, and that taxes are due on unreported income which the Trustee stole. ROYAL SEEKS TO RECOVER THE INCOME AND PAY ITS TAXES. Royal demands an audit which IRS refuses to conduct.

(n) A critical problem with the tax return is that the two sets of books used by the trustee clearly revealed that he "wrotedown" gold jewelry in Royal's inventory to values far below the meltdown value of the gold content. The power to arbitrarily "writedown" inventory values is synonymous with the power to unilaterally reduce one's tax bill. It achieves "unreported income", and it evades taxes due.

(o) Royal argues that IRS/Hawaii approved of this procedure, fully ratified by senior IRS and DOJ officials, constitutes an unlawful unpublished "private ruling" directly contrary to federal statutory law, 26 USC 471, which prohibits such fancy.

(p) Royal argues that this untidy bit of lawlessness by IRS and DOJ, in permitting such "writedown", constitutes a new ruling equally available to all citizens even though it potentially reduces the nation's tax revenue to zero.

(q) Royal has begun to provide detailed specifics to taxpayers and tax advisors nationwide who may wish to avail themselves of this unprecedented opportunity to legaly avoid ever paying any taxes again. One of many vehicles available to taxpayers to achieve this wonderful result is to join in a class action lawsuit against IRS, thus to legally avoid or at least defer indefinitely ANY tax payments until and unless the government renounces its ridiculous position endorsing the trustee's writedown . . . and thereafter to remain completely immune from any retribution or even any penalty and maybe not even any interest on taxes which might at some indefinite future date be found to have been payable afterall if only the taxpayer hadn't made the silly mistake of honestly believing that she could trust a Federal Court Order which clarifies that "THE Official Position of the United States of American authorizes taxpayers to lower their tax bill by lowering the value of their inventory" (hereinafter referred to as "the position", synonymous with the procedure which Royal has dubbed the "PBS Ruling" in honor of its primary progenitors, Mssrs. Polivka, Bent, and Sims). If any uncertainty remained, one need only contemplate that this same "position" is fully ratified by all executives in the direct chains of command within both the Department of Treasury and the Department of Justice, in their entireties.

(r) Royal filed a lawsuit against the trustee to recover the embezzled funds and/or to collect on the fidelity bond which both trustees were obliged to post with the court. IRS and DOJ opposed Royal's action, and the court granted the DOJ motion dismissing Royal's suit. Royal's subsequent Motion to Reconsider was likewise denied. An appeal lies.

(s) IRS and DOJ have now been ingeniously maneuvered by Royal into the bizarre position of opposing restitution of embezzeled funds, opposing collection of tax moneys due and payable, opposing Statutory law, championing a clandestine "ruling" favoring one taxpayer, defending a prima facie fraudulent tax return filed in collusion with a felon twice convicted of dealing in (fencing) stolen property, and conducting a massive coverup of the many illegal acts by IRS and DOJ officers which perpetrate this scandal and which help coverup wrongdoing by the IBJ/FHI consortia.

9. I am formally testing my way of contradiction that curious hypothesis that the government is right. I am using the "PBS Ruling" in my personal income tax return for 1990. Although it certainly seems odd to me that I apparently didn't owe any taxes on my income (because I can just willy-nilly "writedown" anything in my own business inventory), I know that I could never be wrongfully avoiding (evading?) taxes otherwise due UNLESS Mr. Sims has lied in speaking for the entire United States government from his eminent position as district counsel for the Hawaii branch of the IRS, and/or if Mr. Dan Bent, U.S Attorney for Hawaii has lied with him.

Mr. Sims and Mr. Bent share a mutual desire to coverup the misbehavior of their mutual subordinate, Carol Muranaka, Assistant US Attorney for Hawaii (DOJ) representing the Department of the Treasury ("Treasury"), IRS, and the USA. Carol works for DOJ (Bent) but she represents Treasury (Sims).

A few years ago, some brave Americans in Selma tested an illegal law by daring to sit in a restaurant "off-limits" to black Americans. One may well test a law by being arrested for breaking it.

I conclude that the only way to challenge this law (PBS Ruling) is to obey it. Please arrest me; I'm sitting in the front of the bus, apparently knowingly committing an act of tax evasion pursuant to Federal Statute (26 USC 471). However, I'm reasonably claiming that I'm exempt from the Statute by electing the "PBS Ruling" authorized by IRS/Hawaii, clarified by Federal Court Order, and Ratified by Treasury and by DOJ.

10. In view of the events chronicled herein, it appears that your approval of the allegedly anti-competitive FHI/FIB merger plan would be most unwise. Further, said approval, if forthcoming by DOJ, is but further ratification by the US government (DOJ) of the lawlessness rampant in the Royal "fraudulent tax return" affair.

11. All statements made herein are true and accurate to the best of my ability and knowledge and intellect, and said statements are based upon my personal observation and/or investigation, and that I believe that I have evidence sufficient to defend them in a court of law, if required and/or arrested for daring to speak out against the continuation of such lawlessness as I believe these facts bespeak.

12. Please reject the FHI/FIB merger, because it is conceived by greedy criminal minds intent upon further subjugation and plunder of the Hawaiian citizenry, and because it is destructive of the principles of justice and fairplay which underly the Anti-Trust Acts in America. Finally, please reject it because it further empowers the crude lawlessness of Japanese and American financial consortia which seem to distain such principles and which seem rather blatantly to exploit America's trust.

Sincerely,

John Salter,

Financial Consultant.

cc: R. Measel, President, Cache, Inc.
E. Lighter, President, Royal.

Attachment: Statement/Letter of Record.

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Robert Measel, Jr., Republican Candidate for Governor, State of Hawaii, P.O. Box #3098, Princeville, Hi 96722.

May 13, 1991.

Constance K. Robinson, Chief,
Communications and Finance Section, Antitrust Division, U.S. Department of Justice, 555 Fourth Street, N.W., Washington, D.C. 20001.

RE: *United States of America* vs *First Hawaiian Inc., et al CV 90-0000904.*

Dear Ms. Robinson: I write to you with regards to the above mentioned matter, which case was filed in the United States District Court for the District of Hawaii.

I was a Republican Candidate in the 1990 elections and remain a Republican Candidate for 1994 elections for the office of Governor for the State of Hawaii and for the same reasons that are part of my platform for that office, I oppose the *proposed merger of First Hawaiian Bank with First Interstate Bank.* These reasons although not specifically naming First Hawaiian Bank, clearly outlined in my *Press Release* during my 1990 campaign which is a part of my filing as president of Cache, Inc., being *Document #90-133571 filed on August 29th, 1990 in the Bureau of Conveyance, State of Hawaii;* whereby First Hawaiian Bank has been and is a major player of massive corruption and coverup of said corruptions.

(1) The approval of said merger shall further ratify the *PBS Ruling* as very well documented in the case of *John S. Salter* vs *United States of America-Brady* which case, is intimately related to the merger.

(2) Important related information included in these documents, upon review, would show serious conflicts of interest for Judge David Ezra in the case and other serious problems for U.S. Attorney Daniel Bent.

(3) First Hawaiian Bank has been and is attempting to embezzle my property right and I have complained about this and other corruption and wrong doings to Federal Agencies to no avail and now this merger could only make First Hawaiian Bank bigger in their abilities to coverup massive corruption for the local political machine in power for the past two or three decades. This power is probably part of what caused the major medias to do a blackout of my 1990 campaign for the office of Governor in Hawaii. I have spent untold hours filing complaints to the Federal Authorities and now it looks like you want to do a further coverup of all this wrongdoing and corruption with an approval of this bank merger between First Hawaiian Bank and First Interstate Bank.

So in the event that you and your department don't take the right and just action in this matter, I am prepared to take these issues together with the PBS Ruling Tax Course to all the voters and tax payers of America, because it is my duty as an American citizen and part of the oath I took when I became a candidate for public office.

Respectfully Yours,

Robert Measel, Jr.,

Governor Candidate, State of Hawaii.

Eric Aaron Lighter, President,
Royal Hawaiian Heritage Company of Hawaii, Inc., "Royal", Tokyo Rail and Development, Ltd., "Tokyo", P.O. Box 2556, Honolulu, Hawaii 96804 (no certified mail accepted)

May 9, 1991

Constance K. Robinson, Chief,
Communications and Finance Section Antitrust Division, U.S. Department of Justice 555 Fourth Street, NW., Washington, DC 20001

Re: (a) Royal, Fed. I.D. No. 99-0213120, (b) Tokyo, Fed. I.D. No. 99-0283570, (c) B&P Realty, Ltd., Fed. I.D. No. 99-0257080

Dear Ms. Robinson: This written response is made regarding that certain case filed in the United States District Court for the District of Hawaii, *USA* v. *First Hawaiian Inc., et al.*, CV 90-0000904. Further, this written response is pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)-(h), and in response to the Competitive Impact Statement ("CIS") filed March 7, 1991 in the United States District Court for the District of Hawaii, and pursuant to pages 15 and 16 of the CIS in the section entitled, "Procedures Available For Modification of the Proposed Final Judgment"; and mailed by Express Mail, numbered FB65699984. The proposed merger should be halted due to First Hawaiian's *predatory banking practices* and its refusal to disclose same, so that First Hawaiian isn't rewarded for what would be Justice Department ratified wrongdoing.

In its latest, February 11, 1991, letter to me, the Federal Reserve Board, via William W. Wiles, Secretary of the Board, correctly elucidated an important part of my allegations, "First Hawaiian is involved in a conspiracy with the Internal Revenue Service, the Office of U.S. Trustee, and unnamed Japanese financial institutions to gain control unlawfully of real property in Honolulu," and that "First Hawaiian's bank subsidiary had foreclosed unlawfully on certain real property in which you have claimed an interest."

These allegations are true. However, originally the only Federal agency involved was the Hawaii Internal Revenue Service, which plays the chief role.

I recently filed a tax return composed of about 250,000 pages which shows the *prima facie* wrongdoing in detail by a plethora of quality supporting evidence. In the event my allegations are incorrect I urge any federal officer in the United States to initiate and/or complete my indictment and/or arrest for filing what would then be a fraudulent tax return. Please refer to Document No. 91-046610, filed April 12, 1991 in the Hawaii Bureau of Convenyances and entitled Affidavit of Eric Aaron Lighter, in order to see a powerful part of the index of these related documents. One of the things you will see there are thousands of pages of correspondence with IRS, US Trustees Office and other parties in the US Justice Department (including incompetent and/or corrupt agents) all published in public record. Said Document No. 91-046610 is attached to with my April 22, 1991 hand delivered letter to Kenneth Binning, Assistant Vice President, Federal Reserve Board of San Francisco (name provided to me by the Federal Reserve Board), and my May 3, 1991 certified letter to Sandra Wittman, Acting U.S. Trustee, San Diego, California. Said Document No. 91-046610 and said two attached letters are attached hereto and made a part hereof by reference as Exhibit "A".

First Hawaiian's attorneys filed two (2) affidavits per *lix pendens* in the Hawaii Land Court title system (guaranteed by the State of Hawaii) that certify that First Hawaiian never had an interest in the property it has tried to embezzle (see Land Court Document Nos. 1680975, 1681335, 1688282). First Hawaiian's Federal Court filed affidavits confirm this (see Land Court Document No. 1693015). These facts alone prevent any intelligent observer from attempting to say my allegations are "tangential". First Hawaiian is attempting to covertly obtain the Justice Department's ratification of predatory banking practices, which are only part of the wrongdoing committed by First Hawaiian in its thirst for power and expansion that this case is all about (the merger would increase market share from 32.3% to 37.9%). As stated, numerous other incriminating documents exist and filed in public record, and are utilzed as support for my demand to also be protected under the Whistleblowers Act.

Another important and quite revealing document was filed on August 29, 1990 by a separate entity, CACHE, Inc.'s Robert Measel, Jr., a past and current Republican Hawaii Governor candidate, entitled Confirmation of Delivery of Certain Development Related Documents, filed in the Hawaii Bureau of Conveyances as Document No. 90-133571, attached hereto and made a part hereof by reference as Exhibit "B".

After some five years of intense research, I note with important authority that I find nothing significantly wrong in the allegations in that document (Exhibit "B"). Again, since I say so in my tax return, please arrest me in the event I am lying.

You will note in that document (Exhibit "B") my Federal Court filed declaration regarding my key role in the Iran Contra case, and especially in my well documented contribution to the conviction of John Poindexter. At this time, I possess a recently acquired impressive smoking gun in the Iran Contra case that would affect the next Presidential election. I am now in prayful deliberation as to how to handle this matter. I have asked the Christic Institute for input, and they have presented me a response that is respectful of my position.

Please note that my Federal Court filed testimony requires a slight expansion. The statement, "It is true that I did give the Republican National Committee the "dirt" on Inouye that apparently was used to make the "deal" to keep Reagan and Bush directly out of the Iran-Contragate hearings, and also to move the serious hearings until after the Congressional elections" should read "Presidential/Congressional elections".

For clarity, I also testified, "It is true that Paul Laxault did assist in communications with President Reagan regarding the matter, and regarding the appointment of Hawaii District Judge David Ezra (judge in this case). It is true that the Hawaii Regulated Industries Complaints Office complaint against David Ezra was stolen from Senator Biddèn's Senate Judiciary Committee vault just prior to scheduled review by Senator Bidden's committee. *The New York Magazine* April 29, 1990 article, beginning on page 46, further describes the consequences of said "deal" . . . "It is true that the British Broadcasting Corporation did televise an investigative report on Ronald Rewald that evidenced that Rewald apparently stole the mass transit train plans from Japan, and that local powers tumbled the Rewald, CIA backed empire obviously to gain control of the then fast rising flood of Japanese funds and other economic power. For her own physical safety and for the sake of her high integrity, a copy of this tape (was) sent to Judge Greene (*USA* v. *Poindexter*) by attorney Mary Rudolph (together with much more on CIA related activities elucidated by Rudolph, myself and others)" . . . "Two presidential Prosecution groups, Lawrence Walsh and Leon Jaworski's law firm (defense attorney Richard W. Beckler's employing law firm), were caught red-handed supressing significant evidence."

Beckler attempted to discredit me as a key witness by sending my evidence to the Chief of the Justice Department Security, saying my package was a bomb, when in actuality it was just figuratively explosive. "The supression of evidence and probable backroom dealing was presented to (Judge Greene) just before closing arguments, and with the significant consequences to the ongoing Poindexter trial. Both sides changed their arguments, and when that didn't work the noticed (by me, which was reported to Judge Greene) Washington Post then, in a seemingly deliberate act, almost caused a mistrial that required the jury to be sequestered; apparently in a desperate move to help save President Bush."

Among numerous other vitally related documents, including some given to the Antitrust Division of the Department of Justice, I have available a six hundred and sixteen (616) page Affidavit (by another party) with mostly certified evidence regarding the powerful Japanese interests in the First Hawaiian case. Most importantly, there are national tax courses about to begin that this First Hawaiian case has generated. That no officer or agent or agency in the United States sees any wrongdoing regarding any of my allegations indeed ratifies the following national tax ruling, the key part of the strikingly noteworthy Federal Court filed tax return (amended December 28, 1990, see Exhibit "A" for location in public record) I appropriately signed (particularly note the very related last three paragraphs, which most press against the wrongdoing in this case), approved by federal order as being the Official Position of the United States (see Exhibit J00975 of Exhibit "A" hereto); and ratified by the IRS at least as early as December 14, 1989:

The (Formerly) Corrupt, Redundantly Ratified PBS Ruling

1. Without the express written permission of the IRS, the arbitrary, unilateral writedown and/or writeup of inventory by taxpayer is acceptable, even when:

a. said inventory is gold arbitrarily, unilaterally written down to forty per cent (40%) of meltdown value;

b. any such writedown would conceal the impact of the true significance of any such writedown; and where such writeup may now be made on finished goods purchased even when same is a significant amount of gold chains;

c. any such writedown would ensure a contrived loss in the same taxable year as such writedown;

d. any such writedown would allow a United States Trustee to sell of such written

down inventory (to a friend?) and obtain a twenty per cent (20%) commission for same:

e. any such writeup would ensure a contrived loss for the next one or more taxable year(s).

2. Unexplained "missing" inventory may arbitrarily and unilaterally be stated by the taxpayer to be "consumed" and increase the cost of goods sold by the amount "missing", rather than same being detailed in a casualty and loss schedule. The IRS will avoid diligent investigation into such matters despite any Court Order, even when IRS has two or more sets of books of the taxpayer for the same period. The ratio of costs of goods sold to sales shall no longer be considered in determining "missing" inventory, despite inventory standards, company history, legitimate current operating practices, and other formerly well accepted standards, including Section 427.14 of the *Handbook for Special Agents, Criminal Investigation Intelligence Division, Internal Revenue Service.*

3. Retained earnings shall be reduced by the amount of contrived consumption; and work in progress no longer needs to be included in listed assets.

4. Cost may now be called retail, even when using the percentage of retail method of cost valuation.

5. Inventory may be "added" without an audit trail, in order to:

a. "cover" for formerly "missing" inventory by slipping similar inventory in later; and/or

b. finally report inventory "missing" from a prior period; and/or

c. allow a United States Trustee to attempt to trick the innocent shareholders into purchasing such slipped in and/or "found" inventory so to ratify such writeup and writedown of inventory, because such slipped in and/or "found" inventory is listed at such contrived written up and written down figures.

6. No evidence is required in "payroll" audit assessments, and Bankruptcy Proofs of Claim will be amended to include such assessments regardless of merit or proof; and at the risk of voiding any meritorious assessment sums being included with such unsubstantiated assessments. Required, signed Form 23c and thirty (30) day assessment notice letters shall be ignored when conducting coverups described in paragraph 11 below.

7. The IRS and United States Attorney representing the IRS will perform acts that would have previously been deemed to be corrupt, in order to have valid claims and assets be dismissed for, especially when rich special interest Japanese power groups are involved; including demand that legitimate bankruptcy payments be considered fraudulent and/or preferential even though they obviously are not.

8. Tax disclosure will be refused no matter how many written Court Orders, and no matter how much comprehensive, cooperative and substantiating documentation is provided; tax disclosure requests should be treated as though never having been submitted; and no valid reasons will be given for refusal for such tax disclosure.

9. United States Trustees do not have to file tax returns on time as required by prior written statute. Court filed income statements may now be significantly incongruent with court filed balance sheets.

10. Corporations with (a) fifty per cent (50%) or more of its stock owned by a stock trust composed partially by C corporations, and (b) with sole ownership of all the stock of one or more C corporations, may now file as S corporations despite clear statutory language to the contrary; and no return is required for first tax period of such "S" corporation.

11. The IRS will now diligently act to cover up any acts deemed corrupt by statute prior to the PBS Ruling. The IRS will now assist taxpayers to utilize tax fraud to defeat corporate statutory and contractual obligations and duties, plus assist taxpayers in assisting one or more FDIC-insured lending institutions in predatory banking practices and collusive property embezzlement schemes.

12. The IRS will defend altered and/or falsified tax related documents filed in Federal Court, and/or false statements in Federal Court and/or to and with either or both the U.S. Treasury Department and U.S. Justice Department, and/or any or all of the above positions of the IRS, as long as any challenge to the above is not a formal Complaint filed in any Federal Court; and despite any duty of any Federal Officer and/or agent to comply with all Federal Statutes and regulations now amended by the PBS Ruling. Officers and Agents of the IRS will now defend the PBS Ruling with their careers, regardless of Court Orders and prior written statutes and regulations.

Please be advised that the PBS Ruling obtained its name as follows: (1) "P" is for Theron Polivka, Service Center Director of the IRS Service Center at Fresno, California, who conducted an on-off-on-off-who knows response to a legitimate request for refund for disclosing significant tax wrongdoings in this case, (2) "B" is for Dan Bent, Hawaii U.S. Attorney, who is a fine gentleman, but no one as yet (to my knowlege) has stopped him from being deceived by Assistant U.S. Attorney Carol Muranaka from corruption and/or coverup of corruption in representing the IRS in this case, including opposing in open Federal Court (per transcript) the truth of the conclusions of the quite truthful Federal Court filed comprehensive fraud audit on the basis of "falsity", and (3) "S" is for William Sims, District Counsel for IRS, whose Declaration is now the Official Position of the United States, and which position is that there is "no wrongdoing" in this case, even after the Federal Court filing of said comprehensive fraud audit (other fraud audits exist) and PBS Ruling (such position allows millions of Americans to obtain three years of refunds).

The recently served suit, *John Salter* v. *USA and Nicholas F. Brady*, CV 90-152-M-CCL, which is a complaint for declaratory judgement in order to force the Treasury and Justice Departments to stop playing games and decide to continue or try to overrule the Federal Order directly or in effect approving the PBS Ruling. For example, there are two tax returns in a related case which are about $1.5 million different in unreported income. Right now, both IRS and the US Trustees Office say they are both right, even though they are for the same business operation! That is, they again say there is "no wrongdoing." A good question this suit causes to be raised is, "Who actually owns and/or controls First Hawaiian?" Because of the volume of money that has flowed or is flowing from Japan, it may actually be the Japanese interests. Because First Hawaiian has Japanese branches that the Justice Department has actually or in effect "overlooked", the proposed merger may also be requested for purposes of further ratification of "no wrongdoing" with Japanese interests, when that may indeed seems to be one of the important points of this case. In *Antitrust & Trade Regulation Report*, Vol. 59, December 6, 1990, page 850, Assistant Attorney General James F. Rill, Chief of the Antitrust Divison, has otherwise been very unsuccessful in dealing with some of the powerful Japanese interests directly involved in this case (per certified letters and other evidence). The proposed merger will further ratify already clearly unjust joint American and Japanese operations here and in Japan.

Lastly, please be advised that there is a directly related Complaint against the presiding and/or order-signing Judge in the case, Judge David Ezra, filed in the Hawaii Regulated Industries Complaint Office on November 19, 1987 by Sherri Lindahl, whose contents I have testified to be correct. See the related Document filed November 14, 1989 in the Bureau of Conveyances at Liber 23875 beginning at page 96, and Land Court Document No. 1659537, among others. I am sorry Judge Ezra got caught in the web of/with such corrupt parties. Unfortunately, this matter causes Judge Ezra to have or appear to have a definite conflict of interest in this case, which is hardly "tangential".

Again and in conclusion, there is a massive coverup occurring, and if I am lying about the abovenamed corruption and coverup of corruption, I will assist the United States to indict and/or arrest me for filing a fraudulant tax return, wherein these statements are contained. In the event that this letter is ignored and/or there is directly or in effect one more ruling of "no wrongdoing", then millions of taxpayers in this country will be correct in arranging for three years of refunds pursuant to the Federal Order approved PBS Ruling, once again ratified by the highest authorities in the United States.

In such case, I will probably be hunted by corrupt agents from Treasury and Justice Departments, whereupon my answer will be to go to Tax Court, and bring this case with me. "No wrongdoing" does indeed mean that millions of American should obtain three years of refunds. "No wrongdoing" does indeed mean that predatory banking practices (by First Hawaiian, et al) have been ratified to COVER UP larger crimes. "No wrongdoing" except by me means that I have become a political prisoner for whistleblowing on the role First Hawaiian and others play in property embezzlement attempts and other wrongdoing for the sake of supporting larger crimes; and I call on Amnesty International regarding same. I incorporate herein the entire Christic Institute

La Penca bombing lawsuit (see Exhibit "B") by reference, which suit clearly demonstrates the scope of the larger crimes this merger proposal is intended to help ratify. Perhaps First Hawaiian would prefer to stop its property embezzlement attempts instead; as that would be a good faith start in the right direction.

The abovedescribed millions of Americans will, of course, thus have the ethical right of notifying the key parties involved (especially the U.S. Justice Department) and being given continued confirmation and reassurance that there is "no wrongdoing", especially for utilizing the PBS Ruling. My prayer is that the justice of Amighty God be done.

Yours Truly,

Eric Aaron Lighter,

President.

[FR Doc. 91-12813 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Center for Emissions Control, Inc.

Notice is hereby given that, on May 13, 1991, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the participants in the Center for Emissions Control, Inc. ("CEC") filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the program and (2) the nature and objectives of the research to be performed in accordance with said program. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties participating in the CEC, together with the nature and objectives of the research program, are given below.

The current parties to the CEC identified by this notice are: ICI Americas, Inc., LCP Chemicals and Plastics, Inc., Occidental Chemical Corporation, PPG Industries, Inc., The Dow Chemical Company, and Vulcan materials Company.

The nature and planned activities of the CEC are: (1) To provide and act as a clearinghouse for information about and to encourage the development and use of safe and effective work practices, process modifications, control technologies, and other methods to reduce emissions of chlorinated compounds; and (2) to undertake and support research and development projects intended to result in the creation or application of new technologies or products that will reduce emissions of chlorinated compounds.

Membership in the CEC remains open and the parties intend to file additional written notifications disclosing any changes in membership. Information regarding participation may be obtained from Mr. Stephen P. Risotto, Executive Director, Center for Emissions Control, Inc., 1225 19th St., NW., suite 300, Washington, DC 20036.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-12814 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-01-M

National Institute of Corrections

Advisory Board Meeting

Time and Date: 8:30 p.m., Tuesday, July 2, 1990.

Place: Dallas/Fort Worth Airport Marriott Hotel, 8440 Freeport Parkway, Irving, Texas.

Status: Open.

Matters to be Considered: A report on the Corrections Satellite Television Network, an update on the relocation of the National Academy of Corrections, the Jail Center, and the Information Center, a review of FY 1992 budget strategies and recommendations, and reports from the federal agencies.

Contact Person for more Information: Larry Solomon, Deputy Director, (202) 307-3106.

M. Wayne Huggins,

Director.

[FR Doc. 91-12865 Filed 5-30-91; 8:45 am]

BILLING CODE 4410-36-M

DEAPRTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Traning 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 June 10, 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 June 10, 1991.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Traning Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 20th day of May 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
ADT Security Systems (IBEW)	Jonesboro, AR	05/20/91	05/06/91	25,828	Fire and burglar alarms.
Ali—Court (ILGWU)	Alburtis, PA	05/20/91	05/13/91	25,829	Sportswear.
American Sign & Indicator Corp. (IBEW)	Spokane, WA	05/20/91	05/02/91	25,830	Visual electronic displays.
ASKO, Inc., American Shear Knife (Wkrs)	Homestead, PA	05/20/91	05/04/91	25,831	Cutting tools and parts.
B&W Shake Co. (Wkrs)	Forks, WA	05/20/91	05/06/91	25,832	Cedar shakes & shingles.
C&R Cedar (Wkrs)	Forks, WA	05/20/91	05/08/91	25,833	Shakes & shingles.
Cherry Elec.—Printed Circuit Div. (CO)	Waukegan, IL	05/20/91	05/13/91	25,834	Circuit boards.
Corporate Knitting Mill (Wkrs)	Passaic, NJ	05/20/91	05/03/91	25,835	Knitwear.
Dana Corp., Spicer Axle Div. (UAW)	Syracuse, IN	05/20/91	05/09/91	25,836	Axles.

APPENDIX—Continued

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
Endicott Johnson Corp (Riverside) (Wkrs)	Johnson City, NY	05/20/91	05/06/91	25,837	Footwear warehouse.
Endicott Johnson Corp (Lester) (Wkrs)	Johnson City, NY	05/20/91	05/06/91	25,838	Footwear warehouse.
Endicott Johnson Corp (Wkrs)	Endicott, NY	05/20/91	05/06/91	25,839	Footwear warehouse.
Fitzsimons Mfg. Co. (UAW)	Big Rapids, MI	05/20/91	05/08/91	25,840	Gas neck filter tubes.
Gitano Menswear Div. Knits (Wkrs)	New York, NY	05/20/91	05/07/91	25,841	Men's jeans.
Haskell of Pittsburgh Mfg. Co. (IUE)	Verona, PA	05/20/91	05/08/91	25,842	Chairs.
Houston Ceramics (Wkrs)	Houston, MS	05/20/91	05/13/91	25,843	Floor & wall tile.
Johnson Controls Inc., Hoover Auto. (Wkrs)	Adrian, MI	05/20/91	05/01/91	25,844	Phototype auto seatings.
Kentucky Agricultural Energy Corp. (Wkrs)	Franklin, KY	05/20/91	05/02/91	25,845	Ethanol fuel.
LaRose RF Systems, Inc. (USWA)	Cohoes, NY	05/20/91	05/08/91	25,846	Mold heaters.
Northern Contracting Co. (Wkrs)	Philadelphia, PA	05/20/91	05/10/91	25,847	Coal.
Nustyle Knitting Mills (ILGWU)	Bronx, NY	05/20/91	05/06/91	25,848	Sweaters.
Olympic Luggage Corp. (Company)	Kane, PA	05/20/91	05/01/91	25,849	Olympic luggage.
Sol Duc Shakes & Shingles (Wkrs)	Forks, WA	05/20/91	05/08/91	25,850	Shakes & shingles.
Sunshine Mining Co. (USWA)	Kellogg, ID	05/20/91	05/09/91	25,851	Silver.
Tara Knitting Mills (ILGWU)	Brooklyn, NY	05/20/91	05/06/91	25,852	Knitted garments.
W.A. Schaerr, Inc. (Wkrs)	Delhi, NY	05/20/91	04/29/91	25,853	Thermometer protectors.
William Carter Co. (Wkrs)	Vicksburg, MS	05/20/91	05/02/91	25,854	Infants jumpers & sleepers.
Witco Corp. Richardson Battery (URW)	Indpls, IN	05/20/91	05/11/91	25,855	Battery containers and covers.

[FR Doc. 91-12944 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-25,629]

Mitel, Inc. Ogdensburg, NY, Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 1, 1991 in response to a worker petition which was filed on April 1, 1991 on behalf of workers at Mitel, Incorporated, Ogdensburg, New York.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC this 22nd day of May, 1991.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 91-12945 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-30-M

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and 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 described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts," shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be 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:

Florida:
FL91-45(Feb. 22, 1991) ..... p. 211, pp. 212-213..
New Jersey:
NJ91-2(Feb. 22, 1991) ..... p. 701, pp. 702-708.
NJ91-3(Feb. 22, 1991) ..... p. 721, pp. 721-728.
NJ91-7(Feb. 22, 1991) ..... p. 767, p. 768.
Pennsylvania:
PA91-5(Feb. 22, 1991) ..... p. 995, p. 996.
PA91-6(Feb. 22, 1991) ..... p.. 1007, p. 1008.

Volume II:

Indiana:
IN91-5(Feb. 22, 1991) ..... p. 305, pp. 306-308.
Kansas:
KS91-1(Feb. 22, 1991) ..... p. 353, p. 354.
Michigan:
MI91-1(Feb. 22, 1991) ..... p. 441, pp. 442-443, pp. 446-447.
MI91-2(Feb. 22, 1991) ..... p. 461, pp. 462, 464.
MI91-5(Feb. 22, 1991) ..... p. 499, pp. 500-501.
MI91-7(Feb. 22, 1991) ..... p. 515, p. 516.
MI91-17(Feb. 22, 1991) ..... p. 559, p. 560.
New Mexico:
NM91-1(Feb. 22, 1991) ..... p. 779, p. 781.
Ohio:
OH91-1(Feb. 22, 1991) ..... p. 809, p. 812.
OH91-2(Feb. 22, 1991) ..... p. 821, p. 822.
OH91-29(Feb. 22, 1991) ..... p. 903, pp. 910-911.
Texas:
TX91-10(Feb. 22, 1991) ..... p. 1045, p. 1046.

Volume III:

California:
CA91-1(Feb. 22, 1991) ..... p. 31, pp. 32-34, 36-38.
CA91-2(Feb. 22, 1991) ..... p. 45, pp. 46-47, 49-51, pp. 53-54, 57-59.
Colorado:
CO91-1(Feb. 22, 1991) ..... p. 151, pp. 152-153.
CO91-5(Feb. 22, 1991) ..... p. 175, p. 176.
Hawaii:
HI91-1(Feb. 22, 1991) ..... p. 197, p. 198.
North Dakota:
ND91-2(Feb. 22, 1991) ..... p. 285, p. 286.
Utah:
UT91-5(Feb. 22, 1991) ..... p. 421, p. 422.

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. Subscription 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 24th day of May 1991.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 91-12795 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-27-M

Occupational Safety and Health Administration

[Docket No. NRTL-1-88]

MET Electrical Testing Co. Inc.

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of Expansion of Current Recognition as a Nationally Recognized Testing Laboratory.

SUMMARY: This notice announces the Agency's final decision on the MET Electrical Testing Company, Inc. application for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

FOR FURTHER INFORMATION CONTACT: James J. Concannon, Director, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

Final Decision

The MET Electrical Testing Company, Inc. (MET), previously made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970, (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1-90 (55 FR 9033), and 29 CFR 1910.7, for recognition as a Nationally Recognized Testing Laboratory (see 53 FR 49258, 12/6/88), and was so recognized (see 54 FR 21136, 5/16/89).

MET initially applied for expansion of its current recognition as a Nationally Recognized Testing Laboratory for two test standards pursuant to 29 CFR 1910.7 which was granted as published in the **Federal Register** on June 7, 1990 (55 FR 23311-12) (See exhibit 9).

Subsequent to that, MET again applied for an expansion of its recognition for twelve standards. (See **Federal Register** notice dated April 12, 1991 (56 FR 14956-57, Exhibit 10.)).

Notice is hereby given that MET's recognition as a Nationally Recognized Testing Laboratory has been expanded to included the twelve test standards (product categories) listed below.

Copies of all pertinent documents (Docket No. NRTL-1-88), are available for inspection and duplication at the Docket Office, Room N-2634, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., Washington, DC 20210. The address of the concerned laboratory is: MET Electrical Testing Company, Inc., Laboratory Division, 916 West Patapsco Avenue, Baltimore, Maryland 21230.

Final Decision and Order

Based upon the facts found as part of the MET Electrical Testing Company, Inc. original recognition, including details of necessary test equipment, procedures, and special apparatus or facilities needed, adequacy of the staff, the application(s) and documentation submitted by the applicant (see exhibit 11. A.), the OSHA staff finding including the original On-Site Review Report, as well as the evaluation of the current request (see exhibit 11.B.), OSHA finds that the MET Electrical Testing Company, Inc. has met the requirements of 29 CFR 1910.7 for expansion of its present recognition to test and certify certain equipment or materials.

Pursuant to the authority in 29 CFR 1910.7, the MET Electrical Testing Company, Inc. recognition is hereby expanded to include the twelve additional test standards (product categories) cited below, subject to the

conditions listed below. This recognition is limited to equipment or materials which, under 29 CFR part 1910, require testing, listing, labeling, approval, acceptance, or certification by a Nationally Recognized Testing Laboratory. This recognition is limited to the use of the following two additional test standards for the testing and certification of equipment or materials included within the scope of these standards.

MET has stated that these standards are used to test equipment or materials which can be used in environments under OSHA's jurisdiction, and OSHA has determined that they are appropriate within the meaning of 29 CFR 1910.7(c).

ANSI/UL 22—Electric Amusement Machines
ANSI/UL 122—Electric Photographic Equipment
ANSI/UL 130—Electric Heating Pads
ANSI/UL 231—Electrical Power Outlets
ANSI/UL 813—Commerical Audio Equipment
ANSI/UL 869—Electrical Service Equipment
ANSI/UL 1012—Power Supplies
UL 1244—ELectrical and Electronic Measuring and Testing Equipment
ANSI/UL 1411—Transformers and Motor Transformers for Use in Audio-, Radio-, and Television-Type Appliances
UL 1449—Transient Voltage Surge Suppressors
ANSI/UL 1647—Motor-Operated Massage and Exercise Machines
UL 1778—Uninterruptible Power Supply Equipment

The MET Electical Testing Company, Inc., must also abide by the following conditions of this expansion of its recognition, in addition to those already required by 29 CFR 1910.7:

This recognition does not apply to any aspect of any program which is available only to qualified manufacturers and is based upon the NRTL's evaluation and accreditation of the manufacturer's quality assurance program;

The Occupational Safety and Health Administration shall be allowed access to MET's facilities and records for purposes of ascertaining continuing compliance with the terms of its recogntion and to investigate as OSHA deems necessary;

If MET has reason to doubt the efficacy of any test standard it is using under this program, it shall promptly inform the test standard developing organization of this fact and provide that organization with appropriate relevant information upon which its concerns are based:

MET shall not engage in or permit others to engage in any misrepresentation of the scope or conditions of its recognition. As part of this condition, MET agrees that it will allow no representation that it is either a recognized or an accredited Nationally Recognized Testing Laboratory (NRTL) without clearly indicating the specific equipment or material to which this recognition is tied, of that its recognition is limited to certain products;

MET shall inform OSHA as soon as possible, in writing, of any change of ownership or key personnel, including details;

MET will continue to meet the requirements for recognition in all areas where it has been recognized; and

MET will always cooperate with OSHA to assure compliance with the letter as well as the spirit of its recognition and 29 CFR 1910.7.

EFFECTIVE DATE: This recognition will become effective on May 31, 1991, and will be valid until May 16, 1994, (a period of five years from the date of the original recognition, May 16, 1989), unless terminated prior to that date, in accordance with 29 CFR 1910.7.

Signed at Washington, DC this 28th day of May, 1991.

Gerard F. Scannell,

Assistant Secretary.

[FR Doc. 91-12946 Filed 5-30-91; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting; Music Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Overview/Special Projects Section) to the National Council on the Arts will be held on June 18-19, 1991 from 9 a.m.-5 p.m. and June 20 from 9 a.m.-4 p.m. in room M-14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public on June 18 from 9 a.m.-5 p.m., June 19 from 9 a.m.-1 p.m. and June 20 from 3 p.m.-4 p.m. The topics will be introductory remarks, panel orientation, Endowment-wide issues, Music Program issues and updates, panelists' issues, and special projects guidelines review.

The remaining portions of this meeting on June 19 from 1 p.m.-5 p.m. and June 20 from 9 a.m.-3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May 24, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-12883 Filed 5-30-91; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Theater Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (National Resources Section) to the National Council on the Arts will be held on June 18-19, 1991 from 9:30 a.m.-5:30 p.m. in room M-07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the Public on June 18 from 9:30 a.m.-10 a.m. and June 19 from 3 p.m.-5:30 p.m. The topics will be opening remarks, policy and FY 92 guidelines discussion.

The remaining portions of this meeting on June 18 from 10 a.m.-5:30 p.m. and June 19 from 9:30 a.m.-3 p.m. are for the purpose of Panel review, discussion,

evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, (202) 682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May, 24, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-12884 Filed 5-30-91; 8:45 am]

BILLING CODE 7537-01-M

Meeting; Visual Arts Advisory Panel

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Visual Artists Fellowships/Works on Paper Section) to the National Council on the Arts will be held on June 17-20, 1991 from 9 a.m.-8 p.m. and June 21 from 10 a.m.-3:30 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 21 from 2:30 p.m.-3:30 p.m. The topics will be policy and guidelines recommendations.

The remaining portions of this meeting on June 17-20 from 9 a.m.- 8 p.m. and June 21 from 10 a.m.-2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of March 5, 1991, as amended, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

Any interested persons may attend, as observers, meetings, or portions thereof, of advisory panels which are open to the public.

Members of the public attending an open session of a meeting will be permitted to participate in the panel's discussions at the discretion of the chairman of the panel if the chairman is a full-time Federal employee. If the chairman is not a full-time Federal employee, then public participation will be permitted at the chairman's discretion with the approval of the full-time Federal employee in attendance at the meeting, in compliance with this guidance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Martha Y. Jones, Acting Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: May 24, 1991.

Martha Y. Jones,

Acting Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 91-12885 Filed 5-30-91; 8:45 am]

BILLING CODE 7537-01-M

NATIONAL SCIENCE FOUNDATION

Collection of Information Submitted for OMB Review

In accordance with the Paperwork Reduction Act and OMB Guidelines, the National Science Foundation is posting two notices of information collections that will affect the public. Interested persons are invited to submit comments by June 21, 1990. Comments may be submitted to:

(A) *Agency Clearance Officer.* Herman G. Fleming, Division of Personnel and Management, National Science Foundation, Washington, DC 20550, or by telephone (202) 357-7335, and to:

(B) *OMB Desk Officer.* Office of Information and Regulatory Affairs, ATTN: Dan Chenok, Desk Officer, OMB, 722 Jackson Place, room 3208, NEOB, Washington, DC 20503.

(1) **Title:** Survey of Undergraduate Instruction in Engineering.

Affected Public: Non-profit institutions.

Responses/Burden Hours: 300 respondents; 1.5 hours each response.

(2) *Title:* Survey of Science and Technology Education in Two-year schools.

Affected Public: Non-profit institutions.

Responses/Burden Hours: 1,140 respondents; 1 hour each response.

Abstract: Panel survey are responsive to a variety of policy issues. Topics are not predetermined and survey instruments are designed specifically for each survey. This and other surveys information for program management, serve research objectives and satisfy general information needs not met through existing information sources.

Dated: May 28, 1991.

Herman G. Fleming,

NSF Reports Clearance Officer.

[FR Doc. 91-12900 Filed 5-30-91; 8:45 am]

BILLING CODE 7555-01-M

Antarctic Tour Operators Meeting

The National Science Foundation announces the following meeting:

Name: Antarctic Tour Operators Meeting.

Date & Time: July 10, 1991, 9 a.m.-5 p.m.

Place: National Science Foundation, room 540, 1800 G Street, NW., Washington, DC 20550.

Type of Meeting: Open.

Contact Person: Nadene G. Kennedy, Polar Activities Coordinator, Division of Polar Programs, National Science Foundation Washington, DC 20550, Telephone: (202) 357-7817.

Purpose of Meeting: Pursuant to the National Science Foundation's responsibilities under the Antarctic Conservation Act (Public Law 95-541) and the Antarctic Treaty, the U.S. Antarctic Program Managers plan to meet with Antarctic Tour Operators to exchange information concerning dates and procedures for visiting U.S. antarctic stations, review the latest Antarctic Treaty Recommendations concerning the environment and protected

sites, and other items designed to protect the Antarctic environment.

Agenda:

- Introduction and Overview.
- Review of 1990–91 Visits to Palmer Station.
- Review of 1990–91 Visits to McMurdo Station.
- USAP Observers Report.
- 1991–92 Visits to Palmer Station.
- Update on Palmer Management Plan.
- 1990 & 1991 Analysis of Visited Sites.
- Scientific Study on Tourism and the Environment.
- Status of 15th Antarctic Treaty Recommendations Concerning Specially Protected Sites.
- Review Draft NSF Pollution Regulations.
- Environmental Protocol.
- 16th Antarctic Treaty Consultative Meeting Agenda Item on Antarctic Tourism.
- Pending Legislation Concerning Antarctic Tourism.
- Other Items.

John B. Talmadge,

Head, Polar Coordination and Information Section, Division of Polar Programs.

[FR Doc. 91–12815 Filed 5–30–91; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Polar Programs; Notice of Meeting

SUMMARY: In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to review and evaluate proposals and provide advice and recommendations as part of the selection process for awards. Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Name: Special Emphasis Panel in Polar Programs.

Dates/Times: June 10–11, 1991—8:30 a.m. to 5 p.m. each day.

Place: Room 1242, National Science Foundation, 1800 G St., NW., Washington, DC.

Type of Meeting: Closed.

Agenda: Review and evaluate cross directorate proposals on arctic research.

Contact: Dr. Ted E. DeLaca, Director, Arctic System Science Program, room 620, National Science Foundation, Washington, DC 20550 (202–357–7766).

Reason for Late Notice: Difficulty in obtaining acceptable meeting date.

Dated: May 28, 1991.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 91–12901 Filed 5–30–91; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste Joint Working Group on Expert Judgment and Human Intrusion in the Performance Assessment for Nuclear Waste Disposal; Meeting

The Joint Working Group on Expert Judgment and Human Intrusion will hold a meeting on June 18–19, 1991, in room P–110, 7920 Norfolk Avenue, Bethesda, Maryland, 8:30 a.m. until 5:30 p.m. each day. The entire meeting will be open to the public.

The Working Group will focus on the mechanics of the expert elicitation process and the utilization of the results of that process. Participants will address the appropriate procedures for selection of experts and issues. Past experience in the Nuclear Regulatory Commission staff's Severe Accident Risk Study (NUREG–1150) will be discussed in light of their applicability to the specific problem of assessing the potential for human intrusion into a geologic waste repository, for both the proposed Yucca Mountain and the Waste Isolation Pilot Plant sites. In addition to decision analysts from the United States, an international perspective from Canada will be presented. This is the second meeting addressing the role and the extent of expert judgment in the site characterization and licensing process with respect to the disposal of nuclear waste.

Oral statements may be presented by members of the public with the concurrence of the Working Group Chairman; written statements will be accepted and made available to the Group. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Working Group, its consultants, and staff. Persons desiring to make oral statements should notify the ACNW staff members named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Working Group, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Working Group will then hear presentations by and hold discussions with the invited speakers from DOE, the Atomic Energy Control Board of Canada, the National Laboratories, as well as normative experts and other persons interested in this subject.

Further information regarding the agenda for this meeting, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the cognizant ACNW staff member, Mr. Giorgio Gnugnoli (telephone 301/492–9851 between 8:15 a.m. and 6 p.m.). Persons planning to attend this meeting are urged to contact the above named individuals one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: May 24, 1991.

R. K. Major,

Chief, Nuclear Waste Branch.

[FR Doc. 91–12909 Filed 5–30–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards Subcommittees on Regional Programs; Meeting

The ACRS Subcommittee on Regional Programs will hold a meeting on June 18 and 19, 1991, NRC region III Office, 799 Roosevelt Road, Glen Ellyn, IL.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Tuesday, June 18, 1991—8:30 a.m. until the conclusion of business.

Wednesday, June 19, 1991–8:30 a.m. until the conclusion of business.

The Subcommittee will discuss the activities of the NRC region III Office.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to

be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, their consultants, and other interested person regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 301/492-8558) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: May 23, 1991.

Gary R. Quittschreiber,

Chief, Nuclear Reactors Branch.

[FR Doc. 91-12910 Filed 5-30-91; 8:45 am]

BILLING CODE 7590-01-M

Correction to Biweekly Notice; Applications and Amendments to Operating Licenses Involving No Significant Hazards Considerations

In the biweekly notice beginning on page 20045 in the issue of Wednesday, May 1, 1991, make the following correction:

On page 20045, "Date of amendment request: April 8, 1990" should read "Date of amendment requests: April 8, 1991."

For the Nuclear Regulatory Commission.

Lawrence E. Kokajko,

Project Manager, Project Directorate V, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-12907 Filed 5-30-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-445 and 50-446]

Texas Utilities Electric Co., Commanche Peak Steam Electric Station; Receipt of Petition for Director's Decision

Notice is hereby given that by petition dated April 5, 1991, Citizens for Fair Utility Regulation (CFUR) requested that the Nuclear Regulatory Commission take action with regard to the Texas Utilities Electric Company's (TU Electric or licensee) Comanche Peak Steam Electric Station, Units 1 and 2. CFUR requests that a supplemental environmental impact statement be prepared in accordance with 10 CFR 51.20(a), and that the Commission take action against the licensee for violation of 10 CFR 50.9.

CFUR asserts as bases for its request the following: Since 1974, Brown & Root, Inc., the principal contractor for the Commanche Peak Steam Electric Station, and several subcontractors, maintained at least 15 and possibly 20 unlicensed waste dumps containing at least 157 types of toxic chemicals and construction waste, some of which are classified as Class I hazardous waste; fires or explosions could occur with the current mixture of wastes and methane gas in the waste dumps; the waste sites are unlined and three of them are at the edge of or in Squaw Creek Reservior, which supplies cooling water to the licensee's nuclear plant and which mixes with surface water used by the public; the licensee has reported to the Texas Water Commission (TWC) that groundwater samples recently taken from a monitoring well near the Squaw Creek Reservoir were found to contain carcinogens and other contaminants above reportable drinking water levels; toxic or hazardous materials could enter the plant's safety systems or could corrode vital components of the plant's cooling system; the NRC decision to rely on the TWC to monitor the waste dumps was based on incomplete and inaccurate information supplied by the licensee to the NRC concerning the number and location of dumps and the types and amounts of hazardous material, and, moreover, the TWC is not qualified to determine the safety significance of hazardous waste to a nuclear plant; the closure plan submitted by the licensee to TWC violates 40 CFR 265.111 because no removal or decontamination has been proposed; the licensee violated the national pollutant discharge emission system (NPDES) permit issued by the U.S. Environmental Protection Agency (EPA) for the cooling water intake structure because the licensee located unauthorized and unreported hazardous waste dumps near the cooling water intake system; the licensee violated the Resource Conservation and Recovery Act (RCRA) land ban disposal restrictions; the licensee violated the Texas Administrative Code, section 335.43, by failing to provide proper information regarding the waste dumps; in accordance with 10 CFR 51.53(a), the presence of the waste dumps reflects new information which the licensee was required to reveal to the NRC before the February 1990 grant of an operating license for Comanche Peak Unit No. 1, and; the licensee did not reveal environmental and safety-related information that was material to the licensing of the Comanche Peak plant regarding the presence of unauthorized hazardous waste dumps, which violated 10 CFR 50.9.

The request is being treated pursuant to 10 CFR 2.206 of the Commission's regulations. As provided by 10 CFR 2.206, appropriate action will be taken on this request within a reasonable time.

A copy of the petition is available for inspection at the U.S. Nuclear Regulatory Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the University of Texas at Arlington Library, Government Publications/Maps, 701 South Cooper, P.O. Box 19497, Arlington, Texas 76019.

Dated at Rockville, Maryland, this 23rd day of May 1991.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Deputy Director, Office of Nuclear Reactor Regulation.

[FR Doc. 91-12906 Filed 5-30-91; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-461]

Illinois Power Co., et al.; Consideration of Issuance of Amendment to Facility Operating License and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-62, issued to Illinois Power Company and Soyland Power Cooperative, Inc. (the licensee), for operation of the Clinton Power Station, Unit No. 1, located in DeWitt County, Illinois.

The amendment would change section 3.3.4.1 of the Technical Specifications to more closely reflect the capabilities of the Clinton Power Station Anticipated Transient Without Scram Recirculation Pump Trip (ATWS-RPT) instrumentation design, and to allow use of the ATWS-RPT system test switches during Operational Condition 1 (at power).

Prior to issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By July 1, 1991, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the

proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, 20555 by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-800-325-6000 (in Missouri 1-800-342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Sheldon Zabel, Esq., Schiff, Hardin and Waite, 7200 Sears Tower, 233 Wacker Drive, Chicago, Illinois 60606, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its intent to make a no significant hazards consideration finding in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated December 17, 1990, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room, Vespasian Warner Public Library, 120 West Johnson Street, Clinton, Illinois.

Dated at Rockville, Maryland, this 24th day of May 1991.

For the Nuclear Regulatory Commission.

John N. Hannon,

Director, Project Directorate III-3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 91-12905 Filed 5-30-91; 8:45 am]

BILLING CODE 7590-01-M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Changes to Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed change to systems of records.

SUMMARY: The purpose of this document is to give notice of two proposed routine uses in three systems of records.

DATES: The systems of records for which a new routine use is proposed shall be amended as proposed without further notice 30 calendar days from the date of this publication June 30, 1991), unless comments are received before this date which would result in a contrary determination.

ADDRESSES: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act/FOIA Officer, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611, (312) 751-4548 (FTS 386-4548).

SUPPLEMENTARY INFORMATION: The proposed routine use for inclusion in one system of records (RRB-4, "h") would permit the RRB to disclose estimates of annuity rates to any court, state agency, or interested party, or the representative of such court, state agency, or interested party, in connection with contemplated or actual legal or administrative proceedings concerning domestic relations and support matters. The RRB presently is permitted under routine use "kk" in system of records RRB-22, Railroad Retirement, Survivor, and Pensioner Benefit System, to disclose entitlement data and actual benefit rates to such parties under the above described circumstances. The RRB has determined that this proposed routine use meets the compatibility requirement because it is a necessary and proper use.

The proposed routine use for inclusion in two systems of records (RRB-25, "e"; and RRB-26, "f") would permit the RRB to disclose to state agencies benefit information for the purpose of determining entitlement of continued entitlement to state income-dependent benefits and, if entitled, for the prupose of adjusting such benefits to the amount to which the individual is entitled under state law. The Railroad Retirement Board has determined that this proposed routine use meets the compatibility requirement because it is a necessary and proper use.

By authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

RRB-4

SYSTEM NAME:

Microfiche of Estimated Annuity, Total Compensation and Residual Amount File—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New paragraph "h" is added to read as follows:

* * * * *

h. Annuity estimates may be released to any court, state agency, or interested party, or the representative of such court, state agency, or interested party, in connection with contemplated or actual legal or administrative proceedings concerning domestic relations and support matters.

RRB-25

SYSTEM NAME:

Research Master Record for Survivor Beneficiaries Under the Railroad Retirement Act—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New paragraph "e" is added to read as follows:

e. Benefit information may be furnished to state agencies for the purposes of determining entitlement or continued entitlement to state income-dependent benefits and, if entitled, to adjusting such benefits to the amount to which the individual is entitled under state law, provided the state agency furnishes identifying information for the individuals for whom it wants RRB benefit information.

* * * * *

RRB-26

SYSTEM NAME:

Research Master Record for Retirement Railroad Employees and their Dependents—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New paragraph "f" is added to read as follows:

f. Benefit information may be furnished to state agencies for the purposes of determining entitlement or continued entitlement to state income-dependent benefits and, if entitled, to adjusting such benefits to the amount to which the individual is entitled under state law, provided the state agency furnishes identifying information for the individuals for whom it wants the RRB benefit information.

[FR Doc. 91-12936 Filed 5-30-91; 8:45 am]

BILLING CODE 7905-01-M

SECURITIES AND EXCHANGE COMMISSION

Forms Under Review by Office of Management and Budget

Agency Clearance Officer: Kenneth A. Fogash (202) 272-2700.

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings, Information and Consumer Services, 450 5th St. NW., Washington, DC 20549.

New Corporate Account ID Form, 270-352

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted for clearance the Corporate Account ID Form. The form will be used to assign a unique account number for each filing entity with the Commission for the purpose of managing the collection of filing fees. The estimated average burden hours for each filer is .17 hours.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimaed average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

May 21, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-12949 Filed 5-30-91; 8:45 am]

BILLING CODE 8010-01-M

Requests Under Review by Office of Management and Budget Agency Clearance Officer—Kenneth A. Fogash (202) 272-2142

Upon written request copies available from: Securities and Exchange Commission, Public Reference Branch, Washington, DC 20549-1002.

Extension, Rule 15Ba2-1 and Form MSD, File No. 270-88

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission has submitted extension of OMB approval rule 15Ba2-1 and form MSD under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*), which provide the form for application for registration with the Commission by bank municipal securities dealers. Approximately forty respondents incur as estimated average of one and one-half burden hours to comply with this rule. The requested extension would last until January 31, 1994, in order to provide that the expiration date for the rule and form will parallel the expiration dates applicable to other Commission rules

pertaining to municipal securities dealers.

Direct general comments to Gary Waxman at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with Securities and Exchange Commission rules and forms to Kenneth A. Fogash, Deputy Executive Director, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549 and Gary Waxman, Clearance Officer, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

May 22, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-12950 Filed 5-30-91; 8:45 am]

BILLING CODE 8010-01-M

[Securities Exchange Act of 1934 Release No. 29236/May 24, 1991]

Order Granting Temporary Approval of Registration Until May 31, 1993

In the Matter of: The Registration as a Clearing Agency of the Government Securities Clearing Corp.

(File No. 600-23)

On March 15, 1991, the Government Securities Clearing Corporation ("GSCC") filed with the Securities and Exchange Commission ("Commission") pursuant to section 19(a) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(a), an amended form CA-1.[1] GSCC requested that the Commission grant GSCC full registration as a clearing agency, or, in the alternative, extend GSCC's temporary registration as a clearing agency until such time as the Commission is able to grant GSCC permanent registration. Notice of GSCC's request for extension of temporary registration appeared in the **Federal Register** on April 17, 1991.[2] No comments were received. This order approves GSCC's request by extending GSCC's registration as a clearing agency until May 31, 1993. The Commission has determined that it is appropriate under the Act to continue GSCC's exemption from the participation standards in sections 17A(b)(3)(B) and 17A(b)(4)(B) and the fair representation standards in sections 17A(b)(3)(C) of the Act. This order extending GSCC's temporary registration continues those exemptions.

On May 24, 1988, the Commission granted GSCC's application for registration as a clearing agency, pursuant to sections 17A and 19(a) of the Act, and rule 17Ab2-1 thereunder, for a period of 36 months.[3] One of the primary reasons for GSCC's registration was to provide comparison services for transactions in securities issued or guaranteed by the United States, U.S. government agencies and instrumentalities, and U.S. government-sponsored corporations ("Government Securities").[4]

At the time temporary registration was granted, the Commission noted that GSCC would need to address certain issues relating to GSCC's operations and procedures during the temporary registration period. In addition, GSCC has undertaken to satisfy other requirements in connection with GSCC's clearing fund formula.[5]

In this connection, over the last three years GSCC has, among other things, established admission criteria for its three categories of membership.[6] GSCC is taking affirmative steps to encourage nonprimary Government Securities dealers who are comparison-only members to become full netting members of GSCC. GSCC expects that certain of these comparison-only members will become full netting members in the near future.

GSCC's services include clearance and settlement services for members in processing transactions in Government Securities. Initially GSCC offered a trade comparison service. GSCC has expanded its services and GSCC now offers its members netting and comparison services for trades in Government Securities including forward-settling trades [7] and zero-coupon Government Securities.[8] In connection with GSCC's clearance and settlement services GSCC provides a centralized loss allocation procedure and GSCC maintains margin to offset netting and settlement risks.

The Commission believes that GSCC continues to meet the determinations enumerated in section 17A(b) of the Act. Because GSCC continues to refine its operations and work toward meeting certain undertakings in GSCC's initial temporary registration order and subsequent orders relating to GSCC's netting system, the Commission believes GSCC's temporary registration should be extended for a period of 24 months to allow GSCC time to complete these undertakings.[9]

It is therefore ordered, That GSCC's temporary registration as a clearing agency be, and hereby is, extended until May 31, 1993, subject to the terms, undertakings, and conditions as set forth above.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-12951 Filed 5-30-91; 8:45 am]

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[Release No. 34-29229; File No. SR-NYSE-91-05]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating To Listing Criteria for Securities Other Than Common Stocks and Bonds

On January 24, 1991, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities and Exchange Act of 1934 ("Act") [1] and rule 19b-4 thereunder,[2] a proposed rule change to standardize certain listing requirements for securities other than common stocks and bonds.

The proposed rule change was published in Securities Exchange Act Release No. 28944 (March 5, 1991), 56 FR 10935. No comments were received on the proposed rule change.

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[1] Letter from Charles A. Moran, President, GSCC, to Brandon Becker, Associate Director, Division of Market Regulation, Commission, dated March 15, 1991.

[2] Securities Exchange Act Release No. 29067 (April 11, 1991), 56 FR 15652.

[3] Securities Exchange Act Release No. 25740 (May 24, 1988), 53 FR 19839.

[4] *Id.*

[5] Those undertakings include: (1) The development of an automated system for the assessment, based on maturity ranges, of price volatility; (2) monitoring the adequacy of its margin levels and increasing its confidence level to 99% for all maturity ranges, and evaluating the cost of such a change to GSCC and to its membership; (3) the development of participation standards listing in its rules all the statutory enumerated entities and the provision of standards to accommodate such entities when those entities seek membership with GSCC; (4) re-examining GSCC's Board selection criteria to ensure fair representation among GSCC's membership; and (5) conferring with the Commission regarding GSCC's standard of care in performing non-custodial clearing agency services.

[6] GSCC rules enumerate three categories of membership: government securities brokers, dealers and clearing agent banks. GSCC Rules and Procedures, rule 2.

[7] Securities Exchange Act Release No. 27902 (April 12, 1990), 55 FR 15066.

[8] Securities Exchange Act Release No. 28842 (January 31, 1991), 56 FR 5032.

[9] See Securities Exchange Act Release Nos. 25740 (May 24, 1988), 53 FR 19839 ("Temporary Registration Order"); 27006 (July 7, 1989), 54 FR 29798 and 29701 (April 12, 1990), 55 FR 15055 ("Netting Orders"); and 28842 (January 31, 1991), 56 FR 5032 (Netting of zero-coupon securities).

[1] 15 U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b-4 (1989).

Specifically, the Exchange proposes to amend §§ 703.12 Warrant Listing Process, 703.15 Foreign Currency Warrants, 703.17 Index Warrants Listing Standards, 703.18 Contingent Value Rights, and 703.19 Other Securities of the Exchange's Listed Company Manual to standardize certain hybrid product listing requirements.[3] The minimum proposed standardized requirements for these financial products referenced above are: (1) 1 million securities outstanding; (2) 400 holders; (3) a one year life; and (4) $4 million in market value.

Over the years, the NYSE has developed separate listing standards for a variety of innovative securities which are not traditional common stocks or bonds that are traded on the Exchange. These securities include: common stock warrants, foreign currency warrants, index warrants, and special purpose securities not readily categorized as equity or debt.

The Exchange originally developed these security-related listing standards separately in anticipation of the unique characteristics of each of these different securities. However, experience gained in bringing these issues to market has shown that varying listing requirements among these products is unnecessary. In particular, issuers and underwriters are confused by different requirements for seemingly similar instruments. Accordingly, the Exchange proposes to consolidate the listing standards for certain hybrid products traded on the NYSE.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, the requirements of section 6(b)(5).[4] Specifically, the Commission believes that it will be less confusing for issuers and investors alike and beneficial to the mechanism of a free and open market, if the listing standards for certain hybrid products traded on the NYSE are standardized. Moreover, the listing standards chosen by the Exchange are designed to ensure that there is a sufficient float and shareholder base for a hybrid security so that a fair and orderly market can be maintained. The standards basically are culled from the standards that currently apply to various hybrid products listed on the Exchange.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[5] that the proposed rule change (SR-NYSE-91-05) to standardize listing requirements for certain securities other than common stock and bonds, is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[6]

Jonathan G. Katz,

Secretary.

Dated: May 23, 1991.

[FR Doc. 91-12841 Filed 5-30-91; 8:45 am]

BILLING CODE 8010-01-M

[3] In its filing, the Exchange proposed to modify Section 703.20 governing the listing standards applicable to Units, Component Securities and Similar Securities which is contained in pending filing SR-NYSE-90-32. In order to consolidate all proposed rule changes dealing with proposed § 703.20, the Exchange considered the proposed changes to § 703.20 contained in file SR-NYSE-91-05 as an amendment to file SR-NYSE-90-32. *See* letter from Linda Simplicio, Vice-President, Division Counsel, Listed Company Compliance, NYSE, to Thomas Gira, Branch Chief, Options Regulation, Division of Market Regulation, SEC, dated February 4, 1991.

[4] 15 U.S.C. 78f(b)(5) (1982).

[5] 15 U.S.C. 78s(b)(2) (1982).

[6] 17 CFR 200.30-3(a)(12) (1989).

[Release No. 34-29237; International Series Release No. 275; Files No. SR-NYSE-90-52 and SR-NYSE-90-53]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Temporary Approval to Proposed Rule Changes Relating to the New York Stock Exchange's Off-Hours Trading Facility

I. Introduction

On November 1, 1990, the New York Stock Exchange ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")[1] and rule 19b-4 thereunder,[2] two proposed rule changes that would extend the Exchange's trading hours beyond the close of the 9:30 a.m. to 4 p.m. trading session and would establish an "Off-Hours Trading" ("OHT") facility. The OHT facility would consist of two trading sessions: "Crossing Session I," which would permit the execution of single-stock, single-sided closing-price orders and crosses of single-stock, closing-price buy and sell orders;[3] and "Crossing Session II," which would allow the execution of crosses of multiple-stock aggregate-price buy and sell orders.[4] The proposed rule changes consist of changes to existing NYSE rules and the adoption of a new "900 series" of rules that would apply solely to the OHT facility ("Rules for Off-Hours Trading Facility")

Files No. SR-NYSE-90-52 and SR-NYSE-90-53 were published for comment in Securities Exchange Act Release No. 28639 (November 21, 1990), 55 FR 49738 (November 30, 1990), and Securities Exchange Act Release No. 28640 (November 21, 1990), 55 FR 49739 (November 30, 1990), respectively. The Commission received seven comment letters, all of which opposed the proposed rule changes.[5]

II. Description of the Proposal

The NYSE's proposed OHT facility, consisting of Crossing Sessions I and II, represents the second phase of the Exchange's four-part plan to respond to the evolving demand among NYSE members and member organizations ("members") and customers for trading opportunities beyond those offered by the Exchange's 9:30 a.m. to 4 p.m. trading session.[6] The plan also responds, in part, to a continuing concern that the Exchange consider developing an after-hours trading session as a means to attract back to the United States the order flow currently being executed overseas. The final parts of the NYSE plan likely would consist of a third phase taking the form of discontinuous auction pricing sessions between the close of the OHT sessions and the 9:30 a.m. opening of the regular trading session, and a final phase consisting of off-hours continuous trading.[7]

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b-4 (1990).

[3] See File No. SR-NYSE-90-52.

[4] See File No. SR-NYSE-90-53.

[5] The Commission received comment letters from the Boston, Pacific, Philadelphia, and Midwest Stock Exchanges and the National Association of Securities Dealers, Inc. regarding the proposed rule changes. Some commenters raised concerns with respect to both Crossing Sessions I and II, while other commenters limited their comments specifically to Crossing Session I. See infra notes 30-40 and accompanying text for a discussion of the comments received.

[6] Phase one consists of the NYSE's revisions to its market-on-close ("MOC") execution process to ensure that MOC orders receive the closing price in a stock, and to enable members to enter matched MOC buy and sell orders prior to 4 p.m. to achieve guaranteed executions as part of the closing trade. See Securities Exchange Act Release No. 28167 (June 29, 1990), 55 FR 28117 (Approving File No. SR-NYSE-89-10).

[7] See letter from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated September 18, 1990. See also U.S. Congress, Office of Technology Assessment, Trading Around the Clock: Global Securities Markets and Information Technology—Background Paper, OTA-BP-CIT-66 (Update) (July 1990); Power, New York Stock Exchange Sets Its First Limited Off-Hours Trades, Wall St. J., Sept. 12, 1990, at C1, col. 3; Eichenwald, Big Board Approves Late Trades, N.Y. Times, Sept. 12, 1990, at D1, col. 1.

A. Description of Crossing Session I

Crossing Session I would accept orders in a particular stock for execution at the last price at which the stock traded on the NYSE during the 9:30 to 4 session. Two different types of closing-price orders could be entered into, and executed in, Crossing Session I: (1) Single-stock, single-sided orders ("closing-price single-sided orders") in round lots of up to 99,900 shares only, including certain limit orders from the regular 9:30 a.m. to 4 p.m. trading session; and (2) coupled single-stock orders (odd lots and partial round lots permitted), so long as both sides of such an order are not proprietary to members ("closing-price coupled orders").

Crossing Session I, which would operate on each day that the Exchange is open, would commence following the close of the 9:30 a.m. to 4 p.m. session and would end at 5 p.m. Closing-price single-sided and coupled orders can be entered into the OHT facility only through the NYSE's Designated Order Turnaround System ("SuperDOT"), the Exchange's network of electronic order processing and post-trade systems.[8] In addition, only NYSE-listed equity securities that have been designated by the Exchange and are not subject to a trading halt as of the close of the regular trading session may be entered into Crossing Session I.[9]

In addition to closing-price single-sided and coupled orders that are entered into the OHT facility after 4 p.m., certain limit orders that have migrated from the 9:30 a.m. to 4 p.m. session would be able to participate in Crossing Session I. Members may designate unconditioned round-lot and partial round-lot limit orders entered during the 9:30 a.m. to 4 p.m. session as "GTX" ("good 'til cancelled,[10] executable through crossing session") to enable the orders to be executed against closing-price single-sided orders during Crossing Session I.[11] When the NYSE closing price of a security is known, SuperDOT would "sweep" the specialists' limit order books for GTX orders that are at or better than the closing price and would enter those orders into the OHT facility.[12]

"Migrated" GTX orders would retain the same priority among themselves as existed on the specialist's book, and would have priority over all closing-price single-sided orders. Closing-price single-sided orders would have priority based on the time of entry into the OHT facility. Traditional rules of priority or precedence based on price or size would not apply to transactions effected in Session I.[13] Closing-price coupled orders would be executed without regard to the priority of other orders entered into the OHT facility and would not interact with the single-sided orders.

Trading halts occurring during the 9:30 a.m. to 4 p.m. session would affect trading in Crossing Session I. For instance, if a particular security is the subject of a trading halt at the end of the 9:30 a.m. to 4 p.m. session, then Crossing Session I would not be available for that security that day. In addition, during the operation of Crossing Session I, the Exchange may announce that, as the result of news of a corporate development with respect to a particular security, it has determined to: (i) Return unexecuted GTX orders to the specialist's book, maintaining their priority; (ii) cancel all unexecuted single-sided or coupled orders in that stock; and (iii) preclude the entry of new closing-price orders into the OHT facility. Similarly, trading in Crossing Session I would not commence if market activity during the 9:30 a.m. to 4 p.m. trading session were to trigger a market wide trading halt pursuant to NYSE rule 80B, the "circuit breaker" rule,[14] and the trading halt was in effect at the close of the 9:30 a.m. to 4 p.m. session.[15]

At 5 p.m., both closing-price single-sided orders (including GTX orders) and closing-price coupled orders would be executed. Members may enter and cancel closing-price orders and GTX orders up until this time. Any closing-price single-sided orders not executed during Crossing Session I would expire; they would have to be re-entered to participate in the next day's opening. Unexecuted GTX orders would be returned to the book, maintaining their priority; therefore, they would participate in the next day's opening, unless cancelled prior to the opening by the entering broker. Closing-price coupled orders, which would be entered without the possibility of break-up, would be executed in full.

The NYSE proposes to implement trade reporting for Crossing Session I by reporting executions of closing-price single-sided orders and closing-price coupled orders at 5 p.m. over the high speed facility of the Consolidated Tape Association ("CTA") Plan [16] and the low speed line as two transactions per stock—one for closing-price single-sided orders (and GTX orders) and one for closing-price coupled orders. Each print would include the closing price and aggregate volume for each stock. Closing-price coupled orders would be printed as "sold" sales.[17]

B. Description of Crossing Session II

Crossing Session II, which would occur from 4 p.m. to 5:15 p.m., differs substantially from Crossing Session I.

[8] The NYSE states that the Exchange will use its existing systems to operate the OHT sessions. The NYSE represents that system capacity and operation with respect to the 9:30 a.m. to 4 p.m. trading session will not be affected adversely by implementation of the OHT sessions. Similarly, the NYSE represents that OHT system capacity is sufficient to meet expected demand. The NYSE further represents that security and contingency plans for existing trading systems would be unaffected by the new sessions. Finally, the NYSE represents that it has tested the system changes necessary to support the new sessions.

[9] The Exchange has stated that any SuperDOT-eligible issue, including rights, warrants, and American Depository Receipts, may be entered into the OHT facility.

[10] NYSE rule 13 states that a good 'til cancelled (or "GTC") order to buy or sell remains in effect until it is either executed or cancelled.

[11] Orders for an account in which the specialist, the specialist's member organization, or any associated party has an interest may not migrate to the OHT facility. If GTX is appended to (i) any market, stop, or stop limit order; (ii) any odd-lot order; or (iii) any order entered during the Off-Hours Trading session, the system would reject it. Under the proposal, NYSE members would not have access to the closing-price order file nor would NYSE systems indicate to specialists whether limit orders would be eligible for Crossing Session I.

[12] Although the system would begin as soon as possible after the NYSE close by sweeping the limit order book for eligible GTX orders, as a practical matter, closing-price single-sided and coupled orders cannot be entered into the OHT facility until 4:15 p.m. in order to allow Exchange computer systems sufficient time to perform the mechanics necessary for commencement of the OHT facility.

[13] See NYSE rule 72.

[14] NYSE rule 80B, the Exchange's "circuit breaker" rule, provides procedures for a one-hour trading halt in the trading of all securities after a 250-point decline in the Dow Jones Industrial Average ("DJIA") and a two-hour trading halt after a 400-point decline. See Securities Exchange Act Release No. 26198 (October 19, 1988), 53 FR 41637 (order approving NYSE, American Stock Exchange, Chicago Board Options Exchange, and National Association of Securities Dealers, Inc. circuit breaker proposals). See also Securities Exchange Act Release No. 28580 (October 25, 1990), 55 FR 45896 (latest revisions to NYSE circuit breaker rules).

[15] NYSE rule 80B would operate the same way with respect to Crossing Session II.

[16] The Consolidated Tape, operated by the CTA, compiles current last sale reports in certain listed securities from all exchanges and market makers trading such securities and disseminates these reports to vendors on a consolidated basis.

[17] *See* letter from Catherine R. Kinney, Senior Vice President, NYSE, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated February 25, 1991. The NYSE states that, because some closing-price coupled orders will seek the 4 closing price at 5 p.m. with little regard for whether it remains the equilibrium price, a 5 p.m. execution involving solely two-sided closing-price coupled orders might not represent a price-validating trade. Therefore, the NYSE proposes to print closing-price coupled orders as "sold" sales, thereby eliminating those prints from selection as the day's consolidated closing price and from use as the basis for the next morning's Intermarket Trading System pre-opening application.

Crossing Session II is an aggregate-price session that would enable members to enter crosses of buy and sell program orders that includes at least 15 NYSE-listed stocks having a total market value of $1,000,000 or more ("aggregate-price coupled orders"), and to effect their execution at an aggregate price.

Like closing-price single-sided orders and closing-price coupled orders, aggregate-price coupled orders could not be entered until after the close of the 9:30 a.m. to 4 p.m. trading session. To participate in Crossing Session II, members would transmit data regarding aggregate-price coupled orders to the Exchange via facsimile. Each side of the aggregate-price order entered on a coupled basis would be executed against the other side without regard to the priority of other orders entered into the OHT facility. The facsimiles would be time-stamped immediately and confirmed back to the entering brokers, thereby effecting continuous executions of aggregate-price coupled orders upon entry into the OHT facility.[18]

The NYSE propose to implement trade reporting for the aggregate-price session by reporting the total number of shares and the total market value of the aggregate-price trades. After 5:15 p.m., the NYSE would transmit the report over the high speed line as an administrative message.

A trading halt occurring during the regular 9:30 a.m. to 4 p.m. trading session in one or more individual stocks would not affect the execution of aggregate-price coupled orders. Moreover, the unavailability of the OHT facility to one or more individual stocks due to post-4 p.m. corporate news would not affect the execution of aggregate-price coupled orders. NYSE rule 80B, however, would have the same effect on Crossing Session II as it would have on Crossing Session I: A market-wide halt pursuant to rule 80B that is still in effect at 4 p.m. would halt aggregate-price crossing.

C. Exemptive and Interpretive Relief

In connection with transactions in Crossing Session I, the NYSE seeks exemptive or interpretive relief from section 31 [19] of the Act and from rules 10a-1, [20] 10b-18, [21] and 11Aa3-1 [22] thereunder. For Crossing Session II, the NYSE seeks exemptive or other relief from section 31 of the Act and from rules 10a-1, 10b-6, [23] 10b-7, [24] 10b-8, [25] 10b-18, 11Aa3-1, 15c1-5, [26] and 15c1-6 [27] thereunder.[28]

Rule 10a-1 provides that short sales [29] of exchange-listed securities may not be effected at a price less than the price at which the immediately preceding sale was effected ("minus tick") or at a price equal to the last sale if the last preceding transaction at a different price was at a higher price ("zero minus tick"). The Exchange has requested an exemption from rule 10a-1 as it would apply to transactions in Crossing Sessions I and II.

Rule 10b-6 limits the ability of underwriters, issuers, or certain other persons to bid for or purchase a security being distributed, or a related security, during the distribution of that security. Rule 10b-7 regulates stabilizing transactions in connection with an offering of securities. Rule 10b-8 restricts bids and purchases of rights, and offers and sales of the underlying stock, by persons participating in a rights offering. Rule 15c1-5 requires a broker-dealer to disclose that it has a control relationship with an issuer before executing a transaction in that issuer's securities. Rule 15c1-6 requires a broker-dealer to disclose any participation or financial interest in the distribution of a security, at or before the completion of a transaction in such security for the account of a customer. The NYSE has requested that the Commission grant relief from these rules for transactions in Crossing Session II.

Rule 10b-18 generally provides that an issuer (and its affiliated purchasers) will not incur liability under the antimanipulation provisions of sections 9(a)(2) or 10(b) of the Act and rule 10b-5 thereunder if purchases of the issuer's common stock are effected in compliance with the conditions contained in that rule. The NYSE has requested interpretive advice concerning the applicability of rule 10b-18's timing conditions in OHT, including the timing of purchases. Generally, under rule 10b-18, an issuer may not purchase its common stock during the one-half hour before the scheduled close of trading in the security.

Rule 11Aa3-1 generally requires that an exchange collect and disseminate last sale information with respect to transactions through its facilities in certain listed and unlisted securities pursuant to a transaction reporting plan approved by the Commission. Members must execute transactions in any such security in compliance with an effective transaction reporting plan that is in effect with respect to the security. The NYSE has requested that the Commission provide exemptive relief from the requirements of rule 11Aa3-1 to the extent, if any, that the Commission views the NYSE's proposed reporting procedures for Crossing Sessions I and II as inconsistent with the requirements of this rule.

Section 31 of the Act imposes a fee on each national securities exchange based on a percentage of the dollar amount of the sales of securities (other than bonds and other debt) transacted on that exchange. The fee applies to all NYSE equity securities transactions, including those that would be effected through the OHT facility. The NYSE has requested the Commission to adopt a rule that would exempt transactions effected in Crossing Sessions I and II from section 31 fees.

III. Comments Received

A. Comments

The Boston, ("BSE"), Pacific ("PSE"), Philadelphia ("Phlx"), and Midwest ("MSE") Stock Exchanges submitted comment letters in opposition to various aspects of the NYSE's OHT facility.[30]

[18] By contrast, the order executions in Crossing Session I take place only at 5 p.m.

[19] 15 U.S.C. 78ee (1988).

[20] 17 CFR 240.10a-1 (1990).

[21] 17 CFR 240.10b-18 (1990).

[22] 17 CFR 240.11Aa3-1 (1990).

[23] 17 CFR 240.10b-6 (1990).

[24] 17 CFR 240.10b-7 (1990).

[25] 17 CFR 240.10b-8 (1990).

[26] 17 CFR 240.15c1-5 (1990).

[27] 17 CFR 240.15c1-6 (1990).

[28] See letters from Catherine R. Kinney, Senior Vice President NYSE, to Brandon Becker, Associate Director, Division of Market Regulation, SEC, dated September 18, 1990 (request for exemptive relief regarding Crossing Session I and II); from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker and Larry Bergmann, Associate Directors, Division of Market Regulation, SEC, dated January 9, 1991 (request for exemptive relief regarding Crossing Session I); from Catherine R. Kinney, Senior Vice President, NYSE, to Brandon Becker and Larry Bergmann, Associate Directors, Division of Market Regulation, SEC, dated January 9, 1991 (request for exemptive relief regarding Crossing Session II); from Catherine R. Kinney, Senior Vice President, NYSE, to Larry Bergmann, Associate Director, Division of Market Regulation, SEC, dated January 10, 1991 (request for interpretive advice under rule 10b-18); from Catherine R. Kinney, Senior Vice President, NYSE, to Howard Kramer, Assistant Director, Division of Market Regulation, SEC, dated April 18, 1991.

[29] A short sale is defined in rule 3b-3 under the Act, 17 CFR 240.3b-3, as any sale of a security that the seller does not own or any sale that is consummated by delivery of a security borrowed by, or for the account of, the seller. Rule 3b-3 provides further that a person shall be deemed to own a security only to the extent that the person has a net long position in that security.

[30] See letters from Brian L. Riddell, Executive Vice President, Trading Services, BSE, to Jonathan G. Katz, Secretary, SEC, dated January 27, 1991 and to Richard G. Ketchum, Director, Division of Market Regulation, dated October 16, 1990 (commenting on File No. SR-NYSE-90-42, which was withdrawn and replaced with Files No. SR-NYSE-90-52 and NYSE-90-53), and supplemental letter from Brian Riddell to Jonathan G. Katz, Secretary, SEC, dated April 5, 1991 (rebutting several points in the NYSE

Continued

The issues raised by the exchanges focused primarily on Crossing Session I and concerns that the session: (1) May be inconsistent with the principles underlying the national market system; (2) does not involve an open auction market for securities trading; (3) prevents regional specialists from participating in the OHT facility; (4) will result in the potential loss of business and exposure of regional specialists to increased risks and costs; (5) could result in price manipulation by professionals; and (6) uses the NYSE closing price, rather than the consolidated closing price. The National Association of Securities Dealers, Inc. ("NASD") also submitted a comment letter which raised a concern regarding the extension of the NYSE's off-board trading restrictions to the OHT facility.[31] A discussion of the concerns raised by the commenters is presented below.[32]

1. Effect on National Market System

The BSE, PSE, Phlx, and MSE all state that the OHT proposal is inconsistent with the goals and objectives of a national market system ("NMS").[33] The objectives of the NMS, as set forth in Section 11A(a)(1) of the Act, include assuring fair competition among exchange markets, the economically efficient execution of securities transactions, and the practicability of brokers executing investors' orders in the best market. Section 11A(a)(1) also states that competition and the best execution of investors' orders would be enhanced by the linking of all securities markets through communication and data processing facilities.[34]

a. Fair Competition. The BSE, PSE, Phlx, and MSE state that the NYSE proposal contravenes one of the stated objectives of the NMS, which is to assure fair competition among exchange markets. For example, these commenters assert that, because only NYSE members and their public customers can participate in the OHT facility by entering orders into Session I through SuperDOT, this Session impedes fair competition among exchange markets by making it virtually impossible for members of the regional stock exchanges who are not NYSE members to compete with the NYSE in trading NYSE-listed securities.[35]

In addition, several commenters believe that the OHT proposal is anti-competitive because the availability of OHT will result in the movement of GTC orders from the regional exchanges to the NYSE.[36] According to the commenters, this will occur because broker-dealers will want to ensure that customer orders receive an opportunity to participate in Session I and to provide customer orders with primary market price protection. The commenters believe that, once limit orders are diverted from the regional exchanges to the NYSE, market orders will follow because the cost benefits associated with sending market orders to the regional exchanges for execution will then be lost. The commenters believe that, as a result, the NYSE will have an unfair competitive advantage.

b. Best Execution of Transactions. The BSE states that the implementation of Session I would reduce the BSE's ability to compete with other exchange markets because it will result in increased costs and risks to regional specialists. The BSE explains that, because regional specialists are obligated to obtain the best execution for their customers' orders, they would likely have to place duplicate orders with the NYSE through SuperDOT immediately upon receipt of GTC orders throughout the day, or at least before 4 p.m., or alternatively, they would have to execute all eligible GTC orders for their own accounts and carry the long or short positions overnight, thereby exposing themselves to market risk. The BSE states that this practice would become necessary in order to protect the time and price position of GTC orders in the marketplace and to instill confidence in the member firms that their customers' orders were being properly represented in the NMS. The BSE emphasizes that either of these scenarios would increase costs to regional specialists and subject them to substantial market risk.

In addition, the BSE and MSE assert that, because many GTC limit orders now are placed on regional exchanges because of lower transaction costs and improved executions, the movement of GTC limit orders away from regional exchanges will result in more expensive transaction costs for NYSE member firms, which costs will eventually be passed on to the public customer. In addition, the PSE states that single-sided and GTX orders effected in Crossing Session I may be disadvantaged because a superior price may be reached on the PSE during its additional one-half hour of trading (4 p.m. to 4:30 p.m. e.s.t.), but orders in Crossing Session I would not be exposed to that superior price. Finally, the Phlx suggests that, in order to allow the OHT facility to interact with trading interest on competing marketplaces, a central order repository where all GTX orders, regardless of origin, can be assigned priority based on time of entry, should be developed.

c. Linking of Markets. The commenters also state that, by excluding non-NYSE members and thereby eliminating competition among the exchange markets, the OHT facility, particularly Crossing Session I, is inconsistent with another objective of the NMS, the linking of all markets. The commenters conclude that, by not providing a mechanism for orders from all markets to participate, the OHT sessions decrease inter-market participation and diminish competition among orders. In addition, the PSE argues that the NYSE's OHT proposal should not be implemented until the other exchanges are prepared to participate.

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response letter and reiterating various concerns raised in its prior comment letters); letters from David P. Semak, Vice President, Regulation, PSE, to Jonathan G. Katz, Secretary, SEC, dated December 21, 1990 and January 21, 1991; letter from Nicholas A. Giordano, President and Chief Executive Officer, Phlx, to Jonathan G. Katz, Secretary, SEC, dated Janaury 23, 1991; and letter from J. Craig Long, Vice President and General Counsel, MSE, to Jonathan G. Katz, Secretary, SEC, dated February 7, 1991 and supplemental letter from Daniel J. Liberti, Associate Counsel, MSE, to Mary Revell, Branch Chief, Division of Market Regulation, dated April 23, 1991 (rebutting various points in the NYSE response letter and reiterating concerns raised in its prior comment letter). Although the issues raised by the various stock exchanges referred generally to both Crossing Session I and Crossing Session II of the OHT facility, the majority of the concerns raised were applicable specifically to the operation of Crossing Session I, the closing-price session.

[31] See letter from Joseph R. Hardiman, President, NASD, to Jonathan G. Katz, Secretary, SEC, dated January 16, 1991.

[32] The Commission also received letters from the BSE, MSE, and NASD seeking an extension of the comment period. See letters from George W. Mann, Jr., Senior Vice President and General Counsel, BSE, to Richard G. Ketchum, Director, Division of Market Regulation, dated December 19, 1990; J. Craig Long, Vice President and General Counsel, MSE, to Howard Kramer, Assistant Director, Division of Market Regulation, SEC, dated December 20, 1990; Robert E. Aber, Vice President and Deputy General Counsel, NASD, to Mary Revell, Branch Chief, Division of Market Regulation, SEC, dated December 21, 1990.

[33] Although the letters submitted by the exchanges state generally that the OHT proposal is inconsistent with the objectives underlying a national market system, most of the concerns raised are applicable specifically to Crossing Session I.

[34] 15 U.S.C. 78k-1(a)(1) (1988).

[35] The BSE, PSE, Phlx, and MSE all cite to the Securities Acts Amendments of 1975 ("1975 Amendments") (Pub. L. No. 94-29 (June 4, 1975)), which mandated the development of a national market system for securities, and state that proposed Session I contravenes Congress' intent in calling for a national market system by excluding the participation of other marketplaces.

[36] NYSE rule 13 states that a GTC order to buy or sell remains in effect until it is either executed or cancelled. See supra note 10.

The PSE is particularly concerned about trading on the PSE during its additional half hour of trading—4 p.m. to 4:30 p.m. The PSE states that, because the NYSE is extending its trading hours beyond 4 p.m., the Intermarket Trading System ("ITS") Plan may require that the PSE and NYSE OHT session be linked.[37]

2. Auction Market

The BSE, Phlx, and MSE also state that the OHT facility, particularly Crossing Session I, is contrary to the goals and objectives of a NMS because it would deprive investors of the protections and benefits of an open auction market for securities, including continuous price discovery and competition among all available bids and offers. In particular, the MSE states that the execution of GTX and single-sided orders in Crossing Session I would decrease the number of available orders which otherwise would have participated in the auction market environment operating during the 9:30 a.m. to 4 p.m. trading session, and which would have contributed to the depth and liquidity of the market. In addition, several commenters state that, because all orders executed in Session I would be executed at the closing price for that security and without the price discovery inherent in the auction process, there is no possibility for price betterment.

3. Use of NYSE Closing Price

The PSE and Phlx raise concerns that, in Crossing Session I, orders of public customers may be disadvantaged because orders in that Session would be executed based upon the NYSE closing price, rather than on the consolidated closing price, which may reflect a superior price to a customer. The commenters also state that use of a Crossing Session I price as the consolidated closing price would have a negative effect on the next morning's ITS pre-opening application.

4. Short Sale Rule

The BSE, Phlx, PSE, and MSE objected to the NYSE's request that the Commission provide exemptive relief from, or take a no-action position with respect to, the application of rule 10a–1, the short sale rule. The commenters state that waiver of the short sale rule during the OHT sessions would magnify the potential for manipulation because a professional would be able to effect a transaction in the OHT session that he or she was prohibited from effecting during regular trading hours by the restrictions of the short sale rule. This could result in the movement of order flow away from the auction pricing session held during the day and impact the following day's opening (e.g., causing the stock to open lower), resulting in possible manipulative abuse by the professional trader and reduced opportunities for other orders market-wide, particularly those of retail investors. The commenters further state that the NYSE has not provided sufficient justification for waiver of the short sale rule during the OHT sessions.

5. Recapturing Order Flow

The BSE, Phlx, and MSE challenge one of the NYSE's stated purposes in proposing the OHT sessions, which is to recapture order flow from overseas. These commenters state that the NYSE has demonstrated no nexus between Crossing Session I and attracting overseas orders back to the United States. In fact, the MSE asserts that implementation of Session I would induce trading away from the NYSE.

6. NYSE Rule 390

In its comment letter, the NASD asserts that application of NYSE rule 390 [38] to the OHT sessions would constitute a burden on competition that is neither necessary nor appropriate under the Act. The NASD believes that the anti-competitive effects of extending off-board trading restrictions beyond normal operating hours would be antithetical to the development of new trading systems within the rubric of a NMS. The Phlx also states that the application of NYSE rule 390 to the OHT sessions directly contradicts the NYSE's traditional arguments against the abolition of off-board trading restrictions.

7. Miscellaneous Issues

a. Market Manipulation. The BSE, PSE, Phlx, and MSE suggest that several forms of market manipulation may arise if the OHT sessions, particularly Session I, are established. The commenters conclude that these potential types of manipulation would give professionals a significant advantage over retail orders, thereby undermining public confidence in fair and orderly markets.

The BSE believes that single-sided orders would be initiated primarily by professionals anxious to take advantage of market opportunities to the detriment of retail customers. The BSE also states that specialists, because they are privy to market information that is unavailable to others, would have a special advantage in knowing when it would be in their interests to enter single-sided orders to trade with limit orders from their own books. The BSE concludes that it would be a conflict of the specialist's fiduciary responsibilities to trade against orders on their book during Crossing Session I.

The BSE also is concerned with possible market manipulation arising from the fact that the futures markets remain open for trading for 15 minutes beyond the close of the NYSE 9:30 a.m. to 4 p.m. trading session. The BSE suggets that a professional could watch the futures market until its 4:15 p.m. close and, based on this information, participate as a seller (buyer) in the OHT sessions and then profit as a buyer (seller) in the next day's stock market.

b. Trade Reporting. The MSE states that proposed Crossing Session II should have the same disclosure requirements as those that were required for the MSE's Portfolio Crossing Session.[39] The MSE states that the NYSE should require disclosure of individual stocks comprising a portfolio and the number of shares of each stock traded. Further, the MSE states that more complete disclosure of after-hours portfolio trading enhances the quality of the U.S. markets from a regulatory perspective and promotes economically efficient executions of trades in the underlying stocks because investors are made aware of after-hours trading in individual stocks comprising a portfolio.

c. Section 31 Fees. The MSE and PSE objected to the NYSE's request that the Commission adopt a rule, pursuant to section 31 of the Act, exempting transactions in Crossing Session I from section 31 transaction fees,[40] stating

[37] Section 10, subparagraph (c) of the Plan For the Purpose of Creating and Operating an Intermarket Communications Linkage Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 ("ITS Plan") states that any period outside of the normal 9 a.m. to 4 p.m. operating hours of the ITS System constitutes an "additional period" for the purposes of the ITS Plan. This subparagraph further states that the System shall be operable during any "additional period" requested in writing by any two or more participants.

[38] In general, NYSE rule 390 prohibits a member from effecting a transaction otherwise than on an exchange as principal or as an in-house agency cross in a security listed on the exchange before April 26, 1979. The rule does not apply to transactions on a foreign stock exchange, or after regular NYSE trading hours in a foreign over-the-counter market.

[39] *See* Securities Exchange Act Release No. 27384 (October 26, 1989), 54 FR 24779, which approved a proposed rule change by the MSE to establish a Secondary Trading Session for the execution of transactions in portfolios of securities through the MSE's automated Portfolio Trading System ("PTS"). As discussed supra, for portfolio transactions effected in Crossing Session II, the NYSE proposes to transmit a report at 5:15 p.m. over the high speed line containing the total number of shares and the total market value of the aggregate-price trades.

[40] See supra for a discussion of section 34 under the Act.

that the NYSE is attempting to provide incentives to trade away from the auction pricing session held during the day.

B. NYSE Response

The NYSE responded to the specific issues raised by the commenters in a letter dated February 25, 1991 ("NYSE response letter").[41] The NYSE's responses are discussed below.

1. Effect on NMS

a. Fair Competition. In response to concerns by commenters that the OHT facility is inconsistent with the goals and objectives of a NMS as set forth in section 11A of the Act, the NYSE responds that its proposal is a competitive initiative designed to improve its marketplace for the benefit of the investing public. In addition, the NYSE states that neither the Act nor its legislative history contains a directive to redistribute order flow from the NYSE to the regional exchanges or to prevent the NYSE from recapturing lost order flow through innovation.

b. Best Execution of Transactions. In response to concerns that introduction of the OHT facility in general, and the GTX order in particular, would reduce competition between exchange markets, the NYSE emphasizes that its OHT facility is a competitive initiative and a means of competing with the regional exchanges. In addition, the NYSE notes that the regional exchanges are free to introduce competitive after-hours trading markets, including a closing price session comparable to Crossing Session I. The NYSE further states that any shift or order flow from one competing market to another always enhances the liquidity of the successful market at the expense of the unsuccessful one. The NYSE notes that this outcome is inherent in the structure of competing markets that Congress fostered. In addition, the NYSE states that it disagrees with concerns by commenters that the introudction of GTX orders will result in the demise of trading in NYSE-listed securities on regional exchanges.

Only NYSE members and member organizations may use, and have access to, NYSE facilities and systems. The NYSE states that the regional exchanges similarly restrict the use of, and access to, their facilitis and systems. In addressing concerns that only NYSE members would be permitted to enter orders into the OHT facility, the NYSE responds that this is true of all NYSE orders, even during its regular 9:30 a.m. to 4 p.m. trading session.

In response to specific comments that Session I would result in increased costs and risks to regional specialists, thereby reducing their ability to compete, the NYSE suggests that the regional exchanges are free, as they do now, to use proprietary executions to protect orders brought to their markets. For example, the NYSE states that, with respect to GTX orders, the regional exchanges could presumably retain their usual order flow by guaranteeing the NYSE closing price for limit orders whose price has been reached at the NYSE close.

c. Linking of Markets. The NYSE responds to the PSE's concern that Crossing Session I does not provide for price protection of single-sided orders that are entered after 4 p.m., particularly during PSE's additional one-half hour of trading (4 p.m. to 4:30 p.m.), by stating that the ITS Plan permits, but does not require, two or more markets that are open after 4 p.m. to extend the operating hours of ITS.[42] The NYSE also states that it is prepared to discuss the issue of a linkage, through ITS or otherwise, when another exchange introduces an after-hours session comparable to its own.

2. Auction Market

The NYSE also responds to concerns that the OHT facility, particularly Crossing Session I, deprives investors of the protections and benefits of an open auction market for securities. The NYSE does not dispute the merits and validity of an open auction market for trading securities and the benefits of price discovery inherent in an auction market. Instead, the NYSE states that the commenters fail to recognize that Crossing Session I is a modified auction, which, while using the closing prices for executions, confirms closing prices as valid at 5 p.m., retains the rules regarding the strict priority of orders, and functions as a centralized location at which the forces of supply and demand can interact.

The NYSE responds specifically to concerns that constraining the price during Crossing Session I would have the effect of precluding price improvement. The NYSE states that no price improvement opportunity will be available elsewhere in the NMS at 5 p.m. and unlike trading during the 9:30 a.m. to 4 p.m. session (where holding an order for exposure and price improvement carries an acceptable risk of missing the market), holding an order overnight for next-day execution in order to give it an opportunity for price improvement carries a much greater risk of no execution because of an adverse change in market direction over 17½ hours. In addition, the NYSE notes that the decision of whether to enter any particualr order into Crossing Session I or to hold it overnight is a matter of judgment to be left to the entering broker and his or her customer.

The NYSE response letter further states that the Exchange agrees with the commenters that the auction market is harmed whenever the securities industry fragments that market by taking orders away from the auction market to internalize them or to send them to another market, either domestic or overseas. The NYSE argues that its OHT proposal was designed to avoid diversion of orders from the 9:30 a.m. to 4 p.m. trading session by establishing a trading session that would attract orders that are currently being executed overseas. The NYSE also emphasizes that the OHT facility was designed to provide customers with an additional forum for executing certain orders, e.g., orders that may not have been executed during the 9:30 a.m. to 4 p.m. trading session or certain aggregate-price portfolio orders, rather than to take order flow away from the 9:30 a.m. to 4 p.m. trading session.

3. Use of NYSE Closing Price

The NYSE response letter also addresses commenters' concerns that Crossing Session I disadvantages public customers because it uses the NYSE's closing price, rather than the consolidated closing price. The NYSE states that it has decided to use the NYSE closing price because it reflects industry references and because it is known earlier. The NYSE also states that it is unlikely that members representing Crossing Session I orders would ignore post-4 p.m. prices on other markets. If the NYSE closing price does not remain a valid equilibrium price at 5, the Exchange states that it would expect to find a dearth of single-sided orders on the one side of the market, in which case no executions would occur. The NYSE

[41] See letter from Catherine R. Kinney, Executive Vice President, Equities/Audit, NYSE, to Mary Revell, Branch Chief, Branch of Exchange Regulation, Division of Market Regulation, SEC, dated February 25, 1991. This letter responds to issues raised by commenters with respect to both Files No. SR-NYSE-90-52 (Crossing Session I) and SR-NYSE-90-53 (Crossing Session II). See also supplemental letters from Brian L. Riddell, Executive Vice President, Trading Services, BSE, to Jonathan G. Katz, Secretary, SEC, dated April 5, 1991 and from Daniel J. Liberti, Associate Counsel, MSE, to Mary Revell, Branch Chief, Division of Market Regulation, dated April 23, 1991, which rebut several points in the NYSE response letter and reiterate the concerns raised by the exchanges in their prior comment letters.

[42] See supra note 37.

further emphasizes that a party may cancel a Crossing Session I order at any time prior to 5, including after evaluating the 4:30 p.m. PSE closing price.

4. Short Sale Rule

The NYSE responds to concerns that waiver of the short sale rule in the OHT sessions would promote price manipulation and harm liquidity at the opening of the next regular trading session. The NYSE states that it would be extremely difficult for a market participant to depress stock prices by engaging in short selling during Crossing Session I because those short sales do not generate the price effects necessary for the type of manipulation that the short sale rule seeks to address. Because the trade price is constrained, Crossing Session I allows only for the verification of the continued legitimacy of the 4 p.m. closing price at 5 p.m. and does not allow manipulation of the price. Closing-price single-sided orders would not create an imbalance that would exacerbate or create downward pressure because constraining these orders' execution to the closing price prevents the normal price response. Furthermore, any unexecuted closing-price orders that are re-entered the next morning which may contribute to a sell imbalance at the opening or later in the day will be subject to the short sale rule.

In addition, the NYSE states that manipulation stemming from waiver of the short sale rule would be unlikely in Crossing Session II becuase it would be expensive and inefficient for a market participant to use aggregate-price coupled orders to attempt to manipulate the price of a component stock.

5. Recapturing Order Flow

The NYSE also responds to comments that the OHT sessions, particularly Crossing Session I, would not recapture U.S. trading activity that has gone overseas, but rather would usurp orders that would otherwise participate in the traditional U.S. auction market. The NYSE states that the OHT sessions must be viewed in the context of the Exchange's multi-phase plan to eventually begin 24-hour continuous trading. The NYSE, while conceding that implementation of the GTX order in Crossing Session I is not the key to recapturing overseas trading activity, states that the closing-price session, in general, and the GTX order in particular, represents the first initiative by any market—on or off exchanges—to bring the retail investor into off-hours trading.

6. NYSE Rule 390

The NYSE does not respond specifically to the NASD's concerns that application of NYSE rule 390 to the OHT sessions would constitute a burden on competition. Instead, the NYSE states that application of rule 390 to the OHT sessions would not extend the rule domestically (it already applies 24 hours a day domestically), but would extend rule 390's application overseas. The NYSE states that, pursuant to rule 390.10, overseas over-the-counter ("OTC") trading would be reduced by 75 minutes because of the extension of the NYSE's trading hours by 75 minutes. In addition, the NYSE states that, when the Exchange moved its opening up from 10 a.m. to 9:30 a.m. several years ago, rule 390 was not viewed as a burden on competition. Similarly, the NYSE states that application of rule 390 to the OHT sessions would impose no unnecessary or inappropriate regulatory burden.

7. Miscellaneous Issues

a. Market Manipulation. In response to concerns that Crossing Session I may provide professionals with opportunities to take advantage of retail customers, the NYSE states that members representing retail orders would have discretion in determining whether an order should be represented in Crossing Session I. The NYSE emphasizes, however, that its members representing customer orders in the 9:30 a.m. to 4 p.m. trading session similarly have to exercise judgment and diligence on behalf of their customer's orders. The NYSE also states that it plans to monitor closely trading during Crossing Session I in order to detect any such trading abuses.

The NYSE further states that, under the OHT proposal, NYSE specialists would have not more access to information than they currently have. Under the OHT proposal, NYSE members would not have access to the closing-price order file and the systems would not disclose to specialists whether limit orders are eligible for the closing-price session.

In addition, with regard to concern over possible manipulation based upon prices in the futures markets, the NYSE notes that a professional's ability to use the OHT sessions to take advantage of retail customers based upon information gained from the 4:15 p.m. close of the futures markets would apply to any after-hours session, including 4:15 p.m. to 4:30 p.m. trading on the PSE.

b. Trade Reporting. In response to comments that Crossing Session II should have the same disclosure requirements as those that were required for the MSE's Portfolio Crossing Session,[43] the NYSE states that, in designing its proposed reporting procedures, it was cognizant of the fact that investors may take orders overseas for execution to avoid U.S. trade reporting requirements. The NYSE states that its proposed trade reporting requirements for Crossing Session II have struck an appropriate balance between the disclosure necessary to meet market regulatory needs and the anti-disclosure pressures attendant to the recapture of overseas order flow and the competition presented by domestic off-exchange markets.

IV. Discussion

A. Introduction

After careful consideration of the comments received and applicable statutory provisions, the Commission believes that the NYSE's proposed OHT facility, comprised of Crossing Sessions I and II, is reasonably designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and remove impediments to and perfect the mechanism of a free and open market and a national market system. For these reasons and for the additional reasons set forth below, the Commission finds that approval, for a two year period, of the Exchange's proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of sections 6(b)(5) and 11A.[44]

B. Benefits of Off-Hours Trading

In recent years, both the Commission and other Federal agencies, along with private sector committees, have observed the trend toward the internationalization of the securities markets and toward the development of 24-hour markets in which world-class securities would be traded around the clock and around the globe. The Division of Market Regulation's ("Division") Report on the October 1987 Market Break ("Staff Report") and the Report of the Presidential Task Force on Market Mechansims ("Brady Report") highlight the interdependency of the

[43] The MSE agreed to make available to vendors, on a real time basis, the aggregate price of the portfolio and the symbol and quantity for each security comprising the portfolio. At the end of each Secondary Trading Session a report would be provided containing the aggregate number of shares of each of the securities purchased and sold, as well as aggregate system volume. See Securities Exchange Act Release No. 27384 (October 26, 1989), 54 FR 24779.

[44] 15 U.S.C. 78f(b)(5) and 78k-1 (1988).

world's markets and note that these markets have become increasingly linked, both psychologically and through improved communications technology that has made possible both trading and information sharing arrangements.[45] This has been accompanied by an increased desire among institutional investors to be able to trade U.S. stocks outside of regular trading hours. The Commission believes that the OHT sessions proposed by NYSE are intended to attract the order flow currently being executed overseas back to the United States, with the attendant benefits of Commission and Exchange oversight pursuant to the Act, trade reporting, and consolidated surveillance, and are reasonably designed to provide a limited mechanism for after-hours trading.

In approving the NYSE's OHT sessions, the Commission notes that the proposal should be considered as one part of a multi-step plan to respond to the evolving demand among NYSE member organizations and customers for trading opportunities beyond those offered by the Exchange's 9:30 a.m. to 4 p.m. trading session. At the same time, the proposal is the only part of that plan currently before the Commission, and thus must be reviewed as a separate and distinct proposal to extend the Exchange's trading hours beyond the 9:30 a.m. to 4 p.m. trading session. The Commission believes that, in both respects, the NYSE OHT proposal is consistent with the requirements of the Act and will offer significant benefits to investors.

Crossing Session I would provide investors whose orders were not executed during the 9:30 a.m. to 4 p.m. session with another opportunity to have their orders executed at the NYSE closing price. Crossing Session I also would provide investors the flexibility to decide whether they want a particular order to participate in this Session. With respect to GTC orders entered for execution during the 9:30 a.m. to 4 p.m. trading session, a customer would have the option of deciding whether to designate that order as a GTX order, thus allowing the order to migrate to Crossing Session I for possible execution. In addition, a customer would have the option of cancelling any order entered into Crossing Session I at any time prior to its execution at 5 p.m.[46] These benenfits would accrue to both individual and institutional investors. In addition, the Commission agrees with the NYSE's conclusions that Crossing Session I may help recapture overseas order flow by enabling firms to facilitate a number of portfolio trading strategies involving small programs of stocks to achieve executions at the NYSE closing price.

Similarly, the Commission believes that Crossing Session II will benefit the investing public by offering members the opportunity to enter crossing portfolio orders with their customers after-hours to be executed against each other. The Commission agrees with the NYSE that the establishment of Crossing Session II could help to recapture overseas trades of U.S. stocks by providing a mechanism by which portfolio trades arranged off the floor can be effected in an exchange trading system. While the Commission recognizes that Crossing Session II does not provide an auction market for portfolio trades, the reality of the marketplace, however, is that these portfolio trades currently are being effected off-exchange and, frequently, overseas. Bringing institutional trades that currently are being exported overseas for execution within the purview of U.S. regulatory bodies and subject to transaction reporting will benefit the marketplace overall, as well as help to protect the investing public.

Accordingly, for these reasons and the reasons discussed below, the Commission believes that the OHT facility is consistent with the requirements of section 6(b)(5) of the Act in that it is reasonably designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and remove impediments to and perfect the mechanism of a free and open market and a national market system.

C. Effect on NMS

After careful consideration of the applicable statutory provisions and the comments received, the Commission believes that the OHT proposal is consistent with section 11A of the Act and the principles underlying the NMS.

1. Fair Competition and Best Execution of Transactions

After the careful review of the comments by several exchanges that the OHT proposal is anti-competitive to the regional exchanges because it will result in increased costs and loss of order flow, as well as a review of the Exchange's response to the comments, the Commission does not believe that the OHT facility as proposed imposes an unnecessary or inappropriate burden on competition or provides the NYSE with an unfair competitive advantage. In fact, the Commission believes that the OHT sessions should enhance competition by providing a service to customers that other exchanges currently are not providing.[47] Mere innovation that provides marketplace benefits to attract order flow to the Exchange does not result in unfair competition if the other markets are free to compete in the same manner. In this regard, the Commission believes that, if the regional exchanges or the NASD desire to compete with the OHT facility, they could provide a similar service.

The Commission understands the concern of the regional exchanges regarding loss of business and increased risks and costs that could result from implementation of the NYSE's OHT facility, and acknowledges that, as a practical matter, it may not be economically realistic for the regional exchanges to use proprietary executions to protect orders brought to their markets. The Commission believes, however, that any reduction of regional

[45] See SEC, Division of Market Regulation, The October 1987 Market Break, at 11-1 to 11-2 (February 1988); Report of the Presidential Task Force on Market Mechanisms, at I-1 (January 1988). See also U.S. Congress, Office of Technology Assessment ("OTA"), Trading Around the Clock: Global Securities Markets and Information Technology—Background Paper, OTA-BP-CIT-68 (July 1990); and U.S. Congress, OTA, Electronic Bulls and Bears: U.S. Securities Markets and Information Technology, OTA-CIT-469 (September 1990).

[46] In this regard, the Commission emphasizes the importance of having brokers available to effect cancellations of customer orders between 4 p.m. and 5 p.m. The Commission realizes the while some firms may be fully staffed during this time period, other firms may not. The Exchange should monitor the ability of customers to cancel orders entered into the OHT facility and should provide this information to the Commission as part of its report on the operation of the OHT facility. The Commission believes that if the system becomes a success, customer demand should make it cost-effective for firms to be adequately staffed during the operational hours of the OHT facility and should ensure, as a result, that customers would be able to cancel any orders entered with their brokers prior to the 5 p.m. execution.

[47] The Commission notes that, although the PSE is open for one half hour beyond the traditional 9:30 a.m. to 4 p.m. trading session on the NYSE (from 4 p.m. to 4:30 p.m.), this "after-hours" session differs substantially from the NYSE's OHT facility. While the OHT facility is a limited system designed solely for the purpose of executing orders based on the NYSE closing price and certain portfolio orders based on an aggregate price, the PSE post-4 p.m. session is an auction market with continuous price discovery. These two markets are designed for different types of order execution. More importantly, these two systems would not be operating contemporaneously. Although both markets would accept orders between 4 p.m. and 4:30 p.m., the PSE market would not be open at 5 p.m., which is the time that all closing-price orders would be executed in Crossing Session I. Moreover, although the Commission approved an after-hours Secondary Trading Session for the execution of transactions in portfolios of securities on the MSE, we understand that, to date, this system has never been operational.

exchange market share resulting from the NYSE's OHT system would be due to the enhanced competition such a system provides, and not a result of any anti-competitive aspects of the OHT facility. To determine otherwise would be to thwart the spirit of competition and innovation and deny investors the benefits resulting from marketplace initiatives. In this regard, the Commission notes that service competition among the various exchanges has benefited the entire marketplace. For instance, the regional exchanges were pioneers in the development of small order routing and execution systems. Such systems were approved by the Commission because of the benefits they provide to investors and the marketplace as a whole, even though loss of order flow to the primary marketplace may have been a side effect. In response, the primary markets substantially automated their order routing capabilities. The Commission sees no reason why this process can not originate with a primary exchange.

2. Linking of Markets

In response to the concern raised by the commenters that the OHT sessions are inconsistent with another objective of the NMS, the linking of all securities markets through communication and data processing facilities, the Exchange noted that there currently is no other after-hours session comparable to the NYSE's proposed OHT facility, but that if one were implemented the question of linkage through an ITS application or otherwise would arise. While it is true that section 11A of the Act contemplates an integrated system for trading securities, this section also envisions competition between markets, and we do not believe it requires that a new trading system developed by one market immediately must caontain provisions to facilitate trading by its competitors. In connection with the OHT proposal, no other U.S. securities exchange or the NASD's Automated Quotation ("NASDAQ") system currenty offers a system that is the same as, or substantially similar to, the NYSE OHT facility. The Commission only recently received proposals from three regional stock exchanges responding to the NYSE's OHT facility. On May 16, 1991, the Phlx submitted a proposed rule change that virtually copied the NYSE proposal and proposed to establish an after-hours session to compete with the NYSE OHT facility.[48] In addition, the MSE and BSE have submitted much narrower proposals that do not propose separate after-hours trading sessions, but instead seek to protect limit orders on the regional specialists' books.[49] The Commission staff is currently reviewing these proposals.[50]

In addition, the Commission notes that, although the PSE currently is open for one half hour beyond the traditional 9:30 a.m. to 4 p.m. trading session on the NYSE (from p.m. to 4:30 p.m.), the PSE's "after-hours" session differs from the NYSE's OHT facility in that it would not operate contemporaneously with the OHT system and is designed for different types of transactions.[51] Furthermore, the Commission notes that, at the present time, the PSE is open from 4 p.m. to 4:30 p.m. and that no other marketplace is linked to the PSE. Accordingly, the Commission does not believe that the lack of a linkage of the OHT facility is inconsistent with section 11A, at the present time. Of course, depending upon how trading develops, the Commission may wish to revisit this issue.

In addition to these market structure issues, the commenters on the NYSE's proposed rule raised a number of other concerns which may be termed as "intermarket" issues. The questions raised include: (i) Whether ITS should be operational during any time period when both the NYSE Crossing Sessions and another ITS market are accepting orders; (ii) whether the NYSE should be required to permit orders entered "GTX" on the books of regional specialists to "migrate" automatically at the close(s) of such regional exchanges to the NYSE Crossing Session I order book; (iii) if so, with what priority, if any; and (iv) who should bear the cost of developing a working mechanism for such transmittal.

In considering these intermarket, or NMS, issues, the Commission believes that the NYSE's OHT facility is not inconsistent with the Act. The effect of the OHT system on similar systems that the regional exchanges or the NASD may propose, as well as its effect on orders on the limit order books of both NYSE and regional specialists, is unclear and speculative at this time. The Commission believes that the two year approval period will provide the Commission and the NYSE, as well as competing markets, the opportunity to observe and evaluate the workings of the OHT facility. In its order today approving the NYSE OHT facility, the Commission wishes to emphasize that the NMS issues remain open. The Commission intends to consider them actively during the operation of the OHT facility and to impose such requirements, if any, as it determines are appropriate to provide intermarket protections and to further the goal of a NMS. The Commission will, in this regard, monitor, and be influenced by, the actual operation of the Crossing Sessions.

In addition, the Commission realizes that, because at least one other exchange has proposed a trading session similar or identical to the NYSE's OHT facility, significant NMS issues may need to be resolved by the NYSE and the competing market, in conjunction with the SEC. Accordingly, for all these reasons, the Commission believes that the NYSE's OHT sessions should be approved for a two year temporary period. This two year period will provide an opportunity for the Commission and market participants to observe the actual operation of the OHT facility. Based on these observations the Commission, NYSE, and other market participants will be in a better position to evaluate whether further steps to link the OHT facility with other markets are necessary or appropriate to protect investors or promote fair competition. In this regard, 18 months from the date of approval of the instant proposal, the NYSE should submit a new filing pursuant to rule 19b-4 under the Act requesting permanent approval of the OHT facility, as well as a report describing the NYSE's experience with the OHT facility during that 18-month period, including information regarding the ability of customers to cancel orders entered into the OHT facility (see note 46, supra). The report also should include, but not be limited to, the following information (broken down by month) for the 18-month period:

- Trading volume (trade, share and dollar value) in both Crossing Session I and Crossing Section II.
- The number, if any, of: (1) Single-stock single-sided orders; (2) single-

[48] See File No. SR-Phlx-91-25. For the session that is equivalent to the NYSE's Crossing Session I, the Phlx proposes to report the closing price and aggregate volume for each security in the same manner as the NYSE. In addition, for the session that is comparable to the NYSE's Crossing Session II, the Phlx proposes to disseminate only one report that will provide the total volume for all the aggregate-price orders executed during the crossing session. Like the NYSE, the Phlx does not propose to report prices for the individual stocks that comprise the aggregate-price orders.

[49] See Files No. SR-MSE-91-11 (filed May 7, 1991) and SR-BSE-91-4 (filed May 13, 1991).

[50] The MSE proposal has been reviewed by Commission staff and has been sent to the Federal Register to be published for public comment.

[51] See supra note 47. Similarly, the Commission recognizes that an after-hours Secondary Trading Session for the execution of transactions in portfolios of securities was approved for the MSE. We understand, however, that, to date, this system has never been operational. Moreover, both the MSE system and Crossing Session II are systems for crossing customized portfolios of stocks, and may not raise the same type of NMS issues as Crossing Session I.

stock, paired buy and sell orders; and (3) GTX orders executed in Crossing Session I.

• The number, if any, of: (1) Single-sided orders; and (2) single-sided GTX orders that remained unexecuted at the end of Crossing Session I.

• The number and percentage of GTC orders on the book that were designated "GTX"; and thus migrated to Crossing Session I.

• The number of member firms participating in Crossing Session I and those participating in Crossing Session II.

• Whether the NYSE marketplace has experienced any increased volatility during the last hour of the 9:30 a.m. to 4 p.m. trading session after the initiation of the OHT facility.

• Whether there were greater (wider) quote spreads during the last hour of the 9:30 a.m. to 4 p.m. trading session after the initiation of the OHT facility.

• Whether there was a diminution in the number of block transactions during the last hour after the initiation of the OHT facility.

• The degree to which transactions were entered in Crossing Session II to avoid the restrictions of the short sale rule in the 9:30 a.m. to 4 p.m. trading session.

The Commission notes that, because at least one other marketplace has proposed a system comparable to the NYSE's OHT facility, the NYSE's report should also indicate: (1) How its OHT facility could link with any other systems approved during the 18-month period; (2) how orders entered on other marketplaces could interact with orders in the OHT; and (3) how the intermarket issues discussed in this order would be addressed. In this connection, however, the Commission would underscore its strong belief that resolution of intermarket issues would not be solely a responsibility of the NYSE, and would fall equally upon the regional exchanges (or the NASD) proposing an after-hours system and the NYSE.

In addition to the above information, the Commission further expects the NYSE to monitor carefully the composition of aggregate-price orders in Crossing Session II to ensure that firms do not enter aggregate-price orders where one stock dominates the basket. In addition, the Commission expects that the NYSE, through use of its surveillance procedures, will monitor for, and report to the Commission, any patterns of manipulation on trading abuses or unusual trading activity in the two crossing sessions. Finally, the Commission expects the NYSE to keep the Commission apprised of any technical problems which may arise regarding the operation of the OHT, such as difficulties in order execution or order cancellation.

D. Auction Market

In response to concerns that the OHT facility, particularly Crossing Session I, is contrary to the goals underlying the NMS because it would deprive investors of the protections and benefits of an open auction market for securities, including continuous price discovery and competition among all available bids and offers, the Exchange responded that Crossing Session I is a modified auction. While the Commission believes that the OHT facility is not a full auction market, the Commission also believes that the OHT proposal is consistent with the maintenance of fair and orderly markets because it is a limited purpose facility that is designed to bring buyers and sellers together with the benefits associated with exchange trading.

Crossing Session I is a limited trading system that was designed as an alternative forum for order execution after the close of the Exchange based on NYSE closing prices. While it is not an auction market in terms of price discovery, the Commission notes that the NYSE closing price would not represent an artificial price, but rather a price that has been determined by auction market trading during the 9:30 a.m. to 4 p.m. trading session. Investors participating in Crossing Section I would be indicating their desire to have the potential for an execution at that price after regular trading hours. Crossing Session I also retains other characteristics of auction market trading in that it functions as a centralized location where buyers and sellers can interact under auction priority rules.

Crossing Session II is a facility of the exchange that will allow members to effect crosses of portfolios of securities at an aggregate price. While the "auction" under Crossing Session II occurs "upstairs," Crossing Session II transactions will enable these transactions to take place domestically, rather than overseas, with the benefits of Commission oversight, Exchange surveillance, and trade reporting.

E. Use of NYSE Closing Price

In response to concerns that orders of public customers in Crossing Session I may be disadvantaged because they would be executed based upon the NYSE closing price, rather than the consolidated closing price,[52] which may reflect a superior price to a customer, the Exchange stated that the NYSE closing price reflects industry preferences. In addition, in response to concerns that use of a Crossing Session I price as the consolidated closing price would have a negative effect on the next morning's ITS pre-opening application,[53] the Exchange notes that if participants are willing to submit single-sided orders to be executed at 5 p.m. at the NYSE closing price, then those executions, in essence, are an accurate reflection of the market price for the security. The Exchange notes that if participants believe that some other price is more reflective of the current market for a security, for example, where the closing price is different from the price at which transactions have been effected elsewhere after the NYSE close, then they will not participate in Crossing Session I, and no trades will be effected at the "invalid" price.

In addition, because the NYSE believes that participants who submit two-sided closing price orders will do so with little regard to whether the NYSE closing price has remained the currrent market price, those transactions will be reported as "sold sales." [54] The term "sold sale" generally is used to report transactions that are out of sequence and thus may not be reflective of the current market for a security. Sold sales have no effect on the determination of the consolidated closing price for purposes of the pre-opening procedures in ITS. Thus, only those trades that market participants are willing to execute at 5 p.m. because they believe the NYSE closing price accurately reflects the current market price for the security will affect the pre-opening application.

The Commission believes that the use of the NYSE closing price in Crossing

[52] The consolidated closing price is the last price at which a transaction in a security was reported by the consolidated last sale reporting system on the last previous day on which transactions in the security were reported by the system, and includes prices for transactions occurring on the PSE or in the OTC market in the time period beginning after the NYSE close and ending at 4:30 p.m.

[53] In ITS, special procedures, called the pre-opening application, apply at the opening. A pre-opening application must be sent through ITS whenever a market maker anticipates that the opening transaction will be at a price that represents a change of more than the "applicable price change" from the stock's "previous day's consolidated closing price," which is the last price at which a transaction in the stock was reported through CTA on the previous trading day. Applicable price changes vary between an ⅛ and ¼ point depending on the price of the stock. For example, if a stock's consolidated closing price was 34 and the market maker anticipates the opening price to be 34⅜, that market maker will have to send a pre-opening notification because the price change of ⅜ is more than the applicable price change of ¼ for a stock of such value, as provided in the ITS Plan.

[54] See supra note 17.

Session I is consistent with the Act. The NYSE's closing prices would be known in advance to any investor that may choose to participate in Crossing Session I. Because the closing price on the NYSE would be know, investors have the option of not participating in Crossing Session I if they did not want the primary market closing price or if, after evaluating the 4:30 p.m. PSE closing price, they decided to cancel their OHT orders. In addition, the Commission does not believe it is required that the NYSE use the PSE 4:30 p.m. closing price. Both the PSE 4:30 p.m. closing price and the NYSE closing price occur well before the Crossing Session I execution. The NYSE price, however, represents the liquid trading environment on the primary market, while the PSE closing price represents trading when the primary market is closed. Consequently, it is reasonable for the NYSE price to be used in Crossing Session I. In addition, the Commission agrees with the NYSE that if its closing price does not remain a valid price at 5 p.m., then the Exchange would find a dearth of one-sided orders on one side of the market, in which case no executions would occur. The Commission also agrees that a Crossing Session I price, if "validated" by a 5 p.m. trade resulting from separate buy and sell orders (and not from "clean" crosses), should constitute the consolidated closing price and be utilized in the next day's ITS pre-opening application.

F. Recapturing Order Flow

The Commission does not agree with the commenters that the OHT sessions are not reasonably designed to result in the purposes described by the NYSE, namely to recapture order flow that currently is being exported for execution overseas. The Commission agrees with the NYSE that Crossing Session II should serve as a means of execution for institutional investor orders that currently are being sent overseas. The Commission believes that bringing order flow being executed overseas back to the NYSE, with the attendant benefits of Commission and Exchange oversight pursuant to the Act, consolidated surveillance, and trade reporting, will serve to protect the marketplace and the investing public.

The Commission further recognizes that Crossing Sesssion I was not designated specifically to recapture overseas order flow. As stated above, however, the Commission believes that Crossing Session I offers investors other benefits, such as having their orders executed after the close of the 9:30 a.m. to 4 p.m. trading session at the NYSE closing price and the flexibility of determining whether they wish to participate in this Session. Moreover, the Commission believes that both Crossing Sessions I and II must be viewed as parts of NYSE's multi-phase plan for after-hours trading that is designed to respond to an increasingly global marketplace.

G. NYSE Rule 390

The NASD, in its comment letter, stated that it believed that the application of NYSE rule 390 [55] to the OHT sessions would constitute a burden on competition and would have a chilling effect on the development of new trading systems. In response, the Exchange stated that the domestic application of rule 390 would not be extended by the OHT proposal because the rule currently applies 24 hours each day.

The application of rule 390 in a domestic, after hours context, is an open question that the Commission does not need to address in this order because the NASD has not proposed to operate a similar after-hours facility in the domestic OTC market. The Commission would revisit this issue, however, if such a system were proposed, and would require the NYSE to respond to serious competitive questions regarding the effect of the application of rule 390 on the NASD's ability to operate such a system.[56]

H. Market Manipulation

The Commission does not believe that Crossing Section I would provide professionals with enhanced opportunities to take advantage of retail customers who have entered closing-price single-sided orders and GTX orders into Crossing Session I. The Commission agrees with the NYSE that retail orders that would be entered into Crossing Session I, or GTX orders that migrate to this Session, would have the same "professional" representation in the OHT facility as they have in today's markets, e.g. members represent retail orders and, acting as brokers, must exercise judgment in determining whether orders should be represented in Crossing Session I. In addition, the Commission notes that there are certain safeguards built into the OHT facility that should decrease the opportunities for manipulation. For instance, NYSE members would not have access to the closing-price order file and NYSE systems would not disclose to specialists whether limit orders are eligible for the closing-price session.

In addition, the ability to see how the stock index futures market closes after 4 p.m. does not provide professionals with any non-public information. The closing futures price is public and is known well in advance of 5 p.m. Moreover, the PSE's current post-4 p.m. session runs past the stock index futures close, and the Commission has not received complaints about customers in the PSE being "picked off" by professionals reacting to the futures close. The Commission sess no reason why the OHT facility should be treated differently.

Finally, the NYSE has submitted to the Commission surveillance procedures for the OHT sessions. The Commission believes that these surveillance procedures, combined with the NYSE's existing surveillance program, should further provide the safeguards necessary to prevent trading abuses or market manipulation.

I. Priority Rules

During Crossing Session I, orders would be executed accoridng to a strict time priority system. Closing-price single-sided orders would have priority based on the time of entry into the OHT facility. Any GTX orders that migrate to Crossing Session I would retain their priority as among themselves, and would have priority over all closing-price single-sided orders. Under this strict time priority rule, there is no requirement that firm proprietary orders yield to customer orders. In addition, traditional rules of priority or precedence based on price or size would not apply to transactions effected in Crossing Session I. In the public notice and request for comments on Crossing Session I that was published in the Federal Register,[57] the Commission requested specifically public comment on whether the lack of customer preference was necessary or appropriate for the closing-price session. None of the commenters addressed this issue.

The Commission believes that the NYSE's proposed time priority system is appropriate for trading in the closing-price session and would facilitate a fair

[55] As stated above, NYSE rule 390 prohibits a member from effecting a transaction otherwise than on an exchange as principal or as an in-house agency cross in a security listed on the exchange before April 26, 1979. The rule does not apply to transactions on a foreign stock exchange, or after regular NYSE trading hours in a foreign OTC market.

[56] The Commission is approving the NYSE's proposed OHT facility even though it is not a true auction market. In addition, the Commission previously approved the MSE's Secondary Trading Session which has some, but not all, attributes of an auction market. See note 39, supra. The Commission sees no reason why the NASD should not be able to offer a system similar to the NYSE proposed OHT facility.

[57] See Securities Exchange Act Release No. 28639 (November 21, 1990), 55 FR 49736.

market for trading in this Session. In reaching this conclusion, the Commission emphasizes the unique nature and trading environment of Crossing Session I; it is a limited trading system and is not intended to be a price discovery system. All trades in Crossing Session I would be based on the NYSE closing price, which price is disseminated shortly after 4 p.m. Because (1) the trading price of any security would be known and no price discovery would exist in this system, (2) the existence of GTX orders is not disclosed to members, and (3) proprietary orders for members only can be entered from off the floor after the close of trading, there are no time and place advantages to NYSE members entering proprietary orders.[58]

J. Trading Halts

In addition, the Commission notes that NYSE rule 80B, the circuit breaker rule, may affect trading in the OHT sessions. As discussed above, if market activity during the 9:30 a.m. to 4 p.m. trading session were to trigger a market-wide trading halt pursuant to rule 80B, and the trading halt was in effect at the close of the 9:30 a.m. to 4 p.m. trading session, no trading would occur in either Crossing Sessions I or II. In effect, the sessions would not operate that day.[59]

The Commission believes that NYSE rule 80B plays an important role in dealing with potential strains on securities prices during periods of extreme downward volatility; it acts as a coordinated means to address potentially destabilizing market volatility and help promote stability and the equity and equity-related markets by providing for increased information flows and enhanced opportunity to assess information during times of extreme market movements. For these reasons, the Commission believes that the applicability of rule 80B to the OHT sessions should help provide participants in both Crossing Sessions I and II with the opportunity to re-establish an equilibrium between buying and selling interest in periods of extreme market volatility. In addition, the applicability of these rules to the OHT sessions should help ensure that market participants have a reasonable opportunity to become aware of, and respond to, significant price movements.

K. NYSE Rule 92

NYSE rule 92 protects against conflicts of interest when a member holds a customer order and trades for a proprietary account by imposing specific requirements on how the member must price and handle customer orders in these circumstances. Under proposed rule 900(d)(ii), however, a member who holds or has knowledge of a customer's unexecuted order in a stock still may initiate a proprietary order in that stock as part of an aggregate-price portfolio order in Crossing Session II, despite the otherwise contrary application of rule 92.

The Commission believes that the limitations to rule 92 proposed for the trading of aggregate-price portfolio orders in Crossing Session II are appropriate given the special attributes of this Session. To be eligible for entry onto the OHT facility for Crossing Session II, an aggregate-price order must include at least 15 NYSE-listed securities having a total market value of at least $1,000,000. It is very unlikely that members would use portfolio trades in Crossing Session II to disadvantage or "frontrun" customer single stock orders. Indeed, firms currently are executing these portfolio trades today overseas free from the constraints of NYSE rule 92. All Crossing Session II is doing is capturing these trades in the OHT system. It does not seem necessary at this time to subject these trades to rule 92, especially as they do not present the potential for abuse that the rule was designed to address.[60]

L. Exemptive and Other Relief

As discussed above, for Crossing Session I, the NYSE requests exemptive relief from, and interpretive advice under, section 31 of the Act and rules 10a–1, 10b–18, and 11Aa3–1 thereunder. In connection with Crossing Session II, the NYSE requests exemptive and other relief from section 31 of the Act and from rules 10a–1, 10b–18, and 11Aa3–1.[61]

1. Rules 10a–1 and 10b–18

The Commission believes that certain transactions in the OHT facility do not raise all of the same regulatory concerns that are raised by similar transactions during the 9:30 a.m. to 4 p.m. trading session and that exemptive relief from rule 10a–1 and interpretive advice under rule 10b–18 are appropriate.

Accordingly, the Commission's staff will issue a letter that grants exemptions and provides interpretive advice with respect to the treatment of transactions in the OHT facility under rules 10a–1 and 10b–18, respectively.

2. Rule 11Aa3–1

The NYSE has requested exemptive relief from the requirements of rule 11Aa3–1 [62] to the extent the Commission views the NYSE's proposed transaction reporting procedures for Crossing Sessions I and II as inconsistent with the requirements of the rule. Specifically, the NYSE will not disseminate last sale reports in the individual stocks that comprise the aggregate-price executions in Crossing Session II and the NYSE will not consolidate the volume attributable to Crossing Session II with the volume in those securities from the 9:30 to 4 session. Accordingly, the Commission grants the NYSE appropriate exemptions from the requirements in rule 11Aa3–1(b)(2)(iv) in light of these practices and the Commission's staff will issue a letter granting these exemptions.

In its comment letter, the MSE expressed concern that the NYSE should be required to disclose individual stocks comprising a portfolio and the number of shares of each stock traded in Crossing Session II. The MSE stated that it believes that more complete disclosure of after-hours portfolio trading enhances the quality of the U.S. markets from a regulatory perspective and promotes economically efficient executions of trades in the underlying stocks when investors are made aware of the extent of trading after hours in

[58] In light of factors that ensure that a NYSE member effecting a transaction for its own account, the account of an associated person, or an account managed by either the member or an associated person of the member has no time and place advantages, i.e., lack of price discovery; nondisclosure of the existence of GTX orders to members; the fact that proprietary orders for members only can be entered from off the floor after the close of trading; and the fact that orders entered into the OHT facility must be entered through and executed by SuperDOT, the Commission believes that executions obtained through the OHT facility should be regarded as satisfying paragraphs (a)(2)(i), (a)(2)(ii), and (a)(2)(iii) of rule 11a2–2(T) under the Act ("effect versus execute rule").

[59] The Commission further notes that a Commission-ordered suspension of trading in an individual security pursuant to section 12(k) of the Act, 15 U.S.C. 781(k), would prohibit transactions in such security in either Crossing Session I or Crossing Session II until the suspension of trading was lifted.

[60] The Commission allowed a similar limitation of rule 92 in its order approving basket trading. See Securities Exchange Act Release No. 27362 (October 26, 1989), 54 FR 45834 (Approving File No. SR–NYSE–89–5).

[61] The Exchange also has requested exemptions from rules 10b–6, 10b–7, and 10b–8, and no-action positions under rules 15c1–5 and 15c1–6, for aggregate-price coupled orders entered during Crossing Session II. The Division of Market Regulation has under review a comprehensive approach to the application of the anti-manipulation rules to index-related transactions, which will accommodate in part the Exchange's request. Relief from these rules was requested on behalf of participants in the OHT facility, and is not necessary to implementation of the facility itself.

[62] 17 CFR 240.11Aa3–1 (1990).

individual stocks comprising a portfolio. The Commission agrees that consolidation of volume in individual securities with volume in those individual securities from the 9:30 a.m. to 4 p.m. trading session and dissemination of that volume is important. The Commission does not believe that the NYSE has yet presented convincing evidence that the Commission and the industry should retreat from the long-standing policy encouraging the dissemination of consolidated market data. The Commission has consistently stated that it believes that real-time reporting of program trading data is important.[63] The Commission also believes, however, that there may be significant timing and implementation difficulties involved in establishing the systems necessary to accomplish this goal. Thus, the Commission has determined to grant the NYSE a temporary exemption from the requirement in rule 11Aa3-1(b)(2)(iv) that volume from the Crossing Sessions be consolidated with volume from the 9:30 a.m. to 4 p.m. session for one year, commencing on [the first day of the month following the date of this order] and the Commission's staff will issue a letter granting this exemption.

Because the Commission continues to believe in the importance of having this data reported, however, the Commission requests that the NYSE consider how to disseminate data on the volume of the individual stocks in the aggregate-price orders executed in Crossing Session II at least before the next trading session begins. The Commission believes that, at a minimum, a facility must be developed to disseminate this data before the next day's opening and requests that the NYSE report to the Commission within four months on how it will accomplish these objectives.

3. Section 31 Fees

The Exchange has requested the Commission to adopt a rule that would exempt transactions effected in Crossing Sessions I and II from section 31 fees. The Commission preliminarily believes that granting this relief for transactions in Session II is consistent with the Act and not anti-competitive. Accordingly, the Commission will issue a release soliciting comment on a proposal to exempt transactions which are executed otherwise than during regular trading hours in a system that provides execution for orders of 15 securities or more at one aggregate price. In addition, while the Commission at this time, does not believe that it is appropriate to solicit comment on a proposal to grant such relief for transactions in Crossing Session I for the reasons stated in the proposing release, the Commission's release also solicits comment on whether to extend the exemption to individual stock transactions executed in Crossing Session I.

V. Conclusion

Based on the foregoing factors, the Commission finds that the NYSE's proposed rule change establishing an OHT facility is consistent with the requirements of sections 6(b)(5) and 11A of the Act and the rules and regulations thereunder. Accordingly, the proposed rule changes are approved for a two year temporary period.

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[64] that the proposed rule changes are approved for a two year period ending on May 24, 1993.

Dated: May 24, 1991.

By the Commission.

Jonathan G. Katz,

Secretary.

Dissenting Statement of Commissioner Fleischman

I dissent from the foregoing Order, although I do not disagree with the objectives of the NYSE's proposals, because I cannot conclude that "Crossing Session II" satisfies the requirements of section 6(b)(5) of the Securities Exchange Act.[65]

Crossing Session I

For the second time within a year,[66] the NYSE—the historic champion of the auction market—is forsaking its normal auction market procedures to provide for execution of matched single-stock orders without any opportunity for order exposure or interaction and thus without any opportunity for price discovery or price improvement. The NYSE's stated purpose for Crossing Session I is to respond to the significant increase in overseas trading of listed stocks while minimizing the effect on its auction pricing mechanism.[67] The NYSE's application to the Commission for approval of Crossing Session I does not, however, otherwise justify permitting crossed orders (as was the case last year, for example, when the NYSE explained the need to meet the requirements of the Commodity Exchange Act and the regulations thereunder for "Exchange for Physical" (EFP) transactions).[68] Nor does the application make any reference to the Commission's expressed belief that the development of an after-hours trading system permitting order exposure and order interaction (for purposes of price discovery and of order book and trading crowd protection, respectively), or an amendment to NYSE rule 390 for after-hours trading, could better achieve the NYSE's stated purpose.[69]

In these circumstances, just as with the NYSE's MOC proposal last year, I do not believe that the purpose enunciated by the NYSE justifies the extensive departure from its normal market procedures. I note, particularly, that Crossing Session I relinquishes auction price discovery, permits single-stock matched orders to trade free from interaction with unmatched customer orders regardless of time of order entry,[70] and compromises customary transparency requirements. Nevertheless, because I believe innovations originated by the "primary" market need not be viewed automatically as anti-competitive but may in fact reflect the healthy competition of the marketplace (whether such competition is occurring on an international or domestic basis), because I believe that any potential for abuse in this situation is appropriately addressed by other NYSE rules [71] and by other applicable law [72] and market forces, because I believe that the officials and governors of the securities exchanges and the NASD understand their markets more thoroughly than any government regulatory agency (not to speak of any single individual acting in a regulatory role) and will be quick to respond to market reaction labelling their prior initiatives "wrong," and because I believe that, so long as they

[63] See, e.g., October 1987 Market Break Report, Division of Market Regulation, at 3-27 to 3-28 (February 1988). See also letters from Richard G. Ketchum, Director, Division of Market Regulation, SEC, to Thomas E. Haley, Chairman, CTA, dated May 10 and June 10, 1988.

[64] 15 U.S.C. 78s(b)(2) (1988).

[65] 15 U.S.C. 78f(b)(5) (1991).

[66] *See* Exchange Act Rel. No. 28167, 46 SEC Docket (CCH) 832 (June 29, 1990) (approving one year pilot rule changes to permit matched and unmatched market-on-close (MOC) orders).

[67] File No. SR-NYSE-90-52, form 19b-4 at 3.

[68] Exchange Act Rel. No. 28167, 46 SEC Docket (CCH) 832, text at n.9.

[69] Exchange Act Rel. No. 28167, 46 SEC Docket (CCH) 832, 833-4, text at n. 16-17.

[70] See File No. SR-NYSE-90-52, Letter from Boston Stock Exchange to Jonathan G. Katz, Secretary, SEC (January 27, 1991) (commenting that the investor benefit arising from the sequencing requirement of the auction market will not be present in the NYSE's Crossing Session I).

[71] E.g., NYSE rule 92.

[72] E.g., In the Matter of E.F. Hutton & Co., Inc., n/k/a Shearson Lehman Hutton Inc., 41 SEC Docket (CCH) 413 (1988).

meet the statutory requirements, those officials and governors are properly entrusted under the Exchange Act to take market initiatives even though I and other regulators would act otherwise,[73] I would have concurred in the Commission's Order approving the NYSE's rules governing Crossing Session I [74] had the Order not also encompassed Crossing Session II.

Crossing Session II

The NYSE's stated purpose for Crossing Session II is again to respond to the significant increase in overseas trading of listed stocks.[75] Crossing Session II will permit nonstandardized baskets of listed securities to be crossed under the auspices of the NYSE, free from what its application to the Commission describes as "structural and regulatory factors" [76] that have tended to drive such trades to overseas markets. To translate, Crossing Session II transactions will occur without exposure to the auction market or to any open orders for the securities that comprise the basket, without the safeguard of certain normal NYSE and Commission trading rules, and, most important, without any meaningful disclosure of the trades to the market. In short, the trades will have the seal of approval of a primary American equities market although a central element of what in my view earns that seal—transparency—is lacking.

To me the primary reason to promote the return to domestic markets of trades in domestic stocks currently being executed overseas is to reveal them to the marketplace so that their significance may be known and assessed by other market participants pursuing trading strategies that presume awareness of all transactions in the public markets. To report Crossing Session II transactions, for each day's session, solely as a total amount of dollars and as an aggregate number of undifferentiated shares, without disclosure of the identities of the stocks included in the baskets traded or of price or volume of individual stocks or of separate baskets, may present the facile advantage of shielding those directly involved on the long side of the traded baskets from the normal market risk that accompanies market awareness, but the parallel and obverse effect is clear: undifferentiated reporting, solely in gross, deprives all market participants, other than those directly involved, of crucial market information and mocks what has become one of the fundamental tenets of American market regulation. More detailed information regarding Crossing Session II trades will be supplied to the NYSE, and thereby will be available to the Commission, for regulatory monitoring purposes, but the quality of that information will not be significantly different from what has been supplied to the NYSE and the Commission with respect to recent overseas basket trading by NYSE member firms—and in any event supplying information for surveillance, as important as it may be, is a distant second in importance to disclosing information to the marketplace.

I cannot agree that the NYSE's Crossing Session II should receive the Commission's approval, even on a pilot basis, when every trade will be non-transparent behind an NYSE curtain. Just last month the Commission stated, in testimony before a Subcommittee of the House of Representatives, that the issue of market transparency directly affects American investors and American markets, and that this Commission has been working to promote the availability of data concerning trading volume and prices so that American investors, analysts and all other participants in the American securities markets can have a full picture of total trading activity. Chairman Breeden phrased the issue quite succinctly at the public Commission meeting at which the Commission's Order was approved: The rules governing Crossing Session II permit what he called the "virus of opacity" to enter the American primary equity markets. To whatever extent one accepts the theories of capital market efficiency and the regulatory policy consequences flowing from those theories, there can be no doubt that efficiency is adversely impacted by the deliberate withholding of market information.

The American securities markets, in my view, do and will compete with foreign markets for trades on the basis of the unrivalled fundamental strengths of the American markets: Liquidity, transparency, ease of entry, and breadth of participation. To sacrifice one of those strengths—transparency—and thereby to diminish the others is for me too high a price to pay to accomplish the laudable purpose of furthering the domestic markets' role in international market competition. That sacrifice prevents me from concluding, as section 6(b)(5) of the Exchange Act mandates that I must, that these new Exchange rules, taken all together as a package governing both Crossing Sessions I and II, would "remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, (would) protect investors and the public interest".

[FR Doc. 91-12952 Filed 5-30-91; 8:45 am]

BILLING CODE 8010-01-M

[73] See Fleischman, The "Unique Partnership" Between the SEC and the Self-Regulatory Organizations, Address to the Legal Advisory Committee to the New York Stock Exchange Board of Directors (July 29, 1988).

[74] I am pleased that, even in circumstances where the Commission is uncertain of the appropriate evaluative criteria, the Commission has detailed for the NYSE the categories of minimum data (including data as to the changes, if any, in spreads, volatility, and number of block transactions, during the last hour of the regular trading session) for evaluation of the after-hours sessions.

[75] File No. SR-NYSE-90-53, form 19b-4 at 3.

[76] *Id.*

[Release No. 34-29225; File No. SR-PHLX-91-23]

Self-Regulatory Organizations; Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Cross-Rate Currency Options Margin

Pursuant to section 19(b)(1) of the Securities Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on May 6, 1991, the Philadelphia Stock Exchange, Inc. ("PHLX" 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 persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX, pursuant to rule 19b-4, proposes to amend PHLX Rule 722 regarding Margins with respect to Cross-Rate Currency Options. Specifically, the PHLX proposes to amend Exchange Rule 722(c)(2)(J) to provide that any of the forms of margin deposit specified in the Regulations of the Board of Governors of the Federal Reserve System will suffice as an appropriate margin deposit for cross-rate currency options.

The text of the proposed rule change is available at the Office of the Secretary, PHLX, and the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed

rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to amend PHLX rule 722(c)(2)(J) to extend the applicability of this provision governing appropriate margin deposits for short customer currency option positions to PHLX cross-rate currency options.

On November 20, 1990, the PHLX filed SR-PHLX-90-12 respecting the listing and trading of three cross-rate currency options contracts which was subsequently amended. Thereafter, on March 11, 1991, the PHLX field SR-PHLX-91-03 to amend generally rule 722 to provide for a comprehensive methodology to calculate margin requirements for cross-rate currency options.

The proposed rule change herein is a corollary filing designed to extend the provision of rule 722 regarding the appropriate margin deposits for short customer currency options positions to PHLX cross-rate currency options. Specifically, the amendment will clarify that any of the forms specified in the Regulations of the Board of Governors of the Federal Reserve System will suffice as an appropriate margin deposit for cross-rate currency options. Additionally, identical to currency options denominated in U.S. dollars, customers for cross-rate currency options can utilize letters of credit that comply with the standards established in rule 722(c)(2)(J). To be useful and consistent with the business application of the new cross-rate currency option product, however, such letter of credit for margin purposes will have to be denominated in the base currency of the cross-rate currency option contract.

The Exchange believes that the proposed rule change is consistent with section 6(b)(5) of the Act which provides, in part, that the rules of the Exchange be designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(a) by order approve such proposed rule change, or

(b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested 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. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted by June 24, 1991.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 23, 1991.

Jonathan G. Katz,

Secretary.

[FR Doc. 91-12840 Filed 5-30-91; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 03/03-0187]

BDP Capital, Ltd.; Surrender of License

Notice is hereby given that BDP Capital, Ltd. (BDP), 100 Matson Ford Road, 5 Radnor Corporate Center, suite 454, Radnor, PA 19807 has surrendered its License to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (the Act). BDP was licensed by the Small Business Administration on August 26, 1989.

Under the authority vested by the Act and pursuant to the Regulations promulgated thereunder, the surrender of the License was accepted on April 25, 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: May 24, 1991.

Bernard Kulik,

Associate Administrator for Investment.

[FR Doc. 91-12882 Filed 5-30-91; 8:45 am]

BILLING CODE 8025-01-M

Region V Executive Committee Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region V Executive Committee Advisory Council, located in the geographical area of Chicago, will hold a public meeting from 9:30 a.m. to 4 p.m. on Friday, June 7, 1991, at the O'Hare Plaza Hotel, Chicago, Illinois, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Roy A. Olson, Assistant Regional Administrator, for Public Affairs, U.S. Small Business Administration, 230 South Dearborn Street, room 510, Chicago, Illinois 60604, telephone (312) 353-0359.

Dated: May 22, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91-12799 Filed 5-30-91; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 1402]

Shipping Coordinating Committee, Subcommittee for the Prevention of Marine Pollution; Meeting

The Subcommittee for the Prevention of Marine Pollution (SPMP), a subcommittee of the Shipping Coordinating Committee, will conduct an open meeting on June 26, 1991, at 9 a.m. in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC.

The purpose of this meeting will be to review the agenda items to be considered at the thirty-first session of the Marine Environment Protection Committee of the International Maritime Organization to be held July 1-5, 1991. Proposed U.S. positions on the agenda items for this meeting will be discussed.

The major items for discussion will be the following:

1. Adoption of special area status under Annex V of the International Convention for the Prevention by Ships, 1973, as modified by the Protocol of 1978, relating thereto (MARPOL 73/78) for the Wider Caribbean. This would extend special area status under Annex V to the Gulf of Mexico.
2. Measures for the prevention of pollution including a U.S. proposal at IMO for requirements for double hulls on tank vessels.
3. Requirements for oil spill response plans for commercial vessels under proposed Regulation 26 of Annex I of MARPOL 73/78. The proposed content of such plans will be discussed.
4. Election of the Chairman and Vice-Chairman of the Marine Environment Protection Committee.
5. Control of discharge of ballast water containing harmful marine organisms.
6. Amendments to MARPOL 73/78 regulations 15(3)(a), 17(3), 26, forms of the International Oil Pollution Prevention Certificate Supplements and appendix III of Annex I and regulation 5 of Annex V.
7. Follow-up to the International Conference on Oil Pollution Preparedness and Response of November, 1990, which adopted the International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990 (OPRC 90).
8. Reports of the enforcement of International Maritime Organization Conventions by the various signatory member states.

Members of the public may attend these meetings up to the seating capacity of the room.

For further information or documentation pertaining to the NCPMP meeting, contact either Commander W. St. J. Chubb or Lieutenant M. L. McEwen, U.S. Coast Guard Headquarters (G-MEP-3), 2100 Second Street, SW., Washington, DC 20593-0001, Telephone: (202) 267-0419.

Dated: May 15, 1991.

Geoffrey Ogden,

Chairman, Shipping Coordinating Committee.

[FR Doc. 91-12937 Filed 5-30-91; 8:45 am]

BILLING CODE 4710-7-M

Bureau of African Affairs

[Public Notice 1403]

South African Parastatal Organizations

AGENCY: Bureau of African Affairs, Department of State.

ACTION: Notice.

SUMMARY: A Notice is given that USKO Limited (formerly the Union Steel Company) is no longer deemed to be a "parastatal organization" for purposes of the Comprehensive Anti-Apartheid Act of October 2, 1986 (Pub. L. 99-440).

EFFECTIVE DATE: May 31, 1991.

FOR FURTHER INFORMATION CONTACT: Jim Bond, Office of Southern African Affairs, (202) 647-8433; or Tony Perez, Office of the Legal Adviser, (202) 647-4110, Department of State.

SUPPLEMENTARY INFORMATION: Section 303(a) of the Comprehensive Anti-Apartheid Act of 1986 (Pub. L. 99-440), as amended, provides that no article which is grown, produced, manufactured by, marketed, or otherwise exported by a parastatal organization of South Africa may be imported into the United States, with certain limitations and exceptions. Section 314 of the Act prohibits U.S. Government procurement of goods or services from parastatal organizations, except for items necessary for diplomatic or consular purposes.

Section 303(b) of the Act states that the term "parastatal organization" means a corporation, partnership, or entity owned, controlled, or subsidized by the Government of South Africa, but does not mean a corporation, partnership, or entity which previously received start-up assistance from the South African Industrial Development Corporation but which is now privately owned.

Executive Order No. 12571 of October 27, 1986 provides that the Secretary of State is responsible for determining which corporations, partnerships, or entities are parastatal organizations within the meaning of the Act. Pursuant to section 2 of the Executive Order, the Department of State published on November 19, 1986 a public notice identifying the firms it deemed "parastatal organizations" within the meaning of the Act (Public Notice 983, 51 FR 41912). The Department published two public notices on December 23, 1986 (51 FR 45981) and February 5, 1987 (52 FR 3731) inviting interested persons to submit any written comments relevant to the Department's review of the status of certain firms that requested reconsideration of the Department's initial determination. On March 27, 1987, the Department published Public Notice 1007 (52 FR 9982), containing a revised list of parastatal organizations.

A request, dated November 29, 1990, was submitted to the Department by USKO Limited to review its status as a parastatal organization. On January 7, 1991, the Department published a public notice inviting interested persons to submit any written comments relevant to the Department's review of the status of USKO Limited (Public Notice 1316, 56 FR 554). No comments were received. The Department has determined that the submission made on behalf of ISKOR Limited establishes that it is no longer "owned, controlled or subsidized by the Government of South Africa" within the meaning of section 303(b) of the Act and that is should no longer be deemed a parastatal organization.

This notice involves a foreign affairs function of the United States. It is excluded from the procedures of 5 U.S.C. 553 and 554 and Executive Order 12291. It implements a statutory requirement that entered into force on October 2, 1986, and section 2 of Executive Order 12571.

Dated: May 20, 1991.

Herman J. Cohen,

Assistant Secretary of State for African Affairs.

[FR Doc. 91-12938 Filed 5-30-91; 8:45 am]

BILLING CODE 4710-26-M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Fitness Determination of Adirondack Airlines, Inc.

AGENCY: Department of Transportation.

ACTION: Notice of Commuter Air Carrier Fitness Determination—Order 91-5-32, Order to Show Cause.

SUMMARY: The Department of Transportation is proposing to find that Adirondack Airlines, Inc., is fit, willing,

and able to provide commuter air service under section 419(e) of the Federal Aviation Act.

RESPONSES: All interested persons wishing to respond to the Department of Transportation's tentative fitness determination should file their responses with the Air Carrier Fitness Division, P-56, room 6401, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and serve them on all persons listed in Attachment A to the order. Responses shall be filed no later than June 10, 1991.

FOR FURTHER INFORMATION CONTACT: Mrs. Kathy Lusby Cooperstein, Air Carrier Fitness Division, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2337.

Dated: May 24, 1991.

Patrick V. Murphy,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 91-12828 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-62-M

Show Cause Order Regarding Foreign Air Carrier Permit of Iberia, Lineas Aereas de Espana, S.A.

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Order to Show Cause (Order 91-5-29) Docket 47553.

SUMMARY: The Department has tentatively decided to amend the foreign air carrier permit authority of Iberia, Lineas Aereas de Espana, S.A. (Order 90-3-9) by suspending, until further order of the Department, its authority to engage in foreign air transportation between Spain and Miami, Florida, and between Spain and New York, New York.

DATES: Objections to the issuance of an order making final our tentative findings and conclusions shall be filed with the Department no later than May 28, 1991. Answers to objections are due no later than May 30, 1991.

ADDRESSES: Answers should be filed in Docket 47553, and addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., room 4107, Washington, DC 20590, and should be served on all parties in Docket 47553.

Dated: May 15, 1991.

Patrick V. Murphy, Jr.,

Deputy Assistant Secretary for Policy and International Affairs.

[FR Doc. 91-12827 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-62-M

Federal Highway Administration

Environmental Impact Statement: Carbondale, Jackson County, IL.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for construction of Illinois Route 13 as a four lane highway around the north side of Carbondale, Illinois. The proposed project corridor extends from Illinois Route 13 near the Airport Road west of Carbondale to Illinois Route 13 near the Reeds Station Road east of Carbondale. The proposed project would be designated Federal Air Primary Route 331 (formerly FAP 107).

FOR FURTHER INFORMATION CONTACT:

Mr. James C. Partlow, Project Development and Implementation Engineer, Federal Highway Administration, 3250 Executive Park Drive, Springfield, Illinois 62703. Phone (217) 492-4622.

Mr. T.L. Jennings, District Engineer, Illinois Department of Transportation, District 9, Old Route 13 West, Carbondale, Illinois 62903-0100. Phone (618) 549-2171.

SUPPLEMENTARY INFORMATION: The proposed action is to construct Illinois Route 13 as a four lane highway facility around the north side of Carbondale in Jackson County, Illinois. The project corridor begins at existing Illinois Route 13 near the Airport Road west of Carbondale and extends approximately 7.5 miles around the north side of Carbondale terminating at Illinois Route 13 near the Reeds Station road east of Carbondale.

The need for the Illinois Route 13 project is to improve traffic circulation within Carbondale, enhance access to established and planned economic development zones north of Carbondale, provide a grade separation structure across the Illinois Central Gulf Railroad on the north side of town and improve traffic circulation to and from Interstate 57 and other communities in southern Illinois.

It is anticipated that the project will be constructed as a limited access expressway. Interchanges or intersections will be provided at Illinois Route 13, U.S. Route 51 and other major roadways or city streets. Alternate alignments and the no-action alternative will be evaluated.

The scoping process undertaken as part of this project will include distribution of scoping information, informal coordination and review sessions as appropriate. A formal scoping meeting will not be held. Further details and a scoping information packet may be obtained from one of the contact persons listed above.

To ensure that the full range of issues to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA or IDOT at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

James C. Partlow,

Project Development and Implementation Engineer, Federal Highway Administration. Springfield, Illinois 62703.

[FR Doc. 91-12817 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Applicable Rate of Interest on Nonqualified Withdrawals From a Capital Construction Fund

Under the authority in section 607(h)(4)(B) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1177(h)(4)(B)), we hereby determine and announce that the applicable rate of interest on the amount of additional tax attributable to any nonqualified withdrawals from a Capital Construction Fund established under section 607 of the Act shall be 9.10 percent, with respect to nonqualified withdrawals made in the taxable year beginning in 1991.

The determination of the applicable rate of interest with respect to nonqualified withdrawals was computed, according to the joint regulations issued under the Act (46 CFR 391.7(e)(2)(ii)), by multiplying eight percent by the ratio which (a) the average yield on 5-year Treasury securities for the calendar year immediately preceding the beginning of such taxable year bears to (b) the average yield on 5-year Treasury

securities for the calendar year 1970. The applicable rate so determined was computed to the nearest one-hundredth of one percent.

Dated: May 22, 1991.

So Ordered By:
Maritime Administrator
Maritime Administration
Administrator, National Oceanic and Atmospheric Administration
Assistant Secretary for Tax Policy, Department of the Treasury

Robert E. Martinez,

Deputy Administrator.

John A. Knauss,

Administrator, National Oceanic and Atmospheric Administration.

Kenneth W. Gideon,

Assistant Secretary for Tax Policy.

[FR Doc. 91-12723 Filed 5-30-91; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF TRANSPORTATION

Urban Mass Transportation Administration

Demonstration Grants to Provide Outreach to Homeless People in Transit Facilities

Subject to the availability of funds, the Urban Mass Transportation Administration of the Department of Transportation will accept applications in response to this announcement under the single receipt date of July 19, 1991.

I. Purpose

For a variety of reasons, (e.g., fear of large shelters, restrictive shelter eligibility and code of conduct rules, and perceived threats to safety and security) a significant segment of America's homeless population moves in and out of street locations. Because public transit facilities such as mass transit and bus terminals (and facilities such as airports and railroad and ferry terminals that are linked to mass transit) offer some protection from the elements, bathroom facilities, and police protection, these transit facilities have become living sites for homeless people, both individuals and families with children.

The special needs of these homeless people are highlighted by studies documenting that one-third of adults living on the street have severe mental illnesses, 40–50 percent have alcohol use disorders, and 10–20 percent have other drug disorders. The co-occurrence of a mental illness with an alcohol or other drug abuse disorder is estimated to be 15–20 percent in this population. Dietary inadequacy is also prevalent among homeless people; a study in 1987 reported that 36 percent go one or more days each week without eating anything at all.

The presence of homeless people in transit facilities is often perceived as a threat by other users of public transit. Homeless people have increased maintenance and security costs and may have contributed to declines in ridership on transit systems. In addition, transit facilities have often proved hazardous to homeless people.

It is in the public interest for UMTA and the service providing community to demonstrate how transit systems can help provide the homeless people congregating in transit facilities with appropriate services and alternative shelter and housing. Such assistance could involve actions taken directly by a transit system, coordination with other organizations seeking to serve the homeless, or a combination of both.

While both transit providers and the public generally wish to assist homeless people, they lack the resources and expertise to provide them with available service and housing programs. Ready access to transit facilities, and the collaboration of owners and operators of transit facilities, are crucial to successful efforts to serve this population.

The purpose of this Federal initiative is to encourage that collaboration, and to assist homeless people in better meeting both their immediate and their long-term needs. An expected outcome of the collaboration will be a substantial reduction or elimination of the homeless population's long-term dependence on transit facilities for shelter, and an eventual reduction in the number of homeless people living on the streets of our cities.

A Federal interagency effort, led by the Department of Transportation (DOT), will make new demonstration grant awards specifically focused on the homeless population residing in or around public transit facilities. These grants will support the provision of outreach services, coordinated with required health, mental health, and substance abuse treatment, employment/training, housing, education, transportation, and nutrition services, and other necessary community support resources.

The Federal Interagency Council on the Homeless, the Department of Health and Human Services (HHS), the Department of Housing and Urban Development (HUD), the Department of Labor (DOL), and the Department of Agriculture (USDA), are participating with the Department of Transportation (DOT) in the review and approval, funding, monitoring, and evaluation of the projects. The Urban Mass Transportation Administration (UMTA) within DOT will administer the program.

II. Availability of Funds and Period of Support

It is anticipated that at least $1.750 million will be available in FY 1991 to support the three-year costs of three to five new demonstration grants. Final grant amounts, however, will be determined by the number of demonstration sites selected and are subject to appropriations and funding availability. Although there are no mandated match requirements, the magnitude of the matching resources proffered by applicants will be favorably considered in making the grant awards.

III. Eligibility

Applications may only be submitted by a public entity such as a transit agency or a unit of State or local government, representing a project team consisting of: entities currently providing services to the homeless, at least one transit facility provider, and perhaps other public agencies or private nonprofit organizations. Eligibility is restricted to applicants proposing to provide services in areas substantially impacted by a street homeless population. It is expected that all grants will be awarded in United States cities that had populations over 250,000 in 1988 according to the Bureau of the Census (see Attachment 1). Airport sponsors impacted by an otherwise eligible project may seek Airport Improvement Program (AIP) planning funds from the Federal Aviation Administration as set forth in section VI.

Applicants must put together a project team that includes a transit facility provider and a service providing coalition with all of the following:

- Experience and expertise in providing outreach, assessment, case management, health, mental health, and substance abuse treatment to homeless people;
- Experience and expertise in providing transportation, housing, nutrition, protection and advocacy, and other support services to homeless people;
- Experience and expertise in HUD's Community Development Block Grant (CDBG) program and its use to provide assistance to the homeless;
- Experience and expertise in the provision of training and job placement services under the Job Training Partnership Act (JTPA) or the Stewart B. McKinney Homeless Assistance Act;
- The capability and appropriate resources to coordinate and integrate

the requisite services between and among all relevant parties including State, city, and nonprofit nongovernmental homeless service providers; transit facility owners, operators, and users; civic groups; private sector entities; and relevant Federal agencies and programs;

• The capability and resources to develop, implement, and evaluate the effects of the specified intervention(s);

• The capability and resources to monitor and to insure consumer rights.

IV. Program Goals

This Request For Applications solicits proposals demonstrating effective strategies for all of the following: assessing the needs of "street-dwelling" homeless people currently residing in transit facilities; engaging these individuals through outreach facilities; and linking these individuals with suitable shelter or housing, while providing a broad range of necessary supportive services.

The goals of the demonstration program are:

• Service delivery to a homeless clientele concentrated in transit facilities;

• Improved physical and mental health, functional status, and quality of life, and reduced alcohol/drug abuse or dependence in the target population;

• Increased access to a range of appropriate housing alternatives and employment opportunities, leading to improved residential stability of the target population;

• Reductions in the number of homeless people residing in targeted transit settings and inappropriate surrounding street locations;

• Improved coordination of health, housing, transportation, public assistance and/or entitlements, dietary, education and job training, and other support services for homeless individuals.

V. Target Population

The target population includes the street population of homeless adults, homeless adolescents, and homeless families (one or more adults with minor children) who are inappropriately using or residing in transit facilities.

VI. Activities for Which Grant Support is Available

Two types of grant support are available:

1. General Grants

(A) Grant support is available for comprehensive projects that build upon existing services to the homeless and other community resources. Federal funds may not replace or supplant existing resources but may be used to fill gaps, improve coordination, and evaluate interventions.

(B) Grant support is available only to communities that have committed or plan to commit HUD CDBG monies to this project. HUD Technical Assistance funds are also being made available for the purpose of providing assistance to facilities skills and knowledge in planning, developing, and administering the homeless activities being funded by local CDBG entitlement funds. These funds will be made available directly through this grant.

(C) Section 8(d) of the Urban Mass Transportation Act provides funds that may be used for: planning, design and evaluation of public transportation projects and for other technical studies. Specific activities may include: studies related to management, operation, and economic feasibility; preparation of engineering and architectural surveys, plans, and other specifications; and other similar or related activities preliminary to and in preparation for the construction, acquisition, or improved operation of mass transportation systems, facilities, and equipment. For further information about the use of section 8(d) funds, call Mr. Eric Bers at (202) 366-4060, FAX (202) 366-7116.

2. Department and Agency-specific Grants.

A. United States Department of Agriculture. Grant support is available to grantees proposing diverse, innovative projects that are designed: to develop effective methods of reaching and helping homeless people obtain food-assistance-program benefits; to facilitate homeless service providers' and commercial restaurant operators' participation in the prepared meals provision of the Food Stamp Program; and to devise and demonstrate other innovative ways of reaching and providing food assistance to homeless people. This grant support will parallel the separate USDA program of Small Grants for Homeless Outreach and Assistance Programs.

Potential applicants may also wish to apply separately to this program, and if so, should request an Application Package—in writing, with two self-addressed mailing labels included—from: Crystal Brooks, Contract Specialist, USDA, Food & Nutrition Service, 3101 Park Center Drive, room 914, Alexandria, VA 22302.

B. Department of Transportation (Federal Aviation Administration). Grant support is available under the Airport Improvement Program (AIP) to units of state or local government that own or operate airports (airport sponsors) for planning the facilities in an airport terminal building necessary to deal with homeless people.

VII. Project Requirements

1. At minimum the demonstrations must provide or arrange for the following community services:

• Outreach and engagement.

• Case management.

• Coordination with the existing shelter and social service system.

• Primary health, including basic dietary needs, mental health, and substance abuse assessment and treatment through linkage or referral to secondary care sites.

• Housing needs assessment and development or linkage to appropriate housing alternatives with potential placement.

• Employability assessment and the provision of appropriate job training, placement, and followup services.

• Benefit determination and assistance in accessing public assistance and/or entitlement programs.

• Consideration of the basic dietary needs of the homeless people contacted.

• Training for program staff, transit personnel, and public and private law enforcement personnel.

• Administrative and systems coordination activities.

2. Grant support is available only to those communities that have committed or plan to commit HUD CDBG entitlement funds to homeless assistance services or shelter activities focused on homeless populations. Technical Assistance activities may be funded in support of CDBG-funded activities in the demonstration projects, and may include the following:

• Design alternative outreach and engagement activities to be funded with CDBG entitlement funds; training of staff in the implementation of these activities; and assessment of the activities;

• Assessment of housing needs and design of development and placement systems;

• Assessment of services provided by existing shelter and social service systems as they relate to CDBG-funded activities and development of systems and coordination/linkage with these systems;

• Design and training in implementation of administrative systems to coordinate all activities related to the CDBG-funded activities;

• Design and conduct of training programs for program staff, transit personnel, and public and private law enforcement personnel in the

implementation of CDBG-funded activities.

Each application must submit the following:

• A letter signed by the government official responsible for administering the CDBG program in the community in which the technical assistance activities will occur, identifying the amount of CDBG entitlement funds committed or planned to be committed, the dates of commitment or planned commitment, the specific activities undertaken or planned to be undertaken, and the relationship between the CDBG entitlement activities and the proposed technical assistance activities.

• Where the applicant is a public body other than the CDBG entitlement community itself, the application must include a letter signed by the Chief Executive Officer of the CDBG community in which the technical assistance will occur, designating the applicant as a technical assistance provider to its CDBG entitlement program.

3. Applications will not be accepted without a Street Homeless Outreach Plan that: discusses in detail the outreach problems presented by the street homeless, and presents a coherent, specific, well considered plan that shows how the outreach workers would make contact with, and motivate the street homeless to seek services and shelter outside the transit facilities. The Plan must be grounded in past experience in, or based upon research concerning, the difficulties in outreach to the street homeless. This Street Homeless Outreach Plan, submitted with the application, may not exceed ten (10) single-spaced pages in length.

4. Applications will not be accepted without a Transit Outreach Facility Agreement, signed by the owner(s) or operator(s) of one or more transit facilities, consisting of a commitment letter that specifies the resources to be provided by the transit facility (cash and/or in-kind, eg, office space within the facility), access agreements between the transit facility and the service providers, and coordination mechanisms among the project team members including the transit facility provider. This Transit Outreach Facility Agreement, submitted with the application, may not exceed ten (10) single-spaced pages in length. If a project is to include an airport, the airport sponsor must also submit a TOFA.

5. Applications will not be accepted without a Local Agency Plan that lists the local agencies and entities to be involved in the demonstration project and discusses the history of their involvement and interaction, with particular focus on their previous activities regarding the homeless. The Local Agency Plan and the Evaluation Plan (explained below), submitted with the application, may not together exceed ten (10) single-spaced pages in length.

Letters of commitment from each listed agency identifying the resources to be made available to the project should be submitted in an Appendix to the Local Agency Plan. This appendix should also include the commitment letter(s) from the Service Delivery Area/Private Industry Council (see #6 below). The contributions, both in cash and in kind, that the local agencies and other sponsors plan to provide to the project should be listed in an Appendix to the Local Agency Plan. Although there are no mandated project match requirements, the magnitude of the matching resources proffered will be favorably considered in making the grant awards.

6. Applications will not be accepted without commitment letters from the local SDA/PIC that describe cooperative arrangements/agreements with the project for the provision of comprehensive employment and training services designed to lead to gainful employment of the homeless participants.

7. Applications will not be accepted without an Evaluation Plan that describes in detail how the sponsor proposes to evaluate the demonstration project. If an airport is a proposed FAA AIP supplemental grantee, airport-related evaluation efforts should be included in the Evaluation Plan. Grantees are expected to budget no less than 15 percent of project funding for monitoring and evaluation. As noted above this Evaluation Plan and the Local Agency Plan, submitted with the application, may not together exceed ten (10) single-spaced pages in length.

Each project will collect its own client-level quantitative data. The data should include, at a minimum, demographic characteristics, assessments of health, mental health, dietary, and substance abuse status, referrals for and use of services, and follow-up assessments of health, mental health, dietary, substance abuse, and housing status (at appropriate intervals following receipt of services).

Since a transit facility will become the focus of a major thrust to improve overall usage and appearance, DOT/UMTA is interested in obtaining specific information regarding ridership, customer satisfaction, operating expenses and other financial consequences before, during, and after the demonstration. The information to be collected should include impact on personnel levels (staff hours), worker morale, type of maintenance actions and maintenance levels, amount of debris (removal), reported crimes (type and severity), passenger reaction, patronage changes, and economic effects on businesses in the facility.

8. Applicants not meeting the above criteria will not be eligible for funding from each of the Departments; except in unusual circumstances they cannot be considered for any funding.

9. The demonstrations may request funding to provide or to arrange for the following optional activities and/or services:

A. United States Department of Agriculture.

(1) Activities and/or Service

Homeless Outreach Project applicants may propose activities designed to encourage and actively assist homeless people to become certified to receive food-assistance benefits under Federally supported food programs (e.g., Food Stamps, WIC, School Lunch and Breakfast, Commodity Supplemental Food Program). Applicants may also propose activities designed to increase the participation of either or both nonprofit homeless-meal providers and commercial restaurant operators (as authorized by the Mickey Leland Domestic Hunger Relief Act of 1990) in the prepared-meals provision of the Food Stamp Program. Finally, applicants may propose activities to develop new, innovative means of making essential food assistance available and accessible to homeless individuals and families. A description of these activities, the Nutrition Action Plan, submitted with the application, may not exceed five (5) single-spaced pages in length.

(2) Additional Requirements

An application that proposes to include a homeless food-assistance component in the demonstration project must submit a letter signed by the government official responsible for administering the Food Stamp Program, and/or other appropriate food-assistance program(s) in the demonstration area, indicating awareness of and a commitment to cooperate with the homeless food-assistance initiative(s) planned for the demonstration project.

VIII. Evaluation

Monitoring and evaluation will be a critical element in this demonstration program. DOT and the other participating Federal Departments and agencies are interested in the systematic

monitoring and evaluation of how the proposed service interventions are being inplemented, what types of services are being delivered, the volume of services provided, and the characteristics and needs of the primary recipients of those services. In addition, DOT and the other participating Federal Departments and agencies are interested in assessing changes in the individual participants, the transit setting, and the existing network of care for homeless people over the period of the demonstration. Evaluation expenses must be clearly itemized in the proposed grant budget. Grantees are expected to budget no less than 15 percent of project funding for monitoring and evaluation.

Each grantee will be required to collect data for the local project evaluation. DOT/UMTA will conduct a program evaluation using its own contractors and the data collected locally. A detailed plan for the DOT/UMTA evaluation will be provided to grantees once they are selected. Airport sponsors will work separately with FAA headquarters and regional staff.

IX. Reporting Requirements

Each year grantees must provide reports describing their progress, problems encountered in implementing their projects, proposed strategies for resolving their problems, and preliminary findings. In addition, copies of all data collection instruments, outcome measures, and reports that are generated must be submitted to DOT for distribution to the Federal Departments and agencies providing funding.

At the end of the period of support, six copies of a final report must be submitted to DOT within ninety (90) days. The final report must include a complete description and history of the demonstration project, the characteristics of the individuals served, an interpretation and discussion of the findings, and any materials (e.g., training materials) that were developed during the course of the project.

X. Participation in National Meetings

The project director and at least one other person from each demonstration project will be invited to participate in two meetings per year to exchange project information and facilitate evaluation. Such meetings may include, but will not be limited to, the Washington, DC area. Money for this purpose should be identified in the project budget.

XI. Review Procedures

Applications will be reviewed by a Federal team with expertise in the different facets of the demonstration program any may include ad hoc outside experts.

XII. Review Criteria

1. All applications will be ranked on the following criteria:

(A) Soundness of approach based on the extent to which the application identifies techniques or systems that can significantly impact on the key problem(s) identified (maximum of 25 points):

- Adequacy of the theoretical and conceptual framework of the proposed demonstration;
- Evidence of cooperation, commitment, and expertise from people and organizations whose support is essential for the conduct of the demostration; appropriateness of the collaborative arrangements that assure access to participants within transit facilities;
- Clear, operational definitions of the variables, such as transit facilities, georgraphic boundaries of the site to be served, homelessness, and service components;
- Relevance of the proposed demonstration for subpopulations and racial/ethnic minority groups among the homeless;
- Adequacy of the plan to protect study participants; and
- Appropriate inclusion of women and minorities as research participants.

(B) Probable effectiveness of the proposal in meeting needs of localities and accomplishing overall project objectives (maximum of 25 points):

- The appropriateness and probable contribution of the project to improving services to homeless people in transit facilities;
- Capacity to coordinate and integrate between all parties the requisite facilities at the point of service delivery; and
- Evidence of familiarity with and understanding of outreach, communication, health, dietary, and other issues as they pertain to homeless people, both through experience and the relevent literature.

(C) Methodology for transfer of successful technical assistance techniques to other potential assistance providers (maximum of 10 points):

- Adequacy of the proposed Evaluation Plan to provide for the systematic evaluation of how the proposed service interventions are being implemented, types and volume of service being delivered, and the characteristics and needs of service recipients;
- Adequacy of the Evaluation Plan to assess changes in individual participants, the transit setting, and the existing network of care for homeless people over the period of the demonstration;
- Extent to which the stated goals of the project are achievable, realistic, and generalizable to other populations, environments, and service conditions; and
- Adequacy of the Evaluation Plan (transit and, as appropriate, aviation-related) to provide information on the success or failure of technical assistance techniques, client outcomes, and project implementation.

(D) Organizational and management plan reflecting a rational project management system (maximum of 15 points):

- Evidence of sustained history of project team members successfully providing coordinated services to the street homeless or the homeless in the community;
- Appropriateness of the budget requests; and
- Adequacy of the Evaluation Plan in building evaluative data collection and review into the operations of the project.

(E) Application qualifications based on present and past relevant experience and the comptence of key personnal assigned to the project (maximum of 15 points):

- Demonstrated administrative and technical capability, experience, and level of commitment of the proposed demonstration staff; and
- Adequacy of facilities, general environment, and core resources for the development and implementation of the proposed demonstration.

(F) Potential for assistance activities being sustained beyond the period of the grant (maximum of 10 points):

- Potential contribution of the project to provide alternative short term and long term housing and other services to homeless people in transit facilities; and
- Community support, as evidenced by proposed project matching contributions.

2. Applications will be selected for funding according to the rank order of their scores in these criteria, provided that no application scoring below 50 will be funded. Although there are no mandated project match requirements, the magnitude of the matching resources proffered will be considered in making the grant awards.

XIII. Contact for Additional Information

Ms. Jocelyn Stevenson, Special Assistant to the Assistant Secretary for Budget and Programs at DOT, has been named contact point during the application process. Please call Ms. Stevension for additional information

concerning this Request For Applications, especially the Department- and agency-specific programmatic requirements detailed in sections VI Activities For Which Grant Support Is Available; VII Project Requirements; and XII Review Criteria. This central contact point will facilitate and ensure the inter-Departmental nature of the Homeless Outreach Demonstration Program.

Ms. Stevenson will refer questions as needed to staff in the other Departments involved in this demonstration project. She can be reached on (202) 366-9193. Her local FAX numbers are (202 366-6031 and (202) 366-7952. Inquiries may also be made at the regional offices of the Regional Coordinators of the Interagency Council for the Homeless (Attachment 2).

If you plan to apply for a grant for this demonstration program, please send a FAX message to that effect to Ms. Stevenson as soon as possible, including your own FAX number. Additional information concerning the application process and questions arising from it will be sent by FAX to all applicants on a regular basis.

XIV. Inclusion of Minorities and Women Study Populations

DOT urges applicants to give attention (where feasible and appropriate) to the inclusion of minorities and women in study populations of homeless people. If minorities and women are to be excluded from a proposed project or activity, a clear and convincing rationale for their exclusion must be provided.

Without approval of an exclusion, the project team will be obligated to deal with all homeless users and residents of transit facilities in a non-discriminatory manner, and failure to do so may be cause for immediate termination of funding.

XV. Submission of Applications

Non-binding letters of intent to apply should be sent immediately by facsimile transmission to (202) 366-6031, (202) 366-7952, or (202) 708-3617. Include a point of contact, a mailing address, and if possible a FAX number.

All applications should be submitted, in six complete copies, to Ms. Jocelyn Stevenson, U.S. Department of Transportation, Office of the Assistant Secretary for Budget and Programs, 400 Seventh Street SW., Washington, DC 20590.

Each application should contain an executive summary, not longer than two pages, that highlights information about the homeless in that city, the applicant agency and the coalition applying for the grant, and the activities proposed.

The budget for the demonstration project should be submitted as a stand-alone document, bound separately from the rest of the application.

Application format:

- Face Sheet (one page).
- Executive Summary (NTE 2 pages).
- Street Homeless Outreach Plan (NTE 10 pages).
- Transit Outreach Facility Agreement (NTE 10 pages).
- Local Agency Plan (with Evaluation Plan, NTE 10 pages).

Appendix: Agency commitment letters (must include CDBG and SDA/PIC commitment letters).

- Nutrition Action Plan (if appropriate; NTE 5 pages).

Appendix: Letter(s) from local food-assistance program, administrators (Food Stamps, WIC, Child Nutrition, and/or Commodity Supplemental Food Program), as appropriate.

- Evaluation Plan (with Local Agency Plan, NTE 10 pages).
- Budget (under separate cover).

Appendices other than to the Local Agency Plan and the Nutrition Action Plan are discouraged, given the generous page allotments listed above.

Robert A. Knisely,

Special Assistant to the Secretary.

XVI. Attachments

(1) List of cities of over 250,000 population.

(2) List of regional contacts for additional information.

HUD CDBG 90 Entitled Cities.

[1988 estimated population]—Attachment 1

Albuquerque	NM
Arlington	TX
Atlanta	GA
Austin	TX
Baltimore	MD
Baton Rouge	LA
Birmingham	AL
Boston	MA
Buffalo	NY
Charlotte	NC
Chicago	IL
Cincinnati	OH
Cleveland	OH
Colorado Springs	CO
Columbus	OH
Corpus Christi	TX
Dallas	TX
Denver	CO
Detroit	MI
El Paso	TX
Fort Worth	TX
Fresno	CA
Honolulu	HI
Houston	TX
Indianapolis	IN
Islip Town	NY
Jacksonville	FL
Kansas City	MO
Long Beach	CA
Los Angeles	CA

HUD CDBG 90 Entitled Cities.—Continued

[1988 estimated population]—Attachment 1

Louisville	KY
Memphis	TN
Mesa	AZ
Miami	FL
Milwaukee	MI
Minneapolis	MN
Nashville-Davidson	TN
New Orleans	LA
New York	NY
Newark	NJ
Norfolk	VA
Oakland	CA
Oklahoma City	OK
Omaha	NB
Philadelphia	PA
Phoenix	AZ
Pittsburgh	PA
Portland	OR
Sacramento	CA
San Antonio	TX
San Diego	CA
San Francisco	CA
San Jose	CA
San Juan Municipio	PR
Seattle	WA
St. Louis	MO
St. Paul	MN
Tampa	FL
Toledo	OH
Tucson	AZ
Tulsa	OK
Virginia Beach	VA
Washington	DC
Wichita	KS

Interagency Council on the Homeless Field Staff

Region	Regional Coordinators Address	Telephone/ Fax
I	Robert B. Yablonskie, c/o HUD Boston Regional Office, Thomas P. O'Neill Federal Building, room 375, Boston, MA 02222, CC Mail: BOST-POST YABLONSKIE, BOB..	COM (617) 565-5238, FTS (8) 835-5238, FAX (617) 565-6558.
II	Jack Johnson, c/o HUD New York Regional Office, 26 Federal Plaza, room 3541, New York, NY 10278, CC MAIL: NYNPOST.	COM (212) 264-1738, FTS (8) 264-1738, FAX (212) 264-0246.
III	Patrick J. Mulligan, c/o HUD Philadelphia Regional Office, 105 S. Seventh Street, Liberty Square Building, Philadelphia, PA 19106, CC MAIL: PHILPOST MULLIGAN, Patrick J.	COM (215) 597-0519, FTS (8) 597-0519 FAX (215) 597-1393.
IV	Augustus Lee Clay, Jr. (Gus), c/o HUD Atlanta Regional Office, Richard B. Russell Federal Bldg., 75 Spring Street, SW.—room 600, Atlanta, GA 30303, CC MAIL: ALTPOST CLAY, AUGUSTUS L.	COM (404) 331-4113, FTS (8) 841-4113, FAX (404) 730-2365.

INTERAGENCY COUNCIL ON THE HOMELESS FIELD STAFF—Continued

Region	Regional Coordinators Address	Telephone/ Fax
	Alternate Region IV contact: Walter Scott, same address.	COM (404) 730-2391, FTS (8) 880-2391, FAX (404) 730-2365.
V	Ray E. Willis, c/o HUD Chicago Regional Office, Illinois Operations Office, 547 West Jackson Boulevard, room 1013, Chicago, IL 60606, CC MAIL: CHIPOST WILLIS, RAY.	COM (312) 353-6980, FTS (8) 353-6980, FAX (312) 353-0121.
VI	Nancy Mattox Ulmer, c/o HUD Fort Worth Regional Office, (1600 Throckmorton, room 403), P.O. Box 2905, Fort Worth, TX 76113, CC MAIL: FTWPOST ULMER, NANCY MATTOX.	COM (817) 885-5483, FTS (8) 728-5483, FAX (817) 885-5629.
VII	Marcia L. Presley, c/o HUD Kansas City Regional Office, 400 State Avenue, Gateway Tower II, Kansas City, Kansas 66101-2406, CC MAIL: KANPOST PRESLEY, MARCIA L.	COM (913) 236-2195, FTS (8) 757-2195, FAX (913) 236-2116.
VIII	Donna Jacobsen, c/o HUD Denver Regional Office, Executive Tower, 1405 Curtis Street, 27th Floor, Denver, CO 80202, CC MAIL: DENPOST JACOBSEN, DONNA K.	COM (303) 844-6359, FTS (8) 564-6359, FAX (303) 844-2475.
IX	Linda E. White, c/o HUD San Francisco Regional Office, (450 Golden Gate Avenue), P.O. Box 36003, San Francisco, CA 94102, CC MAIL: SFCPOST WHITE, LINDA E.	COM (415) 556-4752, FTS (8) 556-4752, FAX (415) 556-1319.
X	Lee Desta, c/o HUD Seattle Regional Office, Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101-2058, CC MAIL: SEAPOST DESTA, LEE.	COM (206) 553-4610, FTS (8) 399-4610, FAX (206) 553-5379.

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UNITED STATES INFORMATION AGENCY

Public and Private Non-Profit Organizations in Support of International Educational and Cultural Activities; Request for Proposals

AGENCY: United States Information Agency.

ACTION: Notice.

SUMMARY: The Office of Citizen Exchanges (E/P) announces a request for proposals from public and private nonprofit organizations in support of six projects that have been initiated by E/P. Interested applicants are urged to read the complete **Federal Register** announcement before addressing inquiries to the Office or submitting their proposals.

DATES: This action is effective from the publication date of this notice through 5 p.m. EDT, July 12, 1991.

APPLICATION DEADLINE: Proposals must be received at the U.S. Information Agency by 5 p.m. EDT on July 12, 1991. Proposals received by the Agency after this deadline will not be eligible for consideration. Faxed documents will not be accepted, nor will documents postmarked July 12, 1991 but received at a later date.

ADDRESSES: Institutions must submit 16 copies of the final proposal and attachments. Proposals must fully accord with the terms of this Request for Proposals (RFP), as well as with Project Proposal Information Requirements (OMB #3116-0175—provided in application packet). (See "Technical Requirements.") Proposals should be mailed to: U.S. Information Agency, Office of the Executive Director (E/X), ATTN: Citizen Exchanges—Initiatives, room 336, 301 4th Street, SW., Washington, DC 20547.

FOR FURTHER INFORMATION CONTACT: The Office of Citizen Exchanges, Bureau of Educational and Cultural Affairs, United States Information Agency, 301 4th Street, SW., Washington, DC 20547. To facilitate the processing of your request, please include the name of the appropriate USIA Program Officer, as identified on each announcement, on all inquiries and correspondence.

SUPPLEMENTARY INFORMATION: The Office of Citizen Exchanges of the United States Information Agency (USIA) announces a program to encourage, through limited awards to nonprofit institutions, increased private sector commitment to and involvement in international exchanges. (All international participants will be nominated by USIS personnel overseas and selected by USIA.) Awarding of any and all grants is contingent upon the availability funds.

Summary of Initiative Award Program Ideas

NEA Regional Project on Drug Education and Public Awareness

Summary:

The Office of Citizen Exchanges (E/P) of the United States Information Agency is interested in supporting the development of a three-week study project that will bring up to 12 senior level drug abuse prevention specialists from the Near East and South Asia (NEA) to the U.S. for an intensive exchange with U.S. counterparts. Participating countries might include Pakistan, Nepal, Bangladesh, Morocco, Egypt and Saudi Arabia.

The program should explore and compare techniques used to design, develop and implement effective drug abuse education and public awareness programs. The project should also illustrate the formal and informal role that public and private organizations play in addressing this issue.

Participants will be selected by USIS representatives in participating countries. The program design will be conceived and executed by a U.S. not-for-profit institution which has experience in developing, implementing and monitoring drug abuse education, prevention and awareness programs. The program should include travel to several locations in the U.S. and should include a stay in Washington, DC where the topic of national and international coordination of drug abuse prevention efforts is addressed. The project will be scheduled for summer or fall 1991.

The E/P Program Officer for this project is Michael Weider.

Exchange Designed to Expose Kuwaiti Parliamentarians to the Role of the U.S. Congress in American Political Life and to the Federal System of Government

Summary:

The Office of Citizen Exchanges of the United States Information Agency (E/P) proposes the development of a series of seminars/study tours designed to introduce groups of Kuwaiti Parliamentarians to the concept of representational government and its application to the Federal system of government in the U.S. The initial project will have three phases and upon its completion will undergo intensive review and evaluation by the Agency. Successful implementation of the program, as determined by USIA, could lead to funding for follow-on projects or repetition of phases two and three in succeeding years.

Phase I:

Two to three Americans with practical experience in legislative affairs would travel to Kuwait to conduct a series of introductory seminars addressing the topic of representational government. They would simultaneously coordinate a needs assessment that

would lead to a final plan for the ensuing phases of the exchange.

Phase II:

Shortly after this visit, and following the post-war election, a group of up to ten Kuwaiti members of the newly elected National Assembly would participate in a three-week U.S. program of seminars, site visits and meetings with various groups concerned with the workings of Congress. This portion of the project would include an analysis of at least one state legislator which resembles the Kuwait Parliament in size and function. If required, the U.S. portion of the program would be conducted in Arabic.

Phase III:

Two to three months later a delegation of up to six American experts would travel to Kuwait to conduct workshops and seminars designed to provide constructive insight into systems and processes that might be applied to the Kuwaiti Parliamentary system.

This project will be executed by a U.S. not-for-profit institution which, through its proposal, illustrates extensive experience and success in coordinating international exchange programs for senior-level foreign visitors. Institutions which have substantive working relationships with potential cosponsoring Kuwaiti institutions are strongly encouraged to apply.

The E/P Program Officer for this project is Michael Weider.

Cooperative Efforts Between Civilian and Military Institutions in a Representative System of Government (Haiti)

Summary:

The Office of Citizen Exchanges (E/P) proposes the development of a study/observation tour for up to 12 military and civilian leaders from Haiti to observe the cooperative working relationship between civilian and military institutions in a democratic system of government. The two-week program will examine the separation of powers as mandated by the U.S. Constitution; examine civilian administration of the U.S. armed forces; explore the interaction between the military and various levels of government; and compare approaches to developing constructive communication among the armed forces, local communities, and public and private sector institutions.

A U.S. not-for-profit institution will design and execute the program. The recipient institution is responsible for selecting the American speakers. The participants will be nominated by overseas personnel of the United States Information Service (USIS) and selected by the United States Information Agency (USIA).

The E/P Program Officer for this project is Stephen Taylor.

Nicaraguan Television Media Internship Program

Summary:

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes a two-way exchange program for newscasting and production personnel of Nicaragua's national television system, Sistema Nacional de Television (SNTV) and two American specialists. The first phase of the program would include up to eight newswriters and broadcasters and up to eight television producers from SNTV. These participants would attend seminars and workshops at SNTV in Managua led by two American specialists. Subsequently, six of these Nicaraguan participants would take part in internships in the U.S. which would focus on improving newscasting and studio production of news and current affairs programming of SNTV.

A U.S. nonprofit institution would design and execute the program and select the American specialists. The institution should demonstrate extensive experience and success in coordinating international exchange programs for Latin American visitors. The participants would be nominated by United States Information Service personnel in Managua and selected by the United States Information Agency.

The E/P Program Officer for this project is Sandra Wyatt.

Nordic Regional Project for Journalism Education in the U.S.

SUMMARY:

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a three-week program for nine faculty members and administrators from Swedish, Danish and Norwegian schools of journalism. This exchange program will explore the diversity of American journalism and education as well as the constitutional, political, ethical and social principles under which U.S. journalism professionals operate.

The program, tentatively scheduled for the late Fall of 1991, will include visits to several major journalism schools; major and small town newspapers; television and radio stations; specialized newsletters; and media research institutes. Part of the program will take place in Washington, DC.

A U.S. not-for-profit institution will design the program and select the American speakers. The foreign participants will be selected by the United States Information Agency (USIA) with the cooperation of its posts in the countries involved.

The E/P Program Officer for this project is Katharine Guroff.

Labor Dispute Resolution in Argentina

SUMMARY:

The Office of Citizen Exchanges (E/P) of the United States Information Agency proposes the development of a two-week program in the U.S. for ten Argentine labor and management professionals designed to compare bargaining and negotiation techniques, improve communication skills, and explore a range of actions available for dispute resolution.

A U.S. nonprofit institution would design and execute the program and select the American speakers. The institution should demonstrate extensive experience and success in coordinating international exchange programs. The participants would be nominated by United States Information Service personnel in Argentina and selected by the United States Information Agency.

The E/P Program Officer for this project is Sandra Wyatt.

Funding and Budget Requirements for all Submissions

Since USIA assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other anticipated sources of support. Applications should demonstrate substantial financial and in-kind support using a three-column format that clearly displays cost-sharing support of proposed projects. Those budgets including funds from other sources should provide firm evidence of the funds. The required format follows:

Line Item	USIA Support	Cost Sharing	Total
Travel, per diem, etc.			
Total	$	$	$

Funding assistance is limited to project costs as defined in the Project

Proposal Information Requirements (OMB #3116-0175, provided in application packet) with modest contributions to defray total administrative costs (salaries, benefits, other direct and indirect costs). USIA-funded administrative costs are limited to 20 (twenty) per cent of the total funds requested. The recipient institution may wish to cost-share any of these expenses.

Organizations with less than four years experience in conducting international exchange programs are limited to $60,000 of USIA support, and their budget submissions should not exceed this amount. (Awarding of any and all grants is contingent upon the availability of funds.)

Application Requirements

Detailed concept papers and application materials may be obtained by writing to: The Office of Citizen Exchanges (E/P), USIA, 301 4th Street, SW., Washington, DC 20547.

Attention: (Name of the appropriate E/P Program Officer).

Inquiries concerning technical requirements are welcome.

Proposals must contain a narrative which includes a complete and detailed description of the proposed program activity as follows:

1. A brief statement of what the project is designed to accomplish, how it is consistent with the purposes of the USIA award program, and how it relates to USIA's mission.
2. A concise description of the project, spelling out complete program schedules and proposed itineraries.
3. A statement of what follow-up activities are proposed, how the project will be evaluated, what groups, beyond the direct participants, will benefit from the project and how they will benefit.
4. A detailed budget.
5. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion, Primary Covered and Lower Tier Covered Transactions, Forms IA-1279 and IA-1280.
6. Compliance with Office of Citizen Exchanges Additional Guidelines for Conferences (if applicable).
7. Compliance with Travel Guidelines for Organizations Inside and Outside Washington, DC (if and as applicable).
8. For proposals requesting $100,000 or more, Certification for Contracts, Grants and Cooperative Agreements, Form M/KG-13.
9. For proposals requesting $100,000 or more, Disclosure of Lobbying Activities (OMB #0348-0046).

Note: All required forms will be provided with the application packet.

Review Criteria

USIA will consider proposals based on the following criteria:

1. Quality of Program Idea: Proposals should exhibit originality, substance, rigor, and relevance to Agency mission.

2. Institution Reputation/Ability/Evaluations: Institutional recipients should demonstrate potential for program excellence and/or track record of successful programs, including responsible fiscal management and full compliance with all reporting requirements for past Agency grants as determined by USIA's Office of Contracts (M/KG). Relevant evaluation results of previous projects are part of this assessment.

3. Project Personnel: Personnel's thematic and logistical expertise should be relevant to the proposed program.

4. Program Planning: Detailed agenda and relevant work plan should demonstrate substantive rigor and logistical capacity.

5. Thematic Expertise: Proposal should demonstrate expertise in the subject area which guarantees an effective sharing of information.

6. Cross-Cultural Sensitivity/Area Expertise: Evidence of sensitivity to historical, linguistic, and other cross-cultural factors; relevant knowledge of geographic area.

7. Ability to Achieve Program Objectives: Objectives should be reasonable, feasible, and flexible. Proposal should clearly demonstrate how the institution will meet the program's objectives.

8. Multiplier Effect: Proposed programs should strengthen long-term mutual understanding, to include maximum sharing of information and establishment of long-term institutional and individual ties.

9. Cost-Effectiveness: The overhead and administrative components should be kept as low as possible. All other items should be necessary and appropriate to achieve the program's objectives.

10. Cost-Sharing: Proposals should maximize cost-sharing through other private sector support as well as institutional direct funding contributions.

Dated: May 1, 1991.

Warren Obluck,

Deputy Associate Director, Bureau of Educational and Cultural Affairs.

[FR Doc. 91-12861 Filed 5-30-91; 8:45 am]

BILLING CODE 8230-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-85]

Initiation of Section 302 Investigation and Request for Public Comment: Intellectual Property and Market Access Acts, Policies and Practices of the Government of India

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302(b)(2)(A) of the Trade Act of 1974, as amended; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302(b)(2)(A) of the Trade Act of 1974, as amended (the Trade Act) with respect to certain acts, policies and practices of the Government of India that deny adequate and effective protection of intellectual property rights and fair and equitable market access to United States persons that rely upon intellectual property protection. USTR invites written comments from the public on the matters being investigated.

DATES: This investigation was initiated on May 26, 1991. Written comments from the public are due on or before 12 noon, Monday, July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Carmen Suro-Bredie, Deputy Assistant USTR (202) 395-7320, Peter Collins, Director, Southeast Asian and Indian Affairs (202) 395-6813, Emery Simon, Director, Intellectual Property (202) 395-6864, or Catherine Field, Associate General Counsel (202) 395-3432, Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: Section 182(a) of the Trade Act (19 U.S.C. 2242) requires the USTR to identify countries that deny adequate and effective protection of intellectual property rights or deny fair and equitable market access to U.S. persons that rely on intellectual property protection. Accordingly, on April 26, 1991, the USTR identified India as a priority foreign country under that provision. In identifying India as a priority foreign country, the USTR noted deficiencies in that country's intellectual property acts, policies and practices including: (1) Numerous deficiencies in its patent law, in particular the failure to provide product patent protection for a wide range of products including pharmaceuticals and products resulting from chemical processes, an inadequate term of protection, and overly broad involuntary licensing provisions; (2) lack

of protection for service marks and restrictions on use of foreign trademarks and (3) copyright compulsory licensing provisions that are overly broad. Further, the USTR noted the absence of effective enforcement of intellectual property rights in India including copyrights which has led to a high level of piracy in that country.

With respect to market access for persons that rely on intellectual property protection, USTR noted that access is severely restrained through quotas, fees and other barriers.

Investigation and Consultations

Section 302(b)(2)(A) of the Trade Act requires the USTR to initiate an investigation of any act, policy, or practice that was the basis of the identification of a country as a priority foreign country under the provisions of section 182(a)(2) of the Trade Act to determine whether such act, policy, or practice is actionable under section 301 of the Trade Act.

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Indian Government concerning the issues under investigation. USTR will seek information and advice from the appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Within 6 months after the date on which this investigation was initiated (i.e., on or before November 26, 1991), pursuant to section 304 of the Trade Act the USTR must determine, on the basis of the investigation and the consultations, whether any act, policy, or practice described in section 301 of the Trade Act exists and, if that determination is affirmative, determine what action, if any, to take under section 301 of the Trade Act. The deadline for making these determinations may, however, be extended to 9 months after the date of initiation of this investigation if USTR determines that complex or complicated issues are involved in the investigation that require additional time. India is making substantial progress in drafting or implementing legislative or administrative measures that will provide adequate and effective protection of intellectual property rights, or India is undertaking enforcement measures to provide adequate and effective protection of intellectual property rights.

Requirements for Submissions

Interested persons are invited to submit written comments on the acts, policies and practices of the Government of India that are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than 12 noon, Monday, July 1, 1991. Comments must be in English and provided in twenty copies to: Chairman, Section 301 Committee, room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301-85) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. (Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the Docket which is open to public inspection.)

A. Jane Bradley,

Chairman, Section 301 Committee.

[FR Doc. 91-13002 Filed 5-30-91; 8:45 am]

BILLING CODE 3190-01-M

[Docket No. 301-86]

Initiation of Section 302 Investigation and Request for Public Comment: Intellectual Property Laws and Practices of the People's Republic of China

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of initiation of investigation under section 302(b)(2)(A) of the Trade Act of 1974, as amended; request for written comments.

SUMMARY: The United States Trade Representative (USTR) has initiated an investigation under section 302(b)(2)(A) of the Trade Act of 1974, as amended (the Trade Act) with respect to certain acts, policies and practices of the People's Republic of China that deny adequate and effective protection of intellectual property rights. USTR invites written comments from the public on the matters being investigated.

DATES: This investigation was initiated on May 26, 1991. Written comments from the public are due on or before 12 noon, Monday, July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Carmen Suro-Bredie, Deputy Assistant USTR (202) 395-7320, Howard Krawitz, Director, China and Mongolian Affairs (202) 395-5050, Emery Simon, Director, Intellectual Property (202) 395-6864, or Catherine Field, Associate General Counsel (202) 395-3432, Office of the United States Trade Representative.

SUPPLEMENTARY INFORMATION: Section 182(a) of the Trade Act (19 U.S.C. 2242) requires the USTR to identify countries that deny adequate and effective protection of intellectual property rights or which deny fair and equitable market access to U.S. persons that rely on intellectual property protection. Accordingly, on April 26, 1991, the USTR identified the People's Republic of China as a priority foreign country under that provision. In identifying China as a priority foreign country, the USTR noted deficiencies in that country's intellectual property acts, policies and practices including: (1) Deficiencies in its patent law, in particular, the failure to provide product patent protection for chemicals, including pharmaceuticals and agrichemicals, (2) lack of copyright protection for U.S. works not first published in China, (3) deficient levels or protection under the copyright law and regulations that will come into effect on June 1, 1991, and (4) inadequate protection of trade secrets. Further, USTR noted the absence of effective enforcement of intellectual property rights in China, including rights in trademarks.

Investigation and Consultations

Section 302(b)(2)(A) of the Trade Act requires the USTR to initiate an investigation of any act, policy, or practice that was the basis of the identification of a country as a priority foreign country under the provisions of section 182(a)(2) of the Trade Act to determine whether such act, policy, or practice is actionable under section 301 of the Trade Act.

Pursuant to section 303(a) of the Trade Act, the USTR has requested consultations with the Chinese Government concerning the issues under investigation. USTR will seek information and advice from the appropriate representatives provided for under section 135 of the Trade Act in preparing the U.S. presentations for such consultations.

Within 6 months afer the date on which this investigation was initiated (i.e., on or before November 26, 1991), pursuant to section 304 of the Trade Act the USTR must determine, on the basis of the investigation and the consultations, whether any act, policy,

or practice described in section 301 of the Trade Act exists and, if that determination is affirmative, determine what action, if any, to take under section 301 of the Trade Act. The deadline for making these determinations may, however, be extended to 9 months after the date of initiation of this investigation if USTR determines that complex or complicated issues are involved in the investigation that require additional time, China is making substantial progress in drafting or implementing legislative or administrative measures that will provide adequate and effective protection of intellectual property rights, or China is undertaking enforcement measures to provide adequate and effective protection of intellectual property rights.

Requirements for Submissions

Interested persons are invited to submit written comments on the acts, policies and practices of the Government of People's Republic of China that are the subject of this investigation, the amount of burden or restriction on U.S. commerce caused by these acts, policies and practices, and the determinations required under section 304 of the Trade Act.

Comments must be filed in accordance with the requirements set forth in 15 CFR 2006.8(b) (55 FR 20593) and are due no later than 12 noon, Monday, July 1, 1991. Comments must be in English and provided in twenty copies to: Chairman, Section 301 Committee, room 223, USTR, 600 17th Street, NW., Washington, DC 20506.

Comments will be placed in a file (Docket 301–86) open to public inspection pursuant to 15 CFR 2006.13, except confidential business information exempt from public inspection in accordance with 15 CFR 2006.15. (Confidential business information submitted in accordance with 15 CFR 2006.15 must be clearly marked "BUSINESS CONFIDENTIAL" in a contrasting color ink at the top of each page on each of 20 copies, and must be accompanied by a nonconfidential summary of the confidential information. The nonconfidential summary shall be placed in the Docket which is open to public inspection.)

A. Jane Bradley,
Chairman, Section 301 Committee.

[FR Doc. 91–13003 Filed 5–30–91; 8:45 am]
BILLING CODE 3190-01-M

DEPARTMENT OF VETERANS AFFAIRS

Information Collection Under OMB Review

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

The Department of Veterans Affairs has submitted to OMB the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). This document lists the following information: (1) The title of the information collection, and the Department form number(s), if applicable; (2) a description of the need and its use; (3) who will be required or asked to respond; (4) an estimate of the total annual reporting hours, and recordkeeping burden, if applicable; (5) the estimated average burden hours per respondent; (6) the frequency of response; and (7) an estimated number of respondents.

ADDRESSES: Copies of the proposed information collection and supporting documents may be obtained from Janet G. Byers, Veterans Benefits Administration (20A5), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 (202) 233–3021.

Comments and questions about the items on the list should be directed to VA's OMB Desk Officer, Joseph Lackey, NEOB, room 3002, Washington, DC 20503, (202) 395–7316. Do not send requests for benefits to this address.

DATES: Comments on the information collection should be directed to the OMB Desk Officer by July 1, 1991.

Dated: May 22, 1991.

By direction of the Secretary:

Charles A. Fountaine, III,
Chief, Directives Management.

Extension

1. Status of Dependents Questionnaire, VA Form 21–0538.
2. The form is used to request certification of the status of dependents of veterans for whom additional compensation is being paid. The information is used to determine continued entitlement to the benefits for dependents.
3. Individuals or households.
4. 14,083 hours.
5. 10 minutes.
6. Once every eight years.
7. 84,500 respondents.

[FR Doc. 91–12820 Filed 5–30–91; 8:45 am]
BILLING CODE 8320-01-M

Veterans Health Services and Research Administration, Scientific Review and Evaluation Board for Health Services Research and Development; Meetings

The Department of Veterans Affairs, Veterans Health Services and Research Administration, gives notice under Public Law 92–463 that an advisory committee meeting of the Scientific Review and Evaluation Board for Health Services Research and Development will be held at the Royal Sonesta Hotel, 5 Cambridge Parkway, Cambridge, Massachusetts, on June 25–26, 1991. The meetings will convene at 8 a.m. on June 25 and 26 and adjourn at 4:30 p.m. The purpose of the meetings will be to review research and development applications concerned with the measurement and evaluation of health care systems and with testing new methods of health care delivery and management. Applications are reviewed for scientific and technical merit and recommendations regarding their funding are prepared for the (Acting) Assistant Chief Medical Director for Research and Development.

The meeting will be open to the public (to the seating capacity of the room) at the start of the June 25th session for approximately one hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meetings involves: Discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols, and similar documents. During this portion of the meeting, discussion and recommendations will deal with qualifications of personnel conducting the studies, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, as well as research information, the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency action regarding such research projects. As provided by subsection 10(d) of Public Law 92–463, as amended by Public Law 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Due to the limited seating capacity of the room, those who plan to attend the open session should contact Mrs. Carolyn Smith, Program Analyst, Health Services Research and Development Service, 810 Vermont Avenue, NW., Washington, DC. 20420, (phone: 202/535–7158) at least 5 days before the meetings.

Dated: May 17, 1991.

By direction of the Secretary:

Laurence M. Christman,

Executive Assistant, Office of Program Coordination & Evaluation.

[FR Doc. 91-12818 Filed 5-30-91; 8:45 am]

BILLING CODE 8320-01-M

Availability of Report of 38 U.S.C. 219 Program Evaluation

Notice is hereby given that the evaluation of the Department of Veterans Affairs Veterans Housing Loan Program has been completed.

Single copies of the Veterans Housing Loan Program Evaluation report are available.

Reproduction of multiple copies can be arranged at the user's expense.

Direct inquiries to William H. Barbee, Jr. (076A), Director, Program Evaluation Service, Office of Program Coordination and Evaluation, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420.

Dated: May 14, 1991.

By direction of the Secretary:

Sylvia Chavez Long,

Deputy Assistant Secretary for Program Coordination and Evaluation.

[FR Doc. 91-12819 Filed 5-30-91; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 56, No. 105
Friday, May 31, 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 MARITIME COMMISSION

TIME AND DATE: 10:00 a.m., June 5, 1991.

PLACE: Hearing Room One, 1100 L Street, NW., Washington, DC 20573-0001.

STATUS: Closed.

MATTER(S) TO BE CONSIDERED:

1. Fact Finding Investigation No. 16—Possible Malpractices in the Transatlantic Trades.
2. Petition No. P1-90—*In the Matter of Maritime Administration—Department of Transportation Rules Affecting Foreign Commerce of the United States*—Consideration of the Record.

CONTACT PERSON FOR MORE INFORMATION: Joseph C. Polking, Secretary, (202) 523-5725.

Joseph C. Polking,
Secretary.

[FR Doc. 91-13049 Filed 5-29-91; 2:26 pm]
BILLING CODE 6730-01-M

RESOLUTION TRUST 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 the Board of Directors of the Resolution Trust Corporation will meet in open session beginning at 2:00 p.m. on Tuesday, June 4, 1991, to consider the following matter:

SUMMARY AGENDA: None.

DISCUSSION AGENDA:

A. *Memorandum re:*
Proposed policy regarding the payment of real estate taxes on RTC properties.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, NW., Washington, DC.

Requests for further information concerning the meeting may be directed to Mr. John M. Buckley, Jr., Executive Secretary of the Resolution Trust Corporation, at (202) 416-7282.

Dated: May 28, 1991.

Resolution Trust Corporation.

John M. Buckley, Jr.,
Executive Secretary.

[FR Doc. 91-13020 Filed 5-29-91; 12:36 pm]
BILLING CODE 6714-01-M

SECURITIES AND EXCHANGE COMMISSION

Agency Meetings.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94-409, that the Securities and Exchange Commission will hold the following open meetings during the week of June 3, 1991.

Open meetings will be held on Tuesday, June 4, 1991, at 10:00 a.m., and Thursday, June 6, 1991, at 10:00 a.m., in Room 1C30.

The subject matter of the open meeting scheduled for Tuesday, June 4, 1991, at 10:00 a.m., will be:

1. Consideration of whether to release for public comment proposed rules, that would facilitate multinational tender and exchange offers, including (1) a small issue exemptive rules for exchange offers for foreign equity securities, pursuant to Section 3(b) of the Securities Act; (2) a Securities Act registration statement that would permit the registration of exchange offers and business combinations by foreign private issuers in the United States on the basis of home country disclosure documents prepared in accordance with the requirements of a foreign regulatory authority; and (3) amendments to the Exchange Act that would exempt issuer and third-party tender and exchange offers for the securities of a foreign private issuer from the requirements of the Commission's tender offer rules. For further information, please contact John C. Maguire at (202) 272-3097.
2. Consideration of whether to issue a release proposing for public comment a new small issue exemptive rule and Securities Act registration form to facilitate the extension of cross-border rights offerings of foreign equity securities to U.S. investors; and amendments to Form F-3 to extend the availability of that Form to certain registrants for registration of rights offerings. For further information, please contact Victoria Choy or David Messman at (202) 272-3246.
3. Consideration of proposed amendments to Rule 3-19 of Regulation S-X, Rule 15d-2 under the Securities Exchange Act and Forms F-2 and F-3 under the Securities Act relating to age of financial statements, updating requirements and the requirement to provide reconciliation of certain interim financial information prepared using foreign accounting principles. These amendments are intended to expedite foreign issuers' securities offerings in the United States by conforming financial statement updating requirements to the annual and interim updating requirements of a substantial majority of foreign countries. For further information, please contact Teresa Iannaconi at (202) 272-2553.

The subject matter of the open meeting scheduled for Thursday, June 6, 1991, at 10:00 a.m., will be:

1. Consideration of whether to issue three orders approving the proposed rule changes by the Municipal Securities Rulemaking Board ("MSRB") that: (1) permit the Board to establish and operate a central electronic facility, the Municipal Securities Information Library, through which information regarding municipal securities and their issuers would be made available to market participants and information vendors; (2) amend Rule G-36 to require underwriters to deliver advance refunding documents to the MSRB; and (3) permit the MSRB to accept voluntary submissions of continuing disclosure information electronically. For further information, please contact Elizabeth H. MacGregor at (202) 272-7380.
2. Consideration of whether to issue a release soliciting public comment in connection with a petition for rulemaking which requests that the Commission adopt a rule that would require public reporting of material short security positions in publicly traded companies in a manner analogous to the current reporting requirement for material long security positions. For further information, contact George E. Scargle at (202) 272-2848.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain, what, if any, matters have been added, deleted or postponed, please contact: Laura Josephs at (202) 272-2300.

Dated: May 28, 1991.

Jonathan G. Katz,
Secretary.

[FR Doc. 91-13013 Filed 5-29-91; 12:36 pm]
BILLING CODE 8010-01-M

Corrections

Federal Register
Vol. 56, No. 105
Friday, May 31, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 71, 170 and 171

RIN 3150-AD87

Revison of Fee Schedules; 100% Fee Recovery

Correction

In proposed rule document 91-8161 beginning on page 14870 in the issue of Friday, April 12, 1991, make the following corrections:

1. On page 14870:

a. In the heading, the agency name should have appeared as set forth above.

b. In the third column, under **II. Analysis of Legislation**, in the eighth line, insert quotation marks before "Subsection (a)(1) ***"; and in the fourth line from the bottom of the page, "32" should read "31".

2. On page 14871, in the second column, in the second line, "its" should read "is".

3. On page 14873, in the third column, in the first full paragraph, in the fourth line from the bottom, "May 31" should read "May 21"

4. On the same page, in the same column, in the second paragraph, in the seventh line from the bottom, "permanently" should read "prematurely".

5. On page 14874, in the second column, in the fifth line, insert "fuel" after "these".

6. On page 14875, in the third column, in the second full paragraph, in the tenth line, "licensees" should read "licenses".

7. On page 14877:

a. In the second column, under *Section 170.3 Definitions*, in the second line from the bottom, "bill" should read "will".

b. In the same column, under *Section 170.11 Exemptions*, in the seventh line, "agreement" should read "government".

8. On page 14879, in the second column, under *Section 171.5 Definitions*, in the seventh line, "Materia," should read "Material,".

9. On page 14880:

a. In the heading for the table, "Table" was misspelled.

b. At the end of Table IV, in the three lines just before Footnotes 1 and 2, the figures were not aligned and should have appeared as follows:

"Base amount ***	$362,800,000
Less part 170 ***	−71,900,000
Part 171 ***	290,900,000"

10. On page 14881, in Table V, in entry 36, Trojan, the annual fee should read "2,612,000"

11. On page 14882, in Table V:

a. Entry 17, LaSalle 1, the annual fee should read "2,614,000".

b. Entry 21, Millstone 1, the annual fee should read "2,600,000".

c. Entries 26 and 27, Peach Bottom 2 and 3, the annual fee should read "2,600,000" respectively.

d. Entry 29, "Pilgram" should read "Pilgrim".

e. Under Other Reactors, entry 1, Three Mile Island, insert "2" after "Island".

12. On page 14883, in Table VI:

a. In the first column, in the fourth line, "NSA" should read "NSR".

b. At the end of Table VI, in the three lines just before Footnotes 1 and 2, the figures were not aligned and should have appeared as follows:

"Base amount ***	$13.300,000
Less part 170 ***	−2.700,000
Part 171 ***	10.600,000"

13. On page 14884, at the end of Table VII, in the three lines just before Footnotes 1 and 2, the figures were not aligned and should have appeared as follows:

"Base amount ***	$30.200,000
Less part 170 ***	−3.000,000
Part 171 ***	27.200,000"

14. On the same page, in the first column, in the second line from the bottom, "licensees" should read "licenses".

15. On page 14885, in the first column, in the table, in the fifth entry, "Radioactive" was misspelled.

16. On page 14886, in the third column, under **Regulatory Flexibility Analysis**, in the first paragraph, in the second line, "Budget" was misspelled.

§ 170.21 [Corrected]

17. On page 14888, in the second column, in § 170.21, in the table, under K. Import and export licenses, in the fourth line, "for" should read "of".

§ 170.31 [Corrected]

18. On page 14889, in the first column, in § 170.31, in the table, in the fourth line, "E. Source material:" should read "2. Source material:".

19. On the same page, in the second column, in § 170.31, in the table, under G., the fee for Nonroutine (Inspections) should read "$1,400."

20. On page 14890, in the first column, in § 170.31, in the table, under 4.A., in the seventh line, "licenses" should read "licensee"' and "license" should read "licenses".

21. On page 14891, in the 2d column, in § 170.31, in the table, in the 4th line, "Application" should read "Approval"; and in the 3rd column, in footnote 3, in the 12th line, "application" should read "applicable".

§ 171.16 [Corrected]

22. On page 14894:

a. In the first column, in amendatory instruction 21, "reach" should read "read".

b. In § 171.16, in the table, in 1.A.(1), in the third line, "Nuclear Fuell Services" should read "Nuclear Fuel Services".

c. In § 171.16, in the table, in 1.A.(1), in the sixth line, the Docket No. for General Electric Company should read "70-1113".

d. In § 171.16, in the table, in 1.A.(2), in the first line, "1.A.(a)" should read "1.A.(1)".

e. In § 171.16, in the table, in 2.C., "licenses1" should read "licenses".

22. On page 14895, in § 171.16, in the table, in 3.I., in the second line, the first "of" should read "to".

§ 171.19 [Corrected]

23. On page 14896, in the second column, in the third line, "

§ 17.19 Payment." should read "

§ 171.19 Payment.".

BILLING CODE 1505-01-D

federal register

Friday
May 31, 1991

Part II

Environmental Protection Agency

Asbestos-Containing Materials in Schools; EPA-Approved Courses Under the Asbestos Hazard Emergency Response Act (AHERA); Notice

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-62106; FRL-3891-9]

Asbestos-Containing Materials in Schools; EPA-Approved Courses Under the Asbestos Hazard Emergency Response Act (AHERA)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 206(c)(3) of the Toxic Substances Control Act (TSCA) directs the EPA Administrator to publish (and revise as necessary) a list of EPA-approved asbestos courses and tests which are consistent with the Agency's Model Accreditation Plan required under section 206(b) of TSCA. Also required is a list of those courses and tests which had qualified for equivalency treatment for interim accreditation during the time period established by Congress in AHERA. Effective July 1990, that time period has expired in all States. All courses approved for interim accreditation have therefore been included in this list for information purposes only.

Section 206(f) of TSCA Title II requires the Administrator to publish quarterly in the **Federal Register**, beginning August 31, 1988, and ending August 31, 1991, a list of EPA-approved asbestos training courses. Accordingly, this **Federal Register** notice presents the fifteenth cumulative listing of EPA-approved courses and also includes a list of State accreditation programs that EPA has approved as meeting the requirements of the Model Plan.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, Telephone: (202) 382-3949, TDD: (204) 554-0551.

SUPPLEMENTARY INFORMATION: Section 206 of Title II of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2646, required EPA to develop a Model Accreditation Plan by April 20, 1987. The Plan was issued on April 20, 1987, and was published in the **Federal Register** of April 30, 1987 (52 FR 15875), as Appendix C to subpart E, 40 CFR part 763. Persons must receive accreditation in order to inspect school buildings for asbestos, develop school asbestos management plans, and design or conduct school asbestos response actions. Such persons can be accredited by States, which are required under Title II to adopt contractor accreditation plans at least as stringent as the EPA Model Plan, or by completing an EPA-approved training course and passing an examination for such course. The EPA Model Accreditation Plan establishes those areas of knowledge of asbestos inspection, management plan development, and response action technology that persons seeking accreditation must demonstrate and States must include in their accreditation programs.

In the **Federal Register** of October 30, 1987 (52 FR 41826), EPA promulgated a final "Asbestos-Containing Materials In Schools" rule (40 CFR part 763, subpart E) which required all local education agencies (LEAs) to identify asbestos-containing materials (ACM) in their school buildings and take appropriate actions to control the release of asbestos fibers. The LEAs are also required to describe their activities in management plans, which must be made available to the public and submitted to State governors. Under Title II, LEAs are required to use specially trained persons to conduct inspections for asbestos, develop the management plans, and design or conduct major actions to control asbestos. The rule took effect on December 14, 1987.

The length of initial training courses for accreditation under the Model Plan varies by discipline. Briefly, inspectors must take a 3-day training course; management planners must take the inspection course plus an additional 2 days devoted to management planning; and abatement project designers are required to have at least 3 days of training. In addition, asbestos abatement contractors and supervisors must take a 4-day training course and asbestos abatement workers are required to take a 3-day training course. For all disciplines, persons seeking accreditation must also pass an examination and participate in annual re-training courses. A complete description of accreditation requirements can be found in the Model Accreditation Plan at 40 CFR part 763, subpart E, appendix C.I.1.A through E.

In Section 206(c)(3) of Title II, and as amended by section 206(f), the Administrator, in consultation with affected organizations, is directed to publish quarterly a list of asbestos courses and tests in effect before the date of enactment of this title which qualified for equivalency treatment for interim accreditation purposes, and a list of EPA-approved asbestos courses and tests which the Administrator has determined are consistent with the Model Plan and which qualify a contractor for accreditation.

This quarterly notice formerly included a list of laboratories accredited by the National Institute of Standards and Technology (NIST) for the polarized light microscopy (PLM) analysis of bulk materials for asbestos. The EPA is no longer publishing this laboratory list because it is now available from the NIST National Voluntary Laboratory Accreditation Program (NVLAP). Persons wishing to obtain current information on the accreditation of asbestos laboratories in general or the accreditation status of any particular laboratory should contact NIST directly for this information by: (1) Writing to: Chief, Laboratory Accreditation Program, National Institute of Standards and Technology, Bldg. 411, Room A124, Gaithersburg, MD 20899 (please include a self-addressed mailing label); (2) computer-to-computer communication with the NVLAP electronic bulletin board on 301-948-2058; (3) Fax on 301-975-3839; or (4) calling NVLAP on 301-975-4016. EPA interim approval for laboratories ended October 30, 1989, and since that date laboratory asbestos accreditation has been administered by NIST through the NVLAP.

The **Federal Register** notice of October 30, 1987, included EPA's initial list of course approvals. In addition, the initial list also included those State accreditation programs that EPA had approved as meeting the requirements of the Model Plan. The second **Federal Register** notice of February 10, 1988 (53 FR 3982), the third **Federal Register** notice of June 1, 1988 (53 FR 20066), the fourth **Federal Register** notice of August 31, 1988 (53 FR 33574), the fifth **Federal Register** notice of November 30, 1988 (53 FR 48424), the sixth **Federal Register** notice of February 28, 1989 (54 FR 8438), the seventh **Federal Register** notice of May 31, 1989 (54 FR 23392), the eighth **Federal Register** notice of August 31, 1989 (54 FR 36166), the ninth **Federal Register** notice of November 29, 1989 (54 FR 49190), the tenth **Federal Register** notice of February 28, 1990 (55 FR 7202), the eleventh **Federal Register** notice of May 31, 1990 (55 FR 22176), the twelfth **Federal Register** notice of August 31, 1990 (55 FR 35760), the thirteenth **Federal Register** notice of November 30, 1990 (55 FR 49756), and the fourteenth **Federal Register** notice of February 28, 1991 (56 FR 8396), were subsequent listings of cumulative EPA course approvals and EPA-approved State accreditation programs.

This **Federal Register** notice is divided into four units. Unit I discusses EPA approval of State accreditation programs. Unit II covers EPA approval of training courses. Unit III discusses the

AHERA-imposed deadline for persons with interim accreditation. Unit IV provides the list of State accreditation programs and training courses approved by EPA as of April 7, 1991. Subsequent lists will add other State programs as they are approved.

As announced in the **Federal Register** of September 20, 1989, EPA is no longer accepting for review and contingent approval training courses for AHERA accreditation after October 15, 1989. However, a course's status may change after that cut- off date. For example, a contingently approved course may become fully approved and a course with full approval may become disapproved. As mentioned in the September 1989 **Federal Register** notice, EPA has said it would continue to conduct full approval audits of courses that already have received contingent approval and review for contingent approval and subsequent full approval, courses received by EPA which had been postmarked on or before October 15, 1989. EPA may reach agreements with States that do not currently have an accreditation program, to turn over responsibility for auditing courses with contingent and full approval, as these States develop accreditation programs.

I. EPA Approval of State Accreditation Programs

As discussed in the Model Plan, EPA may approve State accreditation programs that the Agency determines are at least as stringent as the Model Plan. In addition, the Agency is able to approve individual disciplines within a State's accreditation program. For example, a State that currently only has an accreditation requirement for inspectors can receive EPA approval for that discipline immediately, rather than waiting to develop accreditation requirements for all disciplines in the Model Plan before seeking EPA approval.

As listed in Unit IV, Alabama, Alaska, Arkansas, Colorado, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Virginia, Washington, West Virginia, and Wisconsin have received EPA full approval for two accreditation disciplines, abatement workers as well as contractors and supervisors, that are at least as stringent as the Model Plan. In addition, the States of Alabama, Colorado, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Montana, Nebraska, New York, North Dakota, Rhode Island, South Dakota, Utah, Virginia, West Virginia, and Wisconsin have received full approval for their inspector/management planner and project designer disciplines. Any training courses in those disciplines approved by the aforementioned States are EPA-approved courses for purposes of accreditation. These training courses are EPA- approved courses for purposes of TSCA Title II in these States and in all States without an EPA-approved accreditation program for the discipline. Current lists of training courses approved by Alabama, Alaska, Arkansas, Colorado, Delaware, Idaho, Illinois, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Virginia, Washington, West Virginia, and Wisconsin are listed under Unit IV. Indiana does not have separate provider listings since it has not independently approved any additional courses.

Each State accreditation program may have different requirements. For example, New Jersey requires participants of its courses to take the State exam. Therefore, those New Jersey- approved course sponsors who want to provide training in another State must develop their own examination. They must also submit for EPA approval to the Regional Asbestos Coordinator in their Region, a detailed statement about the development of the course examination as required by the Model Plan.

II. EPA Approval of Training Courses

A cumulative list of training courses approved by EPA is included under Unit IV. The examinations for these approved courses under Unit IV have also been approved by EPA. EPA has three categories of course approval: full, contingent, and approved for interim accreditation. As noted in Unit III, interim accreditation is no longer in effect as of July 1990. Each course that had been approved for interim accreditation will show inclusive dates of this approval. EPA's deadlines for interim accreditation are discussed further in Unit III.

Full approval means EPA has reviewed and found acceptable the course's written submission seeking EPA approval and has conducted an on-site audit and determined that the training course meets or exceeds the Model Plan's training requirements for the relevant discipline.

Contingent approval means the Agency has reviewed the course's written submission seeking EPA approval and found the material to be acceptable (i.e., the written course materials meet or exceed the Model Plan's training course requirements). However, EPA has not yet conducted an on-site audit.

Successful completion of either a fully approved course or a contingently approved course provides full accreditation for course attendees. If EPA subsequently audits a contingently approved course and withdraws approval due to deficiencies discovered during the audit, future course offerings would no longer have EPA approval. However, withdrawal of EPA approval would not affect the accreditation of persons who took previously offered training courses, including the course audited by EPA.

Thus far, EPA has taken formal action to revoke or suspend course approvals in two instances. EPA revoked approval from Living Word College's inspector and management planner training courses offered after May 6, 1988. Living Word College is located in EPA Region VII. In addition, EPA has suspended approval from the Safety Management Institute's training courses and refresher courses for workers, inspectors/ management planners, and contractors/ supervisors. The effective date for the course suspensions is the first week of October 1989. Safety Management Institute is located in EPA Region III. Certain EPA- approved State programs have also taken actions to suspend or revoke courses within their jurisdictions.

EPA-approved training courses listed under Unit IV are approved on a national basis. EPA has organized Unit IV by EPA Region to assist the public in locating those training courses that are offered nearby. Training courses are listed in the Region where the training course is headquartered. Although several sponsors offer their courses in various locations throughout the United States, a large number of course sponsors provide most of their training within their own Region.

State accreditation programs may have more stringent requirements than does the Model Plan. As a result, some EPA- approved training courses listed under Unit IV may not meet the requirements of a particular State's accreditation program. Sponsors of training courses and persons who have received accreditation should contact individual States to check on accreditation requirements.

A number of training courses offered before EPA issued the Model Plan equaled or exceeded the subsequently issued Model Plan's training course requirements. These courses are listed under Unit IV as being approved. It should be noted that the persons who have successfully completed these

courses are fully accredited; they are not only accredited on an interim basis.

III. Phase out of Interim Accreditation.

TSCA Title II allowed EPA to accredit persons on an interim basis if they had attended EPA-approved asbestos training before the effective date of the AHERA regulation and passed an asbestos exam. As a result, the Agency approved, on an interim basis, a number of training courses which had been offered prior to the effective date of the AHERA regulation. Only those persons who had taken training courses equivalent to the Model Plan's requirements between January 1, 1985, and December 14, 1987, were considered accredited under these interim provisions. Equivalent means that the courses had to be essentially similar in length and content to the curriculum found in the Model Plan. In addition, an examination had to be essentially equivalent to the examination requirements found in the Model Plan. If no examination was offered at the time, course providers seeking interim approval needed to provide an examination.

Persons who took one of the EPA-approved courses for interim accreditation, and could produce evidence that they had successfully completed the course by passing an examination, were accredited on an interim basis. This accreditation was interim since the person was considered accredited for only 1 year after the date on which the State where the person was employed was required to have established an accreditation program at least as stringent as the EPA Model Plan. TSCA Title II requires States to adopt a contractor accreditation program at least as stringent as the Model Plan within 180 days after the first regular session of the State's legislature convened following the date EPA issued the Model Plan.

The deadline for all States to establish a complete accreditation program was July 1989. In fact, most States were required to have developed a program by July 1988. As a result, after July 1989, the period of interim accreditation expired for persons in all States but Arkansas, Montana, Nevada, North Carolina, Oregon, Pennsylvania, and Texas. In these seven States, the legislatures meet on a bi-annual basis and last met in January 1989; therefore, persons in these States with interim accreditation lost their interim status in these States after July 1990. Because interim accreditation has now expired in all States, anyone who had previously received interim accreditation is no longer eligible to perform AHERA work unless he or she has subsequently acquired AHERA accreditation by completing an approved course. To receive accreditation, such persons, if they have not already done so, must complete an EPA-approved course or a State course under a State plan at least as stringent as the EPA Model Plan. For example, a person who had interim accreditation as a supervisor would have to take a 4-day supervisor course approved by EPA or an EPA-approved State program to become fully accredited.

IV. List of EPA-Approved State Accreditation Programs and Training Courses

The fifteenth cumulative listing of EPA-approved State accreditation programs and training courses follows. As discussed above, notifications of EPA approval of State accreditation programs and EPA approval of training courses will be published in subsequent lists. The closing date for the acceptance of submissions to EPA for inclusion in this fifteenth notice was April 7, 1991. Omission from this list does not imply disapproval by EPA, nor does the order of the courses reflect priority or quality. The format of the notification lists first the State accreditation programs approved by EPA, followed by EPA-approved training courses grouped by Region. The name, address, phone number, and contact person is provided for each training provider followed by the courses and type of course approval (i.e., full, contingent, or for interim purposes).

As of April 7, 1991, a total of 598 training providers are offering 1,177 EPA-approved training courses for accreditation under TSCA Title II. There are 507 asbestos abatement worker courses, 398 contractor/supervisor courses, 208 inspector/management planner courses, 18 inspector-only courses, and 46 project designer courses. In addition, EPA has approved 775 refresher courses.

Twenty-seven States currently have EPA-approved State accreditation programs in one or more disciplines. These State programs have approved a total of 913 courses, including 471 worker courses, 310 contractor/supervisor courses, 29 inspector- only courses, 77 inspector/management planner courses and 26 project designer courses. In addition, these State programs have approved 699 refresher courses. It should be noted that certain training course providers may have course approval in more than one State; therefore, there may be some double-counting of these courses reflected in the above numbers.

An EPA-funded model course for inspectors and management planners is available for use by training providers. In addition, an earlier EPA-developed course for asbestos abatement contractors and supervisors has now been revised and is also available. A recently developed model worker course is now available as well. A fee for each course will be charged to cover the reproduction and shipping costs for the written and visual aid materials. Interested parties should contact the following firm to receive copies of the training courses: ATLIS Federal Services, Inc., EPA AHERA Program, 6011 Executive Blvd., Rockville, MD 20852, Phone number: (301) 468-1916.

The following is the cumulative list of EPA-approved State accreditation programs and training courses:

Approved State Accreditation Programs

Alabama.

(1)(a) *State Agency:* Alabama Safe State Program, Address: Box 870388, Tuscaloosa, AL 35487-0388, Contact: George Wade, Phone: (205) 348-7136.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/13/90).
Contractor/Supervisor (full from 11/13/90).
Inspector (full from 11/13/90).
Inspector/Management Planner (full from 11/13/90).
Project Designer (full from 11/13/90).

(i)(a) *Training Provider:* American Environmental Protection, Inc.

Address: 606 Wade Circle, Goodlettsville, TN 37072, Contact: Terry C. Reaves, Phone: (615) 851-9924.

(b) *Approved Course:*

Abatement Worker (Certified 3/24/91).

(ii)(a) *Training Provider:* Law Companies Environmental Group.

Address: 114 Townpark Dr., Suite 300, Kennesaw, GA 30144-5508, Contact: David W. Mayer, Phone: (404) 499-6700.

(b) *Approved Courses:*

Contractor/Supervisor Annual Review (Certified 3/15/91).
Inspector/Management Planner Annual Review (Certified 3/14/91).

Alaska.

(2)(a) *State Agency:* Department of Labor, Address: P.O. Box 1149, Juneau, AK 99802, Contact: Richard Arab, Phone: (907) 465-4856.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 10/1/85).
Abatement Worker (full from 1/29/90).
Contractor/Supervisor (interim from 10/1/85).
Contractor/Supervisor (full from 1/29/90).

(i)(a) *Training Provider:* Alaska Laborers Training School.

Address: 13500 Old Seward Highway, Anchorage, AK 99515, Contact: Leslie Lauinger, Phone: (907) 345-3853.

(b) *Approved Courses:*

Abatement Worker (Certified 11/1/89).
Contractor/Supervisor (Certified 11/1/89).

(ii)(a) *Training Provider:* Alaska Quality Control & Technical Service, Ltd.

Address: 907 E. Dowling Rd., Suite 18, Anchorage, AK 99518, Contact: Gracita O. Torrijos, Phone: (907) 561-2400.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/90).
Contractor/Supervisor (Certified 5/1/90).

(iii)(a) *Training Provider:* Arctic Slope Consulting Group, Inc.

Address: 6700 Arctic Spur Rd., Anchorage, AK 99518-1550, Contact: Tom Tessier, Phone: (907) 349-5148.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/89).
Contractor/Supervisor (Certified 12/1/89).

(iv)(a) *Training Provider:* Asbestos Removal Specialists of Alaska.

Address: 1896 Marika Rd., Unit No. 3, Fairbanks, AK 99709, Contact: J. J. Middleton, Phone: (907) 451-8555.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/89).
Contractor/Supervisor (Certified 5/1/89).

(v)(a) *Training Provider:* Central & Southeastern Alaska District Council of Carpenters.

Address: 100 W. International Airport Rd., No. 102, Anchorage, AK 99518, Contact: William Matthews, Phone: (907) 561-4568.

(b) *Approved Courses:*

Abatement Worker (Certified 2/1/89).
Contractor/Supervisor (Certified 2/1/89).

(vi)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth D. Johnson, Phone: (907) 272-8056.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/89).
Contractor/Supervisor (Certified 6/1/89).

(vii)(a) *Training Provider:* Environmental Science & Engineer, Inc.

Address: 1205 E. International Airport Rd., Suite 100, Anchorage, AK 99518-1409, Contact: Robert Morgan, Phone: (907) 561-3055.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/90).
Contractor/Supervisor (Certified 6/1/90).

(viii)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers.

Address: 407 Denali St., Suite 303, Anchorage, AK 99501, Contact: Dan Middaugh, Phone: (907) 272-8224.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/89).
Contractor/Supervisor (Certified 8/1/89).

(ix)(a) *Training Provider:* Martech Construction Co.

Address: 300 E. 54th Ave., Anchorage, AK 99518, Contact: Gary Lawley, Phone: (907) 561-1970.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/89).
Contractor/Supervisor (Certified 9/1/89).

(x)(a) *Training Provider:* Sheet Metal Worker Int'l. Association Local 23.

Address: 1818 W. Northern Lights Blvd. No. 100, Anchorage, AK 99517, Contact: Randall E. Pysher, Phone: (907) 277-5313.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/90).
Contractor/Supervisor (Certified 1/1/90).

(xi)(a) *Training Provider:* University of Alaska Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104, Soldotna, AK 99669, Contact: Dennis Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/89).
Contractor/Supervisor (Certified 4/1/89).

Arkansas.

(3)(a) *State Agency:* Arkansas Dept. of Pollution Control and Ecology, Address: 8001 National Dr., P.O. Box 9583, Little Rock, AR 72209, Contact: Wilson Tolefree, Phone: (501) 562-7444.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/22/85).
Abatement Worker (full from 1/22/88).
Contractor/Supervisor (interim from 11/22/85).
Contractor/Supervisor (full from 1/22/88).

(i)(a) *Training Provider:* American Specialty Contractors.

Address: P.O. Box 66375, Baton Rouge, LA 70896, Contact: Daniel L. Anderson, Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (Certified 2/13/90).
Contractor/Supervisor (Certified 2/13/90).

(ii)(a) *Training Provider:* Arkansas Laborers Training Fund.

Address: 4501 West 61st St., Little Rock, AR 72209, Contact: W. Rudy Osborne, Phone: (501) 562-5502.

(b) *Approved Course:*

Abatement Worker (Certified 5/2/88).

(iii)(a) *Training Provider:* Asbestos Training & Employment, Inc.

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Bruce H. Connell, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).
Contractor/Supervisor (Certified 5/18/88).

(iv)(a) *Training Provider:* Critical Environmental Training, Inc.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Charles M. Flanders, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certified 9/12/88 to 12/20/90 only).
Contractor/Supervisor (Certified 9/12/88 to 12/20/90 only).

(v)(a) *Training Provider:* Enviro Sciences, Inc.

Address: 3810 F Merton Dr., Raleigh, NC 27609, Contact: Chester Hudlow, Phone: (919) 782-1487.

(b) *Approved Courses:*

Abatement Worker (Certified 6/6/90).
Abatement Worker Annual Review (Certified 8/21/90).
Contractor/Supervisor (Certified 7/31/90).
Contractor/Supervisor Annual Review (Certified 8/21/90).

(vi)(a) *Training Provider:* Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/7/88).

(vii)(a) *Training Provider:* Environmental Technologies.

Address: P.O. Box 21243, Little Rock, AR 72221, Contact: Phyllis Moore, Phone: (501) 569-3518.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).
Abatement Worker Annual Review (Certified 3/30/89).
Contractor/Supervisor (Certified 3/16/88).
Contractor/Supervisor Annual Review (Certified 3/30/89).

(viii)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: P.O. Box 307, Lawrence, KS 66044, Contact: Patrick Shrepf, Phone: (913) 749-2381.

(b) *Approved Courses:*

Abatement Worker (Certified 6/8/88).
Contractor/Supervisor (Certified 6/8/88).

(ix)(a) *Training Provider:* ICU, Inc.

Address: P.O. Box 2896, Farmington, NM 87499, Contact: Sharon Adams, Phone: (505) 326-0472.

(b) *Approved Courses:*

Abatement Worker (Certified 10/8/90).
Contractor/Supervisor (Certified 10/8/90).

(x)(a) *Training Provider:* Labor Education Program, University of Arkansas.

Address: 2801 S. University Ave., Little Rock, AR 72204, Contact: Bernica Tackett, Phone: (501) 562-7444.

(b) *Approved Course:*

Abatement Worker (Certified 12/12/89).

(xi)(a) *Training Provider:* Meta Inc.

Address: P.O. Box 786, Lawrence, KS 66044, Contact: Karen P. Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 3/27/90).
Abatement Worker Annual Review (Certified 3/27/90).
Contractor/Supervisor (Certified 3/27/90).
Contractor/Supervisor Annual Review (Certified 3/27/90).

(xii)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6600 College Blvd., Suite 315. Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0221.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 3/30/90).
Contractor/Supervisor Annual Review (Certified 3/30/90).

(xiii)(a) *Training Provider:* Professional Asbestos Training Service.

Address: P.O. Box 19092, Little Rock, AR 72219, Contact: Harold Lewis, Phone: (501) 562-1519.

(b) *Approved Courses:*

Abatement Worker (Certified 4/18/88).
Abatement Worker Annual Review (Certified 1/4/90).
Contractor/Supervisor (Certified 4/18/88).
Contractor/Supervisor Annual Review (Certified 1/4/90).

(xiv)(a) *Training Provider:* University of Arkansas.

Address: 521 South Razorback Rd., Fayettville, AR 72701, Contact: Greg Weeks, Phone: (501) 575-6175.

(b) *Approved Course:*

Abatement Worker (Certified 10/7/88).

(xv)(a) *Training Provider:* Wellington House.

Address: 120 West State St., High Point, NC 27262, Contact: R. Donald Phillips, Phone: (919) 889-3722.

(b) *Approved Courses:*

Abatement Worker (Certified 6/6/90).
Contractor/Supervisor (Certified 6/6/90).

Colorado.

(4)(a) *State Agency:* Colorado Dept. of Health, Address: 4210 East 11th Ave., Denver, CO 80220, Contact: David R. Ouimette, Phone: (303) 331-8500.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).
Contractor/Supervisor (full from 7/8/89).
Inspector/Management Planner (full from 7/8/89).
Project Designer (full from 7/8/89).

(i)(a) *Training Provider:* Air Technology & Associates.

Address: 724 Oil Hill Rd., P.O. Box 23, El Dorado, KS 67042, Contact: Richard Green, Phone: (913) 841-1193.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/90).
Abatement Worker Annual Review (Certified 3/7/90).
Contractor/Supervisor (Certified 3/7/90).
Contractor/Supervisor Annual Review (Certified 3/7/90).

(ii)(a) *Training Provider:* Asbestos Consultants/Asbestos Certified Training (ACTT).

Address: 5953 Telegraph Rd., Los Angeles, CA 90040, Contact: Robert Griese, Phone: (213) 720-1805.

(b) *Approved Courses:*

Abatement Worker (Certified 3/19/91).
Abatement Worker Annual Review (Certified 3/19/91).
Contractor/Supervisor Annual Review (Certified 3/19/91).
Inspector/Management Planner Annual Review (Certified 3/19/91).

(iii)(a) *Training Provider:* Environmental Training Center.

Address: 2781 West Oxford Ave., Unit No.7, Englewood, CO 80110, Contact: Harvey Lindenberg, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 11/14/89).
Contractor/Supervisor Annual Review (Certified 11/14/89).
Inspector/Management Planner (Certified 11/14/89).
Inspector/Management Planner Annual Review (Certified 11/14/89).

(iv)(a) *Training Provider:* Haz - Cure International.

Address: 1555 Simms St., Lakewood, CO 80215, Contact: Edmund C. Garthe, Phone: (303) 232-3174.

(b) *Approved Courses:*

Abatement Worker (Certified 1/30/90).
Abatement Worker Annual Review (Certified 4/9/90).
Contractor/Supervisor (Certified 1/30/90).
Contractor/Supervisor Annual Review (Certified 4/9/90).

(v)(a) *Training Provider:* Precision Safety and Services Inc.

Address: 1245 Windemaker Lane, Colorado Springs, CO 80907, Contact: James R. Mapes, Jr., Phone: (719) 593-8596.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 11/6/89).
Contractor/Supervisor (Certified 11/6/89).
Contractor/Supervisor Annual Review (Certified 11/6/89).
Inspector/Management Planner (Certified 10/2/90).
Inspector/Management Planner Annual Review (Certified 10/2/90).

(vi)(a) *Training Provider:* Public Service Company of Colorado.

Address: 1500 West Hampden Avenue, Building 5k, Englewood, CO 80110, Contact: Norman E. Peters, Phone: (303) 797-4109.

(b) *Approved Courses:*

Abatement Worker (Certified 7/24/90).
Abatement Worker Annual Review (Certified 3/15/91).
Contractor/Supervisor (Certified 7/24/90).
Contractor/Supervisor Annual Review (Certified 3/15/91).

(vii)(a) *Training Provider:* QA Training & Inspection Services.

Address: 1405 Krameria St., Suite 4-D, Denver, CO 80220, Contact: Garrett Fleming, Phone: (303) 388-7388.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/90).
Abatement Worker Annual Review (Certified 3/7/90).

Contractor/Supervisor (Certified 3/7/90).
Contractor/Supervisor Annual Review (Certified 3/7/90).

(viii)(a) *Training Provider:* Summit Environmental.

Address: P.O. Box 7557, Boulder, CO 80306-7557, Contact: Philip Karl, Phone: (303) 447-2835.

(b) *Approved Courses:*

Abatement Worker (Certified 10/2/90).
Abatement Worker Annual Review (Certified 10/2/90).
Contractor/Supervisor (Certified 10/2/90).
Contractor/Supervisor Annual Review (Certified 10/2/90).
Inspector/Management Planner (Certified 10/2/90).
Inspector/Management Planner Annual Review (Certified 10/2/90).

(ix)(a) *Training Provider:* U.S. Army Environmental Hygiene Activity - West.

Address: Fitzsimons Army Medical Center, Aurora, CO 80045-5001, Contact: Wendell C. King, Phone: (303) 361-6881.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).

(x)(a) *Training Provider:* Univ. of Calif.-Berkeley, Extension Program in Environmental Hazard Management (PHEM).

Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Deborah Dobin, Phone: (415) 643-7143.

(b) *Approved Course:*

Project Designer Annual Review (Certified 2/28/91).

Delaware.

(5)(a) *State Agency:* Delaware Dept. of Administrative Services, Address: Short Building, 21 The Green, P.O. Box 1401, Dover, DE 19903, Contact: Robert Foster, Phone: (302) 739-3930.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 8/14/89).
Contractor/Supervisor (full from 8/14/89).

(i)(a) *Training Provider:* Delaware Technical & Community College, Stanton Campus.

Address: Churchman Center, Churchman's Rd., New Castle, DE 19804, Contact: F. Tucker Mulrooney, Phone: (302) 323-9602.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88).
Abatement Worker Annual Review (Certified 5/5/89).
Contractor/Supervisor (Certified 4/1/88)
Contractor/Supervisor Annual Review (Certified 5/5/89).

(ii)(a) *Training Provider:* Delaware Technical & Community College, Terry Campus.

Address: 1832 North Dupont Pkwy., Dover, DE 19901, Contact: David T. Stanley, Phone: (302) 736-5428.

(b) *Approved Courses:*

Abatement Worker (Certified 4/1/88).
Abatement Worker Annual Review (Certified 5/5/89).
Contractor/Supervisor (Certified 4/1/88).
Contractor/Supervisor Annual Review (Certified 5/5/89).

(iii)(a) *Training Provider:* Local Union No. 42 Heat - Pipe & Frost Union.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Joe Noble, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/87).
Abatement Worker Annual Review (Certified 3/5/87).
Contractor/Supervisor (Certified 3/5/87).
Contractor/Supervisor Annual Review (Certified 3/5/87).

(iv)(a) *Training Provider:* Local Union No. 626 United Brotherhood of Carpenters and Joiners of America.

Address: 626 Wilmington Road, New Castle, DE 19720, Contact: Robert A. McCullough, Phone: (302) 328-9430 Ext. 9439.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/90).
Abatement Worker Annual Review (Certified 8/8/90).
Contractor/Supervisor (Certified 8/8/90).
Contractor/Supervisor Annual Review (Certified 8/8/90).

Idaho.

(6)(a) *State Agency:* Idaho Department of Labor & Industrial Services, Building Division, Address: 277 North 6th St., Statehouse Mail, Boise, ID 83720-6000, Contact: Thomas E. Rodgers, Phone: (208) 334-3896.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 3/26/91).
Contractor/Supervisor (full from 3/26/91).
Inspector (full from 3/26/91).
Inspector/Management Planner (full from 3/26/91).
Project Designer (full from 3/26/91).

(i)(a) *Training Provider:* Asbestos Technology, Incorporated.

Address: 140 Ivan St., Cheyenne, WY 82001, Contact: Leo Quinlivan, Phone: (307) 632-5571.

(b) *Approved Courses:*

Abatement Worker (Certified 7/9/90).
Abatement Worker Annual Review (Certified 7/17/90).
Contractor/Supervisor (Certified 8/8/90).
Contractor/Supervisor Annual Review (Certified 8/8/90).
Inspector/Management Planner (Certified 9/24/90).
Inspector/Management Planner Annual Review (Certified 9/24/90).
Project Designer Annual Review (Certified 8/13/90).

(ii)(a) *Training Provider:* Industrial Hygiene Resources, Ltd.

Address: 7337 Northview, Boise, ID 83704, Contact: Harry J. Beaulieu, Phone: (208) 323-8187.

(b) *Approved Courses:*

Abatement Worker (Certified 8/13/90).
Contractor/Supervisor (Certified 8/13/90).

(iii)(a) *Training Provider:* Valley Research Corporation.

Address: 111 South State St., P.O. Box 637, Hagerman, ID 83332, Contact: Leonn Urie, Phone: (208) 837-6653.

(b) *Approved Courses:*

Abatement Worker (Certified 7/9/90).
Contractor/Supervisor (Certified 6/8/90).
Inspector/Management Planner (Certified 8/13/90).

Illinois.

(7)(a) *State Agency:* Illinois Department of Public Health Division of Environmental Health, Address: 525 West Jefferson St, Springfield, IL 62761, Contact: R. Kent Cook, Phone: (217) 782-3517.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 3/13/90).
Contractor/Supervisor (full from 3/13/90).
Inspector (full from 3/13/90).
Inspector/Management Planner (full from 3/13/90).
Project Designer (full from 3/13/90).

(i)(a) *Training Provider:* Abatement Project Training.

Address: P.O. Box 4372, Kansas City, KS 66112, Contact: Virginia Ireton, Phone: (913) 788-3440.

(b) *Approved Courses:*

Abatement Worker (Certified 12/21/90).
Abatement Worker Annual Review (Certified 12/21/90).

(ii)(a) *Training Provider:* Aerostat Environmental Engineering Corp.

Address: 2817 Atchison Avenue, Lawrence, KS 66047, Contact: Joe Stimac, Phone: (800) 828-6269.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 9/17/90).
Contractor/Supervisor Annual Review (Certified 9/17/90).
Inspector/Management Planner (Certified 9/17/90).
Inspector/Management Planner Annual Review (Certified 9/17/90).

(iii)(a) *Training Provider:* American Asbestos Institute Inc.

Address: P.O. Box 7477, Springfield, IL 62791, Contact: Donald Handy, Phone: (217) 523-8747.

(b) *Approved Courses:*

Abatement Worker (Certified 8/15/90).
Abatement Worker Annual Review (Certified 8/15/90).
Contractor/Supervisor (Certified 8/15/90).
Contractor/Supervisor Annual Review (Certified 8/15/90).
Inspector/Management Planner (Certified 9/20/90).
Inspector/Management Planner Annual Review (Certified 9/20/90).

(iv)(a) *Training Provider:* Asbestos Abatement Training Center Inc.

Address: Route 1 Box 209, Lacon, IL 61540, Contact: Brian Kline, Phone: (309) 246-3183.

(b) *Approved Courses:*

Abatement Worker (Certified 8/22/90).
Abatement Worker Annual Review (Certified 8/22/90).
Contractor/Supervisor (Certified 8/22/90).
Contractor/Supervisor Annual Review (Certified 8/22/90).

(v)(a) *Training Provider:* Asbestos Professional Services, Inc.

Address: 501 North Second St., P.O. Box 364, Breese, IL 62230, Contact: Donald T. Anderson, Jr., Phone: (618) 526-2742.

(b) *Approved Courses:*

Abatement Worker (Certified 10/22/90).
Abatement Worker Annual Review (Certified 10/22/90).

(vi)(a) *Training Provider:* Asbestos Workers Local No. 1.

Address: 3325 Hollenberg Drive, St. Louis, MO 63044, Contact: James Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (Certified 11/1/90).
Abatement Worker Annual Review (Certified 11/1/90).
Contractor/Supervisor (Certified 11/1/90).
Contractor/Supervisor Annual Review (Certified 11/1/90).

(vii)(a) *Training Provider:* Auburn Environmental Services.

Address: 416 East Jefferson, Auburn, IL 62615, Contact: Linda Funk, Phone: (217) 438-6694.

(b) *Approved Course:*

Abatement Worker (Certified 10/18/90).

(viii)(a) *Training Provider:* Boelter Environmental Consultants.

Address: 1300 Higgins No. 301, Park Ridge, IL 60068, Contact: Linda Beechler, Phone: (708) 692-4700.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 3/25/91).
Inspector/Management Planner (Certified 3/25/91).

(ix)(a) *Training Provider:* Construction/General Labor of Chicago.

Address: 4 N 250 Old Gary Avenue, Cloverdale, IL 60103, Contact: Anthony Solano, Phone: (708) 323-8999.

(b) *Approved Courses:*

Abatement Worker (Certified 8/10/90).
Abatement Worker Annual Review (Certified 8/10/90).
Contractor/Supervisor (Certified 8/10/90).
Contractor/Supervisor Annual Review (Certified 9/18/90).

(x)(a) *Training Provider:* ESCOR, Inc.

Address: 629 Greenbay Road, Wilmette, IL 60091, Contact: R. Eric Zimmerman, Phone: (708) 256-6970.

(b) *Approved Courses:*

Abatement Worker (Certified 11/2/90).
Abatement Worker Annual Review (Certified 11/2/90).
Contractor/Supervisor (Certified 11/19/90).
Contractor/Supervisor Annual Review (Certified 11/19/90).
Inspector Annual Review (Certified 11/2/90).
Inspector/Management Planner (Certified 11/2/90).

(xi)(a) *Training Provider:* Emergency Medical Service Consults of America Emsc.

Address: 12125 S. 90th Avenue, Palos Park, IL 60464, Contact: Fred Debow, Phone: (707) 448-7500.

(b) *Approved Courses:*

Abatement Worker (Certified 9/6/90).
Abatement Worker Annual Review (Certified 9/6/90).

(xii)(a) *Training Provider:* Environment Technology of Fort Wayne.

Address: 9208 Hessen Cassel Rd., Fort Wayne, IN 46816, Contact: Randy Aumsbaugh, Phone: (219) 447-3141.

(b) *Approved Courses:*

Abatement Worker (Certified 12/27/90).
Abatement Worker Annual Review (Certified 12/27/90).

(xiii)(a) *Training Provider:* Environmental Group Service LTD (EGSL).

Address: 215 West Huron, Chicago, IL 60610, Contact: Vahooman Mirkaef, Phone: (312) 642-8434.

(b) *Approved Courses:*

Abatement Worker (Certified 5/14/90).
Abatement Worker Annual Review (Certified 5/14/90).
Contractor/Supervisor (Certified 5/14/90).
Contractor/Supervisor Annual Review (Certified 5/14/90).

(xiv)(a) *Training Provider:* Environmental Safety Training Services.

Address: 11802 Hanson Rd., Algonquin, IL 60102, Contact: Robert Sayre, Phone: (708) 658-5950.

(b) *Approved Courses:*

Abatement Worker (Certified 10/1/90).
Abatement Worker Annual Review (Certified 12/6/90).

(xv)(a) *Training Provider:* Environmental Science & Engineering, Inc.

Address: 8900 N. Industrial Rd., Peoria, IL 61615, Contact: Kirk Sweetland, Phone: (309) 692-4422.

(b) *Approved Courses:*

Abatement Worker (Certified 10/25/90).
Abatement Worker Annual Review (Certified 10/25/90).
Contractor/Supervisor (Certified 8/10/90).
Contractor/Supervisor Annual Review (Certified 8/10/90).

(xvi)(a) *Training Provider:* Environmental Training Center.

Address: 1988 Innerbelt Business Center Dr., St. Louis, MO 63114, Contact: Ronald Neislar, Phone: (314) 428-7020.

(b) *Approved Courses:*

Abatement Worker (Certified 9/26/90).
Abatement Worker Annual Review (Certified 9/26/90).
Contractor/Supervisor (Certified 9/26/90).
Contractor/Supervisor Annual Review (Certified 9/26/90).
Inspector (Certified 2/28/91).
Inspector Annual Review (Certified 2/28/91).

(xvii)(a) *Training Provider:* Georgia Tech Research Institute.

Address: GTRI/ESTL/ESB-29 O'Keef Building, Atlanta, GA 30332, Contact: Margaret Ojala, Phone: (404) 894-8078.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 11/8/90).
Contractor/Supervisor Annual Review (Certified 11/8/90).

(xviii)(a) *Training Provider:* Hazardous Material Training & Research.

Address: 306 West River Dr., Davenport, IA 52801, Contact: David Canine, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (Certified 11/7/90).
Contractor/Supervisor (Certified 2/26/91).

(xix)(a) *Training Provider:* Heat and Frost Insulators Local No. 17.

Address: 3850 Racine Avenue, Chicago, IL 60609, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/90).
Abatement Worker Annual Review (Certified 8/29/90).
Contractor/Supervisor (Certified 8/29/90).
Contractor/Supervisor Annual Review (Certified 8/29/90).

(xx)(a) *Training Provider:* Hinds Asbestos Consultant & Technical Services.

Address: 1037 South Fourth Street, Springfield, IL 62703, Contact: Patricia Elmore, Phone: (217) 789-7823.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 12/5/90).
Contractor/Supervisor Annual Review (Certified 12/5/90).

(xxi)(a) *Training Provider:* Hygienetics, Inc.

Address: 2200 Powell Street, Suite 800, Emeryville, CA 94608, Contact: Allison Roberts, Phone: (415) 547-3886.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 3/5/91).
Inspector/Management Planner (Certified 11/1/90).

(xxii)(a) *Training Provider:* I.P.C., Chicago, Inc.

Address: 4309 West Henderson, Chicago, IL 60641, Contact: Robert Cooley, Phone: (312) 718-7395.

(b) *Approved Courses:*

Abatement Worker (Certified 8/7/90).
Abatement Worker Annual Review (Certified 8/7/90).
Contractor/Supervisor (Certified 8/7/90).
Contractor/Supervisor Annual Review (Certified 8/7/90).

(xxiii)(a) *Training Provider:* IL Laborers & Contractors Training Program.

Address: R.R. 3, Mt Sterling, IL 62353, Contact: Anthony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (Certified 8/9/90).
Abatement Worker Annual Review (Certified 8/9/90).
Contractor/Supervisor (Certified 9/24/90).
Contractor/Supervisor Annual Review (Certified 10/31/90).

(xxiv)(a) *Training Provider:* Ideal & Associate Environmental Engineer Services, Inc.

Address: 1102 South Main St., Bloomington, IL 61702, Contact: James S. Langan, Phone: (309) 828-4259.

(b) *Approved Courses:*

Abatement Worker (Certified 6/15/90).
Abatement Worker Annual Review (Certified 6/15/90).
Contractor/Supervisor (Certified 6/15/90).
Contractor/Supervisor Annual Review (Certified 6/15/90).

(xxv)(a) *Training Provider:* Jenkens Professionals, Inc.

Address: 5042 Campbell Blvd., Suite D, Baltimore, MD 21236, Contact: Jeff McKnight, Phone: (301) 931-7588.

(b) *Approved Courses:*

Abatement Worker (Certified 1/28/91).
Abatement Worker Annual Review (Certified 1/28/91).
Contractor/Supervisor (Certified 1/28/91).

(xxvi)(a) *Training Provider:* Keter Environmental, Ltd.

Address: 699 Edgewood Avenue, Elmhurst, IL 60126, Contact: Phil Pekron, Phone: (708) 941-0201.

(b) *Approved Courses:*

Abatement Worker (Certified 9/28/90).
Abatement Worker Annual Review (Certified 9/28/90).
Contractor/Supervisor (Certified 9/28/90).
Contractor/Supervisor Annual Review (Certified 9/28/90).

(xxvii)(a) *Training Provider:* Local 101 Technical Training Center.

Address: 728 Broadway, Gary, IN 46402, Contact: Thomas Moore, Phone: (219) 885-0005.

(b) *Approved Courses:*

Abatement Worker (Certified 9/17/90).
Abatement Worker Annual Review (Certified 12/26/90).

(xxviii)(a) *Training Provider:* Mayhew Environmental Training Assoc.

Address: 901 Kentucky, Lawrence, KS 66044, Contact: Thomas Mayhew, Phone: (913) 842-6382.

(b) *Approved Courses:*

Abatement Worker (Certified 9/20/90).
Abatement Worker Annual Review (Certified 9/20/90).
Contractor/Supervisor (Certified 9/20/90).
Contractor/Supervisor Annual Review (Certified 9/20/90).
Inspector/Management Planner (Certified 1/29/91).
Inspector/Management Planner Annual Review (Certified 1/29/91).

(xxix)(a) *Training Provider:* McDowell Business Training Center.

Address: 1313 S. Michigan, 3rd Floor, Chicago, IL 60605, Contact: Edward McDowell, Phone: (312) 427-2598.

(b) *Approved Course:*

Abatement Worker (Certified 9/12/90).

(xxx)(a) *Training Provider:* Midwest Environmental & Industrial Health.

Address: 1440 W. Washington, Chicago, IL 60607, Contact: Steve Margevich, Phone: (312) 829-1277.

(b) *Approved Courses:*

Abatement Worker (Certified 7/30/90).
Abatement Worker Annual Review (Certified 7/30/90).
Contractor/Supervisor (Certified 7/30/90).
Contractor/Supervisor Annual Review (Certified 7/30/90).
Inspector/Management Planner (Certified 7/30/90).
Inspector/Management Planner Annual Review (Certified 7/30/90).
Project Designer (Certified 8/2/90).

(xxxi)(a) *Training Provider:* Midwest Institute of Asbestos.

Address: 4747 W. Peterson, Suite 101, Chicago, IL 60646, Contact: Bogdan Mucha, Phone: (312) 545-3222.

(b) *Approved Courses:*

Abatement Worker (Certified 10/17/90).
Abatement Worker Annual Review (Certified 10/17/90).

(xxxii)(a) *Training Provider:* Milwaukee Asbestos Information Center.

Address: 2224 S. Kinnickinnic, Milwaukee, WI 53207, Contact: Tom Ortell, Phone: (800) 848-3298.

(b) *Approved Courses:*

Abatement Worker (Certified 12/6/90).
Abatement Worker Annual Review (Certified 12/6/90).
Contractor/Supervisor (Certified 12/6/90).
Contractor/Supervisor Annual Review (Certified 12/6/90).
Project Designer (Certified 12/6/90).
Project Designer Annual Review (Certified 12/6/90).

(xxxiii)(a) *Training Provider:* Moraine Valley Community College.

Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Dale Luecht, Phone: (708) 974-5735.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/90).

Abatement Worker Annual Review (Certified 7/27/90).
Contractor/Supervisor (Certified 7/27/90).
Contractor/Supervisor Annual Review (Certified 8/8/90).
Inspector/Management Planner (Certified 8/8/90).
Inspector/Management Planner Annual Review (Certified 8/22/90).

(xxxiv)(a) *Training Provider:* National Asbestos Council.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tina Smith, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/2/91).
Abatement Worker Annual Review (Certified 1/2/91).

(xxxv)(a) *Training Provider:* National Asbestos Training Center.

Address: 6330 College Boulevard, Overland Park, KS 66211, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 1/29/91).
Contractor/Supervisor (Certified 1/29/91).
Contractor/Supervisor Annual Review (Certified 1/29/91).

(xxxvi)(a) *Training Provider:* Olive-Harvey College Skill Center.

Address: 10001 South Woodlawn Avenue, Chicago, IL 60628, Contact: Verondo Tucker, Phone: (312) 660-4841.

(b) *Approved Course:*

Abatement Worker (Certified 10/5/90).

(xxxvii)(a) *Training Provider:* Pat Services.

Address: 133 Hollywood Circle, Creve Coeur, IL 61611, Contact: Cheryl McGinnis, Phone: (309) 698-0703.

(b) *Approved Courses:*

Abatement Worker (Certified 11/21/90).
Abatement Worker Annual Review (Certified 11/21/90).
Contractor/Supervisor (Certified 11/21/90).
Contractor/Supervisor Annual Review (Certified 11/21/90).

(xxxviii)(a) *Training Provider:* Performance Systems, Inc.

Address: 4804 Oakwood Avenue, Downers Grove, IL 60515, Contact: John T. Gammuto, Phone: (708) 968-5959.

(b) *Approved Courses:*

Abatement Worker (Certified 11/21/90).
Abatement Worker Annual Review (Certified 3/11/91).

(xxxix)(a) *Training Provider:* Professional Service Industries Hall-Kimbrell.

Address: 75 Executive Drive, Suite 434, Aurora, IL 60504, Contact: Greg Corder, Phone: (708) 898-9414.

(b) *Approved Courses:*

Abatement Worker (Certified 8/3/90).
Abatement Worker Annual Review (Certified 8/9/90).
Contractor/Supervisor (Certified 8/3/90).
Contractor/Supervisor Annual Review (Certified 8/9/90).
Inspector/Management Planner (Certified 8/3/90).
Inspector/Management Planner Annual Review (Certified 8/16/90).

(xl)(a) *Training Provider:* Safer Foundation.

Address: 571 W. Jackson, Chicago, IL 60606, Contact: Eli Caliph, Phone: (312) 922-2200.

(b) *Approved Courses:*

Abatement Worker (Certified 8/17/90).
Abatement Worker Annual Review (Certified 8/17/90).

(xli)(a) *Training Provider:* Safety Training of Illinois.

Address: P.O. Box 11093, Springfield, IL 62791, Contact: Dave Farris, Phone: (217) 787-9091.

(b) *Approved Courses:*

Abatement Worker (Certified 7/31/90).
Abatement Worker Annual Review (Certified 7/31/90).

(xlii)(a) *Training Provider:* Schemel Asbestos Abatement Co.

Address: 104B North Jackson, Perryville, MO 63775, Contact: Claire E. Schemel, Phone: (314) 547-2558.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 12/4/90).
Contractor/Supervisor Annual Review (Certified 2/11/91).

(xliii)(a) *Training Provider:* Seagull Environmental Management.

Address: 903 NW 6th Avenue, Ft. Lauderdale, FL 33311, Contact: Mark Knick, Phone: (305) 524-7208.

(b) *Approved Course:*

Abatement Worker (Certified 3/6/91).

(xliv)(a) *Training Provider:* Summit Abatement Contracting, Inc.

Address: 7255 Tower Road, Battle Creek, MI 49017, Contact: Treina Norris, Phone: (616) 968-4242.

(b) *Approved Courses:*

Abatement Worker (Certified 10/19/90).
Abatement Worker Annual Review (Certified 10/19/90).
Contractor/Supervisor (Certified 10/19/90).
Contractor/Supervisor Annual Review (Certified 10/19/90).

(xlv)(a) *Training Provider:* The American Center for Educational Developement.

Address: 316 South Wabash Ave., Chicago, IL 60604, Contact: Francine F. Rossi, Phone: (312) 322-2233.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/90).
Abatement Worker Annual Review (Certified 7/27/90).
Contractor/Supervisor (Certified 7/27/90).
Contractor/Supervisor Annual Review (Certified 7/27/90).

(xlvi)(a) *Training Provider:* The Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank Barta, Phone: (708) 298-1200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/2/90).
Abatement Worker Annual Review (Certified 7/2/90).
Contractor/Supervisor (Certified 7/2/90).
Contractor/Supervisor Annual Review (Certified 7/2/90).

(xlvii)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Road, Suite 300, Marietta, GA 30067, Contact: Rachel McCain, Phone: (404) 425-2000.

(b) *Approved Courses:*

Abatement Worker (Certified 11/1/90).
Abatement Worker Annual Review (Certified 11/1/90).
Contractor/Supervisor (Certified 11/1/90).
Contractor/Supervisor Annual Review (Certified 11/1/90).

(xlviii)(a) *Training Provider:* The National Training Fund.

Address: 601 N. Fairfax Street, Suite 240, Alexandria, VA 22314, Contact: Gerald Olejniczak, Phone: (703) 793-7200.

(b) *Approved Courses:*

Abatement Worker (Certified 10/25/90).
Abatement Worker Annual Review (Certified 10/25/90).
Contractor/Supervisor (Certified 10/25/90).
Contractor/Supervisor Annual Review (Certified 10/25/90).

(xlix)(a) *Training Provider:* Total Environmental Air Management.

Address: 8016 A. Kolmar, Chicago, IL 60652, Contact: Louis Racila, Phone: (312) 582-9374.

(b) *Approved Courses:*

Abatement Worker (Certified 3/13/91).
Abatement Worker Annual Review (Certified 3/13/91).

(l)(a) *Training Provider:* United Brotherhood of Carpenters & Joiners UBC.

Address: 101 Constitution Avenue NW., Washington, DC 20001, Contact: Joseph Durst, Jr., Phone: (202) 546-6706.

(b) *Approved Courses:*

Abatement Worker (Certified 8/27/90).
Abatement Worker Annual Review (Certified 8/27/90).
Contractor/Supervisor (Certified 1/25/91).
Contractor/Supervisor Annual Review (Certified 1/25/91).

(li)(a) *Training Provider:* United Environmental System, Inc.

Address: 202 South State Street, Chicago, IL 60604, Contact: David Mizrahi, Phone: (312) 663-5693.

(b) *Approved Courses:*

Abatement Worker (Certified 8/23/90).
Abatement Worker Annual Review (Certified 8/23/90).
Contractor/Supervisor (Certified 8/23/90).
Contractor/Supervisor Annual Review (Certified 3/8/91).

(lii)(a) *Training Provider:* United Science Industries, Inc.

Address: 621 Ninth Street, Carlyle, IL 62231, Contact: Jay Koch, Phone: (618) 594-4023.

(b) *Approved Courses:*

Abatement Worker (Certified 9/19/90).
Abatement Worker Annual Review (Certified 9/19/90).
Contractor/Supervisor (Certified 9/19/90).
Contractor/Supervisor Annual Review (Certified 9/19/90).

(liii)(a) *Training Provider:* University of Cincinnatti, Department of Environmental Health.

Address: 3223 Eden Avenue ML-056, Cincinnatti, OH 45267, Contact: Judy Jarrell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Abatement Worker (Certified 10/15/90).
Abatement Worker Annual Review (Certified 10/15/90).
Contractor/Supervisor (Certified 10/15/90).
Contractor/Supervisor Annual Review (Certified 10/15/90).
Inspector/Management Planner (Certified 10/15/90).
Inspector/Management Planner Annual Review (Certified 10/15/90).

Indiana.

(8)(a) *State Agency:* Indiana Department of Environmental Management, Office of Air Management, Address: 105 South Meridian St., P.O. Box 6015, Indianapolis, IN 46206-6015, Contact: Debra Dubenetzky, Phone: (317) 232-8373.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/10/89).
Contractor/Supervisor (full from 11/10/89).
Inspector (full from 11/10/89).
Inspector/Management Planner (full from 11/10/89).
Project Designer (full from 11/10/89).

(i)(a) *Training Provider:* ATI Environmental Services.

Address: P.O. Box 3044, Louisville, KY 40201, Contact: Steve Chappars, Phone: (502) 589-5308.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/91).
Abatement Worker Annual Review (Certified 2/6/91).
Contractor/Supervisor (Certified 2/6/91).
Contractor/Supervisor Annual Review (Certified 2/18/91).

(ii)(a) *Training Provider:* Academy for Environmental Training Inc.

Address: 316 South State Avenue, Indianapolis, IN 46201, Contact: Anne Gress, Phone: (317) 269-3620.

(b) *Approved Courses:*

Abatement Worker (Certified 12/3/90).
Abatement Worker Annual Review (Certified 12/3/90).
Contractor/Supervisor (Certified 12/3/90).
Contractor/Supervisor Annual Review (Certified 12/12/90).

(iii)(a) *Training Provider:* American Electric Power Company.

Address: One Summit Square, P.O. Box 60, Fort Wayne, IN 43215, Contact: Barry A. Smith, Phone: (219) 425-2392.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/91).
Contractor/Supervisor (Certified 2/25/91).

(iv)(a) *Training Provider:* Asbestos Workers Council.

Address: 1216 East McMillan St., Cincinnati, OH 45206, Contact: Larry Briley, Phone: (513) 461-1512.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/91).
Abatement Worker Annual Review (Certified 3/5/91).

(v)(a) *Training Provider:* CRU Incorporated.

Address: 13029 Middletown Industrial Boulevard, Louusville, KY 40223, Contact: William Ringo, Phone: (502) 244-8844.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 2/26/91).
Contractor/Supervisor Annual Review (Certified 2/26/91).
Inspector/Management Planner Annual Review (Certified 2/26/91).

(vi)(a) *Training Provider:* Environment Technology of Fort Wayne.

Address: P.O. Box 6153, Fort Wayne, IN 46896, Contact: Randy Aumsbaugh, Phone: (219) 749-5150.

(b) *Approved Courses:*

Abatement Worker (Certified 11/6/90).
Abatement Worker Annual Review (Certified 11/6/90).

(vii)(a) *Training Provider:* Environmental Management Consultants, Inc.

Address: 427 Main St., Evansville, IN 47708, Contact: Barbara Kramer, Phone: (812) 424-7768.

(b) *Approved Courses:*

Abatement Worker (Certified 3/8/91).
Abatement Worker Annual Review (Certified 3/8/91).
Contractor/Supervisor (Certified 3/27/91).
Contractor/Supervisor Annual Review (Certified 3/27/91).

(viii)(a) *Training Provider:* Environmental Management Institute, Inc.

Address: 5610 Crawfordsville Rd., Suite 15, Indianapolis, IN 46224, Contact: Jack Leonard, Phone: (317) 248-4848.

(b) *Approved Courses:*

Abatement Worker (Certified 1/23/91).
Abatement Worker Annual Review (Certified 10/19/90).
Contractor/Supervisor (Certified 1/23/91).
Contractor/Supervisor Annual Review (Certified 10/19/90).
Inspector/Management Planner (Certified 10/26/90).
Inspector/Management Planner Annual Review (Certified 1/23/91).
Project Designer Annual Review (Certified 2/26/91).

(ix)(a) *Training Provider:* Environmental Safety Training Services Inc.

Address: 11802 Hanson Road, Algonquin, IL 60102, Contact: Robert Sayre, Phone: (708) 658-5950.

(b) *Approved Course:*

Abatement Worker (Certified 10/23/90).

(x)(a) *Training Provider:* Environmental Training Institute.

Address: 4708 Angold Rd., Toledo, OH 43615, Contact: Jay Burzynski, Phone: (419) 382-9200.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/91).
Abatement Worker Annual Review (Certified 2/6/91).

(xi)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 17 Apprentice Training Center.

Address: 3850 South Racine Ave., Chicago, IL 60600, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/91).
Abatement Worker Annual Review (Certified 2/6/91).
Contractor/Supervisor (Certified 2/6/91).
Contractor/Supervisor Annual Review (Certified 2/6/91).

(xii)(a) *Training Provider:* Indiana Laborers' Training Trust Fund.

Address: P.O. Box 758, Bedford, IN 47421, Contact: Richard Fassino, Phone: (812) 279-9751.

(b) *Approved Courses:*

Abatement Worker (Certified 10/1/90).
Abatement Worker Annual Review (Certified 10/1/90).
Contractor/Supervisor (Certified 10/1/90).
Contractor/Supervisor Annual Review (Certified 10/1/90).

(xiii)(a) *Training Provider:* Industrial Enviornmental Consultants.

Address: 2875 Northwind, Suite 113, East Lansing, MI 48823, Contact: Michael R. Tillotson, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/91).
Contractor/Supervisor (Certified 2/6/91).

(xiv)(a) *Training Provider:* Keter Environmental, Inc.

Address: 18029 Dixie Highway, Homewood, IL 60429, Contact: Phil Pekron, Phone: (708) 206-1122.

(b) *Approved Courses:*

Abatement Worker (Certified 1/28/91).
Abatement Worker Annual Review (Certified 1/28/91).
Contractor/Supervisor (Certified 1/28/91).
Contractor/Supervisor Annual Review (Certified 1/28/91).
Inspector (Certified 3/28/91).

(xv)(a) *Training Provider:* Moraine Valley Community College.

Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Dale Luecht, Phone: (708) 974-5415.

(b) *Approved Courses:*

Abatement Worker (Certified 3/4/91).
Inspector (Certified 3/4/91).

(xvi)(a) *Training Provider:* PSI/Hall Kimbrell.

Address: 75 Executive Drive., Suite 434, Aurora, IL 60504, Contact: Greg Corder, Phone: (708) 898-9414.

(b) *Approved Courses:*

Abatement Worker (Certified 2/26/91).
Abatement Worker Annual Review (Certified 3/18/91).
Contractor/Supervisor (Certified 2/26/91).
Contractor/Supervisor Annual Review (Certified 2/26/91).

(xvii)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Road, Marietta, GA 30067, Contact: Rachel McCain, Phone: (404) 425-2000.

(b) *Approved Courses:*

Contractor/Supervisor Annual Review (Certified 2/26/91).
Inspector/Management Planner Annual Review (Certified 3/28/91).

(xviii)(a) *Training Provider:* The Environmental Training Center.

Address: 607 Shepherd Drive, Unit 7, Cincinnati, OH 45215, Contact: Robert E. Robb Jr., Phone: (513) 563-2828.

(b) *Approved Course:*

Project Designer (Certified 3/5/91).

(xix)(a) *Training Provider:* The National Training Fund for the Sheet Metal & Air Conditioning Industry.

Address: 601 North Fairfax St., Suite 240, Alexandria, VA 22314, Contact: Gerald Olejniczak, Phone: (703) 739-7200.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/91).
Abatement Worker Annual Review (Certified 3/5/91).
Contractor/Supervisor (Certified 3/5/91).
Contractor/Supervisor Annual Review (Certified 3/5/91).

(xx)(a) *Training Provider:* University of Cincinnati Medical Center Department of Environmental Health.

Address: 3223 Eden Ave. ML056, Cincinnati, OH 45267, Contact: Judy L. Jarrell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 2/18/91).
Contractor/Supervisor Annual Review (Certified 2/18/91).
Inspector/Management Planner (Certified 2/18/91).
Inspector/Management Planner Annual Review (Certified 2/18/91).
Project Designer (Certified 2/18/91).
Project Designer Annual Review (Certified 2/18/91).

(xxi)(a) *Training Provider:* Walker & Ward, Inc.

Address: 2803-B North St., Joseph Ave., Evansville, IN 47720, Contact: Roger Ward, Phone: (812) 421-1900.

(b) *Approved Courses:*

Abatement Worker (Certified 2/1/91).
Contractor/Supervisor (Certified 2/1/91).

Iowa.

(9)(a) *State Agency:* Iowa Dept. of Education School Facilities Administration & Accreditation,

Address: Grimes State Office Bldg., Des Moines, IA 50319-0146, Contact: C. Milton Wilson, Phone: (515) 281-4743.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/30/87).
Contractor/Supervisor (full from 11/30/87).
Inspector (full from 11/30/87).
Inspector/Management Planner (full from 11/30/87).
Project Designer (full from 11/30/87).

(i)(a) *Training Provider:* Advanced Technologies Corp.

Address: P.O. Box 902, Cedar Falls, IA 50613, Contact: Michael L. Llewellyn, Phone: (319) 266-7524.

(b) *Approved Course:*

Contractor/Supervisor (Certified 7/15/90).

(ii)(a) *Training Provider:* Ames Environmental, Inc.

Address: 3910 Lincoln Way, Ames, IA 50010, Contact: Ann Fairchild, Phone: (515) 292-3400.

(b) *Approved Courses:*

Abatement Worker (Certified 1/18/90).
Abatement Worker Annual Review (Certified 1/18/90).
Inspector Annual Review (Certified 12/8/89).

(iii)(a) *Training Provider:* Iowa Electric Light & Power.

Address: Duane Arnold Nuclear Energy Center, 3363 DEAC Rd., Palo, IA 52324, Contact: Robert Tucker, Phone: (319) 851-7574.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/1/89).

(iv)(a) *Training Provider:* Iowa Environmental Services, Inc.

Address: 820 First St., Suite 200, West Des Moines, IA 50365, Contact: Glenn Soyer, Phone: (515) 279-8042.

(b) *Approved Courses:*

Abatement Worker (Certified 3/27/89).
Contractor/Supervisor (Certified 10/1/89).

(v)(a) *Training Provider:* Iowa Illinois Thermal Insulation Inc.

Address: P.O. Box 931, Davenport, IA 52805-0931, Contact: Richard H. Knauss, Phone: (319) 324-0685.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/89).

Contractor/Supervisor Annual Review (Certified 1/27/90).

(vi)(a) *Training Provider:* M & W Environmental Consultants, Inc.

Address: RR No. 1 Wells Dr., Canton, IA 61520, Contact: Vahooman Mirkhaef, Phone: (800) 445-8745.

(b) *Approved Course:*

Inspector/Management Planner (Certified 10/1/89).

(vii)(a) *Training Provider:* Wisconsin Asbestos Advisory Team, Inc.

Address: 9402 N. Lakeshore Drive, Van Dyne, WI 54979, Contact: Robert P. LaPoint, Phone: (414) 922-8110.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 7/15/90).

Contractor/Supervisor Annual Review (Certified 7/15/90).

Kansas.

(10)(a) *State Agency:* Kansas Dept. of Health and Environment Asbestos Control Section, Address: Forbes Field Building 740, Topeka, KS 66620-7430, Contact: Gary Miller, Phone: (913) 296-1547.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 11/6/86).*

Abatement Worker (full from 12/16/87).*

Contractor/Supervisor (interim from 11/6/86).

Contractor/Supervisor (full from 12/16/87).

Maine.

(11)(a) *State Agency:* State of Maine Department of Environmental Protection, Address: State House Station No. 17, Augusta, ME 04333, Contact: Ed Antz, Phone: (207) 582-8740.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/5/90).

Contractor/Supervisor (full from 11/5/90).

Inspector (full from 11/5/90).

Inspector/Management Planner (full from 11/5/90).

Project Designer (full from 11/5/90).

(i)(a) *Training Provider:* Balsam Environmental Consultants.

Address: 5 Industrial Way, Salem, NH 03079, Contact: Douglas Lawson, Phone: (603) 893-0616.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 12/3/90).

Project Designer (Certified 12/3/90).

(ii)(a) *Training Provider:* Maine Labor Group on Health.

Address: P.O. Box V, Augusta, ME 04330, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*

Abatement Worker (Certified 12/3/90).

Abatement Worker Annual Review (Certified 12/3/90).

Contractor/Supervisor (Certified 12/3/90).

Contractor/Supervisor Annual Review (Certified 12/3/90).

(iii)(a) *Training Provider:* National Asbestos Council.

Address: c/o MACC, P.O. Box 1568, 416 Lewiston Jct. Road, Auburn, ME 04210, Contact: Ron Tillson, Phone: (207) 783-4260.

(b) *Approved Courses:*

Abatement Worker (Certified 12/3/90).

Abatement Worker Annual Review (Certified 12/3/90).

(iv)(a) *Training Provider:* Northeast Test Consultants.

Address: 587 Spring Street, Westbrook, ME 04092, Contact: Tom Sukeforth, Phone: (207) 854-3939.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/3/90).

Contractor/Supervisor Annual Review (Certified 12/3/90).

Massachusetts.

(12)(a) *State Agency:* Massachusetts Dept. of Labor & Industries; Division of Occupational Hygiene, Address: 1001 Watertown St., West Newton, MA 02165, Contact: Patricia Circone, Phone: (617) 727-3983.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/30/87).

Contractor/Supervisor (full from 10/30/87).

Inspector (full from 10/30/87).

Inspector/Management Planner (full from 10/30/87).

Project Designer (full from 10/30/87).

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (Certified 7/31/90).

Abatement Worker Annual Review (Certified 7/31/90).

Contractor/Supervisor (Certified 5/4/88).

Contractor/Supervisor Annual Review (Certified 5/4/89).

(ii)(a) *Training Provider:* Abatement Technical Corporation c/o Ecosystems, Inc.

Address: 5 North Meadow Rd., Medfield, MA 02052, Contact: Joseph C. Mohen, Phone: (609) 692-0883.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88 to 4/28/89 **only**).

Contractor/Supervisor (Certified 4/28/88 to 4/28/89 **only**).

Inspector/Management Planner (Certified 4/28/88 to 4/28/89 **only**).

(iii)(a) *Training Provider:* Asbestos Workers Union Local 43.

Address: 1053 Burts Pit Rd., Northampton, MA 01000, Contact: John Charest, Jr., Phone: (413) 584-0028.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 4/27/90).

Contractor/Supervisor Annual Review (Certified 4/27/90).

(iv)(a) *Training Provider:* Asbestos Workers Union Local No.06.

Address: 56 Rolland St., Boston, MA 02129, Contact: James P. McCourt, Phone: (617) 387-2679.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/88).

Abatement Worker Annual Review (Certified 4/25/89).

Contractor/Supervisor (Certified 4/25/88).

Contractor/Supervisor Annual Review (Certified 4/25/89).

(v)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary Dipaolo, Phone: (718) 387-0011.

(b) *Approved Course:*

Abatement Worker (Certified 4/8/88 to 4/8/89 **only**).

(vi)(a) *Training Provider:* Astral Environmental Assoc.

Address: 3 Adams Lane, Westford, MA 01886, Contact: Dorothy Young, Phone: (508) 692-2070.

(b) *Approved Courses:*

Abatement Worker (Certified 6/5/89).

Abatement Worker Annual Review (Certified 7/13/89).

Contractor/Supervisor (Certified 7/13/89).

Contractor/Supervisor Annual Review (Certified 7/13/89).

(vii)(a) *Training Provider:* BCM Engineering.

Address: 12 Alfred St., Suite 300, Woburn, MA 01801, Contact: Pam Evans, Phone: (617) 935-7080.

* Applies only to workers who have taken the Kansas Contractor/Supervisor course and passed the State's worker exam.

(b) *Approved Courses:*
Abatement Worker (Certified 4/28/88).
Inspector/Management Planner (Certified 4/28/88).
Project Designer (Certified 4/28/88).

(viii)(a) *Training Provider:* BFI/Stevens.
Address: 777 N Eldridge, Suite 650, Houston, TX 77079, Contact: James G. Cole, Phone: (713) 870-9666.

(b) *Approved Courses:*
Abatement Worker (Certified 9/6/90).
Abatement Worker Annual Review (Certified 9/6/90).

(ix)(a) *Training Provider:* Balsm Environmental Consultants.
Address: 59 Stiles Rd., Salem, NH 03079, Contact: Dougles Lawson, Phone: (603) 893-0616.

(b) *Approved Courses:*
Inspector/Management Planner (Certified 3/1/90).
Inspector/Management Planner Annual Review (Certified 3/1/90).
Project Designer (Certified 3/1/90).
Project Designer Annual Review (Certified 3/1/90).

(x)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.
Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses:*
Abatement Worker (Certified 9/26/88).
Abatement Worker Annual Review (Certified 9/26/88).
Contractor/Supervisor (Certified 9/26/88).
Contractor/Supervisor Annual Review (Certified 9/26/88).
Inspector/Management Planner (Certified 9/26/88).
Inspector/Management Planner Annual Review (Certified 9/26/88).
Project Designer (Certified 9/26/88).

(xi)(a) *Training Provider:* Community College of Rhode Island.
Address: 1762 Louisquisset Pike, Lincoln, RI 02865, Contact: Richard Tessier, Phone: (401) 333-7060.

(b) *Approved Courses:*
Contractor/Supervisor (Certified 7/30/90).
Contractor/Supervisor Annual Review (Certified 2/5/90).
Inspector/Management Planner (Certified 7/30/90).
Inspector/Management Planner Annual Review (Certified 8/3/89).

(xii)(a) *Training Provider:* Con-Test, Inc.
Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Boldjuc, Phone: (413) 525-1198.

(b) *Approved Courses:*
Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/88).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 2/25/89).
Project Designer (Certified 2/25/88).
Project Designer Annual Review (Certified 2/25/88).

(xiii)(a) *Training Provider:* Dennison Environmental, Inc.
Address: 35 Industrial Hwy., Woburn, MA 01880, Contact: Joan Ryan, Phone: (617) 932-9400.

(b) *Approved Courses:*
Abatement Worker (Certified 4/8/88).
Abatement Worker Annual Review (Certified 4/8/89).
Contractor/Supervisor (Certified 4/8/88).
Contractor/Supervisor Annual Review (Certified 4/8/89).
Inspector (Certified 4/8/88).
Inspector/Management Planner Annual Review (Certified 4/8/89).

(xiv)(a) *Training Provider:* ESTRI.
Address: 55 Ferncraft Rd., Suite 201, Danvers, MA 01923, Contact: Martin Leavitt, Phone: (508) 777-8789.

(b) *Approved Courses:*
Abatement Worker (Certified 7/17/89).
Abatement Worker Annual Review (Certified 7/17/89).
Contractor/Supervisor (Certified 7/17/89).
Contractor/Supervisor Annual Review (Certified 7/17/89).
Inspector/Management Planner (Certified 9/12/89).
Inspector/Management Planner Annual Review (Certified 9/12/89).

(xv)(a) *Training Provider:* EcoSystems, Inc.
Address: 2 Deerwood Rd., Westport, CT 06880, Contact: Richard Doyle, Phone: (203) 226-4421.

(b) *Approved Courses:*
Abatement Worker (Certified 6/13/89).
Contractor/Supervisor (Certified 6/13/89).

(xvi)(a) *Training Provider:* Enviromed Services.
Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 786-5580.

(b) *Approved Courses:*
Abatement Worker (Certified 10/16/89).
Contractor/Supervisor (Certified 10/16/89).
Contractor/Supervisor Annual Review (Certified 10/16/89).

(xvii)(a) *Training Provider:* Environmental Training Corp.
Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Ann Folta, Phone: (413) 589-1882.

(b) *Approved Courses:*
Abatement Worker (Certified 8/5/88).
Abatement Worker Annual Review (Certified 8/5/89).
Contractor/Supervisor (Certified 8/5/88).
Contractor/Supervisor Annual Review (Certified 8/5/89).

(xviii)(a) *Training Provider:* Environmental Training Services.
Address: 62 - H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Courses:*
Abatement Worker (Certified 4/8/88).
Abatement Worker Annual Review (Certified 4/8/89).
Contractor/Supervisor (Certified 4/8/88).
Contractor/Supervisor Annual Review (Certified 4/8/89).

(xix)(a) *Training Provider:* GSX Northeast Solvents Inc.
Address: 221 Sutton St., N. Audover, MA 01845, Contact: Cynthia Whaler, Phone: (508) 683-1002.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 4/17/90).
Contractor/Supervisor Annual Review (Certified 4/17/90).

(xx)(a) *Training Provider:* General Physics Corp.
Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andy Marsh, Phone: (301) 290-2300.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 9/6/88).
Contractor/Supervisor (Certified 9/6/88).
Contractor/Supervisor Annual Review (Certified 9/6/88).

(xxi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.
Address: P.O. Box 307, Lawrence, KS 66046, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses:*
Abatement Worker (Certified 4/25/88).
Abatement Worker Annual Review (Certified 4/25/88).
Contractor/Supervisor (Certified 4/25/88).
Contractor/Supervisor Annual Review (Certified 4/25/88).
Inspector/Management Planner (Certified 4/25/88).

Inspector/Management Planner Annual Review (Certified 4/25/88).
Project Designer (Certified 4/25/88).
Project Designer Annual Review (Certified 4/25/88).

(xxii)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: William A. Burgess, Phone: (617) 732-1171.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 2/25/88).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 5/25/89).
Project Designer (Certified 2/25/88).
Project Designer Annual Review (Certified 5/25/89).

(xxiii)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: David Kaplan, Phone: (617) 890-4999.

(b) *Approved Courses:*

Abatement Worker (Certified 8/5/88).
Abatement Worker Annual Review (Certified 10/31/89).
Contractor/Supervisor (Certified 8/5/88).
Contractor/Supervisor Annual Review (Certified 10/31/89).
Inspector/Management Planner (Certified 3/23/90).
Inspector/Management Planner Annual Review (Certified 3/23/90).

(xxiv)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Marybeth Carver, Phone: (617) 723-4664.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/89).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/89).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/89).
Inspector/Management Planner Annual Review (Certified 2/25/89).
Project Designer Annual Review (Certified 3/4/91).

(xxv)(a) *Training Provider:* Institute for Environmental Education.

Address: 500 West Cummings Pk., Suite 3650, Woburn, MA 01801, Contact: Starla L. Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).
Abatement Worker Annual Review (Certified 5/26/89).
Contractor/Supervisor (Certified 4/28/88).
Contractor/Supervisor Annual Review (Certified 5/26/89).
Inspector/Management Planner (Certified 4/28/88).
Inspector/Management Planner Annual Review (Certified 5/26/89).
Project Designer (Certified 4/28/88).
Project Designer Annual Review (Certified 4/28/88).

(xxvi)(a) *Training Provider:* JF Walton & Co.

Address: 201 Marginal St., P.O. Box 6120, Chelsea, MA 02150, Contact: James O'Connor, Phone: (617) 884-0350.

(b) *Approved Courses:*

Abatement Worker (Certified 3/28/88).
Abatement Worker Annual Review (Certified 3/28/89).

(xxvii)(a) *Training Provider:* Kaselaan & D'Angelo Associates.

Address: 500 Victory Rd., Suite 270, North Quincy, MA 02171, Contact: Paul Heffernan, Phone: (617) 472-1330.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/88).
Contractor/Supervisor Annual Review (Certified 2/25/89).
Inspector/Management Planner (Certified 2/25/88).
Inspector/Management Planner Annual Review (Certified 2/25/89).

(xxviii)(a) *Training Provider:* Metcalf and Eddy Services Inc.

Address: 30 Harvard Mill Square, Wakefield, MA 01880, Contact: Gary Rodriques, Phone: (508) 777-8789.

(b) *Approved Courses:*

Abatement Worker (Certified 10/23/90).
Abatement Worker Annual Review (Certified 10/23/90).
Contractor/Supervisor (Certified 10/23/90).
Contractor/Supervisor Annual Review (Certified 10/23/90).
Inspector/Management Planner (Certified 10/23/90).
Inspector/Management Planner Annual Review (Certified 10/23/90).

(xxix)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/89).
Abatement Worker Annual Review (Certified 2/2/90).
Contractor/Supervisor (Certified 1/11/89).
Contractor/Supervisor Annual Review (Certified 1/11/89).
Inspector/Management Planner (Certified 2/2/90).
Inspector/Management Planner Annual Review (Certified 2/2/90).

(xxx)(a) *Training Provider:* National Asbestos Training Center of Kansas.

Address: 6600 College Blvd., Overland Park, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/88).
Abatement Worker Annual Review (Certified 5/20/89).
Contractor/Supervisor (Certified 5/20/88).
Contractor/Supervisor Annual Review (Certified 5/20/89).

(xxxi)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/88).
Contractor/Supervisor (Certified 5/10/88).
Contractor/Supervisor Annual Review (Certified 5/10/89).

(xxxii)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 2/25/88).
Abatement Worker Annual Review (Certified 2/25/89).
Contractor/Supervisor (Certified 2/25/89).
Contractor/Supervisor Annual Review (Certified 8/8/89).

(xxxiii)(a) *Training Provider:* Northern Asbestos Abatement Co.

Address: 757 A Turnpike St., North Andover, MA 01845, Contact: J. William Vitta, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 3/18/89 to 4/15/89 only).
Abatement Worker Annual Review (Certified 3/18/89 to 4/15/89 only).
Contractor/Supervisor (Certified 3/18/89 to 4/15/89 only).
Contractor/Supervisor Annual Review (Certified 3/18/89 to 4/15/89 only).

(xxxiv)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 1304 Buckley Rd., Syracuse, NY 13221, Contact: Edwin Tifft, Phone: (315) 451-4700.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 11/7/88).
Project Designer (Certified 11/7/88).

(xxxv)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/6/88).
Abatement Worker Annual Review (Certified 5/16/89).
Contractor/Supervisor (Certified 5/6/88).
Contractor/Supervisor Annual Review (Certified 5/16/89).

(xxxvi)(a) *Training Provider:* Safety Council of Western Massachusetts.

Address: 90 Berkshire Ave., Springfield, MA 01109, Contact: Tate Berkan, Phone: (413) 737-7908.

(b) *Approved Courses:*

Abatement Worker (Certified 6/21/88).
Abatement Worker Annual Review (Certified 6/21/89).

(xxxvii)(a) *Training Provider:* Seagull/Acts.

Address: 903 NW 6th Ave., Ft Lauderdale, FL 33311, Contact: James Stump, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (Certified 12/10/90).
Abatement Worker Annual Review (Certified 12/10/90).
Contractor/Supervisor (Certified 12/10/90).
Contractor/Supervisor Annual Review (Certified 12/10/90).

(xxxviii)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Bill Ewing, Phone: (404) 425-2000.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/28/88).
Contractor/Supervisor Annual Review (Certified 10/28/88).
Inspector/Management Planner (Certified 10/28/88).
Project Designer (Certified 10/28/88).

(xxxix)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Anne Chabot, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 3/16/88).
Abatement Worker Annual Review (Certified 3/16/89).
Contractor/Supervisor (Certified 3/16/88).
Contractor/Supervisor Annual Review (Certified 3/16/89).
Inspector/Management Planner (Certified 3/16/88).
Inspector/Management Planner Annual Review (Certified 3/16/89).
Project Designer (Certified 3/16/88).
Project Designer Annual Review (Certified 3/16/89).

(xl)(a) *Training Provider:* United Environmental Systems.

Address: 35 W 35th St., 3rd Floor, New York, NY 10001, Contact: Holly Tate, Phone: (215) 923-5441.

(b) *Approved Courses:*

Abatement Worker (Certified 10/12/90).
Abatement Worker Annual Review (Certified 10/12/90).
Contractor/Supervisor (Certified 10/12/90).

(xli)(a) *Training Provider:* University of Massachusetts Environmental Health & Safety.

Address: N. 414 Morrill Science Center, Amherst, MA 01003, Contact: Al Soreuseu, Phone: (413) 545-2682.

(b) *Approved Course:*

Abatement Worker Annual Review (Certified 10/3/89).

(xlii)(a) *Training Provider:* Weston-Atc, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Ron Thompson, Phone: (205) 826-6100.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/25/89).
Contractor/Supervisor Annual Review (Certified 5/25/89).
Inspector/Management Planner (Certified 5/25/89).
Inspector/Management Planner Annual Review (Certified 5/25/89).
Project Designer (Certified 5/25/89).
Project Designer Annual Review (Certified 5/25/89).

(xliii)(a) *Training Provider:* Young Sales Corp.

Address: 1054 Central Industrial Drive, St. Louis, MO 63110, Contact: W. Todd McCane, Phone: (314) 771-3080.

(b) *Approved Course:*

Abatement Worker (Certified 6/13/89).

Michigan.

(13)(a) *State Agency:* State of Michigan Dept. of Public Health,
Address: 3500 North Logan, P.O. Box 30035, Lansing, MI 48909, Contact: Bill DeLiefde, Phone: (517) 335-8186.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/13/89).
Contractor/Supervisor (full from 4/13/89).
Inspector (full from 4/13/89).
Inspector/Management Planner (full from 4/13/89).
Project Designer (full from 4/13/89).

(i)(a) *Training Provider:* Aerospace America, Inc.

Address: P.O. Box 146, Bay City, MI 48707, Contact: Joseph P. Goldring, Phone: (517) 684-2121.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/90).
Abatement Worker Annual Review (Certified 4/26/90).
Contractor/Supervisor (Certified 1/31/91).
Contractor/Supervisor Annual Review (Certified 4/26/90).

(ii)(a) *Training Provider:* Alderink & Associates, Inc.

Address: 3221 3 Miles Rd., NW., Grand Rapids, MI 49504, Contact: David Lutheuhoff, Phone: (616) 791-0730.

(b) *Approved Courses:*

Abatement Worker (Certified 11/28/89).
Abatement Worker Annual Review (Certified 11/28/89).
Contractor/Supervisor (Certified 11/28/89).
Contractor/Supervisor Annual Review (Certified 11/28/89).

(iii)(a) *Training Provider:* Asbestos Management, Inc.

Address: 36700 S. Huron Rd., New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Abatement Worker Annual Review (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).
Contractor/Supervisor Annual Review (Certified 12/20/89).
Inspector/Management Planner (Certified 12/20/89).
Inspector/Management Planner Annual Review (Certified 12/20/89).

(iv)(a) *Training Provider:* Asbestos Services Inc.

Address: 9028 Hills Rd., Baroda, MI 49101, Contact: Dennis W Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (Certified 1/11/90).
Abatement Worker Annual Review (Certified 1/11/90).
Contractor/Supervisor (Certified 1/11/90).
Contractor/Supervisor Annual Review (Certified 1/11/90).

(v)(a) *Training Provider:* Asbestos Workers Local 25.

Address: 29200 Vasser, Livonia, MI 48152, Contact: Dan A. Somenauer, Phone: (313) 471-1007.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).

Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 7/12/90).
Contractor/Supervisor Annual Review (Certified 7/12/90).

(vi)(a) *Training Provider:* Asbestos Workers Local 47.

Address: 8735 O' Hern, Saginaw, MI 48603, Contact: Greg Revard, Phone: (517) 781-1627.

(b) *Approved Courses:*

Abatement Worker (Certified 3/20/90).
Abatement Worker Annual Review (Certified 3/20/90).

(vii)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Ln., Portage, MI 49002, Contact: Brent Bassett, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (Certified 11/13/89).
Abatement Worker Annual Review (Certified 11/13/89).
Contractor/Supervisor (Certified 11/13/89).
Contractor/Supervisor Annual Review (Certified 11/13/89).
Inspector/Management Planner (Certified 12/14/89).
Inspector/Management Planner Annual Review (Certified 4/24/90).
Project Designer Annual Review (Certified 11/21/90).

(viii)(a) *Training Provider:* Barton Associates.

Address: 1265 Westport Rd., Ann Arbor, MI 48103, Contact: Sara Bassett, Phone: (313) 665-3681.

(b) *Approved Courses:*

Abatement Worker (Certified 1/19/90).
Abatement Worker Annual Review (Certified 4/5/90).
Contractor/Supervisor (Certified 9/18/89).
Contractor/Supervisor Annual Review (Certified 4/5/90).

(ix)(a) *Training Provider:* Bierlein Demolition.

Address: 2903 S. Graham Rd., Saginaw, MI 48603, Contact: Ramond E. Passeno, Phone: (517) 781-1810.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/89).

(x)(a) *Training Provider:* Burdco Environmental, Inc.

Address: P.O. Box 52638, Livonia, MI 48150, Contact: Van S. Mauzy, Phone: (313) 462-9490.

(b) *Approved Courses:*

Abatement Worker (Certified 2/5/91).
Abatement Worker Annual Review (Certified 2/5/91).
Contractor/Supervisor Annual Review (Certified 2/5/91).

(xi)(a) *Training Provider:* Clayton Environmental Conslt.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Charlotte Heideman, Phone: (313) 344-1770.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 2/9/90).
Inspector/Management Planner Annual Review (Certified 1/9/90).

(xii)(a) *Training Provider:* Clean Air Management, Inc.

Address: 39319 Plymouth Rd., Livonia, MI 48150, Contact: James Kukalis, Phone: (313) 462-0800.

(b) *Approved Courses:*

Abatement Worker (Certified 5/29/90).
Contractor/Supervisor (Certified 5/29/90).

(xiii)(a) *Training Provider:* DeLisle Associates, LTD.

Address: 8225 Moorsbridge Rd., Portage, MI 49002, Contact: Mark DeLisle, Phone: (616) 327-8225.

(b) *Approved Courses:*

Abatement Worker (Certified 12/12/89).
Abatement Worker Annual Review (Certified 12/12/89).
Contractor/Supervisor (Certified 12/12/89).
Contractor/Supervisor Annual Review (Certified 12/12/89).
Inspector/Management Planner (Certified 12/12/89).
Inspector/Management Planner Annual Review (Certified 12/12/89).

(xiv)(a) *Training Provider:* EMU Corporate Services.

Address: 3075 Washtenaw Ave., Ypsilanti, MI 48197, Contact: Bertrand Ramsay, Phone: (313) 487-2259.

(b) *Approved Courses:*

Abatement Worker (Certified 1/5/90).
Abatement Worker Annual Review (Certified 11/1/89).
Contractor/Supervisor (Certified 1/5/90).
Contractor/Supervisor Annual Review (Certified 1/5/90).
Inspector/Management Planner (Certified 1/5/90).
Inspector/Management Planner Annual Review (Certified 1/5/90).

(xv)(a) *Training Provider:* ENTELA Engineering Service.

Address: 4020 W. River Dr., Comstock Park, MI 49321, Contact: Bruce H. Connell, Phone: (616) 784-7774.

(b) *Approved Courses:*

Abatement Worker (Certified 9/26/89).
Abatement Worker Annual Review (Certified 12/14/89).
Contractor/Supervisor (Certified 9/26/89).
Contractor/Supervisor Annual Review (Certified 12/14/89).

(xvi)(a) *Training Provider:* Environmental & Occupational, Consulting & Training.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-6085.

(b) *Approved Courses:*

Abatement Worker (Certified 11/14/89).
Abatement Worker Annual Review (Certified 11/14/89).
Contractor/Supervisor (Certified 11/14/89).
Contractor/Supervisor Annual Review (Certified 11/14/89).

(xvii)(a) *Training Provider:* Environmental Abatement System.

Address: 2727 Second Ave, Suite G-13, Detroit, MI 48201, Contact: Farrell Davis, Phone: (313) 961-6910.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 4/25/90).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(xviii)(a) *Training Provider:* Environmental Diversified Service.

Address: 24356 Sherwood, Centerline, MI 48015, Contact: Michael D. Berg, Phone: (313) 757-4800.

(b) *Approved Course:*

Abatement Worker (Certified 6/13/90).

(xix)(a) *Training Provider:* Fibertec Inc.

Address: 700 Abbott Rd., East Lansing, MI 48823, Contact: Matthew H. Frisch, Phone: (517) 351-0345.

(b) *Approved Course:*

Contractor/Supervisor (Certified 10/4/89).

(xx)(a) *Training Provider:* G & H Contracting Assoc.

Address: 300 Acron St., Plainwell, MI 49080, Contact: Gregory G. Moe, Phone: (616) 685-1606.

(b) *Approved Courses:*

Abatement Worker (Certified 12/20/89).
Contractor/Supervisor (Certified 12/20/89).

(xxi)(a) *Training Provider:* Hall-Kimbrell Environ Services.

Address: 4840 W. 15th St., Lawrence, KS 66044, Contact: Alice Hart, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/2/90).

Contractor/Supervisor (Certified 4/2/90).
Contractor/Supervisor Annual Review (Certified 4/2/90).

(xxii)(a) *Training Provider:* Howard Abatement Inc.
Address: 25415 Glendale Ave., Redford, MI 48239, Contact: William R. Wyler, Phone: (313) 537-4974.

(b) *Approved Courses:*
Abatement Worker (Certified 5/29/90).
Contractor/Supervisor (Certified 5/29/90).

(xxiii)(a) *Training Provider:* Industrial Environmental Consulting.
Address: 2875 Northwind, E. Lansing, MI 48823, Contact: Michael Tillotson, Phone: (517) 332-7026.

(b) *Approved Courses:*
Abatement Worker (Certified 1/2/90).
Abatement Worker Annual Review (Certified 1/2/90).
Contractor/Supervisor (Certified 1/2/90).
Contractor/Supervisor Annual Review (Certified 1/2/90).
Inspector/Management Planner (Certified 1/2/90).
Inspector/Management Planner Annual Review (Certified 1/2/90).

(xxiv)(a) *Training Provider:* Jensen Environmental & Training.
Address: 651 Fisher Rd., Grosse Pointe, MI 48230, Contact: Leonard L. Jensen, Phone: (313) 882-2021.

(b) *Approved Courses:*
Abatement Worker (Certified 5/7/90).
Abatement Worker Annual Review (Certified 8/25/89).
Contractor/Supervisor (Certified 5/7/90).
Contractor/Supervisor Annual Review (Certified 8/25/89).
Inspector/Management Planner (Certified 2/12/91).
Inspector/Management Planner Annual Review (Certified 6/25/90).
Project Designer (Certified 2/12/91).
Project Designer Annual Review (Certified 12/21/90).

(xxv)(a) *Training Provider:* Kemron Environmental Services.
Address: 39830 Grand River, B-2, Novi, MI 48375, Contact: Henry D. Baier, Phone: (313) 474-4200.

(b) *Approved Courses:*
Abatement Worker (Certified 1/22/90).
Abatement Worker Annual Review (Certified 1/22/90).
Contractor/Supervisor (Certified 1/22/90).
Contractor/Supervisor Annual Review (Certified 1/22/90).
Inspector (Certified 3/15/90).
Inspector Annual Review (Certified 3/15/90).

(xxvi)(a) *Training Provider:* Manage Right Asbestos.
Address: 314 W. Genesee Ave., Saginaw, MI 48602, Contact: Mary Margaret Brown, Phone: (517) 753-9290.

(b) *Approved Courses:*
Abatement Worker (Certified 1/2/90).
Contractor/Supervisor (Certified 1/2/90).

(xxvii)(a) *Training Provider:* Michigan Laborers' Training.
Address: 11155 S. Beardslee Rd., Perry, MI 48872, Contact: Edwin H. McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*
Abatement Worker (Certified 9/21/89).
Abatement Worker Annual Review (Certified 9/12/89).
Contractor/Supervisor (Certified 9/12/89).
Contractor/Supervisor Annual Review (Certified 9/12/89).

(xxviii)(a) *Training Provider:* NTH Consultants, Ltd.
Address: 38955 Hills Tech Drive, Farmington Hills, MI 48331, Contact: Vickie Jo Armstrong, Phone: (313) 553-6300.

(b) *Approved Courses:*
Abatement Worker (Certified 9/14/90).
Abatement Worker Annual Review (Certified 8/6/90).
Contractor/Supervisor (Certified 12/7/90).
Contractor/Supervisor Annual Review (Certified 12/7/90).
Project Designer Annual Review (Certified 1/30/91).

(xxix)(a) *Training Provider:* National Asbestos Abatement.
Address: 3080 N. Center Rd., Flint, MI 48506, Contact: James Sheaffer, Phone: (313) 736-7911.

(b) *Approved Courses:*
Abatement Worker (Certified 3/20/90).
Abatement Worker Annual Review (Certified 3/20/90).
Contractor/Supervisor (Certified 3/20/90).
Contractor/Supervisor Annual Review (Certified 3/20/90).

(xxx)(a) *Training Provider:* National Training Fund/Workers Institute.
Address: 1126 Sixteenth St., NW., Washington, DC 20036, Contact: Scott Schneider, Phone: (202) 887-1980.

(b) *Approved Courses:*
Abatement Worker (Certified 6/21/90).
Abatement Worker Annual Review (Certified 6/21/90).
Contractor/Supervisor (Certified 6/21/90).
Contractor/Supervisor Annual Review (Certified 6/21/90).

(xxxi)(a) *Training Provider:* Northern Safety Consultants.
Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher Baker, Phone: (906) 228-5161.

(b) *Approved Courses:*
Abatement Worker (Certified 3/14/90).
Abatement Worker Annual Review (Certified 3/14/90).
Contractor/Supervisor (Certified 3/14/90).
Contractor/Supervisor Annual Review (Certified 3/14/90).
Project Designer (Certified 3/14/90).
Project Designer Annual Review (Certified 3/14/90).

(xxxii)(a) *Training Provider:* Nova Environmental, Inc.
Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 4/13/90).
Contractor/Supervisor (Certified 9/26/90).
Contractor/Supervisor Annual Review (Certified 1/2/90).
Inspector/Management Planner (Certified 9/14/90).
Inspector/Management Planner Annual Review (Certified 12/14/89).

(xxxiii)(a) *Training Provider:* Onikepo Inc.
Address: 3843 W. Outer Dr., Detroit, MI 48221, Contact: Constance S. Molette, Phone: (313) 862-9321.

(b) *Approved Courses:*
Abatement Worker (Certified 5/7/90).
Abatement Worker Annual Review (Certified 5/7/90).
Contractor/Supervisor (Certified 5/7/90).

(xxxiv)(a) *Training Provider:* SE MI Coalition on Occ Safety.
Address: 2727 Second Ave., Detroit, MI 48201, Contact: Donele Wilkins, Phone: (313) 961-3345.

(b) *Approved Courses:*
Abatement Worker (Certified 11/28/89).
Abatement Worker Annual Review (Certified 11/28/89).

(xxxv)(a) *Training Provider:* Sierra Analytical & Consulting.
Address: 237 Dino Dr., Ann Arbor, MI 48103, Contact: David Nelson, Phone: (313) 662-1155.

(b) *Approved Courses:*
Abatement Worker (Certified 3/27/90).
Abatement Worker Annual Review (Certified 3/14/90).
Contractor/Supervisor (Certified 12/18/89).

Contractor/Supervisor Annual Review (Certified 3/14/90).
Inspector (Certified 6/25/90).

(xxxvi)(a) *Training Provider:* Summit Abatement Contracting.

Address: 7255 Tower Rd., Battle Creek, MI 49017, Contact: William Morris, Phone: (616) 968-4242.

(b) *Approved Courses:*

Abatement Worker (Certified 11/22/89).
Abatement Worker Annual Review (Certified 11/22/89).
Contractor/Supervisor (Certified 11/22/89).
Contractor/Supervisor Annual Review (Certified 11/22/89).

(xxxvii)(a) *Training Provider:* Testing Engineers & Consultants.

Address: 1333 Rochester Rd., Troy, MI 48099, Contact: Karen Brunch, Phone: (313) 588-6200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/13/90).
Contractor/Supervisor (Certified 12/1/89).
Contractor/Supervisor Annual Review (Certified 6/28/90).
Inspector/Management Planner (Certified 11/13/89).
Inspector/Management Planner Annual Review (Certified 11/13/89).

(xxxviii)(a) *Training Provider:* The Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Dolores A. Lott, Phone: (708) 298-1200.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 6/27/90).
Contractor/Supervisor Annual Review (Certified 6/27/90).

(xxxix)(a) *Training Provider:* The Environmental Management.

Address: 314 S. State Ave., Indianapolis, IN 46201, Contact: Joseph Parker, Phone: (317) 269-3618.

(b) *Approved Courses:*

Abatement Worker (Certified 5/16/90 to 12/28/90 **only**).
Abatement Worker Annual Review (Certified 5/16/90 to 12/28/90 **only**).

(xl)(a) *Training Provider:* Thermico Inc.

Address: 3405 Centennial Dr., Midland, MI 48640, Contact: Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/25/90).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(xli)(a) *Training Provider:* Trust Thermal Systems.

Address: 13109 Schavey Rd., Suite 2 Dewitt, Dewitt, MI 48820, Contact: Thomas J. Lowe, Phone: (517) 669-8834.

(b) *Approved Courses:*

Abatement Worker (Certified 1/8/90).
Abatement Worker Annual Review (Certified 1/8/90).
Contractor/Supervisor (Certified 1/8/90).
Contractor/Supervisor Annual Review (Certified 1/8/90).

(xlii)(a) *Training Provider:* Wonder Makers, Inc.

Address: 3101 Darmo, Kalamaoo, MI 49008, Contact: Michael Pinto, Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (Certified 11/20/89).
Abatement Worker Annual Review (Certified 11/20/89).
Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/89).
Inspector/Management Planner (Certified 11/20/89).
Inspector/Management Planner Annual Review (Certified 11/20/89).

Minnesota.

(14)(a) *State Agency:* Minnesota Dept. of Health, Division of Environmental Health, Section of Occupational Health, Address: 925 Southeast Delaware St., P.O. Box 59040, Minneapolis, MN 55459-0040, Contact: William A. Fetzner, Phone: (612) 627-5097.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 10/3/88).
Contractor/Supervisor (full from 10/3/88).

(i)(a) *Training Provider:* Aerostat Environmental Engineering.

Address: Box 3096, Lawrence, KS 66046, Contact: Damir Joseph Stimac, Phone: (913) 749-4747.

(b) *Approved Course:*

Contractor/Supervisor Annual Review (Certified 12/4/90).

(ii)(a) *Training Provider:* Applied Environmental Sciences, Inc. (AES).

Address: Minneapolis Business & Tec. Center, Box 220, 511 11th Ave. South, Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/90).
Abatement Worker Annual Review (Certified 12/11/89).
Contractor/Supervisor (Certified 1/16/90).
Contractor/Supervisor Annual Review (Certified 12/11/89).

(iii)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 840 Hampden Ave., Suite 110, St. Paul, MN 55114, Contact: James Risimini, Phone: (612) 649-0043.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/29/89 to 4/1/91 **only**).
Contractor/Supervisor Annual Review (Certified 12/29/89 to 4/1/91 **only**).

(iv)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., Lawrence, KS 66049, Contact: Alice M. Hartz, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 1/12/90).
Abatement Worker Annual Review (Certified 1/12/90).
Contractor/Supervisor (Certified 1/12/90).
Contractor/Supervisor Annual Review (Certified 1/12/90).

(v)(a) *Training Provider:* Ilse Engineering Inc.

Address: 205 Board of Trade Building, Duluth, MN 55802, Contact: John F. Ilse, Phone: (218) 720-3526.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 1/23/90).
Contractor/Supervisor Annual Review (Certified 1/23/90).

(vi)(a) *Training Provider:* Institute for Environmental Assessment, Inc.

Address: 433 Jackson St., Anoka, MN 55303, Contact: Jesse Lee, Phone: (612) 323-9770.

(b) *Approved Courses:*

Abatement Worker (Certified 11/12/89).
Abatement Worker Annual Review (Certified 11/12/89).
Contractor/Supervisor (Certified 11/12/89).
Contractor/Supervisor Annual Review (Certified 11/12/89).

(vii)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (Certified 11/2/89).
Abatement Worker Annual Review (Certified 6/27/89).
Contractor/Supervisor (Certified 11/2/89).
Contractor/Supervisor Annual Review (Certified 6/27/89).

(viii)(a) *Training Provider:* Laborers District Council of Minnesota and North Dakota.

Address: 1598 Carroll Ave., St. Paul, MN 55104, Contact: Kenneth J. Lynch, Phone: (612) 646-7981.

(b) *Approved Courses:*

Abatement Worker (Certified 12/17/90).
Abatement Worker Annual Review (Certified 8/17/90).
Contractor/Supervisor (Certified 1/7/91).
Contractor/Supervisor Annual Review (Certified 8/17/90).

(ix)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc. (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew or Betty Fenstemaker, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/90).
Abatement Worker Annual Review (Certified 3/5/90).
Contractor/Supervisor (Certified 3/5/90).
Contractor/Supervisor Annual Review (Certified 3/5/90).

(x)(a) *Training Provider:* McNeil Environmental, Inc.

Address: 755 East Cliff Rd., Burnsville, MN 55337, Contact: Philip Allmon, Phone: (612) 890-3452.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 10/22/89).
Contractor/Supervisor Annual Review (Certified 10/22/89).

(xi)(a) *Training Provider:* Midwest Asbestos Consultants, Inc.

Address: 219 23rd St. North, Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Abatement Worker Annual Review (Certified 4/25/90).

(xii)(a) *Training Provider:* Midwest Center for Occupational Health & Safety.

Address: 640 Jackson St., St. Paul, MN 55101, Contact: Jim Viskocil, Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (Certified 1/22/90).
Abatement Worker Annual Review (Certified 1/22/90).
Contractor/Supervisor (Certified 1/22/90).
Contractor/Supervisor Annual Review (Certified 11/14/89).

(xiii)(a) *Training Provider:* Nova Environmental Services, Inc.

Address: Suite 400, Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Karen L. Ballor, Phone: (612) 448-9393.

(b) *Approved Courses:*

Abatement Worker (Certified 11/20/89).
Abatement Worker Annual Review (Certified 11/20/89).
Contractor/Supervisor (Certified 11/20/89).
Contractor/Supervisor Annual Review (Certified 11/20/89).

(xiv)(a) *Training Provider:* Southwest Technical College.

Address: Continuing Education, SW State University, FT 103, Marshall, MN 53103, Contact: Carole Treadway, Phone: (507) 537-7396.

(b) *Approved Courses:*

Abatement Worker (Certified 4/27/89).
Abatement Worker Annual Review (Certified 7/24/89).
Contractor/Supervisor (Certified 4/27/89).
Contractor/Supervisor Annual Review (Certified 7/24/89).

(xv)(a) *Training Provider:* The Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Dolores A. Lott, Phone: (708) 298-1200.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/30/90).
Contractor/Supervisor Annual Review (Certified 5/30/90).

(xvi)(a) *Training Provider:* Twin City Area Carpenter's Joint Apprenticeship Committee/United Brotherhood of Carpenters & Joiners.

Address: 2203 County Rd. C2, Roseville, MN 55113, Contact: Gerald W. Setterholm, Phone: (612) 633-8096.

(b) *Approved Courses:*

Abatement Worker (Certified 6/14/89).
Abatement Worker Annual Review (Certified 3/19/90).
Contractor/Supervisor (Certified 6/14/89).
Contractor/Supervisor Annual Review (Certified 3/19/90).

(xvii)(a) *Training Provider:* University of North Dakota, Occupational Safety and Environmental Health Office.

Address: University Station, Box 8275, Grand Forks, ND 58202, Contact: Dale P. Patrick, Phone: (701) 777-3341.

(b) *Approved Courses:*

Abatement Worker (Certified 7/5/91).
Abatement Worker Annual Review (Certified 7/5/91).
Contractor/Supervisor (Certified 7/5/91).
Contractor/Supervisor Annual Review (Certified 7/5/91).

Montana.

(15)(a) *State Agency:* Department of Health & Environmental Sciences,

Address: Cogswell Building, Helena, MT 59620, Contact: Adrian C. Howe, Phone: (406) 444-3671.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 5/16/90).
Contractor/Supervisor (full from 5/16/90).
Inspector/Management Planner (full from 5/16/90).
Project Designer (full from 5/16/90).

(i)(a) *Training Provider:* Bison Engineering.

Address: 30 South Ewing, Helena, MT 59601, Contact: Ralph Delong, Phone: (406) 442-5768.

(b) *Approved Courses:*

Abatement Worker (Certified 4/24/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/24/90).
Contractor/Supervisor Annual Review (Certified 4/24/90).

(ii)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: P.O. Box 218, Sturgis, SD 57785, Contact: Randy Morris, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/90).
Contractor/Supervisor (Certified 10/5/90).

(iii)(a) *Training Provider:* Brand Companies, Inc.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank Barta, Phone: (708) 298-1200.

(b) *Approved Course:*

Abatement Worker (Certified 1/19/90).

(iv)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., Billings, MT 59601, Contact: Kathy Smit, Phone: (406) 248-9161.

(b) *Approved Courses:*

Abatement Worker (Certified 1/24/90).
Abatement Worker Annual Review (Certified 2/5/90).
Contractor/Supervisor (Certified 1/24/90).
Contractor/Supervisor Annual Review (Certified 2/5/90).

(v)(a) *Training Provider:* Georgia Tech Research Institute.

Address: Georgia Institute of Technology, Atlanta, GA 30332, Contact: Margaret Ojala, Phone: (404) 894-8078.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 10/5/90).
Contractor/Supervisor Annual Review (Certified 10/5/90).

(vi)(a) *Training Provider:* Hall-Kimbrell.

Address: 3333 Quebec St., Suite 4060, Denver, CO 80207, Contact: Perry Ford, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (Certified 4/24/90).
Abatement Worker Annual Review (Certified 4/24/90).
Contractor/Supervisor (Certified 4/24/90).
Contractor/Supervisor Annual Review (Certified 4/24/90).
Inspector/Management Planner (Certified 10/1/90).
Inspector/Management Planner Annual Review (Certified 2/21/90).
Project Designer (Certified 4/26/90).
Project Designer Annual Review (Certified 2/21/90).

(vii)(a) *Training Provider:* Laborer's AGC, Training Program of Montana.

Address: 3100 Horseshoe Bend Rd., Helena, MT 59601, Contact: Dan Holland, Phone: (406) 442-9964.

(b) *Approved Courses:*

Abatement Worker (Certified 1/17/90).
Abatement Worker Annual Review (Certified 1/17/90).

(viii)(a) *Training Provider:* Montana State Council of Carpenters.

Address: P.O. Box 821, Helena, MT 59624, Contact: Bruce Morris, Phone: (406) 442-5256.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/90).
Abatement Worker Annual Review (Certified 3/1/90).

(ix)(a) *Training Provider:* Rocky Mountain Center.

Address: University of Utah, Bldg. 512, Salt Lake City, UT 84112, Contact: David Wallace, Phone: (801) 581-5710.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 6/19/90).
Contractor/Supervisor Annual Review (Certified 6/27/90).
Inspector/Management Planner (Certified 7/27/90).
Inspector/Management Planner Annual Review (Certified 7/27/90).

Nebraska.

(16)(a) *State Agency:* Department of Health Division of Asbestos Control, Address: 301 Centennial Mall South, P.O. Box 95007, Lincoln, NE 68509-5007, Contact: Jacqueline M. Fiedler, Phone: (402) 471-2541.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 5/9/89).
Contractor/Supervisor (full from 5/9/89).
Inspector (full from 5/9/89).
Inspector/Management Planner (full from 5/9/89).
Project Designer (full from 5/9/89).

(i)(a) *Training Provider:* Environmental Salvage, Ltd.

Address: 4930 South 23rd St., Omaha, NE 68107, Contact: Lynn Knudtson, Phone: (402) 733-2595.

(b) *Approved Courses:*

Abatement Worker (Certified 3/14/89).
Abatement Worker Annual Review (Certified 8/3/89).
Contractor/Supervisor (Certified 3/14/89).
Contractor/Supervisor Annual Review (Certified 8/3/89).

(ii)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 433 Jackson St., Anoka, MN 55303, Contact: Jesse Lee, Phone: (800) 233-9513.

(b) *Approved Course:*

Contractor/Supervisor Annual Review (Certified 12/19/89).

(iii)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Route 2, Wahoo, NE 68066, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (Certified 5/22/89).
Abatement Worker Annual Review (Certified 4/12/90).
Contractor/Supervisor (Certified 5/22/89).
Contractor/Supervisor Annual Review (Certified 11/27/89).

(iv)(a) *Training Provider:* National Asbestos Council.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tina Smith, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/90).
Abatement Worker Annual Review (Certified 12/15/89).

(v)(a) *Training Provider:* Safety and Health Council of Greater Omaha.

Address: 2513 St. Mary's Avenue, Omaha, NE 68105, Contact: Kay Farrell, Phone: (402) 345-1067.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 10/12/90).
Contractor/Supervisor Annual Review (Certified 10/16/90).

New Jersey.

(17)(a) *State Agency:* State of New Jersey Dept. of Health, Address: CN 360, Trenton, NJ 08625-0360, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 6/18/85).
Contractor/Supervisor (full from 6/18/85).

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: Robert Bradshaw or Robyn Brunson, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).
Abatement Worker Annual Review (Certified 2/6/91).
Contractor/Supervisor (Certified 5/20/85).
Contractor/Supervisor Annual Review (Certified 2/6/91).

(ii)(a) *Training Provider:* Alternative Ways, Inc.

Address: 100 Essex Ave., Bellmawr, NJ 08031, Contact: Peggy Wolf or John Luxford, Phone: (609) 933-3300.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/85).
Abatement Worker Annual Review (Certified 3/15/90).
Contractor/Supervisor (Certified 4/25/85).
Contractor/Supervisor Annual Review (Certified 3/15/90).

(iii)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Carol Pacquin, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (Certified 6/17/87 to 9/28/89 only).
Contractor/Supervisor (Certified 6/17/87 to 9/28/89 only).

(iv)(a) *Training Provider:* Asbestos Training Academy, Inc. - NJ.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: Joseph Bower, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/85).
Abatement Worker Annual Review (Certified 6/6/90).
Contractor/Supervisor (Certified 5/1/85).
Contractor/Supervisor Annual Review (Certified 6/6/90).

(v)(a) *Training Provider:* Asbestos Training Academy, Inc. - NY.

Address: 315 West 36th St., 9th Fl., New York, NY 10018, Contact: Richard Green or Charlotte Hicks, Phone: (212) 971-0370.

(b) *Approved Courses:*

Abatement Worker (Certified 9/20/88 to 9/19/90 only).

Contractor/Supervisor (Certified 9/20/88 to 9/19/90 only).

(vi)(a) *Training Provider:* Asbestos Training Institute, Inc.

Address: 47 West 13th St., 2nd Floor, New York, NY 10011, Contact: Jean Bodman or Ron Rominski, Phone: (212) 206-7019.

(b) *Approved Courses:*

Abatement Worker (Certified 3/4/87).
Abatement Worker Annual Review (Certified 5/30/90).
Contractor/Supervisor (Certified 3/4/87).
Contractor/Supervisor Annual Review (Certified 5/30/90).

(vii)(a) *Training Provider:* BCM Eastern, Inc.

Address: One Plymouth Meeting Mall, Plymouth Meeting, PA 19462, Contact: R. Ferguson or C. Sterchak, Phone: (215) 825-3800.

(b) *Approved Courses:*

Abatement Worker (Certified 6/7/87 to 12/13/89 only).
Contractor/Supervisor (Certified 6/7/87 to 12/13/89 only).

(viii)(a) *Training Provider:* Building Laborers of N.J. - Training Center.

Address: P.O. Box 163, Jamesburg, NJ 08831, Contact: Emmanuel Riggi or Pat Collura, Phone: (908) 521-0200.

(b) *Approved Courses:*

Abatement Worker (Certified 7/19/85).
Abatement Worker Annual Review (Certified 12/5/89).
Contractor/Supervisor (Certified 7/19/85).
Contractor/Supervisor Annual Review (Certified 12/5/89).

(ix)(a) *Training Provider:* Drexel University, Office of Continuing Education.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert T. Ross or Rita Karmiol, Phone: (215) 895-2156.

(b) *Approved Courses:*

Abatement Worker (Certified 4/13/88).
Abatement Worker Annual Review (Certified 7/13/90).
Contractor/Supervisor (Certified 4/13/88).
Contractor/Supervisor Annual Review (Certified 7/13/90).

(x)(a) *Training Provider:* E.I. DuPont DeNemours & Co.

Address: Chamber Works, Deepwater, NJ 08023, Contact: Jeffery Thomason or Jayne Lane, Phone: (609) 540-2918.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/86).
Abatement Worker Annual Review (Certified 6/12/89).
Contractor/Supervisor (Certified 5/1/86).
Contractor/Supervisor Annual Review (Certified 6/12/89).

(xi)(a) *Training Provider:* Hazard Management Division of Curtin Management Consultants, Inc.

Address: 200 Smith St., Keasbey, NJ 08832, Contact: Daniel Curtin or Lori Abrams, Phone: (908) 738-9700.

(b) *Approved Courses:*

Abatement Worker (Certified 6/3/87).
Contractor/Supervisor (Certified 6/3/87).

(xii)(a) *Training Provider:* Hunter College Asbestos Training Center.

Address: c/o Carpenters Union-No. 455, 1931 Route 22 West, Bound Brook, NJ 08805-1519, Contact: Jack Caravanos or Joseph Marino, Phone: (908) 526-1116.

(b) *Approved Courses:*

Abatement Worker (Certified 5/23/85).
Contractor/Supervisor (Certified 5/23/85).

(xiii)(a) *Training Provider:* IT Corporation.

Address: 17461 Derian Ave., Suite 190, Irvine, CA 92714, Contact: Keith Soesbe, Phone: (714) 261-6441.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/85 to 9/13/90 only).
Contractor/Supervisor (Certified 8/29/85 to 9/13/90 only).

(xiv)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NJ.

Address: 515 Grove St., Haddon Heights, NJ 08035, Contact: Jim Capritti or Patricia Cancglin, Phone: (609) 547-6500.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).
Abatement Worker Annual Review (Certified 12/5/89).
Contractor/Supervisor (Certified 5/8/85).
Contractor/Supervisor Annual Review (Certified 12/5/89).

(xv)(a) *Training Provider:* Kaselaan & D'Angelo Associates - NY.

Address: 220 5th Ave., 17th Floor, New York, NY 10001, Contact: L. Fredericks, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (Certified 8/28/89).
Contractor/Supervisor (Certified 8/28/89).

(xvi)(a) *Training Provider:* Local Union No. 14.

Address: 6513 Bustleton Ave., Philadelphia, PA 19149, Contact: James Aikens or Lewis Fitzgerald, Phone: (215) 533-0395.

(b) *Approved Courses:*

Abatement Worker (Certified 8/9/85).
Abatement Worker Annual Review (Certified 11/1/89).
Contractor/Supervisor (Certified 8/9/85).
Contractor/Supervisor Annual Review (Certified 11/1/89).

(xvii)(a) *Training Provider:* Local Union No. 32.

Address: 870 Broadway, Newark, NJ 07104, Contact: Paul Ielmini or John Dwyer, Phone: (201) 485-3626.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/87).
Abatement Worker Annual Review (Certified 8/14/89).
Contractor/Supervisor (Certified 5/8/87).
Contractor/Supervisor Annual Review (Certified 8/14/89).

(xviii)(a) *Training Provider:* Local Union No. 42.

Address: 1188 River Rd., New Castle, DE 19720, Contact: Joseph Noble, Phone: (302) 328-4203.

(b) *Approved Courses:*

Abatement Worker (Certified 10/30/85).
Abatement Worker Annual Review (Certified 8/23/90).
Contractor/Supervisor (Certified 10/30/85).
Contractor/Supervisor Annual Review (Certified 8/23/90).

(xix)(a) *Training Provider:* Local Union No. 89.

Address: 2733 Nottingham Way, Trenton, NJ 08619, Contact: Charles DaBronzo/John DaBronzo, Phone: (609) 587-0092.

(b) *Approved Courses:*

Abatement Worker (Certified 5/13/86)
Abatement Worker Annual Review (Certified 11/27/89).
Contractor/Supervisor (Certified 5/13/86).
Contractor/Supervisor Annual Review (Certified 11/27/89).

(xx)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center UMDNJ.

Address: 45 Knightsbridge Rd., Piscataway, NJ 08854, Contact: Lee Laustsen/Doris Daneluk, Phone: (908) 463-5062.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 1/17/90).
Contractor/Supervisor (Certified 7/1/86).
Contractor/Supervisor Annual Review (Certified 1/17/90).

(xxi)(a) *Training Provider:* NDI Training Institute.

Address: 7050 Kaighn Ave., Pennsauken, NJ 08109, Contact: J. Rodney Walton or John O'Brien, Phone: (609) 663-5042.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/86).
Contractor/Supervisor (Certified 9/13/86).

(xxii)(a) *Training Provider:* National Asbestos & Environmental Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler or Lisa Criscuolo, Phone: (908) 918-0610.

(b) *Approved Courses:*

Abatement Worker (Certified 5/3/85).
Abatement Worker Annual Review (Certified 8/14/89).
Contractor/Supervisor (Certified 5/3/85).
Contractor/Supervisor Annual Review (Certified 8/14/89).

(xxiii)(a) *Training Provider:* National Asbestos Council Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Raymond McQueen, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 1/13/87 to 10/3/90 only).
Contractor/Supervisor (Certified 1/13/87 to 10/3/90 only).

(xxiv)(a) *Training Provider:* National Institute on Abatement Sciences and Technology.

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607, Contact: Glenn Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/88 to 10/24/89 only).
Contractor/Supervisor (Certified 1/16/88 to 10/24/89 only).

(xxv)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Scott Schneider or Matthew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 3/31/89).
Contractor/Supervisor (Certified 3/31/89).

(xxvi)(a) *Training Provider:* Northeastern Analytical Corporation.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: R. Holwitt or M. Dutkiewicz, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (Certified 5/20/85).
Abatement Worker Annual Review (Certified 6/30/89).
Contractor/Supervisor (Certified 5/20/85).
Contractor/Supervisor Annual Review (Certified 6/30/89).

(xxvii)(a) *Training Provider:* Princeton Testing Laboratory.

Address: 3490 U.S. Rte. 1, Princeton, NJ 08540-3108, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Courses:*

Abatement Worker (Certified 5/8/85).
Abatement Worker Annual Review (Certified 6/14/89).
Contractor/Supervisor (Certified 5/8/85).
Contractor/Supervisor Annual Review (Certified 6/14/89).

(xxviii)(a) *Training Provider:* Temple University Asbestos Center.

Address: CECSA, 12th & Norris St., Philadelphia, PA 19122, Contact: Melvin Benarde or Diane Dymski, Phone: (215) 787-8546.

(b) *Approved Courses:*

Abatement Worker (Certified 11/24/87).
Abatement Worker Annual Review (Certified 10/25/90).
Contractor/Supervisor (Certified 11/24/87).
Contractor/Supervisor Annual Review (Certified 10/25/90).

(xxix)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Floor, New York, NY 10007, Contact: Nelson Helu or Barbara Zeluck, Phone: (212) 619-2270.

(b) *Approved Courses:*

Abatement Worker (Certified 9/21/88 to 12/21/89 only).
Contractor/Supervisor (Certified 9/28/88 to 12/21/89 only).

(xxx)(a) *Training Provider:* White Lung Association of NJ.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: Myles O'Malley or Gregory Camacho, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (Certified 5/21/85).
Abatement Worker Annual Review (Certified 10/25/90).
Contractor/Supervisor (Certified 5/21/85).
Contractor/Supervisor Annual Review (Certified 10/25/90).

New York.

(18)(a) *State Agency:* Department of Health, Address: Asbestos Safety Training Program, Bureau of Occupational Health, II University Place, Room 312, Albany, NY 12203-3313, Contact: George R. Estel, Phone: (518) 458-6483.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 12/19/90).
Contractor/Supervisor (full from 12/19/90).
Inspector (full from 12/19/90).
Inspector/Management Planner (full from 12/19/90).
Project Designer (full from 12/19/90).

(i)(a) *Training Provider:* AAC Contracting, Inc.

Address: 1225 Ridgeway Ave., Rochester, NY 14615, Contact: Mario DiNottia, Phone: (716) 458-8700.

(b) *Approved Courses:*

Abatement Worker (Certified 11/8/90).
Abatement Worker Annual Review (Certified 2/13/91).
Contractor/Supervisor (Certified 3/5/91).
Contractor/Supervisor Annual Review (Certified 3/5/91).

(ii)(a) *Training Provider:* ATC Environmental, Inc.

Address: 104 East 25th Street, New York, NY 10010, Contact: David Chambers, Phone: (212) 353-8280.

(b) *Approved Courses:*

Abatement Worker (Certified 3/15/89).
Inspector (Certified 2/20/90).

(iii)(a) *Training Provider:* Abatement Safety Training Institute.

Address: 323 West 39th Street, New York, NY 10018, Contact: Preeti Belur, Phone: (212) 629-8400.

(b) *Approved Courses:*

Abatement Worker (Certified 7/12/88).
Inspector (Certified 1/12/90).

(iv)(a) *Training Provider:* Adelaide Environmental Health Associates.

Address: 61 Front Street, Binghamton, NY 13905-4705, Contact: William Carter, Phone: (607) 722-6839.

(b) *Approved Course:*

Abatement Worker (Certified 6/20/88).

(v)(a) *Training Provider:* Advanced Analytical Laboratories, Inc.

Address: 30th and North Church Streets, Hazelton, PA 18201, Contact: Steve Hahn, Phone: (717) 455-5115.

(b) *Approved Course:*

Abatement Worker (Certified 3/16/88).

(vi)(a) *Training Provider:* Aerosol Monitoring and Analysis.

Address: 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: Steven Blizzard, Phone: (301) 684-3327.

(b) *Approved Course:*

Abatement Worker (Certified 12/6/88).

(vii)(a) *Training Provider:* Alice Hamilton Occupational Health Center.

Address: 410 Seventh Street SE., Washington, DC 20003-2756, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Course:*

Abatement Worker (Certified 5/3/89).

(viii)(a) *Training Provider:* Alleghany Council for Occupational Health.

Address: 100 East Second St., Suite 3, Jamestown, NY 14701, Contact: Linda Berlin, Phone: (716) 488-0720.

(b) *Approved Course:*

Abatement Worker (Certified 7/17/89).

(ix)(a) *Training Provider:* Allwash of Syracuse, Inc.

Address: P.O. Box 605, Syracuse, NY 13201, Contact: Paul Watson, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/87).
Abatement Worker Annual Review (Certified 1/14/91).
Contractor/Supervisor (Certified 1/23/91).
Contractor/Supervisor Annual Review (Certified 2/14/91).

(x)(a) *Training Provider:* Alternative Ways, Inc.

Address: 100 Essex Avenue, Bellmawr, NJ 08031, Contact: Donna Weiss, Phone: (609) 933-3300.

(b) *Approved Course:*

Abatement Worker (Certified 2/25/88).

(xi)(a) *Training Provider:* American Environmental Institute.

Address: 20220 Center Ridge Road, Cleveland, OH 44116, Contact: Gary Block, Phone: (216) 333-6225.

(b) *Approved Course:*

Abatement Worker (Certified 8/25/88).

(xii)(a) *Training Provider:* Analytical Laboratories of Albany, Inc.

Address: 4-A Vatrano Rd., Albany, NY 12205, Contact: Timothy Carroll, Phone: (518) 459-0885.

(b) *Approved Courses:*

Abatement Worker (Certified 3/5/91).
Abatement Worker Annual Review (Certified 3/6/91).
Contractor/Supervisor (Certified 3/5/91).
Contractor/Supervisor Annual Review (Certified 3/6/91).

(xiii)(a) *Training Provider:* Anderson International.

Address: Rd No.2 North Main Street Extension, Jamestown, NY 14701, Contact: Sally Gould, Phone: (716) 664-4028.

(b) *Approved Courses:*

Abatement Worker (Certified 4/5/89).
Inspector (Certified 5/24/90).

(xiv)(a) *Training Provider:* Applied Respiratory Technology.

Address: P.O. Box 399, Hughsonville, NY 12537-0399, Contact: Charles Mayo, Phone: (914) 265-4330.

(b) *Approved Courses:*

Abatement Worker (Certified 2/9/89).
Abatement Worker Annual Review (Certified 3/7/91).
Contractor/Supervisor (Certified 2/1/91).
Contractor/Supervisor Annual Review (Certified 3/7/91).

(xv)(a) *Training Provider:* Asbestos Control Management, Inc.

Address: 126 South Third Street, Olean, NY 14760, Contact: Clar D. Anderson, Phone: (716) 372-6393.

(b) *Approved Courses:*

Abatement Worker (Certified 6/16/89).
Abatement Worker Annual Review (Certified 3/4/91).

(xvi)(a) *Training Provider:* Asbestos Technical Services.

Address: Dogwood Road, Peekskill, NY 10566, Contact: Kenneth Strusz, Phone: (914) 739-7146.

(b) *Approved Course:*

Abatement Worker (Certified 6/30/88).

(xvii)(a) *Training Provider:* Asbestos Training Institute.

Address: 47 West 13th Street, 2nd Floor, New York, NY 10011, Contact: Jean Bodman, Phone: (212) 206-7019.

(b) *Approved Courses:*

Abatement Worker (Certified 2/1/87).
Abatement Worker Annual Review (Certified 3/26/91).
Inspector (Certified 9/19/90).

(xviii)(a) *Training Provider:* Asteco, Inc.

Address: 4287 Witmer Road, Niagara Falls, NY 14105, Contact: David Root, Phone: (716) 297-5981.

(b) *Approved Course:*

Abatement Worker (Certified 2/25/88).

(xix)(a) *Training Provider:* Astoria Industries.

Address: 538 Stewart Avenue, Brooklyn, NY 11222, Contact: J. Gajeski, Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/87).
Abatement Worker Annual Review (Certified 3/26/91).

(xx)(a) *Training Provider:* BOCES 2 - Suffolk County.

Address: 375 Locust Ave., Oakdale, NY 11789, Contact: Louise Baxter, Phone: (516) 563-2954.

(b) *Approved Course:*

Abatement Worker (Certified 3/29/89).

(xxi)(a) *Training Provider:* BOCES III - Suffolk County.

Address: 17 Westminster Ave, Dix Hills, NY 11746, Contact: George Flemming, Phone: (516) 667-6000.

(b) *Approved Course:*

Abatement Worker (Certified 1/4/88).

(xxii)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Court, Beltsville, MD 20705, Contact: Joyce Eger, Phone: (301) 369-3900.

(b) *Approved Course:*

Abatement Worker (Certified 9/1/87).

(xxiii)(a) *Training Provider:* Buffalo Laborers Training Fund No. 210.

Address: 1370 Seneca St., Buffalo, NY 14210, Contact: Victor Sansanese, Phone: (716) 825-0883.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88).
Abatement Worker Annual Review (Certified 3/4/91).

(xxiv)(a) *Training Provider:* Building Laborers of NJ - Training and Education Trust Fund.

Address: 31 Mott Ave., P.O. Box 553, Jamesburg, NJ 08831, Contact: Emanuel Riggi, Phone: (201) 521-0200.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/86).

(xxv)(a) *Training Provider:* CA Rich Consultants, Inc.

Address: 404 Glen Cove Ave., Sea Cliff, NY 15799, Contact: Bruce Beck, Phone: (516) 674-3889.

(b) *Approved Course:*

Abatement Worker (Certified 6/5/90).

(xxvi)(a) *Training Provider:* Calibrations, Inc.

Address: 802 Watervliet-Shaker Rd., Latham, NY 12110, Contact: James Percent, Phone: (518) 786-1865.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88).
Inspector (Certified 8/13/90).

(xxvii)(a) *Training Provider:* Camtech, Inc.

Address: 4550 McKnight Rd., Suite 202, Pittsburgh, PA 15237, Contact: Leslie Connors, Phone: (412) 931-1210.

(b) *Approved Course:*

Abatement Worker (Certified 5/18/90).

(xxviii)(a) *Training Provider:* Cayuga - Onondaga BOCES.

Address: 234 South Street Rd., Auburn, NY 13021, Contact: Peter Pirnie, Phone: (315) 253-0361.

(b) *Approved Course:*

Abatement Worker (Certified 3/21/88).

(xxix)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 814 East Pittsburgh Plaza, East Pittsburgh, PA 15112, Contact: Joseph Hughes, Phone: (412) 823-1002.

(b) *Approved Course:*

Abatement Worker (Certified 1/11/90).

(xxx)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.

Address: 25 Mathewson Dr., Weymouth, MA 02189, Contact: Robert Thornburgh, Phone: (617) 337-7887.

(b) *Approved Course:*

Abatement Worker (Certified 8/28/88).

(xxxi)(a) *Training Provider:* Comprehensive Analytical Group, Inc.

Address: 147 Midler Park Dr., Syracuse, NY 13206, Contact: David Serino, Phone: (315) 432-0855.

(b) *Approved Courses:*

Abatement Worker (Certified 10/28/88).
Contractor/Supervisor (Certified 2/1/91).

(xxxii)(a) *Training Provider:* Con-Test.

Address: 39 Spruce St., P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Course:*

Abatement Worker (Certified 9/1/86).

(xxxiii)(a) *Training Provider:* Corning, Inc.

Address: Corporate Safety & Health, HP C-2-10, Corning, NY 14831, Contact: Ron Kitson, Phone: (607) 974-8638.

(b) *Approved Course:*

Abatement Worker (Certified 1/19/88).

(xxxiv)(a) *Training Provider:* D/E3, Inc.

Address: 19701 South Miles Parkway, N-12, Warrensville, OH 44128, Contact: Harold Danto, Phone: (216) 663-1200.

(b) *Approved Course:*

Abatement Worker (Certified 7/6/89).

(xxxv)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 74 Commerce Way, Woburn, MA 01801, Contact: Joan Ryan, Phone: (617) 932-9400.

(b) *Approved Course:*

Abatement Worker (Certified 3/28/88).

(xxxvi)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Pkwy., Bay City, MI 48707, Contact: Joseph Goldsing, Phone: (517) 684-8358.

(b) *Approved Course:*

Abatement Worker (Certified 6/28/88).

(xxxvii)(a) *Training Provider:* E.I. DuPont DeNemours & Co., Inc.

Address: Chambers Workers, Petroleum Labs, Deepwater, NJ 08023, Contact: Jeff Thomason, Phone: (609) 540-2918.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/86).

(xxxviii)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1331 N. Forrest Rd., Suite 340, Buffalo, NY 14221, Contact: Edward Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/88).
Abatement Worker Annual Review (Certified 1/10/91).
Contractor/Supervisor (Certified 2/4/91).
Contractor/Supervisor Annual Review (Certified 1/10/91).
Inspector (Certified 9/24/90).

(xxxix)(a) *Training Provider:* Enclosure Technology, Inc.

Address: 861 Manhattan Ave., Suite 14, Brooklyn, NY 11222, Contact: Roland Baronowski, Phone: (718) 349-3235.

(b) *Approved Course:*

Abatement Worker (Certified 9/5/90).

(xl)(a) *Training Provider:* Enviro Med Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: George Giacco, Phone: (203) 786-5580.

(b) *Approved Course:*

Abatement Worker (Certified 10/12/89).

(xli)(a) *Training Provider:* Environmental Safety Institute.

Address: 4225 Millersport Highway, Amherst, NY 14228, Contact: Betty Glovins, Phone: (716) 689-4806.

(b) *Approved Course:*

Abatement Worker (Certified 3/1/88).

(xlii)(a) *Training Provider:* Environmental Training Corporation.

Address: 100 Moody St., Ludlow, MA 01056, Contact: Anne Folta, Phone: (413) 589-1882.

(b) *Approved Course:*

Abatement Worker (Certified 6/20/89).

(xliii)(a) *Training Provider:* Environmental Training Inc.

Address: 65 Barclay Center Rte. 70, Suite 305, Cherryhill, NJ 08034, Contact: Gary Hyrne, Phone: (215) 521-5469.

(b) *Approved Course:*

Abatement Worker (Certified 12/8/89).

(xliv)(a) *Training Provider:* Environmental Training Services.

Address: 62 H Montvale Ave., Stoneham, MA 02180, Contact: Kenneth Martin, Phone: (617) 279-0855.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/87).

(xlv)(a) *Training Provider:* Failsafe Risk Management Alternatives, Inc.

Address: 1670 Western Ave., Albany, NY 12203, Contact: James Thomson, Phone: (518) 452-4360.

(b) *Approved Courses:*

Abatement Worker (Certified 4/25/90).
Inspector (Certified 10/3/90).

(xlvi)(a) *Training Provider:* Fostock Corporation.

Address: 392 Fifth Ave., Paterson, NJ 07514, Contact: Anna Ghassibi, Phone: (201) 345-0040.

(b) *Approved Course:*

Abatement Worker (Certified 6/19/90).

(xlvii)(a) *Training Provider:* Future Environmental Designs, Inc.

Address: 114 Old Country Rd., Suite 620, Mineola, NY 11501, Contact: Michael Marcik, Phone: (516) 742-2557.

(b) *Approved Courses:*

Abatement Worker (Certified 8/21/90).
Abatement Worker Annual Review (Certified 3/4/91).
Contractor/Supervisor (Certified 2/20/91).
Contractor/Supervisor Annual Review (Certified 3/4/91).
Inspector/Management Planner (Certified 2/20/91).
Inspector/Management Planner Annual Review (Certified 2/20/91).

(xlviii)(a) *Training Provider:* G.S.T. Company.

Address: 50 Progress Ave., Zelienople, PA 16063, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Course:*

Abatement Worker (Certified 10/4/88).

(xlix)(a) *Training Provider:* General Building Laborers Local No. 66.

Address: 286 Middle Island Rd., Medford, NY 11763, Contact: Peter Purazzella, Phone: (516) 696-2280.

(b) *Approved Courses:*

Abatement Worker (Certified 10/4/88).
Abatement Worker Annual Review (Certified 3/7/91).

(l)(a) *Training Provider:* General Physics Corporation.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046-2100, Contact: Andrew Marsh, Phone: (301) 290-2300.

(b) *Approved Course:*

Abatement Worker (Certified 6/15/88).

(li)(a) *Training Provider:* Geo-Environmental Company, Inc.

Address: P.O. Box 274, Yonkers, NY 10710, Contact: Carol Califano, Phone: (914) 375-1554.

(b) *Approved Courses:*

Abatement Worker (Certified 4/12/90).
Abatement Worker Annual Review (Certified 3/22/91).

(lii)(a) *Training Provider:* Georgia Institute of Technology.

Address: O'Keefe Bldg., ESTD Room 027, Atlanta, GA 30332, Contact: Margaret Ojala, Phone: (404) 894-3806.

(b) *Approved Course:*

Abatement Worker (Certified 5/11/87).

(liii)(a) *Training Provider:* Health/Safety/Risk Management - Albany Schoharie Schenectady BOCES.

Address: 47 Cornell Rd., Latham, NY 12110, Contact: Charlene Vespi, Phone: (518) 786-3211.

(b) *Approved Courses:*

Abatement Worker (Certified 8/30/89).
Inspector (Certified 1/31/90).

(liv)(a) *Training Provider:* Hillman Technical Services.

Address: 1089 Cedar Ave., Suite 2, Union, NJ 07083, Contact: Steven Gladstone, Phone: (201) 686-3461.

(b) *Approved Course:*

Abatement Worker (Certified 3/3/90).

(lv)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 604 Manhattan Ave., Brooklyn, NY 11222, Contact: Ann Sumiec, Phone: (718) 383-2656.

(b) *Approved Course:*

Abatement Worker (Certified 4/30/90 to 3/20/91 only).

(lvi)(a) *Training Provider:* Hunter College Asbestos Training Center.

Address: 425 East 25th St., New York, NY 10010, Contact: Jacquenette Locker, Phone: (212) 481-7569.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/87).

(lvii)(a) *Training Provider:* Hygeia Research & Training.

Address: P.O. Box 4506, Utica, NY 13501, Contact: Richard Gigliotti, Phone: (315) 732-8567.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88).
Contractor/Supervisor (Certified 1/28/91).

(lviii)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: David Kaplan, Phone: (617) 890-4999.

(b) *Approved Course:*

Inspector (Certified 5/18/90).

(lix)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: MaryBeth Carver, Phone: (617) 723-4664.

(b) *Approved Courses:*

Abatement Worker (Certified 6/6/88).
Inspector (Certified 9/27/90).

(lx)(a) *Training Provider:* Institute for Environmental Education.

Address: 500 West Cummings Park, Suite 3650, Woburn, MA 01801, Contact: Starla Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/88).
Inspector (Certified 8/21/90).

(lxi)(a) *Training Provider:* Institute of Asbestos Technology.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Charles Kirch, Phone: (315) 437-1307.

(b) *Approved Courses:*

Abatement Worker (Certified 10/24/87).
Abatement Worker Annual Review (Certified 3/27/91).

(lxii)(a) *Training Provider:* International Technology Corporation.

Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Sean Smith, Phone: (213) 921-9831.

(b) *Approved Course:*

Abatement Worker (Certified 12/30/87).

(lxiii)(a) *Training Provider:* Jenkins Professional Inc.

Address: 5024 Campbell Blvd., Suite D, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 931-7588.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/88).

(lxiv)(a) *Training Provider:* Joint Apprenticeship & Training Committee.

Address: 425 Broad Hollow Rd., Suite 405, Melville, NY 11747, Contact: R. Erickson, Phone: (516) 694-2022.

(b) *Approved Course:*

Abatement Worker (Certified 11/30/87).

(lxv)(a) *Training Provider:* Kaselaan and D'Angelo Associates, Inc.

Address: 220 Fifth Ave., 17th Floor, New York, NY 10001, Contact: Lance Fredricks, Phone: (212) 216-6340.

(b) *Approved Course:*

Abatement Worker (Certified 4/1/88).

(lxvi)(a) *Training Provider:* Kemron Environmental Services, Inc.

Address: 755 New York Ave., Huntington, NY 11743, Contact: John Peters, Phone: (516) 427-0950.

(b) *Approved Course:*

Abatement Worker (Certified 10/4/88).

(lxvii)(a) *Training Provider:* Korean Asbestos Training Center.

Address: 136-15 Roosevelt Ave., 3rd Floor, Flushing, NY 11354, Contact: Tchang Bahrk, Phone: (718) 321-2700.

(b) *Approved Course:*

Abatement Worker (Certified 1/3/90).

(lxviii)(a) *Training Provider:* Laborer's Local No. 214 Training & Education Fund.

Address: 23 Mitchell St., Oswego, NY 13126, Contact: John Shannon, Phone: (315) 343-8553.

(b) *Approved Course:*

Abatement Worker (Certified 8/17/87).

(lxix)(a) *Training Provider:* Laborer's Local No.17 Education & Training Fund.

Address: 305 C Little Britain Rd., Newburgh, NY 12550, Contact: Victor Mandia, Phone: (914) 562-1121.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/87).

(lxx)(a) *Training Provider:* Laborer's Local No.91 Training & Education Fund.

Address: 2556 Seneca Ave., Niagara Falls, NY 10010, Contact: Joel Cicero, Phone: (716) 297-6001.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/90).
Abatement Worker Annual Review (Certified 12/19/90).

(lxxi)(a) *Training Provider:* Long Island Lighting Company.

Address: 131 Hoffman Lane, Central Islip, NY 11722, Contact: Ernest Papadoulias, Phone: (516) 436-4076.

(b) *Approved Course:*

Abatement Worker (Certified 2/20/89).

(lxxii)(a) *Training Provider:* Lozier Architects & Engineers.

Address: 1050 Pittsford-Victor Rd., Pittsford, NY 14534, Contact: Dyke Coyne, Phone: (716) 381-2210.

(b) *Approved Course:*

Abatement Worker (Certified 1/12/88).

(lxxiii)(a) *Training Provider:* META.

Address: P.O. Box 786, Lawrence, KS 66044, Contact: Katy Nitcher, Phone: (913) 842-6382.

(b) *Approved Course:*

Abatement Worker (Certified 4/3/90).

(lxxiv)(a) *Training Provider:* Mid-Atlantic Asbestos Training Center.

Address: Brookwood II, 45 Knightsbridge Rd., Piscataway, NY 08854, Contact: Lee Lausten, Phone: (201) 463-5062.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Inspector (Certified 3/30/90).

(lxxv)(a) *Training Provider:* Monroe Community College.

Address: 1000 East Henrietta Rd., Bailey Center, Rochester, NY 14623-5780, Contact: David Duford, Phone: (716) 292-2000.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/88).

(lxxvi)(a) *Training Provider:* Mystic Air Quality Consultants, Inc.

Address: 1204 North Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Course:*

Abatement Worker (Certified 5/2/88).

(lxxvii)(a) *Training Provider:* NET Atlantic-Syracuse Division.

Address: 5854 Butternut Dr., East Syracuse, NY 13057, Contact: Brian King, Phone: (315) 446-8795.

(b) *Approved Course:*

Abatement Worker (Certified 2/20/91).

(lxxviii)(a) *Training Provider:* National Asbestos Training Institute.

Address: 1766 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (Certified 5/27/85).
Inspector (Certified 8/6/90).

(lxxix)(a) *Training Provider:* National Training Fund for Sheet Metal & Air Conditioning Industry.

Address: 1126 16th Street NW., Washington, DC 20036, Contact: Matthew Gillen, Phone: (202) 887-1980.

(b) *Approved Course:*

Abatement Worker (Certified 11/1/86).

(lxxx)(a) *Training Provider:* New England Laborer's Training Fund.

Address: 37 East St., Hopkinton, MA 01748-2699, Contact: James Merloni, Phone: (508) 435-6316.

(b) *Approved Course:*

Abatement Worker (Certified 4/7/86).

(lxxxi)(a) *Training Provider:* New York Committee for Occupational Safety and Health.

Address: 275 Seventh Ave., 25th Floor, New York, NY 10001, Contact: Joel Shufro, Phone: (212) 627-3900.

(b) *Approved Course:*

Abatement Worker (Certified 1/27/88).

(lxxxii)(a) *Training Provider:* New York District Council of Carpenters Labor Technical College.

Address: 395 Hudson St., Clarkson St. Entrance, New York, NY 10014, Contact: Charles Fanning, Phone: (212) 727-2224.

(b) *Approved Course:*

Abatement Worker (Certified 5/19/89).

(lxxxiii)(a) *Training Provider:* New York State Carpenters Labor Management Committee.

Address: P.O. Box 266, Milford, NY 13807, Contact: Maurice Torruella, Phone: (607) 286-7755.

(b) *Approved Course:*

Abatement Worker (Certified 3/23/89).

(lxxxiv)(a) *Training Provider:* New York University School of Continuing Education.

Address: 10 East 38th St., New York, NY 10016, Contact: Charles Schwartz, Phone: (212) 545-0077.

(b) *Approved Courses:*

Abatement Worker (Certified 8/7/89).
Inspector (Certified 10/16/90).

(lxxxv)(a) *Training Provider:* Niagara County Community College.

Address: 160 Washburn St., P.O. Box 70, Lockport, NY 14095, Contact: Mary Baldi-Fron, Phone: (716) 433-1856.

(b) *Approved Courses:*

Abatement Worker (Certified 1/4/87).
Inspector (Certified 8/22/90).

(lxxxvi)(a) *Training Provider:* Niagara Mohawk Power Corporation.

Address: Training Dept., 300 Erie Blvd., West Syracuse, NY 13202, Contact: Eileen Reynolds, Phone: (315) 428-5534.

(b) *Approved Courses:*

Abatement Worker (Certified 4/10/90).
Abatement Worker Annual Review (Certified 2/13/91).
Contractor/Supervisor (Certified 2/13/91).

(lxxxvii)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 5000 Brittonfield Parkway, P.O. Box 4873, Syracuse, NY 13221, Contact: Michael Quirk, Phone: (315) 437-6100.

(b) *Approved Courses:*

Abatement Worker (Certified 2/23/89).
Inspector (Certified 7/23/90).

(lxxxviii)(a) *Training Provider:* Operating Engineers Local 17.

Address: 2342 Pleasant Ave., Lake View, NY 14085, Contact: Frederick Eye, Phone: (716) 627-2311.

(b) *Approved Course:*

Abatement Worker (Certified 12/10/90).

(lxxxix)(a) *Training Provider:* Orange-Rockland Utilities.

Address: Bowline Pt. Training Center, Samsondale Ave., West Harestraw, NY 10993, Contact: Daniel Farguson, Phone: (914) 577-2038.

(b) *Approved Course:*

Abatement Worker (Certified 11/14/90).

(xc)(a) *Training Provider:* Orange-Ulster BOCES.

Address: Gibson Rd., Rd. No. 2, Goshen, NY 10924, Contact: Arthur Lange, Phone: (914) 294-5431.

(b) *Approved Course:*

Abatement Worker (Certified 2/3/89).

(xci)(a) *Training Provider:* PSI Hall-Kimbrell Environmental Services, Inc.-Flushing.

Address: 129-02 26 St., Flushing, NY 11354, Contact: Josephine Marchelletta, Phone: (718) 445-9090.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/87 to 3/15/91 only).
Inspector (Certified 12/4/90 to 3/15/91 only).

(xcii)(a) *Training Provider:* PSI Hall-Kimbrell Environmental Services, Inc.-Kansas.

Address: 4840 West 15th St., Lawrence, KS 66044, Contact: Margaret Maniger, Phone: (315) 463-5542.

(b) *Approved Course:*

Abatement Worker (Certified 8/1/87).

(xciii)(a) *Training Provider:* PSI-Hall Kimbrell Environmental Services, Inc.-Syracuse.

Address: 6103 East Molloy Rd., East Syracuse, NY 13057, Contact: Julie Williams, Phone: (315) 463-5542.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/87).
Inspector (Certified 12/4/90).

(xciv)(a) *Training Provider:* Paradigm Environmental Services, Inc.

Address: 961 Lyell Ave., Building 2, Suite 8, Rochester, NY 14606, Contact: Dmitry Tsimberrov, Phone: (716) 647-2530.

(b) *Approved Courses:*

Abatement Worker (Certified 8/29/89).
Abatement Worker Annual Review (Certified 1/31/91).
Contractor/Supervisor (Certified 1/4/91).
Contractor/Supervisor Annual Review (Certified 1/31/91).
Inspector (Certified 1/14/91).
Inspector Annual Review (Certified 2/20/91).

(xcv)(a) *Training Provider:* Professional Testing Laboratories, Inc.

Address: 18 Seaview Blvd., Port Washington, NY 11050, Contact: Yelena Goodman, Phone: (516) 484-7878.

(b) *Approved Course:*

Abatement Worker (Certified 5/10/90).

(xcvi)(a) *Training Provider:* Quality Control Services.

Address: 10 Lowell Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (518) 475-0623.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/88).

(xcvii)(a) *Training Provider:* Rennselaer, Columbia, Green BOCES.

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Shirley Readdean, Phone: (518) 732-4474.

(b) *Approved Course:*

Abatement Worker (Certified 4/10/89).

(xcviii)(a) *Training Provider:* Retra Services, Inc.

Address: 211 Oxford Blvd., Allison Park, PA 15101, Contact: Phillip Parroff, Phone: (412) 487-1711.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/90).
Abatement Worker Annual Review (Certified 2/22/91).

(xcix)(a) *Training Provider:* Rochester Gas and Electric.

Address: 89 East Ave., Rochester, NY 14649-0001, Contact: Jeffrey Williams, Phone: (716) 724-8129.

(b) *Approved Course:*

Abatement Worker (Certified 4/4/88).

(c)(a) *Training Provider:* Safety Training, Inc.

Address: 114 Durst Pl., Yonkers, NY 10704, Contact: Nelson Helu, Phone: (914) 963-6831.

(b) *Approved Course:*

Abatement Worker (Certified 1/31/90).

(ci)(a) *Training Provider:* Seagull/Asbestos Consulting & Training Systems.

Address: 903 Northwest 6th Ave., Fort Lauderdale, FL 33311, Contact: James Stump, Phone: (305) 524-7209.

(b) *Approved Course:*

Abatement Worker (Certified 2/29/88).

(cii)(a) *Training Provider:* Senagraph Training Facilities.

Address: 37-42 72nd Street, Jackson Heights, NY 11372, Contact: Juan Herrera, Phone: (718) 429-0647.

(b) *Approved Courses:*

Abatement Worker (Certified 9/25/90).
Abatement Worker Annual Review (Certified 2/20/91).

(ciii)(a) *Training Provider:* Sevenson Environmental Services.

Address: 2749 Lockport Rd., Niagara Falls, NY 14302, Contact: Paul Hitcho, Phone: (716) 284-0431.

(b) *Approved Course:*

Abatement Worker (Certified 2/1/88).

(civ)(a) *Training Provider:* State University of New York at Buffalo.

Address: 111 Faber Hall, Buffalo, NY 14214, Contact: Joseph Syracuse, Phone: (716) 831-2125.

(b) *Approved Courses:*

Abatement Worker (Certified 2/2/90).
Inspector (Certified 7/9/90).

(cv)(a) *Training Provider:* Suffolk County Carpenters Apprenticeship and Journeymans Retraining Fund.

Address: 3390 Route No. 112, Medford, NY 11763, Contact: Carl Berglin, Phone: (516) 732-2501.

(b) *Approved Course:*

Abatement Worker (Certified 2/14/89).

(cvi)(a) *Training Provider:* Syracuse Asbestos Workers Apprentice Fund.

Address: 3950 Griffin Rd., Syracuse, NY 13215, Contact: John Whyland, Phone: (315) 469-6001.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/87).

(cvii)(a) *Training Provider:* Temple University College of Engineering.

Address: 12th and Norris St., Philadelphia, PA 19122, Contact: M. A. Bernarde, Phone: (212) 787-6479.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/87).

(cviii)(a) *Training Provider:* Testwell Craig Laboratories - Albany.

Address: 518 Clinton Ave., Albany, NY 12206, Contact: George Stowell, Phone: (518) 436-4114.

(b) *Approved Courses:*

Abatement Worker (Certified 3/6/88).
Inspector (Certified 4/11/90).

(cix)(a) *Training Provider:* Testwell Craig Laboratories - Ossining.

Address: 47 Hudson St., Ossining, NY 12206, Contact: Charles Schwartz, Phone: (914) 762-9000.

(b) *Approved Course:*

Abatement Worker (Certified 9/7/90).

(cx)(a) *Training Provider:* The Environmental Institute.

Address: 350 Franklin Rd., Suite 300, Marietta, GA 30067, Contact: Rachel McCain, Phone: (404) 425-2000.

(b) *Approved Courses:*

Abatement Worker (Certified 2/1/88).
Inspector (Certified 3/28/90).

(cxi)(a) *Training Provider:* Tri-Cities Laborers.

Address: 666 Wemple Rd., Box 100, Glenmont, NY 12077, Contact: Joseph Zappone, Phone: (518) 426-0290.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/87).
Abatement Worker Annual Review (Certified 1/25/91).

(cxii)(a) *Training Provider:* Tufts University Division of Education.

Address: 177 College Ave., Medford, NY 02155, Contact: Anne Chabot, Phone: (617) 381-3531.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/86).

(cxiii)(a) *Training Provider:* Union Occupational Health Center.

Address: 450 Grider St., Buffalo, NY 14215, Contact: Jeanne Reilly, Phone: (716) 894-9366.

(b) *Approved Course:*

Abatement Worker (Certified 10/28/88).

(cxiv)(a) *Training Provider:* United Environmental Systems.

Address: 35 W. 35th St., New York, NY 10001, Contact: Eyal Bakshi, Phone: (212) 643-9633.

(b) *Approved Course:*

Abatement Worker (Certified 5/18/88).

(cxv)(a) *Training Provider:* University of Cincinnati Medical Center, Institute of Environmental Health.

Address: 3223 Eden Ave., ML56, Cincinnati, OH 45267-0056, Contact: Judy Jarrell, Phone: (513) 558-1729.

(b) *Approved Course:*

Abatement Worker (Certified 11/15/88).

(cxvi)(a) *Training Provider:* University of Illinois - Chicago.

Address: 1440 W. Washington Blvd., Chicago, IL 60607, Contact: Richard Lyons, Phone: (312) 829-1277.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/86).

(cxvii)(a) *Training Provider:* University of Kansas/National.

Address: 6600 College Blvd., Suite 315, Overland, KS 66211, Contact: Lani Himegarner, Phone: (913) 491-0181.

(b) *Approved Course:*

Abatement Worker (Certified 9/1/87).

(cxviii)(a) *Training Provider:* Utilicon, Inc.

Address: 7 Tobey Villiage Office Park, Pittsford, NY 14534, Contact: Dennis Money, Phone: (716) 381-8710.

(b) *Approved Course:*

Abatement Worker (Certified 7/25/89).

(cxix)(a) *Training Provider:* Warren Mae Associates.

Address: 1480 Park St., White Bear Lake, MN 55110, Contact: Janine Rogelstad, Phone: (607) 754-8386.

(b) *Approved Course:*

Abatement Worker (Certified 7/19/88).

(cxx)(a) *Training Provider:* White Lung Association.

Address: 901 Broad St., 2nd Floor, Newark, NJ 07102, Contact: Myles O'Malley, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (Certified 12/1/88).
Abatement Worker Annual Review (Certified 3/7/91).
Contractor/Supervisor (Certified 3/7/91).
Contractor/Supervisor Annual Review (Certified 3/7/91).
Inspector/Management Planner (Certified 3/7/91).
Inspector/Management Planner Annual Review (Certified 3/7/91).

(cxxi)(a) *Training Provider:* Wild Apple Enterprises Ltd.

Address: North Hollow Rd., Granville, VT 05747, Contact: John Furman, Phone: (812) 767-4415.

(b) *Approved Courses:*

Abatement Worker (Certified 4/24/90).
Abatement Worker Annual Review (Certified 3/26/91).
Contractor/Supervisor (Certified 3/26/91).
Contractor/Supervisor Annual Review (Certified 3/26/91).

North Dakota.

(19)(a) *State Agency:* State Dept. of Health & Consolidated Laboratories, Address: 1200 Missouri Ave., Box 5520, Bismark, ND 58505, Contact: Ken Wangler, Phone: (701) 221-5188.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 4/21/89).
Contractor/Supervisor (full from 4/21/89).
Inspector (full from 4/21/89).
Inspector/Management Planner (full from 4/21/89).
Project Designer (full from 4/21/89).

(i)(a) *Training Provider:* Midwest Asbestos Consultants, Inc.

Address: Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Courses:*

Abatement Worker (Certified 6/30/89).
Abatement Worker Annual Review (Certified 7/31/89).

(ii)(a) *Training Provider:* Survey Management and Design.

Address: 2605 35th Ave. SW., Fargo, ND 58104, Contact: Peter L. Mehl, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).
Abatement Worker Annual Review (Certified 1/5/90).
Contractor/Supervisor (Certified 6/13/89).
Contractor/Supervisor Annual Review (Certified 8/10/89).
Inspector/Management Planner (Certified 8/24/89).
Inspector/Management Planner Annual Review (Certified 3/28/90).

(iii)(a) *Training Provider:* University of North Dakota.

Address: Box 8275 University Station, Grand Forks, ND 58201, Contact: Dale Patrick, Phone: (701) 777-3341.

(b) *Approved Courses:*

Abatement Worker (Certified 6/13/89).
Abatement Worker Annual Review (Certified 3/28/90).
Contractor/Supervisor (Certified 6/13/89).
Contractor/Supervisor Annual Review (Certified 3/28/90).
Inspector/Management Planner (Certified 3/28/91).
Project Designer Annual Review (Certified 3/14/91).

Oregon.

(20)(a) *State Agency:* State of Oregon Dept. of Environmental Quality, Address: 811 Southwest Sixth Ave., Portland, OR 97204-1390, Contact: Bruce E. Arnold, Phone: (503) 229-5506.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/23/88).
Contractor/Supervisor (full from 9/23/88).

(i)(a) *Training Provider:* Alice Hamilton Occupational Health Center.

Address: 410 7th Street, SE., Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Course:*

Abatement Worker (Certified 12/6/90).

(ii)(a) *Training Provider:* Asbestos Training Project Workplace Resources.

Address: 1908 Southeast Pershing St., Portland, OR 97202, Contact: Wendy Wiles, Phone: (503) 233-7707.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/89).

(iii)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 Southwest Barbur Blvd., Portland, OR 97219, Contact: Randi Olson, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/88).

(iv)(a) *Training Provider:* Laborers/AGC Apprenticeship & Training Program.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Bill Duke, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/23/88).
Contractor/Supervisor (Certified 9/23/88).

(v)(a) *Training Provider:* Marine & Environmental Testing, Inc.

Address: P.O. Box 1142, Beaverton, OR 97075, Contact: Martin Finkel, Phone: (503) 286-2950.

(b) *Approved Course:*

Abatement Worker (Certified 12/3/88 to 9/18/89 **only**).

(vi)(a) *Training Provider:* NAC Corporation.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Abatement Worker (Certified 3/23/89).
Contractor/Supervisor (Certified 4/1/90).

(vii)(a) *Training Provider:* Northwest Envirocon, Inc.

Address: P.O. Box 4638, Vancouver, WA 98682, Contact: Debbie Dunn, Phone: (206) 699-4015.

(b) *Approved Courses:*

Abatement Worker (Certified 12/14/88).
Contractor/Supervisor (Certified 12/14/88).

(viii)(a) *Training Provider:* PSI/Hall-Kimbrell Environmental Division.

Address: 4621 SW Kelly Avenue, Portland, OR 97201, Contact: Kelly Champion, Phone: (503) 223-1440.

(b) *Approved Courses:*

Abatement Worker (Certified 12/28/88 to 1/1/91 **only**).
Contractor/Supervisor (Certified 9/7/89 to 10/1/90 **only**).

Rhode Island.

(21)(a) *State Agency:* State of Rhode Island & Providence Plantations, Department of Health, Address: 206 Cannon Bldg., Three Capitol Hill, Providence, RI 02908, Contact: William Dundulis, Jr., Phone: (401) 277-3601.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/4/86).
Contractor/Supervisor (full from 2/4/86).
Inspector/Management Planner (full from 8/3/89).
Project Designer (full from 8/3/89).

(i)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: William I. Roberts, Phone: (717) 257-1360.

(b) *Approved Course:*

Contractor/Supervisor (Certified 3/31/89 to 3/29/91 **only**).

(ii)(a) *Training Provider:* Analytical Testing Services, Inc.

Address: 27 Thurber Blvd., Smithfield, RI 02917, Contact: Robert Weisberg, Phone: (401) 232-1420.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/10/86).
Contractor/Supervisor Annual Review (Certified 12/10/86).
Inspector/Management Planner (Certified 1/10/91).
Inspector/Management Planner Annual Review (Certified 1/10/91).

(iii)(a) *Training Provider:* Applied Occupational Health Systems.

Address: 29 River Rd., Suite 18, Concord, NH 03301, Contact: H. Charles Claridge, II, Phone: (603) 228-3610.

(b) *Approved Courses:*

Abatement Worker (Certified 6/11/90).
Contractor/Supervisor (Certified 6/11/90).

(iv)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 Northwest Sixth Ave., Fort Lauderdale, FL 33311, Contact: James F Stump, Phone: (305) 524-7208.

(b) *Approved Course:*

Abatement Worker (Certified 11/21/89).

(v)(a) *Training Provider:* Center for Environmental Management-Tufts University.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Brenda Cole, Phone: (617) 381-3531.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 3/31/89).
Contractor/Supervisor (Certified 7/1/86).
Contractor/Supervisor Annual Review (Certified 3/31/89).

(vi)(a) *Training Provider:* Certified Engineering & Testing Co., Inc.

Address: 100 Grossman Dr., Braintree, MA 02184, Contact: Robert Thornburgh, Phone: (617) 849-0111.

(b) *Approved Courses:*

Abatement Worker (Certified 8/22/89).
Abatement Worker Annual Review (Certified 8/22/89).
Contractor/Supervisor (Certified 8/22/89).
Contractor/Supervisor Annual Review (Certified 8/22/89).

(vii)(a) *Training Provider:* Chemscope, Inc.

Address: P.O. Box 389, Newhaven, CT 06513, Contact: Ronald D. Arena, Phone: (203) 865-5605.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 11/27/90).
Contractor/Supervisor Annual Review (Certified 11/27/90).

(viii)(a) *Training Provider:* Community College of Rhode Island.

Address: 1762 Louisquisset Pk., Lincoln, RI 02865, Contact: Richard Tessier, Phone: (401) 333-7166.

(b) *Approved Courses:*

Abatement Worker (Certified 11/13/87).
Abatement Worker Annual Review (Certified 3/31/89).
Contractor/Supervisor (Certified 3/31/89).
Contractor/Supervisor Annual Review (Certified 3/31/89).
Inspector/Management Planner Annual Review (Certified 12/14/90).

(ix)(a) *Training Provider:* Con-Test Educational Center.

Address: 39 Spruce St., East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/86).
Abatement Worker Annual Review (Certified 2/8/89).
Contractor/Supervisor (Certified 3/1/86).
Contractor/Supervisor Annual Review (Certified 2/8/89).

(x)(a) *Training Provider:* Dennison Environmental, Inc.

Address: 74 Commerce Way, Woburn, MA 01801, Contact: Kathleen Estridge, Phone: (617) 932-9400.

(b) *Approved Courses:*

Abatement Worker (Certified 4/30/89).
Abatement Worker Annual Review (Certified 4/30/89).
Contractor/Supervisor (Certified 4/30/89).
Contractor/Supervisor Annual Review (Certified 4/30/89).

(xi)(a) *Training Provider:* Environmed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: George Giacco, Jr., Phone: (203) 786-5580.

(b) *Approved Courses:*

Abatement Worker (Certified 9/28/89).
Abatement Worker Annual Review (Certified 12/6/90).
Contractor/Supervisor (Certified 9/28/89).
Contractor/Supervisor Annual Review (Certified 12/6/90).

(xii)(a) *Training Provider:* Environmental Training Services.

Address: 62 H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Courses:*

Abatement Worker (Certified 1/23/90).
Abatement Worker Annual Review (Certified 1/23/90).
Contractor/Supervisor (Certified 1/23/90).
Contractor/Supervisor Annual Review (Certified 1/23/90).

(xiii)(a) *Training Provider:* Georgia Institute of Technology/GTRI.

Address: 151 6th St., Atlanta, GA 30332, Contact: Mark Demyanek, Phone: (404) 894-3806.

(b) *Approved Courses:*

Abatement Worker (Certified 7/22/88).
Abatement Worker Annual Review (Certified 2/14/89).
Contractor/Supervisor (Certified 7/22/88).
Contractor/Supervisor Annual Review (Certified 2/14/89).

(xiv)(a) *Training Provider:* Harvard School of Public Health.

Address: 677 Huntington Ave., Boston, MA 02115, Contact: Louis DiBerardinis, Phone: (617) 732-1171.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Contractor/Supervisor (Certification Pending).

(xv)(a) *Training Provider:* Heat & Frost Insulation Union Local No. 6.

Address: 56 Roland St., Boston, MA 02129, Contact: Anthony Pistorino, Phone: (617) 625-6666.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/89).
Contractor/Supervisor (Certified 3/2/89).

(xvi)(a) *Training Provider:* Hygeia, Inc.

Address: 303 Bear Hill Rd., Waltham, MA 02154, Contact: Cynthia Whalen, Phone: (617) 890-4999.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certified 3/6/90).
Contractor/Supervisor (Certified 12/7/89).
Contractor/Supervisor Annual Review (Certified 3/6/90).

(xvii)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Russell Matthews, Phone: (617) 723-4664.

(b) *Approved Courses:*

Abatement Worker (Certified 5/10/89).
Abatement Worker Annual Review (Certified 5/10/89).
Contractor/Supervisor (Certified 5/10/89).
Contractor/Supervisor Annual Review (Certified 5/10/89).

(xviii)(a) *Training Provider:* Institute for Environmental Education.

Address: 500 West Cummings Pk., Suite 3650, Woburn, MA 01801, Contact: Starla L. Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (Certified 9/9/87).
Abatement Worker Annual Review (Certified 5/8/89).
Contractor/Supervisor (Certified 9/9/87).
Contractor/Supervisor Annual Review (Certified 5/8/89).

(xix)(a) *Training Provider:* Mystic Air Quality Consultants.

Address: 1085 Buddington Rd., Groton, CT 06340, Contact: Christopher Eident, Phone: (203) 449-8903.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 1/29/90).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certified 1/29/90).

(xx)(a) *Training Provider:* NAACO.

Address: 790 Turnpike St., North Andover, MA 01845, Contact: Martin Levitt, Phone: (508) 681-8711.

(b) *Approved Courses:*

Abatement Worker (Certified 4/28/88).
Abatement Worker Annual Review (Certified 4/3/89).
Contractor/Supervisor Annual Review (Certified 4/3/89).

(xxi)(a) *Training Provider:* National Asbestos Council (NAC), Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Tom Laubenthal, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 9/5/86).
Abatement Worker Annual Review (Certified 1/16/91).
Contractor/Supervisor Annual Review (Certified 1/16/91).

(xxii)(a) *Training Provider:* National Training Fund/Workers Institute for Safety & Health (WISH).

Address: 1126 16th St., NW., Washington, DC 20036, Contact: Mathew Gillen, Phone: (202) 887-1980.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certified 1/31/89).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certified 1/31/89).

(xxiii)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748, Contact: James Merloni, Phone: (508) 435-6316.

(b) *Approved Courses:*

Abatement Worker (Certified 7/1/86).
Abatement Worker Annual Review (Certified 2/15/89).
Contractor/Supervisor (Certified 2/4/91).
Contractor/Supervisor Annual Review (Certified 2/15/89).

(xxiv)(a) *Training Provider:* Quality Control Services, Inc.

Address: 10 Lowell Junction Rd., Andover, MA 01810, Contact: Ajay Pathak, Phone: (508) 475-0623.

(b) *Approved Courses:*

Abatement Worker (Certified 4/27/88).
Abatement Worker Annual Review (Certified 3/10/89).
Contractor/Supervisor (Certified 4/27/88).
Contractor/Supervisor Annual Review (Certified 3/10/89).

(xxv)(a) *Training Provider:* Safe Environment of America, Inc.

Address: 100 Moody St., Suite 200, Ludlow, MA 01056, Contact: Anne Folta, Phone: (413) 289-1409.

(b) *Approved Courses:*

Abatement Worker (Certified 1/31/89).
Abatement Worker Annual Review (Certification Pending).
Contractor/Supervisor (Certified 1/31/89).
Contractor/Supervisor Annual Review (Certification Pending).

South Dakota.

(22)(a) *State Agency:* Dept. of Water & Natural Resources Division of Air Quality & Solid Waste, Address: Joe Foss Building, 523 East Capitol St., Pierre, SD 57501, Contact: Bob McDonald, Phone: (605) 773-3153.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 9/15/88).
Contractor/Supervisor (full from 9/15/88).
Inspector/Management Planner (full from 9/15/88).
Project Designer (full from 9/15/88).

(i)(a) *Training Provider:* ATC Environmental.

Address: 1515 East 10th St., Sioux Falls, SD 57701, Contact: Jim Stout, Phone: (605) 338-0555.

(b) *Approved Courses:*

Abatement Worker (Certified 2/6/90).
Contractor/Supervisor (Certified 2/6/90).
Inspector/Management Planner (Certified 2/6/90).

(ii)(a) *Training Provider:* Asbestec.

Address: P.O. Box 5064, Cheyenne, WY 82003-5064, Contact: Leo Quinlivan, Phone: (307) 638-3100.

(b) *Approved Courses:*

Abatement Worker (Certified 2/14/91).
Abatement Worker Annual Review (Certified 2/14/91).
Contractor/Supervisor (Certified 2/14/91).
Contractor/Supervisor Annual Review (Certified 2/14/91).
Inspector/Management Planner (Certified 2/14/91).
Inspector/Management Planner Annual Review (Certified 2/14/91).
Project Designer (Certified 2/14/91).
Project Designer Annual Review (Certified 2/14/91).

(iii)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 NW. 6th Ave., Fort Lauderdale, FL 33311, Contact: Marl Knick, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (Certified 6/20/90).
Abatement Worker Annual Review (Certified 6/20/90).
Contractor/Supervisor (Certified 6/20/90).
Contractor/Supervisor Annual Review (Certified 6/20/90).

(iv)(a) *Training Provider:* Asbestos Training & Supply.

Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) *Approved Courses:*

Abatement Worker (Certified 2/14/91).
Abatement Worker Annual Review (Certified 2/14/91).
Contractor/Supervisor (Certified 2/14/91).
Contractor/Supervisor Annual Review (Certified 2/14/91).

(v)(a) *Training Provider:* Black Hills Special Services Cooperative.

Address: Box 218, Sturgis, SD 57784, Contact: Steve Miller, Phone: (605) 347-4467.

(b) *Approved Courses:*

Abatement Worker (Certified 3/22/89).
Abatement Worker Annual Review (Certified 8/9/88).
Contractor/Supervisor (Certified 3/22/89).
Contractor/Supervisor Annual Review (Certified 8/9/88).
Inspector/Management Planner (Certified 3/22/89).
Inspector/Management Planner Annual Review (Certified 2/26/90).
Project Designer Annual Review (Certified 12/7/90).

(vi)(a) *Training Provider:* Cleveland Environmental Services, Inc.

Address: 1400 Harrison Avenue, P.O. Box 14643, Cleveland, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*

Abatement Worker (Certified 9/10/90).
Abatement Worker Annual Review (Certified 9/10/90).

(vii)(a) *Training Provider:* Enviro-safe Inc.

Address: P.O. Box 328, Wakonda, SD 57073, Contact: John Mathrol, Phone: (605) 267-2539.

(b) *Approved Courses:*

Abatement Worker (Certified 2/28/89 to 1/1/90 only).
Contractor/Supervisor (Certified 2/28/89 to 1/1/90 only).
Inspector/Management Planner (Certified 2/28/89 to 1/1/90 only).

(viii)(a) *Training Provider:* Fargo - Moorhead Carpenters Joint Apprenticeship & Training Committee.

Address: 3002 1st Ave., N., Fargo, ND 58102, Contact: Raymond Such, Phone: (701) 235-4981.

(b) *Approved Courses:*

Abatement Worker (Certified 4/20/89).

Abatement Worker Annual Review (Certified 4/25/90).
Contractor/Supervisor (Certified 4/20/89).
Contractor/Supervisor Annual Review (Certified 4/25/90).

(ix)(a) *Training Provider:* Fox & Fox, Inc.

Address: 1904 Willow Creek Rd., Casper, WY 82604, Contact: David Fox, Phone: (307) 234-0084.

(b) *Approved Courses:*

Abatement Worker (Certified 1/29/90).
Abatement Worker Annual Review (Certified 1/29/90).
Contractor/Supervisor (Certified 1/29/90).
Contractor/Supervisor Annual Review (Certified 1/29/90).

(x)(a) *Training Provider:* Iowa Laborers Training Fund.

Address: 5806 Meredith Ave., Suite C, Des Moines, IA 50322, Contact: Jack Jones, Phone: (515) 270-6965.

(b) *Approved Course:*

Abatement Worker (Certified 3/22/88).

(xi)(a) *Training Provider:* L & L Insulation, Inc.

Address: P.O. Box 1258, Rapid City, SD 57709, Contact: Perry Huber, Phone: (605) 348-4012.

(b) *Approved Courses:*

Abatement Worker (Certified 3/4/91).
Contractor/Supervisor (Certified 3/4/91).
Contractor/Supervisor Annual Review (Certified 3/19/91).

(xii)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6600 College Blvd., Suite 315, Overland Park, KS 66211, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (Certified 4/3/90).
Abatement Worker Annual Review (Certified 4/3/90).
Contractor/Supervisor (Certified 4/3/90).
Contractor/Supervisor Annual Review (Certified 4/3/90).
Inspector/Management Planner Annual Review (Certified 4/3/90).

(xiii)(a) *Training Provider:* Pickering Environmental.

Address: 1750 Madison Ave., Memphis, TN 38104, Contact: David Wright, Phone: (901) 726-0810.

(b) *Approved Course:*

Inspector/Management Planner (Certified 2/8/89).

(xiv)(a) *Training Provider:* South Dakota State University, College of Engineering.

Address: P.O. Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4107.

(b) *Approved Courses:*

Abatement Worker (Certified 5/18/88).
Abatement Worker Annual Review (Certified 9/8/88).
Contractor/Supervisor (Certified 5/18/88).
Contractor/Supervisor Annual Review (Certified 9/8/88).
Inspector/Management Planner (Certified 5/18/88).
Inspector/Management Planner Annual Review (Certified 9/8/88).

Utah.

(23)(a) *State Agency:* Utah Dept. of Health Bureau of Air Quality, Address: 1950 West North Temple, P.O. Box 16690, Salt Lake City, UT 84116-0690, Contact: F. Burnell Cordner, Phone: (801) 536-4000.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/8/89).
Contractor/Supervisor (full from 7/8/89).
Inspector/Management Planner (full from 7/8/89).
Project Designer (full from 7/8/89).

(i)(a) *Training Provider:* Asbestos Training Associates (ATA).

Address: 10256 S. Flanders Road, Sandy, UT 84092, Contact: Joseph B. Liqori, Phone: (801) 571-4116.

(b) *Approved Course:*

Contractor/Supervisor (Certified 4/5/90).

(ii)(a) *Training Provider:* Industrial Health Incorporated.

Address: 640 E. Wilmington Ave., Salt Lake City, UT 84106, Contact: Merlynn Densley, Phone: (801) 466-2223.

(b) *Approved Courses:*

Abatement Worker (Certified 1/10/89).
Contractor/Supervisor (Certified 4/24/89).
Inspector/Management Planner (Certified 3/23/89).

(iii)(a) *Training Provider:* JKL Asbestos, Inc.

Address: P.O. Box 406, Lehi, UT 84043, Contact: James K. Libberton, Phone: (801) 768-4231.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/2/90).
Contractor/Supervisor Annual Review (Certified 7/2/90).

(iv)(a) *Training Provider:* National Education Program for Asbestos (NEPA).

Address: 2863 West 8750 South, West Jordan, UT 84088, Contact: Mark A. Kirk, Phone: (801) 565-1400.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 4/12/89).
Contractor/Supervisor Annual Review (Certified 5/22/89).

(v)(a) *Training Provider:* Power Master Incorporated.

Address: 13205 South State St., Draper, UT 84020, Contact: Brian Welty, Phone: (801) 571-9321.

(b) *Approved Course:*

Abatement Worker (Certified 7/29/88 to 4/4/91 **only**).

(vi)(a) *Training Provider:* Rocky Mountain Center for Occupational and Environmental Health.

Address: University of Utah, Building 512, Salt Lake City, UT 84112, Contact: Jeffery S. Lee, Phone: (801) 581-5710.

(b) *Approved Courses:*

Abatement Worker (Certified 2/8/89).
Abatement Worker Annual Review (Certified 2/13/89).
Contractor/Supervisor (Certified 10/7/88).
Contractor/Supervisor Annual Review (Certified 6/7/88).
Inspector/Management Planner Annual Review (Certified 12/15/88).
Project Designer (Certified 10/7/88).

(vii)(a) *Training Provider:* S & H Asbestos Consultants, Inc.

Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: Stanley Christiansen, Phone: (801) 277-2323.

(b) *Approved Courses:*

Abatement Worker (Certified 8/12/88).
Abatement Worker Annual Review (Certified 7/28/89).

(viii)(a) *Training Provider:* Utah Carpenters Joint Apprenticeship & Training Committee.

Address: 2261 S. Redwood Rd., Suite J, Salt Lake City, UT 84119, Contact: Ken Mayne, Phone: (801) 972-5147.

(b) *Approved Courses:*

Abatement Worker (Certified 10/16/89).
Contractor/Supervisor (Certified 10/16/89).

(ix)(a) *Training Provider:* Utah Correctional Industries.

Address: P.O. Box 850, Draper, UT 84020-850, Contact: Vic Middleton, Phone: (801) 571-9264.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 9/25/89).
Contractor/Supervisor Annual Review (Certified 4/5/90).

Virginia.

(24)(a) *State Agency:* Commonwealth of Virginia Dept. of Commerce. Address:

3600 West Broad St., Richmond, VA 23230-4917, Contact: Nelle P. Hotchkiss, Phone: (804) 367-8595.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 7/1/88).
Contractor/Supervisor (full from 7/1/88).
Inspector/Management Planner (full from 7/1/88).
Project Designer (full from 7/1/88).

(i)(a) *Training Provider:* Aerosol Monitoring & Analysis.

Address: The Commons Corporate Center, 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: Steve Blizzard, Phone: (800) 221-1745.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 10/18/89).
Contractor/Supervisor (Certified 10/31/89).
Contractor/Supervisor Annual Review (Certified 10/18/89).
Inspector/Management Planner (Certified 10/18/89).
Inspector/Management Planner Annual Review (Certified 10/18/89).

(ii)(a) *Training Provider:* Alice Hamilton Occupational Health Center.

Address: 410 7th St., SE., 2nd Floor, Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/88).
Abatement Worker Annual Review (Certified 1/1/89).
Contractor/Supervisor (Certified 3/2/88).
Contractor/Supervisor Annual Review (Certified 1/1/89).
Inspector/Management Planner (Certified 3/2/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(iii)(a) *Training Provider:* Asbestos Analytical Association.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*

Abatement Worker (Certified 7/27/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 7/27/88).
Contractor/Supervisor Annual Review (Certified 2/1/89).
Inspector/Management Planner (Certified 7/27/88).
Inspector/Management Planner Annual Review (Certified 6/1/89).
Project Designer Annual Review (Certified 5/13/89).

(iv)(a) *Training Provider:* Asbestos Consulting & Training Systems.

Address: 903 Northwest Sixth Ave., Ft. Lauderdale, FL 33311, Contact: Mark Knick, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (Certified 10/6/89).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor (Certified 10/6/89).
Contractor/Supervisor Annual Review (Certified 2/1/90).

(v)(a) *Training Provider:* Asbestos Removal Corp. of Maryland.

Address: 521-D Pulaski Highway, Joppa, MD 21085, Contact: John Therappas, Phone: (301) 679-6062.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/19/90).
Contractor/Supervisor Annual Review (Certified 7/19/90).

(vi)(a) *Training Provider:* Atlantic Environmental Resources.

Address: 10111-B Bacon Dr., Beltsville, MD 20705, Contact: John Profitt, Phone: (301) 595-1737.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 7/19/90).
Contractor/Supervisor Annual Review (Certified 7/19/90).

(vii)(a) *Training Provider:* BCM Engineers, Inc.

Address: 108 St. Anthony St., Mobile, AL 36602, Contact: H. Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner Annual Review (Certified 9/1/89).
Project Designer Annual Review (Certified 9/1/89).

(viii)(a) *Training Provider:* Barco, Inc.

Address: 2439 N. Charles St., Baltimore, MD 21218, Contact: Bart Harrison, Phone: (301) 889-7770.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 11/19/90).
Contractor/Supervisor Annual Review (Certified 11/19/90).

(ix)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Jean Fisher, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (Certified 9/13/88).
Abatement Worker Annual Review (Certified 4/1/89).
Contractor/Supervisor (Certified 9/13/88).
Contractor/Supervisor Annual Review (Certified 3/1/89).
Inspector/Management Planner (Certified 9/13/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(x)(a) *Training Provider:* Briggs Assoc. Inc.

Address: 8325 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Roos Voorhees, Phone: (301) 381-4434.

(b) *Approved Course:*

Abatement Worker (Certification Pending).

(xi)(a) *Training Provider:* Critical Environmental.

Address: 5815 Gulf Freeway, Houston, TX 77023, Contact: Ronald F. Dodson, Phone: (713) 921-8921.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Contractor/Supervisor (Certification Pending).
Inspector/Management Planner (Certification Pending).

(xii)(a) *Training Provider:* Delaware Tech.

Address: 1832 North Dupont Parkway, Dover, DE 19001, Contact: David T. Stanley, Phone: (302) 736-5321.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 1/16/91).
Contractor/Supervisor Annual Review (Certified 1/16/91).

(xiii)(a) *Training Provider:* E.I. DuPont DeNemours & Co., Inc.

Address: Spruance Plant, P.O. Box 27001, Richmond, VA 23261, Contact: Clarence Mihal, Phone: (804) 743-2948.

(b) *Approved Courses:*

Abatement Worker (Certified 5/11/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 5/11/88).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xiv)(a) *Training Provider:* EME, Inc.

Address: P.O. Box 8843, Greensboro, NC 27409, Contact: Russ Luther, Phone: (919) 855-5752.

(b) *Approved Course:*

Abatement Worker (Certified 4/1/90).

(xv)(a) *Training Provider:* Environmental Specialties, Inc.

Address: P.O. Box 130, Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 452-1212.

(b) *Approved Courses:*

Abatement Worker (Certified 5/1/89).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/1/89).

Contractor/Supervisor Annual Review (Certified 6/1/89).

(xvi)(a) *Training Provider:* Fluor Daniel.

Address: The Daniel Bldg., 301 North Main St., Greenville, SC 29601, Contact: Rick Florence, Phone: (803) 298-2166.

(b) *Approved Courses:*

Abatement Worker (Certified 6/24/88).
Contractor/Supervisor (Certified 6/24/88).

(xvii)(a) *Training Provider:* GST Company.

Address: 50 Progress Ave., Zelienople, PA 16063, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/89).
Abatement Worker Annual Review (Certified 7/1/89).
Contractor/Supervisor (Certified 6/1/89).
Contractor/Supervisor Annual Review (Certified 7/1/89).

(xviii)(a) *Training Provider:* Georgia Tech Research Group.

Address: Georgia Tech Institute of Technology, Atlanta, GA 30332, Contact: Vicki H. Ainslie, Phone: (404) 895-3806.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 5/1/89).
Contractor/Supervisor Annual Review (Certified 4/1/89).

(xix)(a) *Training Provider:* Global Waste System Inc.

Address: Smith Reynolds Airport Hangar 14, Winston Salem, NC 27105, Contact: Carl Reid, Phone: (919) 744-9382.

(b) *Approved Courses:*

Abatement Worker (Certified 3/2/90).
Abatement Worker Annual Review (Certified 3/1/90).
Contractor/Supervisor (Certified 3/2/90).
Contractor/Supervisor Annual Review (Certified 3/1/90).

(xx)(a) *Training Provider:* Great Barrier Insulation Co.

Address: P.O. Box 70247, Mobile, AL 36607-8247, Contact: Thomas W Knotts, Phone: (205) 476-0350.

(b) *Approved Course:*

Abatement Worker (Certified 12/8/89).

(xxi)(a) *Training Provider:* Hall-Kimbrell Environmental Services.

Address: 4840 West 15th St., P.O. Box 307, Lawrence, KS 66046, Contact: Steve Davis, Phone: (804) 270-7235.

(b) *Approved Courses:*

Abatement Worker (Certified 5/23/88).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/23/88).
Contractor/Supervisor Annual Review (Certified 6/1/89).
Inspector/Management Planner Annual Review (Certified 2/1/90).

(xxii)(a) *Training Provider:* Harman Engineering Associates, Inc.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: Dave Schrimsher, Phone: (205) 821-9250.

(b) *Approved Course:*

Abatement Worker (Certified 9/21/89).

(xxiii)(a) *Training Provider:* Hazard Abatement Consultants.

Address: 5 Breechwood Rd., Hampton, VA 23666, Contact: Thomas Priesman, Phone: (804) 825-0302.

(b) *Approved Course:*

Abatement Worker (Certified 6/1/89).

(xxiv)(a) *Training Provider:* Hercules Aerospace Co.

Address: Radford Army Ammunition Plant, Caller Service 1, Radford, VA 24141-0299, Contact: Lance Hudnall, Phone: (703) 639-7730.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 12/19/90).
Contractor/Supervisor Annual Review (Certified 12/19/90).
Inspector Annual Review (Certified 10/30/90).

(xxv)(a) *Training Provider:* Ind-Tra-Co., Ltd.

Address: 511 W. Grace St., Richmond, VA 23220, Contact: Ernest Drew, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (Certified 3/7/88).
Abatement Worker Annual Review (Certified 3/1/89).
Contractor/Supervisor (Certified 3/7/88).
Contractor/Supervisor Annual Review (Certified 3/1/89).
Inspector/Management Planner (Certified 3/7/88).
Inspector/Management Planner Annual Review (Certified 3/1/89).

(xxvi)(a) *Training Provider:* Industrial Training & Support Services.

Address: P.O. Box 496, Lightfoot, VA 23090, Contact: Virginia Graham, Phone: (804) 565-3308.

(b) *Approved Courses:*

Abatement Worker (Certified 10/22/88).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 11/19/90).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xxvii)(a) *Training Provider:* Institute for Environmental Education.

Address: 500 West Cummings Pk., Suite 3650, Woburn, MA 01801, Contact: Starla L. Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (Certification Pending).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor (Certification Pending).
Contractor/Supervisor Annual Review (Certified 12/1/89).
Inspector (Certification Pending).
Inspector/Management Planner Annual Review (Certified 12/27/89).

(xxviii)(a) *Training Provider:* Jenkins Professionals Inc.

Address: 5502 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (Certified 12/27/89).
Contractor/Supervisor (Certified 12/27/89).

(xxix)(a) *Training Provider:* Laborers District Council of Virginia Training Trust Fund.

Address: 4191 Rochambeau Dr., Williamsburg, VA 23185, Contact: Roy Brightwell, Phone: (804) 564-8148.

(b) *Approved Courses:*

Abatement Worker (Certified 8/8/88).
Abatement Worker Annual Review (Certified 6/1/89).

(xxx)(a) *Training Provider:* META.

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Katy Nitcher, Phone: (913) 842-6382.

(b) *Approved Courses:*

Abatement Worker Annual Review (Certified 3/1/90).
Contractor/Supervisor Annual Review (Certified 3/1/90).

(xxxi)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Marshall Marcus, Phone: (804) 733-1855.

(b) *Approved Courses:*

Abatement Worker (Certified 2/13/89).
Contractor/Supervisor (Certified 2/13/89).

(xxxii)(a) *Training Provider:* Maryland Center for Environmental Training-Charles County Community College.

Address: Mitchell Rd., P.O. Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*
Abatement Worker (Certified 5/19/89).
Abatement Worker Annual Review (Certified 6/1/89).
Contractor/Supervisor (Certified 5/19/89).
Contractor/Supervisor Annual Review (Certified 6/1/89).

(xxxiii)(a) *Training Provider:* Medical College of Virginia, Dept. of Preventive Medicine.
Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*
Abatement Worker (Certified 12/8/87).
Abatement Worker Annual Review (Certified 4/1/89).
Contractor/Supervisor (Certified 3/8/87).
Contractor/Supervisor Annual Review (Certified 11/1/88).
Inspector/Management Planner (Certified 12/8/87).
Inspector/Management Planner Annual Review (Certified 1/1/89).
Project Designer (Certified 8/25/89).

(xxxiv)(a) *Training Provider:* Metropolitan Laboratories.
Address: P.O. Box 8921, Norfolk, VA 23503, Contact: Ethel Holmes, Phone: (804) 583-9444.

(b) *Approved Courses:*
Abatement Worker (Certified 8/4/88).
Contractor/Supervisor (Certified 8/4/88).

(xxxv)(a) *Training Provider:* National Asbestos Council, Inc.
Address: 1777 Northeast Expressway, Route 150, Atlanta, GA 30329, Contact: Cynthia Clavon, Phone: (404) 633-2622.

(b) *Approved Courses:*
Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 10/1/89).

(xxxvi)(a) *Training Provider:* Norfolk Shipbuilding & Dry Dock Co.
Address: P.O. Box 2100, Norfolk, VA 23501, Contact: Thomas Beacham, Phone: (804) 494-2940.

(b) *Approved Courses:*
Abatement Worker (Certified 6/15/88).
Abatement Worker Annual Review (Certified 7/1/89).

(xxxvii)(a) *Training Provider:* OMC.
Address: 4451 Parliament Place, Lanham, MD 20706, Contact: Ellen J. Kite, Phone: (301) 306-0632.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 8/17/90).
Contractor/Supervisor (Certified 8/25/89).
Contractor/Supervisor Annual Review (Certified 8/17/90).

(xxxviii)(a) *Training Provider:* Old Dominion University.
Address: Office of Health Sciences, Norfolk, VA 23529, Contact: Shirley Glover, Phone: (804) 683-4256.

(b) *Approved Courses:*
Abatement Worker (Certified 6/8/88).
Abatement Worker Annual Review (Certified 5/1/89).
Contractor/Supervisor (Certified 6/8/88).
Contractor/Supervisor Annual Review (Certified 5/1/89).
Inspector/Management Planner (Certified 6/8/88).
Inspector/Management Planner Annual Review (Certified 4/1/89).

(xxxix)(a) *Training Provider:* Quality Specialties, Inc.
Address: One Westover Park, 501 Westover Ave., Hopewell, VA 23860, Contact: Bowen Hyatt, Phone: (804) 748-9637.

(b) *Approved Courses:*
Abatement Worker (Certified 5/17/88).
Abatement Worker Annual Review (Certified 7/20/90).

(xl)(a) *Training Provider:* Retra Services.
Address: 200 Oxford Blvd., Allison Park, PA 15101, Contact: David Sarvadi, Phone: (800) 229-8724.

(b) *Approved Courses:*
Abatement Worker (Certified 8/18/89).
Abatement Worker Annual Review (Certified 2/1/90).
Contractor/Supervisor (Certified 10/22/90).
Contractor/Supervisor Annual Review (Certified 2/1/90).

(xli)(a) *Training Provider:* Roy F. Weston, Inc.
Address: 1635 Pumphrey Ave., Auburn, AL 36830, Contact: Michael Skotnick, Phone: (205) 826-6100.

(b) *Approved Course:*
Inspector/Management Planner (Certified 12/27/89).

(xlii)(a) *Training Provider:* S.G. Brown, Inc.
Address: 2701 Sonic Dr., Virginia Beach, VA 23334, Contact: George Torrence, Phone: (804) 468-0027.

(b) *Approved Courses:*
Abatement Worker (Certified 6/10/88).
Abatement Worker Annual Review (Certified 7/1/89).
Contractor/Supervisor Annual Review (Certified 7/1/89).

(xliii)(a) *Training Provider:* State Council of Carpenters of Virginia.
Address: 3801 Jefferson Davis Hwy., Richmond, VA 23234, Contact: Frank Hollis, Phone: (804) 275-0701.

(b) *Approved Courses:*
Abatement Worker (Certified 8/31/89).
Abatement Worker Annual Review (Certified 10/9/90).
Contractor/Supervisor (Certified 8/31/89).
Contractor/Supervisor Annual Review (Certified 10/9/90).

(xliv)(a) *Training Provider:* T R C Environmental Consultants, Inc.
Address: 1725 K Street, NW., Washington, DC 20006, Contact: Marian Meiselman, Phone: (202) 337-0307.

(b) *Approved Courses:*
Abatement Worker (Certified 12/4/90).
Abatement Worker Annual Review (Certified 1/31/91).
Contractor/Supervisor (Certified 12/4/90).
Contractor/Supervisor Annual Review (Certified 1/31/91).

(xlv)(a) *Training Provider:* The Environmental Institute.
Address: Cobb Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Rachel McCain, Phone: (404) 425-2000.

(b) *Approved Course:*
Contractor/Supervisor Annual Review (Certified 12/1/89).

(xlvi)(a) *Training Provider:* The Francis L. Greenfield Institute.
Address: Route 6344, P.O. Box 217, Sterling, VA 22170, Contact: Bengamin Bostic, Phone: (703) 450-5950.

(b) *Approved Courses:*
Abatement Worker (Certified 10/10/88).
Abatement Worker Annual Review (Certified 10/1/89).

(xlvii)(a) *Training Provider:* The Glaser Company.
Address: 200 Kanawha Terrace, St. Albans, WV 25177, Contact: Gina Silbaugh, Phone: (304) 722-2832.

(b) *Approved Courses:*
Abatement Worker Annual Review (Certified 6/1/90).
Contractor/Supervisor Annual Review (Certified 6/1/90).

(xlviii)(a) *Training Provider:* Tidewater Community College.
Address: VA Beach Campus, 1700 College Cresent, Virginia Beach, VA 23456, Contact: Sam Lamb, Phone: (804) 427-7198.

(b) *Approved Course:*
Abatement Worker (Certified 3/21/89).

(xlix)(a) *Training Provider:* University of Virginia National Asbestos Council Division of Continuing Education.

Address: 106 Midmont Lake, Charlottesville, VA 22903, Contact: Gregory Pels, Phone: (804) 924-7114.

(b) *Approved Course:*

Abatement Worker (Certified 3/7/88).

(l)(a) *Training Provider:* Waco, Inc.

Address: 4407 Theodore Green Blvd., White Plains, MD 20695-0740, Contact: Wayne Cooper, Phone: (301) 870-3323.

(b) *Approved Courses:*

Abatement Worker (Certified 10/31/88).
Abatement Worker Annual Review (Certified 2/1/89).
Contractor/Supervisor (Certified 10/31/88).
Contractor/Supervisor Annual Review (Certified 2/1/89).

(li)(a) *Training Provider:* White Lung Association.

Address: 1601 St. Paul St., Baltimore, MD 21202, Contact: James Fite, Phone: (301) 727-6029.

(b) *Approved Courses:*

Inspector/Management Planner (Certified 7/11/88).
Inspector/Management Planner Annual Review (Certified 2/1/90).

Washington.

(25)(a) *State Agency:* Washington Department of Labor and Industries, Division of Industrial Safety and Health, Address: 300 West Harrison St., Seattle, WA 98119, Contact: James Catalano, Phone: (206) 281-5325.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (interim from 12/28/87).
Abatement Worker (full from 11/10/89).
Contractor/Supervisor (interim from 12/28/87).
Contractor/Supervisor (full from 11/10/89).

(i)(a) *Training Provider:* Asbestos Training Project/Workplace Resources.

Address: 1906 Southeast Pershing St., Portland, OR 97202, Contact: Wendy Wiles, Phone: (503) 233-7707.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).

(ii)(a) *Training Provider:* Bison Engineering/Research.

Address: 1020 S. 344th No. 204, Federal Way, WA 98003, Contact: Don Hurst, Phone: (206) 838-7261.

(b) *Approved Course:*

Abatement Worker (Certified 5/12/87 to 5/12/89 **only**).

(iii)(a) *Training Provider:* Carpenters-Employers Apprenticeship & Training Trust Fund of Western Washington.

Address: 1709 Hickox Rd., Mt. Vernon, WA 98273, Contact: Emil Lippert, Phone: (206) 428-2933.

(b) *Approved Courses:*

Abatement Worker (Certified 4/23/90).
Abatement Worker Annual Review (Certified 4/23/90).

(iv)(a) *Training Provider:* Chen-Northern, Inc.

Address: 600 South 25th St., P.O. Box 30615, Billings, MT 59107, Contact: Kathleen Smit, Phone: (406) 248-9282.

(b) *Approved Course:*

Abatement Worker (Certified 12/22/88 to 12/22/89 **only**).

(v)(a) *Training Provider:* Enviro-tec, Inc.

Address: 2825 - 152nd Ave. NE., Redmond, WA 98052, Contact: Lawrence Short, Phone: (206) 867-5111.

(b) *Approved Course:*

Abatement Worker (Certified 6/22/88 to 6/22/89 **only**).

(vi)(a) *Training Provider:* Environmental Health Sciences, Inc.

Address: 9 Lake Bellevue Bldg., Suite 104, Bellevue, WA 98005, Contact: Robert Gilmore, Phone: (206) 455-2959.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).
Contractor/Supervisor (Certified 3/1/88).

(vii)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Kenneth Johnson, Phone: (907) 272-8056.

(b) *Approved Course:*

Abatement Worker (Certified 1/1/89 to 1/10/90 **only**).

(viii)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Ray Donahue, Phone: (206) 857-3222.

(b) *Approved Course:*

Abatement Worker (Certified 1/10/89 to 1/10/90 **only**).

(ix)(a) *Training Provider:* Hall-Kimbrell Environmental Services, Inc.

Address: 5319 SW. Westgate, No. 239, Portland, OR 97221, Contact: Peter Clark, Phone: (503) 292-9406.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/88).
Abatement Worker Annual Review (Certified 6/1/88).

(x)(a) *Training Provider:* Hazcon, Inc.

Address: 9500 SW. Barbur Blvd., Suite 100, Portland, OR 97219, Contact: Harvey McGill, Phone: (503) 244-8045.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/88).
Abatement Worker Annual Review (Certified 3/1/88).
Contractor/Supervisor (Certified 11/1/89).

(xi)(a) *Training Provider:* Hazcon, Inc.

Address: 5950 Sixth Ave. S., No. 200, Seattle, WA 98108, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Abatement Worker (Certified 3/1/86).
Abatement Worker Annual Review (Certified 3/1/86).
Contractor/Supervisor (Certified 11/1/89).

(xii)(a) *Training Provider:* Heavey Engineers, Inc.

Address: P.O. Box 832, Stevenson, WA 98648, Contact: Bernard Heavey, Phone: (509) 427-8936.

(b) *Approved Courses:*

Abatement Worker (Certified 11/7/87 to 8/1/89 **only**).
Abatement Worker Annual Review (Certified 7/1/88 to 8/1/89 **only**).

(xiii)(a) *Training Provider:* Long Services.

Address: 8025 10th Ave. S., P.O. Box C 81435, Seattle, WA 98018-4498, Contact: Michael Cole, Phone: (206) 763-8422.

(b) *Approved Course:*

Abatement Worker (Certified 8/5/85).

(xiv)(a) *Training Provider:* M & M Environmental, Inc.

Address: 3902 N. 34th St., Tacoma, WA 98407, Contact: Mike Reid, Phone: (206) 759-3443.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/86 to 2/4/90 **only**).
Abatement Worker Annual Review (Certified 1/1/89 to 2/4/90 **only**).

(xv)(a) *Training Provider:* NW Envirocon, Inc.

Address: 285 SW. 41 St., Renton, WA 98055, Contact: Matt Johnson, Phone: (206) 251-6033.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/88).
Abatement Worker Annual Review (Certified 1/1/88).

(xvi)(a) *Training Provider:* NW Envirocon, Inc.

Address: P.O. Box 169, Washoughal, WA 98671, Contact: Ed Hemsley, Phone: (206) 835-8576.

(b) *Approved Courses:*

Abatement Worker (Certified 1/1/88).
Abatement Worker Annual Review (Certified 1/1/88).

(xvii)(a) *Training Provider:* NW Laborers - Employers Training Trust Fund.

Address: 27055 Ohio Ave., Kingston, WA 98346, Contact: Harold Avery, Phone: (206) 297-3035.

(b) *Approved Courses:*

Abatement Worker (Certified 8/1/85).
Abatement Worker Annual Review (Certified 8/1/85).

(xviii)(a) *Training Provider:* NW Washington Painting, Drywall Joint Apprenticeship Committee.

Address: 6770 E. Marginal Way S., Seatle, WA 98108, Contact: Paul Norling, Phone: (206) 762-8332.

(b) *Approved Courses:*

Abatement Worker (Certified 5/25/88 to 6/30/89 only).
Abatement Worker Annual Review (Certified 5/25/88 to 6/30/89 only).

(xix)(a) *Training Provider:* Oregon, Southern Idaho, Wyoming, SW Washington Apprenticeship.

Address: Route 5, Box 325A, Corvallis, OR 97330, Contact: Larry Porter, Phone: (503) 745-5513.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/85).
Abatement Worker Annual Review (Certified 9/1/85).

(xx)(a) *Training Provider:* Prezant Associates, Inc.

Address: 711 6th Ave. N., Suite 200, Seattle, WA 98109, Contact: Sue Nelson, Phone: (206) 281-8858.

(b) *Approved Courses:*

Abatement Worker (Certified 6/1/88).
Abatement Worker Annual Review (Certified 6/1/88).
Contractor/Supervisor (Certified 9/1/89).

(xxi)(a) *Training Provider:* Seattle Area Roofers Joint Apprenticeship Committee.

Address: 2800 1st Ave., Rm. 318, Seattle, WA 98121, Contact: Pat Gilliland, Phone: (206) 728-2777.

(b) *Approved Course:*

Abatement Worker (Certified 1/26/90).

West Virginia.

(26)(a) *State Agency:* West Virginia Dept. of Health and Human Resources, Bureau of Pub. Health Office of Environmental Services, Address: Asbestos Control Program Asbestos, Training Accreditation Program, 151 11th Ave., South Charleston, WV 25303, Contact: Richard L. Peggs, Phone: (304) 348-0696.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 2/28/91).
Contractor/Supervisor (full from 2/28/91).
Inspector (full from 2/28/91).
Inspector/Management Planner (full from 2/28/91).
Project Designer (full from 2/28/91).

Wisconsin.

(27)(a) *State Agency:* Department of Health & Social Services Division of Health, Address: 1414 East Washington Ave., Rm. 117, Madison, WI 53703, Contact: Regina Cowell, Phone: (608) 267-2289.

(b) *Approved Accreditation Program Disciplines:*

Abatement Worker (full from 11/10/89).
Contractor/Supervisor (full from 11/10/89).
Inspector (full from 11/10/89).
Inspector/Management Planner (full from 11/10/89).
Project Designer (full from 11/10/89).

(i)(a) *Training Provider:* Aerostat Environmental Engineering.

Address: P.O. Box 3096, 2817 Atchison Ave., Lawrence, KS 66046, Contact: Joseph Stimac, Phone: (913) 749-4747.

(b) *Approved Course:*

Project Designer (Certified 4/9/90).

(ii)(a) *Training Provider:* Biological & Environmental Control Laboratories Inc.

Address: 615 Front St., Toledo, OH 43605, Contact: James Burk, Phone: (419) 693-5307.

(b) *Approved Courses:*

Contractor/Supervisor (Certified 4/11/90).
Inspector/Management Planner (Certified 3/28/90).

(iii)(a) *Training Provider:* Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank Barta, Phone: (708) 298-1200.

(b) *Approved Course:*

Abatement Worker (Certified 5/8/90).

(iv)(a) *Training Provider:* Daniel J. Hartwig & Associates.

Address: P.O. Box 80, Oregon, WI 53575, Contact: Naomi Gray, Phone: (608) 835-5781.

(b) *Approved Courses:*

Abatement Worker (Certified 6/14/90).
Abatement Worker Annual Review (Certified 3/22/91).
Contractor/Supervisor (Certified 6/14/90).
Contractor/Supervisor Annual Review (Certified 3/22/91).
Inspector/Management Planner (Certified 1/8/90).
Inspector/Management Planner Annual Review (Certified 2/26/90).

(v)(a) *Training Provider:* Environmental Rehab. Inc.

Address: 1030 Parkview Rd., Greenbay, WI 54304, Contact: Randy LaCrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (Certified 1/16/91).
Abatement Worker Annual Review (Certified 5/8/90).

(vi)(a) *Training Provider:* Good Armstrong and Associates.

Address: 7709 West Beloit Rd., Milwaukee, WI 53219, Contact: Bonnie Good, Phone: (414) 541-9740.

(b) *Approved Courses:*

Abatement Worker (Certified 9/1/90).
Abatement Worker Annual Review (Certified 9/1/90).
Contractor/Supervisor (Certified 9/1/90).
Contractor/Supervisor Annual Review (Certified 9/1/90).
Inspector/Management Planner (Certified 9/14/90).
Inspector/Management Planner Annual Review (Certified 9/14/90).

(vii)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 433 Jackson St., Anoka, MN 55303, Contact: Bill Sloan, Phone: (612) 323-9770.

(b) *Approved Courses:*

Project Designer (Certified 2/7/91).
Project Designer Annual Review (Certified 2/7/91).

(viii)(a) *Training Provider:* International Assoc. of Heat & Frost, Local 19.

Address: 9401 W. Beloit Ave., Milwaukee, WI 53227, Contact: Joel Eckmann, Phone: (414) 321-9656.

(b) *Approved Courses:*

Abatement Worker (Certified 1/17/91).
Contractor/Supervisor (Certified 3/27/91).

(ix)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc. (META).

Address: 901 Kentucky, Suite 305, P.O. Box 786, Lawrence, KS 66044, Contact: Thomas Mayhew, Phone: (800) 444-6381.

(b) *Approved Courses:*

Abatement Worker (Certified 12/19/90).
Abatement Worker Annual Review (Certified 5/17/90).
Contractor/Supervisor (Certified 12/19/90).
Contractor/Supervisor Annual Review (Certified 8/17/90).

(x)(a) *Training Provider:* Milwaukee Asbestos Information Center MAIC.

Address: 2224 S. Kinnickinnic Dr., Milwaukee, WI 53207, Contact: Tom Ortell, Phone: (414) 747-0700.

(b) *Approved Courses:*

Abatement Worker (Certified 7/30/90).
Abatement Worker Annual Review (Certified 10/17/90).
Contractor/Supervisor (Certified 7/30/90).
Contractor/Supervisor Annual Review (Certified 10/17/90).
Inspector/Management Planner (Certified 12/6/90).
Inspector/Management Planner Annual Review (Certified 12/6/90).
Project Designer (Certified 8/27/90).
Project Designer Annual Review (Certified 8/27/90).

(xi)(a) *Training Provider:* National Asbestos Council (NAC).

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Raymond McQueen, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (Certified 5/9/90).
Abatement Worker Annual Review (Certified 5/9/90).

(xii)(a) *Training Provider:* Northland Environmental Services Inc.

Address: 15 Park Ridge Dr., Stevens Point, WI 54481, Contact: Robert Voborsky, Phone: (715) 341-9699.

(b) *Approved Courses:*

Abatement Worker (Certified 7/11/90).
Abatement Worker Annual Review (Certified 7/11/90).
Contractor/Supervisor (Certified 7/11/90).
Contractor/Supervisor Annual Review (Certified 7/11/90).
Inspector/Management Planner (Certified 10/22/90).
Inspector/Management Planner Annual Review (Certified 2/6/91).

(xiii)(a) *Training Provider:* PSI-Hall-Kimbrell.

Address: 72 Executive Dr., Suite 434, Aurora, IL 60504-8137, Contact: Greg Corder, Phone: (708) 898-9414.

(b) *Approved Courses:*

Abatement Worker (Certified 6/27/90).
Abatement Worker Annual Review (Certified 6/27/90).
Contractor/Supervisor (Certified 6/27/90).
Contractor/Supervisor Annual Review (Certified 6/27/90).

(xiv)(a) *Training Provider:* University of Wisconsin College of Engineering.

Address: 432 N. Lake Dr., Madison, WI 53706, Contact: Michael Waxman, Phone: (608) 262-2101.

(b) *Approved Courses:*

Project Designer (Certified 11/5/90).
Project Designer Annual Review (Certified 11/5/90).

(xv)(a) *Training Provider:* Wisconsin Asbestos Advisory Team, Inc. (WAAT).

Address: North 9420 Lakeshore Dr., Van Dyne, WI 54979, Contact: Jerry Martin, Phone: (800) 236-8123.

(b) *Approved Courses:*

Abatement Worker (Certified 4/23/90).
Abatement Worker Annual Review (Certified 3/5/91).
Contractor/Supervisor (Certified 4/6/90).
Contractor/Supervisor Annual Review (Certified 3/5/91).

(xvi)(a) *Training Provider:* Wisconsin Laborers Training Center.

Address: P.O. Box 150, Route 1, Almond, WI 54909, Contact: Dean Jensen, Phone: (715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (Certified 4/2/90).
Abatement Worker Annual Review (Certified 4/2/90).
Contractor/Supervisor (Certified 10/16/90).
Contractor/Supervisor Annual Review (Certified 4/2/90).

EPA-Approved Training Courses

REGION I -- Boston, MA

Regional Asbestos Coordinator: James Bryson, EPA, Region I, Air and Management Division (APT-2311), JFK Federal Building, Boston, MA 02203. (617) 565-3835, (FTS) 835-3836.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region I training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Applied Occupational Health Systems.

Address: P.O. Box 894, Concord, NH 03301, Contact: Gegorey B. Stevenson, Phone: (603) 228-3610.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/13/90).
Abatement Worker Refresher Course (contingent from 7/20/90).
Contractor/Supervisor (contingent from 3/13/90).
Contractor/Supervisor Refresher Course (contingent from 7/20/90).
Inspector/Management Planner (contingent from 1/29/90).
Inspector/Management Planner Refresher Course (contingent from 7/19/90).

(2)(a) *Training Provider:* Brooks Safe & Sound, Inc.

Address: 44 Codfish Ln., Weston, CT 06883, Contact: Keith Brooks, Phone: (203) 226-6970.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/27/89).
Abatement Worker Refresher Course (contingent from 11/27/89).
Abatement Worker Refresher Course (full from 2/7/91).
Contractor/Supervisor (contingent from 11/27/89).
Contractor/Supervisor Refresher Course (contingent from 11/27/89).
Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(3)(a) *Training Provider:* Con-Test, Inc.

Address: P.O. Box 591, East Longmeadow, MA 01028, Contact: Brenda Bolduc, Phone: (413) 525-1198.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/2/87).
Abatement Worker Refresher Course (full from 11/22/88).
Contractor/Supervisor (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (contingent from 10/2/87).
Contractor/Supervisor Refresher Course (full from 12/21/88).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (contingent from 10/2/87).
Inspector/Management Planner Refresher Course (full from 2/1/89).

(4)(a) *Training Provider:* Ecosystems, Inc.

Address: 2 Deerwood Rd., Westport, CT 06880, Contact: Richard Doyle, Phone: (203) 226-4421.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 10/5/87).

(5)(a) *Training Provider:* Enviromed Services, Inc.

Address: 25 Science Park, New Haven, CT 06511, Contact: Lawrence J. Cannon, Phone: (203) 786-5580.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).
Abatement Worker (full from 1/12/90).
Abatement Worker Refresher Course (contingent from 6/19/89).
Contractor/Supervisor (contingent from 2/23/89).
Contractor/Supervisor (full from 1/12/90).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Inspector/Management Planner (contingent from 1/30/89).

(6)(a) *Training Provider:* Environmental Training Services Inc.

Address: 62-H Montvale Pl., Stoneham, MA 02180, Contact: Maryann Martin, Phone: (617) 279-0855.

(b) *Approved Course:*

Abatement Worker (contingent from 4/22/88).

(7)(a) *Training Provider:* Hygienetics, Inc.

Address: 150 Causeway St., Boston, MA 02114, Contact: Mary Beth Carver, Phone: (617) 723-4664.

(b) *Approved Course:*

Inspector (contingent from 10/2/87).

(8)(a) *Training Provider:* Industrial Health & Safety Consultants, Inc.

Address: 915 Bridgeport Ave., Shelton, CT 06484, Contact: Angela D. Rath, Phone: (203) 929-1131.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/15/89).

Abatement Worker Refresher Course (contingent from 6/19/89).

Contractor/Supervisor (contingent from 5/12/89).

Contractor/Supervisor Refresher Course (contingent from 6/19/89).

Inspector/Management Planner (contingent from 11/1/89).

Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(9)(a) *Training Provider:* Institute for Environmental Education.

Address: 500 West Cummings Pk., Suite 3650, Woburn, MA 01801, Contact: Starla L. Engelhardt, Phone: (617) 935-7370.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/88).

Abatement Worker Refresher Course (full from 11/3/88).

Contractor/Supervisor (full from 9/18/87).

Contractor/Supervisor Refresher Course (full from 11/3/88).

Inspector/Management Planner (contingent from 10/2/87).

Inspector/Management Planner Refresher Course (contingent from 10/31/88).

Project Designer (contingent from 2/28/89).

Project Designer (full from 6/7/90).

Project Designer Refresher Course (contingent from 8/8/89).

Project Designer Refresher Course (full from 4/5/90).

(10)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 33.

Address: 15 South Elm St., Wallingford, CT 06492, Contact: Joseph V. Soli, Phone: (203) 265-3547.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 7/27/88).

(11)(a) *Training Provider:* Maine Labor Group on Health, Inc.

Address: P.O. Box V, Augusta, ME 04332-1042, Contact: Diana White, Phone: (207) 622-7823.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/87).

Abatement Worker (full from 3/22/90).

Abatement Worker Refresher Course (contingent from 10/17/88).

Abatement Worker Refresher Course (full from 5/25/90).

Contractor/Supervisor (contingent from 5/18/87).

Contractor/Supervisor (full from 3/2/90).

Contractor/Supervisor Refresher Course (full from 3/26/88).

(12)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: Route 97 & Murdock Rd., P.O. Box 77, Pomfret Center, CT 06259, Contact: Gennaro Lepore, Phone: (203) 974-1455.

(b) *Approved Course:*

Abatement Worker (contingent from 5/25/89).

(13)(a) *Training Provider:* New England Laborers Training Trust Fund.

Address: 37 East St., Hopkinton, MA 01748-2699, Contact: Jim Merloni, Jr., Phone: (617) 435-6316.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).

Abatement Worker Refresher Course (contingent from 5/20/88).

(14)(a) *Training Provider:* Radiation Safety Associates, Inc.

Address: P.O. Box 107, 10 Pendleton Dr., Hebron, CT 06248, Contact: K. Paul Steinmeyer, Phone: (203) 228-0487.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/16/89).

Inspector/Management Planner (contingent from 5/16/89).

(15)(a) *Training Provider:* Tufts University Asbestos Information Center.

Address: 474 Boston Ave., Medford, MA 02155, Contact: Anne Chabot, Phone: (617) 381-3531.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 9/1/85 to 5/31/87).

Contractor/Supervisor (full from 6/1/87).

Inspector/Management Planner (full from 11/16/87).

REGION II -- Edison, NJ

Acting Regional Asbestos Coordinator: Albert Kramer, EPA, Region II, 2890 Woodbridge Ave., Raritan Depot, Bldg. 5, (MS-500), Edison, NJ 08837. (201) 321-6793, (FTS) 340-6793.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region II training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* ATC Environmental, Inc.

Address: 104 East 25th St., New York, NY 10010, Contact: David V. Chambers, Phone: (212) 353-8280.

(b) *Approved Courses:*

Abatement Worker (full from 11/7/88).

Contractor/Supervisor (full from 11/7/88).

Inspector/Management Planner (contingent from 6/5/88).

Inspector/Management Planner (full from 3/6/89).

(2)(a) *Training Provider:* Abatement Safety Training Institute.

Address: 323 West 39th St., New York, NY 10018, Contact: Rosemarie Bascianilli, Phone: (212) 629-8400.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/88).

Abatement Worker (full from 12/11/89).

Contractor/Supervisor (contingent from 10/25/88).

Contractor/Supervisor (full from 2/9/90).

Inspector/Management Planner (contingent from 3/9/88).

Inspector/Management Planner (full from 3/21/88).

Inspector/Management Planner Refresher Course (contingent from 1/11/89).

Inspector/Management Planner Refresher Course (full from 1/30/89).

(3)(a) *Training Provider:* Adelaide Environmental Health Associates.

Address: 61 Front St., Binghamton, NY 13905-4705, Contact: William S. Carter, Phone: (607) 722-6839.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(4)(a) *Training Provider:* Albany Environmental Technologies (A.E. Technologies).

Address: P.O. Box 1346, Schenectady, NY 12301, Contact: Kevin Pilgrim, Phone: (518) 374-4801.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/8/89).

Contractor/Supervisor (contingent from 6/8/89).

(5)(a) *Training Provider:* Allegheny Council on Occupational Health.

Address: 100 East Second St., Suite 3, Jamestown, NY 14701, Contact: Linda Berlin, Phone: (716) 488-0720.

(b) *Approved Course:*

Abatement Worker (contingent from 7/26/89 to 4/9/91 **only**).

(6)(a) *Training Provider:* Allwash of Syracuse, Inc.

Address: P.O. Box 605, Syracuse, NY 13201, Contact: Paul D. Watson, Phone: (315) 454-4476.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/16/87).

Abatement Worker (full from 12/7/88).

Abatement Worker Refresher Course (contingent from 12/15/88).

Contractor/Supervisor (contingent from 1/30/89).

Contractor/Supervisor Refresher Course (contingent from 10/17/89).

(7)(a) *Training Provider:* Alternative Ways, Inc. Educational Services.

Address: 100 Essex Ave., Bellmawr, NJ 08031, Contact: James Mitchell, Phone: (609) 933-3300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/88).

Abatement Worker (full from 12/1/89).

Contractor/Supervisor (contingent from 4/11/88).

Contractor/Supervisor (full from 12/1/89).

Inspector/Management Planner (contingent from 4/22/88).

Inspector/Management Planner (full from 5/26/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).

Inspector/Management Planner Refresher Course (full from 2/14/90).

(8)(a) *Training Provider:* Anderson International.

Address: RD 2, North Main Street Extension, Jamestown, NY 14701, Contact: Sally L. Gould, Phone: (716) 664-4028.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).

Abatement Worker (full from 9/23/90).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor (full from 9/24/90).

(9)(a) *Training Provider:* Applied Respiratory Technology.

Address: Pemm - Corp Building, Rd 1, Box 310 C, Route 9, Cold Spring, NY 10516, Contact: Susan M. Schlager, Phone: (914) 431-6421.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 11/28/88).

Abatement Worker Refresher Course (contingent from 10/19/88).

Abatement Worker Refresher Course (full from 11/21/90).

Contractor/Supervisor (contingent from 8/11/88).

Contractor/Supervisor (full from 11/28/88).

Contractor/Supervisor Refresher Course (contingent from 10/31/88).

(10)(a) *Training Provider:* Asbestos Control Management, Inc.

Address: 126 South Third St., Olean, NY 14760, Contact: Clar D. Anderson, Phone: (716) 372-6393.

(b) *Approved Course:*

Abatement Worker (contingent from 5/5/89).

(11)(a) *Training Provider:* Asbestos Training Academy, Inc.

Address: 218 Cooper Center, Pennsauken, NJ 08109, Contact: S. J. Sieracki, Phone: (609) 488-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88 to 12/28/90 **only**).

Abatement Worker (full from 11/7/88 to 12/28/90 **only**).

Contractor/Supervisor (contingent from 9/15/88 to 12/28/90 **only**).

Contractor/Supervisor (full from 11/7/88 to 12/28/90 **only**).

Inspector (contingent from 4/27/89 to 12/28/90 **only**).

Inspector (full from 1/24/90 to 12/28/90 **only**).

(12)(a) *Training Provider:* Asteco, Inc.

Address: 140 Telegraph Rd., P.O. Box 179, Middleport, NY 14105, Contact: Claudine R. Larocque, Phone: (716) 735-3894.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88 to 4/9/91 **only**).

Abatement Worker (full from 4/13/88 to 4/9/91 **only**).

Abatement Worker Refresher Course (contingent from 12/20/88 to 4/9/91 **only**).

(13)(a) *Training Provider:* Astoria Industries, Inc.

Address: 538 Stewart Ave., Brooklyn, NY 11222, Contact: Gary DiPaolo, Jr., Phone: (718) 387-0011.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88).

Abatement Worker (full from 4/18/88).

Contractor/Supervisor (contingent from 9/20/89).

Contractor/Supervisor (full from 1/4/90).

Inspector (contingent from 1/18/89).

(14)(a) *Training Provider:* BOCES-Albany-Schoharie-Schenectady Counties.

Address: 47 Cornell Rd., Latham, NY 12110, Contact: Charlene Vespi, Phone: (518) 786-3211.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/20/89).

Abatement Worker (full from 3/7/90).

Abatement Worker Refresher Course (contingent from 7/31/89).

Contractor/Supervisor (contingent from 7/20/89).

Inspector/Management Planner (full from 1/26/90).

Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(15)(a) *Training Provider:* BOCES-Cayuga-Onondaga Counties.

Address: 234 South St. Rd., Auburn, NY 13021, Contact: Peter Pirnie, Phone: (315) 253-0361.

(b) *Approved Course:*

Abatement Worker (contingent from 6/17/88).

(16)(a) *Training Provider:* BOCES-Schuyler, Chemung, Tioga Counties.

Address: 431 Philo Road, Elmira, NY 14903, Contact: L. Eugene Ferro, Phone: (607) 739-3581.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/89).

Abatement Worker Refresher Course (contingent from 6/1/89).

Abatement Worker Refresher Course (full from 7/31/90).

Contractor/Supervisor (contingent from 6/1/89).

Contractor/Supervisor Refresher Course (contingent from 6/1/89).

Contractor/Supervisor Refresher Course (full from 7/31/90).

Inspector/Management Planner Refresher Course (contingent from 6/1/89).

Inspector/Management Planner Refresher Course (full from 4/18/90).

(17)(a) *Training Provider:* Board of Cooperative Educational Services (BOCES) No. 3.

Address: 507 Deer Park Rd., Dix Hills, NY 11746, Contact: Ciro Aiello, Phone: (516) 667-6000 Ext. 300.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/6/89).

Abatement Worker (full from 11/27/89).

Contractor/Supervisor (contingent from 2/6/89).

(18)(a) *Training Provider:* Board of Cooperative Educational Services of Rensselaer, Columbia & Green Counties of New York.

Address: Brookview Rd., P.O. Box 26, Brookview, NY 12026, Contact: Paul D. Bowler, Phone: (518) 732-7266.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/10/89).

Abatement Worker (full from 3/22/90).

Inspector/Management Planner (contingent from 4/10/89).

(19)(a) *Training Provider:* Board of Cooperative Educational Services-Suffolk County Boces 2, Adult Occup. & Continuing Ed.

Address: 375 Locust Ave., Oakdale, NY 11769, Contact: Edward J. Milliken, Phone: (516) 563-6159.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).

Abatement Worker (full from 10/11/90).

Abatement Worker Refresher Course (contingent from 6/16/89).

Abatement Worker Refresher Course (full from 5/17/90).

Contractor/Supervisor (contingent from 3/27/89).

Contractor/Supervisor (full from 5/9/90).

Contractor/Supervisor Refresher Course (contingent from 6/16/89).

(20)(a) *Training Provider:* Branch Services, Inc.

Address: 1255 Lakeland Ave., Bohemia, NY 11716, Contact: Luis Sanders, Phone: (516) 563-7300.

(b) *Approved Course:*

Abatement Worker (contingent from 6/1/89).

(21)(a) *Training Provider:* Buffalo Laborers Training Fund.

Address: 1370 Seneca St., Buffalo, NY 14210-1647, Contact: Victor J. Sansanese, Phone: (716) 825-0883.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).

Abatement Worker (full from 3/9/90).

Abatement Worker Refresher Course (contingent from 8/8/89).

(22)(a) *Training Provider:* Building Laborers Local Union No. 17.

Address: P.O. Box 252, Vails Gate, NY 12584, Contact: Victor P. Mandia, Phone: (914) 562-1121.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(23)(a) *Training Provider:* Calibrations, Inc.

Address: 802 Watervliet - Shaker Rd., Latham, NY 12110, Contact: James Percent, Phone: (518) 786-1865.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).

Abatement Worker (full from 12/5/88).

Abatement Worker Refresher Course (contingent from 3/6/89).

Abatement Worker Refresher Course (full from 9/6/90).

Contractor/Supervisor (contingent from 9/28/88).

Contractor/Supervisor (full from 12/5/88).

Contractor/Supervisor Refresher Course (contingent from 3/6/89).

Inspector/Management Planner (contingent from 9/28/88).

Inspector/Management Planner (full from 1/26/90).

Inspector/Management Planner Refresher Course (contingent from 3/6/89).

Inspector/Management Planner Refresher Course (full from 5/2/90).

Project Designer (full from 5/23/88).

Project Designer Refresher Course (contingent from 3/6/89).

(24)(a) *Training Provider:* Comprehensive Analytical Group.

Address: 147 Midler Park Dr., Syracuse, NY 13206, Contact: Susan Richardson, Phone: (315) 432-1332.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).

Abatement Worker (full from 2/16/90).

Abatement Worker Refresher Course (contingent from 4/25/89).

Abatement Worker Refresher Course (full from 3/27/90).

Contractor/Supervisor (contingent from 3/29/89).

Contractor/Supervisor (full from 2/16/90).

Contractor/Supervisor Refresher Course (contingent from 5/18/89).

Contractor/Supervisor Refresher Course (full from 3/27/90).

Inspector (contingent from 10/27/89).

(25)(a) *Training Provider:* Ecology & Environment, Inc.

Address: Buffalo Corporate Center, 368 Pleasantview Dr., Lancaster, NY 14086, Contact: Thomas G. Siener, Phone: (716) 684-8060.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/7/89).

(26)(a) *Training Provider:* Education & Training Fund Laborers' Local No. 91.

Address: 2556 Seneca Ave., Niagra Falls, NY 14305, Contact: Joel Cicero, Phone: (716) 297-6001.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).

Abatement Worker Refresher Course (contingent from 10/20/88).

Abatement Worker Refresher Course (full from 10/22/88).

(27)(a) *Training Provider:* Edward O. Watts & Associates.

Address: 1331 North Forest Rd., Suite 340, Buffalo, NY 14221, Contact: Edward O. Watts, Phone: (716) 688-4827.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 1/20/90).

Abatement Worker Refresher Course (contingent from 3/3/89).

Contractor/Supervisor (contingent from 7/12/89).

Contractor/Supervisor (full from 1/20/90).

Contractor/Supervisor Refresher Course (contingent from 3/3/89).

(28)(a) *Training Provider:* Environmental Training, Inc.

Address: 65 Barclay Center, Rte 70, Suite 305, Cherry Hill, NJ 08034, Contact: Gary D. Hyrne, Phone: (609) 665-7470.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).

Abatement Worker Refresher Course (contingent from 6/29/89).

Contractor/Supervisor (contingent from 3/1/89).

Contractor/Supervisor Refresher Course (contingent from 6/29/89).

(29)(a) *Training Provider:* Envotech Center for Environmental Vocational Training.

Address: 1225 Ridgeway Ave., Rochester, NY 14615, Contact: Mario DiNottia, Phone: (716) 458-8700.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/8/89).

Abatement Worker (full from 1/25/90).

(30)(a) *Training Provider:* General Bldg. Laborer's Local Union No. 66.

Address: 288 Middle Island Rd., Medford, NY 11763, Contact: Peter Purrazzella, Phone: (516) 696-2280.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/10/89).

Abatement Worker (full from 12/1/89).

(31)(a) *Training Provider:* Hazardous Waste Management Corp. Training Center of Buffalo, New York.

Address: 3816 Union Rd., Buffalo, NY 14225-5301, Contact: Donald Larder, Phone: (716) 634-3000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88 to 4/9/91 only).

Contractor/Supervisor (contingent from 10/31/88 to 4/9/91 only).

(32)(a) *Training Provider:* Hudson Asbestos Training Institute.

Address: 604 Manhattan Ave., Brooklyn, NY 11222, Contact: Henry Kawiorski, Phone: (718) 383-2656.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).

Abatement Worker (full from 3/13/89).

Contractor/Supervisor (contingent from 1/30/89).

(33)(a) *Training Provider:* Hunter College Asbestos Training Center.

Address: 425 East 25th St., New York, NY 10010, Contact: Jack Caravanos, Phone: (212) 481-7569.

(b) *Approved Courses:*

Abatement Worker (full from 7/1/88).

Abatement Worker Refresher Course (contingent from 6/20/89).

Contractor/Supervisor (full from 7/1/88).

Contractor/Supervisor Refresher Course (contingent from 6/20/89).

Inspector/Management Planner (contingent from 12/21/89).

(34)(a) *Training Provider:* Hygeia Research & Training.

Address: P.O. Box 4506, Utica, NY 13501, Contact: Richard A. Gigliotti, Phone: (315) 732-8567.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/88).

Abatement Worker (full from 5/6/88).

Abatement Worker Refresher Course (contingent from 12/12/88).

Abatement Worker Refresher Course (full from 1/17/90).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor (full from 3/8/90).

Contractor/Supervisor Refresher Course (contingent from 12/20/88).

Contractor/Supervisor Refresher Course (full from 1/17/90).

(35)(a) *Training Provider:* Institute of Asbestos Awareness.

Address: 2 Heitz Pl., Suite 1000, Hicksville, NY 11801, Contact: Henry R. Clegg, Phone: (516) 937-1600.

(b) *Approved Courses:*

Abatement Worker (full from 10/24/88 to 10/12/90 only).

Abatement Worker Refresher Course (contingent from 3/8/89 to 10/12/90 only).

Contractor/Supervisor (full from 10/24/88 to 10/12/90 only).

Contractor/Supervisor Refresher Course (contingent from 3/8/89 to 10/12/90 only).

Inspector/Management Planner (contingent from 9/28/88 to 10/12/90 only).

Inspector/Management Planner (full from 3/2/89 to 10/12/90 only).

Inspector/Management Planner Refresher Course (contingent from 3/8/89 to 10/12/90 only).

Project Designer (contingent from 9/26/89 to 10/12/90 only).

(36)(a) *Training Provider:* Institute of Asbestos Technology Corp.

Address: 5900 Butternut Dr., East Syracuse, NY 13057, Contact: Charles Kirch, Phone: (315) 437-1307.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).

Abatement Worker (full from 6/27/88).

Abatement Worker Refresher Course (contingent from 12/20/88).

Abatement Worker Refresher Course (full from 6/15/90).

Contractor/Supervisor (contingent from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 6/8/89).

Inspector/Management Planner (contingent from 10/19/89).

Inspector/Management Planner Refresher Course (contingent from 10/27/89).

(37)(a) *Training Provider:* Kaselaan & D'Angelo Associates, Inc.

Address: 220 Fifth Ave., New York, NY 10001, Contact: Lance Fredericks, Phone: (212) 216-6340.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/15/89).

Abatement Worker (full from 3/16/90).

Contractor/Supervisor (contingent from 3/27/89).

Inspector/Management Planner (contingent from 2/12/88).

Inspector/Management Planner (full from 3/7/88).

Inspector/Management Planner Refresher Course (full from 4/27/89).

(38)(a) *Training Provider:* Korean Asbestos Training Center.

Address: 136 -15 Roosevelt Ave., 3rd Floor, Flushing, NY 11354, Contact: Tchang S. Bahrk, Phone: (718) 321-2700.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/11/89).

Abatement Worker (full from 4/25/90).

Abatement Worker Refresher Course (contingent from 5/22/89).

Abatement Worker Refresher Course (full from 4/19/90).

Contractor/Supervisor (contingent from 5/11/89).

Contractor/Supervisor (full from 5/19/90).

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(39)(a) *Training Provider:* Laborers Local Union No. 214 of Oswego New York & Vicinity Training & Education Fund.

Address: 23 Mitchell St., Oswego, NY 13126, Contact: John T. Shannon, Phone: (315) 343-8553.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).

Abatement Worker (full from 1/23/89).

Abatement Worker Refresher Course (contingent from 2/15/89).

Contractor/Supervisor (contingent from 10/7/89).

(40)(a) *Training Provider:* Lozier Architects/Engineers.

Address: 600 Perinton Hills, Fairport, NY 14450, Contact: Dyke Coyne, Phone: (716) 223-7610.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/12/89).

Abatement Worker Refresher Course (contingent from 7/12/89).

(41)(a) *Training Provider:* McDonnell-Gamble Environmental Services, Inc.

Address: 444 Park Ave. South, 5th Fl., Suite 503, New York, NY 10016, Contact: Yelena Goodman, Phone: (212) 545-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/15/88).

Abatement Worker (full from 12/5/88).

Abatement Worker Refresher Course (contingent from 8/25/89).

Abatement Worker Refresher Course (full from 3/7/90).

Contractor/Supervisor (contingent from 10/18/88).

Contractor/Supervisor (full from 12/5/88).

(42)(a) *Training Provider:* Monroe Community College of Rochester, New York.

Address: P.O. Box 9720, Rochester, NY 14623-0720, Contact: Dusty Swanger, Phone: (716) 424-5200.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Abatement Worker (full from 4/26/89).

(43)(a) *Training Provider:* National Asbestos and Environmental Training Institute.

Address: 1776 Bloomsbury Ave., Ocean, NJ 07712, Contact: Doris L. Adler, Phone: (201) 918-0610.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Abatement Worker (full from 12/1/89).
Abatement Worker Refresher Course (contingent from 10/20/89).
Abatement Worker Refresher Course (full from 1/31/90).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor (full from 12/1/89).
Contractor/Supervisor Refresher Course (contingent from 10/20/89).
Contractor/Supervisor Refresher Course (full from 1/31/90).
Inspector/Management Planner (contingent from 6/13/88).
Inspector/Management Planner (full from 4/17/89).
Inspector/Management Planner Refresher Course (contingent from 5/25/89).
Inspector/Management Planner Refresher Course (full from 1/31/90).
Project Designer (contingent from 11/3/89).
Project Designer (full from 2/7/90).
Project Designer Refresher Course (contingent from 10/20/89).
Project Designer Refresher Course (full from 7/13/90).

(44)(a) *Training Provider:* National Institute on Abatement Science & Technology (NIAST).

Address: 114 West State St., P.O. Box 1780, Trenton, NJ 08607-1780, Contact: Glenn W. Phillips, Phone: (800) 422-2836.

(b) *Approved Courses:*

Inspector (contingent from 3/8/88 to 4/9/91 only).
Inspector (full from 4/11/88 to 4/9/91 only).

(45)(a) *Training Provider:* New York University School of Continuing Education.

Address: 11 West 42nd St., New York, NY 10036, Contact: William Loch, Phone: (212) 545-0077.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/89).
Abatement Worker (full from 11/17/89).
Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 5/18/89).
Contractor/Supervisor (full from 11/17/89).
Contractor/Supervisor Refresher Course (contingent from 6/8/89).
Inspector/Management Planner (contingent from 5/18/89).
Inspector/Management Planner (full from 12/8/89).
Inspector/Management Planner Refresher Course (contingent from 6/8/89).
Inspector/Management Planner Refresher Course (full from 3/27/90).
Project Designer (contingent from 5/18/89).
Project Designer (full from 1/10/90).
Project Designer Refresher Course (contingent from 6/8/89).

(46)(a) *Training Provider:* Niagara County Community College.

Address: Corporate Training Center, P.O. Box 70, Lockport, NY 14095, Contact: Eugene Zinni, Phone: (716) 433-1856.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).
Abatement Worker (full from 1/25/88).
Abatement Worker Refresher Course (contingent from 1/23/89).
Abatement Worker Refresher Course (full from 9/14/90).
Contractor/Supervisor (contingent from 1/5/88).
Contractor/Supervisor (full from 2/19/88).
Contractor/Supervisor Refresher Course (contingent from 2/8/89).
Inspector/Management Planner (contingent from 5/18/88).
Inspector/Management Planner (full from 12/5/88).
Inspector/Management Planner Refresher Course (contingent from 3/6/89).

(47)(a) *Training Provider:* Northeastern Analytical Corporation.

Address: 4 Stow Rd., Marlton, NJ 08053, Contact: Robert Howlitt, Phone: (609) 985-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/17/89).
Abatement Worker Refresher Course (contingent from 8/17/89).
Contractor/Supervisor (contingent from 8/17/89).
Contractor/Supervisor Refresher Course (contingent from 8/17/89).

(48)(a) *Training Provider:* O'Brien & Gere Engineers, Inc.

Address: 5000 Brittonfield Pkwy., P.O. Box 4873, Syracuse, NY 13221, Contact: Michael P. Quirk, Phone: (315) 437-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/19/89).
Abatement Worker (full from 4/10/89).
Abatement Worker Refresher Course (contingent from 9/21/89).
Contractor/Supervisor (contingent from 1/19/89).
Contractor/Supervisor (full from 4/10/89).
Contractor/Supervisor Refresher Course (contingent from 9/21/89).
Inspector/Management Planner (full from 10/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/24/89).
Inspector/Management Planner Refresher Course (full from 1/17/90)

(49)(a) *Training Provider:* Orange/Ulster BOCES Risk Management Dept.

Address: RD 2 Gibson Rd., Goshen, NY 10924, Contact: Arthur J. Lange, Phone: (914) 294-5431.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Abatement Worker (full from 5/18/90).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/18/90).

(50)(a) *Training Provider:* P.A. Environmental Corp.

Address: 4240-24F Hutchinson River Pkwy. E., Bronx, NY 10475, Contact: Pichai Arjarasumpun, Phone: (212) 379-6716.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/31/89).
Abatement Worker Refresher Course (contingent from 5/31/89).
Contractor/Supervisor (contingent from 5/31/89).
Contractor/Supervisor Refresher Course (contingent from 5/31/89).

(51)(a) *Training Provider:* Paradigm Environmental Services, Inc.

Address: 961 Lyell Ave., Building 2, Suite 8, Rochester, NY 14606, Contact: Dmitry Tsimberov, Phone: (716) 647-2530.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/89).
Abatement Worker Refresher Course (contingent from 10/3/89).
Contractor/Supervisor (contingent from 12/28/89).
Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(52)(a) *Training Provider:* Princeton Testing Laboratory, Inc.

Address: 3490 US Route 1, Princeton Service Center, Princeton, NJ 08543, Contact: Charles Schneekloth, Phone: (609) 452-9050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/21/88).

(53)(a) *Training Provider:* Puerto Rico Environmental Consultants and Training Center, Inc.

Address: Cond. Banco Cooperativo Plaza Office, 302-B, Hato Rey, PR 00917, Contact: Kermit Morales/Gail Leblanc, Phone: (809) 250-6052.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/1/89).

Abatement Worker Refresher Course (contingent from 11/20/89).

Contractor/Supervisor (contingent from 11/1/89).

Contractor/Supervisor Refresher Course (contingent from 11/20/89).

Inspector/Management Planner (contingent from 11/1/89).

Inspector/Management Planner Refresher Course (contingent from 11/20/89).

(54)(a) *Training Provider:* R. J. Fletcher, Inc.

Address: P.O. Box 5021, Utica, NY 13505, Contact: Robert J. Fletcher, Phone: (315) 724-0141.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 2/24/89 to 4/9/91 only).

Inspector/Management Planner Refresher Course (contingent from 2/24/89 to 4/9/91 only).

(55)(a) *Training Provider:* SUNY College of Technology at Farmingdale.

Address: Biology Department, Nathan Hale Hall, Farmingdale, NY 11735, Contact: George W. Fleming, Phone: (516) 667-6000 Ext. 310.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/24/89).

Inspector/Management Planner (full from 4/27/90).

Inspector/Management Planner Refresher Course (contingent from 4/24/89).

(56)(a) *Training Provider:* Safe Air Environmental Group, Inc.

Address: P.O. Box 1767, Williamsville, NY 14231, Contact: L. J. Beenau or Cronan Long, Phone: (716) 632-0707.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88 to 4/9/91 only).

Abatement Worker (full from 4/4/88 to 4/9/91 only).

Abatement Worker Refresher Course (contingent from 3/2/89 to 4/9/91 only).

Contractor/Supervisor (contingent from 3/8/88 to 4/9/91 only).

Contractor/Supervisor (full from 4/4/88 to 4/9/91 only).

Contractor/Supervisor Refresher Course (contingent from 3/2/89 to 4/9/91 only).

(57)(a) *Training Provider:* Safety Training, Inc.

Address: 459 Main St., Room 202, New Rochelle, NY 10801, Contact: Nelson Helu, Phone: (914) 632-1032.

(b) *Approved Course:*

Abatement Worker (contingent from 4/25/88).

(58)(a) *Training Provider:* State University of New York at Buffalo Toxicology Research Center.

Address: 111 Farber Hall, Buffalo, NY 14214, Contact: Paul J. Kostyniak or J. Syracuse, Phone: (716) 831-2125.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/89).

Abatement Worker (full from 6/8/90).

Abatement Worker Refresher Course (contingent from 2/2/89).

Contractor/Supervisor (contingent from 10/19/89).

Contractor/Supervisor (full from 6/8/90).

Contractor/Supervisor Refresher Course (contingent from 2/2/89).

Inspector/Management Planner (contingent from 1/25/89).

Inspector/Management Planner Refresher Course (contingent from 2/2/89).

(59)(a) *Training Provider:* State of New Jersey Dept. of Health.

Address: CN 360, Trenton, NJ 08625-0360, Contact: James A. Brownlee, Phone: (609) 984-2193.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 3/28/89).

(60)(a) *Training Provider:* Testwell Craig Laboratories of Albany, Inc.

Address: 47 Hudson St., Building B, Ossining, NY 10562, Contact: Charles Schwartz, Phone: (914) 762-9000.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/15/88).

Abatement Worker (full from 1/24/89).

Abatement Worker Refresher Course (contingent from 10/17/89).

Contractor/Supervisor (contingent from 6/20/89).

Contractor/Supervisor Refresher Course (contingent from 10/15/90).

(61)(a) *Training Provider:* Tri-Cities Laborers Training Program.

Address: 666 Wemple Road, Box 100, Glenmont, NY 12077, Contact: Joseph A. Zappone, Phone: (518) 426-0290.

(b) *Approved Courses:*

Abatement Worker (full from 3/21/88).

Abatement Worker Refresher Course (contingent from 10/26/88).

Abatement Worker Refresher Course (full from 2/2/89).

Contractor/Supervisor (contingent from 10/15/90).

(62)(a) *Training Provider:* Union Occupational Health Center.

Address: 450 Grider St., Buffalo, NY 14215, Contact: Garath L. Tubbs, Phone: (716) 894-9366.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).

Contractor/Supervisor (contingent from 10/17/89).

(63)(a) *Training Provider:* Univ. Med. & Dentistry of N.J. Robert Wood Med. School, Mid-Atlantic Asbestos Training Center.

Address: Brookwood II, 45 Knightsbridge Rd., Piscataway, NJ 08854, Contact: Lee Laustsen, Phone: (201) 463-5062.

(b) *Approved Courses:*

Abatement Worker (interim from 7/28/86 to 10/17/89).

Abatement Worker (full from 10/17/89).

Abatement Worker Refresher Course (contingent from 10/17/89).

Contractor/Supervisor (interim from 7/28/86 to 10/17/89).

Contractor/Supervisor (full from 10/17/89).

Contractor/Supervisor Refresher Course (contingent from 10/17/89).

Inspector/Management Planner (full from 11/16/87).

Inspector/Management Planner Refresher Course (full from 11/18/88).

Project Designer (contingent from 11/20/89).

Project Designer Refresher Course (contingent from 10/17/89).

(64)(a) *Training Provider:* Utilicom Corp.

Address: 7 Tobey Village Office Park, Pittsford, NY 14534, Contact: Jackie Aab, Phone: (716) 381-8710.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88 to 4/9/91 only).

Abatement Worker (full from 10/31/88 to 4/9/91 only).

Abatement Worker Refresher Course (contingent from 4/21/89 to 4/9/91 only).

(65)(a) *Training Provider:* Warren Mae Associates.

Address: RD 3, Box 390, Endicott, NY 13760, Contact: Janine C. Rogelstad, Phone: (607) 754-8386.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 1/4/89).
Abatement Worker Refresher Course (contingent from 3/2/89).
Abatement Worker Refresher Course (full from 3/20/90).

(66)(a) *Training Provider:* Western New York Council on Occupational Safety & Health (WNYCOSH).

Address: 450 Grider St., Buffalo, NY 14215, Contact: Jeanne Reilly, Phone: (716) 897-2110.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/28/87 to 4/9/91 only).
Abatement Worker (full from 1/24/88 to 4/9/91 only).

(67)(a) *Training Provider:* Wetlands & Environmental Technologies, Inc.

Address: 88 Willow Ave., Hackensack, NJ 07601, Contact: John J. Borris, Phone: (201) 361-4799.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 11/8/89).
Project Designer (contingent from 11/8/89).

(68)(a) *Training Provider:* White Lung Association - NY.

Address: 12 Warren St., 4th Fl., New York, NY 10007, Contact: Daniel Manasia, Phone: (212) 619-2270.

(b) *Approved Course:*

Inspector (contingent from 2/23/89 to 4/9/91 only).

(69)(a) *Training Provider:* White Lung Association of New Jersey.

Address: 901 Broad St., Newark, NJ 07102, Contact: Myles O'Malley or Gregory Camacho, Phone: (201) 824-2623.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/19/89).
Contractor/Supervisor (contingent from 6/19/89).
Inspector/Management Planner (contingent from 9/19/89).
Inspector/Management Planner (full from 5/18/90).

(70)(a) *Training Provider:* Zola Sookias Associates Environmental Consultants.

Address: 545 Eighth Ave., Suite 401, New York, NY 10018, Contact: Zola Sookias, Phone: (212) 330-0914.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/6/89).
Contractor/Supervisor (contingent from 10/6/89).

REGION III -- Philadelphia, PA

Regional Asbestos Coordinator: Carole Dougherty, EPA, Region III (3AM-32), 841 Chestnut Bldg., Philadelphia, PA 19107. (215)597-3160, (FTS) 597-3160.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region III training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A & S Training School, Inc.

Address: 99 South Cameron St., Harrisburg, PA 17101, Contact: Anna Marie Sossong, Phone: (717) 257-1360.

(b) *Approved Courses:*

Abatement Worker (full from 5/20/85).
Contractor/Supervisor (full from 5/20/85).

(2)(a) *Training Provider:* Advance Analytical Laboratories Inc.

Address: 30th & North Church Sts., Hazleton, PA 18201, Contact: Steven L. Hahn, Phone: (717) 788-4155.

(b) *Approved Courses:*

Abatement Worker (full from 9/8/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 8/11/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(3)(a) *Training Provider:* Aerosol Monitoring & Analysis, Inc.

Address: 1341 Ashton Rd., Suite A, Hanover, MD 21076, Contact: Steve Blizzard, Phone: (301) 684-3327.

(b) *Approved Courses:*

Abatement Worker (full from 11/27/87).
Abatement Worker Refresher Course (contingent from 4/20/89).
Abatement Worker Refresher Course (full from 9/1/89).
Contractor/Supervisor (full from 11/27/87).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (full from 9/1/89).
Inspector/Management Planner (contingent from 3/1/88).
Inspector/Management Planner (full from 3/31/88).

(4)(a) *Training Provider:* Alcam, Inc.

Address: 113 Poplar St., Box 213, Ambler, PA 19002, Contact: Albert Camburn, Phone: (215) 367-2791.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Contractor/Supervisor (contingent from 1/26/89).

(5)(a) *Training Provider:* Alice Hamilton Center for Occupational Health Center.

Address: 410 7th St., SE., 2nd Fl., Washington, DC 20003, Contact: Brian Christopher, Phone: (202) 543-0005.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/12/87).
Abatement Worker (full from 1/16/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Abatement Worker Refresher Course (full from 2/22/90).
Contractor/Supervisor (full from 1/16/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (full from 2/22/90).
Inspector/Management Planner (contingent from 3/9/88).
Inspector/Management Planner (full from 6/20/88).
Inspector/Management Planner Refresher Course (contingent from 3/2/89).

(6)(a) *Training Provider:* American Asbestos Training Institute, Inc.

Address: 2133 Arch St., Philadelphia, PA 19103, Contact: Linda McNeil, Phone: (215) 988-9710.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/16/89).
Contractor/Supervisor (contingent from 5/16/89).

(7)(a) *Training Provider:* American Monitoring & Engineering Services, Inc.

Address: 200 High Tower Boulevard, Suite 205, Pittsburgh, PA 15205, Contact: David J. Drummond, Phone: (412) 788-8300.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 7/21/89).

(8)(a) *Training Provider:* Apex Environmental, Inc.

Address: 7652 Standish Pl., Rockville, MD 20855, Contact: Dorothy Washlick, Phone: (301) 217-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/89).
Contractor/Supervisor (contingent from 7/27/89).

(9)(a) *Training Provider:* Asbestos Abatement Council, AWCI.

Address: 1600 Cameron St., Alexandria, VA 22314-2705, Contact: Gene Fisher, Phone: (703) 684-2924.

(b) *Approved Courses:*

Abatement Worker (full from 6/17/87).

Contractor/Supervisor (full from 6/17/87).

(10)(a) *Training Provider:* Asbestos Analytical Association, Inc.

Address: 3208-B George Washington Hwy., Portsmouth, VA 23704, Contact: Carol A. Holden, Phone: (804) 397-0695.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).

Contractor/Supervisor (contingent from 10/7/88).

(11)(a) *Training Provider:* Asbestos Environmental Services of Maryland, Inc.

Address: P.O. Box 28, Timonium, MD 21093, Contact: David George, Phone: (301) 584-1490.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).

Contractor/Supervisor (contingent from 4/6/89).

(12)(a) *Training Provider:* Asbestos Removal Co.

Address: 521 D Pulaski Hwy., Joppa, MD 21085, Contact: Nick Thrappas, Phone: (301) 679-6062.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Contractor/Supervisor (contingent from 12/11/89).

(13)(a) *Training Provider:* Asbestos Training Center.

Address: 628 Spring St., Fairmont, WV 26554, Contact: Theodore Jackson, Phone: (304) 363-3803.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Abatement Worker Refresher Course (contingent from 6/20/90).

Contractor/Supervisor (contingent from 2/18/91).

Contractor/Supervisor Refresher Course (contingent from 6/20/90).

Inspector Refresher Course (contingent from 6/20/90).

(14)(a) *Training Provider:* Asbestos Workers Local Union No. 24.

Address: 6713 Ammendale Rd., Beltsville, MD 20705, Contact: Thomas Haun, Phone: (301) 937-7636.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).

Abatement Worker Refresher Course (contingent from 12/1/88).

Contractor/Supervisor (contingent from 12/1/88).

Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(15)(a) *Training Provider:* Associated Thermal Services.

Address: 121 Edgewood Ave., Pittsburgh, PA 15218, Contact: Renee Yuhasz, Phone: (412) 247-4003.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Abatement Worker Refresher Course (contingent from 4/20/90).

Contractor/Supervisor (contingent from 12/11/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/90).

Inspector/Management Planner (contingent from 12/11/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/90).

Project Designer (contingent from 12/11/89).

Project Designer Refresher Course (contingent from 4/20/90).

(16)(a) *Training Provider:* Atlantic Environmental Resources Inc.

Address: 10111-B-Bacon Dr., Beltsville, MD 20705, Contact: John E Kee. Phone: (301) 595-1014.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Contractor/Supervisor (contingent from 12/11/89).

(17)(a) *Training Provider:* BARCO Enterprises, Inc.

Address: 2439 North Charles St., Baltimore, MD 21218, Contact: Bart Harrison, Phone: (301) 889-7770.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).

Contractor/Supervisor (contingent from 12/11/89).

(18)(a) *Training Provider:* Bardon Institute for Environmental Sciences, Inc.

Address: 3225 S. Delaware Ave., Philadelphia, PA 19148, Contact: Michael Grant, Phone: (215) 271-9808.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/5/91).

Abatement Worker Refresher Course (contingent from 3/14/91).

Contractor/Supervisor (contingent from 2/5/91).

Contractor/Supervisor Refresher Course (contingent from 3/14/91).

Inspector/Management Planner (contingent from 2/5/91).

Inspector/Management Planner Refresher Course (contingent from 3/14/91).

(19)(a) *Training Provider:* Biospherics, Inc.

Address: 12051 Indian Creek Ct., Beltsville, MD 20705, Contact: Marian Meiselman, Phone: (301) 369-3900.

(b) *Approved Courses:*

Abatement Worker (full from 10/1/87).

Abatement Worker Refresher Course (contingent from 8/12/88).

Abatement Worker Refresher Course (full from 10/31/88).

Contractor/Supervisor (full from 10/1/87).

Contractor/Supervisor Refresher Course (contingent from 8/12/88).

Contractor/Supervisor Refresher Course (full from 10/31/88).

Inspector/Management Planner (contingent from 5/20/88).

Inspector/Management Planner (full from 8/15/88).

Inspector/Management Planner Refresher Course (contingent from 2/23/89).

Inspector/Management Planner Refresher Course (full from 3/20/89).

(20)(a) *Training Provider:* Briggs Associates, Inc.

Address: 8300 Guilford Rd., Suite E, Columbia, MD 21046, Contact: J. Ross Voorhees, Phone: (301) 381-4434.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/30/89).

Abatement Worker (full from 1/11/90).

Abatement Worker Refresher Course (contingent from 1/26/90).

Contractor/Supervisor (full from 1/12/90).

(21)(a) *Training Provider:* Brujos Scientific, Inc.

Address: 505 Drury Ln., Baltimore, MD 21229, Contact: Robert Olcerst, Phone: (301) 566-0859.

(b) *Approved Courses:*

Abatement Worker (full from 11/21/88).

Contractor/Supervisor (contingent from 9/29/88).

(22)(a) *Training Provider:* Business Industrial Safety Supplies.

Address: 118 East Patapsco Ave., Baltimore, MD 21225, Contact: Ronald Mace, Phone: (301) 354-2477.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/20/89).

Contractor/Supervisor (contingent from 11/20/89).

(23)(a) *Training Provider:* Calvert Asbestos Training Services Inc.

Address: P.O. Box 799, Huntingtown, MD 20639, Contact: Carol F. Newhouse, Phone: (301) 535-0960.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/90).

Contractor/Supervisor (contingent from 8/1/90).

Inspector/Management Planner (contingent from 8/1/90).
Project Designer (contingent from 8/1/90).

(24)(a) *Training Provider:* Camtech, Inc.

Address: 4550 McKnight Rd., Suite 202, Pittsburgh, PA 15237, Contact: Leslie Connors, Phone: (412) 931-1210.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 10/13/89).

(25)(a) *Training Provider:* Carpenters Joint Apprenticeship Committee of Western Pennsylvania.

Address: 495 Mansfield Ave., Pittsburgh, PA 15205, Contact: William Shehab, Phone: (412) 922-6200.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker (full from 10/6/89).
Abatement Worker Refresher Course (contingent from 10/20/89).
Contractor/Supervisor (contingent from 11/27/89).
Contractor/Supervisor (full from 11/27/89).
Contractor/Supervisor Refresher Course (full from 11/27/89).

(26)(a) *Training Provider:* Center for Environmental & Occupational Training, Inc.

Address: 814 East Pittsburgh Plaza, Pittsburgh, PA 15112, Contact: David Ginsburg, Phone: (412) 823-1002.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 12/8/88).
Abatement Worker Refresher Course (full from 1/19/89).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 12/8/88).
Contractor/Supervisor Refresher Course (full from 1/19/89).
Inspector/Management Planner (contingent from 3/1/89).
Inspector/Management Planner Refresher Course (contingent from 3/1/89).
Project Designer (contingent from 6/29/89).
Project Designer (full from 12/21/89).
Project Designer Refresher Course (contingent from 12/13/89).

(27)(a) *Training Provider:* Center for Hazardous Materials Research.

Address: University of Pittsburgh Applied, Research Center, 320 William Pitt Way, Pittsburgh, PA 15238, Contact: Steven T. Ostheim, Phone: (412) 826-5320.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/28/88).
Contractor/Supervisor (contingent from 11/28/88).

(28)(a) *Training Provider:* Charles County Community College.

Address: Mitchell Rd., Box 910, LaPlata, MD 20646-0910, Contact: Jake Bair, Phone: (301) 934-2251.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(29)(a) *Training Provider:* Criteron Laboratories.

Address: 5301 Tacony St., Box 105, Bldg 8, Philadelphia, PA 19137, Contact: James A Weltz, Phone: (215) 288-1088.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/24/91).
Abatement Worker Refresher Course (contingent from 3/14/91).
Contractor/Supervisor (contingent from 1/24/91).
Contractor/Supervisor Refresher Course (contingent from 3/14/91).
Inspector/Management Planner (contingent from 1/24/91).
Inspector/Management Planner Refresher Course (contingent from 3/14/91).

(30)(a) *Training Provider:* Delaware Technical & Community College, Terry Campus/Stanton Campus.

Address: 1798 North DuPont Pkwy., P.O. Box 897, Dover, DE 19903, Contact: David Stanley, Phone: (302) 454-3900.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/88).
Abatement Worker Refresher Course (contingent from 3/1/88).
Contractor/Supervisor (contingent from 4/20/88).
Contractor/Supervisor Refresher Course (contingent from 3/1/88).

(31)(a) *Training Provider:* Drexel University, Office of Continuing Professional Education.

Address: 32nd & Chestnut Sts., Philadelphia, PA 19104, Contact: Robert Ross, Phone: (215) 895-2156.

(b) *Approved Courses:*

Abatement Worker (interim from 9/1/86 to 11/11/87).
Abatement Worker (full from 11/12/87).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (interim from 9/1/86 to 11/11/87).
Contractor/Supervisor (full from 11/12/87).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector/Management Planner (contingent from 3/8/88).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (full from 1/19/90).
Project Designer (contingent from 11/27/89).

(32)(a) *Training Provider:* Dynamac Corp.

Address: 11140 Rockville Pike, Rockville, MD 20852, Contact: Richard A. De Blasio, Phone: (301) 468-2500.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Contractor/Supervisor (contingent from 3/2/89).
Inspector/Management Planner (contingent from 9/1/88).
Inspector/Management Planner Refresher Course (contingent from 6/26/89).

(33)(a) *Training Provider:* E.I. DuPont De Nemours & Co. Spruance Plant.

Address: P.O. Box 27001, Richmond, VA 23261, Contact: Clarence P. Mihal, Jr., Phone: (804) 743-2948.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/88).

(34)(a) *Training Provider:* Eagle Industrial Hygiene Association Inc.

Address: 359 Dresher Rd., Horsham, PA 19044, Contact: Stephen R. Bell, Phone: (215) 657-2261.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Abatement Worker (full from 7/14/89).
Abatement Worker Refresher Course (contingent from 10/30/89).
Contractor/Supervisor (contingent from 4/6/89).
Contractor/Supervisor (full from 7/14/89).
Contractor/Supervisor Refresher Course (contingent from 10/30/89).
Inspector/Management Planner (contingent from 5/16/89).
Inspector/Management Planner Refresher Course (contingent from 7/20/89).
Project Designer (contingent from 12/11/89).

(35)(a) *Training Provider:* Environmental Education Associates.

Address: 28 West Main St., Plymouth, PA 18651, Contact: Harry H. West, Phone: (717) 779-4242.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/17/89).
Contractor/Supervisor (contingent from 5/17/89).
Inspector (contingent from 5/17/89).

(36)(a) *Training Provider:* Environmental Training & Consultants, Inc.

Address: 2 Bala Plaza, Suite 300, Bala Cynwyd, PA 19004, Contact: Linda L. Kershaw, Phone: (215) 667-4685.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Abatement Worker Refresher Course (contingent from 1/13/90).
Contractor/Supervisor (contingent from 4/6/89).
Contractor/Supervisor Refresher Course (contingent from 1/13/90).
Inspector/Management Planner (contingent from 4/6/89).
Inspector/Management Planner Refresher Course (contingent from 1/13/90).

(37)(a) *Training Provider:* Facilities Management Consultants, Inc.

Address: P.O. Box 309, Cecil, PA 15321, Contact: Edward Monaco, Phone: (412) 745-1770.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker (full from 10/18/88).
Abatement Worker Refresher Course (contingent from 7/21/89).
Abatement Worker Refresher Course (full from 10/5/89).
Contractor/Supervisor (full from 10/18/88).
Contractor/Supervisor Refresher Course (contingent from 7/21/89).
Contractor/Supervisor Refresher Course (full from 10/5/89).

(38)(a) *Training Provider:* GA Environmental Services, Inc.

Address: Pier 5 Penn's Landing, Philadelphia, PA 19106, Contact: Frank E. Cona, Phone: (215) 351-4045.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/17/89).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 8/17/89).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).
Inspector/Management Planner (contingent from 11/7/89).
Inspector/Management Planner Refresher Course (contingent from 11/7/89).
Project Designer (contingent from 8/17/89).
Project Designer Refresher Course (contingent from 12/13/89).

(39)(a) *Training Provider:* GST Co.

Address: 50 Progress Ave., Zelienople, PA 16063, Contact: Norma Stanford, Phone: (412) 772-7488.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 12/5/88).
Abatement Worker Refresher Course (contingent from 1/30/89).
Contractor/Supervisor (contingent from 11/14/88).
Contractor/Supervisor (full from 12/5/88).
Contractor/Supervisor Refresher Course (contingent from 1/30/89).
Inspector/Management Planner (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/12/89).

(40)(a) *Training Provider:* Galson Technical Services, Inc.

Address: 5170 Campus Dr., Suite 200, Plymouth Meeting, PA 19462, Contact: Ernest L. Sweet, Phone: (215) 432-0506.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/17/88).

(41)(a) *Training Provider:* General Physics Corp.

Address: 6700 Alexander Bell Dr., Columbia, MD 21046, Contact: Andrew K. Marsh, Phone: (301) 290-2300.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Contractor/Supervisor (contingent from 4/6/89).

(42)(a) *Training Provider:* Genty Associates.

Address: 6080 Woodland Ave., Philadelphia, PA 19143, Contact: Frank Genty, Phone: (215) 727-4420.

(b) *Approved Course:*

Abatement Worker (contingent from 9/14/89).

(43)(a) *Training Provider:* Gerald T. Fenton, Inc.

Address: 3152 Bladensburg Rd., Washington, DC 20018, Contact: James R. Foster, Phone: (202) 269-2112.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 12/15/88).

(44)(a) *Training Provider:* Hazard Abatement Training Center.

Address: 101 East Lancaster Ave., Wayne, PA 19087, Contact: Robert Mautner, Phone: (215) 971-0830.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 4/12/88).

(45)(a) *Training Provider:* Hazardous Materials Management.

Address: 932 West Patipso Ave., Baltimore, MD 21230, Contact: Anthony Bizzari, Phone: (301) 355-6586.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(46)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 2.

Address: P.O. Box 595, Moon-Clinton Rd., Clinton, PA 15026, Contact: Terry Larkin, Phone: (412) 695-2883.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).
Abatement Worker (full from 10/27/88).
Abatement Worker Refresher Course (contingent from 9/28/88).
Abatement Worker Refresher Course (full from 12/8/88).
Contractor/Supervisor (contingent from 9/28/88).
Contractor/Supervisor (full from 8/28/89).
Contractor/Supervisor Refresher Course (contingent from 9/28/88).
Contractor/Supervisor Refresher Course (full from 8/3/89).

(47)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 23.

Address: 42 Lynwood Dr., Rd. 4, Allentown, PA 18103, Contact: Jos Klocek, Phone: (717) 564-7563.

(b) *Approved Course:*

Abatement Worker (contingent from 10/20/88).

(48)(a) *Training Provider:* Ind. Tra. Co. Ltd.

Address: 18 South 22nd St., Richmond, VA 23223-7024, Contact: Vera Barley, Phone: (804) 648-7836.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).
Abatement Worker Refresher Course (contingent from 8/12/88).
Contractor/Supervisor (full from 9/15/87).
Inspector/Management Planner (full from 9/16/88).
Inspector/Management Planner Refresher Course (full from 3/1/89).

(49)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 38.

Address: 315 - 317 North Washington St., Wilkes-Barre, PA 18703, Contact: Robert Hughes, Phone: (717) 829-0634.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Abatement Worker (full from 3/20/90).
Abatement Worker Refresher Course (contingent from 6/6/90).

(50)(a) *Training Provider:* International Union of Operating Engineers.

Address: 1125 Seventeen St. NW., Washington, DC 20036, Contact: David Treanor, Phone: (202) 429-9100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/25/91).
Abatement Worker Refresher Course (contingent from 3/22/91).
Contractor/Supervisor (contingent from 2/25/91).
Contractor/Supervisor Refresher Course (contingent from 3/22/91).

(51)(a) *Training Provider:* JMR Associates.

Address: P.O. Box 9895, Philadelphia, PA 19140, Contact: Joseph Faulk, III, Phone: (215) 227-3035.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/24/89).
Abatement Worker (full from 9/15/89).
Contractor/Supervisor (contingent from 8/24/89).
Contractor/Supervisor (full from 9/15/89).

(52)(a) *Training Provider:* Jenkins Professionals, Inc.

Address: 5022 Campbell Blvd., Suite F, Baltimore, MD 21236, Contact: Larry Jenkins, Phone: (301) 529-3553.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/10/88).
Abatement Worker Refresher Course (contingent from 3/2/89).
Contractor/Supervisor (contingent from 2/10/88).
Contractor/Supervisor Refresher Course (contingent from 3/2/89).
Inspector/Management Planner (contingent from 11/1/89).

(53)(a) *Training Provider:* John H. Lange Associates.

Address: 4623 Northridge Dr., Pittsburgh, PA 15235-3510, Contact: John H. Lange, Phone: (412) 733-1448.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/9/90).
Abatement Worker Refresher Course (contingent from 10/15/89).
Contractor/Supervisor (contingent from 7/9/90).
Contractor/Supervisor Refresher Course (contingent from 10/15/89).
Inspector/Management Planner (contingent from 7/9/90).
Inspector/Management Planner Refresher Course (contingent from 10/15/89).
Project Designer (contingent from 7/9/90).
Project Designer Refresher Course (contingent from 10/15/89).

(54)(a) *Training Provider:* Laborers District Council Training Fund of Baltimore & Vicinity.

Address: 7400 Buttercup Rd., Sykesville, MD 21784, Contact: Robert Williams, Phone: (301) 549-1800.

(b) *Approved Course:*

Abatement Worker (contingent from 4/10/89).

(55)(a) *Training Provider:* Laborers District Council of Eastern Pennsylvania.

Address: 2163 Berryhill St., Harrisburg, PA 17104, Contact: Gerald D. Temarantz, Phone: (717) 564-2707.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).
Abatement Worker (full from 1/30/89).
Abatement Worker Refresher Course (contingent from 8/17/89).
Abatement Worker Refresher Course (full from 3/20/90).

(56)(a) *Training Provider:* Laborers District Council of Western Pennsylvania.

Address: 1101 Fifth Ave., Pittsburgh, PA 15219, Contact: Robert F. Ferrari, Phone: (412) 391-8533.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).
Abatement Worker (full from 10/31/88).
Abatement Worker Refresher Course (contingent from 3/2/89).
Contractor/Supervisor (contingent from 6/17/88).
Contractor/Supervisor (full from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 8/17/89).

(57)(a) *Training Provider:* Laborers District Council, Education Training Fund of Philadelphia & Vicinity.

Address: 500 Lancaster Ave., Exton, PA 19341, Contact: Jerry Roseman, Phone: (215) 836-1175.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/87 to 12/14/87).
Abatement Worker (contingent from 2/18/88).
Contractor/Supervisor (contingent from 4/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(58)(a) *Training Provider:* Marcus Environmental.

Address: 6345 Courthouse Rd., P.O. Box 227, Prince George, VA 23875, Contact: Susan M. Wilcox, Phone: (804) 733-1855.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).
Contractor/Supervisor (contingent from 1/26/89).

(59)(a) *Training Provider:* Maryland Department of the Environment.

Address: 2500 Broening Hwy., Baltimore, MD 21224, Contact: Barbara Conrad, Phone: (301) 631-3847.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/16/89).
Contractor/Supervisor (contingent from 11/16/89).
Inspector/Management Planner (contingent from 4/14/89).

(60)(a) *Training Provider:* Maryland Industrial Safety Training Services.

Address: 668 Shore Dr., Joppa, MD 21085, Contact: Brain Stewart, Phone: (301) 679-9362.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 12/11/89).

(61)(a) *Training Provider:* Medical College of Virginia, Virginia Commonwealth University Dept. of Preventive Medicine.

Address: P.O. Box 212, Richmond, VA 23298, Contact: Leonard Vance, Phone: (804) 786-9785.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/2/87).
Contractor/Supervisor (full from 11/2/87).
Contractor/Supervisor Refresher Course (contingent from 8/12/88).
Inspector/Management Planner (full from 2/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(62)(a) *Training Provider:* National Association of Minority Contractors.

Address: 806 15th St., NW., Washington, DC 20012, Contact: Ralph C. Thomas, III, Phone: (202) 347-8259.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/19/89).
Contractor/Supervisor (contingent from 4/19/89).

(63)(a) *Training Provider:* National Training Fund for the Sheet Metal and Air Conditioning Industry.

Address: 601 North Fairfax St., Suite 240, Alexandria, VA 22314, Contact: Gerald Olejniczak, Phone: (703) 739-7200.

(b) *Approved Courses:*

Abatement Worker (interim from 11/1/86 to 8/1/87).
Abatement Worker (contingent from 9/18/87).
Abatement Worker (full from 9/18/87).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (interim from 11/1/86 to 8/1/87).
Contractor/Supervisor (contingent from 9/18/87).
Contractor/Supervisor (full from 9/18/87).
Contractor/Supervisor Refresher Course (contingent from 5/18/89).
Inspector (contingent from 5/26/88).

(64)(a) *Training Provider:* Occupational Medical Center.

Address: 4451 Parliament Pl., Lanham, MD 20706, Contact: Ellen Kite, Phone: (301) 306-0632.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/28/88).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 9/25/89).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).

(65)(a) *Training Provider:* Old Dominion University, Office of Continuing Education, College of Health Services.

Address: 204 Old Science Building, Norfolk, VA 23529-0290, Contact: Shirley Glover, Phone: (804) 440-4256.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker (full from 7/27/88).

(66)(a) *Training Provider:* Oneil M. Banks, Inc.

Address: 336 South Main St., Bel Air, MD 21014, Contact: Oneil M. Banks, Phone: (301) 879-4676.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/88).
Abatement Worker (full from 2/20/89).
Abatement Worker Refresher Course (contingent from 10/12/89).
Contractor/Supervisor (contingent from 1/5/88).
Contractor/Supervisor Refresher Course (contingent from 10/12/89).
Inspector (contingent from 3/14/88).

(67)(a) *Training Provider:* Paskal Environmental Services.

Address: 6010 Sonoma Rd., Bethesda, MD 20817, Contact: Steve Paskal, Phone: (301) 571-1507.

(b) *Approved Course:*

Abatement Worker (contingent from 4/28/88).

(68)(a) *Training Provider:* Pennsylvania Dept. of Welfare.

Address: Capitol Associates Bldg., Room 103, P.O. Box 2675, Harrisburg, PA 17105, Contact: Gerald A. Donatucci, Phone: (717) 783-9543.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).
Abatement Worker (full from 11/15/88).
Abatement Worker Refresher Course (contingent from 8/17/89).
Abatement Worker Refresher Course (full from 12/14/89).

(69)(a) *Training Provider:* Philadelphia Electric Co.

Address: Barbados Training Center, Norristown, PA 19401, Contact: John J. Stankiewiez, Phone: (215) 270-8600.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/19/88).
Abatement Worker (full from 7/28/89).
Abatement Worker Refresher Course (contingent from 2/24/89).
Abatement Worker Refresher Course (full from 11/15/89).

(70)(a) *Training Provider:* Phoenix Safety Associates, Ltd.

Address: P.O. Box 545, Phoenixville, PA 19460, Contact: Janice Sharkey, Phone: (215) 935-1770.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/1/88).

(71)(a) *Training Provider:* Quality Specialities, Inc.

Address: P.O. Box 46, 109 South 15th Ave., Hopewell, VA 23860, Contact: Lewis Stevenson, Phone: (804) 458-5855.

(b) *Approved Course:*

Abatement Worker (contingent from 8/8/88).

(72)(a) *Training Provider:* RCW Environmental Consulting & Training.

Address: 711 Shetland St., Rockville, MD 20851, Contact: Robert C. Wyatt, Phone: (301) 251-0291.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/89).
Contractor/Supervisor (contingent from 8/1/89).
Inspector/Management Planner (contingent from 11/1/89).

(73)(a) *Training Provider:* Roofer Local No. 30/Roofing & Sheet Metal Contractors of Philadelphia & Vicinity Joint Apprentice Program.

Address: 433 Kelly Dr., Philadelphia, PA 19129, Contact: Richard Harvey, Phone: (215) 849-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/89).
Contractor/Supervisor (contingent from 7/21/89).

(74)(a) *Training Provider:* S.G. Brown, Inc.

Address: 2701 Sonic Dr., Virginia Beach, VA 23456, Contact: Sandra A. Akers, Phone: (804) 468-0027.

(b) *Approved Course:*

Abatement Worker (contingent from 7/12/88).

(75)(a) *Training Provider:* SE Technologies., Inc. (SET).

Address: 98 Vanadium Rd., Bridgeville, PA 15017, Contact: Amy Couch Shultz, Phone: (412) 221-1100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 2/22/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Inspector/Management Planner (contingent from 2/22/89).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(76)(a) *Training Provider:* STI, Inc.

Address: P.O. Box 1029, Aberdeen, MD 21001, Contact: Terry F. Carraway, Jr., Phone: (301) 575-7644.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).
Abatement Worker Refresher Course (contingent from 12/29/88).
Contractor/Supervisor (contingent from 7/19/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector/Management Planner (contingent from 12/15/88).
Inspector/Management Planner Refresher Course (contingent from 10/30/89).

(77)(a) *Training Provider:* STIC Corporation.

Address: Box 347, Wilkes-Barre, PA 18703, Contact: Ed Barrett, Phone: (717) 829-3614.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 4/7/89).

(78)(a) *Training Provider:* Safety Management Institute.

Address: P.O. Box 1844, Altoona, PA 16603, Contact: Christopher Tate, Phone: (814) 946-1221.

(b) *Approved Courses:*

Abatement Worker (**Approval Suspended** 10/2/89).
Abatement Worker Refresher Course (**Approval Suspended** 10/2/89).
Contractor/Supervisor (**Approval Suspended** 10/2/89).
Contractor/Supervisor Refresher Course (**Approval Suspended** 10/2/89).
Inspector/Management Planner (**Approval Suspended** 10/2/89).
Inspector/Management Planner Refresher Course (**Approval Suspended** 10/2/89).

(79)(a) *Training Provider:* Temple University College of Engineering Asbestos Abatement Center.

Address: 12th & Norris Sts., Philadelphia, PA 19122, Contact: Lester Levin, Phone: (215) 787-6479.

(b) *Approved Courses:*

Abatement Worker (full from 10/21/87).
Contractor/Supervisor (contingent from 9/28/87).
Contractor/Supervisor (full from 10/1/87).
Inspector/Management Planner (full from 10/13/87).
Inspector/Management Planner Refresher Course (full from 12/19/88).
Project Designer (contingent from 3/20/89).

(80)(a) *Training Provider:* Tetra Services, Inc.

Address: Pleasant Valley Rd., P.O. Box 295A, Trafford, PA 15085, Contact: Dominic R. Medure, Phone: (412) 744-3377.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/89).

(81)(a) *Training Provider:* The Glaser Co.

Address: 200 Kanawha Ter., St. Albans, WV 25177, Contact: Stephen P. Glaser, Phone: (304) 722-2832.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/6/89).
Contractor/Supervisor (contingent from 4/6/89).

(82)(a) *Training Provider:* The J.O.B.S. Company.

Address: P.O. Box 3763, Charleston, WV 25337, Contact: Ann Hyre, Phone: (304) 344-0048.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/28/89).
Abatement Worker (full from 2/14/90).
Contractor/Supervisor (contingent from 5/25/89).

(83)(a) *Training Provider:* Tracor Jitco, Inc.

Address: 1601 Research Blvd., Rockville, MD 20850, Contact: Daniel O. Chute, Phone: (301) 984-2718.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Contractor/Supervisor (contingent from 1/4/89).
Inspector/Management Planner (contingent from 1/4/89).

(84)(a) *Training Provider:* United Brotherhood of Carpenters & Joiners of America.

Address: 101 Constitution Ave., NW., Washington, DC 20001, Contact: Joseph L. Durst Jr., Phone: (202) 546-6206.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Abatement Worker Refresher Course (contingent from 3/21/90).
Contractor/Supervisor (contingent from 12/11/89).
Contractor/Supervisor Refresher Course (contingent from 3/21/90).

(85)(a) *Training Provider:* United Environmental Systems, Inc.

Address: 104-106 Arch St., Philadelphia, PA 19106, Contact: Holly Tate, Phone: (215) 829-9454.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/88).
Abatement Worker (full from 9/25/89).
Abatement Worker Refresher Course (contingent from 1/30/90).
Contractor/Supervisor (contingent from 6/30/88).
Inspector/Management Planner (contingent from 7/8/88).

(86)(a) *Training Provider:* University of Pittsburgh, Graduate School of Public Health.

Address: Dept. of Industrial Environmental, Health Sciences, Pittsburgh, PA 15261, Contact: Dietrich A. Weyel, Phone: (412) 624-3042.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/88).
Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 4/20/89).
Contractor/Supervisor (contingent from 3/6/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).

(87)(a) *Training Provider:* University of Scranton Technology Center.

Address: Scranton, PA 18510-2192, Contact: Jerome P. De Santo, Phone: (717) 961-4050.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 6/26/89).

(88)(a) *Training Provider:* Volz Environmental Services, Inc.

Address: 3010 William Pitt Way, Pittsburgh, PA 15238, Contact: Greg Ashman, Phone: (412) 826-3150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/3/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 4/20/89).
Abatement Worker Refresher Course (full from 11/21/89).
Contractor/Supervisor (contingent from 10/3/88).
Contractor/Supervisor (full from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (full from 11/21/89).
Inspector/Management Planner (contingent from 10/3/88).
Inspector/Management Planner (full from 1/29/90).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).
Inspector/Management Planner Refresher Course (full from 12/18/89).
Project Designer (contingent from 9/1/89).
Project Designer (full from 12/8/89).
Project Designer Refresher Course (contingent from 12/13/89).

(89)(a) *Training Provider:* W.S. Keyes Associates.

Address: 55 Frazer Rd., Bech 232, Malvern, PA 19355, Contact: W. Scot Keyes, Phone: (215) 647-2878.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/25/90).
Contractor/Supervisor (contingent from 1/25/90).
Inspector/Management Planner (contingent from 1/25/90).

(90)(a) *Training Provider:* Waco, Inc.

Address: Highway 925, N., P.O. Box 740, White Plains, MD 20695, Contact: Wayne Cooper, Phone: (301) 843-2488.

(b) *Approved Courses:*

Abatement Worker (full from 9/15/87).
Abatement Worker Refresher Course (contingent from 8/12/88).

Contractor/Supervisor (full from 9/15/87).
Contractor/Supervisor Refresher Course (contingent from 3/1/89).
Inspector/Management Planner Refresher Course (contingent from 3/11/88).

(91)(a) *Training Provider:* West Virginia Laborers Training Trust Fund.
Address: One Monogalia St., Charleston, WV 25302, Contact: Wetzel Harvey, Phone: (304) 346-0581.

(b) *Approved Course:*
Abatement Worker (contingent from 8/29/88).

(92)(a) *Training Provider:* West Virginia University Extension Service.
Address: 704 Knapp Hall, P.O. Box 6031, Morgantown, WV 26506-6031, Contact: Robert L. Moore, Phone: (304) 293-4013.

(b) *Approved Courses:*
Abatement Worker (contingent from 10/20/88).
Abatement Worker Refresher Course (contingent from 11/2/89).
Contractor/Supervisor (contingent from 10/20/88).
Contractor/Supervisor Refresher Course (contingent from 11/2/89).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner Refresher Course (contingent from 4/20/89).
Inspector/Management Planner Refresher Course (full from 4/26/89).

(93)(a) *Training Provider:* White Lung Association.
Address: 1601 St. Paul St., Baltimore, MD 21201, Contact: James Fite, Phone: (301) 727-6029.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/18/88).
Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 2/23/89).
Contractor/Supervisor (contingent from 2/18/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).
Inspector/Management Planner (contingent from 1/4/88).
Inspector/Management Planner (full from 2/15/88).
Inspector/Management Planner Refresher Course (contingent from 12/29/88).

(94)(a) *Training Provider:* William L. James Enterprises, Inc.
Address: P.O. Box 1478, Scranton, PA 18501-1478, Contact: William L. James, Phone: (717) 344-5830.

(b) *Approved Courses:*
Abatement Worker Refresher Course (contingent from 11/7/89).
Contractor/Supervisor (contingent from 4/20/88).
Contractor/Supervisor Refresher Course (contingent from 11/7/87).

REGION IV -- Atlanta, GA

Acting Regional Asbestos Coordinator: Sally Shaver, EPA, Region IV, 345 Courtland St., NE., Atlanta, GA 30365. (404) 347-5014, (FTS) 257-5014.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certificatin indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IV training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* A.S.C. Consultants, Inc.
Address: P.O. Box 31, Waynesville, NC 28786, Contact: Terry LaDuke, Phone: (704) 452-3449.

(b) *Approved Course:*
Abatement Worker (contingent from 6/22/89).

(2)(a) *Training Provider:* AHP Research, Inc.
Address: 1505 Johnson's Ferry Rd., Marietta, GA 30062, Contact: Dwight Brown, Phone: (404) 565-0061.

(b) *Approved Courses:*
Abatement Worker (contingent from 11/3/89).
Contractor/Supervisor (contingent from 11/13/89).
Contractor/Supervisor Refresher Course (contingent from 1/6/89).
Inspector/Management Planner (interim from 5/28/86 to 12/13/87).
Inspector/Management Planner (full from 12/14/87).

(3)(a) *Training Provider:* ARI Institute.
Address: P.O. Box 60599, Nashville, TN 37206, Contact: Theresa Cook, Phone: (615) 228-3820.

(b) *Approved Course:*
Abatement Worker (contingent from 12/6/89).

(4)(a) *Training Provider:* ASC Asbestos Training Center.
Address: P.O. Box 291569, Nashville, TN 37229-1569, Contact: Don Hoffman, Phone: (615) 399-2221.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/4/90).
Abatement Worker Refresher Course (contingent from 2/4/90).
Contractor/Supervisor (contingent from 2/4/90).
Inspector/Management Planner (contingent from 2/5/90).
Inspector/Management Planner Refresher Course (contingent from 2/5/90).
Project Designer (contingent from 2/5/90).

(5)(a) *Training Provider:* ATEC Associates, Inc.
Address: 129 West Valley Ave., Birmingham, AL 35209-3691, Contact: W. David Yates, Phone: (205) 945-9224.

(b) *Approved Courses:*
Abatement Worker (contingent from 4/14/89).
Contractor/Supervisor (contingent from 4/14/89).
Inspector/Management Planner (contingent from 4/14/89).

(6)(a) *Training Provider:* ATI Environmental Services.
Address: P.O. Box 3044, Louisville, KY 40201, Contact: Tim Ellis, Phone: (502) 589-5308.

(b) *Approved Courses:*
Abatement Worker (full from 1/12/88).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (full from 1/12/88).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).

(7)(a) *Training Provider:* American Environmental Safety Institute.
Address: P.O. Box 212116, Columbia, SC 29221-2116, Contact: Kim Cleveland, Phone: (803) 771-7463.

(b) *Approved Courses:*
Abatement Worker (contingent from 1/29/89).
Abatement Worker (full from 6/1/90).
Abatement Worker Refresher Course (contingent from 12/16/88).
Abatement Worker Refresher Course (full from 6/12/90).
Contractor/Supervisor (full from 10/17/88).
Contractor/Supervisor Refresher Course (contingent from 12/16/88).
Contractor/Supervisor Refresher Course (full from 6/13/90).
Inspector/Management Planner (full from 2/8/89).

(8)(a) *Training Provider:* Asbesco, Inc.
Address: P.O. Box 9874, Mobile, AL 36609, Contact: Robert Pettie, Phone: (205) 666-5199.

(b) *Approved Courses:*
Abatement Worker (contingent from 2/22/89).
Abatement Worker (full from 3/7/91).

(9)(a) *Training Provider:* Asbestos Abatement Associates, Inc.

Address: P.O. Box 8178, Spartanburg, SC 29305, Contact: John McNamara, Phone: (803) 582-1222.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).
Abatement Worker (full from 6/26/89).
Abatement Worker Refresher Course (contingent from 5/1/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (contingent from 3/7/89).
Contractor/Supervisor (full from 7/19/89).
Contractor/Supervisor Refresher Course (contingent from 5/1/89).
Contractor/Supervisor Refresher Course (full from 7/19/89).
Inspector/Management Planner Refresher Course (contingent from 5/1/89).
Inspector/Management Planner Refresher Course (full from 7/31/89).
Project Designer (contingent from 11/14/89).
Project Designer (full from 1/12/90).
Project Designer Refresher Course (contingent from 10/18/89).
Project Designer Refresher Course (full from 11/21/89).

(10)(a) *Training Provider:* Asbestos Consultants, Inc.

Address: P.O. Box 9054, Greensboro, NC 27408, Contact: Thomas Petty, Phone: (919) 275-3907.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/9/88).

(11)(a) *Training Provider:* Asbestos. Disease Association.

Address: 800 West Platt St., Tampa, FL 33706, Contact: John D. Householter, Phone: (813) 254-0003.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/11/89).
Inspector/Management Planner (contingent from 12/11/89).

(12)(a) *Training Provider:* Asbestos Technical Resource Center, Inc.

Address: P.O. Box 2755, Covington, GA 30209-2755, Contact: Timothy E. Fuller, Phone: (404) 361-9182.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/2/89).
Abatement Worker Refresher Course (full from 6/7/89).
Contractor/Supervisor (contingent from 6/2/89).
Contractor/Supervisor (full from 8/10/89).
Contractor/Supervisor Refresher Course (full from 6/7/89).

(13)(a) *Training Provider:* Atlantic Environmental Consulting, Inc.

Address: 12200 Southwest 132 Ct., Miami, FL 33186, Contact: Stephan R. Schanamann, Phone: (305) 232-6364.

(b) *Approved Course:*

Abatement Worker (contingent from 8/11/88).

(14)(a) *Training Provider:* BCM Engineers, Inc.

Address: 104 St. Anthony St., P.O. Box 1784, Mobile, AL 36633, Contact: Conrad Freeman, Phone: (205) 433-3981.

(b) *Approved Courses:*

Inspector/Management Planner (full from 11/11/87).
Inspector/Management Planner Refresher Course (contingent from 11/10/88).
Inspector/Management Planner Refresher Course (full from 10/16/90).
Project Designer (full from 12/8/87).
Project Designer Refresher Course (contingent from 5/4/89).
Project Designer Refresher Course (full from 10/17/90).

(15)(a) *Training Provider:* Betchel Construction, Inc.

Address: P.O. Box 3218, Florida City, FL 33034, Contact: R.C. Slover, Phone: (305) 246-6565.

(b) *Approved Course:*

Abatement Worker (contingent from 3/13/89).

(16)(a) *Training Provider:* Big Bend Abatement, Inc.

Address: 3542 West Orange Ave., Tallahassee, FL 32310, Contact: Robert Law, Phone: (904) 576-0130.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/89).
Abatement Worker (full from 9/26/90).

(17)(a) *Training Provider:* Briggs Associates Int'l. Inc.

Address: 4209 Vineland Rd., Suites J-9/10, Orlando, FL 32811, Contact: Jim McCulloch, Phone: (407) 422-3522.

(b) *Approved Course:*

Abatement Worker (contingent from 5/4/89).

(18)(a) *Training Provider:* CRU Incorporated.

Address: 13029 Middletown Industrial Blvd., Louisville, KY 40223, Contact: Donna Ringo, Phone: (502) 244-8844.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).
Contractor/Supervisor (contingent from 5/1/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).
Inspector/Management Planner (contingent from 5/26/89).

(19)(a) *Training Provider:* Chemalytics.

Address: 33 East 7th St., Covington, KY 41011, Contact: Kenneth Reed, Phone: (606) 431-6224.

(b) *Approved Course:*

Abatement Worker (contingent from 1/17/90).

(20)(a) *Training Provider:* DPC General Contractors, Inc.

Address: 250 Arizona Ave., NE., Bldg. A, Atlanta, GA 30307, Contact: Glen Kahler, Phone: (404) 373-0561.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/88).
Abatement Worker (full from 5/9/88).

(21)(a) *Training Provider:* Diversified Industries, Inc.

Address: P.O. Box 10452, 7316 Market St., Wilmington, NC 28405, Contact: Greg Hale, Phone: (919) 686-1736.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/90).
Abatement Worker Refresher Course (contingent from 12/13/89).
Contractor/Supervisor (contingent from 1/23/90).
Contractor/Supervisor Refresher Course (contingent from 12/13/89).

(22)(a) *Training Provider:* EEC, Inc.

Address: 2245 North Hills Dr., Suite J, Raleigh, NC 27612, Contact: Mike Shrimanker, Phone: (919) 672-8910.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/7/89).
Abatement Worker (full from 11/16/89).
Abatement Worker Refresher Course (contingent from 5/3/89).
Abatement Worker Refresher Course (full from 5/1/90).
Contractor/Supervisor (contingent from 7/14/89).
Contractor/Supervisor (full from 5/3/90).
Contractor/Supervisor Refresher Course (contingent from 9/28/89).
Contractor/Supervisor Refresher Course (full from 5/2/90).

(23)(a) *Training Provider:* ELB & Associates, Inc.

Address: 605 Eastowne Dr., Chapel Hill, NC 27514, Contact: Michael L. Cannon, Phone: (919) 493-4471.

(b) *Approved Course:*

Abatement Worker (contingent from 6/30/88).

(24)(a) *Training Provider:* Eagle Environmental Laboratory.

Address: 1119 Ellard Rd., Fultondale, AL 35068, Contact: Mark Cambron, Phone: (205) 841-7693.

(b) *Approved Course:*

Abatement Worker (contingent from 11/14/89).

(25)(a) *Training Provider:* Energy Support Services, Inc.

Address: P.O. Box 6098, Ashville, NC 28816, Contact: Edward T. Rochelle, Phone: (704) 258-8888.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).

Abatement Worker Refresher Course (contingent from 11/8/89).

Contractor/Supervisor (contingent from 11/7/89).

Contractor/Supervisor Refresher Course (contingent from 11/8/89).

Inspector/Management Planner (contingent from 3/5/89).

Inspector/Management Planner Refresher Course (contingent from 11/8/89).

(26)(a) *Training Provider:* Enpuricon Asbestos Management.

Address: 3200 Glen Royal Rd., No. 110, Raleigh, NC 27612-7404, Contact: Terry E. Slate, Phone: (919) 781-0886.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/11/89).

Contractor/Supervisor (contingent from 2/6/89).

(27)(a) *Training Provider:* Enviro Science, Inc.

Address: P.O. Box 5804, Spartanburg, SC 29304, Contact: Andrew Schauder, Phone: (803) 585-4900.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 9/15/89).

(28)(a) *Training Provider:* Enviro-Tech.

Address: 550 Comet St., No. 16, P.O. Box 6752, Jacksonville, FL 32236, Contact: Rafael Abrev, Phone: (904) 384-0732.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/28/89 to 7/6/90 only).

Contractor/Supervisor (contingent from 7/11/89 to 7/6/90 only).

(29)(a) *Training Provider:* Environmental Control Systems Training Institute.

Address: 377 Harrods Woods Rd., Frankfurt, KY 40601, Contact: William A. Sadler, Phone: (502) 896-1245.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 8/10/89).

Inspector/Management Planner (contingent from 11/6/89).

(30)(a) *Training Provider:* Environmental Engineering Co., Inc.

Address: 500 Rivermont Rd., Columbia, SC 29210, Contact: Russell Richard, Phone: (803) 256-7846.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/17/89).

Abatement Worker (full from 9/22/89).

Abatement Worker Refresher Course (contingent from 9/28/89).

Abatement Worker Refresher Course (full from 1/31/90).

Contractor/Supervisor (contingent from 2/17/89).

Contractor/Supervisor (full from 9/22/89).

Contractor/Supervisor Refresher Course (contingent from 9/28/89).

Contractor/Supervisor Refresher Course (full from 2/1/90).

(31)(a) *Training Provider:* Environmental Resources Group.

Address: P.O. Box 18283, Memphis, TN 38181-0283, Contact: Lee C. Thompson, Phone: (901) 366-9160.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).

Abatement Worker (full from 1/10/91).

(32)(a) *Training Provider:* Environmental Training Corporation.

Address: 2252 Rocky Ridge Rd., Suite 105, Birmingham, AL 35216, Contact: William E. Hicks, Phone: (800) 677-8761.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/89).

Abatement Worker (full from 11/28/90).

Contractor/Supervisor (contingent from 11/1/89).

Contractor/Supervisor (full from 11/29/90).

Contractor/Supervisor Refresher Course (contingent from 11/1/89).

Contractor/Supervisor Refresher Course (full from 11/28/90).

Project Designer (contingent from 10/31/89).

Project Designer (full from 8/1/90).

(33)(a) *Training Provider:* Evans Environmental & Geological Science & Management, Inc.

Address: 2631 Southwest 27 St., Miami, FL 33133, Contact: Charles Evans, Phone: (305) 856-7458.

(b) *Approved Course:*

Abatement Worker (contingent from 1/31/89).

(34)(a) *Training Provider:* Fayetteville Technical Community College.

Address: P.O. Box 35236, Fayetteville, NC 28303, Contact: John McNeill, Phone: (919) 323-1961.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/1/89).

Contractor/Supervisor (contingent from 5/1/89).

(35)(a) *Training Provider:* Georgia Tech. Institute.

Address: O'Keefe Building, Room 029, Atlanta, GA 30332, Contact: Robert D. Schmitter, Phone: (404) 894-3806.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 6/1/85 to 5/10/87).

Contractor/Supervisor (full from 5/11/87).

Contractor/Supervisor Refresher Course (contingent from 9/23/87).

Contractor/Supervisor Refresher Course (full from 7/7/88).

Inspector/Management Planner (contingent from 9/29/87).

Inspector/Management Planner (full from 10/19/87).

Inspector/Management Planner Refresher Course (contingent from 10/24/88).

Inspector/Management Planner Refresher Course (full from 11/29/88).

Project Designer (contingent from 6/1/88).

Project Designer (full from 6/7/88).

Project Designer Refresher Course (contingent from 1/31/89).

Project Designer Refresher Course (full from 3/22/89).

(36)(a) *Training Provider:* Great Barrier Insulation Co.

Address: Meador Warehouse, Western Dr., Mobile, AL 36607, Contact: Thomas Knotts, Phone: (205) 476-0350.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).

Abatement Worker (full from 4/4/89).

Abatement Worker Refresher Course (contingent from 3/30/89).

(37)(a) *Training Provider:* Harrison Contracting, Inc.

Address: 3845 Viscount St., Suite 12, Memphis, TN 38118, Contact: Lee C. Thompson, Phone: (901) 795-0432.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).

Abatement Worker (full from 10/12/88).

(38)(a) *Training Provider:* Howard L. Henson Training Institute.

Address: 3592 Flat Shoals Rd., Decatur, GA 30034, Contact: Stephen Henson, Phone: (404) 243-5107.

(b) *Approved Course:*

Abatement Worker (full from 2/16/88).

(39)(a) *Training Provider:* International Association of Heat & Frost Insulation & Asbestos Workers Local Union No. 13.

Address: 145 East First St., Jacksonville, FL 32206, Contact: Tom Mallard, Phone: (904) 388-1601.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).
Abatement Worker (full from 7/27/90).
Abatement Worker Refresher Course (contingent from 1/23/89).
Abatement Worker Refresher Course (full from 6/14/90).
Contractor/Supervisor (contingent from 1/23/89).
Contractor/Supervisor (full from 4/24/89).
Contractor/Supervisor Refresher Course (contingent from 1/23/89).
Contractor/Supervisor Refresher Course (full from 6/15/90).

(40)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 46.

Address: 7111 Wright Rd., Knoxville, TN 37931, Contact: John Wade, Phone: (615) 938-1274.

(b) *Approved Courses:*

Abatement Worker (full from 10/11/88).
Abatement Worker Refresher Course (contingent from 8/16/89).
Abatement Worker Refresher Course (full from 11/8/89).
Contractor/Supervisor (full from 1/9/89).
Contractor/Supervisor Refresher Course (contingent from 10/11/88).
Contractor/Supervisor Refresher Course (full from 11/9/89).

(41)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 48.

Address: 7815 Old Morrow Rd., Atlanta, GA 30316, Contact: Timothy Fuller, Phone: (404) 478-1393.

(b) *Approved Courses:*

Abatement Worker (full from 5/4/88).
Contractor/Supervisor (full from 6/27/88).
Contractor/Supervisor Refresher Course (full from 11/2/88).
Inspector (contingent from 9/26/88).
Inspector (full from 9/28/88).

(42)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 60.

Address: 13000 Northwest 47th Ave., Miami, FL 33054, Contact: David Cleveland, Phone: (305) 681-0679.

(b) *Approved Courses:*

Abatement Worker (full from 11/15/88).
Contractor/Supervisor (full from 12/12/88).

(43)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 67.

Address: 7930 U.S. Hwy. 301 N., Tampa, FL 33637, Contact: Don Tucker, Phone: (813) 985-3067.

(b) *Approved Courses:*

Abatement Worker (full from 8/23/89).
Abatement Worker Refresher Course (contingent from 11/15/89).
Abatement Worker Refresher Course (full from 11/29/89).
Contractor/Supervisor (full from 11/29/88).
Contractor/Supervisor Refresher Course (contingent from 11/15/89).
Contractor/Supervisor Refresher Course (full from 11/28/89).

(44)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 72.

Address: 2513 Adams St., Wilmington, NC 28401, Contact: Mike Harrell, Phone: (919) 343-1730.

(b) *Approved Course:*

Abatement Worker (full from 8/10/88).

(45)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 78.

Address: 600 Main St., Gardendale, AL 35071, Contact: Bill Boothe, Phone: (205) 631-5236.

(b) *Approved Courses:*

Abatement Worker (full from 10/25/88).
Abatement Worker Refresher Course (full from 2/21/91).
Contractor/Supervisor (contingent from 12/6/89).
Contractor/Supervisor (full from 3/29/91).
Contractor/Supervisor Refresher Course (full from 5/17/89).

(46)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 86.

Address: 4822 Charlotte Ave., Nashville, TN 37209, Contact: Don Cundiff, Phone: (615) 297-7127.

(b) *Approved Courses:*

Abatement Worker (full from 7/10/89).
Contractor/Supervisor (full from 7/10/89).

(47)(a) *Training Provider:*
International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 96.

Address: P.O. Box 623, Pooler, GA 31322-0623, Contact: Kem Dugger, Phone: (912) 748-6282.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).
Abatement Worker Refresher Course (full from 8/17/89).
Contractor/Supervisor (full from 9/13/88).
Contractor/Supervisor Refresher Course (full from 8/17/89).

(48)(a) *Training Provider:* Kentucky Laborers Training Trust Fund.

Address: US 127 Bypass South, P.O. Box 208, Lawrenceburg, KY 40342, Contact: David Vinson, Phone: (502) 839-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 1/10/89).

(49)(a) *Training Provider:* LCI Training Institute.

Address: 1432 Jocasta Dr., Lexington, KY 40502-5320, Contact: John F. Summersett, Phone: (606) 273-8881.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/88).
Contractor/Supervisor (contingent from 6/9/88).

(50)(a) *Training Provider:* Laborers District Council of Southeast Florida.

Address: 799 Northwest 62nd St., Miami, FL 33510, Contact: Albert Houston, Phone: (305) 754-2659.

(b) *Approved Course:*

Abatement Worker (full from 3/15/88).

(51)(a) *Training Provider:* Laborers Local Union No. 517 North & Central Florida Education & Training Fund.

Address: 4625 Old Wintergarden Rd., Bldg. A-6, Orlando, FL 32811, Contact: Patrick O' Donnell, Phone: (407) 298-3446.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/6/88).
Abatement Worker Refresher Course (contingent from 9/22/89).

(52)(a) *Training Provider:* Lang Engineering of Florida, Inc.

Address: 5432 Commerce Park Blvd., Tampa, FL 33610, Contact: Robert Lang, Phone: (813) 622-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).
Abatement Worker (full from 4/2/90).
Abatement Worker Refresher Course (contingent from 8/9/89).

(53)(a) *Training Provider:* Laseter & Associates, Inc.

Address: P.O. Box 176, Collierville, TN 38017, Contact: Kenneth M. Laseter, Phone: (800) 456-8617.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).
Contractor/Supervisor (contingent from 11/7/89).

Inspector/Management Planner (contingent from 11/7/89).
Inspector/Management Planner Refresher Course (contingent from 11/8/89).

(54)(a) *Training Provider:* Law Engineering, Inc.

Address: 7616 Southland Blvd., Suite 110, Orlando, FL 32809, Contact: Diana Rigdon, Phone: (407) 855-8740.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/89).
Contractor/Supervisor (contingent from 9/1/89).

(55)(a) *Training Provider:* Mississippi State University, Dept. of Continuing Education.

Address: Memorial Hall-Bar Ave., P.O. Drawer 5247, Mississippi State, MS 39762-5247, Contact: Billy G. Smith, Phone: (601) 325-3473.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Abatement Worker (full from 3/22/90).
Contractor/Supervisor (contingent from 7/19/88).
Contractor/Supervisor (full from 6/29/89).
Contractor/Supervisor Refresher Course (contingent from 5/26/89).
Contractor/Supervisor Refresher Course (full from 3/19/90).
Inspector/Management Planner (full from 6/20/88).
Inspector/Management Planner Refresher Course (contingent from 5/26/89).
Project Designer (contingent from 12/15/88).
Project Designer Refresher Course (contingent from 5/26/89).

(56)(a) *Training Provider:* Mobile Asbestos Resource Services, Inc.

Address: 10 Airport Lane, Archer, FL 32618, Contact: Walter Heope, Phone: (904) 495-9214.

(b) *Approved Course:*

Abatement Worker (contingent from 12/6/89).

(57)(a) *Training Provider:* Mur-Shel, Inc. Asbestos Abatement.

Address: 518 South Mulberry, Panama City, FL 32401, Contact: Lois Shelton, Phone: (904) 763-2010.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 9/1/89).
Contractor/Supervisor (full from 2/22/91).

(58)(a) *Training Provider:* Napri/Cisco.

Address: 4545 St. Augustine Rd., Jacksonville, FL 32207, Contact: Otey C. Reynolds, Phone: (904) 730-2222.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/16/89).
Contractor/Supervisor (contingent from 10/13/89).
Contractor/Supervisor Refresher Course (contingent from 10/16/89).
Inspector/Management Planner (contingent from 10/13/89).
Inspector/Management Planner Refresher Course (contingent from 10/16/89).
Project Designer (contingent from 10/13/89).
Project Designer Refresher Course (contingent from 10/16/89).

(59)(a) *Training Provider:* National Asbestos Council (NAC) Training Dept.

Address: 1777 Northeast Expressway, Suite 150, Atlanta, GA 30329, Contact: Zachary S. Cowan, III, Phone: (404) 633-2622.

(b) *Approved Courses:*

Abatement Worker (interim from 7/1/86 to 6/1/87).
Abatement Worker (full from 7/1/87).
Abatement Worker Refresher Course (contingent from 2/8/89).
Abatement Worker Refresher Course (full from 9/17/90).

(60)(a) *Training Provider:* National Monitoring Labs, Inc.

Address: 1400 North 46th St., Suite V-28, Tampa, FL 33613, Contact: Gil Bakshi, Phone: (800) 347-3414.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor (full from 3/22/90).
Contractor/Supervisor Refresher Course (contingent from 5/23/89).
Inspector/Management Planner (contingent from 4/14/89).
Inspector/Management Planner (full from 1/19/90).
Inspector/Management Planner Refresher Course (contingent from 5/23/89).

(61)(a) *Training Provider:* Occupational Training Academy, Inc.

Address: 8409 Laurel Fair Circle, Suite 102, Tampa, FL 33610, Contact: John Burke, Phone: (813) 621-5586.

(b) *Approved Course:*

Abatement Worker (contingent from 1/17/90).

(62)(a) *Training Provider:* PDR Engineers, Inc.

Address: 2000 Lindell Ave., Nashville, TN 37203, Contact: Ayaja K. Upaphyaya, Phone: (615) 298-2065.

(b) *Approved Course:*

Inspector (contingent from 9/15/88).

(63)(a) *Training Provider:* Practical Environmental Training Institute.

Address: 230 S. Tryon St., Suite 910, Charlotte, NC 28221-6308, Contact: Dianne Christenbery, Phone: (704) 375-9382.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Abatement Worker (full from 10/24/88).
Abatement Worker Refresher Course (contingent from 6/18/89).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor (full from 3/20/89).
Contractor/Supervisor Refresher Course (contingent from 6/18/89).
Contractor/Supervisor Refresher Course (full from 2/6/90).

(64)(a) *Training Provider:* Republic Industries, Inc.

Address: P.O. Box 5565, Station 1, Wilmington, NC 28403, Contact: Gerry Phelps, Phone: (919) 799-2664.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/23/89).
Abatement Worker (full from 1/24/90).
Abatement Worker Refresher Course (contingent from 5/5/89).
Abatement Worker Refresher Course (full from 1/25/90).
Contractor/Supervisor (contingent from 9/22/89).
Contractor/Supervisor (full from 4/20/90).
Contractor/Supervisor Refresher Course (contingent from 6/5/89).
Contractor/Supervisor Refresher Course (full from 12/11/90).

(65)(a) *Training Provider:* Retra Services, Inc.

Address: 1730 U.S. Alt. 19 South, Suite H, Tarpon Springs, FL 34689, Contact: Phillip Paroff, Phone: (800) 548-5848.

(b) *Approved Courses:*

Abatement Worker (full from 1/24/89).
Abatement Worker Refresher Course (contingent from 12/29/88).
Abatement Worker Refresher Course (full from 1/24/89).

(66)(a) *Training Provider:* SASSI.

Address: 1550 Pumphrey Ave., Auburn, AL 36830, Contact: William Shell, Phone: (800) 633-5471.

(b) *Approved Course:*

Abatement Worker (contingent from 1/4/89).

(67)(a) *Training Provider:* Seagull Environmental Management Asbestos Consulting & Training Systems.

Address: 903 Northwest 6th Ave., Ft. Lauderdale, FL 33311, Contact: James F. Stump, Phone: (305) 524-7208.

(b) *Approved Courses:*

Abatement Worker (full from 5/8/88).
Abatement Worker Refresher Course (contingent from 9/22/89).
Contractor/Supervisor (contingent from 2/22/89).
Contractor/Supervisor Refresher Course (contingent from 9/22/89).
Inspector/Management Planner (contingent from 10/30/89).
Inspector/Management Planner Refresher Course (contingent from 11/1/89).

(68)(a) *Training Provider:* Southeast Asbestos Free Environments, Inc.

Address: 350 South Second Ave., P.O. Box 51267, Jacksonville Beach, FL 32250, Contact: Jim Ilardi, Phone: (904) 246-8000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor (contingent from 1/18/89).

(69)(a) *Training Provider:* Technical Abatement Service, Inc.

Address: 897 East Lemon St., Bartow, FL 33830, Contact: John W. Pevy, Phone: (813) 533-0885.

(b) *Approved Course:*

Abatement Worker (contingent from 6/21/89).

(70)(a) *Training Provider:* Technical Education Resources, Inc.

Address: 2212 Swann Ave., Suite D, Tampa, FL 33606, Contact: Robert Greene, Phone: (813) 251-1095.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/16/89).
Abatement Worker Refresher Course (contingent from 11/14/89).
Contractor/Supervisor (contingent from 11/16/89).
Contractor/Supervisor Refresher Course (contingent from 11/14/89).
Inspector/Management Planner (contingent from 11/16/89).
Inspector/Management Planner Refresher Course (contingent from 11/14/89).

(71)(a) *Training Provider:* Technical Environmental Service Training Institute (T.E.S.T).

Address: Box 28210, Raleigh, NC 27611-8210, Contact: Dennis Mast, Phone: (800) 868-7246.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/22/89).
Abatement Worker (full from 7/7/89).
Abatement Worker Refresher Course (contingent from 7/18/89).
Abatement Worker Refresher Course (full from 3/29/90).
Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor Refresher Course (contingent from 10/20/89).
Inspector/Management Planner (contingent from 7/7/89).
Inspector/Management Planner Refresher Course (contingent from 10/20/89).

(72)(a) *Training Provider:* Technical Training Institute.

Address: 4124 Clemson Blvd., Anderson, SC 29621, Contact: Bill Martin, Phone: (803) 226-3622.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/13/89).
Abatement Worker Refresher Course (contingent from 10/17/89).
Contractor/Supervisor (contingent from 11/13/89).
Contractor/Supervisor (full from 9/7/90).
Contractor/Supervisor Refresher Course (contingent from 10/17/89).
Inspector/Management Planner (contingent from 11/13/89).
Inspector/Management Planner Refresher Course (contingent from 10/17/89).
Project Designer (contingent from 11/13/89).
Project Designer Refresher Course (contingent from 10/17/89).

(73)(a) *Training Provider:* Tennessee Environmental Services.

Address: 1804 Williamson Ct., Brentwood, TN 37027, Contact: Gary J. Lang, Phone: (615) 373-8792.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/26/89).
Abatement Worker (full from 8/15/90).
Abatement Worker Refresher Course (contingent from 11/1/89).
Abatement Worker Refresher Course (full from 8/17/90).
Contractor/Supervisor (contingent from 5/26/89).
Contractor/Supervisor Refresher Course (contingent from 11/1/89).
Contractor/Supervisor Refresher Course (full from 8/16/90).

(74)(a) *Training Provider:* Testwell Craig Labs of Florida, Inc.

Address: 7104 North 51st St., Miami, FL 33166, Contact: George W. Stowell, Phone: (305) 593-0561.

(b) *Approved Course:*

Abatement Worker (contingent from 9/8/89).

(75)(a) *Training Provider:* The Environmental Institute.

Address: COBB Corporate Center/300, 350 Franklin Rd., Marietta, GA 30067, Contact: Eva Clay, Phone: (404) 425-2000.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/10/87).
Abatement Worker (full from 5/2/88).
Contractor/Supervisor (contingent from 12/10/87).
Contractor/Supervisor (full from 2/1/88).
Contractor/Supervisor Refresher Course (full from 5/19/88).
Inspector/Management Planner (contingent from 12/10/87).
Inspector/Management Planner (full from 1/25/88).
Inspector/Management Planner Refresher Course (full from 11/8/88).
Project Designer (contingent from 2/5/88).
Project Designer (full from 2/9/88).
Project Designer Refresher Course (contingent from 4/17/89).
Project Designer Refresher Course (full from 4/19/89).

(76)(a) *Training Provider:* University of Alabama, Tuscaloosa College of Continuing Studies.

Address: P.O. Box 870388, Tuscaloosa, AL 35486-0388, Contact: Dennis Daniels, Phone: (800) 452-5923.

(b) *Approved Courses:*

Abatement Worker (full from 4/5/88).
Abatement Worker Refresher Course (contingent from 11/13/89).
Abatement Worker Refresher Course (full from 3/4/91).
Contractor/Supervisor Refresher Course (contingent from 11/13/89).
Contractor/Supervisor Refresher Course (full from 3/4/91).
Inspector/Management Planner (full from 5/16/88).
Inspector/Management Planner Refresher Course (contingent from 11/13/89).
Inspector/Management Planner Refresher Course (full from 5/8/90).

(77)(a) *Training Provider:* University of Alabama-Birmingham Deep South Center.

Address: Birmingham, AL 35294, Contact: Elizabeth Lynch, Phone: (205) 934-7032.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/21/88).
Inspector/Management Planner (full from 3/21/88).
Inspector/Management Planner Refresher Course (contingent from 3/3/89).
Inspector/Management Planner Refresher Course (full from 7/30/90).

(78)(a) *Training Provider:* University of Florida TREEO Center.

Address: 3900 Southwest 63rd Blvd., Gainesville, FL 32608, Contact: Sara Washburn, Phone: (904) 392-9570.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 1/24/89).
Contractor/Supervisor (interim from 2/9/87 to 4/30/87).
Contractor/Supervisor (full from 5/1/87).
Contractor/Supervisor Refresher Course (contingent from 1/17/89).
Inspector/Management Planner (interim from 1/27/87 to 12/14/87).
Inspector/Management Planner (contingent from 2/5/88).
Inspector/Management Planner (full from 2/15/88).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(79)(a) *Training Provider:* University of Kentucky, College of Engineering Continuing Education.

Address: CRMS Building, Room 320, Lexington, KY 40506-0108, Contact: Liz Haden, Phone: (606) 257-3972.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 3/30/89).
Inspector/Management Planner (full from 2/15/88).
Inspector/Management Planner Refresher Course (contingent from 3/3/89).

(80)(a) *Training Provider:* University of North Carolina, Occupational Safety & Health Educational Resource Center.

Address: 109 Conner Dr., Suite 1101, Chapel Hill, NC 27514, Contact: Larry Hyde, Phone: (919) 962-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/89).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 6/6/88).
Contractor/Supervisor Refresher Course (contingent from 6/7/89).
Contractor/Supervisor Refresher Course (full from 2/5/91).
Inspector/Management Planner (contingent from 11/9/87).
Inspector/Management Planner (full from 11/9/87).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Inspector/Management Planner Refresher Course (full from 2/4/91).
Project Designer (contingent from 5/2/89).
Project Designer Refresher Course (contingent from 6/22/89).
Project Designer Refresher Course (full from 2/6/91).

(81)(a) *Training Provider:* University of North Florida, Division of Continuing Education & Extension Environmental Ed. & Safety Institute.

Address: 4567 St. Johns Bluff Rd., South Jacksonville, FL 32216, Contact: Elaine Puri, Phone: (904) 646-2690.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/89).
Abatement Worker (full from 5/16/90).
Abatement Worker Refresher Course (contingent from 8/25/89).
Abatement Worker Refresher Course (full from 5/16/90).
Contractor/Supervisor (contingent from 9/1/89).
Contractor/Supervisor (full from 5/17/91).
Contractor/Supervisor Refresher Course (contingent from 8/25/89).
Contractor/Supervisor Refresher Course (full from 5/17/90).
Inspector/Management Planner (contingent from 9/1/89).
Inspector/Management Planner (full from 7/27/90).

(82)(a) *Training Provider:* University of South Carolina Medical (MUSC) Dept. of Environmental Health.

Address: 171 Ashley Ave., Charleston, SC 29425, Contact: Jan Temple, Phone: (803) 792-5315.

(b) *Approved Courses:*

Abatement Worker (full from 12/19/88).
Abatement Worker Refresher Course (contingent from 2/2/89).
Contractor/Supervisor (full from 3/8/88).
Contractor/Supervisor Refresher Course (contingent from 2/2/89).
Contractor/Supervisor Refresher Course (full from 5/3/89).
Inspector/Management Planner (full from 3/1/88).
Inspector/Management Planner Refresher Course (contingent from 2/2/89).
Inspector/Management Planner Refresher Course (full from 5/2/89).

(83)(a) *Training Provider:* University of South Carolina, School of Public Health, c/o Azimuth Inc.

Address: 386 St. Andrews Rd., Columbia, SC 29210, Contact: Donald Cobb, Phone: (803) 798-2343.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/9/89).
Abatement Worker (full from 12/7/89).
Contractor/Supervisor (contingent from 5/5/89).
Contractor/Supervisor (full from 8/21/89).
Contractor/Supervisor Refresher Course (contingent from 5/24/89).
Contractor/Supervisor Refresher Course (full from 9/20/89).

(84)(a) *Training Provider:* Westinghouse Environmental & Geotechnical Services, Inc.

Address: 3980 Dekalb Technology Parkway, Suite 700, Atlanta, GA 30340, Contact: Russell Dukes, Phone: (404) 452-1911.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/89).
Contractor/Supervisor (contingent from 7/18/89).
Inspector/Management Planner (contingent from 1/3/90).

(85)(a) *Training Provider:* Weston, Inc.

Address: 1635 Pumphrey Ave., Auburn, AL 36830-4303, Contact: David Whittington, Phone: (205) 826-6100.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Abatement Worker (full from 11/1/90).
Contractor/Supervisor (contingent from 10/13/88).
Contractor/Supervisor (full from 5/15/89).
Contractor/Supervisor Refresher Course (contingent from 1/31/89).
Contractor/Supervisor Refresher Course (full from 9/25/89).
Inspector/Management Planner (contingent from 3/25/88).
Inspector/Management Planner (full from 9/27/89).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Inspector/Management Planner Refresher Course (full from 3/17/89).
Project Designer (contingent from 8/23/88).
Project Designer (full from 3/8/90).
Project Designer Refresher Course (contingent from 1/31/89).
Project Designer Refresher Course (full from 9/26/89).

(86)(a) *Training Provider:* Williams & Associates, Inc., Environmental Training Center.

Address: 460 Tennessee St., Memphis, TN 38103, Contact: Ruth Williams, Phone: (901) 521-9030.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/18/88).
Abatement Worker (full from 4/18/88).
Abatement Worker Refresher Course (contingent from 5/1/89).
Contractor/Supervisor (contingent from 2/18/88).

Contractor/Supervisor (full from 4/18/88).
Contractor/Supervisor Refresher Course (contingent from 5/1/89).

REGION V -- Chicago, IL

Regional Asbestos Coordinator: Anthony Restaino, EPA, Region V, 230 S. Dearborn St., (5SPP-TUB11), Chicago, IL 60604. (312) 886-6003, (FTS) 886-6003.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region V training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Abatement Training Institute, Inc.
Address: P.O. Box 26835, Columbus, OH 43226-0835, Contact: Steven Ritchie, Phone: (614) 267-0908.
(b) *Approved Courses:*
Abatement Worker (contingent from 3/1/88).
Abatement Worker Refresher Course (contingent from 4/25/89).

(2)(a) *Training Provider:* Advanced Mechanical Insulation, Inc.
Address: 205 West Randolph St., Suite 1050, Chicago, IL 60606, Contact: Jeffery M. Bertrand, Phone: (312) 704-9494.
(b) *Approved Courses:*
Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).

(3)(a) *Training Provider:* Affiliated Environmental Services, Inc.
Address: 3606 Venice Rd., Sandusky, OH 44870, Contact: Jack Dauch, Phone: (419) 627-1976.
(b) *Approved Courses:*
Abatement Worker (contingent from 7/14/88).
Abatement Worker (full from 10/24/88).
Abatement Worker Refresher Course (contingent from 2/2/89).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor (full from 2/27/89).
Contractor/Supervisor Refresher Course (contingent from 2/2/89).
Inspector/Management Planner (contingent from 5/30/89).

(4)(a) *Training Provider:* Alderink & Associates, Inc.
Address: 3221 Three Mile Rd., NW., Grand Rapids, MI 49504, Contact: Deborah C. Alderink, Phone: (616) 791-0730.
(b) *Approved Courses:*
Abatement Worker (contingent from 7/15/88).
Abatement Worker (full from 9/6/88).
Abatement Worker Refresher Course (contingent from 9/1/88).
Abatement Worker Refresher Course (full from 9/6/88).
Contractor/Supervisor (contingent from 7/15/88).
Contractor/Supervisor (full from 9/19/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(5)(a) *Training Provider:* American Asbestos Institute, Inc. (Formerly Illinois Asbestos Council).
Address: Box 7477, Springfield, IL 62791, Contact: Donald G. Handy, Phone: (217) 523-8747.
(b) *Approved Courses:*
Abatement Worker (contingent from 3/29/89).
Abatement Worker (full from 8/14/89).
Abatement Worker Refresher Course (contingent from 8/31/89).
Contractor/Supervisor (contingent from 3/29/89).
Contractor/Supervisor (full from 8/14/89).
Contractor/Supervisor Refresher Course (contingent from 9/11/89).
Inspector/Management Planner (contingent from 3/29/89).
Inspector/Management Planner Refresher Course (contingent from 9/11/89).
Project Designer Refresher Course (contingent from 9/19/89).

(6)(a) *Training Provider:* American Environmental Institute.
Address: Main Campus, Plaza West, Cleveland, OH 44116, Contact: Gary P. Block, Phone: (216) 333-6225.
(b) *Approved Courses:*
Abatement Worker (contingent from 12/15/88).
Abatement Worker Refresher Course (contingent from 12/8/88).
Contractor/Supervisor (contingent from 9/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/6/88).
Inspector/Management Planner (contingent from 11/14/88).

(7)(a) *Training Provider:* American Industrial Hygiene Association.
Address: 475 Wolf Ledges Pkwy., Akron, OH 44311-1087, Contact: Mary Christ, Phone: (216) 762-7294.
(b) *Approved Course:*
Contractor/Supervisor (contingent from 2/23/89).

(8)(a) *Training Provider:* Applied Environmental Sciences, Inc.
Address: Minneapolis Business & Technology, Center, 511 11th Ave. S., Minneapolis, MN 55415, Contact: Franklin H. Dickson, Phone: (612) 339-5559.
(b) *Approved Courses:*
Abatement Worker (contingent from 6/30/88).
Abatement Worker Refresher Course (contingent from 3/16/89).
Contractor/Supervisor (contingent from 2/7/89).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 10/17/89).
Inspector/Management Planner Refresher Course (contingent from 10/16/89).

(9)(a) *Training Provider:* Aries Environmental Services, Ltd.
Address: 1550 Hubbard, Batavia, IL 60510, Contact: Dennis Cesarotti, Phone: (312) 879-3006.
(b) *Approved Courses:*
Abatement Worker (contingent from 6/13/88).
Abatement Worker Refresher Course (contingent from 1/18/89).

(10)(a) *Training Provider:* Asbestech, Inc.
Address: 326 Front St., Marietta, OH 45750, Contact: Phillip Lee, Phone: (614) 373-0714.
(b) *Approved Course:*
Abatement Worker (contingent from 11/9/89).

(11)(a) *Training Provider:* Asbestos Abatement, Inc.
Address: 2420 N. Grand River, Lansing, MI 48906, Contact: Shawn O'Callaghan, Phone: (517) 323-0053.
(b) *Approved Course:*
Abatement Worker (contingent from 7/6/88).

(12)(a) *Training Provider:* Asbestos Consulting Group, Inc.
Address: P.O. Box 3157, La Crosse, WI 54602-3157, Contact: Larry Lienau, Phone: (608) 782-1670.
(b) *Approved Courses:*
Contractor/Supervisor (contingent from 7/12/88).
Inspector/Management Planner (contingent from 10/14/88).

(13)(a) *Training Provider:* Asbestos Management, Inc.
Address: 36700 South Huron, Suite 104, New Boston, MI 48164, Contact: LaDonna Slifco, Phone: (313) 961-6135.
(b) *Approved Courses:*
Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 1/4/89).

Contractor/Supervisor (contingent from 8/18/87).
Inspector/Management Planner (contingent from 1/26/88).
Inspector/Management Planner (full from 2/1/88).
Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(14)(a) *Training Provider:* Asbestos Professional Services, Inc.

Address: 501 North Second St., Breese, IL 62230, Contact: Donald T. Anderson, Phone: (618) 526-2742.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/9/89).
Contractor/Supervisor (contingent from 10/13/89).
Contractor/Supervisor Refresher Course (contingent from 10/9/89).

(15)(a) *Training Provider:* Asbestos Removal Inc.

Address: Waterworks Rd., P.O. Box 522, Wabash, IN 46992, Contact: Karen S. Eckman, Phone: (219) 563-2407.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/18/89).
Abatement Worker Refresher Course (contingent from 12/20/89).

(16)(a) *Training Provider:* Asbestos Roofing Technology, Inc.

Address: P.O. Box 211, Lyons, IL 60534, Contact: Jay E. Refieuna, Phone: (312) 352-0400.

(b) *Approved Course:*

Abatement Worker (contingent from 4/13/89).

(17)(a) *Training Provider:* Asbestos Services, Inc.

Address: P.O. Box 141, Baroda, MI 49101, Contact: Dennis W. Calkins, Phone: (616) 422-2174.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 3/17/89).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 3/17/89).

(18)(a) *Training Provider:* Asbestos Technology & Training, Inc.

Address: 1186 Summit Ave., St. Paul, MN 55105, Contact: James D. Risimini, Phone: (612) 290-0342.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 2/7/89).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner (contingent from 7/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(19)(a) *Training Provider:* Asbestos Training & Employment, Inc. (ATEI).

Address: 809 East 11th St., Michigan City, IN 46360, Contact: Tom Dwyer, Phone: (219) 874-7348.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/15/88).
Abatement Worker (full from 5/18/88).
Abatement Worker Refresher Course (contingent from 12/11/88).
Contractor/Supervisor (contingent from 1/19/88).
Contractor/Supervisor (full from 6/20/88).
Contractor/Supervisor Refresher Course (contingent from 12/11/88).
Inspector/Management Planner (contingent from 5/13/88).
Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(20)(a) *Training Provider:* Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Richard Black, Phone: (513) 221-5969.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(21)(a) *Training Provider:* Astesco Laboratory, Inc.

Address: P.O. Box 517, Cloverdale, IN 46120, Contact: Donald R. Allen, Phone: (317) 795-4724.

(b) *Approved Courses:*

Abatement Worker (full from 10/31/88).
Abatement Worker Refresher Course (contingent from 2/7/89).
Contractor/Supervisor (contingent from 2/23/89).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).

(22)(a) *Training Provider:* BDN Industrial Hygiene Consultants.

Address: 8105 Valleywood Lane, Portage, MI 49002, Contact: Keith Nichols, Phone: (616) 329-1237.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Contractor/Supervisor (contingent from 10/1/87).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 1/15/88).
Inspector/Management Planner (full from 2/15/88).

(23)(a) *Training Provider:* Baker Midwest, Maple Grove, Minnesota.

Address: 10650 State Highway 152, Suite 112, Maple Grove, MN 55369, Contact: Joseph Reeves, Phone: (612) 493-2595.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/15/89).
Contractor/Supervisor (contingent from 6/15/89).

(24)(a) *Training Provider:* Ball State University.

Address: College of Sciences & Humanities, Department of Natural Resources, Muncie, IN 47306, Contact: Thad Godish, Phone: (317) 285-5780.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 3/30/89).

(25)(a) *Training Provider:* Bems Engineering, Inc.

Address: 18600 Northville Rd., Suite 200, Northville, MI 48167, Contact: Eugene L. Kunz, Phone: (313) 348-9167.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 12/29/88).
Inspector (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (contingent from 1/4/89).
Project Designer (contingent from 3/2/89).

(26)(a) *Training Provider:* Bierlein Demolition Contractors, Inc.

Address: 2903 South Graham Rd., Saginaw, MI 48608-8078, Contact: Harry T. Dryer, Jr., Phone: (517) 781-1810.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).
Contractor/Supervisor (contingent from 2/7/89).

(27)(a) *Training Provider:* Boelter Associates, Inc.

Address: 8700 West Bryn Mawr Ave., South Tower, Suite 401, Chicago, IL 60631, Contact: Philip Ramos, Phone: (312) 380-1070.

(b) *Approved Course:*

Contractor/Supervisor Refresher Course (contingent from 5/22/89).

(28)(a) *Training Provider:* Bonne Terre Training Services.

Address: P.O. Box 673, Tiffin, OH 44883, Contact: Timothy E. Blott, Phone: (419) 447-5091.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (contingent from 10/12/89).

(29)(a) *Training Provider:* Bowling Green State University Environmental Health Program.

Address: 102 Health Center, Bowling Green, OH 43403-0280, Contact: Gary S. Silverman, Phone: (419) 372-7774.

(b) *Approved Course:*

Abatement Worker (contingent from 4/21/89).

(30)(a) *Training Provider:* Carnow, Conibear & Associates, Ltd.

Address: 333 West Wacker Dr., Suite 1400, Chicago, IL 60606, Contact: Victoria Musselman, Phone: (312) 782-4486.

(b) *Approved Course:*

Abatement Worker (full from 2/29/88).

(31)(a) *Training Provider:* Centin Corp.

Address: 6601 North Interchange Rd., Evansville, IN 47715, Contact: Dan Sanders, Phone: (812) 474-6220.

(b) *Approved Course:*

Abatement Worker (contingent from 3/30/89).

(32)(a) *Training Provider:* Charles J. Ogg and Associates.

Address: P.O. Box 815, Newburgh, IN 47629-0815, Contact: Charles J. Ogg, Phone: (812) 853-7607.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Contractor/Supervisor (contingent from 5/1/89).

(33)(a) *Training Provider:* Clayton Environmental Consultants, Inc.

Address: 22345 Roethel Dr., Novi, MI 48050, Contact: Michael Coffman, Phone: (313) 344-1770.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88).
Inspector/Management Planner (full from 2/16/88).
Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(34)(a) *Training Provider:* Cleveland Environmental Services, Inc.

Address: P.O. Box 14643, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-4143.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).
Contractor/Supervisor (contingent from 4/21/89).

(35)(a) *Training Provider:* Cleveland Wrecking Co.

Address: 1400 Harrison Ave., P.O. Box 145530, Cincinnati, OH 45214, Contact: Eugene B. Rose, Phone: (513) 921-1160.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/3/89).
Abatement Worker Refresher Course (contingent from 8/3/89).
Contractor/Supervisor (contingent from 8/3/89).
Contractor/Supervisor Refresher Course (contingent from 8/3/89).

(36)(a) *Training Provider:* Columbus Paraprofessional Institute Battelle Columbus Division.

Address: 505 King Ave., Columbus, OH 43201-2693, Contact: John Simpkins, Phone: (614) 424-6424.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/4/88).
Inspector/Management Planner (full from 4/11/88).
Inspector/Management Planner Refresher Course (contingent from 11/30/88).

(37)(a) *Training Provider:* Construction & General Laborers Training Trust Fund.

Address: 4N250 Old Gary Ave., Cloverdale, IL 60103, Contact: Anthony Solano, Phone: (708) 653-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 12/1/88).
Abatement Worker Refresher Course (full from 12/12/89).
Contractor/Supervisor (contingent from 9/22/89).
Contractor/Supervisor (full from 3/23/90).

(38)(a) *Training Provider:* Construction Laborer Local Union No. 496.

Address: 5945 North Ridge Rd., P.O. Box 190, Madison, OH 44057, Contact: Floyd Conrad, Phone: (216) 428-7177.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/25/89).
Abatement Worker Refresher Course (contingent from 12/1/89).
Contractor/Supervisor (contingent from 10/25/89).
Contractor/Supervisor Refresher Course (contingent from 12/1/89).
Inspector (contingent from 10/25/89).
Inspector Refresher Course (contingent from 12/1/89).

(39)(a) *Training Provider:* D/E 3.

Address: 19701 South Miles Pkwy., N-12, Warrensville, OH 44128, Contact: Harold Danto, Phone: (216) 663-1500.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Abatement Worker Refresher Course (contingent from 1/4/89).
Contractor/Supervisor (contingent from 9/1/89).
Contractor/Supervisor Refresher Course (contingent from 10/10/89).

(40)(a) *Training Provider:* Daniel J. Hartwig Associates, Inc.

Address: P.O. Box 31, Oregon, WI 53575-0031, Contact: Alice J. Seeliger, Phone: (608) 835-5781.

(b) *Approved Courses:*

Abatement Worker (full from 10/18/88).
Abatement Worker Refresher Course (contingent from 4/25/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor Refresher Course (contingent from 4/25/89).
Inspector/Management Planner (contingent from 2/9/88).
Inspector/Management Planner (full from 4/18/88).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(41)(a) *Training Provider:* Darla Environmental, Inc.

Address: 1220 Richards St., Suite H, Joliet, IL 60433-2758, Contact: Salvador Garcia, Phone: (815) 722-5561.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Contractor/Supervisor (contingent from 10/7/88).

(42)(a) *Training Provider:* DeLisle Associates, Ltd.

Address: 6946 East North Ave., Kalamazoo, MI 49001, Contact: Mark A. DeLisle, Phone: (616) 385-1018.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).
Abatement Worker (full from 1/23/89).
Contractor/Supervisor (contingent from 10/5/87).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (contingent from 9/1/88).
Inspector/Management Planner (contingent from 12/22/87).
Inspector/Management Planner (full from 1/27/88).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

(43)(a) *Training Provider:* Dore & Associates Contracting, Inc.

Address: 900 Harry S. Truman Pkwy., P.O. Box 146, Bay City, MI 48707,

Contact: Joseph Goldring, Phone: (517) 684-8358.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).
Abatement Worker (full from 7/25/88).
Abatement Worker Refresher Course (contingent from 10/31/88).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(44)(a) *Training Provider:* Ecological Services, Inc.

Address: 107 Clay St., Tiffin, OH 44880-0715, Contact: Harish N. Pandhi, Phone: (419) 447-2514.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88 to 11/30/90 **only**).
Abatement Worker Refresher Course (contingent from 3/7/89 to 11/30/90 **only**).

(45)(a) *Training Provider:* Emscoa-Emergency Medical Service Consultants of America.

Address: 12125 South 90th Ave., Palos Park, IL 60464, Contact: Fred Debow, Phone: (708) 448-7500.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Abatement Worker Refresher Course (contingent from 12/20/89).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(46)(a) *Training Provider:* Environment Technology of Fort Wayne, Inc.

Address: 9208 Hessen Cassel Rd., Fort Wayne, IN 46816, Contact: Randy C. Aumsbaugh, Phone: (219) 447-3141.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/5/89).
Abatement Worker (full from 3/21/90).
Abatement Worker Refresher Course (contingent from 4/7/89).

(47)(a) *Training Provider:* Environmental & Occupational Consulting & Training, Inc.

Address: 3410 East Cork St., Kalamazoo, MI 49001, Contact: A. Clark Kahn, Phone: (616) 388-8099.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/89).
Abatement Worker Refresher Course (contingent from 3/7/89).
Contractor/Supervisor (contingent from 3/1/89).
Contractor/Supervisor Refresher Course (contingent from 3/7/89).

(48)(a) *Training Provider:* Environmental Abatement Systems, Inc.

Address: 6416 Ellsworth, Detroit, MI 48238, Contact: Farrell Davis, Phone: (313) 345-3154.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).

(49)(a) *Training Provider:* Environmental Diversified Services, Inc.

Address: 24356 Sherwood, Center Line, MI 48015-1061, Contact: Michael D. Berg, Phone: (313) 757-4800.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).
Abatement Worker Refresher Course (contingent from 4/14/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(50)(a) *Training Provider:* Environmental Management Consultants, Inc.

Address: 5201 Middle Mt. Vernon Rd., Evansville, IN 47712, Contact: Barbara S. Kramer, Phone: (812) 424-7768.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/13/89).
Abatement Worker (full from 12/13/89).
Contractor/Supervisor (contingent from 3/9/89).
Contractor/Supervisor (full from 12/13/89).

(51)(a) *Training Provider:* Environmental Management Institute.

Address: 5610 Crawfordsville Rd. 15, Indianapolis, IN 46224, Contact: Jack Leonard, Phone: (800) 488-8842.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/13/88).
Abatement Worker (full from 1/10/89).
Abatement Worker Refresher Course (contingent from 12/27/88).
Contractor/Supervisor (contingent from 9/15/88).
Contractor/Supervisor (full from 1/10/89).
Contractor/Supervisor Refresher Course (contingent from 12/27/88).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 6/6/88).
Inspector/Management Planner Refresher Course (contingent from 12/6/88).

(52)(a) *Training Provider:* Environmental Professionals, Inc.

Address: 1405 Newton St., Tallmadge, OH 44278, Contact: Edward C. Bruner, Phone: (216) 633-4435.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/2/88).
Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(53)(a) *Training Provider:* Environmental Rehab, Inc.

Address: 700 Coronis Cir., Green Bay, WI 54304, Contact: Randy LaCrosse, Phone: (414) 337-0650.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Abatement Worker (full from 3/29/89).
Abatement Worker Refresher Course (contingent from 10/13/89).

(54)(a) *Training Provider:* Environmental Response Systems, Inc.

Address: 5319 Broadway Ave., Cleveland, OH 44127, Contact: Paul J. Stroud, Jr., Phone: (216) 883-1152.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 12/29/88).

(55)(a) *Training Provider:* Environmental Safety Training Services, Inc.

Address: 11802 Hanson Rd., Algonquin, IL 60102, Contact: Robert Sayre, Phone: (217) 525-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 1/17/89).

(56)(a) *Training Provider:* Environmental Science & Engineering, Inc.

Address: 8901 North Industrial Rd., Peoria, IL 61615, Contact: Phillip G. Zerwer, Phone: (309) 692-4422.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/30/89).
Contractor/Supervisor Refresher Course (contingent from 6/9/89).

(57)(a) *Training Provider:* Environmental Technologies Co. (Formerly Lee Environmental Services, Inc.).

Address: 2727 Second Ave., Detroit, MI 48201, Contact: David W. McDowell, Phone: (313) 961-4230.

(b) *Approved Course:*

Abatement Worker (contingent from 3/17/89).

(58)(a) *Training Provider:* Environmental Training Institute.

Address: 4708 Angold Rd., Toledo, OH 43615, Contact: Dale Bruhl, Jr., Phone: (419) 382-9200.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/10/89).
Abatement Worker Refresher Course (contingent from 10/5/89).

(59)(a) *Training Provider:* Envirplus, Inc.

Address: 600 Hartrey Ave., Suite 203 A, Evanston, IL 60202, Contact: Salvadar Garcia, Phone: (312) 475-0022.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 8/31/89).

(60)(a) *Training Provider:* Escor, Inc.

Address: 540 Frontage Rd., Suite 211, Northfield, IL 60093, Contact: R. Eric Zimmerman, Phone: (312) 501-2190.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 8/12/88).
Inspector/Management Planner Refresher Course (contingent from 9/1/88).

(61)(a) *Training Provider:* Foley Occupational Health Consulting.

Address: 2400 North Reynolds Rd., Toledo, OH 43615, Contact: E.D. Foley, Jr., Phone: (419) 531-7191.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/4/88).
Contractor/Supervisor Refresher Course (contingent from 1/4/89).

(62)(a) *Training Provider:* G & H Contracting Associates, Ltd.

Address: 300 Acorn St., P.O. Box 49080, Plainwell, MI 49080, Contact: Jeffrey C. Gren, Phone: (616) 685-1606.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/7/88).
Abatement Worker (full from 11/7/88).
Contractor/Supervisor (contingent from 4/21/89).

(63)(a) *Training Provider:* Gandee & Associates, Inc.

Address: 4488 Mobile Dr., Columbus, OH 43220, Contact: Kurt Varga, Phone: (614) 459-8338.

(b) *Approved Courses:*

Abatement Worker (full from 1/17/89).
Abatement Worker Refresher Course (contingent from 8/17/89).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor (full from 8/29/88).
Contractor/Supervisor Refresher Course (contingent from 7/26/89).
Inspector/Management Planner (contingent from 3/3/89).
Inspector/Management Planner Refresher Course (contingent from 8/2/89).

(64)(a) *Training Provider:* Hazard Management Group, Inc.

Address: P.O. Box 627, Ashtabula, OH 44004, Contact: Gabriel Demshar, Jr., Phone: (216) 992-1122.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Contractor/Supervisor (contingent from 1/4/89).

(65)(a) *Training Provider:* Hazardous Materials Institute, Inc.

Address: 1550 Old Henderson Rd., Suite N-232, Columbus, OH 43222, Contact: Al Wilson, Phone: (614) 459-1105.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor Refresher Course (contingent from 9/15/88).
Inspector/Management Planner (contingent from 8/3/88).
Inspector/Management Planner Refresher Course (contingent from 9/15/88).
Project Designer (contingent from 10/14/88).

(66)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 17 Apprentice Training Center.

Address: 3850 South Racine Ave., Chicago, IL 60609, Contact: John P. Shine, Phone: (312) 247-1007.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/2/87).
Abatement Worker (full from 11/8/87).
Abatement Worker Refresher Course (contingent from 10/14/88).
Abatement Worker Refresher Course (full from 1/9/90).
Contractor/Supervisor (contingent from 3/21/88).
Contractor/Supervisor (full from 3/22/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(67)(a) *Training Provider:* Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (full from 11/8/88).
Contractor/Supervisor (full from 11/8/88).

(68)(a) *Training Provider:* Helix Environmental, Inc.

Address: 416 Triangle, Dayton, OH 45419, Contact: Ralph Froehlich, Phone: (513) 298-2990.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/1/89).
Contractor/Supervisor (contingent from 11/1/89).
Contractor/Supervisor Refresher Course (contingent from 12/19/89).
Inspector/Management Planner (contingent from 11/1/89).
Inspector/Management Planner Refresher Course (contingent from 12/20/89).

(69)(a) *Training Provider:* I.P.C. of Chicago.

Address: 4309 West Henderson, Chicago, IL 60641, Contact: Robert G. Cooley, Phone: (312) 718-7395.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/87).
Abatement Worker (full from 8/8/88).
Contractor/Supervisor (contingent from 2/7/89).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner Refresher Course (contingent from 2/7/89).

(70)(a) *Training Provider:* Illinois Environmental Institute.

Address: 8425 West 95th St., Hickory Hills, IL 60457, Contact: William T. Giova, Phone: (312) 839-9000.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/3/89).
Abatement Worker (full from 2/9/90).

(71)(a) *Training Provider:* Illinois Laborers' & Contractors Training Program.

Address: R.R. 3, Mount Sterling, IL 62353, Contact: Tony Romolo, Phone: (217) 773-2741.

(b) *Approved Courses:*

Abatement Worker (full from 12/15/85).
Abatement Worker Refresher Course (contingent from 9/1/88).
Abatement Worker Refresher Course (full from 12/13/89).
Contractor/Supervisor (contingent from 2/9/88).
Contractor/Supervisor (full from 3/14/88).
Contractor/Supervisor Refresher Course (contingent from 2/27/89).

(72)(a) *Training Provider:* Ilse Engineering, Inc.

Address: 7177 Arrowhead Rd., Duluth, MN 55811, Contact: John F. Ilse, Phone: (218) 729-6858.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(73)(a) *Training Provider:* Indiana Laborers Training Trust Fund.

Address: P.O. Box 758, Bedford, IN 47421, Contact: Richard Fassino, Phone: (812) 279-9751.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/11/87).
Abatement Worker (full from 2/22/88).
Abatement Worker Refresher Course (contingent from 10/7/88).
Abatement Worker Refresher Course (full from 1/17/90).
Contractor/Supervisor (contingent from 6/2/88).
Contractor/Supervisor (full from 8/15/88).
Contractor/Supervisor Refresher Course (contingent from 6/14/89).

(74)(a) *Training Provider:* Industrial Environmental Consultants.

Address: 2875 Northwind, Suite 113, East Lansing, MI 48823, Contact: James C. Fox, Phone: (517) 332-7026.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/9/88).
Abatement Worker (full from 1/23/89).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 8/3/88).
Contractor/Supervisor (full from 1/23/89).
Contractor/Supervisor Refresher Course (contingent from 12/5/88).
Inspector/Management Planner (contingent from 3/1/88).

(75)(a) *Training Provider:* Institute for Environmental Assessment.

Address: 2829 Verndale Ave., Anoka, MN 55303, Contact: Bill Sloan, Phone: (612) 427-5310.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(76)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 19.

Address: 9401 West Beloit Rd., No. 209, Milwaukee, WI 53227, Contact: Randall Gottsacker, Phone: (414) 321-2828.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Abatement Worker (full from 5/15/89).
Abatement Worker Refresher Course (contingent from 1/26/89).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 1/26/89).

(77)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 34.

Address: 708 South 10th St., Minneapolis, MN 55404, Contact: Lee A. Houske, Phone: (612) 332-3216.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/8/88).
Contractor/Supervisor (contingent from 9/1/88).

(78)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers, Local Union No. 127.

Address: 2787 Pamela Dr., Green Bay, WI 54302, Contact: Michael A. Simons, Phone: (414) 468-5973.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 1/18/89).

(79)(a) *Training Provider:* JWP Enterprises, Ltd.

Address: 122 Water St., Baraboo, WI 53913, Contact: Stephen P. Jandrowski, Phone: (608) 356-2101.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/6/89).
Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 6/6/89).
Contractor/Supervisor (full from 12/7/89).
Contractor/Supervisor Refresher Course (contingent from 6/8/89).

(80)(a) *Training Provider:* Kemron Environmental Services, Inc.

Address: 32740 Northwestern Hwy., Farmington Hills, MI 48018, Contact: Sara A. Bassett, Phone: (313) 626-2426.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 5/13/88).
Contractor/Supervisor (full from 2/27/89).
Contractor/Supervisor Refresher Course (contingent from 2/7/89).
Inspector/Management Planner (contingent from 3/25/88).
Inspector/Management Planner Refresher Course (contingent from 1/4/89).

(81)(a) *Training Provider:* Keter Environmental Ltd.

Address: 699 Edgewood Ave., Elmhurst, IL 60126, Contact: Philip Pekron, Phone: (312) 941-0201.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/27/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(82)(a) *Training Provider:* Lakeland Contractors, Inc.

Address: 7615-B St. Clair St., Mentor, OH 44060, Contact: Rex Harris, Phone: (216) 942-0006.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/4/89).
Abatement Worker Refresher Course (contingent from 4/11/89).

(83)(a) *Training Provider:* Lepi Enterprises, Inc.

Address: 917 Main St., Dresden, OH 43821, Contact: James R. Lepi, Phone: (614) 754-1162.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/6/88).
Abatement Worker (full from 6/8/90).
Abatement Worker Refresher Course (contingent from 4/25/89).

(84)(a) *Training Provider:* Lyle Training Institute.

Address: 41 South Grant, Columbus, OH 43215, Contact: Andrea D. Hamblin, Phone: (614) 224-8822.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/21/88).
Contractor/Supervisor (contingent from 3/7/89).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(85)(a) *Training Provider:* M.K. Moore & Sons, Inc.

Address: 5150 Wagoner-Ford Rd., Dayton, OH 45414, Contact: Catherine C. Buchanan, Phone: (513) 236-1812.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/31/89).
Abatement Worker (full from 5/3/90).

Abatement Worker Refresher Course (contingent from 4/7/89).
Contractor/Supervisor (contingent from 3/31/89).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(86)(a) *Training Provider:* MacNeil Environmental, Inc.

Address: 755 East Cliff Rd., Burnsville, IL 55332, Contact: Phil Allmon, Phone: (612) 890-3452.

(b) *Approved Courses:*

Contractor/Supervisor Refresher Course (contingent from 7/6/89).
Inspector/Management Planner Refresher Course (contingent from 7/6/89).

(87)(a) *Training Provider:* Manage Right Asbestos Consultants.

Address: 314 West Genesee Ave., Saginaw, MI 48602, Contact: Mary Margaret Brown, Phone: (517) 753-9290.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/24/89).
Abatement Worker Refresher Course (contingent from 4/27/89).
Contractor/Supervisor (contingent from 4/7/89).

(88)(a) *Training Provider:* Mark A. Kriesemint, Ltd.

Address: P.O. Box 06198, Chicago, IL 60606-0198, Contact: Mark Kriesemint, Phone: (312) 463-0206.

(b) *Approved Course:*

Abatement Worker (contingent from 10/31/88).

(89)(a) *Training Provider:* McDowell Business Training Center.

Address: 1313 S. Michigan Ave., 3rd Floor, Chicago, IL 60605, Contact: Edward McDowell, Phone: (312) 427-2598.

(b) *Approved Course:*

Abatement Worker (contingent from 10/6/89).

(90)(a) *Training Provider:* Metropolitan Detroit AFL-CIO Training Center.

Address: 14333 Prairie, Detroit, MI 48238, Contact: Richard M. King, Phone: (313) 863-1000.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/12/88).
Contractor/Supervisor (contingent from 8/12/88).

(91)(a) *Training Provider:* Michigan Laborers Training Institute.

Address: 11155 South Beardslee Rd., Perry, MI 48872, Contact: Edwin H. McDonald, Phone: (517) 625-4919.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/9/88).
Abatement Worker (full from 5/2/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (contingent from 4/6/88).
Contractor/Supervisor (full from 5/6/88).
Contractor/Supervisor Refresher Course (contingent from 11/14/88).

(92)(a) *Training Provider:* Mid-Central Illinois District Council of Carpenters.

Address: 910 Brenkman Dr., Pekin, IL 61554, Contact: Jeff Burnett, Phone: (309) 353-4232.

(b) *Approved Courses:*

Abatement Worker Refresher Course (contingent from 9/1/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).

(93)(a) *Training Provider:* Midwest Center for Occupational Health & Safety.

Address: 640 Jackson St., St. Paul, MN 55101, Contact: Ruth K. McIntyre, Phone: (612) 221-3992.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/16/88).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).
Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 5/23/88).
Inspector/Management Planner Refresher Course (contingent from 12/1/88).

(94)(a) *Training Provider:* Midwest Environmental & Industrial Health Center.

Address: 1440 West Washington, Chicago, IL 60607, Contact: Dick Lyons, Phone: (312) 829-1277.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 12/14/87).
Abatement Worker (contingent from 10/2/87).
Abatement Worker (full from 4/5/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (full from 6/1/86).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 10/2/87).
Inspector/Management Planner (full from 10/21/87).
Inspector/Management Planner Refresher Course (full from 2/17/89).
Project Designer (contingent from 7/7/89).

(95)(a) *Training Provider:* Midwest Health Training.

Address: 3920 Central, Western Springs, IL 60558, Contact: H.C. Brown, Phone: (312) 246-9527.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/25/88).
Abatement Worker (full from 4/25/88).
Abatement Worker Refresher Course (contingent from 9/15/88).
Contractor/Supervisor (contingent from 2/23/89).

(96)(a) *Training Provider:* Milwaukee Asbestos Information Center.

Address: 2224 South Kinnickinnic Ave., Milwaukee, WI 53207, Contact: Thomas R. Ortell, Phone: (414) 744-8100.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 2/23/89).
Contractor/Supervisor (contingent from 12/1/88).
Contractor/Supervisor Refresher Course (contingent from 2/23/89).
Inspector/Management Planner (contingent from 3/2/89).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).
Project Designer (contingent from 9/22/89).
Project Designer Refresher Course (contingent from 10/16/89).

(97)(a) *Training Provider:* Moraine Valley Community College.

Address: 10900 South 88th Ave., Palos Hills, IL 60465, Contact: Dale Luecht, Phone: (708) 974-5735.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).
Abatement Worker (full from 1/11/90).
Abatement Worker Refresher Course (contingent from 3/16/89).
Abatement Worker Refresher Course (full from 1/25/90).
Contractor/Supervisor (contingent from 8/12/88).
Contractor/Supervisor (full from 5/7/90).
Contractor/Supervisor Refresher Course (contingent from 12/6/88).
Contractor/Supervisor Refresher Course (full from 5/1/90).
Inspector/Management Planner (full from 2/9/88).
Inspector/Management Planner Refresher Course (contingent from 12/6/88).
Inspector/Management Planner Refresher Course (full from 4/30/90).

(98)(a) *Training Provider:* National Asbestos Abatement Corp.

Address: 1198 Robert T. Longway Blvd., Flint, MI 48503, Contact: James S. Sheaffer, Phone: (313) 232-7100.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/7/89).

Abatement Worker (full from 4/18/89).

(99)(a) *Training Provider:* National Institute for Abatement Education.

Address: 5501 Williamsburg Way No. 305, Madison, WI 53719, Contact: Dean Leischow, Phone: (608) 271-7281.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88 to 11/30/90 only).

Contractor/Supervisor (contingent from 7/15/88 to 11/30/90 only).

(100)(a) *Training Provider:* Northern Safety Consultants, Inc.

Address: 1406 Lincoln Ave., Marquette, MI 49855, Contact: Christopher M. Baker, Phone: (906) 228-5161.

(b) *Approved Courses:*

Abatement Worker (full from 5/31/88).

Contractor/Supervisor (full from 5/31/88).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

(101)(a) *Training Provider:* Northland Environmental Services, Inc.

Address: P.O. Box 909, Stevens Point, WI 54481, Contact: Bob Voborsky, Phone: (715) 341-9699.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/18/89).

Abatement Worker Refresher Course (contingent from 1/18/89).

Contractor/Supervisor (contingent from 1/18/89).

Contractor/Supervisor Refresher Course (contingent from 1/18/89).

(102)(a) *Training Provider:* Nova Environmental Services.

Address: Suite 420 Hazeltine Gates, 1107 Hazeltine Blvd., Chaska, MN 55318, Contact: Deborah S. Green, Phone: (612) 448-9393.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/24/87).

Abatement Worker Refresher Course (contingent from 4/13/89).

Contractor/Supervisor (contingent from 9/1/88).

Contractor/Supervisor Refresher Course (contingent from 4/13/89).

(103)(a) *Training Provider:* Nova Environmental, Inc.

Address: 5340 Plymouth Rd., Suite 210, Ann Arbor, MI 48105, Contact: Kary S. Amin, Phone: (313) 930-0995.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/13/88).

Abatement Worker (full from 3/27/89).

Contractor/Supervisor (contingent from 10/7/88).

Contractor/Supervisor (full from 3/27/89).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

Inspector/Management Planner (contingent from 10/7/88).

Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(104)(a) *Training Provider:* Occupational Safety Training, Inc.

Address: 237 Dino Dr., Suite A, Ann Arbor, MI 48103, Contact: Randy Gamble, Phone: (313) 426-3300.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/17/89).

Abatement Worker Refresher Course (contingent from 3/17/89).

Contractor/Supervisor (contingent from 1/26/89).

Contractor/Supervisor (full from 3/13/89).

Contractor/Supervisor Refresher Course (contingent from 1/17/89).

(105)(a) *Training Provider:* Ohio Asbestos Workers Council.

Address: 1216 East McMillan St., Room 107, Cincinnati, OH 45206, Contact: Larry Briley, Phone: (513) 221-5969.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 2/17/88).

Contractor/Supervisor (full from 5/12/88).

(106)(a) *Training Provider:* Ohio Laborers' Training & Upgrading Trust Fund.

Address: 25721 Coshocton Rd., P.O. Box 218, Howard, OH 43028, Contact: John L. Railing, Phone: (614) 599-7915.

(b) *Approved Courses:*

Abatement Worker (full from 4/11/88).

Abatement Worker Refresher Course (contingent from 9/1/88).

Abatement Worker Refresher Course (full from 2/8/90).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor (full from 2/8/90).

Contractor/Supervisor Refresher Course (contingent from 6/6/89).

Contractor/Supervisor Refresher Course (full from 2/9/90).

(107)(a) *Training Provider:* Olive - Harvey College Skill Center.

Address: 10001 South Woodlawn Ave., Chicago, IL 60628, Contact: Verondo Tucker, Phone: (312) 660-4841.

(b) *Approved Course:*

Abatement Worker (contingent from 3/6/89).

(108)(a) *Training Provider:* Peoria Public Schools.

Address: 3202 North Wisconsin Ave., Peoria, IL 61603, Contact: Emil S. Steinseifer, Phone: (309) 672-6512.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 11/14/88).

(109)(a) *Training Provider:* Professional Asbestos Control Company Inc.

Address: 5739 West Howard St., Niles, IL 60648, Contact: William Foss, Phone: (312) 647-0077.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/2/89).

Contractor/Supervisor (contingent from 11/2/89).

(110)(a) *Training Provider:* Professional Asbestos Labor Services, Inc.

Address: 2955 W 5th Ave., Gary, IN 46404-1201, Contact: George Bradley, Phone: (219) 883-8541.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88).

Abatement Worker Refresher Course (contingent from 12/5/88).

(111)(a) *Training Provider:* Professional Service Industries, Inc.

Address: 510 East 22nd St., Lombard, IL 60148, Contact: W. K. Swartzendruber, Phone: (312) 691-1490.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 11/13/89).

Contractor/Supervisor Refresher Course (contingent from 10/11/89).

Inspector/Management Planner (contingent from 12/15/88).

Inspector/Management Planner (full from 4/27/89).

Inspector/Management Planner Refresher Course (contingent from 10/11/89).

(112)(a) *Training Provider:* Rend Lake College.

Address: Department AAA, Ina, IL 62846, Contact: Fred Bruno, Phone: (618) 437-5321.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/29/89).

Abatement Worker (full from 10/10/89).

(113)(a) *Training Provider:* Risk Services, Inc.

Address: 26384 Ford Rd., Suite 200, Dearborn Heights, MI 48127, Contact:

Michael J. Borsuck, Phone: (313) 565-5225.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).
Abatement Worker Refresher Course (contingent from 4/11/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor Refresher Course (contingent from 4/11/89).

(114)(a) *Training Provider:* S.Z. Mansdorf & Associates, Inc.

Address: 2000 Chestnut Blvd., Cuyahoga Falls, OH 44223-1323, Contact: S. Z. Mansdorf, Phone: (216) 928-5434.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 1/15/88).
Contractor/Supervisor (full from 2/12/88).
Contractor/Supervisor Refresher Course (contingent from 1/19/89).
Inspector/Management Planner (contingent from 6/24/88).
Inspector/Management Planner (full from 3/23/90).
Inspector/Management Planner Refresher Course (contingent from 1/26/89).

(115)(a) *Training Provider:* SEMCOSH.

Address: 2727 2nd Ave., Detroit, MI 48201-2654, Contact: Barbara Boylan, Phone: (313) 961-3345.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/87).
Abatement Worker (full from 4/25/88).
Abatement Worker Refresher Course (contingent from 4/25/89).

(116)(a) *Training Provider:* Safer Foundation.

Address: 571 West Jackson Blvd., Chicago, IL 60606, Contact: C. Bentley or P. Bergmann, Phone: (312) 922-2200.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/15/88).
Abatement Worker (full from 7/7/89).
Abatement Worker Refresher Course (contingent from 11/3/89).

(117)(a) *Training Provider:* Safety Dynamics.

Address: 124 Massachussetts Ave., Poland, OH 44514, Contact: Ronald G. Zikmund, Phone: (216) 757-3899.

(b) *Approved Course:*

Abatement Worker (contingent from 8/18/89).

(118)(a) *Training Provider:* Safety Training of Illinois.

Address: 1515 South Park, Springfield, IL 62704, Contact: S. David Farris, Phone: (217) 787-9091.

(b) *Approved Courses:*

Abatement Worker (full from 12/18/87).
Abatement Worker Refresher Course (contingent from 11/14/88).

(119)(a) *Training Provider:* Sear Corp.

Address: 8802 Bash St., Suite F, Indianapolis, IN 46256, Contact: Todd M. Strader, Phone: (317) 576-5845.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/3/89).
Abatement Worker (full from 7/7/89).

(120)(a) *Training Provider:* Seneca Asbestos Removal & Control, Inc.

Address: 76 Ashwood Rd., Tiffin, OH 44883, Contact: Roger Bakies, Phone: (419) 447-0202.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/21/89).
Abatement Worker (full from 11/15/89).

(121)(a) *Training Provider:* Testing Engineers & Consultants, Inc.

Address: 1333 Rochester Rd., P.O. Box 249, Troy, MI 48099, Contact: Karl D. Agee, Phone: (313) 588-6200.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 5/9/88).
Inspector/Management Planner (full from 8/22/88).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).

(122)(a) *Training Provider:* The American Center for Educational Development, Inc.

Address: 316 S. Wabash, 2nd Floor, Chicago, IL 60604, Contact: Ron Broom, Phone: (312) 322-2233.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/3/89).
Abatement Worker (full from 12/13/89).
Abatement Worker Refresher Course (contingent from 12/1/89).
Contractor/Supervisor (contingent from 11/3/89).
Contractor/Supervisor (full from 1/19/90).
Contractor/Supervisor Refresher Course (contingent from 12/1/89).

(123)(a) *Training Provider:* The Brand Companies.

Address: 1420 Renaissance Dr., Park Ridge, IL 60068, Contact: Frank J. Barta, Phone: (312) 298-1200.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).
Abatement Worker (full from 5/1/89).
Abatement Worker Refresher Course (contingent from 6/8/89).
Contractor/Supervisor (contingent from 7/7/89).
Contractor/Supervisor Refresher Course (contingent from 8/16/89).

(124)(a) *Training Provider:* The Clean Consortium.

Address: 127 North Dearborn St., Chicago, IL 60602, Contact: Lorenzo Higgins, Phone: (312) 368-0211.

(b) *Approved Course:*

Abatement Worker (contingent from 7/18/89 to 11/30/90 only).

(125)(a) *Training Provider:* The Environmental Institute.

Address: 314 South State Ave., Indianapolis, IN 46201, Contact: Cindy Witte, Phone: (317) 269-3618.

(b) *Approved Course:*

Abatement Worker Refresher Course (contingent from 12/22/88).

(126)(a) *Training Provider:* Thermico, Inc.

Address: 3405 Centennial Dr., P.O. Box 2151, Midland, MI 48641-2151, Contact: Kevin Otis, Phone: (517) 496-2927.

(b) *Approved Course:*

Abatement Worker (contingent from 4/7/89).

(127)(a) *Training Provider:* Tillotson Consulting & Training, Inc.

Address: 9332 Oakview, Portage, MI 49002, Contact: Michael R. Tillotson, Phone: (616) 323-2124.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/29/88).
Abatement Worker Refresher Course (contingent from 12/11/88).
Contractor/Supervisor (contingent from 12/29/88).
Contractor/Supervisor Refresher Course (contingent from 12/11/88).
Inspector/Management Planner (contingent from 12/29/88).
Inspector/Management Planner Refresher Course (contingent from 12/11/88).

(128)(a) *Training Provider:* Trust Thermal Systems.

Address: 10445 Wright Rd., Eagle, MI 48822, Contact: Thomas Lowe, Phone: (517) 626-6791.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/1/88).
Abatement Worker Refresher Course (contingent from 4/7/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/7/89).

(129)(a) *Training Provider:* United Science Industries, Inc.

Address: 621 Ninth St., P.O. Box 21, Carlyle, IL 62231, Contact: Mr. Koch, Phone: (618) 594-8670.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/4/89).
Abatement Worker (full from 5/17/90).
Abatement Worker Refresher Course (contingent from 12/20/89).
Contractor/Supervisor (contingent from 12/4/89).
Contractor/Supervisor (full from 5/17/90).
Contractor/Supervisor Refresher Course (contingent from 12/20/89).

(130)(a) *Training Provider:* University of Cincinnati, Medical Center Department of Environmental Health Kettering Laboratory.

Address: 3223 Eden Ave., ML 056, Cincinnati, OH 45267-0056, Contact: Judy L. Jarrell, Phone: (513) 558-1730.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/14/88).
Abatement Worker (full from 11/15/88).
Abatement Worker Refresher Course (contingent from 7/11/89).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (contingent from 10/4/89).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (contingent from 12/1/88).
Project Designer (contingent from 10/26/89).

(131)(a) *Training Provider:* University of Wisconsin.

Address: 422 Lowell Hall, 610 Langdon St., Madison, WI 53703, Contact: Neil DeClercq, Phone: (608) 262-2111.

(b) *Approved Courses:*

Abatement Worker (full from 12/7/87).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 2/2/88).
Contractor/Supervisor (full from 9/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/88).
Inspector/Management Planner (contingent from 2/2/88).
Inspector/Management Planner (full from 2/22/88).
Inspector/Management Planner Refresher Course (contingent from 12/15/88).
Project Designer (contingent from 9/15/88).
Project Designer Refresher Course (contingent from 3/3/89).

(132)(a) *Training Provider:* William E. Fink & Associates.

Address: 25 South State St., Girard, OH 44420, Contact: William Fink, Phone: (216) 545-1222.

(b) *Approved Course:*

Contractor/Supervisor (contingent from 8/18/89).

(133)(a) *Training Provider:* William E. Fink & Associates, Inc.

Address: 3695 Indian Run, Suite 5, Canfield, OH 44406, Contact: William E. Fink, Phone: (216) 533-6299.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 2/13/89).
Abatement Worker Refresher Course (contingent from 8/11/88).
Contractor/Supervisor (contingent from 8/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/13/89).

(134)(a) *Training Provider:* Wisconsin Laborers Training Center.

Address: P.O. Box 150, Almond, WI 54909, Contact: Dean Jensen, Phone: (715) 366-8221.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/87).
Abatement Worker (full from 11/29/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Contractor/Supervisor (contingent from 11/21/88).
Contractor/Supervisor (full from 11/29/88).

(135)(a) *Training Provider:* Wonder Makers, Inc.

Address: 3101 Darmo St., Kalamazoo, MI 49008, Contact: Michael A. Pinto, Phone: (616) 382-4154.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/16/89).
Abatement Worker Refresher Course (contingent from 3/9/89).
Contractor/Supervisor (contingent from 3/16/89).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 4/21/89).
Inspector/Management Planner Refresher Course (contingent from 4/21/89).

REGION VI -- Dallas, TX

Acting Regional Asbestos Coordinator: Carol D. Peters, 6T-PT, EPA, Region VI, 1445 Ross Avenue, Dallas, TX 75202-2733. (214) 655-7244, (FTS) 255-7244.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VI training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AC & C Systems Corp.

Address: 5909 Northwest Expressway, Suite 310, Oklahoma City, OK 73132, Contact: Turner Stallings, Phone: (405) 728-0444.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/20/88).
Contractor/Supervisor (contingent from 10/26/88).

(2)(a) *Training Provider:* AEGIS Associates, Inc.

Address: 4868 Research Dr., San Antonio, TX 78240, Contact: John J. Gokelman, Phone: (512) 641-8320.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/14/89 to 4/16/90 only).
Contractor/Supervisor (contingent from 5/25/89 to 4/16/90 only).
Inspector Refresher Course (contingent from 4/4/89 to 4/16/90 only).

(3)(a) *Training Provider:* ASCTC Asbestos Training Center.

Address: P.O. Box 1419, Albany, LA 70711, Contact: Alphia Ross, Phone: (504) 567-3876.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/4/90).
Abatement Worker Refresher Course (contingent from 2/4/90).
Contractor/Supervisor (contingent from 2/4/90).
Contractor/Supervisor Refresher Course (contingent from 2/5/90).
Inspector/Management Planner (contingent from 2/5/90).
Inspector/Management Planner Refresher Course (contingent from 2/5/90).
Project Designer (contingent from 2/5/90).
Project Designer Refresher Course (contingent from 2/5/90).

(4)(a) *Training Provider:* Abateco, Inc.

Address: 10696 Haddington, Suite 100, Houston, TX 77043, Contact: E. H. Zansler, Phone: (713) 461-0692.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/14/89).
Abatement Worker (full from 3/7/90).
Abatement Worker Refresher Course (contingent from 3/17/89).
Abatement Worker Refresher Course (full from 8/21/90).

Contractor/Supervisor (contingent from 8/14/89).
Contractor/Supervisor (full from 3/9/90).
Contractor/Supervisor Refresher Course (full from 8/22/90).

(5)(a) *Training Provider:* Ahera Training Institute.

Address: 12116A Jekel Circle, Austin, TX 78727, Contact: Rick Orr, Phone: (512) 837-8851.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/10/89).
Abatement Worker (full from 5/9/90).
Abatement Worker Refresher Course (contingent from 12/15/89).
Abatement Worker Refresher Course (full from 1/30/90).
Contractor/Supervisor (contingent from 1/11/88).
Contractor/Supervisor (full from 3/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/89).
Contractor/Supervisor Refresher Course (full from 1/31/90).
Inspector/Management Planner (full from 1/25/88).
Inspector/Management Planner Refresher Course (contingent from 10/2/89).
Inspector/Management Planner Refresher Course (full from 2/1/90).

(6)(a) *Training Provider:* Allied Training Systems.

Address: 1808 D Brothers Blvd., College Station, TX 77840, Contact: Dan Sheppard, Phone: (409) 693-8300.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/30/89).
Abatement Worker Refresher Course (contingent from 10/26/89).
Contractor/Supervisor (contingent from 8/25/89).
Contractor/Supervisor Refresher Course (contingent from 10/31/89).

(7)(a) *Training Provider:* Allison Sheridan Environmental Training Services.

Address: P.O. Box 6101, Katy, TX 77492, Contact: Don Rawlings, Phone: (713) 492-2309.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/90).
Contractor/Supervisor (contingent from 1/8/90).

(8)(a) *Training Provider:* American Specialty Contractors, Inc.

Address: 8181 West Darryl Pkwy., Baton Rouge, LA 70896, Contact: Kurt Jones, Phone: (504) 926-9624.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/18/88).
Abatement Worker (full from 5/3/89).
Contractor/Supervisor (contingent from 11/18/88).
Contractor/Supervisor (full from 5/4/89).

(9)(a) *Training Provider:* Analytical Labs Training Center.

Address: 218 Market St., Baird, TX 79504, Contact: Bob Dye, Phone: (915) 854-1264.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/21/89).
Abatement Worker (full from 2/7/90).
Contractor/Supervisor (contingent from 4/21/89).
Contractor/Supervisor (full from 2/9/90).

(10)(a) *Training Provider:* Asbestos Consulting Services, Inc. (A.C.S.I.).

Address: 13523 Ridgeview Dr., Baton Rouge, LA 70817, Contact: Ken Talbot, Phone: (504) 291-9841.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Abatement Worker (full from 5/10/90).
Abatement Worker Refresher Course (contingent from 3/16/89).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/11/90).
Contractor/Supervisor Refresher Course (contingent from 3/16/89).
Inspector/Management Planner (contingent from 3/2/89).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(11)(a) *Training Provider:* Asbestos Education Services.

Address: 11609 Barchetta Dr., Austin, TX 78758, Contact: Rick Orr, Phone: (512) 832-5298.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/5/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor (contingent from 10/25/89).
Contractor/Supervisor Refresher Course (contingent from 10/5/89).
Project Designer Refresher Course (contingent from 11/28/89).

(12)(a) *Training Provider:* Asbestos Surveys & Training, Inc.

Address: 5959 Central Crest, Houston, TX 77092, Contact: J. T. Stoneburger, Phone: (713) 681-2639.

(b) *Approved Course:*

Abatement Worker (full from 10/22/87 to 5/1/89 only).

(13)(a) *Training Provider:* Ashley Environmental Services.

Address: 5959 Central Crest, Houston, TX 77092, Contact: Jesse Ashley, Phone: (713) 683-6311.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/27/89).
Abatement Worker (full from 9/13/90).
Contractor/Supervisor (contingent from 9/29/89).
Contractor/Supervisor (full from 12/21/90).

(14)(a) *Training Provider:* Beaumont Business Incubator.

Address: P.O. Box 1364, Beaumont, TX 77704, Contact: Jerry Plaia, Phone: (409) 832-1934.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/90).
Abatement Worker Refresher Course (contingent from 1/29/90).
Contractor/Supervisor (contingent from 1/29/90).
Contractor/Supervisor Refresher Course (contingent from 1/29/90).

(15)(a) *Training Provider:* Carpenters Apprenticeship Training School.

Address: 8505 Glen Vista, Houston, TX 77061, Contact: S. C. Strunk, Jr., Phone: (713) 641-1011.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/8/88).
Abatement Worker Refresher Course (contingent from 7/8/88).

(16)(a) *Training Provider:* Certified Asbestos Training Institute, Inc.

Address: 4202 Argentina Cir., Pasadena, TX 77504, Contact: Clyde O. Waters, Phone: (713) 487-3155.

(b) *Approved Course:*

Abatement Worker (contingent from 4/20/88).

(17)(a) *Training Provider:* El Paso Community College, Transmountain Campus.

Address: P.O. Box 20500, El Paso, TX 79998, Contact: Jim Rath, Phone: (915) 757-5053.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/28/89).
Abatement Worker Refresher Course (contingent from 11/28/89).
Contractor/Supervisor (contingent from 11/28/89).
Contractor/Supervisor Refresher Course (contingent from 11/28/89).

(18)(a) *Training Provider:* Enviro-Con Services, Inc.

Address: 4916 Highway 6 North, Houston, TX 77084, Contact: Douglas S. Shotwell, Phone: (713) 855-9677.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/22/89).
Abatement Worker (full from 3/28/90).
Abatement Worker Refresher Course (contingent from 10/2/89).
Abatement Worker Refresher Course (full from 5/2/90).
Contractor/Supervisor (contingent from 9/21/89).
Contractor/Supervisor (full from 3/29/90).
Contractor/Supervisor Refresher Course (contingent from 10/2/89).
Contractor/Supervisor Refresher Course (full from 5/3/90).

(19)(a) *Training Provider:* Environmental Consultant Service.

Address: 401 N. Fannin, Rockwall, TX 75087, Contact: Thomas Armstrong, Phone: (214) 771-1160.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/20/89).
Contractor/Supervisor (contingent from 4/20/89).
Contractor/Supervisor Refresher Course (contingent from 9/1/89).
Inspector/Management Planner (contingent from 4/20/89).

(20)(a) *Training Provider:* Environmental Monitoring Service, Inc. (EMS).

Address: 12731 Research Blvd., Building A, Austin, TX 78759, Contact: Rick Pruett, Phone: (512) 335-9116.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/1/88).
Abatement Worker Refresher Course (contingent from 1/15/90).
Contractor/Supervisor (contingent from 2/5/90).
Contractor/Supervisor Refresher Course (contingent from 2/5/90).
Inspector/Management Planner (contingent from 4/19/89).

(21)(a) *Training Provider:* Environmental Specialists, Inc.

Address: 320 Broadway SE., Albuquerque, NM 87102, Contact: Fernando E.C. Debaca, Phone: (505) 243-2499.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/25/90).
Abatement Worker (full from 2/6/91).
Contractor/Supervisor (contingent from 6/28/90).
Contractor/Supervisor (full from 2/8/91).
Inspector/Management Planner (contingent from 7/27/90).

(22)(a) *Training Provider:* Field Sciences Institute.

Address: 2309 Renard Pl. SE., Suite 104, Albuquerque, NM 87106, Contact: Robert L. Edgar, Phone: (505) 764-9251.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/13/89).
Abatement Worker Refresher Course (full from 8/1/89).
Contractor/Supervisor (contingent from 4/22/88).
Contractor/Supervisor Refresher Course (full from 8/1/89).
Inspector Refresher Course (full from 8/1/89).
Inspector/Management Planner (contingent from 4/22/88).

(23)(a) *Training Provider:* Fort Worth Independent School District.

Address: 3210 West Lancaster, Fort Worth, TX 76107, Contact: H. D. Duncan, Phone: (817) 336-8311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 7/27/88).

(24)(a) *Training Provider:* GEBCO Associates, Inc.

Address: 669 Airport Freeway, Suite 210, Hurst, TX 76053-3962, Contact: Ed Kirch, Phone: (817) 268-4006.

(b) *Approved Courses:*

Abatement Worker (interim from 4/15/87 to 8/19/87).
Abatement Worker (full from 8/20/87).
Abatement Worker Refresher Course (contingent from 5/16/88).
Abatement Worker Refresher Course (full from 7/5/89).
Contractor/Supervisor (contingent from 3/15/88).
Contractor/Supervisor (full from 7/24/89).
Contractor/Supervisor Refresher Course (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (full from 7/28/89).
Inspector/Management Planner (full from 3/7/88).
Inspector/Management Planner Refresher Course (contingent from 7/27/88).
Inspector/Management Planner Refresher Course (full from 6/16/89).

(25)(a) *Training Provider:* Gary LaFrance Abatement Workers Training Program.

Address: 4802 Prestwick, Tyler, TX 75703, Contact: Gary G. LaFrance, Phone: (214) 581-8852.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/14/88).
Abatement Worker (full from 4/12/89).

(26)(a) *Training Provider:* Houston Independent School District.

Address: 228 McCarty Dr., Houston, TX 77029, Contact: Bennie Jenkins, Phone: (713) 676-2222 Ext. 396.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/10/89).
Abatement Worker Refresher Course (contingent from 10/12/89).

(27)(a) *Training Provider:* IMPACT Inc.

Address: 5330 Griggs Rd., Houston, TX 77021, Contact: Edgar Harvey, Phone: (713) 845-2416.

(b) *Approved Course:*

Abatement Worker (contingent from 8/17/89 to 3/26/91 only).

(28)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 22.

Address: 3219 Pasadena Blvd., Pasadena, TX 77503, Contact: Robert M. Chadwick, Phone: (713) 473-0888.

(b) *Approved Courses:*

Abatement Worker (interim from 10/1/87 to 10/4/87).
Abatement Worker (contingent from 10/5/87).
Abatement Worker (full from 3/22/88).
Abatement Worker Refresher Course (contingent from 10/5/87).
Contractor/Supervisor (full from 6/27/88).

(29)(a) *Training Provider:* K & T Safety Service, Inc.

Address: 9888 Bissonnett, Houston, TX 77036, Contact: Henry Kana, Phone: (713) 988-9021.

(b) *Approved Course:*

Abatement Worker (contingent from 3/28/89).

(30)(a) *Training Provider:* Keers Environmental, Inc.

Address: P.O. Box 6848, Albuquerque, NM 89197, Contact: Robert W. Keers, Phone: (505) 888-9525.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 3/28/89).
Contractor/Supervisor Refresher Course (contingent from 10/6/89).

(31)(a) *Training Provider:* Kiser Engineering, Inc.

Address: 211 North River St., Seguin, TX 78155, Contact: Nathan Kiser, Phone: (512) 372-2570.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/27/89).
Abatement Worker Refresher Course (contingent from 8/24/89).
Contractor/Supervisor (contingent from 3/29/89).
Contractor/Supervisor Refresher Course (contingent from 8/24/89).

(32)(a) *Training Provider:* Lafayette Parish School Board Asbestos Training Program.

Address: P.O. Drawer 2158, Lafayette, LA 70502, Contact: Salvador E. Longo, Phone: (504) 887-3740.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/21/88).

Contractor/Supervisor (contingent from 7/21/88).

(33)(a) *Training Provider:* Lamar University, Hazardous Materials Program.

Address: P.O. Box 10008, Beaumont, TX 77710, Contact: Marion Foster, Phone: (409) 880-2369.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/19/88).

Abatement Worker (full from 4/26/89).

Contractor/Supervisor (contingent from 5/20/88).

Contractor/Supervisor Refresher Course (contingent from 10/24/88).

Inspector/Management Planner (contingent from 1/15/90).

(34)(a) *Training Provider:* Law Engineering.

Address: 5500 Guhn Rd., Houston, TX 77040, Contact: Richard MacIntyre, Phone: (713) 939-7161.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/14/89).

Contractor/Supervisor (contingent from 2/26/90).

(35)(a) *Training Provider:* Little-Tex Insulation Co., Inc.

Address: 911 North Frio St., San Antonio, TX 78207, Contact: Dan Juepe, Phone: (512) 222-8094.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/1/88).

Contractor/Supervisor (contingent from 8/1/88).

(36)(a) *Training Provider:* Louisiana Laborers Union-AGC Training Fund.

Address: P.O. Box 376, Livonia, LA 70755-0376, Contact: Jamie Peers, Phone: (504) 637-2311.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/15/88).

Abatement Worker Refresher Course (contingent from 4/4/89).

(37)(a) *Training Provider:* Louisiana State University Agricultural & Mechanical College.

Address: 181 Pleasant Hall, Baton Rouge, LA 70803-1520, Contact: Marcia L. Gilman, Phone: (504) 388-6591.

(b) *Approved Courses:*

Abatement Worker (full from 1/1/88).

Abatement Worker Refresher Course (contingent from 11/16/88).

Abatement Worker Refresher Course (full from 3/8/89).

Contractor/Supervisor (contingent from 10/6/87).

Contractor/Supervisor (full from 4/7/88).

Contractor/Supervisor Refresher Course (contingent from 11/16/88).

Contractor/Supervisor Refresher Course (full from 3/6/89).

Inspector/Management Planner (full from 1/18/88).

Inspector/Management Planner Refresher Course (contingent from 12/5/88).

Inspector/Management Planner Refresher Course (full from 3/7/89).

Project Designer (contingent from 10/13/89).

Project Designer Refresher Course (contingent from 10/13/89).

(38)(a) *Training Provider:* MARTECH International, Inc.

Address: P.O. Box 460, Broussard, LA 70518-0460, Contact: Gary Lawley, Phone: (318) 364-3880.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/17/89).

Contractor/Supervisor (contingent from 1/17/89).

(39)(a) *Training Provider:* Maxim Engineers Inc.

Address: 2342 Fabens, Dallas, TX 75229, Contact: Tommy Osborne, Phone: (214) 247-7575.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/6/89).

Abatement Worker (full from 6/9/89).

Abatement Worker Refresher Course (contingent from 10/10/89).

Inspector (contingent from 12/11/89).

Inspector (full from 8/9/90).

(40)(a) *Training Provider:* McClelland Management Services.

Address: 6100 Hillcroft, Suite 220, Houston, TX 77081, Contact: David Winburne, Phone: (713) 995-9000.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/90).

Abatement Worker Refresher Course (contingent from 1/5/90).

Contractor/Supervisor (contingent from 1/5/90).

Contractor/Supervisor (full from 9/21/90).

Contractor/Supervisor Refresher Course (contingent from 1/5/90).

Inspector/Management Planner (contingent from 1/5/90).

Inspector/Management Planner Refresher Course (contingent from 1/5/90).

Project Designer (contingent from 1/5/90).

Project Designer Refresher Course (contingent from 1/5/90).

(41)(a) *Training Provider:* Meador-Wright & Associates, Inc.

Address: 6211 W. Northwest Hwy., Suite C260, Dallas, TX 75225, Contact: Carl Teel, Phone: (214) 691-3485.

(b) *Approved Course:*

Inspector/Management Planner (full from 10/12/89).

(42)(a) *Training Provider:* Micro Analysis Laboratory, Inc.

Address: 5220 McKinney, No. 200, Dallas, TX 75205, Contact: Carolyn Jones, Phone: (214) 528-4800.

(b) *Approved Course:*

Abatement Worker (contingent from 9/6/89).

(43)(a) *Training Provider:* Moore-Norman Area Vocational Training School.

Address: 4701 12th Ave. NW., Norman, OK 73069, Contact: Mike Armstrong, Phone: (405) 364-7032.

(b) *Approved Courses:*

Abatement Worker (full from 3/3/86).

Abatement Worker Refresher Course (contingent from 5/19/89).

Abatement Worker Refresher Course (full from 12/14/89).

Contractor/Supervisor (full from 12/14/89).

Contractor/Supervisor Refresher Course (contingent from 12/14/89).

Contractor/Supervisor Refresher Course (full from 12/14/89).

Inspector/Management Planner (contingent from 1/25/88).

Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 5/19/89).

Inspector/Management Planner Refresher Course (full from 12/15/89).

(44)(a) *Training Provider:* NATEC of Texas, Inc.

Address: 5555 West Loop South, Suite 636, Bellaire, TX 77041, Contact: Paul Speck, Phone: (713) 524-9444.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/22/89).

Abatement Worker (full from 2/28/91).

(45)(a) *Training Provider:* Nelson/Imel, Inc.

Address: 3900 Morrison Cir., Norman, OK 73072, Contact: Deborah Nelson, Phone: (405) 364-3278.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88 to 1/31/91 **only**).

Abatement Worker Refresher Course (contingent from 11/16/88 to 1/31/91 **only**).

Contractor/Supervisor Refresher Course (contingent from 4/7/89 to 1/31/91 **only**).

(46)(a) *Training Provider:* O'Connor McMahon, Inc.

Address: 1505 Luna Rd., Suite 114, Carrollton, TX 75006, Contact: Bob Walley, Phone: (214) 245-3300.

(b) *Approved Course:*

Abatement Worker (contingent from 7/27/88).

(47)(a) *Training Provider:* Occupational Safety Health Consultants of Louisiana.

Address: 1034 Willow Brook Ave., Denham Springs, LA 70726, Contact: Clayton Joe Mitchell, Phone: (504) 664-0288.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/22/89).

Abatement Worker Refresher Course (contingent from 8/22/89).

Contractor/Supervisor (contingent from 8/22/89).

Contractor/Supervisor Refresher Course (contingent from 8/22/89).

(48)(a) *Training Provider:* Occupational Safety Training Institute.

Address: 9000 West Bellfort, Suite 450, Houston, TX 77031, Contact: Eva Bonilla, Phone: (713) 270-6882.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker Refresher Course (contingent from 12/8/88).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor (full from 7/27/88).

Contractor/Supervisor Refresher Course (contingent from 12/8/88).

Inspector/Management Planner (contingent from 9/15/88).

(49)(a) *Training Provider:* PAN AM World Services Inc.

Address: P. O. Box 58938, Houston, TX 77258, Contact: Audrey Hall, Phone: (713) 483-7951.

(b) *Approved Course:*

Abatement Worker (contingent from 8/23/89).

(50)(a) *Training Provider:* Phoenix Services.

Address: 3131 Stemmons, Suite 117, Dallas, TX 75247, Contact: Alcee Chriss, Phone: (214) 437-0150.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).

Abatement Worker Refresher Course (contingent from 11/29/89).

Contractor/Supervisor (contingent from 11/29/89).

Contractor/Supervisor Refresher Course (contingent from 11/29/89).

(51)(a) *Training Provider:* Pollution Control Management Corp.

Address: P.O. Box 24248, Houston, TX 77229-4248, Contact: David S. Barnett, Phone: (713) 452-6406.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/26/89).

Abatement Worker (full from 11/1/90).

(52)(a) *Training Provider:* Protechnics Environmental Services.

Address: 14760 Memorial Dr., Suite 105, Houston, TX 77079, Contact: Fabian Limon, Phone: (713) 496-9874.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/5/89 to 2/11/91 **only**).

Abatement Worker (full from 6/30/89 to 2/11/91 **only**).

Contractor/Supervisor (contingent from 6/22/89 to 2/11/91 **only**).

Contractor/Supervisor Refresher Course (contingent from 11/28/89 to 2/11/91 **only**).

(53)(a) *Training Provider:* R & H Associates, Inc.

Address: P.O. Box 8948, Albuquerque, NM 87198, Contact: Floyd Rubi, Phone: (505) 275-1045.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).

Abatement Worker Refresher Course (contingent from 4/20/89).

Contractor/Supervisor (contingent from 1/12/89).

Contractor/Supervisor Refresher Course (contingent from 4/20/89).

Inspector/Management Planner (contingent from 1/12/89).

Inspector/Management Planner Refresher Course (contingent from 4/20/89).

(54)(a) *Training Provider:* Raba-Kistner Training Institute.

Address: 12821 West Golden Ln., San Antonio, TX 78249, Contact: Donald Fetzer, Phone: (512) 699-9090.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/23/89).

Contractor/Supervisor Refresher Course (contingent from 12/13/89).

Inspector/Management Planner (contingent from 12/13/89).

Inspector/Management Planner Refresher Course (contingent from 12/13/89).

(55)(a) *Training Provider:* Region 6 Environmental Training.

Address: P.O. Box 180435, Austin, TX 78718-0435, Contact: Carter Ramzel, Phone: (512) 837-9296.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).

Abatement Worker (full from 3/7/91).

Abatement Worker Refresher Course (contingent from 3/2/89).

Contractor/Supervisor (contingent from 7/27/88).

Contractor/Supervisor (full from 3/8/91).

Contractor/Supervisor Refresher Course (contingent from 3/2/89).

Inspector/Management Planner (contingent from 10/10/89).

Inspector/Management Planner Refresher Course (contingent from 10/10/89).

(56)(a) *Training Provider:* Regional Environmental Training Center.

Address: 9024 Garland Rd., Dallas, TX 75218, Contact: Lisa Adams, Phone: (214) 328-2928.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/30/89).

Contractor/Supervisor (contingent from 9/1/89).

Inspector/Management Planner (contingent from 9/1/89).

(57)(a) *Training Provider:* Safety & Health Research Institute.

Address: 500 One Gallery Tower, 13355 Noel Rd., P.O. Box 612245, Dallas, TX 75261, Contact: Ted Davis, Phone: (214) 851-3536.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/12/88 to 1/1/89 **only**).

Contractor/Supervisor (contingent from 9/12/88 to 1/1/89 **only**).

Inspector/Management Planner (contingent from 9/12/88).

(58)(a) *Training Provider:* Southeast Arkansas Education Services Cooperative.

Address: U.A.M. - Willard Hall, P.O. Box 3507, Monticello, AR 71655, Contact: Lloyd Crossley, Phone: (501) 367-6848.

(b) *Approved Course:*

Inspector/Management Planner Refresher Course (contingent from 4/11/89).

(59)(a) *Training Provider:* Specialized Environmental Services Inc.

Address: 6614 John Ralston Rd., Houston, TX 77049, Contact: James Homminga, Phone: (713) 458-7274.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/29/89).
Abatement Worker (full from 4/19/90).
Abatement Worker Refresher Course (contingent from 11/29/89).

(60)(a) *Training Provider:* Specialized Environmental Training.

Address: P.O. Box 7001, Pasadena, TX 77508-7001, Contact: Sue Ann Williams, Phone: (713) 487-4415.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/90).
Contractor/Supervisor (contingent from 1/12/90).

(61)(a) *Training Provider:* Texas Engineering Extension Service Building Codes Inspection Training Division.

Address: Texas A & M University System, College Station, TX 77843-8000, Contact: Tom Garney, Phone: (409) 845-6682.

(b) *Approved Courses:*

Abatement Worker (full from 9/28/87).
Contractor/Supervisor (interim from 5/26/86 to 9/13/87).
Contractor/Supervisor (full from 9/14/87).
Contractor/Supervisor Refresher Course (full from 3/2/89).
Inspector/Management Planner (full from 10/19/87).
Inspector/Management Planner Refresher Course (full from 3/1/89).

(62)(a) *Training Provider:* Texas State Conference of Painters & Allied Trades.

Address: P.O. Box 130441, Houston, TX 77223-0441, Contact: John S. Dolney, Phone: (713) 527-0152.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/7/89).
Abatement Worker Refresher Course (contingent from 11/7/89).

(63)(a) *Training Provider:* Texas Tech University.

Address: P.O. Box 4369, Lubbock, TX 79409, Contact: Paul Cotter, Phone: (806) 742-3876.

(b) *Approved Courses:*

Abatement Worker (full from 6/1/90).
Abatement Worker Refresher Course (contingent from 11/7/89).
Abatement Worker Refresher Course (full from 11/14/90).
Contractor/Supervisor (contingent from 10/31/89).
Contractor/Supervisor (full from 6/8/90).
Contractor/Supervisor Refresher Course (contingent from 11/7/89).
Contractor/Supervisor Refresher Course (full from 11/15/90).

(64)(a) *Training Provider:* The Institute of Environmental Training.

Address: P.O. Box 171181, San Antonio, TX 78217, Contact: Gene Walker, Phone: (512) 822-8438.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker (full from 9/17/90).
Abatement Worker Refresher Course (contingent from 8/17/89).
Contractor/Supervisor (contingent from 10/20/88).
Contractor/Supervisor (full from 9/19/90).
Contractor/Supervisor Refresher Course (contingent from 8/8/89).
Inspector/Management Planner (contingent from 8/24/89).

(65)(a) *Training Provider:* Tulane University, School of Public Health & Tropical Medicine, Dept. of Environmental Health Sciences.

Address: 1430 Tulane Ave., New Orleans, LA 70112, Contact: Shau-Wong-Chang, Phone: (504) 588-5374.

(b) *Approved Courses:*

Contractor/Supervisor (interim from 3/17/87 to 9/14/87).
Contractor/Supervisor (full from 9/15/87).
Contractor/Supervisor Refresher Course (contingent from 8/1/89).
Inspector/Management Planner (contingent from 5/20/88).
Inspector/Management Planner Refresher Course (contingent from 8/1/89).

(66)(a) *Training Provider:* U.S. Analytical, Inc.

Address: P.O. Box 801, Abilene, TX 79604, Contact: Keith Davis, Phone: (915) 698-3293.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/13/89).
Abatement Worker Refresher Course (contingent from 1/5/89).
Contractor/Supervisor (contingent from 2/13/89).

(67)(a) *Training Provider:* U.S. Environmental Services.

Address: 2621 Cullen St., Ft. Worth, TX 76107, Contact: Sandra Liebenberg, Phone: (817) 429-9400.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/8/90).
Abatement Worker Refresher Course (contingent from 1/8/90).

(68)(a) *Training Provider:* University of Arkansas at Little Rock Biology Dept.

Address: 33rd & University, Little Rock, AR 72204, Contact: Phyllis Moore, Phone: (501) 569-3270.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/18/89).
Inspector/Management Planner (full from 6/15/90).
Inspector/Management Planner Refresher Course (contingent from 6/20/89).

(69)(a) *Training Provider:* University of Arkansas at Little Rock, Labor Education Program.

Address: 2801 South University, Little Rock, AR 72204, Contact: James E. Nickles, Phone: (501) 569-8483.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 9/14/88).
Inspector/Management Planner Refresher Course (contingent from 9/12/88).

(70)(a) *Training Provider:* University of New Mexico, The Environmental Training Center Division of Continuing Education.

Address: 1634 University Blvd. NE., Albuquerque, NM 87131, Contact: Correz Williams, Phone: (505) 277-9060.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/4/89).
Abatement Worker Refresher Course (contingent from 10/5/89).
Contractor/Supervisor (contingent from 6/16/85).
Contractor/Supervisor Refresher Course (contingent from 10/5/89).
Inspector/Management Planner (contingent from 9/19/89).
Inspector/Management Planner Refresher Course (contingent from 10/6/89).

(71)(a) *Training Provider:* University of Texas Health Center at TYLER.

Address: P.O. Box 2003, Tyler, TX 75710, Contact: Ronald F. Dodson, Phone: (214) 877-7877.

(b) *Approved Courses:*

Abatement Worker (full from 4/14/88).
Abatement Worker Refresher Course (full from 10/27/88).
Contractor/Supervisor (full from 3/7/88).
Contractor/Supervisor Refresher Course (full from 10/27/88).
Inspector/Management Planner (contingent from 3/21/88).
Inspector/Management Planner (full from 4/15/88).
Inspector/Management Planner Refresher Course (full from 10/27/88).

(72)(a) *Training Provider:* University of Texas at Arlington Civil Engineering Dept.

Address: Box 19308, Arlington, TX 76019, Contact: Vic Argento, Phone: (817) 273-3694.

(b) *Approved Courses:*

Contractor/Supervisor (full from 7/14/86).
Contractor/Supervisor Refresher Course (full from 9/26/88).
Inspector/Management Planner (full from 10/19/87).
Inspector/Management Planner Refresher Course (full from 9/26/88).

(73)(a) *Training Provider:* Veltmann Engineering.

Address: Midland Air Park, P.O. Box 50741, Midland, TX 79710, Contact: Clyde Veltmann, Phone: (915) 683-1874.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Contractor/Supervisor (contingent from 7/27/88).
Contractor/Supervisor Refresher Course (contingent from 8/8/89).

(74)(a) *Training Provider:* Young Insulation Group of Amarillo, Inc.

Address: P.O. Box 5098, Amarillo, TX 79117, Contact: Beauna E. Pare, Phone: (806) 857-3586.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/27/88).
Abatement Worker Refresher Course (contingent from 7/27/88).

REGION VII – Kansas City, KS

Regional Asbestos Coordinator: Wolfgang Brandner, EPA, Region VII, (ARTX), 726 Minnesota Ave., Kansas City, KS 66101. (913) 551-7381, (FTS) 551-7381.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VII training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* AEROSTAT Environmental Engineering Corporation.

Address: Box 3096, Lawrence, KS 66046, Contact: Joseph Stimac, Phone: (913) 749-4747.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88).
Abatement Worker Refresher Course (contingent from 3/3/89).
Abatement Worker Refresher Course (full from 3/16/89).
Contractor/Supervisor (full from 5/9/88).
Inspector/Management Planner (contingent from 3/14/88).
Inspector/Management Planner (full from 1/23/89).
Inspector/Management Planner Refresher Course (contingent from 1/13/89).
Inspector/Management Planner Refresher Course (full from 2/14/89).

(2)(a) *Training Provider:* Abatement Project Training.

Address: P.O. Box 4372, Kansas City, KS 66104, Contact: Virginia Ireton, Phone: (913) 788-3440.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/15/88).
Abatement Worker (full from 4/27/89).
Abatement Worker Refresher Course (contingent from 3/27/89).
Abatement Worker Refresher Course (full from 4/29/89).
Contractor/Supervisor (contingent from 3/23/89).
Contractor/Supervisor (full from 4/28/89).
Contractor/Supervisor Refresher Course (contingent from 6/21/89).
Contractor/Supervisor Refresher Course (full from 1/8/90).

(3)(a) *Training Provider:* Accredited Project Design Environmental Management.

Address: 9636 S.W. Wanamaker Rd., Wakarusa, KS 66549-9609, Contact: Richard H. Pointer, Phone: (913) 256-2003.

(b) *Approved Courses:*

Abatement Worker (contingent from 11/13/89).
Abatement Worker (full from 2/8/90).
Abatement Worker Refresher Course (contingent from 2/21/90).
Contractor/Supervisor (contingent from 11/16/89).
Contractor/Supervisor (full from 2/8/90).
Contractor/Supervisor Refresher Course (contingent from 2/15/90).
Inspector/Management Planner (contingent from 11/16/89).
Inspector/Management Planner (full from 1/22/90).
Inspector/Management Planner Refresher Course (contingent from 2/16/90).

(4)(a) *Training Provider:* American Asbestos Training Center, Ltd.

Address: 121 East Grand, Monticello, IA 52310, Contact: Steve Intlekofer, Phone: (319) 465-5786.

(b) *Approved Courses:*

Abatement Worker (full from 6/27/88).
Abatement Worker Refresher Course (contingent from 6/23/89).
Abatement Worker Refresher Course (full from 6/26/89).
Contractor/Supervisor (full from 6/27/88).
Contractor/Supervisor Refresher Course (contingent from 6/23/89).
Contractor/Supervisor Refresher Course (full from 6/26/89).
Inspector/Management Planner (contingent from 10/26/88).
Inspector/Management Planner (full from 11/18/88).
Inspector/Management Planner Refresher Course (contingent from 11/10/89).
Inspector/Management Planner Refresher Course (full from 11/16/89).

(5)(a) *Training Provider:* Asbestos Consulting Testing (ACT).

Address: 14953 West 101st Ter., Lenexa, KS 66215, Contact: Jim Pickel, Phone: (913) 492-1337.

(b) *Approved Courses:*

Abatement Worker (full from 1/25/88).
Abatement Worker Refresher Course (full from 1/6/89).
Contractor/Supervisor (full from 1/25/88).
Contractor/Supervisor Refresher Course (full from 1/6/89).

(6)(a) *Training Provider:* Baird Scientific, Inc.

Address: 221 West Fourth St., P.O. Box 842, Carthage, MO 64836, Contact: Timmothy Redfern, Phone: (417) 358-5567.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/26/89).
Abatement Worker (full from 10/19/89).
Abatement Worker Refresher Course (contingent from 7/3/90).
Contractor/Supervisor (contingent from 9/26/89).
Contractor/Supervisor (full from 10/19/89).
Contractor/Supervisor Refresher Course (contingent from 7/31/90).

(7)(a) *Training Provider:* CHART Services, Ltd.

Address: 4725 Merle Hay Rd., Suite 214, Des Moines, IA 50322, Contact: Mary A. Finn, Phone: (515) 276-3642.

(b) *Approved Courses:*

Abatement Worker (full from 11/17/87).
Abatement Worker Refresher Course (full from 10/17/88).
Contractor/Supervisor (full from 11/17/87).
Contractor/Supervisor Refresher Course (full from 10/17/88).
Inspector/Management Planner (full from 2/22/88).
Inspector/Management Planner Refresher Course (full from 11/28/88).

(8)(a) *Training Provider:* Construction Industry Laborers' Training Institute for Eastern Missouri.

Address: Route 1, Box 79 H, High Hill, MO 63350, Contact: Jerald A. Pelker, Phone: (314) 585-2391.

(b) *Approved Courses:*

Abatement Worker (full from 1/19/88).

Abatement Worker Refresher Course (contingent from 5/18/89).
Abatement Worker Refresher Course (full from 5/31/89).

(9)(a) *Training Provider:* Construction Laborers Building Corp.

Address: 11000 North 72nd St., Omaha, NE 68122, Contact: Leonard Schaffer, Sr., Phone: (402) 572-1470.

(b) *Approved Course:*

Abatement Worker (full from 11/2/87).

(10)(a) *Training Provider:* Educational Innovations.

Address: 23 West 3rd St., Lee's Summit, MO 64063, Contact: JoAnn Onwiler, Phone: (816) 525-6911.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/11/89).
Abatement Worker (full from 5/2/89).
Abatement Worker Refresher Course (contingent from 3/29/89).
Abatement Worker Refresher Course (full from 8/2/89).
Contractor/Supervisor (contingent from 4/11/89).
Contractor/Supervisor (full from 5/2/89).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).
Contractor/Supervisor Refresher Course (full from 8/2/89).
Inspector/Management Planner Refresher Course (contingent from 2/4/91).
Project Designer Refresher Course (contingent from 6/21/89).
Project Designer Refresher Course (full from 7/31/89).

(11)(a) *Training Provider:* Enviro-Impact Inspections, Inc.

Address: 1515 North Warson, Suite 213, St. Louis, MO 63132, Contact: Denis Boles, Phone: not available.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/8/88 to 11/9/90 **only**).
Contractor/Supervisor (contingent from 3/8/88 to 11/9/90 **only**).

(12)(a) *Training Provider:* Environmental Salvage, Ltd.

Address: 4930 South 23rd St., Omaha, NE 68107, Contact: John Deseck, Phone: (402) 733-2595.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/12/89).
Abatement Worker (full from 2/16/89).
Abatement Worker Refresher Course (contingent from 6/22/89).
Abatement Worker Refresher Course (full from 8/1/89).
Contractor/Supervisor (contingent from 1/12/89).
Contractor/Supervisor (full from 2/16/89).
Contractor/Supervisor Refresher Course (contingent from 6/22/89).
Contractor/Supervisor Refresher Course (full from 8/1/89).

(13)(a) *Training Provider:* Environmental Technology, Inc. (ETI).

Address: 4315 Merriam Dr., Overland Park, KS 66203, Contact: Gene Dettmar, Phone: (913) 236-5040.

(b) *Approved Courses:*

Abatement Worker (full from 2/29/88).
Abatement Worker Refresher Course (contingent from 4/26/89).
Abatement Worker Refresher Course (full from 7/18/89).

(14)(a) *Training Provider:* Flint Hills Area Vocational-Technical School.

Address: 3301 West 18th Ave., Emporia, KS 66801, Contact: Jim Krueger, Phone: (316) 342-6404.

(b) *Approved Course:*

Abatement Worker (full from 3/7/88).

(15)(a) *Training Provider:* General Services Administration (GSA)- Region 6 Safety & Environmental Management Div.

Address: 1500 East Bannister Rd., Kansas City, MO 64131-3088, Contact: Sharon Kersey, Phone: (816) 926-5318.

(b) *Approved Courses:*

Inspector/Management Planner (full from 5/16/88).
Inspector/Management Planner Refresher Course (contingent from 7/18/89).
Inspector/Management Planner Refresher Course (full from 8/29/89).

(16)(a) *Training Provider:* Greater Kansas City Laborers Training Fund.

Address: 8944 Kaw Dr., Kansas City, KS 66111, Contact: James D. Barnett, Phone: (913) 441-6100.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).
Abatement Worker Refresher Course (contingent from 6/19/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (full from 5/2/88).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Contractor/Supervisor Refresher Course (full from 7/20/89).

(17)(a) *Training Provider:* Hazard Control Training Enterprises, Inc.

Address: P.O. Box 20594, Wichita, KS 67208, Contact: Karen Alexander, Phone: not available.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/19/88 to 12/7/88 **only**).
Contractor/Supervisor (contingent from 10/19/88 to 12/7/88 **only**).

(18)(a) *Training Provider:* Hazardous Materials Training & Research Institute.

Address: 306 West River Dr., Davenport, IA 52801-1221, Contact: Kirk Barkdoll, Phone: (319) 322-5015.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).
Abatement Worker (full from 4/13/89).
Contractor/Supervisor (contingent from 6/8/89).
Contractor/Supervisor (full from 7/21/89).

(19)(a) *Training Provider:* Insulators & Asbestos Workers Midwest States Health & Training Council.

Address: Rural Route 2, Wahoo, NE 68066, Contact: Ray Richmond, Phone: (402) 443-4810.

(b) *Approved Courses:*

Abatement Worker (full from 6/28/88).
Abatement Worker Refresher Course (contingent from 4/4/89).
Abatement Worker Refresher Course (full from 4/24/89).
Contractor/Supervisor (full from 6/28/88).
Contractor/Supervisor Refresher Course (contingent from 4/4/89).
Contractor/Supervisor Refresher Course (full from 4/24/89).

(20)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local No.1.

Address: 3325 Hallenberg Dr., St. Louis, MO 63044, Contact: James M. Hagen, Phone: (314) 291-7399.

(b) *Approved Courses:*

Abatement Worker (full from 6/6/88).
Abatement Worker Refresher Course (contingent from 6/28/89).
Abatement Worker Refresher Course (full from 6/30/89).
Contractor/Supervisor (full from 9/16/88).
Contractor/Supervisor Refresher Course (contingent from 8/14/89).
Contractor/Supervisor Refresher Course (full from 8/18/89).

(21)(a) *Training Provider:* Iowa Dept. of Education.

Address: Grimes State Office Bldg., Des Moines, IA 50319, Contact: C. Milt Wilson, Phone: (515) 281-4743.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/4/88).

(22)(a) *Training Provider:* Iowa Laborers District Council Training Fund.

Address: 5806 Meredith Dr., Suite B, Des Moines, IA 50322, Contact: Jack G. Jones, Phone: (515) 270-6965.

(b) *Approved Courses:*

Abatement Worker (full from 2/22/88).

Abatement Worker Refresher Course (contingent from 11/10/89).
Abatement Worker Refresher Course (full from 11/14/89).
Contractor/Supervisor (contingent from 10/14/88).
Contractor/Supervisor (full from 12/6/89).

(23)(a) *Training Provider:* Kansas Construction Laborers' Training Trust Fund.

Address: 2430 Marlatt Ave., Manhattan, KS 66502, Contact: Fred Tipton, Phone: (913) 267-0140.

(b) *Approved Courses:*

Abatement Worker (full from 1/5/88).
Abatement Worker Refresher Course (contingent from 6/19/89).
Abatement Worker Refresher Course (full from 7/19/89).
Contractor/Supervisor (full from 5/2/88).
Contractor/Supervisor Refresher Course (contingent from 6/19/89).
Contractor/Supervisor Refresher Course (full from 7/20/89).

(24)(a) *Training Provider:* Kansas State University.

Address: Division of Facilities Management, Dykstra Hall, Manhattan, KS 66506, Contact: Robert D. Williams, Phone: (913) 532-6369.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/7/89).
Abatement Worker (full from 2/8/90).
Abatement Worker Refresher Course (contingent from 1/3/90).
Abatement Worker Refresher Course (full from 2/8/90).

(25)(a) *Training Provider:* Living Word College.

Address: 2750 McKelvey Rd., St. Louis, MO 63043, Contact: Donald C. Femmer, Phone: (314) 291-2749.

(b) *Approved Course:*

Inspector/Management Planner (**Approval Revoked** 5/6/88).

(26)(a) *Training Provider:* MI-TON, Inc.

Address: 205 W. Walnut, Springfield, MO 65836, Contact: Barry Mills, Phone: (417) 831-4647.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/14/89).
Abatement Worker (full from 5/15/89).
Abatement Worker Refresher Course (contingent from 4/16/90).
Abatement Worker Refresher Course (full from 5/18/90).
Contractor/Supervisor (contingent from 4/14/89).
Contractor/Supervisor (full from 5/15/89).
Contractor/Supervisor Refresher Course (contingent from 4/17/90).
Contractor/Supervisor Refresher Course (full from 5/11/90).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).
Inspector/Management Planner Refresher Course (full from 4/3/89).

(27)(a) *Training Provider:* Maple Woods Community College.

Address: 10771 Ambassador Dr., Kansas City, MO 64153, Contact: James C. Lauer, Phone: (816) 891-6500.

(b) *Approved Courses:*

Abatement Worker (full from 2/1/88).
Abatement Worker Refresher Course (full from 1/13/89).
Contractor/Supervisor (full from 3/28/88).
Contractor/Supervisor Refresher Course (full from 1/13/89).
Inspector/Management Planner (contingent from 4/20/88).
Inspector/Management Planner (full from 5/2/88).
Inspector/Management Planner Refresher Course (contingent from 7/27/89).
Inspector/Management Planner Refresher Course (full from 7/28/89).

(28)(a) *Training Provider:* Mayhew Environmental Training Associates, Inc., (META).

Address: P.O. Box 1961, Lawrence, KS 66044, Contact: Brad Mayhew or Robyn Harris, Phone: (800) 444-6382.

(b) *Approved Courses:*

Abatement Worker (full from 10/20/87).
Abatement Worker Refresher Course (full from 11/14/88).
Contractor/Supervisor (full from 10/20/87).
Contractor/Supervisor Refresher Course (full from 11/14/88).
Inspector/Management Planner (full from 8/8/88).
Inspector/Management Planner Refresher Course (full from 1/30/89).
Project Designer Refresher Course (contingent from 2/6/91).
Project Designer Refresher Course (full from 3/4/91).

(29)(a) *Training Provider:* Midwest Environmental Testing & Training, Inc.

Address: 1508 N.W. 18th St., Blue Springs, MO 64105, Contact: Steve Minshall, Phone: (816) 229-3853.

(b) *Approved Courses:*

Abatement Worker (full from 5/9/88 to 6/5/89 **only**).
Abatement Worker Refresher Course (contingent from 4/28/89 to 6/5/89 **only**).
Contractor/Supervisor (full from 5/9/88 to 6/5/89 **only**).
Contractor/Supervisor Refresher Course (contingent from 4/28/89 to 6/5/89 **only**).

(30)(a) *Training Provider:* National Asbestos Training Center, University of Kansas.

Address: 6330 College Blvd., Suite 315, Overland Park, KS 66211-1506, Contact: Karen Wilson, Phone: (913) 491-0181.

(b) *Approved Courses:*

Abatement Worker (full from 7/27/87).
Abatement Worker Refresher Course (contingent from 10/5/88).
Abatement Worker Refresher Course (full from 9/26/89).
Contractor/Supervisor (interim from 6/1/85 to 7/26/87).
Contractor/Supervisor (full from 7/27/87).
Contractor/Supervisor Refresher Course (contingent from 10/5/88).
Contractor/Supervisor Refresher Course (full from 1/25/89).
Inspector/Management Planner (full from 10/26/87).
Inspector/Management Planner Refresher Course (contingent from 10/5/88).
Inspector/Management Planner Refresher Course (full from 1/25/89).

(31)(a) *Training Provider:* Occu-Tec, Inc.

Address: 6501 East Commerce Ave., Suite 208, Kansas City, MO 64120, Contact: Duncan Heydon, Phone: (816) 231-5580.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/29/90).
Abatement Worker (full from 7/26/90).
Abatement Worker Refresher Course (contingent from 1/29/90).
Abatement Worker Refresher Course (full from 4/2/90).
Contractor/Supervisor (contingent from 1/29/90).
Contractor/Supervisor (full from 7/26/90).
Contractor/Supervisor Refresher Course (contingent from 1/29/90).
Contractor/Supervisor Refresher Course (full from 4/2/90).
Inspector/Management Planner (contingent from 1/29/90).
Inspector/Management Planner (full from 12/12/90).
Inspector/Management Planner Refresher Course (contingent from 1/29/90).
Inspector/Management Planner Refresher Course (full from 4/2/90).

(32)(a) *Training Provider:* PS&H Inc.

Address: 1810 Craig Rd., Suite 114, St. Louis, MO 63146, Contact: Carol E. Hoag, Phone: (314) 275-7733.

(b) *Approved Courses:*

Abatement Worker (full from 11/28/88).
Abatement Worker Refresher Course (contingent from 9/14/89).
Abatement Worker Refresher Course (full from 11/2/89).
Contractor/Supervisor (full from 11/28/88).
Contractor/Supervisor Refresher Course (contingent from 9/14/89).
Contractor/Supervisor Refresher Course (full from 11/2/89).
Inspector/Management Planner (full from 6/23/88).
Inspector/Management Planner Refresher Course (contingent from 1/19/89).
Inspector/Management Planner Refresher Course (full from 3/2/89).

(33)(a) *Training Provider:* Performance Abatement Services, Inc.

Address: 14801 West 99th St., P.O. Box 19328, Lenexa, KS 66215, Contact: Tony Chiaverini, Phone: (913) 888-2423.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 7/6/89).
Contractor/Supervisor (full from 7/27/89).

(34)(a) *Training Provider:* Professional Service Industries, Inc.

Address: 4840 West 15th St., Lawrence, KS 66049, Contact: Margaret Maninger, Phone: (800) 346-2860.

(b) *Approved Courses:*

Abatement Worker (full from 8/17/87).
Abatement Worker Refresher Course (contingent from 9/19/88).
Abatement Worker Refresher Course (full from 10/19/88).
Contractor/Supervisor (full from 8/17/87).
Contractor/Supervisor Refresher Course (contingent from 9/19/88).
Contractor/Supervisor Refresher Course (full from 10/20/88).
Inspector/Management Planner (full from 8/17/87).
Inspector/Management Planner Refresher Course (full from 9/19/88).
Project Designer (full from 8/17/87).
Project Designer Refresher Course (contingent from 9/19/88).
Project Designer Refresher Course (full from 12/20/88).

(35)(a) *Training Provider:* Ramsey - Schilling Consulting Group, Inc.

Address: 503 Main, Belton, MO 64012, Contact: George McDowell, Phone: (816) 331-0002.

(b) *Approved Course:*

Inspector (contingent from 1/30/90).

(36)(a) *Training Provider:* Roth Asbestos Consultants, Inc.

Address: 1900 West 47th Pl., Westwood, KS 66205, Contact: Donald J. Welsh, Phone: (913) 831-4795.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/9/89).
Abatement Worker (full from 3/13/89).
Abatement Worker Refresher Course (contingent from 6/15/89).
Abatement Worker Refresher Course (full from 7/24/89).
Contractor/Supervisor (contingent from 5/16/89).
Contractor/Supervisor (full from 7/20/89).
Contractor/Supervisor Refresher Course (contingent from 5/18/89).
Contractor/Supervisor Refresher Course (full from 7/24/89).
Inspector/Management Planner Refresher Course (contingent from 1/19/89).
Inspector/Management Planner Refresher Course (full from 1/23/89).

(37)(a) *Training Provider:* Ryckman's Emergency Action & Consulting Team (REACT).

Address: 2208 Welsch Industrial Ct., St. Louis, MO 63146, Contact: Nicolaus P. Neuman, Phone: (800) 325-1398.

(b) *Approved Courses:*

Abatement Worker (full from 7/26/88).
Abatement Worker Refresher Course (contingent from 4/26/89).
Abatement Worker Refresher Course (full from 8/3/89).
Contractor/Supervisor (full from 7/26/88).
Contractor/Supervisor Refresher Course (contingent from 4/26/89).
Contractor/Supervisor Refresher Course (full from 8/4/89).

(38)(a) *Training Provider:* University of Missouri-Columbia Environmental Health and Safety.

Address: Research Park Development Bldg., Columbia, MO 65211, Contact: Brent S. Mattox, Phone: (314) 882-7018.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 8/8/90).
Contractor/Supervisor (full from 8/23/90).

REGION VIII -- Denver, CO

Regional Asbestos Coordinator: David Combs, (8AT-TS), EPA, Region VIII, 1 Denver Place, 999-18th St., Suite 500, Denver, CO 80202-2413. (303) 293-1442, (FTS) 330-1442.

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region VIII training courses and contact points for each, are as follows.

(1)(a) *Training Provider:* Acme Asbestos Removal.

Address: 9101 Pearl St., Suite 307, Thornton, CO 80229, Contact: Eugene Aragon, Phone: (303) 450-5026.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/26/89).
Abatement Worker (full from 11/22/89).
Abatement Worker Refresher Course (contingent from 5/31/89).
Contractor/Supervisor (contingent from 7/26/89).
Contractor/Supervisor (full from 11/22/89).

(2)(a) *Training Provider:* Asbestos Training & Supply.

Address: 504 Saddle Dr., Cheyenne, WY 82009, Contact: F. Gerald Blackwell, Phone: (307) 634-6858.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/2/89).
Abatement Worker (full from 5/4/90).

(3)(a) *Training Provider:* Chen-Northern, Inc.

Address: P.O. Box 30615, Billings, MT 59107, Contact: Kathleen A. Smit, Phone: (406) 248-9161.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/1/87).
Abatement Worker (full from 1/11/90).
Abatement Worker Refresher Course (contingent from 2/16/89).
Abatement Worker Refresher Course (full from 11/8/90).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor (full from 1/11/90).
Contractor/Supervisor Refresher Course (contingent from 5/31/89).
Contractor/Supervisor Refresher Course (full from 11/9/90).

(4)(a) *Training Provider:* Colorado Carpenters Statewide Joint Apprenticeship Educational & Training Committee.

Address: 4290 Holly St., Denver, CO 80216, Contact: Manuel Rodriquez, Jr., Phone: (303) 393-6060.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker (full from 12/19/88).

(5)(a) *Training Provider:* Colorado Laborers' & Contractors' Education & Training Fund.

Address: 10505 Havana, Brighton, CO 80601, Contact: James Zancanaro, Phone: (303) 287-3116.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/16/89).

Abatement Worker (full from 2/16/89).

(6)(a) *Training Provider:* Colorado State University Dept. of Industrial Sciences.

Address: Fort Collins, CO 80523, Contact: Birgit Wolff, Phone: (303) 491-7240.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/23/88).

Abatement Worker (full from 9/22/90).

Abatement Worker Refresher Course (contingent from 12/9/88).

Abatement Worker Refresher Course (full from 4/6/90).

Contractor/Supervisor (contingent from 12/29/88).

Contractor/Supervisor (full from 9/22/90).

Contractor/Supervisor Refresher Course (contingent from 12/9/88).

Contractor/Supervisor Refresher Course (full from 4/6/90).

Inspector/Management Planner (contingent from 3/14/88).

Inspector/Management Planner (full from 5/23/88).

Inspector/Management Planner Refresher Course (contingent from 12/9/88).

Inspector/Management Planner Refresher Course (full from 1/17/89).

(7)(a) *Training Provider:* Colorado Training Institute.

Address: 10255 E. 25th Ave., Suite 13, Aurora, CO 80010, Contact: Carlos M. Guerra, Phone: (303) 367-8986.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/88).

Abatement Worker (full from 9/19/90).

Abatement Worker Refresher Course (contingent from 12/29/88).

Contractor/Supervisor (contingent from 10/31/88).

Contractor/Supervisor (full from 9/20/90).

Contractor/Supervisor Refresher Course (contingent from 12/29/88).

(8)(a) *Training Provider:* Energy Insulation, Inc. (EII).

Address: P.O. Box 1996, Casper, WY 82602, Contact: David K. Fox, Phone: (307) 473-1247.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/18/88 to 6/1/90 only).

Abatement Worker (full from 6/22/88 to 6/1/90 only).

(9)(a) *Training Provider:* Engineering Extension College of Engineering South Dakota State University.

Address: Box 2218, Brookings, SD 57007-0597, Contact: James Ceglian, Phone: (605) 688-4101.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 5/18/88).

Inspector/Management Planner (contingent from 5/18/88).

(10)(a) *Training Provider:* Envir-o-Tech.

Address: 300 Moore Ln., Billings, MT 59102, Contact: Leonard Cranford, Phone: (406) 252-7538.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Abatement Worker (full from 7/6/88).

(11)(a) *Training Provider:* Front Range Community College.

Address: 3645 West 112 Ave., Westminster, CO 80030, Contact: Gwen Burton, Phone: (303) 466-8811.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Contractor/Supervisor Refresher Course (full from 7/27/90).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner (full from 1/26/90).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

(12)(a) *Training Provider:* HWS Technologies, Inc.

Address: 9101 East Kenyon Ave., Suite 1600, Denver, CO 80237, Contact: William C. Oleskevich, Phone: (303) 771-6868.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/28/89).

Abatement Worker (full from 4/7/89).

Abatement Worker Refresher Course (contingent from 2/28/89).

Abatement Worker Refresher Course (full from 6/29/89).

Contractor/Supervisor (contingent from 2/28/89).

Contractor/Supervisor (full from 4/7/89).

Contractor/Supervisor Refresher Course (contingent from 2/28/89).

Contractor/Supervisor Refresher Course (full from 6/29/89).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (contingent from 2/28/89).

Inspector/Management Planner Refresher Course (full from 6/29/89).

(13)(a) *Training Provider:* Hager Laboratories, Inc.

Address: 5930 McIntire St., P.O. Box 4012, Golden, CO 80403, Contact: Charles Metzger & D. Robinson, Phone: (303) 278-3400.

(b) *Approved Courses:*

Abatement Worker (full from 3/28/88).

Abatement Worker Refresher Course (contingent from 10/7/88).

Abatement Worker Refresher Course (full from 4/26/89).

Contractor/Supervisor (full from 3/28/88).

Contractor/Supervisor Refresher Course (contingent from 10/7/88).

Contractor/Supervisor Refresher Course (full from 1/25/89).

Inspector/Management Planner (contingent from 4/20/88).

Inspector/Management Planner (full from 5/2/88).

Inspector/Management Planner Refresher Course (contingent from 10/7/88).

Inspector/Management Planner Refresher Course (full from 12/6/89).

(14)(a) *Training Provider:* Industrial Health, Inc. (IHI).

Address: 640 East Wilmington Ave., Salt Lake City, UT 84106, Contact: Donald E. Marano, Phone: (801) 466-2223.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/4/89).

Abatement Worker (full from 11/13/89).

Abatement Worker Refresher Course (contingent from 6/15/89).

Contractor/Supervisor (contingent from 4/22/88).

Contractor/Supervisor (full from 11/13/89).

Contractor/Supervisor Refresher Course (contingent from 4/24/89).

Contractor/Supervisor Refresher Course (full from 11/2/90).

Inspector/Management Planner (contingent from 2/28/89).

Inspector/Management Planner (full from 4/17/89).

Inspector/Management Planner Refresher Course (contingent from 12/29/88).

Inspector/Management Planner Refresher Course (full from 1/6/89).

Project Designer (contingent from 5/23/88).

Project Designer (full from 1/11/91).
Project Designer Refresher Course (contingent from 4/24/89).

(15)(a) *Training Provider:* International Association of Heat & Frost Insulators & Asbestos Workers Local Union No. 28.

Address: 360 Acoma St., Suite 216, Denver, CO 80223, Contact: Chet Graham or Pat Pfeifer, Phone: (303) 778-8602.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/28/89).
Abatement Worker (full from 4/28/89).
Abatement Worker Refresher Course (full from 7/21/89).

(16)(a) *Training Provider:* Laborers AGC Training Program for Montana.

Address: 3100 Horseshoe Bend Rd., Helena, MT 59601, Contact: Daniel F. Holland, Phone: (406) 442-9964.

(b) *Approved Course:*

Abatement Worker (contingent from 9/19/88).

(17)(a) *Training Provider:* Major Safety Instructional Services.

Address: 12729 West Belmont Ave., Littleton, CO 80127, Contact: Carrie Sare, Phone: (303) 978-0325.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/28/88).
Abatement Worker (full from 9/15/88).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 4/14/88).
Contractor/Supervisor (full from 9/5/88).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 1/2/88).
Inspector/Management Planner (full from 3/27/89).
Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 1/12/90).
Project Designer (contingent from 1/28/88).
Project Designer Refresher Course (contingent from 1/18/89).

(18)(a) *Training Provider:* Midwest Asbestos Consultants, Inc. (MAC).

Address: 219 23rd St. North, Box 1708, Fargo, ND 58107, Contact: Jerry Day, Phone: (701) 280-2286.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 5/23/89).
Abatement Worker Refresher Course (contingent from 7/31/89).
Abatement Worker Refresher Course (full from 8/24/89).

(19)(a) *Training Provider:* Misers Inspection & Training, Inc.

Address: 1600 South Cherokee St., Denver, CO 80223, Contact: Michael E. DiRito, Phone: (303) 761-0367.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/17/88).
Abatement Worker (full from 7/5/88).
Abatement Worker Refresher Course (contingent from 11/14/88).
Abatement Worker Refresher Course (full from 1/27/89).
Contractor/Supervisor (contingent from 6/17/88).
Contractor/Supervisor (full from 7/5/88).
Contractor/Supervisor Refresher Course (contingent from 11/14/88).
Contractor/Supervisor Refresher Course (full from 1/27/89).

(20)(a) *Training Provider:* NATEC International, Inc.

Address: 2761 West Oxford Ave., No. 7, Englewood, CO 80110, Contact: Lester Ablin, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker (contingent from 4/15/88 to 6/1/90 only).
Inspector/Management Planner (contingent from 6/2/89 to 6/1/90 only).

(21)(a) *Training Provider:* National Education Program for Asbestos (NEPA).

Address: 2863 West 8750 S., West Jordan, UT 84088, Contact: Mark A. Kirk, Phone: (801) 565-1400.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/6/89).
Abatement Worker (full from 6/22/89).
Abatement Worker Refresher Course (contingent from 5/22/89).
Contractor/Supervisor (contingent from 5/22/89).
Contractor/Supervisor (full from 6/22/89).
Contractor/Supervisor Refresher Course (full from 7/3/90).

(22)(a) *Training Provider:* Power Master, Inc.

Address: 13205 Minuteman Drive, Draper, UT 84020, Contact: Brian Welty, Phone: (801) 571-9321.

(b) *Approved Course:*

Abatement Worker (contingent from 6/13/88 to 6/22/90 only).

(23)(a) *Training Provider:* Precision Safety & Services, Inc.

Address: 1045 W. Garden of Gods Rd., Unit T, Colorado Springs, CO 80907, Contact: James R. Mapes, Jr., Phone: (719) 593-8596.

(b) *Approved Courses:*

Abatement Worker (contingent from 8/11/88).
Abatement Worker (full from 11/2/88).

(24)(a) *Training Provider:* R.S. Christiansen Asbestos Consultant.

Address: 4980 Holladay Blvd., Salt Lake City, UT 84117, Contact: R. S. Christiansen, Phone: (801) 277-2323.

(b) *Approved Courses:*

Abatement Worker (contingent from 7/29/88).
Abatement Worker (full from 12/7/88).

(25)(a) *Training Provider:* Survey Management & Design (SMD).

Address: RR 2, Box 85-B, Fargo, ND 58102, Contact: Peter Mehl, Phone: (701) 234-9556.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/2/89).
Contractor/Supervisor (contingent from 3/2/89).
Contractor/Supervisor (full from 5/2/89).
Inspector/Management Planner (contingent from 9/14/89).
Inspector/Management Planner (full from 10/15/89).

(26)(a) *Training Provider:* The Environmental Training Center.

Address: 2761 W. Oxford Ave., No. 7, Englewood, CO 80110, Contact: Les Ablin, Phone: (303) 781-0422.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/21/89).
Abatement Worker (full from 4/27/90).
Contractor/Supervisor (contingent from 9/21/89).
Contractor/Supervisor (full from 4/27/90).

(27)(a) *Training Provider:* University of Utah, Rocky Mountain Center for Occupational & Environmental Health.

Address: Dept. of Family & Preventive Medicine, Building 512, Salt Lake City, UT 84112, Contact: Jeffery S. Lee, Phone: (801) 581-5710.

(b) *Approved Courses:*

Abatement Worker (contingent from 9/27/88).
Abatement Worker (full from 9/27/88).
Contractor/Supervisor (contingent from 6/1/87).
Contractor/Supervisor (full from 6/1/87).
Contractor/Supervisor Refresher Course (contingent from 6/7/88).
Contractor/Supervisor Refresher Course (full from 11/13/88).
Inspector/Management Planner (contingent from 12/23/87).

Inspector/Management Planner (full from 2/8/88).
Inspector/Management Planner Refresher Course (contingent from 12/9/88).
Inspector/Management Planner Refresher Course (full from 12/14/88).

REGION IX -- San Francisco, CA

Regional Asbestos Coordinator: Jo Ann Semones, (A-4-4), EPA, Region IX, 75 Hawthorne St., San Francisco, CA 94105. (415) 744-1112, (FTS) 484-1128.

List of Asbestos Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region IX training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Ahearn & Associates, Inc.
Address: 4015 N. 44th St., Phoenix, AZ 85018, Contact: Colleen McCarthy, Phone: (602) 840-9446.
(b) *Approved Courses:*
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(2)(a) *Training Provider:* Arizona Carpenters Joint Apprenticeship & Training Committee.
Address: 2625 W. Holly, Phoenix, AZ 85009, Contact: Thomas E. Quine, Phone: (602) 272-6547.
(b) *Approved Course:*
Contractor/Supervisor (contingent from 10/18/89).

(3)(a) *Training Provider:* Arizona Laborers' Joint Training Center.
Address: P.O. Box 565, Chino Valley, AZ 86323, Contact: Bill Hadley, Phone: (602) 636-2532.
(b) *Approved Course:*
Abatement Worker (contingent from 10/18/89).

(4)(a) *Training Provider:* Asbestos C.T.I.
Address: 3819 Duck Creek Dr., Stockton, CA 95215, Contact: Lee Hess, Phone: (209) 942-1818.
(b) *Approved Courses:*
Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 10/31/89).
Contractor/Supervisor (contingent from 10/31/88).
Contractor/Supervisor Refresher Course (contingent from 10/31/89).
Inspector (contingent from 3/21/89).
Inspector Refresher Course (contingent from 10/31/89).

(5)(a) *Training Provider:* Asbestos Training Institute.
Address: 210 S. La Fayette Park Pl., Suite 205, Los Angeles, CA 90057, Contact: Kayode Akinrele, Phone: (213) 252-0166.
(b) *Approved Courses:*
Abatement Worker (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).

(6)(a) *Training Provider:* California State University - Sacramento.
Address: 650 University Ave., Suite 101A, Sacramento, CA 95825, Contact: Jackie Branch, Phone: (916) 923-0282.
(b) *Approved Courses:*
Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 12/7/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 12/7/89).

(7)(a) *Training Provider:* Carpenters 46 Northern California Counties J.A.T.C.
Address: 2350 Santa Rita Rd., Pleasanton, CA 94566-4190, Contact: Hugh Johnson, Phone: (415) 462-9640.
(b) *Approved Courses:*
Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 12/7/89).
Contractor/Supervisor (contingent from 12/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/7/89).

(8)(a) *Training Provider:* Center for Accelerated Learning (CAL Inc.).
Address: P.O. Box 6327, Vacaville, CA 95696-6327, Contact: David Esparza, Phone: (707) 446-7996.
(b) *Approved Courses:*
Abatement Worker (contingent from 6/1/88).
Abatement Worker Refresher Course (contingent from 12/15/88).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/15/88).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 12/7/89).
Project Designer (contingent from 10/18/89).
Project Designer Refresher Course (contingent from 10/18/89).

(9)(a) *Training Provider:* DWC Consulting Co., Inc.
Address: 1250 Pine St., Suite 307, Walnut Creek, CA 94596, Contact: Dan Weathers, Phone: (415) 933-9066.
(b) *Approved Courses:*
Abatement Worker (contingent from 4/3/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 4/3/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 4/3/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(10)(a) *Training Provider:* Dan Napier & Associates.
Address: 15342 Hawthorne Blvd., Suite 207, P.O. Box 1540, Lawndale, CA 90260-6440, Contact: Dan Napier, Phone: (213) 644-1924.
(b) *Approved Courses:*
Abatement Worker (contingent from 1/18/88).
Abatement Worker Refresher Course (contingent from 1/18/89).
Contractor/Supervisor (contingent from 3/27/89).
Contractor/Supervisor Refresher Course (contingent from 1/18/89).
Inspector/Management Planner (contingent from 4/3/89).
Inspector/Management Planner Refresher Course (contingent from 3/30/89).
Project Designer Refresher Course (contingent from 3/30/89).

(11)(a) *Training Provider:* Design for Health.
Address: 1516 W. Redwood St., Suite 104, San Diego, CA 92101, Contact: Virginia Shefa, Phone: (619) 291-1777.
(b) *Approved Courses:*
Abatement Worker (contingent from 11/30/89).
Abatement Worker (full from 1/10/91).
Abatement Worker Refresher Course (contingent from 12/6/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor (full from 1/11/91).
Contractor/Supervisor Refresher Course (contingent from 12/6/89).
Inspector/Management Planner (contingent from 11/30/89).

(12)(a) *Training Provider:* Education Enviornmental Services (Formerly Eagle Environmental).

Address: 8817 Elk Grove Blvd., Elk Grove, CA 95624, Contact: George Ayule, Phone: (916) 686-3655.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).
Project Designer (contingent from 10/18/89).
Project Designer Refresher Course (contingent from 10/18/89).

(13)(a) *Training Provider:* EnviroMD, Inc.

Address: 3443 East Fort Lowell Rd., Tucson, AZ 85716, Contact: Lee Allen, Phone: (800) 822-5800.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/15/89).
Abatement Worker (full from 2/27/91).
Abatement Worker Refresher Course (contingent from 4/12/91).
Contractor/Supervisor (contingent from 1/17/89).
Contractor/Supervisor (full from 2/28/91).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector/Management Planner (contingent from 11/14/88).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(14)(a) *Training Provider:* Environmental Control Industries.

Address: 2700 Teagarden St., San Leandro, CA 94577, Contact: Robert Seese, Phone: (415) 614-0180.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/1/88).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/31/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(15)(a) *Training Provider:* Environmental Sciences, Inc.

Address: 105 E. Speedway, Tucson, AZ 85705, Contact: Paula Keyes, Phone: (602) 792-0097.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 9/29/87).
Inspector/Management Planner (full from 10/5/87).
Inspector/Management Planner Refresher Course (contingent from 11/14/88).

(16)(a) *Training Provider:* Environmental Service & Technology, Inc.

Address: 3445 32nd St., San Diego, CA 92104, Contact: Mary Lacey, Phone: (800) 633-0373.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 12/6/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 12/6/89).
Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner Refresher Course (contingent from 10/18/89).

(17)(a) *Training Provider:* Excel Environmental, Inc.

Address: 739 Allston Way, Berkeley, CA 94710, Contact: Robert Bottome, Phone: (415) 548-4300.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/28/87).
Abatement Worker Refresher Course (contingent from 12/1/88).
Contractor/Supervisor (contingent from 6/1/88).
Contractor/Supervisor Refresher Course (contingent from 12/1/88).

(18)(a) *Training Provider:* Hawaii Laborers Training School.

Address: P.O. Box 457, Aiea, HI 96701, Contact: Norman Jimeno, Phone: (808) 488-6161.

(b) *Approved Courses:*

Abatement Worker (contingent from 5/27/88).
Abatement Worker Refresher Course (contingent from 10/18/89).

(19)(a) *Training Provider:* Herring & Herring Enterprises.

Address: No. 9 Grits Court, Sacramento, CA 95823, Contact: Leslie Herring, Phone: (916) 421-6260.

(b) *Approved Courses:*

Abatement Worker (contingent from 1/2/90).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 1/2/90).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(20)(a) *Training Provider:* INFOTOX.

Address: 8531 Mission Blvd, Suite 24, Riverside, CA 92509, Contact: Jim Maclam, Phone: (714) 685-5053.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/18/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/18/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(21)(a) *Training Provider:* IT Corporation.

Address: 17605 Fabrica Way, Cerritos, CA 90701, Contact: Tom McKinney, Phone: (213) 921-9831.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/24/87).
Abatement Worker Refresher Course (contingent from 3/29/89).
Contractor/Supervisor (contingent from 4/15/88).
Contractor/Supervisor Refresher Course (contingent from 3/29/89).

(22)(a) *Training Provider:* Insulators & Asbestos Industry of Northern California & Local Union No. 16 Apprentice Training Fund.

Address: 2033 Clement Ave., Building 31, Room 112, Alameda, CA 94501, Contact: Hans D. Siebert, Phone: (415) 865-2292.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).
Contractor/Supervisor (contingent from 10/31/89).

(23)(a) *Training Provider:* Joint Apprenticeship Trust Asbestos Workers Local 5.

Address: 520 So. La Fayette Park Pl., Suite 300, Los Angeles, CA 90057, Contact: Tom L. Gutierrez, Phone: (213) 383-8010.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 1/26/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).

(24)(a) *Training Provider:* KELLCO Training Institute.

Address: 44802 Osgood Rd., Fremont, CA 94539, Contact: Charles W. Kellogg, Phone: (415) 651-7401.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/1/88).

Abatement Worker (full from 2/14/91).
Contractor/Supervisor (contingent from 7/20/88).
Contractor/Supervisor (full from 2/15/91).
Contractor/Supervisor Refresher Course (contingent from 10/31/88).
Contractor/Supervisor Refresher Course (full from 3/19/91).
Inspector/Management Planner (contingent from 3/21/89).
Inspector/Management Planner Refresher Course (contingent from 3/16/89).

(25)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Northern California.

Address: 21321 San Ramon Valley Blvd., San Ramon, CA 94583, Contact: Monte R. Strother, Phone: (415) 828-2513.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/13/88).
Abatement Worker Refresher Course (contingent from 12/15/88).

(26)(a) *Training Provider:* Laborers Training & Retraining Trust Fund for Southern California.

Address: P.O. Box 76, Anza, CA 92306-0076, Contact: Don Sanders, Phone: (714) 763-4341.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker Refresher Course (contingent from 12/6/89).

(27)(a) *Training Provider:* Lehr Training Institute, Inc.

Address: 4125 East La Palma Ave., Suite 300, Anaheim, CA 92807, Contact: Patricia Norris, Phone: (714) 572-0110.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/16/88).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (contingent from 2/16/88).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).
Inspector/Management Planner (contingent from 10/31/88).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(28)(a) *Training Provider:* Los Angeles District Council of Carpenters and Vicinity.

Address: 4665 Mercury St., San Diego, CA 92111, Contact: Otis Kunz, Phone: (619) 495-1850.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).
Contractor/Supervisor (contingent from 10/31/88).

(29)(a) *Training Provider:* National Asbestos Technology Education Center (NATEC).

Address: 11552 Knott St., Suite 8, Garden Grove, CA 92641, Contact: Rodger D. Sandlin, Phone: (714) 894-7577.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/30/87).
Abatement Worker Refresher Course (contingent from 11/8/88).
Contractor/Supervisor (contingent from 12/30/87).
Contractor/Supervisor Refresher Course (contingent from 11/8/88).

(30)(a) *Training Provider:* National Institute for Asbestos & Hazardous Waste Training.

Address: 1019 West Manchester Blvd., Suite 102, Inglewood, CA 90301, Contact: Jim McFarland, Phone: (213) 645-4516.

(b) *Approved Courses:*

Abatement Worker (full from 12/24/87).
Abatement Worker Refresher Course (contingent from 10/19/88).
Contractor/Supervisor (full from 12/24/87).
Contractor/Supervisor Refresher Course (contingent from 10/19/88).
Inspector/Management Planner (contingent from 6/30/88).
Inspector/Management Planner Refresher Course (contingent from 11/4/88).

(31)(a) *Training Provider:* Naval Civil Engineering Laboratory.

Address: Code LO-15, Port Hueneme, CA 93043-5003, Contact: Susan C. Tianen, Phone: (805) 982-1136.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/31/89).
Abatement Worker Refresher Course (contingent from 10/18/89).
Contractor/Supervisor (contingent from 10/31/89).
Contractor/Supervisor Refresher Course (contingent from 10/18/89).
Inspector (contingent from 4/6/89).

(32)(a) *Training Provider:* Occupational Training Institute, Inc.

Address: 5 Civic Plaza, Suite 225, Newport Beach, CA 92660, Contact: Charles Godshall, Phone: (714) 721-9578.

(b) *Approved Courses:*

Abatement Worker (contingent from 2/21/89).
Abatement Worker Refresher Course (contingent from 2/21/89).
Contractor/Supervisor (contingent from 2/21/89).
Contractor/Supervisor Refresher Course (contingent from 2/21/89).
Inspector/Management Planner (contingent from 3/16/89).
Inspector/Management Planner Refresher Course (contingent from 2/21/89).

(33)(a) *Training Provider:* Painters District Council No. 36.

Address: 3601 W. Alameda Ave., Suite 200, Burbank, CA 91505, Contact: William Sauerwald, Phone: (818) 841-1366.

(b) *Approved Course:*

Abatement Worker (contingent from 10/15/89).

(34)(a) *Training Provider:* Robert Harvey Griese.

Address: 5933 Telegraph Rd., City of Commerce, CA 90040, Contact: Robert H. Griese, Phone: (213) 720-1805.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/6/89).
Contractor/Supervisor (contingent from 12/6/89).
Inspector/Management Planner (contingent from 12/6/89).

(35)(a) *Training Provider:* Salem Kroeger, Inc.

Address: 1325 Schwab St., Red Bluff, CA 96080, Contact: Brian Frink, Phone: (916) 527-7312.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/30/89).
Abatement Worker Refresher Course (contingent from 4/3/89).
Contractor/Supervisor (contingent from 3/30/89).
Contractor/Supervisor Refresher Course (contingent from 4/3/89).
Inspector Refresher Course (contingent from 4/3/89).

(36)(a) *Training Provider:* San Diego County Construction Laborers Training & Retraining Trust.

Address: 4161 Home Ave., Second Fl., San Diego, CA 92105, Contact: Bob White, Phone: (619) 263-6941.

(b) *Approved Courses:*

Abatement Worker (contingent from 3/21/89).
Abatement Worker Refresher Course (contingent from 10/18/89).

(37)(a) *Training Provider:* Spectrum Environmental Training.

Address: 6245 Bristol Pkwy., Suite 305, Culver City, CA 90230, Contact: James H. Mondy, Phone: (213) 322-2332.

(b) *Approved Courses:*

Abatement Worker (contingent from 12/6/89).
Contractor/Supervisor (contingent from 12/6/89).

(38)(a) *Training Provider:* The Asbestos Institute.

Address: 2621 East Camelback, Suite 175, Phoenix, AZ 85016, Contact: William T. Cavness, Phone: (602) 224-5404.

(b) *Approved Courses:*

Abatement Worker (contingent from 6/30/88).
Abatement Worker Refresher Course (contingent from 10/31/88).
Contractor/Supervisor (contingent from 6/13/88).
Contractor/Supervisor Refresher Course (contingent from 3/9/89).
Inspector/Management Planner (contingent from 6/17/88).
Inspector/Management Planner Refresher Course (contingent from 6/16/88).

(39)(a) *Training Provider:* The Environmental Institute.

Address: 41 East Foothill Blvd., Suite 104, Arcadia, CA 91006, Contact: Bruce Tingley, Phone: (818) 447-5216.

(b) *Approved Courses:*

Abatement Worker (contingent from 10/27/88).
Contractor/Supervisor (contingent from 6/27/88).
Inspector/Management Planner (contingent from 6/27/88).
Inspector/Management Planner Refresher Course (contingent from 4/18/89).
Project Designer (contingent from 12/1/88).
Project Designer Refresher Course (contingent from 10/18/89).

(40)(a) *Training Provider:* Univ. of Calif. Extension Programs in Environmental Hazard Management (PEHM) (Formerly Pacific Asbestos Info. Ctr.).

Address: 2223 Fulton St., Berkeley, CA 94720, Contact: Deborah Dobin, Phone: (415) 643-7143.

(b) *Approved Courses:*

Contractor/Supervisor (full from 10/1/87).
Contractor/Supervisor Refresher Course (contingent from 10/19/88).
Inspector/Management Planner (full from 11/16/87).
Inspector/Management Planner Refresher Course (contingent from 10/19/88).
Project Designer (contingent from 10/31/89).

(41)(a) *Training Provider:* University Associates.

Address: 3791 N. Camino de Oeste, Tucson, AZ 85745, Contact: John D. Repko, Phone: (602) 624-9366.

(b) *Approved Course:*

Inspector/Management Planner (contingent from 12/1/88).

(42)(a) *Training Provider:* University of Southern California Institute of Safety & Systems Management.

Address: 927 W. 35th Pl., Room 102, Los Angeles, CA 90089-0021, Contact: James O. Pierce, Phone: (213) 740-3998.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 7/27/88).
Inspector/Management Planner (full from 2/2/89).
Inspector/Management Planner Refresher Course (contingent from 2/23/89).

REGION X -- Seattle, WA

Regional Asbestos Coordinator: Matt Wilkening, EPA, Region X, 1200 Sixth Ave. (8T-083), Seattle, WA 98101. (206) 442-8282 (FTS) 399-8282

List of Approved Courses: The following training courses have been approved by EPA. The courses are listed under (b). This approval is subject to the level of certification indicated after the course name. Training Providers are listed in alphabetical order and do not reflect a prioritization. Approvals for Region X training courses and contact points for each, are as follows:

(1)(a) *Training Provider:* Arctic Slope Consulting Group.

Address: 3801 South Cushman, Fairbanks, AK 99701-7529, Contact: Robert A. Perkins or Clark Milne, Phone: (907) 451-6009.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 10/18/89).
Inspector/Management Planner (full from 10/5/90).
Inspector/Management Planner Refresher Course (contingent from 10/25/89).

(2)(a) *Training Provider:* Asbestos Removal Technologies.

Address: P.O. Box 4762, Vancouver, WA 98662, Contact: Skip Gaultier, Phone: (800) 321-4121.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 10/25/89).
Inspector/Management Planner Refresher Course (full from 12/26/89).
Project Designer Refresher Course (contingent from 10/25/89).
Project Designer Refresher Course (full from 12/26/89).

(3)(a) *Training Provider:* Asbestos Services International, Inc.

Address: 12360 Southwest Butner Rd., Portland, OR 97225-5818, Contact: Jim Jones, Phone: (503) 644-0246.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 8/23/88).
Inspector/Management Planner (full from 7/17/89).
Inspector/Management Planner Refresher Course (contingent from 10/31/88).
Inspector/Management Planner Refresher Course (full from 1/20/89).
Project Designer (contingent from 10/31/88).
Project Designer (full from 1/17/89).

(4)(a) *Training Provider:* Certified Industrial Hygiene Services, Inc.

Address: 911 Western Ave., Suite 206, Seattle, WA 98104, Contact: Dorothy Stansel, Phone: (206) 622-1096.

(b) *Approved Course:*

Inspector (contingent from 3/25/88).

(5)(a) *Training Provider:* Engineering Continuing Education University of Washington.

Address: GG-13, Seattle, WA 98195, Contact: Susan G. Stone, Phone: (206) 543-5539.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 1/26/88 to 6/1/90 only).
Inspector/Management Planner (full from 2/8/88 to 6/1/90 only).

(6)(a) *Training Provider:* Environmental Health Sciences Lake Washington Vo-Tech.

Address: 11605 132nd Ave., NE., Kirkland, WA 98034, Contact: Dave Rodewald, Phone: (206) 828-5643.

(b) *Approved Courses:*

Inspector/Management Planner (full from 4/11/88).
Inspector/Management Planner Refresher Course (contingent from 1/14/89).
Inspector/Management Planner Refresher Course (full from 1/27/89).
Project Designer (contingent from 12/11/89).

(7)(a) *Training Provider:* Environmental Management, Inc.

Address: P.O. Box 91477, Anchorage, AK 99509, Contact: Debra Chrisman or Gordon Randall, Phone: (907) 272-8056.

(b) *Approved Course:*

Inspector/Management Planner (full from 4/18/88).

(8)(a) *Training Provider:* Hazcon, Inc.

Address: 4636 Marqiael Way S., Suite 215, Seattle, WA 98134, Contact: Mike Krause, Phone: (206) 763-7364.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 3/1/88).
Inspector/Management Planner (full from 4/4/88).

Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 1/30/89).

(9)(a) *Training Provider:* Heavey Engineers, Inc.

Address: 113 Russell St., P.O. Box 832, Stevenson, WA 98648-0832, Contact: Bernard Heavey, Phone: (509) 427-8936.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).
Inspector/Management Planner (full from 5/2/88).
Inspector/Management Planner Refresher Course (contingent from 1/18/89).
Inspector/Management Planner Refresher Course (full from 3/10/89).

(10)(a) *Training Provider:* NAC Corporation/Northwest Asbestos Consultants.

Address: 1005 Northwest Galveston, Suite E, Bend, OR 97701, Contact: Dale Schmidt, Phone: (503) 389-9727.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).
Inspector/Management Planner Refresher Course (full from 7/24/89).

(11)(a) *Training Provider:* Northwet Envirocon, Inc.

Address: P.O. Box 169, Washougal, WA 98671, Contact: Debbie Stevison, Phone: (503) 659-8899.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 4/13/88).
Inspector/Management Planner (full from 5/2/88).

(12)(a) *Training Provider:* PBS Environmental Building Consultants, Inc.

Address: 1220 SouthWest Morrison, Portland, OR 97205, Contact: Kelly Strother, Phone: (503) 248-1939.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/4/88).
Inspector/Management Planner (full from 3/14/88).
Inspector/Management Planner Refresher Course (contingent from 3/14/89).
Inspector/Management Planner Refresher Course (full from 6/30/89).
Project Designer (contingent from 6/9/89).
Project Designer (full from 6/19/89).
Project Designer Refresher Course (contingent from 10/25/89).
Project Designer Refresher Course (full from 9/18/90).

(13)(a) *Training Provider:* South East Regional Resource Center, Inc.

Address: 210 Ferry Way, Suite 200, Juneau, AK 99801, Contact: William Suss, Phone: (907) 586-6806.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/18/89).
Inspector/Management Planner Refresher Course (full from 6/1/90).

(14)(a) *Training Provider:* Specialized Environmental Consulting, Inc.

Address: P.O. Box 363, Wauna, WA 98395, Contact: Raymond Donahue, Phone: (206) 857-3222.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 3/7/89).
Inspector/Management Planner Refresher Course (full from 3/20/89).

(15)(a) *Training Provider:* University of Alaska, Mining & Petroleum Training Services.

Address: 155 Smith Way, Suite 104, Soldotna, AK 99669, Contact: Dennis D. Steffy, Phone: (907) 262-2788.

(b) *Approved Courses:*

Inspector/Management Planner (contingent from 2/16/88).
Inspector/Management Planner (full from 4/11/88).
Inspector/Management Planner Refresher Course (contingent from 1/14/89).
Inspector/Management Planner Refresher Course (full from 4/2/91).

(16)(a) *Training Provider:* Valley Research Corporation.

Address: 1299 E. 2400 St., Hagerman, ID 83332, Contact: Leon Urie, Phone: (208) 837-6437.

(b) *Approved Courses:*

Contractor/Supervisor (contingent from 10/20/89).
Contractor/Supervisor (full from 6/8/90).

(17)(a) *Training Provider:* Washington Association of Maintenance & Operations Administrators, WAMOA.

Address: 12037 Northeast Fifth, Bellevue, WA 98005, Contact: Colin MacRae, Phone: (206) 455-6054.

(b) *Approved Courses:*

Inspector/Management Planner Refresher Course (contingent from 4/25/89).
Inspector/Management Planner Refresher Course (full from 7/24/89).

Dated: May 6, 1991.

Mark Greenwood,

Director, Office of Toxic Substances.

[FR Doc. 91-11757 Filed 5-30-91; 8:45 am]

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federal register

Friday
May 31, 1991

Part III

Federal Trade Commission

16 CFR Chapter I

Petitions for Environmental Marketing and Advertising Guides; Public Hearings; Proposed Rule

FEDERAL TRADE COMMISSION

16 CFR Ch. I

Petitions for Environmental Marketing and Advertising Guides; Public Hearings

AGENCY: Federal Trade Commission.

ACTION: Request for public comment on issues concerning environmental marketing and advertising claims and pending petitions; notice of public hearings.

SUMMARY: The Federal Trade Commission ("FTC" or "Commission") seeks written comment on issues relating to whether additional guidance to the public is needed on the applicability of section 5 of the FTC Act, 15 U.S.C. 45 ("section 5") to environmental advertising and labeling claims and, more specifically, what form such guidance should take and what it should cover. In order to develop a factual basis for whatever action the Commission decides is needed in this area, if any, the Commission will also hold a public hearing on these and related issues and invites applications to participate.

Assuming that specific guidance is needed in this area beyond that currently provided by the Commission's general advertising policy (as articulated in the Commission's Policy Statements on Deception, Unfairness, and Advertising Substantiation), such guidance may be provided in several ways: (1) Increased enforcement of section 5 on a case-by-case basis and enhanced dissemination of the decisions in such cases; (2) issuance of a trade regulation rule, a binding regulation; and/or (3) issuance of interpretive guides, or guidelines as they sometimes are called.

The Commission has received petitions to issue guides concerning the proper advertising and labeling of the environmental benefits of products. Two of the petitions received were accompanied by proposed guides. In addition, a task force of eleven State attorneys general has proposed guidelines. The Commission is publishing in this issue of the **Federal Register** these three proposed guides and also seeks written comment on them.

DATES: Comments must be received on or before July 17 1991. Public hearings will be held on July 17–18, 1991, 9:30 a.m. to 4:30 p.m. Requests to present oral testimony must be received on or before June 20, 1991. The Commission requests that ten copies of the proposal oral comments be submitted on or before July 12, 1991.

ADDRESSES: Comments and requests to testify may be mailed to the Office of the Secretary, room 159, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. The hearings will be held in room 432 of the Federal Trade Commission, 6th Street and Pennsylvania Avenue NW Washington, DC.

FOR FURTHER INFORMATION CONTACT: Devenette Sneed, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, suite 4002, 6th & Pennsylvania Avenue NW Washington, DC 20580, (202) 326–3360.

SUPPLEMENTARY INFORMATION:

1. *The Nature of the FTC's Interest*

Claims concerning the environmental benefits and risks of particular products are not new in advertising and labeling.[1] However, recent surveys have shown increasing consumer interest in the environmental effects of products purchased and a corresponding increase in the number of products making environmental advertising and labeling claims.[2] Concerns have been expressed that some claims are deceptive, misleading, or unsubstantiated.

The FTC has authority under section 5 of the FTC Act, 15 U.S.C. 45 ("section 5"), to ensure that environmental performance claims in advertising and labeling are not deceptive or unfair and are adequately substantiated. It may exercise this authority in various ways, including: (1) The pursuit of enforcement cases; (2) the promulgation of trade regulation rules; and (3) the issuance of interpretive guides. The Commission does not have a statutory mandate to set environmental policy. It is not the Commission's goal, for example, to require that product be "recyclable. Rather, any Commission cases, rules, or guides would be designed to address how such terms may be used in a non-deceptive fashion in light of consumer understanding of the terms.

The FTC currently is conducting over two dozen investigations into the use of certain environmental claims. In addition, the FTC has formed a joint task force along with the Environmental Protection Agency ("EPA") and the U.S. Office of Consumer Affairs to provide Federal agency leadership and cooperation to reduce marketplace confusion that may result from environmental advertising claims.

2. Currently Available FTC Guidance Applicable to Environmental Claim

Some general guidance regarding how section 5 applies to advertising claims is provided by the FTC's Deception, Ad Substantiation, and Unfairness Policy Statements, which state the FTC's policy regarding its interpretation of claims and the level of substantiation evidence necessary to support the claims. Copies of the Commission's Policy Statements are available on request from the Commission's Public Reference Room, at (202) 326–2222.

The FTC's Policy Statement on Deception (Deception Statement) states that the Commission will find deception if there is a representation, omission, or practice that is likely to mislead in a material way the consumer acting reasonably in the circumstances.[3] If the act or practice is likely to affect the consumer's conduct or decision with regard to a product or service, the practice is material, and consumer injury is likely because consumers are likely to have chosen differently but for the deception.[4]

The FTC's Policy Statement on Advertising Substantiation (Ad Substantiation Statement) states that, before disseminating ads, advertisers must have a reasonable basis for express and implied claims, however conveyed, that make objective assertions about the product or service advertised.[5] Claims must be supported by the level of substantiation they communicate, either expressly or impliedly, to the reader or listener, whether the level of substantiation they communicate, either expressly or impliedly, to the reader or listener, whether the level of substantiation is a specific study or set of studies or a consensus of opinion. If no level of substantiation is expressly or impliedly

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E.g., Ex-Cell-O Corp., 82 F.T.C. 36 (1973) (consent agreement with milk carton manufacturer concerning biodegradable and environmental safety claims for plastic-coated paperboard milk cartons); *Standard Oil of California*, 85 F.T.C. 1401 (1974), *aff'd as modified sub nom. Standard Oil Co.* v. *FTC.*, 577 F.2d 653 (9th Cir. 1979) (order against a gasoline manufacturer concerning misleading fuel emission reduction claims); and FTC voluntary industry uniform labeling guideline agreement as to phosphorus content and biodegradability of detergents (Aug. 6, 1973).

E.g., JWT Greenwatch, Vol. 1, no. 2, J. Walter Thompson, USA (Autumn 1990); The Enviromental Report, vol. 1. Environmental Research Associates, Inc. (Fall 1990); *1990 Green Product Introductions Soar*, Green MarketAlert, Report of Marketing Intelligence Service, Ltd., at 8–9 (October 1990).

Federal Trade Commission Policy Statement on Deception, *appended to Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984).

Id.

FTC Policy Statement Regarding Advertising Substantiation, *appended to Thompson Medical Co.*, 104 F.T.C. 648 (1984).

stated, then the Commission looks at six factors: The type of claim, the type of product, the consequences of a false claim, the benefits of a truthful claim, the cost of developing substantiation for the claim, and the amount of substantiation experts in the field believe is reasonable.

The FTC's Policy Statement on Unfairness (Unfairness Statement) makes clear that advertising need not be deceptive or unsubstantiated to violate the Federal Trade Commission Act. It may also violate the FTC Act if it is "unfair." The primary criterion for determining whether an advertisement is unfair is consumer injury. To justify a finding of unfairness, the injury must satisfy three tests: It must be substantial; it must not be outweighed by countervailing benefits to consumers or competition; and it must be an injury that consumers themselves could not reasonably have avoided.[6]

The Commission has traditionally taken action against deceptive, unsubstantiated, or unfair advertising or labeling claims on a case-by-case basis. The Commission has begun to provide guidance in the environmental area through such case-by-case enforcement. For example, the Commission recently released for public comment a proposed consent order in its first case involving ozone-safety claims for aerosol products.[7] Advertisements and/or labels for the product in question contained the following statements: "Ecologically-Safe Propellant" and "Zipatone's time saving spray products use only ecologically safe propellants. You get the job done quickly without damaging the environment." The draft complaint accompanying the proposed consent agreement alleged that, through the use of the preceding statements, Zipatone represented either directly or by implication that: (1) Zipatone spray cement contains no ingredients damaging to the environment; and (2) use of Zipatone Spray Cement will not have a detrimental effect on the earth's ecology. Although the propellant in Zipatone's product is not ozone-depleting, the primary ingredient in the product is, 1,1,1-trichloroethane, a Class I ozone-depleting substance.[8] The draft complaint therefore alleges that the representations noted above are false, misleading, and unsubstantiated. The proposed consent order prohibits the company from making a representation that any product containing a Class I ozone-depleting chemical is ecologically safe, ozone safe, ozone friendly, or, through the use of substantially similar terms or expressions, that any such product will not deplete, destroy, or otherwise adversely affect ozone in the upper atmosphere. The proposed consent order also prohibits Zipatone from representing that any product containing any ozone-depleting substance offers any environmental benefits concerning the ecology, atmosphere, or ozone layer, unless it has competent and reliable scientific evidence that substantiates the claim.[9]

3. Efforts by Others to Provide Environmental Marketing Guidance

Aside from FTC action, numerous other parties either have provided, or are attempting to provide, guidance on the use of environmental advertising claims.

A number of private groups have initiated measures to create voluntary standards in environmental marketing. These include certification programs being developed by private groups such as Green Cross Certification and Green Seal, and a number of other efforts, such as the ongoing work of the American Society for Testing and Materials (ASTM) to develop standards and testing methods on paper recycling and the degradability of plastic products.

In addition to private efforts, a number of Federal and State government agencies have taken initiatives in the area of environmental marketing. Legislative proposals have been introduced in Congress. Some of these legislative proposals involve other Federal agencies, such as EPA.[10] EPA participates in the Recycling Advisory Council, which was established in 1990 to build consensus and provide national leadership on issues affecting recycling and resource management, including national consistency on definitions, standards, and labeling issues. In addition, EPA has announced that it is developing voluntary guidelines for definitions of the terms "recycled" and "recyclable."

On the State level, both the Coalition of Northeastern Governors and the Council of State Governments have set up special councils to develop guidelines for environmentally preferable packaging, with specific emphasis on recycling and source reduction. In addition, a number of States have passed laws or enacted regulations concerning the use of environmental terms. For example, California regulates the use of the terms "biogradable," "photodegradable," "recyclable," "recycled," and "ozone friendly." New York regulates the use of the terms "recyclable," "recycled," and "reusable," Twenty-two States define or regulate the use of the terms "degradable," "biodegradable," or "photodegradable."

4. Pending Petitions

The FTC seeks public comment on certain pending petitions seeking issuance of FTC guides on the use of environmental claims in product advertising, promotion, and labeling to prevent consumer deception. The Commission has now received four petitions and numerous less formal requests that the FTC issue guides on the advertising and labeling of environmental risks and benefits.

By resolution adopted March 20, 1990 by the National Association of Attorneys General, the State Attorneys General requested that the FTC, in cooperation with the States and EPA, develop uniform national guidelines. A similar resolution was adopted by the National Association of Consumer Agency Administrators. In addition, environmental groups have called for guidance on environmental marketing claims.[11]

In September 1990, the Mobil Chemical Co. submitted a petition for FTC guides on environmental claims. The petition recommends that the Commission develop industrywide guides on a variety of environmental claims, such as "degradable,"

[6] See Companion Statement to Letter from Commission to Honorable Wendell H. Ford and John C. Danforth (December 17, 1980) (Unfairness Policy Statement), *appended to International Harvester Co.*, 104 F.T.C. 949, 1072 (1984), *appeal dismissed*, No. 85-1111 (D.C. Cir. 1985). See *Orkin Exterminating Co.*, 108 F.T.C. 263 (1986), *aff'd*, 849 F.2d 1354 (11th Cir. 1988), *cert. denied*, 488 U.S. 1041 (1989); *International Harvester Co.*, 104 F.T.C. 949, 1060–62; see also *FTC versus Sperry & Hutchinson Co.*, 405 U.S. 233, 244–45 n.5 (1972).

[7] *Zipatone, Inc., et al.*, FTC File No. 902 3366 (April 22, 1991).

[8] The Clean Air Act Amendments of 1990 specify two classes of ozone-depleting substances. Class I ozone-depleting substances are more harmful to the ozone layer than Class II substances.

[9] In entering into this consent agreememt, the respondents did not concede liability but simply agreed to be bound by the terms of the order. The public comment period on this proposed consent order ends on July 1, 1991.

[10] *See e.g.*, S. 615, "Environmental Marketing Claims Act of 1991," introduced by Senator Frank Lautenberg on March 12, 1991, and its companion bill, H.R. 1408, introduced in the House of Representatives by Congressman Gerry Sikorski on March 12, 1991; see also earlier bills introduced by Senator Albert Gore: S. 1884, "National Recyclable Commodities Act of 1989," and Congressman Sikorski: H.R. 4942, "National Recyclable Commodities Act of 1990."

[11] *E.g.*, Environmental Action Foundation Press Release, "Solid Waste Expert Urges State Action Against Bogus 'Green Market' Products" (March 14, 1990).

"photodegradable," "biodegradable," "safe for the environment," "recyclable," "recycled," "ozone friendly," "landfill safe," and "environmentally friendly."

On February 5, 1991, First Brands Corp. submitted a petition to the FTC to establish guides governing the use of environmental claims in the marketing of all types of consumer and industrial products, including bags and packaging, and the ingredients for such products. The petition urges that the Commission develop industry-wide guides that address the industries and trade practices covered, the content of both general and specific claims, disclosures and qualifications required, and the nature of the substantiation that must support the claims.

On February 14, 1991, the Commission received a petition for industry guides for environmental claims from the National Food Processors Association ("NFPA") and ten other trade associations. The petition included proposed guides that reflected the consensus of a coalition of trade associations and industry members. The proposed guides include general statements on the use of six claims (recyclable, recycled, compostable, source reduction, refillable/reusable, and general claims). Each general statement is followed by a series of examples of claims that would or would not be deceptive, followed by brief explanations. The guides also state several general principles on the scope of their application.

On April 12, 1991, the Commission received a petition from the Cosmetic, Toiletry, and Fragrance Association ("CTFA") and the Nonprescription Drug Manufacturers Association ("NDMA") which supported and supplemented the NFPA petition. It addressed claims relating to the ozone layer and included supplementary proposed guides for claims regarding recyclability and recycled content.

In addition, in November 1990 a task force of ten State attorneys general published "The Green Report: Findings and Preliminary Recommendations for Responsible Environmental Advertising," which recommended that the Federal Government adopt a national regulatory scheme establishing definitions to be used in the labeling, packaging, and promotion of products on the basis of environmental attributes. As interim guidance to industry, the task force published proposed guidelines for environmental marketing claims, including "environmentally friendly," "environmentally safe," "degradable," "compostable," "recyclable," "recycled," "ozone friendly," and "safe for incineration." In May 1991, the task force, now representing eleven State attorneys general, published revised recommendations in "The Green Report II."

The NFPA, CTFA/NDMA, and revised state guides are published in this issue of the **Federal Register** for public comment. The Commission seeks comment on the advantages and disadvantages of these proposed guides. The petitions filed by Mobil Chemical Co. and First Brands Corp. have not been published here because they do not include proposed guides. These petitions, however, are available to the public and may be obtained on request from the Commission's Public Reference Room, at (202) 326–2222

The petitions received by the FTC identify a number of specific environmental claims currently being used to advertise and promote various products. The FTC seeks comment on how environmental claims, including those identified below, are interpreted by consumers. The FTC is particularly interested in receiving any consumer survey or consumer perception data concerning consumer understanding or interpretations of these claims. The FTC also seeks to identify other terms that may require additional guidance.

a. Degradable/Biodegradable/Photodegradable
b. Compostable
c. Recyclable
d. Recycled/Recycled Content/Contains Recycled Material
e. Source Reduction
f. Ozone Safe/Ozone Friendly
g. Refillable/Reusable
h. Landfill Safe/Safe for Incineration
i. Environmentally Safe/Environmentally Friendly

5. Alternative Means of Providing Additional FTC Guidance

Although the pending petitions request that the FTC provide additional guidance through issuance of guides, alternative means of providing guidance are available. The other two primary means of providing guidance are: (1) Increased case-by-case law enforcement and dissemination of Commission decisions in individual cases; and (2) rulemaking proceedings aimed at the promulgation of substantive rules.[12]

The Commission traditionally has taken action against deceptive, unsubstantiated, or unfair advertising and labeling claims through administrative adjudication on a case-by-case basis. The case-by-case approach allows the Commission to examine in a detailed way the claims, the context in which they appear, and their substantiation. Decisions resulting from adjudications and consent agreements are published in the **Federal Register**, along with an analysis to aid public comment. The public, through the news media, is also alerted to the Commission's decisions through FTC news releases.

Additional efforts could be undertaken to enhance the effectiveness of cases in providing guidance. For example, the decisions could be disseminated more widely by sending packages of case materials to interested persons or industry members. In addition, a determination made by the Commission in an adjudicative proceeding under section 5(b) of the FTC Act that an act or practice is unfair or deceptive also may be synopsized and served on other members of the affected industry so that they will have actual notice of the Commission's determination.[13] The determination then may form the basis for civil penalty actions against those other companies if they are found to be engaging in the same conduct with actual knowledge that the practice is unfair or deceptive.[14]

A second avenue by which the Commission could address issues relating to environmental marketing claims is the promulgation of a trade regulation rule under section 18 of the Federal Trade Commission Act.[15] Under that section, the Commission is authorized to conduct rulemaking proceedings to determine if particular claims are deceptive.[16] If the

[12] Other means of providing guidance are also available. For example, staff members and individual Commissioners can offer informal guidance, or the staff or the Commission could issue advisory opinions under 16 CFR § 1.1 (1991).

[13] Ordinarily consent orders do not contain such a determination.

[14] 15 U.S.C. 45(m)(1)(B).

[15] 15 U.S.C. 57a. Although the Commission has issued rules in the past, the procedures contained in this provision are detailed and extensive, making a rulemaking proceeding a relatively time-consuming and resource-intensive process. Nonetheless, the Commission has used the process effectively. See, *e.g.*, 16 CFR part 444 (Credit Practices).

[16] The Commission lacks authority to initiate rulemaking under section 18 of the FTC Act that is intended to, or may, result in promulgation of a rule that prohibits or otherwise regulates commercial advertising on the basis of a determination that the advertising constitutes an unfair act or practice. See Public Law No. 101–515, 101st Cong., 2d Sess. (Nov. 5, 1990). Congress curtailed the Commission's authority to initiate rulemaking proceedings based upon a legal theory of unfairness in the FTC Improvements Act of 1980, Public Law No. 96–252, section 11(b), 94 Stat. 374, 379. Congress has extended this proscription by annual increments to September 30, 1991, by provisions in the Commission's appropriation legislation.

Commission makes these determinations, it may issue a trade regulation rule declaring the claims deceptive, and it may enforce the rule against those who continue to make such claims through judicial actions seeking civil penalities and injunctive relief. Trade regulation rules are binding on the public and the Commission and may be amended only after full rulemaking proceedings. Additionally, trade regulations rules may preempt state and local requirements.[17]

Guidance can also be provided through interpretive guides, or guidelines. Under section 6(f) of the FTC Act, the Commission has general authority to provide interpretations of its substantive laws by means of guidelines, advisory opinions, and policy statements. According to the Commission's Rules:

Industry guides are promulgated by the Commission on its own initiative or pursuant to petition filed * * * when it appears to the Commission that guidance as to the legal requirements applicable to particular practices would be beneficial in the public interest and would serve to bring about more widespread and equitable observance of laws administered by the Commission. In connection with the promulgation of industry guides, the Commission at any time may conduct such investigations, make such studies, and hold any conferences or hearings as it may deem appropriate.[18]

Commission guides issued in the past have often followed decisions in individual cases in which the agency has addressed questions of deception, unfairness, or substantiation based on records in administrative enforcement proceedings. Principles developed in those cases are then summarized to provide guidance to the industry in general concerning the likely enforcement position of the Commission with respect to practices used in the industry.[19] Other guides have resulted from numerous requests for advice over an extended period of time.[20]

One advantage of guides is that they would provide prospective industry-wide guidance on a number of issues. To the extent that some companies may refrain from making environmental claims because of concerns about the lack of specific guidance in the area, guidelines can encourage claims. In addition, if the guidance from guides is clearer or more extensive than that derived from cases, and if guides can be developed more quickly than illustrative cases are decided, more widespread compliance may result, and fewer enforcement actions may be necessary. Thus, guides may perform a useful function by stimulating voluntary abandonment of practices that the Commission considers unlawful and thereby may result in greater compliance with the law in a relatively short period of time.

On the other and, guides have the disadvantage of requiring the Commission to pass judgment on a wide range of potential claims in a pre-specified manner without having the benefit of analysis of the facts specific to each case and the context in which each particular claim was made. Therefore, to the extent that such guides are adhered to, the use of guides could increase the likelihood that the Commission might inadvertently either discourage beneficial claims or encourage deceptive claims. Guides also set a standard that may become obsolete as science, technology, and consumer knowledge of environmental issues evolve.

Whatever their effect, it should be recognized that guides are not binding either on the public or on the Commission. The Commission may change the policies reflected in such guides with minimal procedure and notice. In addition, guides may not be relied on as an independent basis for Commission enforcement action. If the use of a particular environmental claim appears to be inconsistent with a guide, any cease and desist order could issue only after a determination that the claim was unlawful under section 5. Guides, therefore, do not present a short-cut to reaching binding Commission decisions. Finally, guides have no formal, preemptive effect on State or local laws or regulations. Although they can set precedents to which the States may look, guides will not necessarily impose uniformity on a system of diverse regulations.[21]

In evaluating the desirability of issuing guides as a supplement to continuing its current case-by-case enforcement efforts, the Commission will assess both the advantages and disadvantages described above. Drafting workable guidelines for environmental labeling and advertising claims for a broad range of products will depend on the extent to which: (1) The context of a claim is important in determining an advertisement's meaning; (2) the state of scientific knowledge is changing concerning the impact of products on the environment; (3) consumers' knowledge and perceptions regarding environmental issues are changing; and (4) the technology of providing environmentally sound products is evolving.

The Commission seeks comment on how these and other factors affect the feasibility of developing workable guides, and, if guides are issued, how they should be structured so as to provide maximum guidance while minimizing the likelihood of inadvertently encouraging misleading claims or chilling truthful, non-misleading claims. The FTC also seeks comment on the comparative advantages and disadvantages of the various approaches to providing guidance for environmental claims including, but not necessarily limited to, the three methods discussed above.

6. Public Hearings

The Commission will hold public hearings on July 17–18, 1991, to receive comments on issues relating to whether additional guidance to the public is needed on the applicability of section 5 to environmental advertising and labeling claims and, more specifically, what form such guidance should take and what it should cover. Comments also will be received on the three proposed guidelines published with this notice. The hearings will consist of two days of testimony. Because of the limited amount of time available and the desire to hear a range of views, presenters will be grouped in appropriate panels and will be allotted a specified time for statements, which may be followed by questions from the Commission. Groups with common perspectives on the questions raised by this petition are urged to select a single representative.

Written requests to appear at the hearings should be submitted no later than June 20, 1991, to: Office of the

[17] See, *e.g.*, *City of New York* v *FCC*, 486 U.S. 57, 63–64 (1988); *Fidelity Federal Savings & Loan* v *De La Cuesta*, 458 U.S. 141, 153–54 (1982).

[18] 16 CFR 1.6 (1991).

[19] Existing guides range in subject and relevance to issues of current public interest from Guides for Advertising Fallout Shelters, 16 CFR part 229, to Guides for the Jewelry Industry, 16 CFR part 23.

[20] See, *e.g.*, Commentary on the Fair Credit Reporting Act, 16 CFR 600.1 (a compilation, adopted by the Commission, of responses to requests for advice under the FCRA).

[21] Although the Commission does not contend that its interpretive guides are binding, Commission interpretations may be accorded deference under state "litte FTC Acts." Some states require that Commission interpretations be given great weight. See, *e.g.*, Ala. Code § 8–9–16 (1975 & Supp. 1990); Alaska Stat. § 45.50.545 (1962 & Supp. 1990); Ariz. Rev. Stat. Ann. § 44–1522(B) (1986 & Supp. 1990). Some states also prohibit their state officials from adopting rules inconsistent with Commission interpretations. See, *e.g.*, Conn. Gen. Stat. Ann. § 42–110b(c) (1958 & Supp.1990); Fla. Stat. Ann. 501.205 (West 1991).

Secretary, room 159, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580. The notice of participation should contain the name, affiliation (if applicable), address, and telephone number of the participant and the individual presenter, a brief statement of the participant's interest in the matter, and the topic of presentation. Participants should put the words "Requests to Participate in Environmental Hearings" on the outside of the envelope.

If the Commission determines that there is not adequate time to hear from all those wishing to present comments, the Commission will select among those wishing to testify, in order to ensure that a range of viewpoints and interests is represented.

7. Questions for Comment

In considering the issues described in this notice, the Commission seeks information concerning the nature of the environmental advertising and labeling claims being made and the nature and extent of the deception or consumer injury being sustained, or likely to be sustained, from those claims. It also seeks comment on the extent of consumers' knowledge, or the nature of their perceptions, concerning environmental advertising claims, and evolving nature of their perceptions, and the evolving nature of science and technology relating to environmental claims. In addition, the Commission seeks comment on the costs, benefits, and feasibility of the available means of providing guidance: rules, guidelines, or enforcement actions with enhanced dissemination of the results of such actions. Finally, the Commission seeks comment on the pending petitions for guidelines and particularly the attached proposals.

In an effort to facilitate comment, the Commission poses the questions below. The Commission requests that the written comments (and oral presentations at the upcoming hearing) address any or all of these questions, focusing on the areas in which the commenter has particular interest or expertise. Please include a brief statement of your own or your organization's interest and expertise in the general area of environmental claims. In addition, please respond with as much specificity as possible, with references to empirical data wherever available and appropriate.

(1) What is the extent of consumers' knowledge or the nature of their perceptions concerning such claims? (Empirical data are essential.) How important is the context of the claims? Please identify, if possible, those environmental claims that may be most likely to inflict consumer harm and that may be most likely to benefit consumers. How widespread are these claims?

(a) Does the analysis of consumer deception depend on any of the following factors: (i) The availability of specific environmental services (*e.g.*, recycling, lawn and leaf composting, municipal solid waste composting) in a given area, (ii) the state of technology, and (iii) consumers' beliefs and misperceptions regarding environmental issues?

(b) What additional information do consumers need to know in order to avoid being deceived or unfairly misled by environmental claims?

(c) Are consumers' beliefs and knowledge regarding environmental issues changing over time and, if so, what effect would or should this have on governmental action?

(2) Is there a need for Commission action, and, if so, what form should that action take—increased case-by-case law enforcement, rulemaking, guides, or other?

(a) What are the relative advantages and limitations of relying on the traditional case-by-case application of section 5 and the FTC's Policy Statements as the vehicle for clarifying which environmental claims are deceptive, unsubstantiated, or unfair?

(b) Would the adoption and issuance by the Commission of either of the proposed guidelines published in this notice provide appropriate guidance on environmental advertising claims and, if not, what else would be needed?

(3) If consumer deception depends, at least in part, on factors that are likely to change over time, how should guides or rules be drafted to ensure, on the one hand, sufficient flexibility to adapt to change, and on the other, sufficient stability to provide reliable guidance beyond that already provided in the Commission's Policy Statements?

(a) What types of environmental claims are likely to increase or decrease in prevalence in the future, and why is their prevalence likely to change?

(b) What are the latest scientific developments and product innovations in the areas in which environmental claims currently are being made, or are likely to be made, and what future developments are likely?

(c) How often are guides or rules likely to need updating?

(4) What are the costs and benefits of each of the Commission approaches to providing further guidance? This discussion should include but not be limited to the benefits of each type of action to prevent deceptive claims and the possible costs of stifling truthful claims.

(5) How, if at all, are guides or rules aimed at preventing deception likely to encourage or discourage environmentally beneficial innovations in technology and products?

(6) What types and levels of costs are likely to result from adoption by the FTC and other government agencies, both Federal and State or local, of competing or conflicting regulations on the use of environmental claims, and is Federal preemptive action a useful solution?

(7) If guides are considered appropriate, on what empirical basis should they be developed, and how should such a basis be created?

(8) What are the legal and scientific bases for determining that the practices to be addressed by Commission action are unfair or deceptive practices in violation of section 5 of the Federal Trade Commission Act?

(9) What are the advantages and disadvantages of the various initiatives and proposals regulating environmental marketing claims described in this notice? What effect would the governmental and private initiatives have on the need for Commission guidance?

(10) What additional factors should the Commission consider in evaluating alternative methods of providing guidance on how to avoid deceptive, unfair, or unsubstantiated environmental marketing claims?

8. Proposed Guidelines

(a) Guidelines For Environmental Claims [22]

Section 1. Preamble

The purpose of these Guides is to provide assistance to businesses seeking to make claims about the environmental attributes of consumer products or packaging in compliance with section 5 of the Federal Trade Commission Act (the "Act"). The Guides focus on consumer perceptions that are likely to arise from various environmental claims, and seek to identify the types of claims that raise concerns about consumer deception. Under section 5 of the Act, a representation or omission is

[22] These guides were proposed by the National Food Processors Association, and American Association of Advertising Agencies, American Frozen Food Institute, Association of National Advertisers, Can Manufacturers Institute, Chemical Specialties Manufacturers Association, Food Marketing Institute, Grocery Industry Committee on Solid Waste, Grocery Manufacturers of America, International Dairy Foods Association, and Steel Can Recycling Institute.

deceptive if it is likely to mislead consumers, acting reasonably under the circumstances, to their detriment.

The Guides reflect the Commission's longstanding commitment to the principle that, when provided with accurate information, consumers themselves are the best instigators of improvements in the market. Thus, ensuring that claims about environmental attributes are truthful does more than protect consumers from deception. When firms are free to make truthful claims, competition over environmental attributes should lead to more product and packaging innovation by industry. Such competition also should stimulate the development of related markets, such as the market for recycled goods. In short, truthful advertising of environmental features ultimately will benefit both consumers and the environment generally.

The Guides are contextually based. The Commission's particular expertise lies in its ability to evaluate the impressions that advertisements or labels are likely to leave with consumers. Long experience with the evaluation of claims has taught the Commission that the meaning of a communication cannot be separated from its context. Thus, the Guides do not attempt to establish inflexible definitions of environmental terms and apply them rigidly in all contexts. Rather, through a series of examples, the Guides reveal the different meanings that a marketer might convey based on the use of particular language—or the omission of important qualifying language—about environmental features.

The Guides also do not attempt to provide definitive answers to scientific questions. Particularly in a field in which science and technology are rapidly changing, such conclusive answers may not be possible and are, in any event, beyond the Commission's expertise. Rather, the Guides rely on the well-established rule that advertisers must have a reasonable basis for claims before making them. As in any area of scientific uncertainty, the reasonable basis requirement does not demand scientific consensus. Instead, section 5 requires that an advertiser possess reliable evidence indicating the likely truth of its claim at the time the claim is made.

Section 2. General Provisions

(a) Scope. These Guides apply to environmental claims included in labeling, advertising, or other marketing materials (*e.g.*, in-store displays). Such claims may be made directly or by implication. They may also arise as a result of consumer interpretations of a product's brand name or trade name. The Guides apply to any person who makes an environmental claim in connection with the sale, offering for sale, or marketing of any product for personal, family or household use, or for commercial, institutional or industrial use.

(b) Reasonable Basis. As is true for all claims made to consumers, claims subject to the Guides must be supported by a reasonable basis. In this context, a reasonable basis will most often consist of scientific or professional tests, analyses, research, studies, or any other evidence based upon expertise of professionals in the relevant area, conducted and evaluated in an objective manner by persons qualified to do so, using procedures accepted in the profession or science to yield accurate and reliable results. For further guidance on the reasonable basis requirement, advertisers should consult the Commission's 1983 Policy Statement on the Advertising Substantiation Doctrine.

(c) Structure of the Guides. Each section of the Guides addresses claims in a particular area. Of necessity, the Guides are general in nature. However, each statement of general principles is followed by examples that suggest "safe harbors" for those seeking to ensure their compliance with the law. A given claim may, of course, raise issues that are addressed under more than one section of the Guides. Advertisers are cautioned to assure that their claims comply with all of the provisions of the Guides, not simply the provision that seems most directly applicable.

(d) Enforcement of the Guides. The Guides are what their name implies—guidelines for compliance with the law. As in all areas, the Commission will follow its normal practice of weighing the likely harm to consumers and the probable benefit to the public before determining whether or not to initiate a law enforcement proceeding to address conduct that may be inconsistent with the Guides.

Section 3. Claims of Recycled Content

(a) Scope of Claims. It is deceptive to misrepresent, directly or by implication, that a product or package, or a portion thereof, is made of recycled materials.

Example 1. A packaged product bears the word "recycled," without elaboration, on its label. Unless the type of product, surrounding language, or other elements of the context indicate otherwise, the term is likely to convey to consumers that substantially all components of the product and its packaging are made from recycled materials. Unless each such message is substantiated, the claim should be qualified.

Example 2. A soft drink bottle is labeled "recycled." The claim is deceptive unless the bottle is made from recycled materials. The bottle cap is an incidental component not addressed by the claim. Similarly, it would not be deceptive to label a shopping bag "recycled" where the bag is made of recycled material but the handle, an incidental component, is not.

Example 3. A product in a multi-component package, such as a paperboard sleeve in a shrink-wrapped plastic box, indicates that it has recycled packaging. The paperboard sleeve is made of recycled material, but the plastic box and shrink-wrapped plastic are not. The claim is deceptive. A claim limited to the paperboard sleeve would not be deceptive.

Example 4. A package is made from layers of foil, plastic, and paper laminated together, although the layers are indistinguishable to consumers. The label claims that the package contains "a layer of recycled paper." The claim is not deceptive, as long as the paper layer is more than an incidental component of the package.

(b) Quantity of Recycled Content. It is deceptive to misrepresent, directly or by implication, the amount of recycled material contained in a product or package.

Example 1. A company's soda bottles bear the word "recycled," without elaboration, on its label. The claim is deceptive unless, on average, substantially all of the material from which the bottles are made is recycled material.

Example 2. A product is labeled as containing "20% recycled material." The claim is deceptive unless the advertiser has a reasonable basis for concluding that at least 20%, by weight or volume, of the material in the product is recycled material.

Example 3. A package comprised of a cardboard sleeve over a plastic box bears the legend "package is 30% recycled material." Each packaging component amounts to one-half the weight of the total package. The sleeve is 20% recycled, while the plastic is 40% recycled. The claim is not deceptive, since the average amount of recycled material is 30%.

Example 4. An advertiser claims that "no other diaper contains more recycled content." The advertised diaper does have more recycled content than any other on the market, but the recycled content is well under 100%. The claim is not deceptive, because there is no representation of the amount of recycled

material in the product, and the specific comparison is substantiated.

Example 5. A package label bears the claim that the packaging material contains "50% recycled material." The seller purchases packaging material from several sources, and the amount of recycled material provided by each source varies. The 50% figure is based on the weighted average of recycled material purchased from the sources. The claim is not deceptive.

(c) Source of Recycled Material. It is deceptive to represent, directly or by implication, that a product or package contains recycled material unless there is a reasonable basis to believe that all material being claimed as part of the "recycled" content otherwise would have entered the solid waste stream.

Example 1. A manufacturer routinely collects spilled material and scraps from cutting finished products.

The material is combined with virgin raw material for use in further production of the same product. A claim that the additional products contain "recycled" material would be deceptive, because the material would not normally have entered the solid waste stream.

Example 2. A manufacturer purchases material from a firm that collects wastes of various sorts from manufacturers and resells them. The manufacturer includes the weight of this material in its calculations of the recycled content of its products. A claim of recycled content based on this calculation is not deceptive because, absent the purchase and reuse of this material by others, it would have entered the solid waste stream.

Example 3. A package is labeled as containing "20% recycled paper." Some of the recycled content was composed of material collected from consumers after use of the original product; the rest was composed of industrial scrap that otherwise would have entered the solid waste stream. The claim is not deceptive.

Example 4. A manufacturer produces a product made of flexible plastic. Scraps from the production line are diverted to a separate line in the plant, where they are incorporated into the production of a rigid plastic container with equal amounts of virgin material. A claim that the rigid plastic container contains "at least 50% recycled plastic" is not deceptive if, without the diversion, the waste material from the first process would have entered the solid waste stream.

Section 4. Claims of Recyclability

(a) Scope of Claims. It is deceptive to misrepresent, directly or by implication, that any product or packaging material can be recycled.

Example 1. A packaged product is labeled with a claim of recyclability. Unless the type of product, surrounding language, or other elements of the context indicate otherwise, the label is likely to convey to consumers that substantially all portions of the product and its packaging that remain after normal use of the product can be recycled. Unless each such message is substantiated, the claim should be qualified.

Example 2. A soft drink bottle with a metal cap is labeled as recyclable. As long as the bottle is recyclable, the claim is not deceptive. The cap is an incidental portion of the product.

Example 3. A product is packaged in a plastic tray in a paperboard sleeve, and wrapped in plastic. The label states "plastic tray recyclable where facilities exist." The claim is not deceptive as long as the plastic tray can be recycled. No claim is made for the recyclability of other components of the package.

Example 4. A plastic package is labeled with the Society of the Plastics Industry (SPI) code, consisting of a design of arrows in a triangular shape containing a number and abbreviation identifying the component plastic resin. Without more, the mere use of the SPI symbol (or the similar European code) does not constitute a claim of recyclability.

(b) Feasibility of Recycling. It is deceptive to misrepresent, directly or by implication, the feasibility of recycling a product or packaging material.

Example 1. A bottle bears the unqualified statement that it is "recyclable." The material in question is recycled in some parts of the country. The claim might nevertheless be deceptive if consumers understand the reference to mean that recycling facilities for the material are more widely available than is actually the case. Marketers should exercise caution before using such unqualified claims for a material.

Example 2. A soda bottle made of plastic is labeled with the claim "Recyclable where facilities exist." Recycling facilities for this material are available in some parts of the country, but not universally. The claim is not deceptive, because only a limited claim of recycling availability is being made.

Example 3. A package made of a certain plastic is labeled with the claim "Recyclable where facilities exist." This particular type of plastic is being recycled in only two facilities in the country, both of which are demonstration projects whose economic viability has not yet been demonstrated. Although the claim of recyclability is a limited one, facilities are virtually nonexistent and, given their status as demonstration projects, the continued viability is uncertain. As a result, the claim is deceptive. However, if the likely long-term viability of the demonstration projects could be demonstrated, the claim may be substantiated.

Example 4. A product is packaged in a plastic bottle that is labeled "recyclable through Company X facilities." The bottle's manufacturer has developed a technology to recycle the material, and has established numerous collection points around the country for transfer of used bottles back to the manufacturer's recycling facility. The claim is not deceptive because a reasonable amount of recycling is occurring consistent with the limited claim made.

Example 5. A label claims that the package "includes recyclable plastic." The package is composed of four layers of different materials, bonded together. One of the layers is a recyclable plastic, but the others are not. Even if it is technologically possible to separate the layers, the claim is deceptive unless the manufacturer has a reasonable basis for concluding that a reasonable amount of the material will actually be separated and recycled at some facilities around the country.

Section 5. Claims of Compostability.

(a) Scope of Claims. It is deceptive to misrepresent, directly or by implication, that any product or packaging material can be composted.

Example 1. A manufacturer indicates that its package or product is made of compostable materials. The claim is deceptive unless the manufacturer has reliable evidence that, through a process of physical, chemical, thermal and/or biological degradation in a solid waste composting facility, the product or package will be converted to soil-like material.

Example 2. A package is labeled with the phrase "can be composed," without elaboration. Unless the type of product, surrounding language, or other elements of the context indicate otherwise, the claim is deceptive unless both the product and the packaging can be processed in solid waste composting facilities.

Example 3. A manufacturer sells a disposable diaper that bears the legend "this diaper can be composted where municipal solid waste composting facilities exist." The claim is deceptive unless the manufacturer has reliable evidence that the diaper can be processed in municipal solid waste facilities and that all materials in the product either are compatible with

compost intended for soil application or can be screened from the final compost.

Example 4. A manufacturer sells paper yard waste bags with metal closure ties. The package indicates that the bags can be composted. If the bags can be composted, the claim is not deceptive. The closure ties are incidental components of the product.

(b) Feasibility of Composting. It is deceptive to misrepresent, directly or by implication, the feasibility of composting a product or packaging material.

Example 1. A manufacturer indicates that its package "can be composted where facilities exist." The package or its materials are being composted at facilities in some parts of the country. The claim is not deceptive because only a limited claim of composting facility availability is being made.

Example 2. A paper bag for yard waste is labeled "compostable." The bags are in fact composted at many locations around the country, at solid waste composting facilities accepting yard waste. Nevertheless, the unqualified claim may be deceptive if consumers understand it to mean that composting facilities for the material are more widely available than is actually the case. Marketers should exercise caution before making such unqualified claims.

Example 3. A manufacturer indicates that its package "can be composted where facilities exist." There is general agreement among experts on a technology for composting the material in question, but no facilities are yet in operation which accept the material. The claim is deceptive because it implies that at least some composting facilities are actually processing the material.

Section 6. Claims of Source Reductions

(a) Scope of Claims. It is deceptive to misrepresent, directly or by implication, that the manufacture of a product or package represents a source reduction as compared with another product or package.

Example 1. An ad claims that solid waste created by the advertiser's packaging is "now 10% less." The claim is deceptive unless the advertiser has substantiation that shows that the current package contributes, by weight or volume, 10% less waste to the solid waste stream as compared with the immediately preceding version of the package.

Example 2. A packaged product bears the claim "source reduced 20% to help the environment." Unless the type of product, surrounding language, or other elements of the context indicate otherwise, the claim is likely to convey to consumers that both the product and the packaging produce 20% less solid waste as compared with their immediately preceding counterparts. Each such claim must be substantiated.

Example 3. An advertiser notes that disposal of its product generates "10% less waste." The claim is ambiguous. Depending on contextual factors, it could be a comparison either to the immediately preceding product or to competitive products. The seller should clarify the claim, or be prepared for the possibility that both claims will need to be substantiated.

Example 4. A product's label states that it has "nontoxic packaging." The claim is deceptive unless the manufacturer has reliable evidence which shows that, under any reasonably foreseeable means of use or disposal, no part of the package will produce or leave behind toxic residues that pose more than a de minimis risk to human health or the environment.

Example 5. A product is labeled "source reduced." Consumers would expect that waste from the product has been reduced by a reasonable amount, and advertisers must have substantiation consistent with these expectations. Advertisers can minimize the risk of consumer misimpressions by providing additional information concerning the source reduction in connection with such claims.

Example 6. A package indicates that toxic byproducts have been source reduced. The manufacturer has reliable evidence that the package will produce significantly fewer toxic byproducts than the package it used in test marketing for the preceding three months. Although the claim is substantiated, it is deceptive because the comparison is not to a product that was regularly offered to the public at large for a reasonably substantial period of time.

(b) Timeliness of Claims. It is deceptive to misrepresent, directly or by implication, when a source reduction was implemented.

Example 1. An ad claims that solid waste created by the advertiser's packaging is "now 10% less." The claim is deceptive unless the source reduction was implemented recently—at least within the past 12 months. If the comparison is to a much earlier package, then the advertiser should indicate the time frame covered by the comparison, such as "the package we used 5 years ago."

Example 2. An ad claims that the advertiser's packaging creates "less waste than the leading national brand." The advertiser's source reduction was implemented four years ago, and is supported by a detailed mass balance calculation comparing the relative solid waste contributions of the two packages. The claim is not deceptive, because it does not misrepresent when the source reduction was implemented and the comparison appears still to be true. If the advertiser had reason to believe that either it or its competitor had changed its packaging in the interim in a manner that rendered the claim unsubstantiated, the claim would be deceptive.

Example 3. An ad for a cleaning fluid in a plastic container states that it creates "20% less waste than our comparable glass bottle." The product is still available in a glass bottle. The plastic container was introduced to the market three years ago, and there is a reasonable basis for the comparison. The claim is not deceptive. However, if the ad stated or implied that the source reduction was a recent one, the claim would be deceptive

Example 7. Claims of Refillability/Reusability

(a) Scope of Claims. It is deceptive to represent, directly or by implication, that a package is refillable or reusable unless there is in existence a program for: (1) The collection and return of such packages to the manufacturer for reuse in a manufacturing process or for reuse and refill without remanufacture; or (2) the later use of the package by consumers to mix, cook, use, or store product subsequently sold in another package.

Example 1. A package is labeled "refillable 5 times." The manufacturer has the capability to reuse returned packages, and can show that the package will withstand at least 5 manufacturing cycles. The claim is nevertheless deceptive unless there is a program for the collection and return of the packages to the manufacturer.

Example 2. A bottle of fabric softener states that it is in a "handy refillable container." The manufacturer also sells a large-sized container which indicates that the consumer is expected to use it to refill the smaller container. The claim is not deceptive because there is a program for the subsequent use of the container by consumers to store the same product sold in a different container.

Example 3. A small food jar bears the legend "reusable." The manufacturer has evidence that a significant number of consumers use the jars to store screws and nails. The claim is nevertheless deceptive because storing such articles is not a "reuse" of the food

jar, and there is no program for such reuse.

(b) Quantification of Claims. It is deceptive to misrepresent, directly or by implication, the number of times a package may be refilled or reused without a material adverse impact.

Example 1. A cleaning solution bottle bears the word "refillable," without elaboration. The manufacturer has a collection and reuse program, under which the bottle can be refilled no more than four times without material adverse impact. Consumers are likely to believe that the bottle can be refilled a reasonable number of times without material adverse impact. What constitutes a reasonable number of times will depend on circumstances, such as the nature of the product and consumer awareness of refilling practices. Advertisers can minimize the potential for deception by specifying the number of times a product may reasonably be refilled or reused.

Example 2. A cake manufacturer sells a product kit containing cake mix and a baking tray. It also sells a product containing only the cake mix. The tray is sized specifically for the mixing instructions on the cake mix package and can be reused to make more cakes. After 5 baking and washing cycles, the tray loses its material functionality. A claim of "reusable 5 times" for the tray is not deceptive.

Section 8. General Claims

It is deceptive to make generalized statements of environmental benefit unless there is a reasonable basis for each claim consumers will take from such statements.

Note: Generalized claims of environmental benefit, such as "environmentally friendly," "green," "earth friendly," "environmentally safe," and the like, are very difficult to interpret. In some contexts, such statements may be regarded by consumers as mere puffery, thus requiring no substantiation. In many cases, however, these statements may imply environmental benefits that are both specific and far-reaching. Thus, advertisers should exercise great caution before deciding to use terms of this type. The examples below suggest the types of interpretations which could arise from such generalized statements.

Example 1. A manufacturer states that its packaging is "now environmentally friendlier." The packaging is, in fact, source reduced 15% compared to previous packaging, but it is not recyclable. The claim is deceptive if consumers interpret "environmentally friendlier" in this context to mean that all significant environmental aspects of the packaging are improved over previous packaging. A source reduction claim that focuses on solid waste and is substantiated would not be deceptive.

Example 2. The seller of an aerosol product claims that the product is "ozone friendly." In fact, chlorofluorocarbons ("CFCs") have been removed from the product. The claim is deceptive unless the manufacturer can establish that none of the product's emissions will have adverse effects on the upper atmosphere. A specific claim regarding the absence of CFCs would not be deceptive.

Example 3. A brand name like "Eco-Safe" would be deceptive if, in the context of the product in question, it leads consumers to believe that the product has environmental benefits that cannot be substantiated by the manufacturer. The claim would not be deceptive if "Eco-Safe" were followed by qualifing language limiting the safety representation to a particular product attribute for which it could be substantiated.

(b) Guidelines for Recycling Claims [23]

Section X. Claims of Recyclability

Example. Two products are packaged in plastic bottles, both made from the same type of plastic and both labeled "recyclable where facilities exist." One bottle is large and the other is small. The large bottle is being recycled throughout the country, but currently there are few recycling facilities equipped to recycle the small plastic bottle. The recyclability claims are not deceptive, because both bottles are made of a plastic that is currently being recycled throughout the country.

Example. A product is packaged in a plastic bottle that is labeled "recyclable where facilities exist." The plastic bottle is made of a material that is being recycled throughout the country. Affixed to the bottle is a label made from a material that is not recyclable. Even if it is technologically feasible for a recycling facility to separate the label from the bottle, the claim is deceptive unless the manufacturer has a reasonable basis for concluding that it is economically feasible for a processing or recycling facility to separate the label from the bottle.

Example. A product is packaged in a plastic bottle that is made of a material that is being recycled throughout the country. Affixed to the bottle is a label made from a material that is not recyclable. The product is labeled "recyclable if consumer removes label." The claim is not deceptive.

[23] These guides were proposed by the Cosmetic, Toiletry, and Fragrance Association and the National Nonprescription Drug Manufacturers Association.

Section Y. Claims of Quantity of Recycled Content

Example. A product is packaged in a "blister pack" consisting of recycled cardboard and non-recycled plastic. A statement on the cardboard portion of the blister pack claims "recycled," without elaboration, or "made from recycled material." Such claims are deceptive because they are likely to convey to consumers that the entire blister pack is recycled. If the statement read, "made from recycled cardboard," the claim would not be deceptive.

Example. A product is packaged in a bottle made from three types of plastic, laminated together. The two thin outer layers are made from plastic that is not recycled, and the middle layer is made from recycled plastic. The bottle contains the statement, "bottle contains at least X% recycled plastic." The claim is not deceptive.

(c) The Green Report II: Recommendations for Responsible Environmental Advertising [24]

1. Claims Should Be Specific

Environmental claims should be as specific as possible, and not general, overly broad.

Commentary: Not only are terms such as "environmentally friendly" or "safe for the environment" too vague to be meaningful but, because of the inherent complexity of environmental issues, simplified statements have a tendency to be inaccurate. Moreover, vague and incomplete claims do not permit consumers to make meaningful comparisons between products. Providing more specific information allows consumers to evaluate environmental attributes for themselves and makes an important contribution to consumer education. Specific claims also prevent the misunderstanding that is probable when a more generalized term or phrase is used because such term or phrase may be subject to more than one reasonable interpretation. Finally, specific information minimizes the risk that consumers will attach a broader significance to the product's actual environmental attributes than is warranted.

[24] The recommendations in "The Green Report II: Recommendations for Responsible Environmental Advertising" were proposed by a task force of the attorneys general of eleven states: California, Florida, Massachusetts, Minnestota, Missouri, New York, Tennessee, Texas, Utah, Washington, and Wisconsin.

1.1 Use of Terms "Environmentally Friendly" and "Safe for the Environment"

Generalized environmental claims which imply that a product has no negative or adverse impact on the environment should be avoided. Instead, claims should be specific and state the precise environmental benefit that the product provides.

Commentary: In the absence of standards for comparing the environmental impacts of products throughout a product's lifecycle, it is very difficult, if not impossible, to substantiate claims of generalized environmental benefit. Moreover, generalized environmental benefit claims may create an unwarranted impression that a product is good for the environment in all respects. As stated in our preliminary report, the production and use of products necessarily have adverse environmental consequences. For these reasons, such claims should be avoided altogether. Instead, companies should make truthful, narrowly-drawn claims that specify the precise environmental attribute of a product. Such claims are much more useful to consumers and avoid the potential for deception.

1.2 Pre-existing Environmental Attributes

The promotion of a previously-existing but previously-unadvertised positive environmental attribute should not create, either explicitly or implicitly, the perception that the product has been recently modified or improved.

Commentary: There was objection to the preliminary recommendation of the Task Force that when promoting a previously-existing but previously-unadvertised positive environmental attribute an advertiser make clear that the product had not been modified or improved. Companies commented that an affirmative disclosure that the product had not been modified would place a company that had long made a product with a positive environmental attribute at a competitive disadvantage to a company that only now reformulates its product to achieve the same attribute.

This was not the intended result of the Task Force. Therefore, the Task Force has modified the recommendation to make our intention clear. The final recommendation is that promotion of a previously-existing but previously unadvertised positive environmental attribute of a product should not create, either explicitly or implicitly, the impression that the product has been recently modified or improved. Companies should not misinterpret this modification as encouragement to promote previously unadvertised attributes in an irresponsible or deceptive manner. Companies must insure that such claims do not mislead, even implicitly; of course, claims must also be literally true.

For example, some companies have used recycled paper in their packaging materials for years. Consumers are now sensitive to the environmental benefits of recycling and base their purchasing decisions, in part, on whether product packaging is made from recycled materials. The company that has been doing the responsible thing for years may promote that fact, provided that such promotion does not mislead. Clearly, it would be deceptive to promote a product that had been packaged in recycled paper for ten years by saying "Now! Recycled package!" It would not be deceptive, on the other hand, to say "We have used 100% recycled paper for years," as long as that claim is true and does not otherwise deceive.

1.3 Removal of Harmful Ingredient

In promoting the removal of a single harmful ingredient or a few harmful ingredients from a product or package, care should be taken to avoid the impression that the product is good for the environment in all respects.

Commentary: This a problem that came to light when the Task Force began examining claims being made for aerosol spray products. Some aerosol spray products made without CFCs are advertised as "safe for the environment" or "ozone friendly," but they may contain other ingredients that contribute to destruction of the stratospheric ozone layer, such as 1,1,1,-trichloroethane. Certain of these products identify the chemical additives on the label; others do not. Promoting a product which contains ozone depleting ingredients as "ozone friendly" is clearly misleading. The Task Force is also concerned that stating that such a product "contains no CFCs" may also mislead because the phrase "no CFCs" may mean "safe for the ozone" to many consumers.

Labeling an aerosol spray product that does not contain any ozone depleting chemicals as "safe for the environment" may also be misleading because many of these products contain volatile organic compounds that are linked to the creation of ground level ozone, a component of smog. A more appropriate, less confusing claim for such a product would be one which states "contains no ozone depleting ingredients" or "does not contribute to ozone depletion." In addition, since concerned consumers are becoming more sophisticated in their knowledge about chemicals and their impact on the environment, companies should list the ingredients used in their products so that consumers can avoid other potentially harmful propellants or ingredients if they choose.

1.4 Benefits of Products versus Packaging

A clear distinction should be made between the environmental attributes of a product and the environmental attributes of its packaging.

Commentary: The testimony of a county recycling official at the Public Forum in Minnesota illustrates the problems that can arise when such distinction is not clearly made. A manufacturer of disposable diapers placed a sticker on the plastic wrapper containing its diapers which states "recyclable" in large capital letters. Below the word "recyclable," in smaller print, were the words "This softpac is recyclable where plastic bag recycling facilities exist." The county recycling official reported that shortly after the sticker appeared on the wrapper, a consumer dropped off a pile of the plastic wrappers and a garbage bag full of dirty diapers. Evidently, the consumer thought that the diapers, as well as the plastic wrapper, were recyclable. In fact, the recycling facility accepts only milk and soft drink bottles—not plastic bags and certainly not used disposable diapers.

1.5 Use of Term "Recycled"

Recycled content claims should be specific and separate percentages should be disclosed for post-consumer and pre-consumer materials. To avoid the potential for deception, the Task Force recommends that only post-consumer materials be referred to as "recycled" material. Recaptured factory material should be referred to by some other term, such as "reprocessed (or recovered) industrial material."

Commentary: There is clearly a need to set national standards and definitions for the term "recycled" because the term is being used to refer to several different types of material. Consumers and solid waste managers should be able to discern, from a label, the sources for the recycled content of a product. Until national definitions are in place, the Task Force believes that full disclosure of both the source and the percentage of recovered materials is critical to avoid misleading consumers.

Realistically, when consumers think about recycling, they are thinking only about post-consumer waste—the trash they leave at the curb. The Task Force is

of the opinion that consumers commonly believe that products labeled "recycled" contain material that consumers have recycled, *i.e.*, household waste, that has been separated out by the consumer for separate collection by a recycler and reused in creating new products. Because solid waste managers are often unable to locate markets for materials that consumers discard, state policymakers have sought to stimulate these markets by requiring that specific amounts of post-consumer material be incorporated into products before they can be labeled as "recycled." [25] Consumers can only support markets for such recyclable post-consumer material, thus improving the chances that more of their waste will actually be incorporated into new products, if they can determine which products are made from post-consumer materials.

This is not to say that other forms of internal industrial recycling of industry-generated waste are unimportant for the environment. They are important. National figures indicate that the amount of industrial waste far surpasses the amount of waste generated by households. However, industry does not need to rely on advertising to stimulate the routine recycling of factory scraps back into the manufacturing process. Industry already has a strong financial incentive to recycle this type of material. When industry recycles its own by-products, it makes more internally-efficient use of raw materials and, presumably, becomes more cost efficient because it has conserved both natural materials and reduced its own internal disposal costs. Industry may, however, need an incentive to recycle factory wastes that are generally landfilled or incinerated. The Task Force believes that a distinction must be made between factory waste that is routinely fed back into the industrial process and factory waste that is routinely discarded. Only those industrial by-products that are actually diverted from the waste stream should be promoted as "recovered content" when used to make new products or packaging.

Because both consumers and policymakers have an interest in differentiating between the source of materials that can be included in recycled content, a distinction should be made between pre- and post-consumer materials in advertising, and a separate percentage should be listed for each. Further, because consumers generally understand "recycled content" to mean only post-consumer materials, to avoid deception a different word or phrase, such as "reprocessed (or recovered) industrial material," is recommended to describe factory waste that has been diverted from the waste stream. For example, if a company elects to advertise only the post-consumer material content of a product it could advertise "made from 50% recycled fibers." If a company wants to advertise both pre- and post-consumer content it might say "Our package is made from 50% recycled paper and 50% recovered industrial material."

The Task Force recognizes that a number of companies are seeking to have new technologies or technological modifications, such as the use of sawdust in making paper, designated as "recycling" technologies because of their desire to advertise their product as made from recycled materials. While innovative and environmentally-sound technologies such as these should be acknowledged, the use of the term "recycled" to describe the resulting products would only add confusion where confusion already abounds. Advertising such a product as "made from sawdust" or "made from reprocessed industrial material" more accurately describes the technological process involved.

1.6 Comparative Claims

Only complete and full comparisons should be made; the basis for the comparison should be stated.

Commentary: Any specific claim that includes a comparative statement such as "better for the environment" should only be used if a complete and full comparison is made and the basis for the comparison is stated. Such a comparison might be: "This product is better than (our former product) (our competitor's product) because * * *."

1.7 Product Life Assessments

The results of product life assessments should not be used to advertise or promote specific products until uniform methods for conducting such assessments are developed and a general consensus is reached among government, business, environmental and comsumer groups on how this type of environmental comparison can be advertised non-deceptively.

Commentary: Although product life assessments or cradle-to-grave product analyses are expected to be extremely useful for evaluating the overall environmental effects of various manufacturing processes and products, the methodology for this type of assessment has not yet been fully developed. Experts in many fields are now working together to develop a consensus on how to conduct these complex and costly comparisons.[26]

Promotional materials that refer to product life assessments demonstrate the problems with using information from such assessments at this time. Problems include comparisons of information that technically cannot be compared; references to only the positive environmental aspects of one product and only the negative aspects of the competing product; and misuse of such assessments by third parties who do not know how to interpret the results. Moreover, the few product life assessments that have been conducted by the business community have come out in favor of the manufacturer who paid for the assessment and against that manufacturer's "target" competitor. For these reasons, the Task Force believes that, at the current time, it is misleading to use the results of product life assessments in advertisements.

However, nothing in this section should be read to discourage industry from using product life assessments to determine what products to manufacture or how to modify already existing products so as to lessen their adverse impact on the environment. In light of our growing environmental crisis, every possible tool should be employed by industry to protect our natural environment.

1.8 Third-Party Certifications and Seals of Approval

Environmental certifications and seals of approval must be designed and promoted with great care, to avoid misleading the public.

Commentary: The use of certifications, seals of approval and other third-party evaluations has become a more pressing issue than it was when the Task Force began its inquiry. The last year has seen the emergence of a variety of programs in which products are evaluated by an independent third party, and the evaluation is then used in advertising and labeling.

Most conspicuous among these arrangements are several private seal

[25] California, New York, and New Hampshire all require that a product include some percentage of post-consumer waste before it can be labeled "recycled." Rhode Island requires separate disclosure of pre-consumer and post-consumer waste content for materials labeled "recycled."

[26] Experts in many fields have been working cooperatively with the support of the EPA to reach a consensus on the methods to be used to conduct the most accurate and useful product life assessments. Most parties agree that using such assessments now to make comparisons between products is inappropriate because a great deal of technical work remains to be done before agreements on methods for conducting such assessments ca reached.

programs that will, for a fee, certify one or more environmental attributes of qualifying products, and then allow the manufacturer to display the program's seal on certified products.[27] Other third-party certification programs are also proliferating. These include the governmentally sponsored environmental seals already in place in Canada, Germany, Japan, and the Scandinavian countries; a new seal being developed by the European Economic Community; and governmental seals for recycled products and "organic" foods being developed in several states. In addition, several major retailers have developed in-house programs to highlight ostensibly "environmentally superior" products—whether by a seal, shelf-labeling, in-store displays, or distinctive private label packaging.[28] In theory, there is no reason that third-party assessments cannot play an important role in the environmental advertising area. Consumers would undoubtedly benefit from detailed environmental product comparisons if those comparisons were based on testing conducted with the appropriate safeguards. However, the use of these comparisons, when communicated through advertising and on product packaging, can present significant problems.

For example, the Task Force is concerned about the criteria grantors of "seals" will use to select product categories and to determine whether a product qualifies for a "seal of approval." The criteria used are critical to determining whether the "seal" is meaningful or, on the other hand, potentially confusing and deceptive.

Another concern is the danger that financial consideration may lead programs to choose product categories and evaluation criteria that are actually at odds with environmental goals because those manufacturers most willing to pay for a "seal" may have products that are environmentally suspect or environmentally inferior to alternatives not included in the seal program. For example, the on-going public debate about the relative merits of paper and plastic bags might tempt a program to award seals in a "grocery bag" category. However, experts agree that, whenever possible, shoppers should avoid disposable bags and carry their own reusable bags. This option would be difficult to include in establishing the product category criteria because it is unlikely to generate certification fees for the seal program.

The Task Force is equally concerned that certification programs may award seals on the basis of a single criterion that may be arbitrary, trivial or even intrinsically deceptive. For example, a program might award a seal to an environmentally harmful product simply on the basis of the recycled content of the outer package. Or a seal could be awarded to single-use paper towels, made of virgin wood products by a process using chlorine bleach, wrapped in non-recycled and non-recyclable plastic, solely on the basis of the partial recycled content in the towel's inner cardboard core. As these examples demonstrate, when a product is awarded a certificate or seal on the basis of a single criterion or a few criteria, it is critical that those criteria be carefully chosen to reflect the product's dominant environmental impact.

In some cases—for example, where there are no clearly dominant environmental benefits—meaningful product evaluation may require an in-depth lifecycle assessment, and for this reason, such a product should not at this time receive any seal of approval or certification that is used for advertising purposes. As discussed in section 1.7 above, there simply is not enough information available today to draw reliable conclusions about the cradle-to-grave environmental impact of most products.

Even if a program uses appropriate criteria in granting its certification, problems may still arise when the certification logo is used as a sales tool. No matter how laudable a seal program's purposes may be, if the manufacturers who pay for the use of the seal advertise it in a confusing and deceptive manner, its implementation may persent more problems for consumers than solutions.

The use of seals on packages and in advertising must therefore be done with the utmost of care. In particular, advertisers must not overstate the meaning or importance of the logo to their product, either explicitly or by the configuration of their labels and advertisements. For example, seals based on only one attribute of a product must be very clear about that fact. Seals based on a constellation of "key" factors should be clearly explained, to void the easily-fostered misperception that a prominent seal constitutes an absolute, cradle-to-grave endorsement of the product. Nor shouted any environmnental claim be made in proximity to a seal on a package, unless the claim is in fact certified as true by the seal grantor.

There is also a danger that a manufacturer will use a seal to imply that its product is superior to products that lack the seal, when in fact the other products may have no seal simply because their manufacturers chose not to pay to participate in the certification program, or could not afford to do so. This may be so even though their products may be superior for the environment. One safeguard for this problem would be disclosure, on products and elsewhere, that fees are paid to use the seal.

The Task Force believes that the seal grantors have an independent duty to effectively monitor the use of their seals in order to prevent deception, and may themselves be subject to legal action if they permit their seals to be used deceptively. This duty extends not only to the manner in which logos are displayed on packages, but to all advertising by licensees. It also includes an affirmative duty to communicate to the public the true significance of each seal, whether through in-store information, separate advertising by the grantor, or information on the logo.

For all of these reasons, the Task Force sees a serious potential for deception unless certification programs are designed, promoted, and monitored very carefully. If properly implemented, certifications may offer real benefits, but opportunities for missteps abound. Manufacturers and seal grantors alike should therefore proceed with great caution.

1.9 Souce Reduction Claims

Source reduction claims should be specific, and where possible include percentages. Comparisons should be clear and complete.

Commentary: The Task Force recognizes that source reduction can provide a significant environmental benefit. Some companies took the Task Force's silence on source reduction

[27] One member of this Task Force, Attorney General Hubert H. Humphrey III of Minnesota, serves as an uncompensated member of the Board of Directors of one such organization, the nonprofit corporation, Green Seal.

[28] Many companies are also pursuing less direct methods of legitimizing their products by associating them with respected third-party environmental organizations—for example, by establishing tie-in arrangements in which the company makes a financial contribution to an environmental organization for each product sold. While not certification programs in the strict sense, these arrangements are similar, in that their purpose is to establish the environmental credentials of a product by associating it with a respected third-party—often by featuring the third party's name or logo in the product's packaging or advertising. These tie-in arrangements raise many of the same problems discussed in this section with regard to certification programs. Thus, those using such tie-in arrangements should take into account the discussion regarding certification programs when developing or participating in these promotions.

claims to mean that such claims are unacceptable. That is not correct.

Companies that have made strides towards reducing packaging (for example, by using fewer layers of packaging or smaller containers/boxes), companies that have designed products that encourage consumers to reuse their original containers (for example, by selling concentrated refills in small paper containers that consumers can reconstitute in their original plastic container), and companies that have significantly reduced the actual size of their products certainly can advertise their efforts at source reduction so long as the claims made are truthful and accurate.

However, to avoid the possibility of deception, such claims should be specific and, where possible, include exact percentages for the reduction in weight or volume (e.g., "Now 10% less packaging than before"). Source reduction claims should only be made for a relatively short period of time—six months to one year—immediately following the implementation of the change in size. Comparisons should always be complete (e.g., "10% less volume than our previous package"). Size reduction comparisons should be made only to the previous version of the manufacturer's product on the market unless there is a clear disclosure that a comparison is being made to a different product(s) (e.g., "10% less packaging than the leading brand").

2. Claims Should Reflect Current Solid Waste Management Options

Environmental claims relating to the disposability or potential for recovery of a particular product (e.g., "compostable" or "recyclable") should be made in a manner that clearly discloses the general availability of the advertised option where the product is sold.

Commentary. In the preliminary report, the Task Force recommended that all solid waste management claims be location specific. While environmental and consumer groups heartily endorsed this approach, the opposition from industry was nearly unanimous. Representatives from the business and advertising communities argued that it is impossible to make location specific disposability or recovery claims for products sold nationally. Moreover, they argued, if industry stops making such claims, consumers and the environment will suffer because: (1) Consumers will not be informed as to which products are potentially recyclable or compostable and therefore will not be motivated to push for recycling or composting facilities that will accommodate these specific types of products in their communities; and (2) where composting or recycling facilities are available, consumers will not dispose of products properly if they are not clearly labeled as compostable or recyclable.

The Task Force is not persuaded by the first argument. It is true that their is a need to promote the creation of recycling and composting facilities, but there are many ways to achieve this goal without misleading consumers. For example, straighforward, informational advertisements that tell the full story are likely to accomplish more than ambiguous labeling buzzwords. Even on labels, companies can easily give a clear, non-deceptive message. For example, one company currently puts the following message on its plastic laundry product containers: "We are now using technology that can include recycled plastics in our bottles at levels of 25–35%. But to do so consistently, we need more recycled plastic. So please encourage recycling in your community." Such a statement, by indicating that plastic can be recycled and used by this manufacture, encourages consumers to recycle, or to advocate for recycling facilities where none exist, without being misleading.

The controversy arises not because industry cannot write non-misleading labels, but rather because non-misleading labels are often less effective sales tools. The Task Force believes, that if a disposability or recovery claim cannot be made without misleading consumers in a number of communities, then it should not be made at all. Such claims must be clarified to ensure that the public is well-informed rather than deceived. As discussed in the sections that follow, the Task Force believes there is a middle ground that will achieve that goal and foster the emergence of alternative solid waste management facilities. The worst possible solution, the Task Force is convinced, would be to continue the use of the unqualified terms "recyclable" and "compostable" on products that are not widely recyclable or compostable until consumers become so disillusioned, annoyed and frustrated that they lose interest in recycling and composting generally.

The Task Force still firmly believes that degradability claims should not be made for products that are likely to be disposed of in landfills or incinerators. During the December, 1990, hearings in San Diego, representatives from the plastic and paper industries generally conceded that degradable products provide virtually no environmental benefit when disposed of in landfills. During the past year, the Task Force has witnessed substantial movement on the part of manufacturers toward removing degradability claims from products destined for landfills or incinerators because of the confusion such claims created for consumers. Because of industry's willingness to discontinue such claims it appears that, for the most part, this particular controversy regarding the use of the word "degradable" has been resolved.

However, both plastic and paper manufacturers indicated that they were interested in promoting degradable products as "compostable" or "degradable if deposited in a composting facility." This also presents potential deception problems. Although several communities now compost yard trimmings, few compost other types of municipal solid waste. Several questions are now being raised about the environmental soundness of composting inorganic and organic materials together because of the danger of contaminating the resulting compost. These problems may stall efforts to develop general municipal solid waste composting facilities.

At the current time, composting is not an available option for the vast majority of consumers in the United States. The advertising today of an environmental attribute that cannot be realized until some uncertain time in the future is confusing and misleads the consumer. Consumers are purchasing products and packaging that must be disposed of in short order. To avoid potential deception, companies that elect to make claims such as "compostable" or "degradable if deposited in a composting facility" must also clearly disclose the current limited availability of this disposal option and the fact that the product is not designed to degrade in a landfill. (See section 2.2 for examples.)

Recyclability claims present similar problems. Only those nationally sold products that are generally recyclable everywhere should carry an unqualified "recyclable" claim. Other products that are recyclable in some communities, but not in others, should only make qualified recyclability claims that inform the public that the product is potentially recyclable without misleading consumers to believe that the product is recyclable everywhere it is sold. (See Section 2.3 for examples.)

2.1 Use of terms "Degradable," "Biodegradable," and "Photodegradable"

Products that are currently disposed of primarily in landfills or through incineration—whether paper or plastic—should not be promoted as

"degradable," "biodegradable," or "photodegradable."

Commentary: While there was some debate over the environmental benefits of disposing of degradable products in landfills at the Public Forum in March, 1990, by December, 1990, at the hearings in San Diego, virtually all the companies that testified conceded (or had accepted) that degradability claims should not be made for products likely to be disposed of in landfills.[29]

The Task Force notes, however, that it may be appropriate to make claims about the "biodegradability" of a product when that product is disposed of in a waste management facility that is designed to take advantage of biodegradability (such as a municipal solid waste composting facility) and the product at issue will safely break down at a sufficiently rapid rate and with enough completeness when disposed of in that system to meet the standards set by any existent state or federal regulations. (See section 2.2.)

2.2. Use of Term "Compostable"

Unqualified compostability claims should not be made for products sold nationally unless a significant amount of the product is currently being composted everywhere the product is sold. In all other cases, compostability claims should be accompanied by a clear disclosure about the limited availability of this disposal option. If a claim of degradability is made in the context of a product's compostability a disclosure should be made that the product is not designed to degrade in a landfill.

Commentary: A product sold nationally should not be promoted as "compostable" or "compostable where composting facilities exist" until a significant amount of the product is composted nationally. There are currently very few locations in the United States where anything other than yard trimmings is composted. Thus, at the present time, promoting most nationally sold products as "compostable" is meaningless at best and potentially deceptive. Because of the extremely limited availability of municipal solid waste composting facilities, the Task Force believes that compostability claims for most products sold nationally are premature. In sum, companies should proceed with extreme caution in promoting this product attribute.

To minimize the risk of deception, a compostability claim should be both qualified and as specific as possible. For example, "This product is potentially compostable; however, less than 1% of the U.S. population has access to composting facilities. To find out if there is a composting facility near you, call (800) xxx-xxxx" would be an informative, non-deceptive claim. In addition, if only a portion of the product is compostable that fact and the percentage that is compostable should be clearly disclosed. Other material facts regarding the dangers of composting certain products should also be made explicit. One such fact, for example, is that disposable diapers should not be composted in backyard compost bins designed for food scraps and/or yard trimmings or in municipal lawn and leaf composting operations because of health and sanitation problems. Another is that many solid waste managers do not recommend that paper or plastic packaging materials be composted at home or in municipal yard trimming composting facilities.

Finally, because of the widespread misunderstanding among consumers about the benefits of "degradability" for products disposed of in landfills, the label of any product promoted as "degradable if disposed of in a composting facility" should clearly and prominently disclose that the product is not designed to degrade quickly in landfills.

2.3 Use of Term "Recyclable"

Unqualified recyclability claims should not be made for products sold nationally unless a significant amount of the product is being recycled everywhere the product is sold. Where a product is being recycled in many areas of the country, a qualified recyclability claim can be made. If consumers have little or no opportunity to recycle a product, recyclability claims should not be made.

Commentary: Products sold nationally should not be promoted with the unqualified claim "recyclable" unless the product is currently being recycled in a significant amount everywhere the product is sold. Thus, for example, aluminum cans, which are recyclable virtually everywhere in this country, could carry the unqualified claim "Recyclable," or the phrase "Please recycle."[30]

Where a nationally sold product can be recycled in many communities, but not everywhere it is sold, recyclability claims should be qualified to avoid the potential for deception. The Task Force strongly recommends that companies desiring to promote their products' recyclability set up 800 numbers so that consumers can find out if recycling facilities exist near them. Such a company could advertise saying, "Recyclable in many communities. Call us at (800) xxx-xxxx to find out if there is a recycling facility that accepts this product near you. Support recycling." Such a claim informs consumers that the product can be recycled in some communities and tells them how to find out if they can recycle it in their community, but avoids giving the impression that the product is being recycled everywhere.[31] In addition, if only a portion of the product (for example, the paper wrapper) is recyclable, that fact should be clearly disclosed.

However, if a product is only technically capable of being recycled and is, in fact, only being recycled at a few test sites, then no recyclability claim should be made because there is no real opportunity to recycle. If a company marketing such a product wants to promote the fact that the product has the potential to be recycled, or that it is technologically possible to recycle it, then that company should clearly disclose all of the material facts,

[29] As detailed in the Preliminary Report, there is good reason why such claims should not be made. Even products specifically modified to degrade more rapidly than conventional products do not degrade at any appreciable rate in landfills. Clearly they are not breaking down fast enough to extend the useful life of our landfills. Moreover, in a report submitted to Congress in February 1990 entitled "Methods to Manage and Control Plastic Wastes," the EPA stated that degradable plastics will not help solve the landfill capacity problems facing many communities in the United States. Indeed, to the extent degradable plastics do break down over some extended period of time, their degradability may actually be harmful, because breakdown can create toxic leachates and dangerous methane gas—precisely the result that modern landfills are designed to inhibit. Further, degradability claims on plastic products may send the message that it is all right to litter such products. The Task Force believes that consumers are confused about the environmental effects of degradability for products disposed of in landfills or incinerators, and that the widespread use of deceptive degradability claims in advertising and packaging have both taken advantage of and exacerbated consumer confusion about the environmental benefits of degradability.

[30] Both New York and California, by statute, restrict the use of the terms "recycled" and "recyclable" based on how widespread the recycling opportunities are in each state, and companies wishing to use these terms in those states must, of course, comply with the requirements of those states' laws.

[31] The availability of recycling depends on a combination of technical and economic feasibility, market demand and the existence of collection and separation facilities. If the manufacturer is not recycling the packaging it sells itself, the economics of recycling tend to vary by geographic location and the physical composition of materials. For example, the economics of aluminum recycling are settled and can be quantified by the value assigned to scrap aluminum. The economics of polystyrene recycling, on the other hand, are not yet known. While demonstration and pilot projects exist, it is by no means clear that recycling polystyrene is economically feasible.

including at least: (1) The fact that the technology is in the early stages, or that there are only "pilot" recycling programs, if that is the case; (2) the number of locations where the product is being recycled; (3) the types of collection sites if there is no curbside pick-up available (e.g., "at school cafeterias"); and (4) the number of states in which the collection and recycling facilities are located. Finally, a product should not be promoted as "recyclable" if it contains additives or other materials that make the product problematic or unsuitable for recycling.[32]

2.4 Safe for Disposal

Vague safety claims concerning disposability should be avoided. Instead, products should specifically disclose those environmentally dangerous materials or additives that have been eliminated.

Commentary: Federal and state solid waste managers need to control the components of the waste stream which enter their incinerators and landfills in order to reduce specific adverse environmental impacts associated with their waste disposal method. Thus, some waste districts may prohibit the incineration of a specific product, packaging material or the like, even though, in the manufacturer's opinion, it can be "safely" incinerated. Simply because a product meets a federal safety standard does not mean that its disposal in a landfill or incinerator is risk free or has no adverse impact on the environment. To prevent confusion, manufacturers should not promote products as "safe for incineration" or "landfill safe." If a product does not contain materials or additives that are known to be problematic for environmentally benign disposal, the manufacturer should simply state that the product does not contain them (e.g., "Our packaging material contains no cadmium").

3. Claims Should be Substantive

Environmental claims should be substantive.

Commentary: Nonsubstantive claims are widespread in "green marketing" today. These trivial and irrelevant environmental claims create a false impression of a product's overall environmental soundness. They also contribute to consumer confusion. Although this may, in the short run, aid the sale of a given product, it reflects an irresponsible attitude toward the environment and may be misleading.

3.1 Trivial and Irrelevant Claims

Trivial and irrelevant claims should be avoided.

Commentary: The broad variety of trivial and irrelevant environmental claims being made today almost defies description. Examples include products promoted as "degradable" that will be disposed of in landfills or incinerators, and trash bags, which are highly unlikely to be used again for any purpose, advertised as "recyclable." An example of a technically accurate but irrelevant claim is a polystyrene foam cup that claims to "preserve our trees and forest." It is simply irrelevant, and perhaps deceptive, to suggest that a product made of petroleum products, a scarce nonrenewable natural resource, provides an environmental benefit because it does not use trees, the natural renewable resource that would have been used if the cup had been made of paper instead of polystyrene.

3.2 Single Use Products

Single use disposable products promoted on the basis of environmental attributes should be promoted carefully to avoid the implication that they do not impose a burden on the environment.

Commentary: Many products that are designed to be thrown away after a single use, such as disposable diapers, paper plates or shopping bags, sport claims that imply environmental soundness. Such claims convey an implicit message that disposal of a single use item—perhaps the most environmentally distressing aspect of the product—does not contribute to the overall solid waste disposal problem. These claims therefore run the risk of leading consumers to ignore or reject more durable alternatives to single use products, such as cloth diapers, reusable plates or reusable shopping bags. Advertisements for single use products should not convey the message that they impose no burden on the environment.

4. Claims Should Be Supported.

Environmental claims should be supported by competent and reliable scientific evidence.

Commentary: Of course, this recommendation does not set forth a new legal concept. Instead it restates what has always been required under state and federal law—that advertising claims must be supported by tests, analysis, research or studies conducted or evaluated in an objective manner by persons qualified to do so using procedures generally accepted by others in the profession to yield accurate and reliable results.

The Task Force notes that in the course of its investigation of environmental claims, some companies have attempted to minimize their responsibility for claims that appear on their products by pointing to information provided by suppliers of the constituent materials. Companies that fail to independently confirm substantiation provided to them by suppliers do so at their peril when they incorporate such claims into their advertising and packaging labels. Aside from potential legal liability, a company that does not independently confirm the accuracy completeness of claims made by suppliers abdicates its duties to its consumers and the environment.

In addition to ensuring that environmental claims are adequately supported, business can make a significant contribution toward the public debate about environmental problems by making the substantiation for environmental claims available to the public, regulators and experts. Although the Task Force recognizes that companies will often feel it necessary to keep certain information confidential, the Task Force urges companies to make information about the composition and the environmental effects of their products, and the substantiation for their environmental claims, available to the public to the greatest extent possible.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 91-12863 Filed 5-30-91; 8:45 am]

BILLING CODE 6750-01-M

[32] Nothing in this section should be read to apply to the Society of Plastic Industry (SPI) code, which consists of a design of arrows in a triangular shape with a number or letter code that identifies its component plastic resin. This symbol alone, usually placed inconspicuously on the bottom of the container, is not promotional and appears for the sole purpose of permitting plastic recyclers to easily sort plastics for recycling.

federal register

Friday
May 31, 1991

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 20

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings; Proposed Rule; Supplemental

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AA24

Migratory Bird Hunting; Supplemental Proposals for Migratory Game Bird Hunting Regulations; Notice of Meetings

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; supplemental.

SUMMARY: The U.S. Fish and Wildlife Service (hereinafter the Service) proposed in an earlier document to establish annual hunting regulations for certain migratory game birds. This supplementary document describes proposed changes and provides additional information that will facilitate establishment of the 1991–92 hunting regulations. This document also announces the meetings of the Service Migratory Bird Regulations Committee.

DATES: The Service Migratory Bird Regulations Committee will meet to consider and develop proposed regulations for early seasons on June 18, 19, and 20, and for late seasons on July 31 and August 1 and 2. Public hearings on proposed early- and late-season frameworks will be held at 9 a.m. on June 20 and August 2, 1991, respectively. The comment period for proposed migratory bird hunting-season frameworks for Alaska, Hawaii, Puerto Rico, the Virgin Islands, and other early seasons will end on July 22, 1991; and for late-season proposals will end on August 26, 1991.

ADDRESSES: Meetings of the Service Migratory Bird Regulations Committee will be held in the Board Room of the American Institute of Architects Building, 1735 New York Avenue (at the corner of 18th and E Streets, NW.), Washington, DC. Both public hearings will be held in the Auditorium of the Department of the Interior Building, 1849 C Street, NW., Washington, DC. Written comments on the proposals and notice of intention to participate in either hearing should be sent to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634–Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Thomas J. Dwyer, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, room 634–Arlington Square, Washington, DC 20240 (703) 358–1714.

SUPPLEMENTARY INFORMATION:

Regulations Schedule for 1991

On March 6, 1991, the Service published in the **Federal Register** (56 FR 9462) a proposal to amend 50 CFR part 20. The proposal dealt with establishment of seasons, limits, and other regulations for migratory game birds under §§ 20.101 through 20.107, 20.109, and 20.110 of subpart K. This document is the second in a series of proposed, supplemental, and final rules for migratory game bird hunting regulations. Comment periods on this second document are specified above under **DATES.** Early-season frameworks will be proposed in late June and late-season frameworks in early August. Final regulatory frameworks for early seasons are targeted for publication on or about August 16, 1991, and those for late seasons on or about September 20, 1991.

On June 20, 1991, a public hearing will be held in Washington, DC, to review the status of migratory shore and upland game birds. Recommended hunting regulations for these species and other early seasons will be discussed at that time.

On August 2, 1991, a public hearing will be held in Washington, DC, to review the status of waterfowl and recommended hunting regulations for regular waterfowl seasons, and other species and seasons not previously discussed at the June 20 public hearing.

Announcement of Service Regulations Committee Meetings for Early-Season Regulations

The meeting on June 18 is to review information on the 1991 status of migratory game birds and to develop 1991–92 migratory game bird regulations recommendations. The June 19 meeting is to assure that the Service's regulation recommendations are developed with the benefit of full consultation on the issues. Immediately after the Service's regulations proposals are presented at the June 20 public hearing, the Service Regulations Committee will meet again to review the public comments presented at the hearing and to determine whether any modifications need to be recommended to the Director.

In accordance with Departmental policy regarding meetings of the Service Regulations Committee that are attended by any person outside the Department, these meetings will be open to public observation. Members of the public may submit to the Director written comments on the matters discussed.

Announcement of Flyway Council Meetings

Service representatives will be present at the following meetings of Flyway Councils:

Atlantic Flyway—July 28–29, Burlington, Vermont (Sheraton Inn).

Mississippi Flyway—July 28–29, Biloxi, Mississippi (Biloxi Beach Resort Hotel).

Central Flyway—July 28–29, Corpus Christi, Texas (Emerald Beach-Holiday Inn).

Pacific Flyway—July 27, Reno, Nevada (Peppermill Inn).

Although agendas are not yet available, these meetings usually commence at 8:30 to 9 a.m. on the days indicated.

Review of Public Comments

This supplemental rulemaking describes changes which have been recommended based on the preliminary proposals published March 6, 1991, in the **Federal Register.** Only those recommendations that would require either new proposals or substantial modification of the preliminary proposals to facilitate effective public participation are included herein. Those that support or oppose but do not recommend alternatives to the preliminary proposals are not included, but will be considered later in the regulations-development process. The Service will publish responses to proposals, written comments, and public-hearing testimony when final frameworks are developed, at which time additional data about the status of affected species will be available.

The Service seeks additional information and comments on the recommendations contained in this supplemental proposed rule. These recommendations and all associated comments will be considered during development of the final frameworks.

New proposals and modifications to previously described proposals are discussed below. Wherever possible, they are discussed under headings corresponding to the numbered items in the March 6, 1991, **Federal Register** (56 FR 9462).

1. Ducks

The categories used to discuss issues related to duck harvest management are as follows: (A) General Harvest Strategy, (B) Framework Dates, (C) Season Length, (D) Closed Seasons, (E) Bag Limits, (F) Zones and Split Seasons, and (G) Special/Species Management.

Only those categories containing substantial recommendations have been used below.

B. Framework Dates

During the 1990 regulations-development cycle, the Service was requested to consider setting framework dates on a permanent basis (i.e., no longer using framework dates to regulate duck harvest). The Service agreed to review the role of framework dates in regulating harvest levels. This review will be made available in draft form for comment. The Service will then prepare a final report after reviewing the comments received.

The Upper and Lower Region Regulations Committees of the Mississippi Flyway Council recommended framework dates of October 1 through January 20, and that these dates remain fixed and not be used for management purposes on an annual basis.

F. Zones and Split Seasons

In the March 6, 1991, **Federal Register** (at 56 FR 9465), the Service asked States planning to change their use of zones and split seasons under the new guidelines in 1991 to advise the Service in writing as soon as possible so that proposed changes may be reviewed prior to the July regulations meetings. The Service should also be notified by States wishing to take advantage of the "grandfather clause" to continue a zone/split-season configuration that does not adhere to the new guidelines. The Service continues to request prompt notification of any plans a State may have regarding zones and split seasons. The Service has already received a number of notifications and questions from the States and is currently reviewing these and preparing responses to the various questions. All proposed changes in zone boundaries will be published in future proposed rules.

The Lower Region Regulations Committee of the Mississippi Flyway Council recommended that a separate zone be established for Catahoula Lake in Louisiana to help reduce lead-poisoning losses on the Lake. This zone would have a continuous season while the East and West Zones would be allowed to continue with split seasons. Under the current water management plan for the Lake, water levels are raised immediately following the close of the duck hunting season. The closed periods between split seasons have allowed waterfowl, unmolested by hunting activity, to more actively feed on the lake and increase the potential for lead-poisoning die-offs. The Committee believes that a continuous season for Catahoula Lake would reduce the probability of lead-poisoning mortality and would not significantly increase annual harvest.

G. Special/Species Management

i. *Canvasback harvest management.* In the preliminary proposals published on March 6, 1991, in the **Federal Register** (at 56 FR 9464), the Service gave notice of its intent to review the decision criteria for harvesting canvasbacks stated in the "1983 Environmental Assessment on Canvasback Hunting" as a basis for managing Eastern and Western Populations. The Service requested that Flyway Councils review the bases for these harvest guidelines and to determine whether these criteria are still appropriate. The Service reiterates that the two fundamental questions prompting a review of canvasback harvest guidelines include:

a. Whether existing guidelines based on specific breeding population index levels are the most appropriate harvest strategy for maintaining desired population levels; and, if not, what new approaches should be considered?

b. Whether the delineation of the breeding survey area (strata 1–50) into a Western Population (strata 1–12 and 26–29) and an Eastern Population (strata 13–25 and 30–50) correctly represents two distinct populations; and, if not, should harvest management by population units be continued?

In the March 6 document, the Service stated it would work with the Flyway Councils in accomplishing the review recommended above, and that it is doubtful that this process can be completed for the 1991–92 season.

The Atlantic Flyway Council recommended that canvasbacks be managed as a single continental population with a threshold level for harvest management to be a 3-year average breeding population index of 500,000 birds. The Council stated that the proper management of the canvasback resource requires a continental approach with harvest divided equitably among all flyways, in accordance with approved hunt plans, when the 3-year average breeding population index reaches the 500,000 threshold.

The Upper Region Regulations Committee of the Mississippi Flyway Council recommended that canvasback populations should continue to be separated into a Western and an Eastern Population based on breeding population survey strata as documented in the current canvasback harvest guidelines. Delineation of the boundaries between the populations should be reevaluated as new information becomes available. Canvasback harvest guidelines should be based on specific breeding population index levels as contained in the current canvasback harvest guidelines and current threshold levels as appropriate, pending further review of information.

The Central Flyway Council recommended that States in the Central Flyway be allowed to hunt canvasbacks when the continental 3-year running average breeding population index exceeds 500,000 and the breeding habitat in survey strata 1–50 is capable of production such that an age ratio of at least 1.0 young per adult would be expected in the harvest. The Council remarked that annual recruitment can be estimated based on water levels, that harvest in the Central Flyway averaged only 10,000 per year during the period 1980–85, that research indicates no conclusive evidence that a restricted hunting season would result in significantly lower survival rates beyond those occurring during a closed season, and finally that the focus of harvest regulation should be one of restrictive bag limits rather than area closures.

The Wisconsin Department of Natural Resources supports the current canvasback harvest guidelines but asked the Service to reconsider the current breeding areas assigned to the two population units based on banding information through 1990.

ii. *September Wood Duck Seasons.* The Lower Region Regulations Committee of the Mississippi Flyway Council recommended that the States of Kentucky and Tennessee be allowed to continue the 5-day September seasons to harvest wood ducks.

iii. *September teal seasons.* The Lower Region Regulations Committee of the Mississippi Flyway Council recommended a 3-day September teal season with a bag limit of three birds per day.

The Central Flyway Council recommended reinstatement of the September teal season at some reduced level of harvest pressure, but withheld specific recommendations for bag limit and season length until a later date pending receipt of data about this year's population level. The Council remarked that the September teal season has been suspended since 1988 because of drought conditions on the breeding grounds and declining breeding populations of blue-winged teal. The Council believes that a reversal of this situation would warrant a return to a limited teal season.

4. Canada Geese

A. Early-September Seasons

The Upper Region Regulations Committee of the Mississippi Flyway Council recommended that the Service grant operational status to the experimental early-September Canada goose seasons in Illinois, Michigan, and Minnesota. Several modifications are being proposed for the Michigan season, including another 3-year experimental season to include the eastern portion of the Upper Peninsula and several areas of the Lower Peninsula.

The Committee also recommended that new experimental early-September Canada goose seasons be allowed in the northeast portions of Indiana and Ohio. Nuisance goose problems continue to grow in these areas, and neck-collar observations and other data indicate that greater than 90 percent of the harvest will be resident Canada geese.

The Lower Region Regulations Committee of the Mississippi Flyway Council recommended that the Service fully analyze data from existing special or experimental seasons before expanding seasons that might cause cumulative harvest on Southern James Bay Population Canada geese. Current special seasons should adhere to present criteria designated by the Service.

The Pacific Flyway Council recommended modification of the early-September Canada goose seasons in Wyoming and Utah. In Wyoming, the modifications included reinstatement of the Eden-Farson Irrigation Project Area in Sweetwater and Sublette Counties and an increase from 115 to 150 permits. In Utah, the Council recommended that the framework dates be September 1 through September 15. The framework closing date previously was September 9. The Council added that early goose seasons have been successful in alleviating depredation problems and providing hunter opportunity.

The Wisconsin Department of Natural Resources commented that the criteria established for special early-September Canada goose seasons needs review based on the experience of the various States that have implemented the early seasons. They question the appropriateness of the season dates and the restrictions and controls required for these seasons.

B. Regular Seasons

The Atlantic Flyway Council recommended that South Carolina be permitted a 3-year experimental resident Canada goose season in the Central Piedmont, Western Piedmont, and Mountain hunt units of the State. The season would be 4 days in length, occurring after the regular waterfowl season. The bag limit would be one goose per season. This proposed season would provide recreational waterfowl hunting opportunity while alleviating nuisance and depredation problems. Historically, migrant goose use of the proposed hunt area has been insignificant.

The Upper Region Regulations Committee of the Mississippi Flyway Council recommended that Minnesota be allowed to expand the Southeast Goose Zone to include two additional counties, Chisago and Isanti, at the north end of the zone. The Committee believes that this expansion will provide additional hunting opportunity in November and December without any significant impact on migrant geese.

8. Tundra Swans

The Central Flyway Council recommended that 1,500 swan permits be redistributed in order to increase the number of permits available in North Dakota by 1,000 permits and South Dakota by 500 permits. The Eastern Population of tundra swans is currently well above the management goal; sportsmen in North and South Dakota continue to request additional hunting opportunity on swans; and the sport hunting plan allows for this redistribution.

The Pacific Flyway Council recommended that the Service grant operational status to the experimental tundra swan season in Alaska's Game Management Unit 22. The harvest during the past 3 years has been well below levels identified in the Western Population hunt plan.

9. Sandhill Cranes

The Central Flyway Council recommended that Oklahoma be allowed to divide that portion of the State currently open to sandhill crane hunting, west of Interstate Highway 35, into separate north and south zones. The current 93-day hunting season cannot encompass the time period when sandhill cranes are present and provide hunting opportunity in both the northwest and southwest portions of the State.

The Central and Pacific Flyway Councils recommended that the framework dates for the Rocky Mountain Population of sandhill cranes be expanded to include September 1 through January 31. Currently, the framework closing date is November 30, except in the Hatch-Deming Area in New Mexico where the closing date is January 31.

10. Coots

The Wisconsin Department of Natural Resources suggested that the Service reexamine the coot breeding-population data as this species probably has also been severely impacted by the prolonged drought in the prairies.

11. Woodcock

In the August 14, 1990, **Federal Register** (at 55 FR 33266), the Service stated its intent to work with the Flyway Councils to develop background materials on hunting of woodcock in February. However, the Service stated that unless sufficient justification was developed to continue February hunting, the Service would propose a change in framework dates. On March 6, 1991, (at 55 FR 9467), the Service proposed a framework closing date of January 31 pending any new proposals or information that may be provided.

The Upper Region Regulations Committee of the Mississippi Flyway Council recommended that the framework dates be modified to September 1 through February 9.

The Lower Region Regulations Committee of the Mississippi Flyway Council recommended framework dates of September 1 through February 14 and stated that elimination of February woodcock hunting falls far short of achieving a significant and equitable harvest reduction. They recommended that a February 14 closing date would be sufficient to significantly reduce the chances of breeding or nesting hens being harvested.

The Central Flyway Council expressed support for the preliminary proposal of a January 31 closing date and recommended that February hunting of woodcock be eliminated.

The Wisconsin Department of Natural Resources indicated that they do not oppose the proposed January 31 framework closing date but suggested that the Service consider the recommendation of the Upper Region Regulations Committee of the Mississippi Flyway Council for a February 9 framework closing date for woodcock.

16. Mourning Doves

The Central Flyway Council recommended that the number of mourning doves permitted in the aggregate daily bag during the Texas special white-winged dove season be increased from five to ten birds. Texas notes that, in 1984, concern about late-nesting mourning doves in South Texas led to restrictions in the daily bag limit. These restrictions were relaxed somewhat during 1989 and 1990 under

the provision that Texas would monitor the effects of this change. The recommendation to increase the number of mourning doves allowed in the aggregate bag limit during the special white-winged dove season is based upon the results of those studies. (See Item 17. *White-winged and White-tipped Doves.*)

The Texas Parks and Wildlife Department is requesting that the Service permit Texas to split the mourning dove season into not more than three segments under the three-zone option. Texas remarked that the purpose of this proposal would be to permit greater flexibility in establishing hunting seasons consistent with anticipated migration patterns and population levels. This proposed change would also allow Texas to establish additional "opening days" and thereby create additional interest in dove hunting among Texas sportsmen.

17. White-winged and White-tipped Doves

The Central Flyway Council recommended that the number of white-winged doves permitted in the aggregate daily bag limit during the Texas mourning dove season be increased from two to six birds. In recent years, whitewings have expanded their range into other areas of the State. Texas believes that the two-whitewing limit is overly restrictive, particularly in those local areas where whitewings now outnumber mourning doves. (See Item 16. *Mourning Doves.*)

Public Comment Invited

The Service intends that adopted final rules be as responsive as possible to all concerned interests, and therefore desires to obtain for consideration the comments and suggestions of the public, other concerned governmental agencies, and private interests on these proposals. Such comments, and any additional information received, may lead to final regulations that differ from these proposals.

Special circumstances are involved in the establishment of these regulations which limit the amount of time that the Service can allow for public comment. Specifically, two considerations compress the time in which the rulemaking process must operate: (1) The need to establish final rules at a point early enough in the summer to allow affected State agencies to appropriately adjust their licensing and regulatory mechanisms; and (2) the unavailability before mid-June of specific, reliable data on this year's status of some waterfowl and migratory shore and upland game bird populations. Therefore, the Service believes that to allow comment periods past the dates specified is contrary to the public interest.

Comment Procedure

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may participate by submitting written comments to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, room 634–Arlington Square, Washington, DC 20240. Comments received will be available for public inspection during normal business hours at the Service's office in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia. All relevant comments received during the comment period will be considered. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA Consideration

NEPA considerations are covered by the programmatic document, "Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSES 88–14)," filed with EPA on June 9, 1988. Notice of Availability was published in the **Federal Register** on June 16, 1988 (53 FR 22582). The Service's Record of Decision was published on August 18, 1988, (53 FR 31341). Copies of these documents are available from the Service at the address indicated under the caption **ADDRESSES.**

Endangered Species Act Consideration

As in the past, hunting regulations this year will be designed, among other things, to remove or alleviate chances of conflict between seasons for migratory game birds and the protection and conservation of endangered and threatened species. Consultations are presently under way to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. It is possible that the findings from the consultations, which will be included in a biological opinion, may cause modification of some regulatory measures proposed in this document. Any modifications will be reflected in the final frameworks. The Service's biological opinions resulting from its consultation under section 7 are considered public documents and are available for public inspection in the Division of Endangered Species and the Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

Regulatory Flexibility Act, Executive Order 12291, and Paperwork Reduction Act

In the **Federal Register** dated March 6, 1991, (56 FR 9462), the Service reported measures it had undertaken to comply with requirements of the Regulatory Flexibility Act and the Executive Order. These included preparing a Determination of Effects and an updated Final Regulatory Impact Analysis, and publication of a summary of the latter. This information is included in the present document by reference. As noted in the above **Federal Register** reference, the Service plans to issue its Memorandum of Law for the migratory bird hunting regulations at the same time the first of the annual hunting rules is finalized. This rule does not contain any information collection requiring approval by the Office of Management and Budget under 44 U.S.C. 3504.

Authorship

The primary author of this supplemental proposed rulemaking is Robert J. Blohm, Office of Migratory Bird Management, working under the direction of Thomas J. Dwyer, Chief.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

The rules that eventually will be promulgated for the 1991–92 hunting season are authorized under the Migratory Bird Treaty Act of July 3, 1918, as amended, (40 Stat. 755; 16 U.S.C. 701–711) and the Fish and Wildlife Improvement Act of 1978, as amended, (92 Stat. 3112; 16 U.S.C. 712).

Date: May 22, 1991.

Richard N. Smith,

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

[FR Doc. 91–12824 Filed 5–30–91; 8:45 am]

BILLING CODE 4310-55-M

federal register

Friday
May 31, 1991

Part V

Department of Labor

Employment Standards Administration, Wage and Hour Division

29 CFR Parts 579 and 580

Civil Money Penalties—Procedures for Assessing and Contesting Penalties; Final Rule

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

29 CFR Parts 579, 580

Civil Money Penalties—Procedures for Assessing and Contesting Penalties

AGENCY: Wage and Hour Division, Employment Standards Administration, Labor.

ACTION: Final rule.

SUMMARY: This document amends the procedural regulations for issuance of assessments of civil money penalties for violations of the child labor provisions of the Fair Labor Standards Act, and for employers to contest such assessments. These provisions will also be applicable to assessment of penalties for violations of the minimum wage and overtime provisions of the Act, as permitted by the 1989 Amendments. An appeal is provided to the Secretary of decisions of administrative law judges.

DATES: These rules are effective July 1, 1991.

FOR FURTHER INFORMATION CONTACT: John R. Fraser, Acting Administrator, Wage and Hour Division, U.S. Department of Labor, room S-3502, 200 Constitution Avenue NW., Washington, DC 20210, (202) 523-8305. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

Section 16(e) of the Fair Labor Standards Act (FLSA) as amended in 1974 provided for the assessment of civil money penalties of up to $1000 per violation for violations of the child labor provisions of the Act. Section 9 of the Fair Labor Standards Amendments of 1989 amended section 16(e) to further provide for the assessment of civil money penalties against any person who repeatedly or willfully violates section 6 (minimum wage) or section 7 (overtime) of the Act. Section 3103 of the Omnibus Budget Reconciliation Act of 1990 further amended section 16(e) of the FLSA to raise to $10,000 the maximum civil money penalty to be assessed for each employee who is the subject of a child labor violation. The maximum civil money penalty for repeated or willful violations of the minimum wage or overtime provisions of the FLSA was kept at $1,000 per violation.

Substantive regulations for the assessment of civil money penalties for violation of the child labor provisions are set forth at 29 CFR part 579. Proposed substantive regulations implementing the penalty provisions for minimum wage and overtime violations are being published separately this date in the **Federal Register**, to be codified at 29 CFR part 578.

II. Paperwork Reduction Act

There are no reporting or recordkeeping requirements contained in these regulations.

III. Summary of Rule

These regulations contain the procedures for the assessment and collection of civil money penalties for repeated or willful violations of section 6 (minimum wage) or section 7 (overtime) of the FLSA, and also for violations of section 12 (child labor). These regulations also set forth procedures for the employer to take exception to the assessment of penalties and obtain a hearing before an administrative law judge, and for any party to the proceeding to appeal the decision of the administrative law judge to the Secretary of Labor. Heretofore no party to a child labor proceeding had the right to appeal an adverse decision of an administrative law judge to the Secretary. Subsequent proceedings were in United States District Court pursuant to the Administrative Procedure Act.

29 CFR part 579 is also amended to delete those portions of the regulations which are procedural in nature. Procedural provisions for all civil money penalty assessments under the FLSA are now fully incorporated in this rule, 29 CFR part 580.

The rule also provides an exception from the evidence rules contained in the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges (29 CFR part 18, subpart B) to admit testimony of Department of Labor officials and documents from investigation files other than the investigation at issue in the proceeding. This exception is provided to facilitate establishing that an employer has violated the Act in the past, or has had advice from Wage-Hour concerning a matter in the past, and therefore that the violation to which the penalty relates is repeated or willful. The provision is not intended to imply that such evidence would otherwise be inadmissible under the rules, or to limit the admissibility of any other evidence.

The procedural regulations set forth herein will be used for all civil money penalties under the Act. The provisions will be applicable on their effective date to all future and pending child labor penalty cases in which a decision of an administrative law judge has not yet been issued. The provisions will be applicable to minimum wage and overtime penalty cases when the substantive provisions (29 CFR part 578) become effective as a final rule.

Executive Order 12291

This proposed rule is not considered to be a major rule within the meaning of Executive Order 12291, in that 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. Therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

Because no notice proposed rulemaking is required for this rule under 5 U.S.C. 553(b), the requirement to prepare a regulatory flexibility analysis does not apply.

Administrative Procedure Act

This regulation is procedural in nature. Therefore no notice of proposed rulemaking is required under 5 U.S.C. 553(b).

This document was prepared under the direction and control of John R. Fraser, Acting Administrator, Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor.

List of Subjects in 29 CFR Part 579, 580

Administrative practice and procedure, Child Labor, Employment, Labor, Law enforcement, Penalties.

For the reasons set forth above, title 29, chapter V, subchapter A of the Code of Federal Regulations is amended as set forth below.

Signed at Washington, DC on this 23d day of May 1991.

Lynn Martin,

Secretary of Labor.

Samuel D. Walker,

Acting Assistant Secretary for Employment Standards.

John R. Fraser,

Acting Administrator, Wage and Hour Division.

PART 579—CHILD LABOR VIOLATIONS—CIVIL MONEY PENALTIES

1. The authority citation for part 579 continues to read as follows:

Authority: 29 U.S.C. 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 1371, 38 FR 8755; Sec. 3103, Pub. L. 101-508.

§§ 579.4, 579.6, 579.7 and 579.8 [Reserved]

2. Sections 579.4, 579.6, 579.7, and 579.8 are removed and reserved.

3. Part 580 is revised to read as follows:

PART 580—CIVIL MONEY PENALTIES—PROCEDURES FOR ASSESSING AND CONTESTING PENALTIES

Sec.
580.1 Definitions.
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Authority: 29 U.S.C. 9a, 203, 211, 212, 216; Reorg. Plan No. 6 of 1950, 64 Stat. 1263, 5 U.S.C. App.; secs. 25, 29, 88 Stat. 72, 76; Secretary of Labor's Order No. 13-71, 36 FR 8755; 5 U.S.C. 500, 503, 551, 559; Sec. 9, Pub. L. 101-157, 103 Stat. 938; Sec. 3103, Pub. L. 101-508.

§ 580.1 Definitions.

As used in this part:

"Act" means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U.S.C. 201 et seq.).

"Administrative law judge" means a person appointed as provided in 5 U.S.C. 3105 and subpart B of part 930 of title 5 of the CFR, and qualified to preside at hearings under 5 U.S.C. 554-557.

"Administrator" means the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and includes any official of the Wage and Hour Division authorized by the Administrator to perform any of the functions of the Administrator under this part and parts 578 and 579 of this chapter.

"Chief Administrative Law Judge" means the Chief Administrative Law Judge, Office of the Administrative Law Judges, U.S. Department of Labor, Washington, DC 20210.

"Department" means the U.S. Department of Labor.

"Person" includes any individual, partnership, corporation, association, business trust, legal representative, or organized group of persons.

"Secretary" means the Secretary of Labor, U.S. Department of Labor, or a designated representative of the Secretary.

"Solicitor of Labor" means the Solicitor, U.S. Department of Labor, and includes attorneys of the Office of the Solicitor authorized by the Solicitor to perform functions of the Solicitor under this part.

§ 580.2 Applicability of procedures and rules.

The procedures and rules contained in this part prescribe the administrative process for assessment of civil money penalties for any violation of the child labor provisions at section 12 of the Act and any regulation thereunder as set forth in part 579, and for assessment of civil money penalties for any repeated or willful violation of the minimum wage provisions of section 6 or the overtime provisions of section 7 of the Act or the regulations thereunder set forth in 29 CFR subtitle B, chapter V. The substantive requirements for assessment of civil money penalties are set forth at 29 CFR part 579 (child labor) and part 578 (minimum wage and overtime).

§ 580.3 Written notice of determination required.

Whenever the Administrator determines that there has been a violation by any person of section 12 of the Act relating to child labor or any regulation issued under that section, or determines that there has been a repeated or willful violation by any person of section 6 or section 7 of the Act, and determines that imposition of a civil money penalty for such violation is appropriate, the Administrator shall issue and serve a notice of such penalty on such person in person or by certified mail. Where service by certified mail is not accepted by the party, notice shall be deemed received on the date of attempted delivery. Where service is not accepted, the Administrator may exercise discretion to serve the notice by regular mail.

§ 580.4 Contents of Notice.

The notice required by § 580.3 of this part shall:

(a) Set forth the determination of the Administrator as to the amount of the penalty and the reason or reasons therefor;

(b) Set forth the right to take exception to the assessment of penalties and set forth the right to request a hearing on such determination;

(c) Inform any affected person or persons that in the absence of a timely exception to a determination of penalty and a request for a hearing received within 15 days of the date of receipt of the notice, the determination of the Administrator shall become final and unappealable; and

(d) Set forth the time and method for taking exception to the determination and requesting a hearing, and the procedures relating thereto, as set forth in § 580.6 of this part.

§ 580.5 Finality of notice.

If the person charged with violation does not, within 15 days after receipt of the notice, take exception to the determination that the violation or violations for which the penalty is imposed occurred, the administrative determination by the Administrator of the amount of such penalty shall be deemed final, and collection and recovery of the penalty shall be instituted pursuant to § 580.19 of this part.

§ 580.6 Exception to determination of penalty and request for hearing.

(a) Any person desiring to take exception to the determination of penalty shall request an administrative hearing pursuant to this part. The exception shall be in writing to the Administrator of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor, and must be received no later than 15 days after the date of receipt of the notice referred to in § 580.3 of this part. No additional time shall be added where service of the determination of penalties or of the exception thereto is made by mail.

(b) No particular form is prescribed for any exception to determination of penalty and request for hearing permitted by this part. However, any such request shall:

(1) Be dated;

(2) Be typewritten or legibly written;

(3) Specify the issue(s) stated in the notice of determination giving rise to such request;

(4) State the specific reason(s) why the person requesting the hearing believes such determination is in error;

(5) Be signed by the person making the request or by an authorized representative of such person; and

(6) Include the address at which such person or authorized representative desires to receive further communications relating thereto.

RULES OF PRACTICE

§ 580.7 General.

(a) Except as specifically provided in this subpart, and to the extent they do not conflict with the provisions of this subpart, the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges established by the Secretary at 29 CFR part 18 shall apply to administrative proceedings under this subpart.

(b) Subpart B of the Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges (29 CFR part 18, subpart B) shall apply except as follows: Notwithstanding the provisions of subpart B, including the hearsay rule (§ 18.802), testimony of current or former Department of Labor employees concerning information obtained in the course of investigations and conclusions thereon, as well as any documents contained in Department of Labor files (other than the investigation file concerning the violation(s) as to which the penalty in litigation has been assessed), shall be admissible in proceedings under this subpart. Nothing in this paragraph is intended to limit the admissibility of any evidence which is otherwise admissible under 29 CFR part 18, subpart B.

§ 580.8 Service and computation of time.

(a) Service of documents under this subpart shall be made by delivery to the individual, an officer of a corporation, or attorney of record or by mailing the determination to the last known address of the individual, officer, or attorney. If done by mail, service is complete upon mailing. If done in person, service is complete upon handing it to the attorney, officer or party; by leaving it at the office with a clerk or person in charge, or leaving it at a conspicuous place in the office if no one is in charge; or by leaving it at the attorney's or party's residence.

(b) Two (2) copies of all pleadings and other documents required for any administrative proceeding provided by this subpart shall be served on the attorneys for the Department of Labor. One copy shall be served on the Associate Solicitor, Division of Fair Labor Standards, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, and one copy on the attorney representing the Department in the proceeding.

(c) Time will be computed beginning with the day following the action and includes the last day of the period unless it is a Saturday, Sunday, or federally-observed holiday, in which case the time period includes the next business day.

§ 580.9 Commencement of proceeding.

Each administrative proceeding permitted under the Act and these regulations shall be commenced upon receipt of a timely request for hearing filed in accordance with § 580.6 of this subpart.

REFERRAL FOR HEARING

§ 580.10 Referral to Administrative Law Judge.

(a) Upon receipt of a timely exception to a determination of penalties and request for a hearing filed pursuant to and in accordance with § 580.6 of this subpart, the Administrator, by the Associate Solicitor for the Division of Fair Labor Standards or by the Regional Solicitor for the Region in which the action arose, shall, by Order of Reference, refer the matter to the Chief Administrative Law Judge, for a determination in an administrative proceeding as provided herein. A copy of the notice of administrative determination and of the request for hearing shall be attached to the Order of Reference and shall, respectively, be given the effect of a complaint and answer thereto for purposes of the administrative proceeding, subject to any amendment that may be permitted under this subpart and 29 CFR part 18.

(b) A copy of the Order of Reference and attachments thereto, together with a copy of this part, shall be served by counsel for the Administrator upon the person requesting the hearing, in the manner provided in § 580.8 of this subpart.

§ 580.11 Appointment of Administrative Law Judge and notification of prehearing conference and hearing date.

Upon receipt from the Administrator of an Order of Reference, the Chief Administrative Law Judge shall appoint an Administrative Law Judge to hear the case. The Administrative Law Judge shall notify all interested parties of the time and place of a prehearing conference and of the hearing.

§ 580.12 Decision and Order of Administrative Law Judge.

(a) The Administrative Law Judge shall render a decision on the issues referred by the Administrator.

(b) The decision of the Administrative Law Judge shall be limited to a determination of whether the respondent has committed a violation of section 12, or a repeated or willful violation of section 6 or section 7 of the Act, and the appropriateness of the penalty assessed by the Administrator. The Administrative Law Judge shall not render determinations on the legality of a regulatory provision or the constitutionality of a statutory provision.

(c) The decision of the Administrative Law Judge shall include a statement of findings and conclusions, with reasons and basis therefor, upon each material issue presented on the record. The decision shall also include an appropriate order which may affirm, deny, reverse, or modify, in whole or in part, the determination of the Administrator.

(d) The Administrative Law Judge shall serve copies of the decision on each of the parties.

(e) The decision of the Administrative Law Judge shall constitute the final order of the Secretary unless, pursuant to § 580.13 of this part, there is an appeal to the Secretary.

§ 580.13 Procedures for appeals to the Secretary.

Any party desiring review of a decision of the Administrative Law Judge shall file an appeal with the Secretary. To be effective, such appeal must be received by the Secretary within 30 days of the date of the decision of the Administrative Law Judge. Copies of the appeal shall be served on all parties and on the Chief Administrative Law Judge. If no timely appeal has been filed, the decision of the Administrative Law Judge shall be deemed the final agency action.

§ 580.14 Filing and Service.

(a) Filing. All documents submitted to the Secretary shall be filed with the Secretary of Labor, U.S. Department of Labor, Washington, DC 20210.

(b) Number of copies. An original and two copies of all documents shall be filed.

(c) Computation of time for delivery by mail. Documents are not deemed filed with the Secretary until actually received by the Secretary either on or before the due date. No additional time

shall be added where service of a document requiring action within a prescribed time was made by mail.

(d) Manner and proof of service. A copy of each document filed with the Secretary shall be served upon all other parties involved in the proceeding. Service under this section shall be by personal delivery or by mail. Service by mail is deemed effected at the time of mailing to the last known address.

§ 580.15 Responsibility of the Office of Administrative Law Judges for the administrative record.

Upon receipt of a petition seeking review of the Decision and Order of an Administrative Law Judge, the Chief Administrative Law Judge shall promptly forward a copy of the complete hearing record to the Secretary.

§ 580.16 Final decision of the Secretary.

The Secretary's final decision shall be served upon all parties and the Chief Administrative Law Judge, in person or by mail to the last known address.

§ 580.17 Retention of official record.

The official record of every completed administrative hearing provided by this part shall be maintained and filed under the custody and control of the Chief Administrative Law Judge.

§ 580.18 Collection and recovery of penalty.

(a) When the determination of the amount of any civil money penalty provided for in this part becomes final under § 580.5 in accordance with the administrative assessment thereof, or pursuant to the decision and order of an Administrative Law Judge in an administrative proceeding as provided in § 580.12, or the decision of the Secretary pursuant to § 580.16, the amount of the penalty as thus determined is immediately due and payable to the U.S. Department of Labor. The person against whom such penalty has been assessed or imposed shall promptly remit the amount thereof, as finally determined, to the Secretary by certified check or by money order, made payable to the order of Wage and Hour Division. Such remittance shall be delivered or mailed to the Regional Office, Wage and Hour Division, for the area in which the violations for which the penalty was assessed occurred.

(b) Pursuant to section 16(e) of the Act, the amount of the penalty, finally determined as provided in § 580.5, § 580.12 or § 580.16, may be:

(1) Deducted from any sums owing by the United States to the person charged. To effect this, any agency having sums owing from the United States to such person shall, on the request of the Secretary, withhold the specific amount of the penalty from the sums owed to the person so charged and remit the amount to the Secretary to satisfy the amount of the penalty assessed;

(2) Recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor. When the person against whom a final determination assessing a civil money penalty has been made does not voluntarily remit the amount of such penalty to the Secretary within a reasonable time after notification to do so, the Solicitor of Labor may institute such an action to recover the amount of the penalty; or

(3) Ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary. Any such unlawful act or practice may be enjoined by the United States district courts under section 17 upon court action, filed by the Secretary; and failure of the person so enjoined to comply with the court order may subject such person to contempt proceedings. A willful violation of section 6, 7, or 12 of the Act may subject the offender to the penalties provided in section 16(a) of the Act, enforced by the Department of Justice in criminal proceedings in the United States courts. In any of the foregoing civil or criminal proceedings, the court may order the payment to the Secretary of the civil penalty finally assessed by the Secretary.

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federal register

Friday
May 31, 1991

Part VI

Department of the Interior

Bureau of Indian Affairs

Indian Gaming; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY:. Bureau of Indian Affairs, Interior.

ACTION: Notice of Final Mashantucket Pequot Gaming Procedures.

SUMMARY: Pursuant to the Indian Gaming Regulatory Act, 25 U.S.C. 2710(d)(7)(B)(vii), the Secretary of the Interior shall prescribe procedures for Class III gaming to be conducted by the Mashantucket Pequot Tribe of Connecticut. The Assistant Secretary-Indian Affairs, Department of the Interior, through his delegated authority, proposed Mashantucket Pequot Tribe gaming procedures by his notice of opportunity to comment on Mashantucket Pequot Gaming Procedures as published in the **Federal Register** on April 17, 1991. Interested parties were afforded an opportunity to comment.

All comments received by close of business May 17, 1991, were reviewed and considered. The Assistant Secretary-Indian Affairs, Department of the Interior, through his delegated authority, now approves the Mashantucket Pequot Tribe gaming procedures, modified as described below.

SUPPLEMENTARY INFORMATION: A total of 17 comments were received by close of business May 17, 1991. Nine commentors expressed support of the proposed procedures for the Mashantucket Pequot gaming rules stating the proposed casino will have extremely positive effects on local business and economy.

One commentor expressed support for the right of the Mashantucket Pequot Tribe to conduct Class III gaming activities under the proposed gaming procedures and added that to do otherwise would completely undermine the provisions of the Indian Gaming Regulatory Act.

One commentor expressed general opposition to the Mashantucket Pequot's proposed casino because of the impact it would have on the area's pastoral setting.

One commentor enclosed a list of 90 signatures identified as people in the general area who opposed the Pequot gambling casino because of their concern for the character of Ledyard, Connecticut.

Several commentors objected to the Secretary's decision to permit casino gambling on the Mashantucket Pequot Reservation. The Secretary is required by the Indian Gaming Regulatory Act to prescribe procedures consistent with the compact chosen by a court appointed mediator. The compact chosen by the mediator was proposed by the State of Connecticut and included casino gaming. Therefore, the Secretary's role in determining whether casino gambling would be conducted was ministerial.

With respect to horse race wager "take out," a commentor stated the off-site operation on Indian land should be treated no differently than the existing off-site operations in Connecticut. This concern was also raised by the State although the State believed that State percentages for take out did apply. The State asked for additional language to make more explicit the applicability of the State take out. We agree that it is intended that the procedures apply State take out percentages, but the procedures are not ambiguous as to the applicability of the State take out percentages and, therefore, need not be changed.

The only other substantive comments received were provided by the State of Connecticut. They include assertions that the authority of the Secretary to impose the procedures is limited, recommendations to amend the procedures to effectuate the intent of the parties, the addition of more extensive regulations to protect the environment and public health and safety, application of state tax and assessment provisions, and a state legislation provision.

We conclude that the preferred method for dealing with the State recommendations is through negotiations between the Mashantucket Pequot Tribe and the State and amendment of the procedures as provided for in section 17 of the procedures. We believe that section 17 of the procedures is intended to cover negotiations on such issues, and this approval assumes good faith negotiations between the parties on these issues will occur. The procedures were written and proffered by the State as its last, best offer for the implementation of tribal gaming. The State's offer resulted from intensive negotiations with the Tribe. Furthermore, we have made some modifications in the procedures, as described below, based on the State's views as to what is necessary to provide sound gaming procedures. The State should present its additional recommendations to the Tribe for renegotiation of the procedures as provided for under section 17 of the procedures.

Two areas of the procedures were modified. First, the State asserts its power to properly investigate and license all gaming employees and that a New Jersey license should not automatically qualify an applicant for a temporary Connecticut license. The State recommends, at a minimum, a criminal check and a permanent New Jersey license should be required for a temporary Connecticut license. We agree with the State's concern that a minimum criminal check must be conducted for temporary licensing of gaming employees. Although the State of New Jersey does, as a practical matter, conduct criminal checks before issuing temporary licenses, it is not legally required to do so. Therefore, we modified section 5(d) of the procedures to remove reliance on New Jersey licenses, but also included a provision to assure that the State of Connecticut will issue temporary licenses on a timely basis.

Secondly, the State desires an explicit statement that tort procedures must be developed before the Tribe may engage in gaming. Rather than relying on the implicit requirement in the procedures, we concur that the requirement should be explicit and have changed section 3(g) accordingly.

The State, and one other commentor, assert that the Secretary does not have the authority to permit commercial casino gaming on the Tribe's reservation. This is essentially the same argument presented previously by the State. No new arguments or evidence are offered to cause the Office of the Solicitor to change its previous legal conclusions on the subject, as referenced in the April 17, 1991, publication of the proposed procedures.

The State asserts that it retains its right to amend its laws. This issue is not before the Department in the context of the proposed procedures. It is therefore inappropriate to comment on the State's discussion, other than to say that it is the intent of these procedures that the issue will be considered should the State enact relevant amendments to its laws.

The State also opines that a tribal ordinance is necessary before the casino gaming can be authorized under the procedures. The Tribe must pass a gaming ordinance before conducting gaming, and the Tribe informs us that it has passed a tribal gaming ordinance. We are unaware of any requirement that an ordinance must be passed prior to development of the gaming procedures. Irrespective of what the Tribe has already done, we feel it is illogical for the Tribes to take further steps in enacting gaming ordinances until final procedures are in place so that tribal

ordinances can be made consistent with approved procedures.

The State asserts its right to investigate entities providing financial services to the gaming operations as well as any enterprise providing goods or services to the gaming establishment. The State argues the proposed procedures must be amended to insert clarifying language. We conclude the provisions in section 6(j) of the proposed procedures adequately cover financial as well as other sorts of services. Any further clarification felt needed by the State or the Tribe can be negotiated under section 17.

The State further recommends the deletion of the $50,000 investigatory threshold commenting that its inclusion in the procedures was a typographical error. Upon review we believe that the inclusion of the numerical figure may indeed have been a typographical error. The State asserts that the dollar threshold significantly thwarts the intent of the parties that all aspects of the tribal gaming activities be as free of criminal element as is possible. The Tribe's concern is that investigation of all vendors with no dollar threshold may make it prohibitively expensive to do business with minor suppliers, if the background investigation agreed upon by the parties is too wide ranging and too costly. Any further clarifications concerning the scope of the authorized investigations can be negotiated under section 17 by the State and the Tribe and should not be, in our view, the basis for rejecting this provision. Thus, we decline to accept this recommendation.

Further, the State recommends the types of gaming activities allowed must be clarified so as not to limit "services" as defined in the procedures and to reiterate that the procedures contained a prohibition of video slot machines. We do not feel such clarification is necessary as the language in section 15(a) of the procedures is adequate.

The State alleges that exempting gaming service enterprises with a current New Jersey registration from Connecticut registration is inconsistent with previous sections. We do not interpret the language in the proposed procedure as providing permanent waivers but rather as an interim process which remains effective for the first twelve months following the effective date of the procedures. The temporary registration does not preclude the applicant from satisfying the State's requirements for permanent registration. Thus, we decline to accept the State's recommendation to delete the reciprocity provision.

The State proposes to license officers of the Tribal Gaming Commission who are not tribal members. At this time, such decisions should be left to the Tribe.

The State further recommends that the State law enforcement agency be allowed to investigate all employees associated with gaming activities and that a list of persons "barred from gaming facilities" be compiled prior to the opening of the facilities. The State desires to investigate all employees regardless of whether they are gaming or non-gaming employees, or their employment location. The State contends that all necessary steps must be taken to prevent infiltration of unsuitable people in any part of the gaming operations. As presently provided in the proposed procedures in section 5(j), the State contends the existing provision is too restrictive and allows for a distinction between employees that rests merely on location. The State recommends that the "barred" list include those exclusions made by Connecticut, New Jersey and Nevada. Expansion of the State's authority over non-gaming employees and exclusion of patrons does not appear warranted at this time. Therefore, we decline to accept this recommendation.

Additionally, the State recommends that a detention area be established to hold offenders prior to transfer to state facilities. However, the Tribe may wish to pursue other alternatives such as renting space in a local detention facility or cross-deputizing local and state law enforcement officials. These alternatives could prove less costly and more efficient and can be the subject of negotiations under section 17.

The State recommends that it be allowed to develop its own ability to regulate video facsimile devices and retain its individual licensing authority even where management contracts are approved by the National Indian Gaming Commission. Pending issuance of guidance by the National Indian Gaming Commission, the provisions covering these issues in the procedures are acceptable as they are now articulated. Further revisions should be made through tribal-state negotiations.

The State asserts that the Tribe and State did not intend to permit the extension of credit for gambling. However, the explicit provisions in appendix A covering the extension of credit indicate the State and Tribe's understanding that credit would be extended.

The State also commented on the annual audits of the gaming activities. Appendix B at page B-4 adequately addresses the system of accounting and internal controls.

The State recommends amending the default authority as presently provided for in the proposed procedures. The State proposes to establish timeframes for notifications and remedy before the Tribe gaming agency could exercise its authority under the default provision. The proposed timeframes, however, could result in a lapse of service. Especially in the area of law enforcement and licensing, such a lapse would not be conducive to sound administration and control of gaming. Therefore, we decline to accept this recommendation.

The State recommends an expansion of the procedures on the environment and public health and safety. Although the broadening of these requirements may enhance the quality of life on the reservation, such requirements are usually left to tribal and federal law. We therefore decline to expand unilaterally those procedures.

The State also seeks to broaden its control over liquor on the rest of the reservation. This suggestion is beyond the scope of gaming procedures covered in this document. This document does not change the extent to which State laws may apply to liquor on the reservation.

Expansion of state tax provisions and assessments are also sought by the State. Since these provisions were bargained for between the State and Tribe, we do not believe it appropriate to modify these provisions.

Finally, the State requests language acknowledging the need for State legislation in order for the State to assume the responsibilities assigned to it under the procedures. We assume that the State, of course, recognizes its responsibility to seek State legislation if it is required. We cannot anticipate the legislation which the State may conclude will be needed as gaming proceeds. Therefore, we decline to issue a federal list of required State legislation. In the event that any particular legislation proves to be needed and is not passed, the default provision will permit the Tribe to enact ordinances as needed and assume the responsibilities involved.

Final Procedures: The gaming procedures of the Mashantucket Pequot Tribe hereby consist of the gaming compact, as amended, which was proffered by the State of Connecticut, chosen by the mediator and proposed as procedures in an April 17, 1991, **Federal Register** notice. The amendments consist of the following:

Section 3(g): Tort remedies for patrons. The Tribe shall establish, prior to the commencement of class III

gaming, reasonable procedures for the disposition of tort claims arising from alleged injuries to patrons of its gaming facilities. The Tribe shall not be deemed to have waived its sovereign immunity from suit with respect to such claims by virtue of any provision of this Compact, but may adopt a remedial system analogous to that available for similar claims arising against the State or such other remedial system as may be appropriate following consultation with the State gaming agency.

Section 5(d): Temporary Licensing. Unless the State criminal record check undertaken by the State gaming agency within ten days of the receipt of a completed application discloses that the applicant has a criminal history, or unless other grounds sufficient to disqualify the applicant pursuant to subsection (e) are apparent on the face of the application, the State gaming agency shall upon request of the Tribal Operation issue a temporary gaming employee license to the applicant, within ten days of the receipt of a completed application, which shall expire and become void and of no effect upon the determination by the State gaming agency of the applicant's suitability for a gaming employee license.

EFFECTIVE DATE: May 31, 1991.

ADDRESSES: Office of Tribal Services, Bureau of Indian Affairs, Department of the Interior, MS 4603, 1849 "C" Street NW., Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Joyce Grisham, Bureau of Indian Affairs, Washington DC (202) 208-7445.

Dated: May 24, 1991.

Eddie F. Brown

Assistant Secretary—Indian Affairs.

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federal register

Friday
May 31, 1991

Part VII

Department of Health and Human Services

Public Health Service

42 CFR Part 34

Medical Examination of Aliens; Interim Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 34

Medical Examination of Aliens

AGENCY: Centers for Disease Control, Public Health Service, HHS.

ACTION: Interim rule.

SUMMARY: This interim rule establishes regulations for the medical examination of aliens to determine their admissibility into the United States under the Immigration and Nationality Act. It establishes standards for exclusion of aliens from admission because of (1) a communicable disease of public health significance, (2) a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; (3) a history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior; or (4) drug abuse or addiction. It implements new provisions of the Immigration and Nationality Act added by the Immigration Act of 1990, Pub. L. 101-649.

DATES: Effective date: June 1, 1991.

Comment date: Comments must be received on or before August 2, 1991.

ADDRESSES: Comments should be addressed in writing to the Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Mail Stop E04, Atlanta, GA 30333. Comments received will be available for public inspection between 8 a.m. and 4:30 p.m., Monday through Friday (except holidays), in Room 1327E, 1644 Tullie Circle, Atlanta, Georgia. All comments received during the comment period will be considered in developing the final rule.

FOR FURTHER INFORMATION CONTACT: Mr. Charles R. McCance, Director, Division of Quarantine, Center for Prevention Services, Centers for Disease Control, Mail Stop E04, Atlanta, GA 30333; telephone (404) 639-1455 or FTS 236-1455. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Prior to amendment by the Immigration Act of 1990, section 212(a) of the Immigration and Nationality Act (8. U.S.C. 1182(a)) set our health-related grounds for excluding aliens from the United States. Among these were the presence of a dangerous contagious disease, mental retardation, insanity (past or present), psychopathic personality, sexual deviation, mental defects, narcotic drug addiction, chronic alcoholism, and conditions that may affect an alien's ability to earn a living.

Revision

The Immigration Act of 1990 revised section 212(a) (1)-(6) to exclude any alien with: (a) a communicable disease of public health significance; (b) a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; (c) a history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior; or (d) drug abuse or addiction.

The Immigration Act of 1990 also subsumed previous section 212(a)(7), dealing with aliens unable to earn a living, into section 212(a)(15), which covers aliens likely to become public charges. Section 212(a)(15) is now renumbered as section 212(a)(4).

Medical Examination

Immigrants and refugees coming to the United States are given physical and mental examinations overseas to identify the presence or absence of certain conditions which could result in exclusion from the United States under the provisions of the Immigration and Nationality Act described above. The examinations are normally performed abroad by physicians designated by consular officers of the Department of State. These physicians enter into written agreements with the consular posts to perform the examination in accordance with these regulations and technical instructions issued by the Director, Centers for Disease Control, U.S. Public Health Service. The physicians must follow specific identification procedures to ensure that the person appearing for the medical examination is the person who is actually applying for the visa. Applicants for a visa pay for the examination; however, the U.S. Government pays for refugees' examinations. The physicians are responsible for the entire examination and are accountable to the consular post.

There are similar arrangements for the medical examination of aliens in the United States who are applying for adjustment of status to that of permanent resident. In the United States, the examining physicians are appointed by the Department of Justice; the procedure is essentially the same.

The medical examination consists of a brief history of present and previous illnesses; a visual inspection of the body's skin surface; and an observation for excludable medical conditions. Any excludable or nonexcludable medical condition, which is suspected or detected as a result of the screening examination, may require a more comprehensive medical evaluation and may necessitate hospitalization or treatment, or both, before a visa is issued.

This medical examination will continue to be required for all aliens applying for permanent residence in the United States. Tourists and other nonimmigrants are not routinely examined, although an examination may be required for such persons on a case-by-case basis. This regulation sets out standards for these examinations, as well as medical appeal procedures. The examination and appeal procedures are essentially the same as those that have been in effect for many years.

Exclusion Standards

The regulation reflects new standards for determining which aliens, in light of their health status, are to be excluded from the United States. These standards implement the new exclusion provisions in the Immigration and Nationality Act, described above. From time to time, the Director, Centers for Disease Control, U.S. Public Health Service, will issue technical instructions to examining physicians conducting the medical examinations to assist them in diagnosing disorders in aliens who may be excluded from admission into the United States on medical grounds.

Communicable Disease Exclusion

On January 23, 1991, a Notice of Proposed Rulemaking (NPRM) was published in the **Federal Register** (56 FR 2486), proposing that infectious tuberculosis be the only communicable disease of public health significance for exclusion purposes. The NPRM provided a 30-day comment period, during which approximately 40,000 written comments were received. In view of the extent of the public comment and the concerns expressed by the commenters, the Department has decided that more time is needed to review the issue. Consequently, in order for the Department to implement the health exclusion provisions of the Immigration Act of 1990 in a timely fashion, the diseases currently listed at 42 CFR 34.2(b) will constitute "communicable diseases of public health significance",

solely for the purposes of this interim rule. The waiver provisions promulgated on May 25, 1989, and modified on May 9, 1990, remain in effect.

In addition, we solicit comment as to whether and, if so, to what extent section 212(a)(1)(A)(ii)(I) provides a legal and policy basis for excluding classes of aliens not excluded by this interim final regulation.

Health Conditions and Harmful Behavior Exclusion

The Immigration and Nationality Act, as recently amended, no longer lists specific mental health conditions for which aliens are automatically excludable. The presence of physical or mental illness alone does not determine whether an alien poses a significant risk to the general population of the United States. Under the new provisions and these implementing regulations, aliens will be excluded if they have physical or mental disorders with a history of harmful behavior associated with the disorder.

Drug Abuse or Addiction Exclusion

The recent amendments also replaced the previous law's exclusion of narcotic drug addicts with a broader category, "drug abuser or addict." The regulation defines such persons as those who engage in the non-medical use of a substance listed in section 202 of the Controlled Substances Act, as amended (21 U.S.C. 13).

Public Charge Exclusion on Health Grounds

In addition to the examination for specific excludable medical conditions, aliens will also be examined for other physical and mental abnormalities which bear on the likelihood of an alien becoming a public charge. This aspect of the examination is similar to existing procedures. Examining physicians are required to identify, in addition to any specifically excludable conditions they find in an alien, any physical or mental abnormality, disease, or disability serious in degree or permanent in nature amounting to a departure from normal well-being. Their reports must describe the nature and extent of the abnormality, the degree to which the alien is incapable of normal physical activity, and the extent to which the condition is remediable. They must also indicate the likelihood, that because of the condition, the applicant will require extensive medical care or institutionalization and state total projected costs of medical care or institutionalization.

Other Provisions

The regulation maintains in effect, with no substantive change, existing administrative provisions for management of medical facilities in the United States in which aliens are examined or treated by the United States Public Health Service.

Interim Rule

This rule is being published as an interim rule, in order to implement the new provisions of the Immigration and Nationality Act by the statutory deadline of June 1. Comments on this interim rule are invited (to be submitted as specified above in "**ADDRESSES**") and will be carefully considered in preparation of a final rule.

Economic Analysis

The Secretary has determined that this interim rule will not have a significant impact on a substantial number of small entities and therefore does not require a regulatory flexibility analysis under the Regulatory Flexibility Act, Public Law 96-354. The Secretary has also determined that this interim rule would not be a "major rule" under Executive Order 12291. Thus, a regulatory impact analysis is not required because this rule will not:

1. Have an annual effect of $100 million or more on the economy;
2. Impose a major increase in costs or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions; or
3. Result in significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 42 CFR Part 34

Aliens, Health care, Passports and visas, Public health.

Therefore, part 34 of title 42 of the Code of Federal Regulations is amended, effective June 1, 1991, as set forth below.

Dated: May 29, 1991.

James O. Mason,
Assistant Secretary for Health.

Approved: May 29, 1991.

Louis W. Sullivan,
Secretary.

PART 34—MEDICAL EXAMINATION OF ALIENS

1. The authority citation for part 34 is revised to read as follows:

Authority: 42 U.S.C. 216, 249, 252; 8 U.S.C. 1182, 1224, 1226; sec. 601 of Pub. L. 101-649.

2. Section 34.1 is revised to read as follows:

§ 34.1 Applicability.

The provisions of this part shall apply to the medical examination of:

(a) Aliens applying for a visa at an embassy or consulate of the United States;

(b) Aliens arriving in the United States;

(c) Aliens required by the INS to have a medical examination in connection with determination of their admissibility into the United States; and

(d) Aliens applying for adjustment status.

3. Section 34.2 is amended by revising the introductary text, paragraph (a), the heading of paragraph (b), paragraphs (c) through (f) and by adding paragraphs (g) through (p) to read as follows:

§ 34.2 Definitions.

As used in this part, terms shall have the following meanings:

(a) *CDC.* Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services.

(b) *Communicable Disease of Public Health Significance.* * * *

(c) *Civil surgeon.* A physician, with not less than 4 years' professional experience, selected by the District Director of INS to conduct medical examinations of aliens in the United States who are applying for adjustment of status to permanent residence or who are required by the INS to have a medical examination.

(d) *Class A medical notification.* Medical notification of:

(1) a communicable disease of public health significance;

(2)(i) A physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others;

(ii) A history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior; or

(3) Drug abuse or addiction.

(e) *Class B medical notification.* Medical notification of a physical or mental abnormality, disease, or disability serious in degree or permanent in nature amounting to a substantial departure from normal well-being.

(f) *Director.* The Director of the Centers for Disease Control.

(g) *Drug abuse.* The non-medical use of a substance listed in section 202 of the Controlled Substances Act, as amended (21 U.S.C. 802) which has not necessarily resulted in physical or psychological dependence.

(h) *Drug addiction.* The non-medical use of a substance listed in section 202 of the Controlled Substances Act, as amended (21 U.S.C. 802) which has resulted in physical or psychological dependence.

(i) *INS.* Immigration and Naturalization Service, U.S. Department of Justice.

(j) *Medical examiner.* A panel physician, civil surgeon, or other physician designated by the Director to perform medical examinations of aliens.

(k) *Medical hold document.* A document issued to the INS by a quarantine inspector of the Public Health Service at a port of entry which defers the inspection for admission until the cause of the medical hold is resolved.

(l) *Medical notification.* A document issued to a consular authority or the INS by a medical examiner, certifying the presence or absence of:

(1) A communicable disease of public health significance;

(2)(i) A physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others;

(ii) A history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior;

(3) Drug abuse or addiction; or

(4) Any other physical abnormality, disease, or disability serious in degree or permanent in nature amounting to a substantial departure from normal well-being.

(m) *Medical officer.* A physician of the Public Health Service Commissioned Corps assigned by the Director to conduct physical and mental examinations of aliens.

(n) *Mental disorder.* A currently accepted psychiatric diagnosis, as defined by the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, or by other authoritative sources.

(o) *Panel physician.* A physician selected by a United States embassy or consulate to conduct medical examinations of aliens applying for visas.

(p) *Physical disorder.* A currently accepted medical diagnosis, as defined by the Manual of the International Classification of Diseases, Injuries, and Causes of Death published by the World Health Organization, or by other authoritative sources.

4. Sections 34.3 through 34.8 are revised to read as follows:

§ 34.3 Scope of examinations.

(a) *General.* In performing examinations, medical examiners shall consider those matters that relate to:

(1) A communicable disease of public health significance;

(2)(i) A physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others;

(ii) A history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior;

(3) Drug abuse or addiction; and

(4) Any other physical abnormality, disease, or disability serious in degree or permanent in nature amounting to a substantial departure from normal well-being.

The scope of the examination shall include any laboratory or additional studies that are deemed necessary, either as a result of the physical examination or pertinent information elicited from the alien's medical history, for the examining physician to reach a conclusion about the presence or absence of a physical or mental abnormality, disease, or disability.

(b) *Persons subject to requirement for chest X-ray examination and serologic testing.* (1) Except as provided in paragraph (b)(1)(v) of this section, a chest X-ray examination, serologic testing for syphilis and serologic testing for HIV of persons 15 years of age and older shall be required as part of the examination of:

(i) Applicants for immigrant visas;

(ii) Students, exchange visitors, and other applicants for a nonimmigrant visa who are required by a consular authority to have a medical examination;

(iii) Aliens outside the United States who apply for refugee status;

(iv) Applicants in the United States who apply for adjustment of status under the immigration statute and regulations;

(v) *Exceptions.* Neither a chest X-ray examination nor serologic testing for syphilis and HIV shall be required if the alien is under the age of 15. Provided, a tuberculin skin test shall be required if there is evidence of contact with a person known to have tuberculosis or other reason to suspect tuberculosis, and a chest X-ray examination shall be required in the event of a positive tuberculin reaction, and serologic testing where there is reason to suspect infection with syphilis or HIV. Additional exceptions to the requirement for a chest X-ray examination may be authorized for good cause upon application approved by the Director.

(2) *Tuberculin skin test examination.* (i) All aliens 2 years of age or older in the United States who apply for adjustment of status to permanent residents, under the immigration laws and regulations, or other aliens in the United States who are required by the INS to have a medical examination in connection with a determination of their admissibility, shall be required to have a tuberculin skin test. Exceptions to this requirement may be authorized for good cause upon application approved by the Director. In the event of a positive tuberculin reaction, a chest X-ray examination shall be required. If the chest radiograph is consistent with tuberculosis, the alien shall be referred to the local health authority for evaluation. Evidence of this evaluation shall be provided to the civil surgeon before a medical notification may be issued.

(ii) Aliens less than 2 years old shall be required to have a tuberculin skin test if there is evidence of contact with a person known to have tuberculosis or other reason to suspect tuberculosis. In the event of a positive tuberculin reaction, a chest X-ray examination shall be required. If the chest radiograph is consistent with tuberculosis, the alien shall be referred to the local health authority for evaluation. Evidence of this evaluation shall be provided to the civil surgeon before a medical notification may be issued.

(3) *Sputum smear examination.* All aliens subject to the chest X-ray examination requirement and for whom the radiograph shows an abnormality consistent with pulmonary tuberculosis shall be required to have a sputum smear examination for acid-fast bacilli.

(4) *How and where performed.* All chest X-ray films used in medical examinations performed under the regulations in this part shall be large enough to encompass the entire chest (approximately 14 by 17 inches; 35.6×43.2 cm.). Serologic testing for HIV shall be a sensitive and specific test, confirmed when positive by a test such as the Western blot test or an equally reliable test. For aliens examined abroad, the serologic testing for HIV

must be completed abroad, except that the Attorney General after consultation with the Secretary of State and the Secretary of Health and Human Services may in emergency circumstances permit serologic testing of refugees for HIV to be completed in the United States.

(5) *Chest X-ray, laboratory, and treatment reports.* The chest X-ray reading and serologic test results for syphilis and HIV shall be included in the medical notification. When the medical examiner's conclusions are based on a study of more than one chest X-ray film, the medical notification shall include at least a summary statement of findings of the earlier films, followed by a complete reading of the last film, and dates and details of any laboratory tests and treatment for tuberculosis.

(c) *Procedure for transmitting records.* For aliens issued immigrant visas, the medical notification and chest X-ray film, if any, shall be placed in a separate envelope which shall be sealed and attached to the alien's visa in such a manner as to be readily detached at the U.S. port of entry. When more than one chest X-ray film is used as a basis for the examiner's conclusions, all films shall be included.

(d) *Failure to present records.* When a determination of admissibility is to be made at the U.S. port of entry, a medical hold document shall be issued pending completion of any necessary examination procedures. A medical hold document may be issued for aliens who:

(1) Are not in possession of a valid medical notification, if required;

(2) Have a medical notification which is incomplete;

(3) Have a medical notification which is not written in English;

(4) Are suspected to have an excludable medical condition.

(e) The Attorney General, after consultation with the Secretary of State and the Secretary of Health and Human Services, may in emergency circumstances permit the medical examination of refugees to be completed in the United States.

(f) All medical examinations shall be carried out in accordance with such technical instructions for physicians conducting the medical examination of aliens as may be issued by the Director. Copies of such technical instructions are available upon request to the Director, Division of Quarantine, Mailstop E03, CDC, Atlanta GA 30333.

§ 34.4 Medical notifications.

(a) Medical examiners shall issue medical notifications of their findings of the presence or absence of Class A or Class B medical conditions. The presence of such condition must have been clearly established.

(b) *Class A medical notifications.* (1) The medical examiner shall report his/her findings to the consular officer or the INS by Class A medical notification which lists the specific condition for which the alien may be excluded, if an alien is found to have:

(i) A communicable disease of public health significance;

(ii)(A) A physical or mental disorder, and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; or

(B) A history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior;

(iii) Drug abuse or addition.

Provided, however, That a Class A medical notification of a physical or mental disorder, and behavior associated with that disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others, shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a condition attributable to remediable physical causes or of a temporary nature, caused by a toxin, medically prescribed drug, or disease.

(2) The medical notification shall state the nature and extent of the abnormality; the degree to which the alien is incapable of normal physical activity; and the extent to which the condition is remediable. The medical examiner shall indicate the likelihood, that because of the condition, the applicant will require extensive medical care or institutionalization.

(c) *Class B medical notifications.* (1) If an alien is found to have a physical or mental abnormality, disease, or disability serious in degree or permanent in nature amounting to a substantial departure from normal well-being, the medical examiner shall report his/her findings to the consular or INS officer by Class B medical notification which lists the specific conditions found by the medical examiner. Provided, however, that a Class B medical notification shall in no case be issued with respect to an alien having only mental shortcomings due to ignorance, or suffering only from a condition attributable to remediable physical causes or of a temporary nature, caused by a toxin, medically prescribed drug, or disease.

(2) The medical notification shall state the nature and extent of the abnormality, the degree to which the alien is incapable of normal physical activity, and the extent to which the condition is remediable. The medical examiner shall indicate the likelihood, that because of the condition, the applicant will require extensive medical care or institutionalization.

(d) *Other medical notifications.* If as a result of the medical examination, the medical examiner does not find a Class A or Class B condition in an alien, the medical examiner shall so indicate on the medical notification form and shall report his findings to the consular or INS officer.

§ 34.5 Postponement of medical examination.

Whenever, upon an examination, the medical examiner is unable to determine the physical or mental condition of an alien, completion of the medical examination shall be postponed for such observation and further examination of the alien as may be reasonably necessary to determine his/her physical or mental condition. The examination shall be postponed for aliens who have an acute infectious disease until the condition is resolved. The alien shall be referred for medical care as necessary.

§ 34.6 Applicability of Foreign Quarantine Regulations.

Aliens arriving at a port of the United States shall be subject to the applicable provisions of 42 CFR part 71, Foreign Quarantine, with respect to examination and quarantine measures.

§ 34.7 Medical and other care; death.

(a) An alien detained by or in the custody of the INS may be provided medical, surgical, psychiatric, or dental care by the Public Health Service through interagency agreements under which the INS shall reimburse the Public Health Service. Aliens found to be in need of emergency care in the course of medical examination shall be treated to the extent deemed practical by the attending physician and if considered to be in need of further care, may be referred to the INS along with the physician's recommendations concerning such further care.

(b) In case of the death of an alien, the body shall be delivered to the consular or immigration authority concerned. If such death occurs in the United States, or in a territory or possession thereof, public burial shall be provided upon request of the INS and subject to its agreement to pay the burial expenses. Autopsies shall not be performed unless approved by the INS.

§ 34.8 Reexamination; convening of review boards; expert witnesses; reports.

(a) The Director shall convene a board of medical officers to reexamine an alien:

(1) Upon the request of the INS for a reexamination by such a board; or

(2) Upon an appeal to the INS by an alien who, having received a medical examination in connection with the determination of admissiblity to the United States (including examination on arrival and adjustment of status as provided in the immigration laws and regulations) has been certified for a Class A condition.

(b) For boards convened to reexamine aliens certified as:

(1) Having a communicable disease of public health significance; the board shall consist of three medical officers, at least one of whom is experienced in the diagnosis and treatment of the communicable disease for which medical notification has been made, and the decision of the majority of the board shall prevail;

(2)(i) Having a physical or mental disorder and behavior associated with the disorder that may pose, or has posed, a threat to the property, safety, or welfare of the alien or others; or

(ii) Having a history of a physical or mental disorder and behavior associated with the disorder, which behavior has posed a threat to the property, safety, or welfare of the alien or others and which behavior is likely to recur or lead to other harmful behavior; or

(iii) Being a drug abuser or addict;

(3) In circumstances covered by paragraph (b)(2) of this section, the board shall consist of three medical officers, at least one of whom shall be a board certified psychiatrist, and the decision of the majority of the board shall prevail.

(c) Reexamination shall include:

(1) review of all records submitted by the alien, other witnesses, or the board;

(2) use of any laboratory or additional studies which are deemed clinically necessary as a result of the physical examination or pertinent information elicited from the alien's medical history;

(3) consideration of statements regarding the alien's physical or mental condition made by a physician after his/her examination of the alien; and

(4) an independent physical or psychiatric examination of the alien performed by the board, at the board's option.

(d) An alien who is to be reexamined shall be notified of the time and place of his/her reexamination not less than 5 days prior thereto.

(e) The alien, at his/her own cost and expense, may introduce as witnesses before the board such physicians or medical experts as the board may, in its discretion permit; provided that the alien shall be permitted to introduce at least one expert medical witness. If any witnesses offered are not permitted by the board to testify, the record of the proceedings shall show the reason for the denial of permission.

(f) Witnesses before the board shall be given a reasonable opportunity to examine the medical notification and other records involved in the reexamination and to present all relevant and material evidence orally or in writing until such time as the proceedings are declared by the board to be closed. During the course of the hearing the alien's attorney or representative shall be permitted to examine the alien and he/she, or the alien, shall be permitted to examine any witnesses offered in the alien's behalf and to cross-examine any witnesses called by the board. If the alien does not have an attorney or representative, the board shall assist the alien in the presentation of his/her case to the end that all of the material and relevant facts may be considered.

(g) The findings and conclusions of the board shall be based on its medical examination of the alien, if any, and on the evidence presented and made a part of the record of its proceedings.

(h) The board shall report its findings and conclusions to the INS, and shall also give prompt notice thereof to the alien if his/her reexamination has been based on his/her appeal. The board's report to the INS shall specifically affirm, modify, or reject the findings and conclusions of prior examining medical officers.

(i) The board shall issue its medical notification in accordance with the applicable provisions of this part if it finds that an alien it has reexamined has a Class A or Class B condition.

(j) If the board finds that an alien it has reexamined does not have a Class A or Class B condition, it shall issue its medical notification in accordance with the applicable provisions of this part.

(k) After submission of its report, the board shall not be reconvened, nor shall a new board be convened, in connection with the same application for admission or for adjustment of status, except upon the express authorization of the Director.

§§ 34.9–34.14 [Removed]

5. Sections 34.9 through 34.14 are removed.

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